

# **CAMBOOYA SHIRE COUNCIL**



**Confirmed Minutes**

**for**

**Ordinary Meeting**

**12 December 2007**



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1

[Redacted]

**PRESENT**

Cr CE Taylor (Mayor)  
Cr MA Williams  
Cr NB Schmidt  
Cr FW Mengel  
Cr S Robertson  
Cr MJ MacGinley  
Cr P Gordon  
Cr MR Middleton  
IP Stevenson (Chief Executive Officer)  
GW Scheiwe (Director Engineering Services)  
MR Lisle (Manager Development Services)  
KM Phillips (Personal Assistant)

The Mayor opened the meeting at 9:04am.

**1. APOLOGIES – LEAVE OF ABSENCE**

That Cr Moule be granted leave of absence from the Meeting.

***Resolution 01/1207***

Moved by Cr Williams, seconded by Cr Schmidt, that Cr Moule be granted leave of absence from the Meeting.

**Carried**

**2. CONFIRMATION OF MINUTES**

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

***Resolution 02/1207***

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

**Carried**

**Attendance**

At 9:06am Cr Robertson attended the meeting.

**3. RECEIPT AND CONSIDERATION OF OFFICERS' REPORTS****A) DEVELOPMENT SERVICES****A.1 Application PSW/07/62 for a Boundary Clearance Variation for a carport on Lot 3 RP853628 Parish of Ramsay and situated at 5 Gilbride Street, Greenmount.**

**Applicant:** B & E Coggins  
**Owner:** B & E Coggins

An application was received for a boundary clearance variation for a carport located on Lot 3 RP853628 Parish of Ramsay and situated at 5 Gilbride Street, Greenmount. The proposed carport is to be sited 1m from the southern (side) boundary. The property has an area of 1,525m<sup>2</sup>.

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

The applicant advised that the proposed carport is to be located 1m from the southern (side) boundary to provide additional under cover car parking space.

The adjoining property owners at 3 Gilbride Street advise they have no objection to the boundary variation for the proposed carport.

**Planning Scheme**

The *Residential Development Code* under the *Planning Scheme* requires that a house and associated outbuilding in a Township area be 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 carport is to be located 1m from the southern (side) boundary and 3.5m from the eastern boundary. The carport will be erected adjacent to the existing garage.

The applicant advises that the most suitable position for the proposed carport is at the side of the existing shed. This will allow the owners to utilise the existing driveway and also give added protection from the elements for the vehicle by utilising the wall of the existing shed.

The existing carport will be used for proposed extensions to the dwelling in the near future.

The onsite treatment disposal area restricts building north of the existing shed. The carport is located at the rear of the premises which 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 03/1207**

Moved by Cr MacGinley, seconded by Cr Mengel, that a development permit be issued for a boundary clearance variation from 1.5m to 1m from the southern (side) boundary for a carport on Lot 3 RP853628 Parish of Ramsay and situated at 5 Gilbride Street, Greenmount due to the minimal visual impact from the street.

**Carried****A.2 Application PSW/07/63 Boundary Clearance Variation for a carport on Lot 11 RP851014 Parish of Etonvale and situated at 12815 New England Highway, Hodgson Vale.****Applicant: P & G Timbrell****Owner: P & G Timbrell**

An application was received for a boundary clearance variation for a carport located on Lot 11 RP851014 Parish of Etonvale and situated at 12815 New England Highway, Hodgson Vale. The proposed carport is 36m<sup>2</sup> with a wall height of 2.7m. The property has an area of 6,094m<sup>2</sup>.

A copy of proposal letter, letter from adjoining property owner, site plan and photos of the property were attached for Councillors information.

The applicant states that the proposed carport is to be located 0.9m from the northern (side) boundary and 25m from the New England Highway as the side boundary of the block is steeply sloping and adjoins Hodgson Creek.

There is an existing driveway to the northern side of the house with a gated entrance making this the most practical location for the proposed carport. The adjoining property owners advise they have no objection to the proposed carport.

**Planning Scheme**

The allotment is located in the Rural Land Use area under the *Planning Scheme*. Rural Development Code under the *Planning Scheme* requires that a building and associated outbuildings in a rural area are set back 50m from the New England Highway. Consideration of the levels, depth, shape or conditions of the allotment and the nature of any existing or proposed buildings or structures on adjoining allotments should be made.

**Referral Agency**

The application was referred to the Department of Main Roads (Concurrence agency) who advise they have no requirements.

**Comments**

The proposed garage is to be located 0.9m from the northern (side) boundary and 25m from the New England Highway. The applicant advises that the carport will be used to provide undercover protection for two vehicles. The carport will be colourbond and they have chosen colours that will compliment the existing dwelling and rural surrounds.

The small rural allotment (6,094m<sup>2</sup>) is similar in size to other rural residential allotments and is located adjacent to the Rural Residential area. The location of the onsite treatment disposal area restricts building areas on the southern side of the lot.

The adjacent land (Lot 33 SP126047) contains the Hodgson Creek and the steep bank is located close to the boundary and restricts development in this area.

The *Planning Scheme* requires a minimum set back of 50m from the New England Highway. The Department of Main Roads has no requirements and therefore a concession could be granted to allow the carport to be located 25m from the New England Highway.

Council could approve the proposed boundary variation due to the position of the existing dwelling as it is considered that the proposed carport will not detract from the amenity of the area.

***Resolution 04/1207***

Moved by Cr Williams, seconded by Cr Robertson, that a development permit be issued for boundary concession variation for a carport with a floor area of 36m<sup>2</sup> and a wall height of 2.7m to be located 0.9m from the northern boundary and 25m from the New England Highway on Lot 11 RP1851014 Parish of Etonvale and situated at 12815 New England Highway, Hodgson Vale as it is considered the carport will not detract from the amenity of the area.

**Carried**

**A.3 Application PSW/07/64 for an Oversized Shed with a floor area greater than 110m<sup>2</sup> on Lot 33 RP903863 Parish of Etonvale situated at 17 Stark Drive, Vale View.**

**Applicant:** R & J Colthup  
**Owner:** R & J Colthup

An application was received for an oversized shed with a floor area of 192m<sup>2</sup> and a wall height of 4.2m on Lot 33 RP903863 Parish of Etonvale situated at 17 Stark Drive, Vale View with a land area of 1.37ha.

A copy of the proposal letter, letter of no objection from adjoining property owners, construction details, photos 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 110m<sup>2</sup> 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 25m from the southern side boundary and approximately 100m from the Drayton Connection Road (rear of the property). The shed will be a single story 'colorbond' shed with a floor area of 192m<sup>2</sup> and a wall height of 4.2m. The allotment (1.37ha) is a larger than usual size for the Rural Residential area.

The applicant advises that the oversized shed will be used for the storage of a camper van and other equipment. The extra height of the shed is necessitated by the air conditioning unit that sits atop the camper van.

The adjoining property owners at 15 Stark Drive and 19 Stark Drive have stated they have no objection to the proposed shed.

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 05/1207**

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 192m<sup>2</sup> on Lot 33 RP903863 Parish of Etonvale situated at 17 Stark Drive, Vale View subject to the following conditions:

1. Usage is limited to storage 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.4 Development Application RAL/07/25 for Boundary Realignment of Lots 10 and 11 SP176403 Parish of Drayton situated at 24-26 Thyme Court, Hodgson Vale**

**Applicant:** Jillbridge Pty Ltd, c/- Byrne Surveyors  
**Owner:** Jillbridge Pty Ltd & P Bartlett

An application was received for the Reconfiguration of Lot (boundary realignment) of Lots 10 and 11 SP176403, Parish of Drayton situated at 24-26 Thyme Court, Hodgson Vale. A copy of plan, photos and application letter were attached for Councillors information.

**Planning Scheme**

The property is included in the Rural Residential Land Use Area of the *Planning Scheme*. The minimum lot size generally intended in this area is 4,000m<sup>2</sup> with a minimum frontage of 45m.

**Comments**

The applicant advises that the reason for seeking the reconfiguration is to incorporate additional land on the adjoining parcel (Lot 11) as it is adjacent to the building site area. The allotments in this area have restricted buildings pads due to the existence of the electricity easement (overhead power)

This area of land (200m<sup>2</sup>) is unusable by the current owner as it is included in the electricity easement. The owner wishes to purchase the area as it is suitable to be used within the residential curtilage of the dwelling proposed on lot 10.

A minimum road contribution of \$2,500 will be required for Thyme Court in accordance with Council's *Planning Scheme Policy No.3* and Fees and Charges for 2007/08.

The existing lots will comply with the Rural Residential Development Code of the *Planning Scheme*, Lot 11 reduce in size to 4,370m<sup>2</sup> and Lot 10 will increase in area to 5,208m<sup>2</sup>. Council could approve the application as the reconfiguration is a boundary rearrangement that would not create any additional lots and would improve the residential suitability of the lots.

**Resolution 06/1207**

Moved by Cr MacGinley, seconded by Cr Mengel, that a Development Permit be issued for boundary realignment for land described as Lots 10 and 11 SP176403, Parish of Drayton situated at 24-26 Thyme Court, Hodgson Vale subject to the following conditions:

**General**

1. Authority be given to affix Council's Common seal to the Plan of Survey and documents associated with this approval.
2. All outstanding rates and charges on the land are to be paid prior to the sealing of the Plan of Survey.
3. The contributions and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey or payment. (the contributions and infrastructure charges specified below are the rates for 2007/08 financial year).
4. Payment of Department of Natural Resources and Water valuation fees of \$80 (2 x \$40) which will result from the issue of split valuations.
5. Payment of a sealing fee of \$100 per Plan of Survey.

6. The Plan of Survey to be provided in electronic format for MGA Zone 56 (GDA 94) coordinates.
7. All development conditions must be complied with prior to the signing and sealing of the Plan of Survey.

#### Approved Plans

8. The reconfiguration is to be developed in accordance with the proposal plan submitted by the applicant, as determined by Council, Plan No. 03/254 A, dated 8 October 2007 prepared by Byrne Surveyors. The final design of the reconfiguration being in accordance with the conditions of this approval and the *Planning Scheme* provisions for the reconfiguration of lots.

#### Road Contributions

9. A roadworks contribution of \$2,500 is required in accordance with Council's Planning Scheme Policy No.3. (fees applicable for 2007/08 financial year).

**Carried**

#### **A.5 Application RAL/07/26 for Reconfiguration of Lots (1 lot into 3 lots) on Lot 57 SP159530 Parish of Cambooya situated at 33 Gladstone Street, Wyreema.**

**Applicant: S Hart**  
**Owner: C & S Hart**

An application was received for the reconfiguration of Lot 57 SP159530 situated at 33 Gladstone Street, Wyreema into 3 lots. The allotment has an area of 4,046m<sup>2</sup> and contains a dwelling and shed. A copy of applicant's letter, plan, photos and aerial photo were attached for Councillors information.

#### **Planning Scheme**

The lot is in the Township area of the *Planning Scheme* which requires a minimum lot size of 800m<sup>2</sup> and a frontage of 20m. The Reconfiguration of a Lot Code of the *Planning Scheme* requires kerb and channelling, reticulated water supply and underground electricity.

#### **Services**

The proposed lots are located in the sewerred area of Wyreema and water is available from the existing reticulated supply.

Kerb and channel does not exist in this area of Salisbury Street and a contribution towards the future upgrading of the street will be required. This section of Salisbury Street has only a dust seal and is not fully constructed to the required standard. Gladstone Street is fully constructed.

Electricity is available from the overhead grid by agreement with Ergon Energy. The provision of underground electricity is generally required in greenfield sites or existing developed areas that can be practically connected to the existing electricity grid.

## Comments

The parent lot will retain the dwelling and shed and will be approximately 2,023m<sup>2</sup> in area and the two remaining proposed lots will have an approximate size of 1,011m<sup>2</sup> and a road frontage to Salisbury Street of 20m.

Water supply is available from the existing reticulated supply in the area. A fully constructed road with kerb and channel does not exist in Salisbury Street and a contribution of \$23,700 towards its future upgrading (reconstructing, widening and kerbing) will be required. The applicant will also be required to pay parkland, water supply and sewerage headworks contributions.

Electricity is available from the overhead grid by agreement with Ergon Energy. A concession could be granted to maintain the existing overhead power service.

The proposal is located in the Township area of the *Planning Scheme* and substantially meets the minimum requirements for subdivision and could be approved subject to conditions.

### **Resolution 07/1207**

Moved by Cr Middleton, seconded by Cr Schmidt, that a Development Permit be issued for Reconfiguration of Lots (1 lot into 3 lots) for land described as Lot 57 SP159530 Parish of Cambooya situated at 33 Gladstone Street, Wyreema subject to the following conditions:

#### **General**

1. An unconditional security, in accordance with Council's Policy for the works, services, contributions and headworks not completed or paid for, must be lodged when the survey plan is submitted for Council endorsement (based on estimate of cost by Council's Engineering Section following design by a Registered Professional Engineer). The unconditional security is to be delivered to Council's Office at 54 Hodgson Street, Greenmount.
2. Authority be given to affix Council's Common seal to the Plan of Survey and documents associated with this approval.
3. All outstanding rates and charges on the land are to be paid prior to the sealing of the Plan of Survey.
4. The contributions and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey or payment. (the contributions and infrastructure charges specified below are the rates for 2007/08 financial year).
5. Payment of Department of Natural Resources and Water valuation fees of \$120 (3 x \$40) which will result from the issue of split valuations.
6. Payment of a sealing fee of \$100 per Plan of Survey.
7. The Plan of Survey to be provided in electronic format for MGA Zone 56 (GDA 94) co-ordinates.

#### **Approved Plans**

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

**Parkland**

9. Payment of parkland contribution of \$8,000 (2 lots @ \$4,000) in accordance with Council's Fees and Charges (rates for 2007/08 financial year).

**Electricity Supply**

10. Provision to be made to service the lots to Ergon's specifications including making infrastructure available for connection at the property boundary. Applicant is to provide Council with a copy of the signed Offer of Agreement from Ergon Energy.

**Roadworks**

11. Reflective Street number to be affixed to the kerb in front of the lot in Gladstone Street. (\$42 each). The charges specified above are the rates for 2007/08 financial year.

**Road Contributions**

12. A roadworks contribution of \$23,700 is required towards future upgrading (reconstruction, widening and kerbing) of Salisbury Street to a full constructed standard.

**Water Supply**

13. Payment of \$350 for installation of tapping band on the water main in Salisbury Street. Additional connection fees in accordance with Council's Fees and Charges will be payable prior to water connections being made.
14. Payment of Water Supply headworks contribution of \$7,700 (2 lots @ \$3,850) in accordance with Council's Fees and Charges (rates for 2007/08 financial year).

**Sewerage**

15. Payment of \$1,650 to provide 2 stub connections to the existing sewerage system. Additional connection fees in accordance with Council's Fees and Charges will be payable prior to sewerage connections being made.
16. Payment of Sewerage headworks contribution of \$12,000 (2 lots @ \$6,000) in accordance with Council's Fees and Charges (rates for 2007/08 financial year).

**General Engineering Requirements**

17. The Regional Standards Manual, published by EDROC is to be adhered to at all times.

**Carried**

**A.6 Application RAL/07/18 for Reconfiguration of Lot (Boundary Realignment) on Lot 2 RP59005 and Lot 4 RP99633 Parish of Ramsay situated at 14021 New England Highway, East Greenmount.**

**Applicant:** D Handford, c/- OWR Surveyors

**Owner:** D Handford

An application was received for the boundary realignment of lots - Lot 2 RP59005 and Lot 4 RP99633 situated at 14021 New England Highway, East Greenmount.

A copy of concept plan, proposal letter, aerial photo and Department of Natural Resources and Water and the Department of Main Roads advice was attached for Councillor's information.

### **Planning Scheme**

The land is situated in the Rural (Plains Landscape) Area of the *Planning Scheme* which requires a minimum lot size of 40ha and minimum road frontage of 200m to a road. The land is identified as GQAL (Overlay Map 2) under the *Planning Scheme* and is subject to the provisions of *State Planning Policy 1/92 Development and Conservation of Good Agricultural Land* and its supporting guidelines.

It is intended that this resource be protected from inappropriate development that may adversely impact on its productive use by present and future generations. Inappropriate development includes that which may be sensitive to or incompatible with the normal impacts of agricultural activities, or that results in the alienation, loss or fragmentation of good quality agricultural land.

### **Proposal**

The applicant proposes to realign the boundaries of 2 lots into 2 lots. The proposal involves Lot 2 RP59005 (20.2ha) and Lot 4 RP99633 (80.9ha). The proposed realignment will relocate proposed Lot 2 to the eastern side of the property and increase in size to 40ha.

The applicant advises that the purpose of the application is to realign the boundaries of these two lots so as to remove Lot 2 away from the power line and easement and realign the boundary so as to give Lot 2 a more regular shape and better road frontage. The existing home will remain on proposed Lot 3.

### **Referral Agencies**

#### **Department of Main Roads**

The application was referred to the Department of Main Roads (Concurrence Agency) who advise they have assessed the impact of the proposed development and have no requirements with respect to the application.

#### **Department of Natural Resources and Water**

The application was referred to the Department of Natural Resources and Water (Advice Agency) who advise that the application does not trigger the requirement for vegetation as there is no increase in the number of lots.

The subject lots are partly covered by the Cambooya No. 11 Project Plan approved under the provisions of the Soil Conservation Act 1986. The subject land is identified as Farm Unit Cambooya-11-W.

DNR & W also advise that the subject lots are classified as Class A agricultural land which is regarded as good quality agricultural land (GQAL). The application was originally to have Lot 2 a minimum 20ha. However, DNR & W recommended refusal of the application on the basis that the boundaries should be orientated to match the runoff control works so that appropriate farm management practices can be adopted to minimise the risk of erosion.

They recommended that the reconfiguration should aim to enhance agricultural viability of all lots and therefore the area of the small lot should be increased to a minimum of 40ha unless there is an overriding need for the creation of a smaller lot at that location.

As GQAL has been identified on the subject lots, they are subject to *State Planning Policy 1/92: Development and the Conservation of Agricultural Land (SPP1/92)*, the subject lots should retain rural use.

A Water Licence (No 180609) exists for irrigation purposes with a nominal allocation of 42Mgl. Subartesian bore works 14512 are authorised under Development Permit 180610. There is no surface water licences attached to the land.

### Existing Services

Proposed Lot 3 will retain the existing dwelling and farm buildings and Lot 2 will be vacant grazing land.

Dixon Lane is an existing gravel road and the minimum road contribution will be required. Electricity is available to the existing allotments.

### Comments

The applicant amended the application to provide for lots that are a minimum 40ha in area. The reconfiguration will remove the long rectangular lot (lot 2) away from the power line and relocate the lot to the south east corner of Dixon Lane in this area. The smaller allotment (Lot 2) produced as a result of the proposed reconfiguration will be 40ha and complies with the acceptable solutions of Section 4.10.3 of the *Planning Scheme* for the Rural (Plains landscape) Area. The road frontage is greater than 200m.

The outcome is desirable as it would be remove the access from the New England Highway and allow the reconfiguration the existing Lot 2 to have a minimum area of 40ha, that will follow existing fence lines to match the runoff control works to minimise the risk of erosion.

A road contribution of \$2,000 will be required for the Dixon Lane frontage in accordance with Council's *Planning Scheme Policy No.3* and Fees and Charges for 2007/08. A corner truncation (approx 1,686m<sup>2</sup>) will also be required to allow for future curve realignment on Dixon Lane. Refer to attached drawing No 121-0001.

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

**Resolution 08/1207**

Moved by Cr MacGinley, seconded by Cr Schmidt, that a Development Permit be issued for Reconfiguration of Lot (Boundary Realignment) described as Lot 2 RP59005 and Lot 4 on RP99633, Parish of Ramsay situated at 14021 New England Highway, East Greenmount subject to the following conditions:

**General**

1. Declared plants and any existing environmental weeds on the property are to be destroyed.
2. Authority be given to affix Council's Common Seal to the Plan of Survey and documents associated with this approval.
3. All outstanding rates and charges on the land are to be paid prior to the sealing of the Plan of Survey.
4. The contributions and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey (the contributions and infrastructure charges specified below are the rates for 2007/08 financial year).
5. Payment of Department of Natural Resources and Water valuation fees of \$80 (2 x \$40) which will result from the issue of split valuations.
6. Payment of a sealing fee of \$100 per Plan of Survey.
7. Compliance with the provisions of the Aboriginal Cultural and Heritage Act 2003.
8. Plan of Survey to be provided in electronic format for MGA Zone 56 (GDA 94) co-ordinates.
9. All development conditions must be complied with prior to the signing and sealing of the Plan of Survey.

**Approved Plans**

10. The reconfiguration is to be developed in accordance with the proposal plan submitted by the applicant, as determined by Council, Drawing No. 3640 Prop 1 dated 1/10/2007 and prepared by OWR Surveyors. The final design of the reconfiguration being in accordance with the conditions of this approval and the *Planning Scheme* provisions for the reconfiguration of lots.

**Roadworks**

11. Dedication of corner truncation (Refer to attached Drawing No. 120-001) for future curve realignment on Dixon Lane. Applicant to meet all related costs.

**Road Contributions**

12. A minimum roadworks contribution of \$2,000 is required in accordance with Council's *Planning Scheme Policy No.3*. (Fees applicable for 2007/08 Financial year).

**Referral Agency**

13. The approved Soil Conservation Plan No SC305044 is to be amended in a accordance with the *Soil Conservation Act 1986*.
14. The Water Licence No 188166 is to be amended in accordance the *Water Act 2000*.

**Carried**

**A.7 Application RAL/07/20 for Reconfiguration of Lot (Boundary Realignment) on Lots 199 and 204 RP13853 Parish of Cambooya situated at 110 McNally Road, Greenmount.**

**Applicant: Greenmount Pastoral Trust**  
**Owner: BW & PJ Arkins**

An application was received for the boundary realignment of Lots 199 and 204 RP13853 situated at 110 McNally Road, Greenmount.

The total area of land on Lot 199 is 103.85ha and on Lot 204 is 80.94ha. A copy of the letter of application, proposed concept plan, existing plan aerial photo and advice from Department of Natural Resources & Water was attached for Councillors information.

### **Planning Scheme**

The parent lot is situated in the Rural (Plains Landscape) Area of the *Planning Scheme* which requires a minimum lot size of 40ha and minimum road frontage of 200m to a road. The land is identified as GQAL (Overlay Map 2) under the *Planning Scheme* and is subject to the provisions of *State Planning Policy 1/92 Development and Conservation of Good Agricultural Land* and its supporting guidelines.

It is intended that this resource be protected from inappropriate development that may adversely impact on its productive use by present and future generations. Inappropriate development includes that which may be sensitive to or incompatible with the normal impacts of agricultural activities, or that results in the alienation, loss or fragmentation of good quality agricultural land.

### **Proposal**

The applicant proposes to realign the boundary between the lots to ensure the main homestead is clear of the western boundary. Lot 199 will increase from 103.85ha to 112.3ha and Lot 204 will decrease from 80.49ha to 76.38ha in area.

Proposed Lot 204 will retain the existing dwellings, farm structures, bore and the majority of the cultivated land. Lot 199 will substantially contain the higher grazing country and an area north of the existing road access.

### **Referral Agencies**

The application was referred to the Department of Natural Resources and Water (DNR& W) for advice on land management, surface and groundwater and soil conservation matters. Further information will be available at the meeting.

Lot 199 is mapped for remnant vegetation classified as "not of concern".

### **Services**

The property is bounded by McNally Road in the north and Watts Siding Road in the south. The McNally Road frontage to the property is not formed in this area. The owner has a road lease over Watts Siding Road, which is not formed in this area.

There is a gate across the road at approximately the eastern boundary of Lot 204 and Council has maintained the road to this point. The road is constructed to a good

standard for approximately 50 m past this point before it enters private property. McNally Road requires construction past this point to access proposed Lot 199.

The existing gate is unlicensed. If the property owner wishes to restrict access he may apply for a licensed gate, otherwise the gate should be removed. He could also apply for a temporary road closure past the point of access to proposed Lot 199.

### Comments

The reconfiguration will realign the existing boundary; no additional lots will be created. Lot 199 will increase from 103.85ha to 112.3ha and will have a 230m frontage to McNally Road. The balance of the land will have a minimum frontage of 1.1km to McNally Road.

The proposed boundary follows established fence lines, contours and no clearing of native vegetation or habitat will be required as part of the application. Structures will be required to be located a minimum of 15m from the boundaries.

The Department of Natural Resources and Water advice will be provided at the meeting.

The proposed subdivision complies with the requirements of section 4.10 Reconfiguring of a Lot Code of the *Planning Scheme*, having a minimum lot size of 40ha and minimum road frontage of 200m to a road. A road contribution of \$15,300 will be required for the extension of McNally Road 2, in accordance with Council's policy.

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

### **Resolution 09/1207**

Moved by Cr Williams, seconded by Cr Robertson, that a Development Permit be issued for Reconfiguration of Lots (Boundary Realignment) for land described as Lot 199 and Lot 204 on RP13853 Parish of Cambooya situated at 110 McNally Road, Greenmount subject to the following conditions:

#### **General**

1. An unconditional security, in accordance with Council's Policy for the works, services, contributions and headworks not completed or paid for, must be lodged when the survey plan is submitted for Council endorsement (based on estimate of cost by Council's Engineering Section following design by a Registered Professional Engineer). The unconditional security is to be delivered to Council's Office at 54 Hodgson Street, Greenmount.
2. All existing significant vegetation is to be preserved and all improvements to be sited so as to avoid any unnecessary clearing vegetation.
3. Declared plants and existing environmental weeds on the property ~~(ie Mother of Millions, Privet and Lantana)~~ are to be destroyed.
4. Authority be given to affix Council's Common seal to the Plan of Survey and documents associated with this approval.
5. All outstanding rates and charges on the land are to be paid prior to the sealing of the Plan of Survey.

6. The contributions and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey or payment. (the contributions and infrastructure charges specified below are the rates for 2007/08 financial year).
7. Payment of Department of Natural Resources and Water valuation fees of \$80 (2x \$40) which will result from the issue of split valuations.
8. Payment of a sealing fee of \$100 per Plan of Survey.
9. Compliance with the provisions of the *Aboriginal Cultural and Heritage Act 2003*.
10. The Plan of Survey to be provided in electronic format for MGA Zone 56 (GDA 94) co-ordinates.

#### **Approved Plans**

11. The reconfiguration is to be developed in accordance with the proposal plan submitted by the applicant, as determined by Council, Drawing No 07/314 A dated 20 October 2007 prepared by Byrne Surveyors. The final design of the reconfiguration being in accordance with the conditions of this approval and the *Planning Scheme* provisions for the reconfiguration of lots. Southern part of the new boundary to be located 150-200m west to accommodate existing internal infrastructure - Applicant to consult with Department Natural Resources and Water.

#### **Roadworks**

12. Construction of McNally Road to a gravel standard to service the proposed development, to 50m west of the boundary between proposed Lots 199 and 204 (Drawing No 07/314-A). Construction to include clearing, drainage, 8m wide formation, earthworks and gravelling (4.3m wide pavement plus gravel turnaround, 200mm compacted depth, installation of 375mm dia cross-road drainage culvert x 9.76m long) to provide an all weather road.
13. Removal of or application for a licence for the existing gate on McNally Road adjacent to the eastern edge of Lot 204.

#### **Electricity**

14. Provision to be made to service the lots to Ergon's specifications including making infrastructure available for connection at the property boundary. Applicant is to provide Council with a copy of the signed Offer Agreement from Ergon Energy.

#### **Referral Agency**

15. The approved Soil Conservation Plan is to be amended in accordance with the *Soil Conservation Act 1986*.
16. The Water Licence is to be amended in accordance with the *Water Act 2000*.

**Carried**

**A.8 Application RAL/07/21 for Reconfiguration of Lot (Subdivision 1 lot into 2 lots) on Lot 9 RP23114, Parish of Haldon situated at 1048 MacGinley Road, Budgee.**

**Applicant:** R Donovan C/- OWR Surveyors  
**Owner:** R & D Donovan

An application was received for the Reconfiguration of Lot 9 RP23114 situated at 1048 MacGinley Road, Budgee. The total area of land is 151.9ha. A copy of the letter of application, proposed concept plan, existing plan, aerial photo were attached for Councillors' information.

**Planning Scheme**

The parent lot is situated in the Rural (Plains Landscape) Area of the *Planning Scheme* which requires a minimum lot size of 40ha and minimum road frontage of 200m to a road. The land is identified as GQAL (Overlay Map 2) under the *Planning Scheme* and is subject to the provisions of *State Planning Policy 1/92 Development and Conservation of Good Agricultural Land* and its supporting guidelines.

It is intended that this resource be protected from inappropriate development that may adversely impact on its productive use by present and future generations. Inappropriate development includes that which may be sensitive to or incompatible with the normal impacts of agricultural activities, or that results in the alienation, loss or fragmentation of good quality agricultural land.

**Proposal**

The applicant proposes to subdivide the existing lot into two lots with proposed Lot 6 being 94.4ha in area and proposed Lot 7 being 57.5ha in area. Both lots have a minimum 200m road frontage to a road.

Proposed Lot 6 will retain the existing dwelling, while Lot 7 will contain the bore and cultivated crop land which is identified as Good Quality Agricultural Land (Overlay Map 2).

**Referral Agencies**

The application was referred to the Department of Natural Resources, and Water (DNR&W) for advice on land management, surface and groundwater and soil conservation matters.

Advice will be available at the meeting.

**Services**

Electricity is available to service the parent lot.

The proposed boundary between Lots 6 and 7 will follow existing fence lines and clear the existing bore site to allow for the continuance of the existing farming practices. The proposed Lot 6 will retain the existing dwelling and farm structures and the internal road access.

## Comments

The proposed subdivision substantially complies with the requirements of section 4.10 Reconfiguring of a Lot Code of the *Planning Scheme*. The reconfiguration will subdivide the existing 152ha property into 2 lots, Lot 6 being 94.4ha in area and proposed Lot 7 being 57.5ha. The proposed boundary follows established fence lines, contours and will allow for the existing bore to be located and utilised on proposed Lot 7.

Proposed Lot 6 will contain the higher vegetated country in addition to cultivation areas. Both properties will have access to the creek that flows towards the western boundary.

MacGinley Road is bitumen sealed in this area. A road contribution of \$18,396 (876m @ \$21/m) will be required for the MacGinley Road frontage (876m) in accordance with Council's *Planning Scheme Policy No.3* and Fees and Charges for 2007/08.

The proposed subdivision substantially complies with the requirements of section 4.10 Reconfiguring of a Lot Code of the *Planning Scheme*. Council could approve the proposal as the reconfiguration of lots is of an appropriate size and configuration to sustain the utility and productive capacity of the land for rural purposes and maintains the current land management practices.

### **Resolution 10/1207**

Moved by Cr MacGinley, seconded by Cr Robertson, that a Development Permit be issued for Reconfiguration of Lots (1 lot into 2 lots) for land described as Lot 9 RP23114 Parish of Haldon situated at 1048 MacGinley Road, Budgee subject to the following conditions:

#### **General**

1. All existing significant vegetation is to be preserved and all improvements to be sited so as to avoid any unnecessary clearing vegetation.
2. Declared plants and existing environmental weeds on the property (~~ie Mother of Millions, Privet and Lantana~~) are to be destroyed.
3. Authority be given to affix Council's Common seal to the Plan of Survey and documents associated with this approval.
4. All outstanding rates and charges on the land are to be paid prior to the sealing of the Plan of Survey.
5. The contributions and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey or payment. (the contributions and infrastructure charges specified below are the rates for 2007/08 financial year).
6. Payment of Department of Natural Resources and Water valuation fees of \$80 (2 x \$40) which will result from the issue of split valuations.
7. Payment of a sealing fee of \$100 per Plan of Survey.
6. Compliance with the provisions of the *Aboriginal Cultural and Heritage Act 2003*.
7. The Plan of Survey to be provided in electronic format for MGA Zone 56 (GDA 94) co-ordinates.
8. All development conditions must be complied with prior to the signing and sealing of the Plan of Survey.

**Approved Plans**

9. The reconfiguration is to be developed in accordance with the proposal plan submitted by the applicant, (Drawing No 3177 prop 2 dated 2/11/06 prepared by OWR Surveyors) as determined by Council. The final design of the reconfiguration being in accordance with the conditions of this approval and the *Planning Scheme* provisions for the reconfiguration of lots.

**Roadworks**

10. A roadworks contribution of \$18,396 (876m @ \$21/m) is required in accordance with Council's Planning Scheme Policy No.3 and Fees and Charges. (fees applicable for 2007/08 financial year).

**Electricity**

11. Provision to be made to service the lots to Ergon's specifications including making infrastructure available for connection at the property boundary. Applicant is to provide Council with a copy of the signed Offer Agreement from Ergon Energy.

**Referral Agency**

12. The approved Soil Conservation Plan is to be amended in accordance with the *Soil Conservation Act 1986*.  
13. The Water Licence is to be amended in accordance with the *Water Act 2000*.

**Carried**

**A.9 Application PSW/07/38 for a Second Dwelling and Community Title Scheme on Lot 5 RP899796, Parish of Ramsay situated at 214 Meynink Road, Hodgson Vale.**

**Applicant:** P Baker c/- OWR Surveyors  
**Owner:** P Baker

An application was received for a second dwelling and Community Title Scheme development on Lot 5 RP899796 Parish of Ramsay situated at 214 Meynink Road, Hodgson Vale.

The allotment has an area of 14.01ha and contains an existing dwelling. A copy of the applicant's letter, site plan, photos, and aerial photo was attached for Councillors information.

**Planning Scheme**

The parent lot is situated in the Rural (Uplands Landscape) area of the *Planning Scheme* which is an area of particular importance to the landscape character of the Shire. Lots are to have a minimum of 64ha in area with a 200m frontage to a road.

Section 4.10.3 of the *Planning Scheme* states that: "*Lots are of an appropriate size and configuration to sustain the utility and productive capacity of the land for rural purposes, and to minimise potential impacts on the natural environment through improved land management practices*".

Section 4.11 allows a concession in the rural land use area, for up to two houses to be established on a lot and provides *“for the accommodation of farm owners, family members and employees involved in the running of the farm in a manner which maintains the rural character and agricultural productivity of the area”*.

### Proposal

The applicant OWR Surveyors state that:

*‘The intent of the developer is to create a Community Title Scheme in accordance with the Body Corporate and Community Management Act by creation of a Building Format Plan. The Building Format Plan will have no land component with the lots and is therefore not assessable against the planning scheme.’*

*‘What is proposed is the construction of a second dwelling on the base parcel and the creation of a Community Title Scheme over the land. The Community Title Scheme will enable the second dwelling to be sold and the responsibility of the maintenance and management of the property to be shared by both owners in accordance with the Body Corporate documentation. The Community Title Scheme would be created by a Building Format Plan of Subdivision, which would create two Community Title “Lots”.’*

*‘The Community Management Statement attached to the CMS will ensure the prospective purchaser is committed to and involved in running of the farm (i.e. the common property) in a manner which maintains the rural character and agricultural productivity of the area.’*

### Integrated Planning Act 1997 (IPA)

Section 1.3.5 of IPA defines reconfiguring a lot as-

- “(a) creating lots by subdividing another lot; or*
- (b) amalgamating 2 or more lots; or*
- (c) rearranging the boundaries of a lot by registering a plan of subdivision; or*
- (d) dividing land into parts by agreement or*
- (e) creating an easement giving access to a lot from a constructed road.”*

Schedule 8 of IPA makes *“reconfiguring a lot”* accessible development against a *Planning Scheme*.

Schedule 9 of IPA defines development that is exempt and includes; *“Reconfiguring a lot”* under the *Land Title Act 1994*, if the plan of subdivision necessary for the reconfiguration -

- (a) is a building format plan of subdivision that does **not** subdivide land on or below the surface of the land;”

### Building Format Plans

Building format plans create common property and lots within a building or structure, though they also may subdivide land that hosts the building.

To be registrable in building format, a survey plan must at least subdivide a building into two or more lots. The plan may also subdivide the land (surface or sub-surface)

but unless it subdivides a building on that land, it is not registrable as a building format plan.

Schedule 8 of Integrated Planning Act 1997 (IPA) - Table 3, Item 1, "Reconfiguring a Lot" that is assessable development and Item 1(a) provides that a lot reconfiguration is exempt from assessment if the subdivision plan "is a building format plan of subdivision that **does not** subdivide land *on or below the surface of the land*" (Copy Attached).

This type of lot is distinguished from a 'Standard Plan' that defines land using a horizontal plane and references to marks on the ground. In other words if each lot upon a building format plan is wholly and solely a building or part of a building, the reconfiguration is not assessable.

### Comment

The applicant wishes to erect a second dwelling and create a Community Management Scheme over this parcel of land. A concession relating to a second dwelling is available under the Section 4.11 of the *Planning Scheme*. It is considered that approval of a second dwelling on this lot is an acceptable solution of the performance criteria of the Residential Development Code.

However, the existing dwelling and a proposed dwelling will become lots in a Community Title Scheme created by the registration of a building format plan of subdivision and a community management statement. The basis of the proposal involves creating two detached houses each comprising a titled lot, separated by an expanse of common property.

It is considered that the proposed development falls within the multiple dwelling definition in *Planning Scheme* section 1.3.2:

*"Multiple dwelling means an integrated development of at least two places of residence for discrete households, domestic groups or individuals. The term includes townhouse, duplex, apartment building, retirement village, nursing home, children's home, aged care accommodation, residential development for people with special needs, hostel, institution (primarily residential in nature) or community dwelling (where unrelated people maintain a common discipline, religion or similar)'*

The applicant is not merely proposing to build a second house; she is proposing to build a second house as a step in the broader process of creating a residential community titles scheme, of which a second house will form a discrete lot. A *multiple dwelling* is an *integrated* development of at least two places of residence (two detached houses in this case) for discrete households, and *includes*, townhouses, duplexes and apartments (all community titles developments) and *community dwelling (where unrelated people maintain a common discipline, religion or similar)*.

This development is contrary to the intent of section 3.1.1 of the Rural Land Use Area which states that *"Subdivision for Rural Residential or residential purposes is not intended in the Rural Land Use Area, as it is catered for by the Rural Residential or Township Land Use Areas."*

The applicant is creating an integrated development (Community Title Scheme) with two residences for discrete households. It is not relevantly different to a townhouse development or a community dwelling where unrelated people maintain a common undertaking (living and farming).

**Resolution 11/1207**

Moved by Cr Williams, seconded by Cr Mengel, that Council confirm the actions of the Assessment Manager in determining that the application for a Second Dwelling and Community Title Scheme on Lot 5 RP899796, Parish of Ramsay situated at 214 Meynink Road, Hodgson Vale be assessed as Impact Assessable Development and Public Notification will be required.

Carried

At the conclusion of the main Agenda – Development Services the following **Late Agenda Items – Development Services** were tabled:

**LA/DS.1 Application RAL/07/18 for Reconfiguration of Lot (Boundary Realignment) on Lot 1 RP893863 and Lot 1 SP108413 Parish of Ramsay situated at 455 Hodgson Vale Road, Hodgson Vale.**

**Applicant: Maxime Consulting Planners and Development Managers**  
**Owner: B Moule**

An application was received for the boundary realignment of lots -Lot 1 RP893863 and Lot 1 SP108413 situated at 455 Hodgson Vale Road, Hodgson Vale.

A copy of concept plan, proposal letter, aerial photo and Department of Natural Resources and Water advice was attached for Councillors information.

### Planning Scheme

The land is situated in the Rural (Plains Landscape) Area of the *Planning Scheme* which requires a minimum lot size of 40ha and minimum road frontage of 200m to a road. The land is substantially identified as Pasture Land and Limited Crop Land (Overlay Map 2) under the *Planning Scheme*.

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

Such development will be required to meet the performance criteria set out in the Rural Development Code and in any other relevant codes to demonstrate that no environmental harm will occur to neighbouring farms and residents.

### Proposal

The applicant proposes to realign the boundaries of the existing 2 lots. No additional lots will be created. The proposal involves Lot 1 SP108413 (32.05ha) and Lot 1 RP893863 (30.81ha). The proposed realignment will increase proposed Lot 6 in size to 50.77ha and decrease proposed Lot 7 in size to 12.11ha.

Both proposed lots will have road frontages exceeding 200m. The proposed Lot 6 will have frontage of 521.85m to Hodgson Vale Road and an area of 50.77ha and proposed Lot 7 will have a frontage of 235.52m to Hodgson Vale Road and an area of 12.11ha.

The applicant advises that they are keeping within the intent of the *Planning Scheme* as the reconfiguration will better support the rural pursuits of the land by locating the track and dam

on the same lot, also by increasing this lots in size it will provide for paddocks capable of being rotated between crops for fodder and exercising yards for the horses.

The existing Dwelling and outbuildings will remain on proposed Lot 6.

### Referral Agencies

The application was referred to the Department of Natural Resources and Water (Advice Agency) for advice on land management, surface and ground water and soil conservation matters.

The land is identified within the Cambooya No. 3 Project Plan approved under the provisions of the Soil Conservation Act 1986. The proposed reconfiguration of this lot would not alter the intent of the Approved Soil Conservation Project Plan.

NR & W also advise that the subject lots are identified as Good Quality Agricultural Land and as such are subject to *State Planning Policy 1/92: Development and the Conservation of Agricultural Land* (SPP1/92). Consistent with the principles of SPP1/92, the area should maintain its rural use and rural zoning.

The Department advise they would prefer that the reconfiguration amalgamate lots less than 40ha to increase their agricultural viability, however, if Council is satisfied the proposal complies with their Planning Scheme, the Department would not object to the proposal from a GQAL perspective in this instance.

A Water Licence (No 100324) exists and may requirement amendment to reflect the new lot and plan once the realignment has been registered. There are no identified flow works for this land; therefore any dams on the property would be for stock and domestic use only. There will be no take over of overland flow water.

### Existing Services

Proposed Lot 7 will retain the existing dwelling, some farm buildings and bore and proposed Lot 6 will contain the training track, large shed, dam and bore. Electricity is available in the area.

### Comments

The application proposes the reconfiguration of the existing boundary by increasing the area of existing Lot 1 SP108413 from 32.05ha to 50.77ha to comply with the *Planning Scheme* and provide a more suitable layout for animal husbandry undertaking that would include the existing dam and training yards.

Proposed Lot 7 does not comply with the minimum area of 40ha required by the *Planning Scheme* for the Rural Land Use Area. The road frontage to each lot is greater than the 200m required.

The applicant states that the proposal “*provides for the implementation of improved land management practices.*” Consideration could be given to the provisions set out in Section 4.10.3 – A1.4 of the Planning Scheme (which defines an acceptable solution) for proposed lot 7.

Section 4.10.3 – A1.4 states an acceptable solution as follows:

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

To be consistent with the intent of the Rural Land Use provisions of the *Planning Scheme* it would be desirable to reconfigure the existing 2 lots into 1 lot that would have a minimum area of 40ha (62ha). However a survey of allotments adjacent to the development confirms that several lots in the area are smaller than proposed Lot 7.

The existing lot areas are non compliant and the proposed reconfiguration (boundary realignment) will result in proposed Lot 6 complying with the minimum provisions of the *Planning Scheme*. Proposed Lot 7 will contain the existing Dwelling and rural buildings and will be consistent with adjoining smaller properties in this area of Hodgson Vale.

A minimum road contribution of \$2,000 for boundary realignment will be required for Hodgson Vale Road in accordance with Council’s *Planning Scheme Policy No.3* and Fees and Charges for 2007/08.

Council could approve the proposal as the reconfiguration will result in 1 lot being of an appropriate size and configuration to sustain the utility and productive capacity of the land for rural purposes and maintains the current land management practices.

#### **Resolution 12/1207**

Moved by Cr Williams, seconded by Cr Schmidt, that a Development Permit be issued for Reconfiguration of Lot (Boundary Realignment) described as Lot 1 RP893863 and Lot 1 SP108413, Parish of Ramsay situated at 455 Hodgson Vale Road, Hodgson Vale subject to the following conditions:

#### **General**

1. Declared plants and any existing environmental weeds on the property are to be destroyed.
2. Authority be given to affix Council’s Common Seal to the Plan of Survey and documents associated with this approval.
3. All outstanding rates and charges on the land are to be paid prior to the sealing of the Plan of Survey.
4. The contributions and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey (the contributions and infrastructure charges specified below are the rates for 2007/08 financial year).
5. Payment of Department of Natural Resources and Water valuation fees of \$80 (2 x \$40) which will result from the issue of split valuations.
6. Payment of a sealing fee of \$100 per Plan of Survey.
7. Compliance with the provisions of the *Aboriginal Cultural and Heritage Act 2003*.
8. Plan of Survey to be provided in electronic format for MGA Zone 56 (GDA 94) co-ordinates.
9. All development conditions must be complied with prior to the signing and sealing of the Plan of Survey.

**Approved Plans**

10. The reconfiguration is to be developed in accordance with the proposal plan submitted by the applicant, as determined by Council, Plan No. 07/301 C dated 30/10/2007 and prepared by Byrne Surveyors. The final design of the reconfiguration being in accordance with the conditions of this approval and the *Planning Scheme* provisions for the reconfiguration of lots.

**Road Contributions**

11. A minimum roadworks contribution of \$2,000 is required in accordance with Council's *Planning Scheme Policy No.3*. (Fees applicable for 2007/08 Financial year).

**Referral Agency**

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

13. The Water Licence No (No 100324) is to be amended in accordance the *Water Act 2000*.

**Carried****LA/DS.2 Residential Needs Study Submissions - 2007**

Submissions for the Residential Needs Study closed on 30 November 2007. Attached is a summary of the submissions received.

<b>Outline of Comments Received</b>
Vera Drive subdivision proposal
Desire to see larger (4,000m <sup>2</sup> ) allotments retained
Rural buffer area should provide for large rural residential lots ( 6,000m <sup>2</sup> - 2ha)
Smaller lots (2,500m <sup>2</sup> ) to between 20 to 60% of development
Mt Rascal Road/Freyling /Fitton Road to be include in future Rural Residential area - Lots 656 & 657
Supports large residential allotments 6000m <sup>2</sup> - 2ha. Mapping inconsistency - GQAL (DNR)
Need commercial and industrial land to be zoned
Support rural residential allotments and need for infrastructure planning and neighborhood centre near Lion's Park
Does not support zoning of additional land until existing zone land developed
Commercial development required at Wyreema
Further Rural Residential development along Drayton Connection Road
Not supportive of commercial development in Hodgson Vale

Study supported as a way forward for growth planning.
Lack of land identified for larger rural residential allotments
Shortfall of land available for rural residential allotments over the next 20years
Alienation of GQAL further studies required

Received

**Closed Meeting**

**Resolution 13/1207**

Moved by Cr Middleton, seconded by Cr Mengel, that the meeting be closed to the public to discuss other matters in accordance with Section 4631(f) of the *Local Government Act 1993*. **Carried**

**Attendance**

At 10:10am Cr Gordon attended the meeting.

**Re-opening of Meeting**

The meeting re-opened at 10:24am.

**Resolution 14/1207**

Moved by Cr Middleton, seconded by Cr Schmidt, that the meeting be reopened to the public. **Carried**

Whilst in closed session Council discussed a planning issued in relation to which legal advice had been sought.

**B) CORPORATE SERVICES**

**B.1 Accounts for Payment**

**Resolution 15/1207**

Moved by Cr Middleton, seconded by Cr Gordon, that the accounts paid during the month of November 2007 totalling \$1,814,000.81 be confirmed, as detailed below:

Operating Fund	Vouchers 18163-18190	\$	42,038.94
	EFT Payments 6715-6967	\$	1,771,961.87

(the above figures include \$19,131.87 Trust Fund Monies) **Carried**

## B.2 Financial Statements (FF1\_2)

- a) Income Statement
- b) Balance Sheet
- c) Cash Flow

Council reviewed the financial information provided with the Agenda.

Noted

At the conclusion of the main Agenda – Corporate Services the following **Late Agenda Items – Corporate Services** were tabled:

### LA/CS.1 Request for Financial Assistance with Studies

A request for financial assistance towards studies has been received from Council employee, Robert Caldwell. A copy of the application letter was attached for Councillors information.

*Received*

## Adjournment

The meeting adjourned for morning tea at 10:30am and resumed at 11:00am with all members, the Chief Executive Officer, Director Engineering Services, Manager Development Services and Finance Manager in attendance.

The Mayor welcomed Stuart McCrae, Manager Strategic Planning, from Toowoomba City Council who addressed the Meeting on the extension of the Toowoomba 2050 Project to include the new Toowoomba Regional Council area.

Mr McCrae retired from the Meeting at 12:05pm

## C) ENGINEERING SERVICES REPORT

### C.1 Greenmount Pathways (WP2\_01)

Council allocated \$20,000 in the 2007/08 Capital Works Budget for concrete pathways in Greenmount. A total of \$50,000 has also been adopted for expenditure in future years, presumably to be spread over the 2008/09 and 2009/10 budgets. A decision is required on where to construct these pathways.

A plan showing the existing and proposed pathways was attached for Councillors information. The existing network services the southern and eastern parts of town linking the railway line, hall, Catholic Church and school.

Approximately 150m of pathway can be constructed for \$20,000.

It is proposed to construct new sections of pathway to the western part of town in King Street and further along Warkon Street to the north-east. The available funds would allow construction along King Street (Hodgson Street – Felton Street) in 2007/08 and (Felton Street – Harrow Street) 2008/09 and Warkon Street (Bell Street – Gilbride Street) in 2009/10.

**Resolution 16/1207**

Moved by Cr Middleton, seconded by Cr Robertson, that Council allocate the following funds for Greenmount pathways:

2007/08 King Street (Hodgson Street – Felton Street) - \$20,000

2008/09 King Street (Felton Street – Harrow Street) - \$25,000

2009/10 Warkon Street (Bell Street – Gilbride Street) - \$25,000

**Carried**

**4. GENERAL BUSINESS****Judging of Australia Day Awards**

Judging for the 2008 Australia Day Awards closes on 7 January 2008. Judging is scheduled on the same day but before the commencement of the Ordinary Meeting on 16 January 2007.

*Received*

**Court Case – Constitutional Corporation**

Chief Executive advised that, in common with a number of other Councils in Queensland, this Council resolved in 2006, that it is a Constitutional Corporation, under the then Federal Government's Workchoices Legislation. Council made this decision at an Ordinary Meeting in 2006, because of its substantial trading activities, in accordance with the template provided by the LGAQ.

As advised previously, the Australian Workers Union challenged the similar decision taken by the Etheridge Shire Council, with Federal Court proceedings continuing during 2007.

Advice has now been received that the Etheridge trial before His Honour Justice Spender has now concluded. The trial went to the heart of the issue of constitutional corporation coverage. His Honour has reserved his decision, with all Councils to be advised when his judgement is released.

*Received*

**Raveway – Claim Against Council**

Further to discussions with Council last meeting, Chief Executive Officer advised that Council's offer had been communicated to Raveway Pty Ltd, and subsequent advice has been received that the offer to settle has been accepted.

*Received*

**Minutes of the TRC Local Transition Committee**

The Minutes of the Toowoomba Regional Council Local Transition Committee meeting dated 19 November 2007, were tabled as required by legislation.

Further Meetings of the LTC had been scheduled for 17 December 2007 at Millmerran and 14 January 2008 at Wyreema.

*Received*

**Council Remuneration**

Chief Executive Officer tabled a document produced by the State Department of Local Government Sport and Recreation showing remuneration levels proposed for Mayors, Deputy Mayors and Councillors to apply from 15 March 2008.

*Received*

**Show Holiday 2008**

Chief Executive Officer tabled a letter from the State Department of Employment and Industrial Relations advising that Thursday 10 April 2008 had been appointed a holiday for the Shire of Cambooya, for the purposes of the Toowoomba Royal Show.

*Received*

**Final Meeting for Shire**

It was resolved that the final Meeting of the Shire be scheduled for Wednesday 12 March 2008

**Mayor**ALGA Conference

Cr Taylor provided a summary of the issues considered at the Darwin Conference and thanked Council for the opportunity to attend. She found the experience enjoyable and extremely worthwhile. Copies of the resolutions were provided to Councillors.

Wyreema Skate Park Opening

Complimented and thanked the staff involved in the Wyreema Skate Park Opening on Saturday 8 December 2007.

**Cr Schmidt**

Provided a summary of the workings of the Pest and Weed Committee and advised that the group has initiated many worthwhile projects.

**5. NEXT MEETING**

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

**6. CLOSURE**

There being no further business the Mayor closed the Meeting at 12:57pm.

Council at the Ordinary Meeting held on 16 January 2008 confirmed these minutes.

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