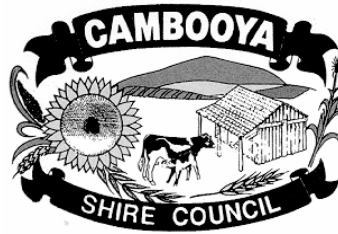


# **CAMBOOYA SHIRE COUNCIL**



**Confirmed Minutes**

**for**

**Ordinary Meeting**

**12 March 2008**



**TABLE OF CONTENTS**  
**CAMBOOYA SHIRE COUNCIL**

**Minutes of the Ordinary Meeting held in the Council Chambers, Greenmount  
on Wednesday 12 March 2008, commencing at 9:05am**

1.	APOLOGIES – LEAVE OF ABSENCE .....	6
2.	CONFIRMATION OF MINUTES.....	6
3.	RECEIPT AND CONSIDERATION OF OFFICERS' REPORTS .....	6
	A) DEVELOPMENT SERVICES .....	6
	A.1 PSW/08/10 – 64 Beaulieu Drive, Top Camp.....	6
	A.2 PSW/08/11 – 13 Gladstone Street, Wyreema .....	7
	A.3 PSW/08/13 - 10 Wellington Street, Wyreema.....	8
	A.4 RAL/08/03 – 115 Fitton Road, Hodgson Vale.....	9
	A.5 RAL/07/23 – 15 Haldon Street, Greenmount .....	14
	A.6 RAL/08/04 – O'Keefe Road, Ramsay .....	18
	A.7 DA 54/2006 – Cnr Freyling Road and Mt Rascal Road.....	20
	LA/DS.1 MCU/07/0009 – Water Cartage Business .....	26
	B) CORPORATE SERVICES.....	36
	B.1 Accounts for Payment.....	36
	B.2 Financial Statements .....	36
	B.3 Minutes of the TRC Local Transition Committee .....	37
	B.4 Delegation of Power.....	37
	B.5 Lease of Premises to Cambooya Landcare Association .....	37
	B.6 Request for Assistance – Cambooya SES/Rural Fire Brigade .....	37
	B.7 Farewell Party – Cambooya Shire Council .....	38
	C) ENGINEERING SERVICES .....	38
	C.1 Request for Renaming of Road .....	38
4.	GENERAL BUSINESS .....	39
2.	CONFIRMATION OF MINUTES.....	41
6.	CLOSURE .....	41



**PRESENT**

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

The Mayor opened the meeting at 9:05am.

Mayor welcomed all Councillors and staff to the last Meeting of this Council and presented the following address:

*“Councillors, former Mayors, Chief Executive Officer Ian Stevenson, staff and members of the public – I welcome you and declare the last meeting of the Council of the Shire of Cambooya open. I remember all Mayors, Councillors and staff who have served with our Council over 94 years. We have a proud history and as this area was the first settled in the Toowoomba Regional Council we are aware of the part played by Arthur Hodgson and his partners in the establishment of what is now the city of Toowoomba.*

*John Watts (one of the Arthur Hodgson’s partners) introduced “washing facilities” for the wool produced at Eton Vale. John Watts was elected the first member of the Legislative Assembly in the first Queensland Parliament in 1860. He became a foundation member and trustee of the Royal Agricultural Society of Queensland – formed in Toowoomba in 1861. In 1886 he was elected as member for Western Downs and appointed Minister for Land and Works.*

*At the official opening of the railway between Ipswich and Toowoomba John Watts pointed out both he and Arthur Hodgson had contributed to establishing Toowoomba: Arthur Hodgson by cutting down the range route in the early years of settlement and John Watts by ensuring the opening of the railway some twenty five years later.*

*Many pioneering families of our region still live here and they are too many for me to mention in this address but I would like to recognise the service to Council of the MacGinley family. Cr Joe MacGinley is a member of the last Council of the Cambooya Shire.*

*Our first Chairman was Arthur Hoey Davis (Steele Rudd) and our first Mayor was Bob Free. I am the first and last serving female Mayor of our beautiful Shire.*

*I have worked with two CEO’s as Mayor and both Ian Slader and Ian Stevenson have been dedicated and professional and have always advised our Council well. Thank you to both.*

*I wish to thank and place on public record Council’s recognition of the contribution of our volunteer groups in the Shire. Please keep up your efforts and don’t let these areas lose their identity.*

*I pay special tribute to Rural Fire Brigade and SES members. They give up so much of their time and maintain equipment so that in the event of a fire or emergency they are ready to help our residents. Bill Woods and Ches Priebbenow have been on the rural fire committee for over 34 years.*

*To our longest serving staff members, Tony McDonald and Natalie Kuhn, I offer Council’s thanks on a “job well done”.*

*I salute Council of the Shire of Cambooya, taken away at 3:40am in the Queensland Parliament by the Premier and his Cabinet.*

“Our History Will Live Forever” in the hearts of our residents and their descendants.”

**1. APOLOGIES – LEAVE OF ABSENCE**

That Councillor/s be granted leave of absence from the Meeting.

**Resolution 01/0308**

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 20 February 2008.

**Resolution 02/0308**

Moved by Cr Mengel, seconded by Cr MacGinley, that the Minutes of the Ordinary Meeting of Council held on 20 February 2008, which have been circulated to Councillors, be confirmed.

**Carried**

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

**A) DEVELOPMENT SERVICES**

**A.1 Application PSW/08/10 for an Oversized Shed on Lot 17 SP173987 Parish of Drayton situated at 64 Beaulieu Drive, Top Camp.**

**Applicant: QPDB Pty Ltd**  
**Owner: R & D Mason**

An application was received for an oversized shed and carport with a floor area of 96m<sup>2</sup> and a wall height of 3.6m on Lot 17 SP173987 Parish of Drayton situated at 64 Beaulieu Drive, Top Camp with a land area of 4,043m<sup>2</sup>.

A copy of the proposal letter, 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 at the rear of the property. The shed will be a single story shed with colorbond walls and a floor area of 96m<sup>2</sup> and wall height of 3.6m.

The applicant advises that the oversized shed will be used for the storage of a caravan, a high canopy boat and general household goods. The applicant is unable to contact the owner of the adjoining vacant property.

The floor level of the shed is approximately 2.5m lower than Beaulieu Drive road level and is considered to be similar construction to sheds in the area. 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 03/0308**

Moved by Cr Williams, seconded by Cr Schmidt, that a development permit be issued for an oversized shed with wall height of 3.6m and a floor area of 96m<sup>2</sup> on Lot 17 SP173987 Parish of Drayton situated at 64 Beaulieu Drive, 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.
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/08/11 Boundary Clearance Variation for a pergola on Lot 34 RP13858 Parish of Cambooya and situated at 13 Gladstone Street, Wyreema.**

**Applicant: K Hope**

**Owner: K Hope**

An application was received for a boundary clearance variation to locate a proposed pergola .5m from the side (southern) boundary. The proposed pergola will have a floor area of approximately 20.4m<sup>2</sup>. The allotment has an area of 1,012m<sup>2</sup> and contains a dwelling. A copy of the applicant's letter, photos, site plan and letter of no objection from adjoining property owner was attached for Councillor's information.

#### **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 applicant advises they require the setback to enable a pergola to be built at the side of the home to provide cooling and privacy to the rooms on this southern side of the dwelling. The bathroom, toilet and a bedroom are all exposed to the elements

with no structural protection. There is also little privacy for these rooms from the dwelling on the adjoining property that has a higher floor level, thus minimising privacy.

The adjoining property owners on the southern boundary at 15 Gladstone Street have stated they have no objection to the proposed pergola.

The proposed pergola will encroach on to the side building setback of 1.5m by 1m. The existing dwelling was erected in 2002 by the previous owners.

It is considered that the open pergola will not impact on the surrounding properties. Council could approve the application as the pergola will be attaché to the existing dwelling and there will be no adverse impact on the amenity of the area.

#### **Resolution 04/0308**

Moved by Cr Middleton, seconded by Cr Robertson, that a development permit be issued for a boundary clearance variation from 1.5m to 0.5m from the southern boundary for a pergola with a floor area of 20.4m<sup>2</sup> on Lot 34 RP13858, Parish of Cambooya and situated at 13 Gladstone Street, Wyreema as there will be no adverse impact on the amenity of the area.

**Carried**

#### **A.3 Application PSW/08/12 Boundary Clearance Variation for a shed on Lot 51 SP175664 Parish of Cambooya and situated at 10 Wellington Street, Wyreema.**

**Applicant: J & M O'Brien**

**Owner: J & M O'Brien**

An application was received for a boundary clearance variation for a shed located on Lot 51 SP175664, Parish of Cambooya and situated at 10 Wellington Street, Wyreema. The proposed garage is 36m<sup>2</sup> and is proposed to be sited 0.5m from the side (eastern) boundary and 2.75m from the rear (southern) boundary. The property has an area of 822m<sup>2</sup>. A copy of proposal letter from the owner, photos and site plan was attached for Councillors information.

The applicant advises that the proposed garage is to be located to 0.5m from the eastern boundary and 2.75m from the southern boundary.

#### **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**

It is proposed to erect a single story 'colorbond' shed (36m<sup>2</sup>) located 0.5m from the eastern boundary and 2.75m from the southern boundary of the property situated at 10 Wellington Street, Wyreema.

The shed will be located 750mm from Council infrastructure (sewer and stormwater). Council policy is that no structure is to be located closer than 2m to infrastructure, however, Council may use its discretion allow foundations to be 750mm from the service providing the owner complies with Policy conditions (attached). The applicant was advised of the engineering requirements for constructing a shed within 2m of Councils sewer and is willing engage an Engineer to design the footings.

The proposed shed is restricted to this corner of the block due to the position of the existing dwelling and water tank and also limitations due to the size of the property. The shed is only 36m<sup>2</sup> will it will have minimal visual impact on the amenity of the area.

**Resolution 05/0308**

Moved by Cr Mengel, seconded by Cr Robertson, that a development permit be issued for a boundary clearance variation from 1.5m to 0.5m from the eastern boundary and 2.75m from the southern boundary for a garage with a floor area of 36m<sup>2</sup> on Lot 51 SP175664, Parish of Cambooya and situated at 10 Wellington Street, Wyreema, subject to the following conditions:

1. Compliance with Council Policy – Construction of works near Council underground services and in accordance with Drawing No. WS-03-07. (Policy and drawing attached)

**Carried 6:1**

**Request for vote to be recorded against a motion**

Cr Taylor requested that her vote be recorded against the motion.

**A.4 Development Application RAL/08/03 - Reconfiguration of Lot (1 lot into 16 lots) of Lot 20 on SP175909 Parish of Drayton situated at 115 Fitton Road, Hodgson Vale.**

**Applicant: V Moffatt**  
**Owner: V Moffatt**

An application was received for the Reconfiguration of Lot (1 Lot into 16 Lots) described as Lot 20 SP175909 Parish of Drayton situated at 115 Fitton Road, Hodgson Vale. A copy of the plan, aerial photo and photos were attached for Councillors information.

**Planning Scheme**

The proposed subdivision is in the Rural Residential area of the *Planning Scheme* which requires a minimum lot size of 4,000m<sup>2</sup> and a maximum of 2ha. The application is Code Assessable and has been assessed against the On Site Services, Car Parking and Access Code and the Reconfiguration of a Lot Code under the *Planning Scheme*.

All services such as kerb and channelling, reticulated water supply, underground electricity and a footpath in Fitton Road will be required to be provided. The applicant will be required to pay Parkland, Water Supply Headworks and Road Infrastructure contributions.

### Comment

The development provides for the subdivision of an allotment in the Rural Residential area and adjoins an existing subdivision at the corner of Fitton Road and Freyling Road. The subdivision will result in 15 rural residential lots, open space (6,629m<sup>2</sup>) and a balance area of 15.98ha to the north.

The Open Space shown as Lot 35 on the plan (0.66Ha) is considered as only partly suitable for parkland as there is a well defined gully running through the area. If the area extends to the existing fence on the northern side of the gully there would be a strip of land available for the construction of a pathway. This area available is approximately 291m long by an average width of 5m (0.15Ha). The balance of the area is only suitable as drainage reserve, not general parkland. For this reason it should not be accepted as parkland in lieu of parkland contribution.

No parkland contribution will be required if 10% of the developed area (ie. 0.72Ha) is provided and accepted as suitable parkland. The actual area being offered is considered to be 0.15Ha, which is 21% of the 0.72Ha required. A discount of 21% could therefore be given on the full parkland contribution requirement of \$8,000 per lot. This equates to \$6,320 per lot.

Access will be off Fitton Road and via a new road that is planned to continue east at a later stage. Both of these roads are classified as minor collector, which require a width of 10m.

The Residential Needs Study Council adopted on 20 February 2008 proposes as an acceptable solution that 20% of allotments may be between 2,500m<sup>2</sup> and 4,000m<sup>2</sup> in area.

Allotments 27, 28 and 31 are less than 4,000m<sup>2</sup> but are of a satisfactory layout and may be deemed to be an acceptable solution. These allotments comply with all other requirements of the Reconfiguration of Lot Code under the *Planning Scheme*.

Council could give consideration to the recommendations of the study by allowing the provision of the 3 smaller allotments as an acceptable solution to the subdivision of land in the Rural Residential area.

The subdivision allows for continuation of residential development in the Rural Residential Land use area and complies with all other requirements for subdivision in accordance with the *Planning Scheme*. The proposed development can be provided with an appropriate and acceptable level of infrastructure services including sealed road connections, water supply, electricity and on-site waste water disposal.

**Resolution 06/0308**

Moved by Cr Schmidt, seconded by Cr Middleton, that a Development Permit be issued for a Reconfiguration of Lot (1 lot into 16 lots) described as Lot 20 SP175909 Parish of Drayton situated at 115 Fitton Road, Hodgson Vale 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 of vegetation.
3. Declared plants and existing environmental weeds on the property 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 \$640 (16 x \$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 1477 Stage 3 B dated 31 January 2008 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.

**Parkland Contribution**

12. Payment of parkland contribution of \$94,800 (15 lots @ \$6,320 per lot, which is a 21% discount on the full charge of \$8000 per lot). (fees applicable for 2007/08 financial year).

**Signage**

13. Any signs must have the appropriate licence issued by Council.

**Roadworks**

## 14. Fitton Road

- (a) The applicant is to provide new kerb and channel and asphalt surfaced pavement construction for the development's full frontage of Fitton Road as per attached Drawing No. 141-0001. The existing section of road between the development and Freyling Rd is also to be widened and upgraded to conform with this plan.
- (b) Fitton road is to be designed to the northern side of the gully crossing at the northern end of the development. Fitton Road is to be constructed to the northern side of the crossing, including the installation of culverts, if a satisfactory termination of works adjacent to the development cannot be achieved. (ie. the end of the road adjacent to the Lot 34/36 boundary is in fill encroaching onto the gully and will impede the flow of water and cause environmental harm).
- (c) The design speed for Fitton Road to be 60kph.

## 15. New internal (through) road

- (a) The applicant will provide asphalt surfaced pavement 10m wide and kerb and channel for the entire length of the proposed new road.
- (b) The design of this road is to extend across the gully at the eastern end to ensure that it is compatible with future development.
- (c) The design speed for this road to be 60kph.

## 16. New internal (cul-de-sac) road

- a. The applicant will provide asphalt surfaced pavement 6m wide with kerb and channel for the entire length of the proposed new road.
- b. A 10m radius asphalt surfaced turnaround is to be constructed at the end of the new internal road with kerb and channel. The road reserve of the turnaround will provide for a minimum 3m wide footpath.
- c. A kerbed and patterned concrete median treatment is to be constructed in the centre of the cul-de-sac to provide 3 on-street carparking spaces.
- d. The design speed for this road to be 40kph.

17. Road names for new roads are to be submitted to Council for approval.

18. Provide 3 chord 6m truncations at the intersections of all roads.

19. Reflective Street numbers to be affixed to the kerb in front of each lot (\$42 each) (fees applicable for 2007/08 financial year).

**Road Contributions**

20. A road infrastructure contribution of \$19,800 (15 lots @ \$1,320/lot) for the Hodgson Vale Central Zone (Freyling Road) is required in accordance with Council's Fees and Charges. (fees applicable for 2007/08 financial year).

**Water Supply**

21. Provision of a 150mm diameter water main along the full frontage of the internal through road and connect to the existing water main in Fitton Road.

22. Provision of a 100mm diameter water main along the full length of the new internal cul-de-sac road.

23. Provision of water connections to each allotment and fire hydrants and valves as required to service the subdivision.

24. Payment of water headworks contribution of \$57,750 (15 lots @ \$3,850 per lot) in accordance with Council's Fees and Charges. The charges specified above are the rates for 2007/08 financial year.

**Sewerage**

25. The lots are to be provided with wastewater treatment systems in accordance with the *On Site Sewerage Code* and AS 1547:2000. A copy of each site assessment is to be submitted to Council for approval, prior to construction of any dwelling.
26. A plan showing a suitable building site and effluent disposal area for Lot 26 is to be provided.

**Stormwater Drainage**

27. Full underground stormwater drainage is to be provided in accordance with Queensland Urban Drainage Manual (QUDM) Standards, to take all external and internal stormwater.
28. Inter-allotment drainage is to be provided to those lots where roof water cannot be discharged to the kerb and channel or a natural water course within the lot.

**Pathways and Fences**

29. Provision of a 2m wide concrete pathway for the full length of Fitton Road fronting the development.
30. Provision of a 2m wide concrete pathway for the full length of Lot 35 adjacent to the existing fence on the northern side of lot 35.
31. Dedicate a 5m wide corridor between Lots 29 and 30 for pathway and infrastructure purposes.
32. Provision of a 2m wide concrete pathway between Lots 29 & 30.
33. Dedicate a pathway link from the pathway running from Black Crt, approx area required 6m by 5m. This will provide a link from the existing concrete pathway from Black Crt to the existing open space area (Lot 2 SP151722) through to Freyling Road and Carmelina Crt.
34. Remove or relocate the existing fence along the Lot 36 / Lot 2 SP 151722 boundary to the correct boundary.

**Easements**

35. Provision of drainage easements in favour of Council over all infrastructure and drainage lines not located within the road reserve, to continue to the lawful point of discharge. Minimum easement width to be 3m except for inter-allotment drainage (2m). This includes from the end of the internal through road to the water course. The documentation associated with the easement will be prepared by the applicant, in Council's standard format, to the satisfaction of the Chief Executive Officer.
36. A copy of the easement documentation is to be submitted to Council for approval prior to sealing the Plan of Survey.

**Electricity Supply & Street Lighting**

37. Developer to enter into an agreement with Ergon Energy to supply power to the development. The applicant is to submit advice from Ergon Energy that an agreement has been made to provide underground electricity reticulation and streetlighting, at the applicant's cost to each new allotment, prior to the Plan of Survey being sealed by Council.
38. Provision of civil works to Ergon's specifications including connection to existing infrastructure.

### Telecommunications

39. Developer to enter into an agreement with Telstra to supply telecommunications to the development. The applicant is to submit advice from Telstra that an agreement has been made to provide telecommunications, at the applicant's cost to each new allotment prior to the Plan of Survey being sealed by Council.

### General Engineering Requirements

40. The Regional Standards Manual, published by EDROC will be adhered to at all times.
41. The applicant will provide evidence of written appointment and acceptance of a responsible contractor for the project as defined under the *Workplace Health and Safety Act*. Additionally, if applicable the applicant shall furnish to Council for sighting the receipted Qleave Notification and Payment Form prior to Council issuing Operational Works approval to ensure payment of the Workplace Health and Safety Fee and Long Service Leave Levy.
42. All engineering designs submitted to Council for engineering approval are to be certified by a Registered Professional Engineer of Queensland.
43. All engineering designs are to be submitted to Council for Operational Works and engineering approval prior to commencement of work.
44. Engineering design plans to be prepared in AHD format and MGA Zone 56 (GDA 64) Coordinates.

Carried

#### A.5 Application RAL/07/23 for Reconfiguration of Lot (2 lots into 3 lots) and access easements on Lot 47 SP180897 and Lot 48 SP180987 Parish of Ramsay situated at 15 Haldon Street, Greenmount.

**Applicant:** Crown Castle Australia Pty Ltd  
C/- Goodwin, Midson & Partners Pty Ltd  
C/- Compass Town Planning

**Owner:** D & P Peake and J Horan

An application was received for the Reconfiguration of Lot (2 lots into 3 lots) of Lot 47 SP180897 and Lot 48 SP180897 situated at 15 Haldon Street, Greenmount.

A copy of the application letter, concept plan, aerial photo and Department of Natural Resources 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 substantially identified as Pasture Land and 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 create a lot for the existing telecommunications facility (193m<sup>2</sup>) and create an access easement over lots 47 and 48 on SP180897. The access easement will follow the existing access easements E and F which are in favour of Council.

The proposal is to reconfigure the existing Lot 47 which comprises a total area of 29.28ha, in order to create a new smaller lot of approx 193m<sup>2</sup> in area. The purpose for this proposal is to ensure greater security of tenure for the telecommunications infrastructure. No change to the existing land uses will occur and no clearing of vegetation or other building or operational works is proposed.

The applicant also requests that a partial surrender by Council of an existing easement (Easement F) that encompasses the proposed Lot 1 will be required to complete this process.

### **Referral Agency**

The application was referred to the Department of Natural Resources and Water as Concurrence Agency under schedule 2, table 2 of *Integrated Planning Regulation 1998* – reconfiguring a lot greater than 2ha on land mapped as remnant native vegetation classified as ‘Not of Concern’.

The Department of Natural Resources and Water as Concurrence Agency advise they have no vegetation related requirements with this application as clearing of assessable vegetation as a result of the RAL could be done under an exemption for the purpose of the development without the RAL being approved. Therefore, the application is considered to meet Performance Requirement of their policy.

The land pertaining to the application is located within the Condamine-Balonne Basin. DNR & W advise that there are no ground water licences or notified overland flow works attached to this land and there does not appear to be any other watercourse related matters such as riverine protection or extraction of quarry material.

### **Notification**

The application for the reconfiguration of a lot requires impact assessment under the *Planning Scheme*. The application was publicly advertised and a notice of compliance was received from the applicant on 21 January 2008 stating that the application had complied with the provisions of section 3.4.7 of *Integrated Planning Act*. No submissions were received by Council.

### **Existing Services**

There is currently an access track to the proposed smaller lot. This track is on the existing access Easements E and F which are in favour of Council. The holder of the lease on the proposed smaller lot also has use of this track.

## Response

In response to Council requesting further information the consultant on behalf of the applicant again requests partial surrender by Council of Easement F on SP180987 over the area of proposed Lot 1 on Proposal Plan 12539-33-1 as originally requested.

The applicant advises *“that given further consideration the continuation of the easement will make it difficult for Crown Castle Australia Pty Ltd to manage their responsibilities as the future owner of the proposed smaller lot and the telecommunications tower that it contains. As owner of the subject land and tower they would be responsible for ensuring structural loadings of the tower are not exceeded and that the safety of maintenance personnel is not compromised by the presence of unidentified telecommunications equipment.*

*The applicant recognises Council’s current rights to install and maintain their existing equipment on the tower, and that Council’s wishes to continue utilising the tower for their own telecommunications purposes.*

*The applicant proposes that an alternative arrangement, such as a licence, be established to allow Council continued access to the tower while enabling the applicant to fulfil their responsibilities to employees and the general public. The licence would be established in place of the existing easement, which would be partially surrendered by Council.*

*Terms of the licence could be negotiated, but the applicant proposed that the licence be drafted to grant Council the right to install and maintain their existing equipment on the tower. The licence would also allow Council the right to install additional equipment on the tower, subject to the owner’s consent, which will not be unreasonably withheld. No ongoing charge would be imposed on Council under the terms of the licence, except for an arbitrary fee in the order of \$1.00.”*

## Comments

The application proposes the reconfiguration of 2 lots into 3 lots in the Rural Land Use Area of Greenmount. Existing Lot 47 has an area of 29.28ha and is encumbered by an easement (Easement F- 5,594m<sup>2</sup>) that provides access to the existing Council owned infrastructure on Greenmount hill.

Proposed Lot 1 will be a small allotment (193m<sup>2</sup>) encompassing existing telecommunications facilities and is located within the existing Easement F. Council will need to surrender part of Easement F to allow the new lot to be created. Council has some aerial equipment on the existing tower within the proposed new lot and arrangements such as a lease agreement will need to be made to allow Council to continue to access this equipment.

Proposed Lot 1 does not comply with the minimum area of 40ha required by the *Planning Scheme* for the Rural Land Use Area. However the reconfiguration is considered appropriate in this instance as it will facilitate the separation of inconsistent uses and will allow the telecommunications tower to be identified on its own individual Lot. The application meets the Performance Requirement of the DNR&W policy as no clearing of vegetation will occur as a result of the ROL.

Council could approve the proposal as the proposed subdivision is not located on Good Quality Agricultural Land (GQAL) and will not require any clearing of

vegetation. The telecommunication facilities exist and the subdivision will not result in further reduction of land for rural activities, but will ensure the continued provision of necessary telecommunications infrastructure for the area by providing a more secure tenure.

**Resolution 07/0308**

Moved by Cr Middleton, seconded by Cr MacGinley, that a Development Permit be issued for Reconfiguration of Lot (2 lots into 3 lots) and access easement on land described as Lot 47 SP180987 and Lot 48 SP180987 Parish of Ramsay situated at 15 Haldon Street, 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 \$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. 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.
10. Council will surrender the part of Easement F over the proposed new lot provided that a lease agreement has been signed between the applicant and Council to allow Council to install and maintain equipment on the applicant's tower.

**Approved Plans**

11. The reconfiguration is to be developed in accordance with the proposal plan submitted by the applicant, as determined by Council, Plan Map Ref 12539-33-1 dated 22 August 2007 and prepared by JB.Goodwin, Midson & Partners. 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**

12. A minimum roadworks contribution of \$2,100 is required in accordance with Council's *Planning Scheme Policy No.3*. (Fees applicable for 2007/08 Financial year).

**Carried**

**A.6 Application RAL/08/04 for Reconfiguration of Lot (1 lot into 2 lots) on Lot 3323 SP132938 Parish of Colin situated at O'Keefe Road, Ramsay.**

**Applicant:** L O'Keefe  
**Owner:** L O'Keefe

An application was received for the Reconfiguration of Lot (1 lot into 2 lots) on Lot 3323 SP132983 situated at O'Keefe Road, Ramsay. A copy of application letter, concept plan, aerial photo and photos were attached for Councillor's information.

**Planning Scheme**

The parent lot is situated mostly in the Rural (Plains Landscape) Area of the *Planning Scheme* which requires a minimum lot size of 40ha and minimum road frontage of 200m. The uplands area is an area of particular importance to the landscape character of the Shire. The minimum lot size generally intended in this area is 64ha with a minimum frontage of 200m.

These values are intended to be protected from development that may adversely impact upon them. This area is prone to erosion, with soil conservation works often implemented for the cultivated lands within the area. It is also prone to ground water contamination and salinity (particularly on lower slopes). Development that may lead to an increase, concentration, or diversion of runoff, erosion, groundwater contamination or significant clearing will not be favourably considered.

The land is substantially identified as Pasture Land and 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.*"

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*".

The stated Desired Environmental Outcomes (DEO's) in the *Planning Scheme* include the protection of good quality agricultural land resources from inappropriate development, in a manner consistent with State Planning Policy 1/92 (development and the conservation of agricultural land).

**Proposal**

Lot 3323 SP132938 is an allotment divided by Neale Road (unformed road). The proposed subdivision will result in 2 lots, one lot with an area of approximately 7.7ha and the remaining lot with an area of approximately 58.3ha.

The applicant advises that this Lot be given its own title due to limited access once the adjoining property owner completes proposed fencing. Following proposed opening of the road. He states that when this occurs the proposed Lot 1 (7.7ha) will not be viable in any commercial cattle operation, as will leave this section of land without water or livestock access. It is the applicant's opinion that if this section of

land is not granted its own title it is in danger of becoming an overgrown eyesore and a significant bushfire risk.

### Referral Agency

The application was referred to the Department of Natural Resources and Water (DNR&W) as Concurrence Agency for advice on land management, surface and groundwater and soil conservation matters. Vegetation has been identified (Overlay Map No 3: Regional Ecosystems).

Department of Natural Resources and Water (NRW) have advised that as the land is mapped as having vegetation (of Concern) and therefore they are Concurrence Agency for the application.

The applicant will provide advice from DNR&W and a copy will be provided at the meeting.

### Comments

The applicant seeks approval to reconfigure Lot 3323 SP132938 to follow the existing unformed road boundary (Black Snake Road and Neale Road). The total area of the existing lot is 64.76ha. The proposed Lot 3323 (7.7ha) and Lot 3325 (58.3ha) do not comply with the minimum area of 40ha required by the *Planning Scheme* for subdivision in the Rural Land Use Area (Plains Landscape).

The road frontage for both proposed lots will be greater than 200m.

The existing Lot 3323 SP132938 is vacant with an area of 64.76ha and complies with the minimum requirement of 64ha for the Rural (uplands) land use area.

The proposed Lot 3323 and the western portion of proposed Lot 3325 substantially contain a large proportion of the 'crop land' on the western side of the property. This area of land is identified as 'crop land' on Overlay Map No 2 of the *Planning Scheme* and therefore the proposal must be considered in accordance with *State Planning Policy 1/92 Development and Conservation of Agricultural Land*.

Section 4.10.3 of the Reconfiguring a Lot Code identifies performance criteria which 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"*

The smaller allotment produced as a result of the reconfiguration (7.7ha) is in conflict with the section 3.1.1 of the *Planning Scheme* which states that the intent of Land Use in Rural areas is *"to be used for a range of rural pursuits, including agriculture and animal husbandry."*

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

The policy is not designed to inhibit restructuring and farm amalgamation, and, in some instances subdivision will be necessary to enable assimilation with adjoining

properties. The key principle should be whether an overriding need in terms of benefit to the community can be demonstrated for the development of this particular location.

A more desirable outcome would be to amalgamate proposed Lot 3323 with adjoining Lot 836 to be consistent with the existing use of the property and the intent of the Rural Land Use area.

**Resolution 08/0308**

Moved by Cr Middleton, seconded by Cr MacGinley, that Item A.6 RAL/08/04 for Reconfiguration of Lot (1 lot into 2 lots) on Lot 3323 SP132938 Parish of Colin situated at O'Keefe Road, Ramsay be deferred under Section 3.5.7 of the Integrated Planning Act, pending further information being received from Department Natural Resources.

**Carried**

At the **conclusion** of **Agenda Items – Development Services and Corporate Services** this Agenda Item was reconsidered.

**Resolution 19/0308**

Moved by Cr Williams, seconded by Cr Schmidt, that as the required information from the Department Natural Resources and Water was not received, this item be deferred under Section 3.5.7 of the Integrated Planning Act. Further, that Council give written notice to the applicant that Council wishes to extend the decision making period by not more than 20 business days.

**Carried**

**A.7 Development Application 54/2006 Request to Change an Existing Approval on land described as SP132938 Parish of Drayton situated the corner of Freyling Road and Mt Rascal Road, Hodgson Vale.**

**Applicant:** John Luck  
C/- OWR Surveyors  
**Owner:** John Luck

An application was received to change the design of the above application. A copy of the application letter, Santos advice, existing plans and proposed plans was attached for Councillor's information.

**Existing Approval**

The existing application for subdivision of Lots 656 and 657 into 62 Lots was approved by Council at its meeting on 19 October 2005.

Stage 1 of the development consisted of 22 lots fronting Mt Rascal Road and adjoining the Santos pipeline easement. The site is located in the Rural Residential Land Use Area of Hodgson Vale.

**Proposal**

The applicant proposes to change the lot layout plan and road location to accommodate road construction constraints on the land. The proposed Stage 1 will now consist of 27 lots (incorporating an additional 5 lots) with new road access from

Mt Rascal Road. The applicant states that the change in reconfiguration is a result of their consideration of the overall design.

### Referral Agency

The application was referred to the Moonie Pipeline Company Pty Ltd (Santos) who advise that they have no objection to the modifications under the following conditions:

1. The easement is maintained free of proposed allotments 10, 41, 42, 49, 50, 51, 52, 53, 54 & 55.
2. The easement is separated from allotments 10, 41, 42, 49, 50, 51, 52, 53, 54 & 55 by a physical barrier, such as a suitable fence.

### Comments

Section 3.5.33 of the *Integrated Planning Act 1997* allows an applicant to request a change or cancel conditions and Council must decide the application within 20 business days.

The application proposes changes to the layout of the existing approval as a result of detailed consideration of the overall design. A site survey has identified problems with the original design in relation to roads and access, particularly with constraints of road construction adjacent to the oil pipeline.

The proposed design (Ref. No. 1926 Prop 10C dated 25 January 2008) now contains 2 cul-de-sacs instead of 1. The collector road has been relocated to the north due to topographical constraints and 2 cul-de-sacs will be provided off this road. Five additional smaller lots ranging in size from 2,816m<sup>2</sup> to 3,003m<sup>2</sup> are proposed in appropriate locations.

The existing pipeline easement will be maintained in the balance allotment (Rural land) and this will ensure that the lots remain on private land and Council is not burdened with maintenance.

The Residential Needs Study Council adopted on 20 February 2008 proposes as an acceptable solution that 20% of allotments may be between 2,500m<sup>2</sup> and 4,000m<sup>2</sup> in area. These allotments comply with all other requirements of the Reconfiguration of Lot Code under the *Planning Scheme*.

Council could give consideration to the recommendations of the study by allowing the provision of smaller allotments as an acceptable solution to the subdivision of land in the Rural Residential area.

All services such as kerb and channelling, reticulated water supply, underground electricity will be required to be provided. The applicant will be required to provide infrastructure and/or pay contributions as per the previous approval. Some additional contributions are required to allow for the increased number of lots requested.

The subdivision allows for concentrated development in the Rural Residential Land use area and complies with all other requirements for subdivision in accordance with the *Planning Scheme*. The proposed development can be provided with an appropriate and acceptable level of public infrastructure services including sealed road connections, water supply, electricity and on-site waste water disposal.

**Resolution 09/0308**

Moved by Cr Middleton, seconded by Cr Robertson, that Council issue an updated set of conditions for Decision Notice No. 54/2006 for stage 1A (27 lots) incorporating the changes as detailed on proposal plan by OWR Surveyors (Plan No. 1926 Prop 10C).

**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. Declared plants and existing environmental weeds on the property are to be destroyed.
3. Authority be given to affix Council's Common seal to the Plan of Survey and documents associated with this approval.
4. All outstanding rates and charges on the land are to be paid prior to the sealing of the survey plan.
5. The contributions and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey.
6. Payment of Department of Natural Resources, Mines and Energy valuation fees of \$1,890 (ie. 27 x \$40) which will result from the issue of split valuations. (fees applicable for 2007/08 financial year)
7. Payment of a sealing fee of \$100 per Plan of Survey.
8. Compliance with the provisions of the Aboriginal Cultural and Heritage Act 2003.
9. Survey Plan to be provided in electronic format for MGA Zone 56 (GDA 94) co-ordinates.

**Approved Plans**

10. The reconfiguration is to be developed in accordance with the proposal plan submitted by the applicant, as determined by Council, Drawing No 1926 Prop 10C dated 25 January 2008 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.
11. Lot 10 (water supply bore) is to extend to the eastern boundary of Lot 41 to give future access to parkland.

**Parkland Contribution**

12. Payment of parkland contribution of \$8,000 per lot created, in accordance with Council's Planning Scheme Policy No.6 and Fees and Charges. (fees applicable for 2007/08 financial year.)

**Roadworks**

13. The following roadworks are to be undertaken by the applicant to Council's standard:
  - a. Construction of Mt Rascal Road to an asphalt standard for the full frontage of the development including kerb and channelling. The lip of the kerb and channel is to be 6m from the centre of Mt Rascal Road.
  - b. Construction of Freyling Road to an asphalt standard for the full frontage of the development including kerb and channelling. The lip of the kerb and channel is to be 6m from the centre of Freyling Road.

- c. Construction of the east west arterial road to an asphalt standard for the full length of the development (from Mt Rascal Road to the eastern boundary of Lot 55) including the provision of kerb and channel to a width of 12m. The intersection with Mt Rascal Road is to be at an angle between 70 and 90 degrees. The road is to be designed by an RPEQ to a point at least 150m east of the eastern boundary of Lot 55. The road is to be located to avoid any conflict with the high voltage power line. This information is to be provided prior to sealing of the Plan of Survey.
- d. Construction of the internal cul-de-sac roads to an asphalt standard with kerb and channel to a width of 6m.
14. The roads are to be designed for the following speeds:
- Mt Rascal Road - 60km/h
  - Freyling Road – 60km/h
  - East-west Arterial Road – 70km/h
  - Internal Cul-de-sac Roads – 50km/h and cater for bus and refuse collection vehicles.
15. Road names for internal roads to be submitted to Council for approval.
16. Engineering design plans are to be prepared in AHD format and MGA Zone 56 (GDA 94) Coordinates.
17. Provision of a concrete pavement 6m wide for the full length between Lots 25 and 26.
18. Provision of a sealed temporary turnaround at the eastern end of the arterial road.
19. Submission of detailed designs by a Registered Professional Engineer showing full compliance with Austroads standard, particularly visibility, for all intersections and property access, prior to the sealing of the plan.
20. Provision of sufficient road reserve at the intersection of the arterial road and Mt Rascal Road, adjacent to Lots 43 and 44, to provide for the construction of a future roundabout. This condition is to be satisfied prior to the sealing of the Plan of Survey.
21. Reflective street numbers to be affixed to the kerb in front of each lot.
22. Dedicate a 5m wide access between Lots 52 and 53 to provide pedestrian access from the arterial road to the Santos easement.

### Water Supply

23. Provision of water supply infrastructure as follows:
- a. Supply a fully equipped bore and control building (including 3m wide concrete driveway and turnaround) to urban water quality standards ([Australia & New Zealand Guidelines for Fresh and Marine Water Quality 2000](#) and [urban water supply construction standards](#), capable of supplying a minimum 3.5litres/sec into the water supply system.
  - b. Provision of a Reservoir on Council's reservoir site, at Mt Rascal, capable of supplying the needs of the development.
  - c. Inter-connection between the Reservoir and the development and provision of chlorination facility.
24. No water headworks contributions will apply to the development of Lots 1-62 as a result of the provision of this infrastructure. For lots created in excess of 62 lots water supply headworks of \$4,850 per lot (fees applicable for 2007/08 financial year) will apply in accordance with Council's Planning Scheme Policy No.4 and Fees and Charges.
25. Provision of a water supply service to each lot to Council's specifications.
26. Developer to pay for the costs associated with Council undertaking a network analysis for this development.

**Drainage**

27. Provide full underground stormwater drainage to Queensland Urban Drainage Manual (QUDM) standards.
28. Culverts to be extended into lots beyond building site to ensure runoff is discharged without nuisance.
29. Provide interallotment drainage to those lots where roof water cannot be discharged to the kerb and channel.
30. Provision of a drainage easement in favour of Council over all infrastructure and drainage lines not located within the road reserve, to continue to the legal point of discharge. Minimum easement width to be 3m (2m for interallotment drainage).

**Infrastructure**

31. A traffic study is to be prepared by a suitably qualified traffic engineer to assess the additional traffic volumes likely to be generated from the development onto Mt Rascal Road to the north, Freyling Road to the New England Highway and Smith Creek Road to the Drayton Connection Road.
32. Infrastructure contributions to ensure the safety and efficiency of the State-controlled road network and Council's road network will be required in accordance with Council's Fees and Charges (fees shown are those applicable for 2007/08 financial year) as follows:
  - a. Freyling Road / New England Highway - \$1,320 per lot on a proportional basis as determined by the traffic study.
  - b. Smith Creek Road / Drayton Connection Road - \$1,815 per lot on a proportional basis as determined by the traffic study, and
  - c. Council's Roads – contribution on a proportional basis in accordance with upgrading costs as determined by the traffic study.
33. The developer shall enter into an infrastructure agreement with Cambooya Shire Council and the Department of Main Roads to contribute funds towards the intersection upgrade of Freyling Road and New England Highway and Smith Creek Road and Drayton Connection Road. Department of Main Roads approval is subject to all parties signing the infrastructure agreement. This information is to be provided prior to the sealing of the Plan of Survey.

**Sewerage**

34. The lots are to be provided with wastewater treatment systems in accordance with the On Site Sewerage Code and AS 1547:2000. A copy of each site assessment is to be submitted to Council for approval, prior to the construction of any dwelling.

**General Engineering Requirements**

35. The Regional Standards Manual including amendments, published by EDROC will be adhered to at all times.
36. The applicant is to provide evidence of written appointment and acceptance of a responsible contractor for the project as defined under the Workplace Health and Safety Act. Additionally, if applicable the applicant will furnish to Council for sighting the receipted Qleave Notification and Payment Form prior to Council issuing Operational Works approval to ensure payment of the Workplace Health and Safety Fee and Long Service Leave Levy.
37. All engineering designs submitted to Council for engineering approval are to be certified by a Registered Professional Engineer of Queensland (RPEQ).

**Electricity Supply**

38. Provision shall be made to service each lot with underground power supply and a plan showing the location of street lights is to be submitted for approval; consideration will be given to lighting that is more appropriate for a rural environment. The applicant is to submit advice from Ergon Energy that the applicant has reached agreement with such Corporation to provide underground power, at their cost to each new allotment prior to the Plan of Survey being sealed by Council.
39. The Developer is to enter into an agreement with Ergon Energy to place the existing high voltage electricity lines along the eastern side of Mt Rascal Road underground.

**Building Sites**

40. Provide a geotechnical report by an RPEQ for allotments that have a slope greater than 20%, including evidence that there are building pads and waste disposal sites on all allotments prior to sealing of the Plan of Survey.

**Conditions relevant to Santos (Moonie Pipeline Company Pty Ltd)**

41. The proposed subdivision is to comply with all requirements as described in Santos MPC's Operating Procedure 1307-13-002 "Guidelines for Work Adjacent to High Pressure Oil Pipelines".
42. The owner must allow MPC to relocate the existing anode bed to the new location as indicated on the attached plan No Doc 209/12/2003. Final location of the anode bed will be determined and subject to site testing as required.
43. Underground services drawings are to be submitted to MPC for approval. These will include, underground power and communications, sewers, stormwater, water mains and gas mains.
44. The developer will be responsible for obtaining all consents and approvals from Santos and relevant government departments for the extinguishment and/or amendments to the easement agreements as required prior to the sealing of the Plan of Survey and pay any legal cost incurred by Santos for the preparation of the documents.
45. Traffic and construction activity on or over the easement must be controlled to ensure the pipeline remains protected.
46. Any modifications to the easement surface must have prior written approval be MPC, after appropriate engineering review, and be conducted under the supervision of an MPC representative.
47. No structures of any kind including but not limited to fences, buildings, paved areas, tennis courts, pools, sheds and barbeque areas will be permitted over the pipeline or within the easement.
48. Road crossings may require the installation of protective slabs and refurbishment of the pipeline at the developers' cost; and
49. The easement is maintained free of proposed allotments 10, 41, 42, 49, 50, 51, 52, 53, 54 & 55.
50. The easement is separated from allotments 10, 41, 42, 49, 50, 51, 52, 53, 54 & 55 by a physical barrier, such as a suitable fence.
51. Provide written evidence of an agreement with Santos prior to submission of plans for Operational Works approval and prior to the sealing of the Plan of Survey.

**Carried**

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

**LA/DS.1 Application MCU/07/0009 for Material Change of Use – (Water Cartage Business) on Lot 25 SP105184 Parish of Cambooya situated at 308 Luck Road, Vale View.**

**Applicant: Compass Town Planning Pty Ltd**  
**Owner: L & J Grundy**

An application was received for a Material Change of Use for a Water Cartage Business on Lot 25 SP105184 Parish of Cambooya situated at 308 Luck Road, Vale View.

### **Proposed Development**

The applicant proposes to establish a groundwater storage and distribution facility. Medium to large rigid water trucks and articulated water trucks would load groundwater and leave the site to distribute water to the surrounding community for a variety of applications, including, domestic/residential water consumption, commercial and industrial applications and water use on construction sites and other projects.

The applicant advises that the development will occupy approximately 3,000m<sup>2</sup> of the allotment, which has a total land area of 115.5ha and would comprise the following components:

- Eight water storage tanks
- Gravel hardstand manoeuvring area
- Concrete loading pad
- Water stand pipe for loading and filling tankers
- Polypipe for reticulating water from the bore location to the tanks and then from the tanks to the concrete loading area.

No employees will be located on the site. The staff who drive the water trucks are expected to carry out all the requirements necessary to operate the proposed use. Once vehicles are loaded the equipment will be packed away and locked securely before the load vehicle drives away.

The proposed development is intended to operate during daylight hours and generally between 6.00am and 6.00pm, 7 days a week.

### **Planning Scheme**

The allotment has an area of 115.5haha and is in the Rural Land Use Area.

*“The Rural Land Use Area is intended to be used for a range of rural pursuits, including agriculture, horticulture, grazing and farm forestry. It is also intended to accommodate areas of important landscape and /or ecological values.*

*Other development may be supported in certain circumstances, including:*

- *other industries which have acceptable environmental, amenity and infrastructure impacts, particularly those which support or value add to rural activities; or*
- *non-agricultural uses, such as, home based business, host home accommodation, and educational, recreational or tourism related uses of a low intensity and scale.*

*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."*

Commercial premises are defined as *"means displaying or offering goods or services for sale by retail or for other business, professional, entertainment or commercial recreational purposes, unless otherwise defined."*

### **Referral Agency Response**

#### **Department of Main Roads (Concurrence Agency)**

The application was referred to The Department of Main Roads as Concurrence Agency. They advise all access to be via Luck Road. No direct access to the Drayton Connection Road will be permitted.

Trucks Crossing or Entering (W5-22B) signs will be required to be erected by the applicants on both approaches to Luck Road on the Drayton Connection Road.

#### **Department of Natural Resources & Water (Advice Agency)**

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.

DNR&W advise that water licence 403740 authorises the taking of water for Irrigation and Commercial only. The licence has a 92ml entitlement. The water licence includes for the purpose of commercial, which is acceptable for the purpose of water-carting.

The subject lot is classified as Class A agricultural land which is regarded as good quality agricultural land (GQAL) for Cambooya Shire and is subject to *State Planning Policy 1/92: Development and the Conservation of Agricultural Land (SPP1/92)*.

The DNRW advise that consistent with the principles of SPP/92, development for non rural purposes is considered an inappropriate use of land identified as GQAL, unless there is an overriding community need for the development and there is no alternative site.

DNR&W advise that if Council is satisfied there is an overriding community need for the development they would not object to the proposal in this instance.

### **Notification**

The application for the reconfiguration of a lot requires impact assessment under the *Planning Scheme*. The application was publicly advertised and a notice of compliance was received from the applicant on 6 March 2008 stating that the application had complied with the provisions of section 3.4.7 of *Integrated Planning Act 1997*.

## Submissions

A total of 19 public submissions were received during the public exhibition period until 21 February 2008. Three (3) submissions were received after the Public Notification period. Submissions were received from local residents and those having development interests in the Shire.

Matters raised in submissions ranged from issues associated with the granting of a Commercial Water Licence to traffic implications on local roads in addition to a number of matters related to the implications as far as they affect specific properties when taking large amounts of water for Commercial purposes.

At the outset, it is noted that the taking of water is a matter authorised and controlled by the Department of Natural Resources and Water. Notwithstanding the above, the key matters raised in submissions received are outlined with comments in response provided.

**Issue – Concern over the availability of water for irrigation if proposal goes ahead. Bore levels dropping in the area and requirements to reduce water usage.**

### Comment

The issue of ground water use has been raised as concerns as to the diminishing water aquifer levels in the area, thus reducing groundwater availability.

The Department of Natural Resources and Water are the administering authority under the *Water Act 2000*. The owners of the property (L & J Grundy) hold a Licence issued under the *Water Act 2000* allowing them to take underground water from the 'Main Range Volcanics' for irrigation and commercial purposes with an entitlement of 92ML per water year subject to conditions.

Under current water restrictions imposed the applicant is only able to draw 50% of the intended licence allowance. In addition the applicant advises that the owner currently requires a minimum of 25ML from this allocation for irrigation of crops, leaving approximately 27ML available for commercial use. DNR&W advise that water licence does not trigger any water related issues.

The volume of water to be drawn from the site will be metered and monitored directly in accordance with the recently amended water licence issued by DNR&W that applies to the subject site.

**Issue – Concern the addition heavy traffic and deterioration of local roads and too close to a school with a dangerous driveway access and increased noise levels**

### Comment

The applicant has had discussions with the Department of Main Roads to address vehicular and safety concerns. It is proposed that approximately four (4) movements will operate from the site per day, with approx. 90% of movements destined to the east of the site towards the New England Highway, not west to the Drayton Connection Road. DMR officers have confirmed that the existing intersection at the Drayton Connection Road is suitably designed to cater for this amount of extra traffic.

A total of approximately 290 vehicles per day utilise Luck Road, with a 6.8% commercial vehicle component. (where commercial vehicles are any two or more axle trucks or buses with a wheel base greater than 3.2m.) The applicant's proposed additional four (4) commercial vehicle movements per day represents a total increase of only 1.3% per day of total vehicles, but the % increase of commercial vehicles is considerably more. The commercial vehicle use of Luck Road is currently 6.8%.

The applicant has advised that there would be an average of four loads of water a day leaving the site using a 26,000 litre water tanker (truck and dog trailer combination). There may be smaller tanks used from time to time. In assessing the impact to Luck Road and the requirements for the turnout to the site the larger tanker characteristics have been used.

The following table shows the theoretical impact on Luck Road allowing for a 20 year design life for pre- and post-development conditions.

The 4 vpd is based on current water restrictions of 50% allocation, less on farm requirements of the property.

The 8 vpd is based on no water restrictions using 100% allocation, less on farm requirements of the property. When the allocation returns to 100% there may not be a demand for the commercial water off site.

	Average Daily Traffic	Percent Commercial Vehicles	Equiv. No. of axles for 20 year Design Life	Road Design Life Based on 71,200 Axles	Percentage Reduction in Road Life
Pre-Development	287	6.8%	71,200	20 years	
Post Development Extra 4v/d	291	8.1%	80,300	18.24 years	8.8%
Post Development Extra 8 v/d	295	9.4%	88,800	16.86 years	15.7%

The current replacement value of Luck Road is \$473,132 -

8.8% = \$41,635      15.7% = \$72,281

While this is a theoretical cost of the use of this road by extra heavy traffic, this type of analysis can be used to justify applying Council's standard roadworks contribution of \$21/m of allotment frontage. (1,561m = \$32,781)

#### **Issue – Concern that the infrastructure already constructed without approval.**

#### **Comment**

The activity commenced without approval and tanks and other infrastructure were installed prior to the submission of an application. The applicant advised that they

are currently purchasing the property and that believed that the water licence entitled them to carry out the undertaking with out Council approval.

Council does not require a development permit for above ground tanks. However, Council officers identified that assessable development was being undertaken on the site in the form of a water carting business undertaking. The owner was advised on 21 November 2007 that assessable development had commenced without a development permit, which is an offence under section 4.3.1(1) of *Integrated Planning Act 1997*.

Advice was also sent to the applicant's legal representative that Council will not accept the continuation of the unlawful operation pending determination of the application. A development application for a Material Change of Use – Water Cartage Business was received on 12 December 2007 from Compass Town Planning.

**Issue – Concerns regarding the Commercial activity being unplanned and no benefit to the people of the area.**

#### **Comment**

The area for the development is 3,000m<sup>2</sup> and is located in the Rural Land Use Area (plains landscape) identified on Overlay Map 1 – Land Use Areas. Section 3.1 of the *Planning Scheme* states that area is intended to be used for a range of rural pursuits, including agriculture and animal husbandry, and allows other development to be supported in certain circumstances, including:

- *“other industries which have acceptable environmental, amenity and infrastructure impacts, particularly those which support or value add to rural activities; or*
- *non-agricultural uses, such as, home based business, host home accommodation, and educational, recreational or tourism related uses of a low intensity and scale.”*

Such development is 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.

The proposal is considered unlikely to adversely affect the long term viability of the land in terms of further agricultural uses. The issue of overriding need in the community benefit can be supported during times of drought and the property is ideally located to the Rural residential market.

**Issue – Concerns regarding a Commercial operation within a Rural area**

The operation of a commercial business on a rural site has been raised as a concern. It should be noted that the nature, characteristics and visual form of this development is considered to be consistent with the rural amenity enjoyed in the area and the number of storage tanks on the site is not materially significant as these could be erected on the site in conjunction with self assessable agricultural use of the land.

When considering application for non-agricultural uses on Good Quality Agricultural Land (GQAL) consideration needs to be given to the overriding need for community benefit against the need to preserve GQAL.

The applicant proposes to utilise approx. 3,000m<sup>2</sup> adjacent to Luck Road, which is considered unlikely to adversely affect the long term viability of the land in terms of further agricultural uses.

### **Integrated Planning Act 1997**

The *Integrated Planning Act 1997* requires that Council perform its planning functions to advance the Act's stated purpose to seek to achieve ecological sustainability. Ecological sustainability is defined in the Act as: "a balance that integrates:

- a) Protection of ecological processes and natural systems at local, regional, State and wider levels; and
- b) Economic development; and
- c) Maintenance of the cultural, economic, physical and social wellbeing of people and communities."

Essentially this means that the planning scheme must seek to achieve a balance between protection of the environment, economic development and community wellbeing. The achievement of ecological sustainability requires a combined and integrated approach having regard to the *Planning Scheme, Integrated Planning Act 1997* and other documentation.

The Act also refers to the precautionary principle in decision-making. This states that uncertainty regarding the effects of a particular action or activity should act as a constraint in order to avoid potential environmental harm.

Although the development is assessed against the relevant codes, compliance with the performance criteria (whether by the acceptable solutions or alternatives) will not necessarily ensure approval, as the application involves evaluation against all relevant provisions of the planning scheme, including the desired environmental outcomes, associated strategies and the statement of intent for the relevant land use area. In addition, other matters set down in the Act will be considered to the extent they are relevant, including State Planning Policies and any public submissions received.

### **Road Access**

The attached Drawing No. 135-001 details the turnout requirements to allow vehicles to enter the property without encroaching onto the incorrect traffic lanes. The existing access has been constructed without permission and has an incorrect sized pipe culvert.

The turnout area is to be sealed with a minimum of 30mm asphalt including the section of Luck Road to avoid scuffing of the bitumen road from turning vehicles.

The sealed area is to extend to the existing concrete slab with the access gate relocated to this point (approximately 16m south of the property boundary). This will allow a 19m vehicle (maximum legal limit) to stop completely off the road to open/close the access area.

### **Luck Road Alignment**

Along the Luck Road frontage approximately 800m from Drayton Connection Road, the property boundary has a slight change of direction. The road alignment has followed the existing fencelines and does not follow the property boundary, resulting

in part of the road being on private property. This has been confirmed by a cadastral surveyor. Dedication of part of the property (approx 800m<sup>2</sup>) as road reserve would rectify this problem.

### Conclusion

The applicant seeks approval Material Change of Use for a Water Cartage Business on Lot 25 SP105184 Parish of Cambooya situated at 308 Luck Road, Vale View. The development will occupy approximately 3,000m<sup>2</sup> of the allotment, which has a total land area of 115.5ha.

The application requires impact assessment under the *Planning Scheme* and was publicly advertised. A total of 19 submissions were received that raised valid issues such as issues such as traffic implications on local roads, planning and water implications. The applicant has provided a planning consultants report and a response to the submissions in order to address the submitters concerns.

The concerns raised in response to this application are valid issues. However, in this instance the development is considered to be on appropriate size and scale for the rural area and the matters raised can be addressed by that imposition of reasonable and relevant conditions and therefore Council can approve the application.

### **Resolution 10/0308**

Moved by Cr Williams, seconded by Cr Robertson, that a Development Permit be issued for a Material Change of Use (Water Cartage Business) described as Lot 25 SP105184 Parish of Drayton situated at 308 Luck Road, Vale View subject to the following conditions:

1. The development shall be conducted generally in accordance with the Town Planning Report dated December 2007 prepared by Compass Town Planning as modified by these conditions;
2. Any variation increasing truck movements greater than 4 per day, which was the number decided on by Department Main Roads when assessing the road intersection requirements, will require a further application.
3. The development is undertaken consistent with the *Planning Scheme* requirements as detailed in the attached schedules:
  - a. Commercial Development Schedule
  - b. On Site Services, Car Parking and Access Schedule
  - c. Rural Development Schedule
4. The development is undertaken in accordance with the Referral Agency's Conditions:
  - a. Department of Natural Resources and Water: Advice Agency - The conditions detailed in the correspondence from the Department of Natural Resources and Water, dated 25 January 2008.
  - b. Department of Main Roads: Concurrence Agency - The conditions detailed in the correspondence from the Department of Main Roads, dated 6 February 2008
5. The contributions and infrastructure charges payable will be those fees and charges applicable at the time of payment. (the contributions and infrastructure charges specified below are the rates for 2007/08 financial year).

6. Upgrade the access to the loading area off Luck Road in accordance with Drawing No. 135-001. This work includes but is not limited to culvert pipe and headwall replacement to 375mm diameter, turnout widening and asphalt overlay on the turnout and on Luck Rd adjacent to the turnout.
7. Provide a "truck turning" sign on Luck Rd approximately 100m either side of the loading area turnout.
8. A roadworks contribution of \$32,781 (1,561m @ \$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).
9. No reversing of vehicles onto Luck Rd from the development is permitted.
10. The existing fence / gate running east-west at the loading area is to be relocated further south to run along the northern edge of the existing loading slab.
11. All works required to be undertaken in connection with this development shall be designed, supervised and certified by a Registered Professional Engineer of Queensland (RPEQ) and all designs to be submitted to Council for engineering approval prior to any work commencing. Note that the final location and form of services are subject to examination of detailed engineering plans.
12. This approval extends to the Material Change of use of the site for the purposes of Water Cartage Business. Further applications will be required for:
  - a. operational works including but not limited to cut and fill operations, construction of physical access to allotments, external and internal roadworks, stormwater drainage, water supply and sewerage provision and landscape treatment;
13. Damage to the existing road pavements or drainage works, as a result of the construction works for the development, shall be repaired and reinstated immediately upon completion of works associated with the development, prior to the issue of a certificate of classification.
14. Dedication of road reserve where the existing section of Luck Rd encroaches on private property, so that the existing fence becomes the property boundary for this section.
15. The conditions of this approval are to be complied with to the satisfaction of the Chief Executive officer and prior to the use of the site commencing.
16. Unless otherwise approved in writing by the Council, the developer shall confine operating hours to:
  - o Monday to Saturday - 6.00a.m. to 6.00p.m.
  - o No work on Sundays or Public Holidays
  - o This will apply to any work creating noise or other inconvenience.

Note:

- Workplace amenities shall be provided in compliance with the Workplace Health and Safety Act and the Workplace Health and Safety Regulations.
- All contributions and charges are current for a period of twelve (12) months from the date of approval, and thereafter shall be in accordance with Council's annually revised charge.

**Commercial Development Schedule****Mixed Use**

17. The developer ensuring that the commercial purpose comprises an area of 3,000m<sup>2</sup> as detailed in the report supplied by Compass Town Planning. The Development area and the balance rural area is provided with a separate access.

**Amenity (Noise and Visual)**

18. The developer ensuring that impacts on amenity from noise, air pollution, visual intrusion or vibration are minimised, by:

- Ensuring no operations are to be undertaken on Sundays, and Public Holidays;
- Incorporating and maintaining a vegetation buffer around the area from which water extraction is being undertaken that is of sufficient width to minimise the aesthetic impact of the operations.

**Haul Routes**

19. The developer ensuring that the use of haul routes to and from the operation do not impact upon the safety and efficiency of the road network. The proposed access route to and from the site:

- Is along sealed roads of adequate width and construction standards,
- Does not require heavy traffic to use residential or rural residential streets, or
- Where on a State Controlled Road, to a standard defined by the relevant State Government authority.

**Amenity**

20. The developer must ensure that impacts on the visual amenity of nearby land are minimised.

**Waterways**

21. The developer ensuring that the environmental values of receiving waterways are protected by:

- Bunding contains sediment within the site.
- For filling, only clean, uncontaminated fill is used.
- The site is not on the contaminated land register.
- Unless required for pumps and other facilities to access water resource entitlements, no filling or excavation occurs more than 50 metres from any waterway or wetland
- Works do not change the intent of a plan approved under the *Soil Conservation Act 1986*.

**Drainage**

22. The developer ensuring that:

- Filling or excavation does not result in any adverse impact on drainage or flood flows either upstream or downstream of the site or cause ponding on the site or on nearby land.
- The works do not impact on the harvesting of runoff water controlled under the provisions of a Water Resources plan approved under the *Water Act 2000*.

**Carried**

**Resolution 11/0308**

Moved by Cr Robertson, seconded by Cr MacGinley that:

1. A letter expressing Council's disappointment on the decision not to require the applicant to provide a contribution towards an upgrade of the intersections of the Drayton Connection/Luck Roads and New England Highway/Drayton Connection Road be forwarded to the Department of Main Roads.
2. That the Department of Main Roads be requested to review the safety and visibility of both of these intersections.

**Carried**

**Resolution 12/0308**

Moved by Cr Robertson, seconded by Cr MacGinley that copies of the submissions received regarding development application MCU/07/0009 be forwarded to the Department Natural Resources and Water and the Department of Main Roads, for information purposes.

**Carried**

**Adjournment**

The meeting adjourned for morning tea at 10:45am and resumed at 11:18am with all members, the Chief Executive Officer, Director Engineering Services, Manager Development Services and Personal Assistant in attendance.

At the **conclusion** of **Items for Development Services** the Manager Development Services provided advice on MCU /08/0003 – Commercial Premises including Tavern, shops, Tourist Facility and Motel proposed for Lot 26 SP166683 new England Highway, Hodgson Vale.

The Manager Development Services advised that the Department of Main Road (Concurrence Agency) have advised that they have refused that application on several grounds and therefore Council is directed to refuse the application.

**Resolution 13/0308**

Moved by Cr Middleton, seconded by Cr Schmidt that the application MCU/08/003 Commercial Premises including Tavern, shops, Tourist Facility and Motel proposed for Lot 26 SP166683 New England Highway, Hodgson Vale be refused.

**Carried**

The Mayor thanked the Manager Development Services for his service and advice to the Council and wished him well in his endeavours with the new regional Council.

The Manager Development Services thanked the Mayor and Councillors and wished them well in their future endeavours.

**B) CORPORATE SERVICES**

**B.1 Accounts for Payment**

<b>Resolution 14/0308</b>		
Moved by Cr Middleton, seconded by Cr Mengel, that the accounts paid during the month of February 2008 totalling \$1,098,869.10 be confirmed, as detailed below:		
Operating Fund	Vouchers 18274-18298	\$ 47,227.85
	EFT Payments 7303-7476	\$ 1,051,641.25
	(the above figures include \$26,060.00 Trust Fund Monies)	
		<b>Carried</b>

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

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

**B.3 Minutes of the TRC Local Transition Committee**

The Minutes of the Toowoomba Regional Council Local Transition Committee meeting dated 18 February 2008, were tabled, as required by legislation.

*Received*

**B.4 Delegation of Power**

Due to the current processes, it has been recommended that the Council delegate to the Chief Executive Officer the power to take action or decide any outstanding matter that needs attention relating to:

- Closing down the current Council entity; and
- The process of amalgamation

**Resolution 15/0308**

Moved by Cr Williams, seconded by Cr MacGinley, that Council delegate the Chief Executive Officer the power to take action or decide any outstanding matter that needs attention relating to:

- Closing down the current Council entity; and
- The process of amalgamation

**Carried**

**B.5 Lease of Premises to Cambooya Landcare Association (CC/C2\_03)**

Cambooya Landcare Association has responded to Council's offer at its Meeting of 15 August 2007 to lease premises at 64 Eton Street, Cambooya for a three (3) year renewable term on the same conditions as previously agreed.

1. That the lease fee from 11 August 2007 to 1 February 2008 be amended to \$100 per month; and
2. That the new lease operate from 1 February 2008 at a rate to be set at that time.

**Resolution 16/0308**

Moved by Cr Williams, seconded by Cr Robertson, that the lease fee from 1 February 2008 be adopted as \$100 per month; plus CPI (nominally 3%) to apply on the anniversary dates of 1 February 2009 and 1 February 2010.

**Carried**

**B.6 Request for Assistance – Cambooya SES/Rural Fire Brigade**

The Chief Executive Officer tabled a letter received from the Cambooya SES/Rural Fire Brigade requesting Council's assistance to build an amenities block at the SES/Brigade's premises in George Street, Cambooya.

The letter also thanked the outgoing Cambooya Shire Council for their ongoing support and assistance over the years.

**Resolution 17/0308**

Moved by Cr Robertson, seconded by Cr Mengel, that Council approve the inclusion of an amenities block as an addition to the current SES building in George Street, Cambooya in the 2008/09 Budget, at a preliminary estimated cost of \$40,000-00.

**Carried****B.7 Farewell Party – Cambooya Shire Council**

The Chief Executive Officer advised that the City Golf Club had been booked for a farewell party for the Cambooya Shire Council. He suggested that Council may wish to consider meeting the cost of room hire and finger for those attending this farewell (\$15 per person for finger food – no bar/alcohol)

**Resolution 18/0308**

Moved by Cr Robertson, seconded by Cr Williams that Council meet the cost of room hire and finger food for those who elect to attend the farewell party of the Cambooya Shire Council at the City Golf Club on Friday 14 March, 2008 (excluding bar/alcohol).

**Carried**

For **Resolution 19/0308** refer to Agenda Item – Development Services Item A.6 RAL/08/04

**C) ENGINEERING SERVICES REPORT****C.1 Request for Renaming of Road – Harrow Road, Felton**

At the February meeting, Council agreed to give the following matter further consideration after reviewing the “Historic Road Name List”, which is attached.

**“LA/ES.1 Request for Renaming of Road – Harrow Road, Felton (WR1\_02)**

*A request has been received to rename this unformed road to Goalpara Road. The letter of request and maps for reference are attached.*

*It was **agreed** that this matter be deferred until the March Meeting pending review of the “Historic Road Name List” and investigation by Director Engineering Services.”*

**Resolution 20/0308**

Moved by Cr Mengel, seconded by Cr MacGinley that this road be re-named Elliot Road in recognition of Arthur Hodgson’s partner and Drummer Camp at Felton.

**Carried**

**Closed Meeting**

The meeting closed at 11:50am.

**Resolution 21/0308**

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

**Carried**

**Re-opening of Meeting**

The meeting re-opened at 12 noon.

**Resolution 22/0308**

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

**Carried**

During the closed session of Council discussion took place on an application to exchange land – Lagoon Creek.

**Resolution 23/0308**

Moved by Cr Williams, seconded by Cr Schmidt that Department Natural Resources and Water be advised that based on the significance of the reserve to the Bi-Centennial National Horse Trail and the lack of serviceability of the land that Council is not in favour of exchanging part of a freehold lot for a reserve on Lagoon Creek. Further that Council suggest that access to the allotment by a road reserve be established along the southern boundary.

**Carried**

**4. GENERAL BUSINESS**

Cr Middleton raised the issue of the name of the gully across the New England Highway near the model aeroplane club grounds.

**Resolution 24/0308**

Moved by Cr Middleton, seconded Cr Mengel, that a letter be sent to the Department of Main Roads requesting that this gully be named "Middleton's Gully".

**Carried**

**Cr Middleton**

Wished Councillors Taylor and Williams luck in the upcoming election. Wished the outgoing Chief Executive Officer and Director Engineering Services the best of luck in their new roles with the new Regional Council.

**Cr Mengel**

Made mention of the outstanding long service of Cr MacGinley

**Cr MacGinley**

Congratulated and thanked his fellow Councillors and wished Cr's Taylor and Williams luck in the forthcoming elections.

Expressed his pride in all the office staff, particularly Tony McDonald and Natalie Kuhn on their long and dedicated service.

Wished all the staff and Councillors the best in their future endeavours.

**Cr Robertson**

Congratulated and thanked all the staff and Councillors.

**Cr Mengel**

Thank his fellow Councillors and staff.

**Cr Schmidt**

Thanked his fellow Councillors and staff for their help and assistance during his time on Council. He wished Cr's Taylor and Williams good luck in the upcoming elections.

**Cr Williams**

Thanks his fellow Councillors and staff for their help and assistance during his time on Council. He expressed his disappointment that local government was no longer local but regional.

**Mayor**

Spoke of her absolute honour and delight working with the staff and Councillors during her time on Council. The Mayor wished everyone good luck and farewelled the Shire.

**Adjournment**

The meeting adjourned at 12:30pm and resumed at 12.45 pm with all members, the Chief Executive Officer, Deputy Chief Executive Officer and Personal Assistant in attendance.

**5. CONFIRMATION OF MINUTES**

Council is requested to confirm the Minutes of the final Ordinary Meeting of Cambooya Shire Council held on 12 March 2008.

**Resolution 25/0308**

Moved by Cr Middleton, seconded by Cr Schmidt, that the Minutes of the final Ordinary Meeting of Cambooya Shire Council held on 12 March 2008 2008, which have been circulated to Councillors, be confirmed.

**Carried**

**6. CLOSURE**

There being no further business, the Mayor declared the final meeting of the Cambooya Shire Council closed, at 1.00 pm.

Council at the Ordinary Meeting held on 12 March 2008 confirmed these Minutes.

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