



Rosalie Shire Council

MINUTES

GENERAL MEETING OF COUNCIL

TUESDAY, 10 AUGUST 2004

in the Council Chambers
89 Mocatta Street
Goombungee

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Rosalie Shire Council

MINUTES OF GENERAL MEETING OF COUNCIL TUESDAY, 10 AUGUST 2004

PRESENT

Cr N.L. Strohfeld (Mayor), Councillors C.J. Ambrose, L.N. Dean, A.L. Gersekowski, J.C. Harth, C.E. Hartley (until 3.18 p.m.), N.P. Hartwig, and B.J. Mann (until 1.00 p.m.), Mr C.N. Weber (Chief Executive Officer), Mr M.R. Taylor (Manager – Engineering Services) and Mrs M.Y. Ferris (Executive Assistant).

OFFICERS PRESENT

Also present during the meeting were Mr R.K. Engler (Manager-Corporate Services), Mr D. O'Shea (Manager - Community Services) and Ms J. McNeil (Planning Officer).

OPENING

The Mayor opened the meeting at 9.05 a.m. extended a welcome to Father Chris Wilson, of the Anglican Church at Oakey, and invited him to say the Opening Prayer.

CONDOLENCES

Mr Archie Beutel

LEAVE OF ABSENCE

MOVED Cr Mann, seconded Cr Ambrose, that Cr W. Hoey be granted leave of absence from the meeting as he is away from the Shire.

CARRIED

CONFIRMATION OF MINUTES

MOVED Cr Ambrose, seconded Cr Mann, that the Minutes of General Meeting held 27 July 2004 be confirmed.

CARRIED

NOTICE OF MOTION

MOVED Cr Dean, seconded Cr Ambrose, that the following motion carried at the Post Election meeting on 20 April 2004 be rescinded:

“MOVED Cr Hartley, seconded Cr Hartwig, that each Councillor be allocated to two towns or areas for a period of six months before new areas are allocated. During this time, the Councillor is to attend regular meetings of a relevant community group(s) in the areas allocated. Councillors wishing to claim for such meeting attendance will be recompensed in accordance with the Councillors’ remuneration package.”

CARRIED

It was further MOVED by Cr Dean, seconded Cr Hartley, that the matter be further considered once responses are received from the various Progress Associations and Hall Committees in the Shire (refer to Minute 6.6, 13.07.04).

CARRIED

1. OFFICE OF CHIEF EXECUTIVE OFFICER

- 1.1 From: Australian Local Government Association
Subject: 2004 National General Assembly
File Ref: A30-1
Author: Chief Executive Officer**

Synopsis:

The 2004 National General Assembly of Local Government will be held in Canberra from 7 - 10 November 2004.

Officer’s Report:

In recent years council has been represented at the National General Assembly of Local Government by the Mayor and Chief Executive Officer or a Councillor, and there are many relevant items for discussion and debate again this year. Registration fees are \$725 per person.

MOVED Cr Hartley, seconded Cr Dean, that the Mayor and Chief Executive Officer or a Councillor attend the ALGA 2004 National General Assembly of Local Government on 7-10 November 2004.

CARRIED

- 1.2 From: Hon Tom Barton MP, Minister for Employment, Training and Industrial Relations
Subject: 2005 Show Holiday
File Ref: A39
Author: Chief Executive Officer**

Synopsis:

The Minister has invited Council to make application for a holiday in the Shire in 2005.

Officer's Report:

For Councillors' information, last year, at the request of Council, I wrote to Jondaryan Shire Council asking them to advise the day, or days, they apply for as their show holiday each year and whether this was likely to change. Their response was that, having trialed a number of alternative dates, they had determined that the most appropriate and acceptable day to the one which coincides with the Toowoomba Show holiday.

MOVED Cr Harth, seconded Cr Hartwig, that Council apply for the appointment of the following show holidays for the Rosalie Shire in 2005:

- (1) Thursday, 14 April 2005 — a holiday for the Rosalie Shire, excluding Yarraman, Upper Yarraman and Cooyar, for the purposes of the Toowoomba Royal Show; and**
- (2) Monday, 15 August 2005 — a holiday for the Rosalie Shire within the boundaries of Yarraman, Upper Yarraman and Cooyar for the purposes of the Brisbane Royal National Show.**

CARRIED

- 1.3** From: **Rio Tinto Coal Australia Pty Limited**
Subject: Request for Consent to Additional Surface Area - Meandu Mining Lease
File Ref: A50-1
Author: Chief Executive Officer

Synopsis:

Rio Tinto is seeking Council's consent, as owner of the road reserves and in accordance with section 238(1) of the *Mineral Resources Act*, to the grant of Additional Surface Area in Meandu Mine Lease ML6674 over the surface of part of the Ridge Road and un-named roads shown in the attached map. The grant of additional surface area is necessary to the ongoing operation of the Meandu mine at Tarong.

Officer's Report:

The area in question has been designed as a Mining Lease for some considerable time. It is considered unlikely that there will be any adverse effects of the expansion of the area aside from changing the location of some roads (which will be rebuilt anyhow).

MOVED Cr Harth, seconded Cr Gersekowski, that Rio Tinto Coal Australia Pty Limited be advised Council has no objection to the granting of Mining Leases over the proposed Additional Surface Area within ML6674 and the relevant road reserves.

CARRIED

- 1.4 From: **Brisbane Valley Heritage Trails Committee**
 Subject: Request for Donation
 File Ref: A59
 Author: Chief Executive Officer

Synopsis:

The Committee has asked Council to give consideration to supporting the establishment of this committee with a donation of \$250-\$300. They would welcome having a representative from Council on the Committee and also invite Council's input as they develop their strategic plan addressing the heritage needs of all the shires within the Brisbane Valley. The Committee has developed a Heritage Events Calendar which includes events, heritage listed buildings, museums, markets, shows, race days, campdrafts and centenaries, in the Esk, Rosalie and Nanango Shires. The calendar was launched on 24 July 2004.

Officer's Report:

This Committee has the potential to have a big influence on the numbers of visitors to the area looking to investigate and learn about its culture, history and heritage. It has had significant support from Nanango and Esk Shires in recent years and Council would be aiding its work by a small donation and by providing input.

MOVED Cr Harth seconded Cr Hartwig, that Council donate \$250 to the Brisbane Valley Heritage Trails Committee to assist with their incorporation costs and that Cr Mann be nominated to attend committee meetings.

CARRIED

- 1.5 Subject: **Procedure for Council Appointed Committees**
 File Ref: F15-3
 Author: Chief Executive Officer and Community Development Officer

Report:

A separate comprehensive report on this matter was considered by Council.

MOVED Cr Dean, seconded Cr Hartley, that:

- (1) the following committees be established in accordance with Section 451 of the Local Government Act 1993, with the members of those committees being appointed as attached (See Appendix 1):**

- (a) Bunya Pines Aged Accommodation Units Committee**
- (b) Kingsthorpe Child Care/Medical Centre Advisory Committee**
- (c) Goombungee Library/Cultural Centre Advisory Committee**
- (d) Kingsthorpe Recreation Reserve Management Committee**
- (e) Rosalie Shire Regional Arts Development Fund Committee**
- (f) Yarraman Cemetery Management Committee**
- (g) Goombungee Sport & Recreation Complex Management Committee**

- (2) **the Community Development Officer develop a Procedure Manual to assist these groups with their operations and reporting requirements;**
- (3) **Council undertake a cost benefit analysis on behalf of the balance of the groups to ascertain if there is potential for long-term benefit to accrue to Council in supporting them to a certain annual financial limit if their long-term plans are either to become financially self-supporting and/or provide for them to attract significant outside financial assistance;**
- (4) **correspondence be forwarded to the remainder of the listed organisations requesting their advice and comment on the proposed procedures and whether they are prepared to submit to them, especially in respect to the financial requirements; and**
- (5) **advertisements be placed inviting people to be involved with the operation and management of the Meringandan Cemetery Management Committee.**

CARRIED

1.6 Subject: **Goombungee Library/Cultural Centre**
File Ref: L8
Author: Chief Executive Officer

Report:

Discussions and negotiations on the tendered price for this project have been ongoing since the last meeting. The current situation is that with the changes to the original specification the price excluding GST has been reduced to \$828,236.37 as against the tendered amount of \$933,483.62. The budgeted figure, which is net of GST, is \$620,000 so the difference is still substantial (\$208,236.37).

To date discussions have only been conducted between the tenderer, Boss Constructions and the architect, but it is felt there is some more room for movement. While I feel this project must move ahead there is no doubt the difference needs to be reduced. The options for Council are to delay another project or to borrow the balance amount, remembering that State Government subsidy should make up at least part of the difference. In this respect a loan of \$150,000 would create an annual interest and repayment commitment of approximately \$12,400 and in terms of the current financial year an additional loan repayment of around \$8,300. This amount would be able to be reallocated from the repayment amounts of other proposed borrowings by simply delaying their particular project commencement, which is easily arranged and probably quite likely given the time commitment to starting this facility.

There are still further discussions and investigations to complete but it is expected these should be finalised by the end of this week. If the Library/Cultural Centre is to become a reality and to ensure Council does not forgo the allocated State grants and subsidies, decision will need to be made in the short term.

MOVED Cr Harth, seconded Cr Hartley, that the Chief Executive Officer be authorised to continue negotiations with the lowest tenderer in an attempt to reduce the price of the Goombungee Library/Cultural Centre to no more than \$800,000 and Council hereby resolve to borrow the difference between the budgeted amount and the final contract price to a maximum of \$150,000.

CARRIED

The meeting then considered Section 3 - Community Services (11.25 a.m.).

2. CORPORATE SERVICES

- 2.1** Subject: **Financial Reports to 31 July 2004**
File Ref: F10-1
Author: Manager - Corporate Services

Report:

The financial reports for the period to 31 July 2004 are presented for Council's consideration. This is the first month of the new financial year and no aspects of the statements need specific mention.

Operating Statement: *Major revenue items were in Fees and Charges, where animal control fees amounted to \$42,000, Building fees \$16,000 and Planning fees \$3,500, and bank interest received \$22,000. Operating expenses for July amounted to \$500,000.*

Statement of Financial Position: *Reflecting the operating statement, current assets reduced by \$620,000 and community equity by \$380,000.*

Statement of Cash Flows: *Details of cash movement shows here with payment to Council for accounts previously issued amounting to \$690,000 on the inflow side and payments amounting to \$650,000 on the outflow side.*

MOVED Cr Hartwig, seconded Cr Harth, that the Financial Statements for the period to 31 July 2004 be adopted.

CARRIED

- 2.2** Subject: **Schedule of Payment Vouchers**
File Ref: F1
Author: Manager - Corporate Services

Report:

The schedule of payment vouchers for the month of July 2004 is presented for ratification. Payments for the month totalled \$819,736.47, with major outlays being for Payroll \$216,000, tax payment \$99,000, bitumen surfacing services \$106,000, contract payments \$74,000, fuels & oils \$47,000, water supply pipes, etc \$40,000 and roadworks services \$60,000.

MOVED Cr Ambrose, seconded Cr Gersekowski, that the Schedule of Payment Vouchers for the month of July 2004 totalling \$819,736.47 be ratified by Council.

CARRIED

- 2.3 Subject: Business Mailing System**
 File Ref: A46-2
 Author: Manager-Corporate Services

Report:

For mailing services, Council staff are still using a franking machine system purchased in 1982 (\$940) which is becoming increasingly problematical and now needs replacement parts, mainly inking rollers, which are not procurable. The rollers are disintegrating and the machine will soon be unserviceable. Investigations have revealed that Pitney Bowes appear to be the only company producing mailing equipment for business purposes and quotations have been sourced for two machines of varying capacity.

The new breed to mailing system provides Council with a number of financial and efficiency advantages. Attached are copies of information relevant to the proposed mailing systems, details the advantages to Council of the system and also comparing the two options. Purchase price for the DP400 is \$6,813.00 and for the DM500 is \$8,936, both prices not including GST. Rental options have also been provided for both machines, which include service and maintenance costs.

MOVED Cr Harth, seconded Cr Ambrose, that Council purchase a Pitney Bowes DM500 digital postage system for \$8,936.00 excluding GST.

CARRIED

3. COMMUNITY SERVICES

- 3.1 From: Boruby Pty Ltd**
 Subject: Stages 3 & 4 of Reconfiguration
 File Ref: P12-1-0307
 Author: Planning Officer

Synopsis:

Council approved the subdivision at Meringandan-Shirley Road on 16 December 2003. The subdivision consisted of 73 residential allotments to be constructed in the following stages:

Stage 1	Lots 25-31, 40-53, 69, 81-86	= 28 lots
Stage 2	Lots 54-68, 95 and 96	= 17 lots
Stage 3	Lots 70-75, 87-89	= 9 lots
Stage 4	Lots 32-39, 76-80, 90-94	= 19 lots

Mr Hazzard has requested Council to allow Stage 3 and Stage 4 to be swapped.

Report:

The supporting reasons for the swapping of Stages 3 and 4 are as follows:

- (a) Ergon Energy would require a transformer be constructed in Stage 2 instead of Stage 3 if the ring road is not completed before the cul de sac; and
- (b) The make up material source at the cul-de-sac would be best left until last.

Condition 9.2 of the approval was that the stages were to be constructed as follows:

Stage 1	Lots 25-31, 40-53, 69, 81-86	= 28 lots
Stage 2	Lots 54-68, 95 and 96	= 17 lots
Stage 3	Lots 70-75, 87-89	= 9 lots
Stage 4	Lots 32-39, 76-80, 90-94	= 19 lots

This is the only condition that would be affected by the swap of Stage 3 and 4. I consider that the request will not create any problems or issues.

MOVED Cr Ambrose, seconded Cr Hartwig, that Council approve the request by Mr Jim Hazzard on behalf of Boruby Pty Ltd to swap the development of Stages 3 and 4 of the subdivision of Lot 25 RP196603 in Meringandan-Shirley Road, Meringandan West. An Amended Decision Notice will be issued with the following condition replacing condition 2.9 of the existing Decision Notice:

Staging

Stages of construction to be as follows:

Stage 1	Lots 25-31, 40-53, 69, 81-86	= 28 lots
Stage 2	Lots 54-68, 95 and 96	= 17 lots
Stage 3	Lots 32-39, 76-80, 90-94	= 19 lots
Stage 4	Lots 70-75, 87-89	= 9 lots

CARRIED

- 3.2 From: **Mrs G. Simon**
 Subject: Preferred Street Names for Subdivision
 File Ref: P12-1-0402
 Author: Planning Officer

Synopsis:

Council at its meeting on 27 April 2004 decided on the names of the extension of Simon Estate (locality plan attached). One street was omitted and the list is resubmitted for Council's consideration. The following preferred street names have been submitted to Council for approval:

- (a) Acacia Street
- (b) Eucalypt Street
- (c) Fig Tree Street
- (d) Maculata Street

MOVED Cr Dean, seconded Cr Hartley, that Council name the street off Rebwonga Street in the Simon subdivision on Tilgonda-Kingsthorpe Road as "Acacia Street" and that Mrs G Simon be advised accordingly.

CARRIED

3.3 From: **Mr G. & Mrs N. Legg**
Subject: Reconfiguration Application
File Ref: P12-1-0404
Author: Planning Officer

Synopsis:

An application has been received from Mr G. & Mrs N. Legg for the reconfiguration of Lots 78 and 81 on AG99, 1724 Kingsthorpe-Haden Road, Goombungee, into 5 allotments ranging in size from 40.37 hectares to 43.36 hectares. The land is zoned Rural.

Report:

Please refer to attached report and recommendation.

MOVED Cr Hartley, seconded Cr Dean, that the application by G. & N. Legg for the reconfiguration of Lots 78 and 81 on AG99 at 1724 Kingsthorpe-Haden Road, Goombungee into five allotments be refused on the following grounds:

- (1) The Applicant did not provide sufficient information on the agricultural viability of the proposed allotments. Council will not approve a rural subdivision if the proposed allotments are not agriculturally viable and independently sustainable; and
- (2) The Applicant did not provide any information to Council on the availability of water to each proposed allotment, and that the Department of Natural Resources, Mines and Energy would issue or transfer licences for groundwater bores. Council will not approve a rural subdivision if water is not available to each proposed allotment.

THE MOTION WAS LOST

MOVED Cr Gersekowski, seconded Cr Harth, that the application by G. & N. Legg for the reconfiguration of Lots 78 and 81 on AG99 at 1724 Kingsthorpe-Haden Road, Goombungee into five allotments be approved subject to the following conditions:

- (a) **submission of a Pest Management Plan over the subject land;**
- (b) **eradication of all Declared Noxious Weeds on the subject land;**
- (c) **provision of all weather gravelled access to Lots 82 and 83 and crossovers to each allotment;**
- (d) **submission of a formal survey plan for sealing by council within two (2) years of the date of the Decision Notice; and**

- (e) prior to sealing of plans the applicant submit a Farm Management Plan for Lots 80 to 84 to include procedures and time frames for implementation of erosion control and other soil conservation and management; and
- (f) provide evidence of ability to provide a suitable water supply to each proposed allotment either by way of ground water or catchment water for stock and/or irrigation prior to sealing of plans; and
- (g) provision of reticulated electricity supply to each allotment prior to sealing of plans

CARRIED

3.4 From: **Kimmorley and Associates Pty Ltd on behalf on C. & J. Otto**
Subject: Reconfiguration Application
File Ref: P12-1-0409
Author: Planning Officer

Synopsis:

An application has been received from Kimmorley and Associates Pty Ltd for the reconfiguration of Lot 5 on RP183560, 220 Hobbs Road, Upper Yarraman, into two allotments of 56.83 hectares and 68.95 hectares. The land is zoned Rural.

Report:

Please refer to attached report and recommendation.

MOVED Cr Ambrose, seconded Cr Hartwig, that the application by Kimmorley and Associates Pty Ltd on behalf of C. & J. Otto for the reconfiguration of Lot 5 on RP183500, 220 Hobbs Road, Upper Yarraman, into two allotments be approved subject to the following conditions:

- (a) submission of a Pest Management Plan over the subject land;
- (b) eradication of all Declared Noxious Weeds on the subject land;
- (c) submission of a formal survey plan for sealing by Council within two (2) years of the date of the Decision Notice; and
- (d) prior to sealing of plans the applicant submit a Farm Management Plan for Lots 6 and 7 to include procedures and time frames for implementation of the following:
 - (i) erosion control and other soil conservation and management;
 - (ii) tree planting program for erosion and salinity control; and
 - (iii) water management.

CARRIED

Declaration of Interest

Under Section 244 of the *Local Government Act 1993*, Cr Ambrose declared a Material Personal Interest in Item 3.5 and left the Council Chamber at 12.35 a.m.

- 3.5** From: **Mr C. & Mrs S. Norgaard**
Subject: Reconfiguration Application
File Ref: P12-1-0414
Author: Planning Officer

Synopsis:

An application has been received from Mr C. & Mrs S. Norgaard, for the reconfiguration of Lot 3 on AG3408, 186 Norgaards Road, Silverleigh into three allotments of 40.84 hectares each fronting Kingsthorpe-Haden Road. The land is zoned Rural.

Report:

Please refer to attached report and recommendation.

MOVED Cr Gersekowski, seconded Cr Harth, that the application by C. & S. Norgaard for the reconfiguration of Lot 3 on AG3408, 186 Norgaards Road, Silverleigh, into three allotments be approved subject to the following conditions:

- (a) submission of a Pest Management Plan over the subject land;**
- (b) eradication of all Declared Noxious Weeds on the subject land;**
- (c) submission of a formal survey plan for sealing by Council within two (2) years of the date of the Decision Notice; and**
- (d) prior to sealing of plans the applicant submit a Farm Management Plan for Lots 2 to 4 to include procedures and time frames for implementation of erosion control and other soil conservation and management;**
- (e) provide evidence of ability to provide a suitable water supply to each proposed allotment either by way of ground water or catchment water for stock and/or irrigation prior to sealing of plans;**
- (f) provision of reticulated electricity supply to each allotment prior to sealing of plans; and**
- (g) provision of all weather gravelled access and crossovers to each allotment prior to sealing of plans.**

CARRIED

Cr Hartley requested that her vote against the motion be recorded in the Minutes.

Cr Ambrose returned to the Council Chamber at 12.50 p.m.

- 3.6** Subject: **Council's Policy for Removal Buildings**
 File Ref: E2-10
 Author: Manger-Community Services

Synopsis:

Council has had as a Policy Statement with a requirement that asbestos product for roofing sheeting is to be removed from relocatable buildings prior to relocation to the Shire. Due to the requirements of the *Workplace Health and Safety Act* and the nature of removal buildings being brought into the Shire, asbestos material and product must be removed by licensed contractors or authorised persons prior to the house being relocated. This is due to the potential damage and the affects external cladding containing asbestos can have on not only the workers but also adjoining property occupiers.

MOVED Cr Hartley, seconded Cr Dean, that Council amend its policy on the Relocation of Dwellings to include a condition that all asbestos products and any asbestos material on roof or external cladding must be removed prior to relocation of the building to the Shire.

CARRIED

Cr Mann retired from the meeting at 1.00 p.m. ill.

The meeting adjourned for lunch at 1.00 p.m. and reconvened at 1.50 p.m.

- 3.7** From: **Mr D. & Mrs K. Lush**
 Subject: Siting Application
 File Ref: E2-21 (EP01250-19140)
 Author: Manager-Community Services

Synopsis:

An application has been received from Mr D. & Mrs K. Lush requesting the relaxation of siting requirement of not less than 7.4 metres at 1 Phalaris Court, Meringandan West, being Lot 42 on RP207369. The land is zoned Rural Residential, which under Council's transitional Planning Scheme, section 5.2.3, requires a minimum setback of 15 metres.

Report:

As this file had been misplaced and not submitted to a previous meeting, and the delay in time for issuing a development approval, I have assessed and issued an approval for the relaxation application. In assessing this application under Section 48 of the Building Regulations and Section 5.2.3.2 of Council's transitional Planning Scheme, I considered the following:

- (a) the levels, depth, shape or conditions of the allotment and adjoining allotments;*
- (b) the nature of any proposed building or structure on the allotment;*
- (c) the nature of any existing or proposed buildings or structures on adjoining allotments;*

- (d) whether the allotment is a corner allotment;
- (e) whether the allotment has 2 road frontages;
- (f) any other matter it considers relevant.

Council may grant a variation to the setback if it is satisfied that a building or structure, built on the allotment in the way proposed, would not unduly—

- (a) obstruct the natural light or ventilation of an adjoining allotment; or
- (b) interfere with the privacy of an adjoining allotment; or
- (c) restrict the areas of the allotment suitable for landscaping; or
- (d) obstruct the outlook from adjoining allotments; or
- (e) overcrowd the allotment; or
- (f) restrict off-street parking for the allotment; or
- (g) obstruct access for normal building maintenance

MOVED Cr Hartley, seconded Cr Hartwig, that Council endorse the actions of the Manager-Community Services in approving the application by Mr D. & Mrs K. Lush for a reduced setback of not less than 7.4 metres from the Kikuyu Court boundary to the outermost projection of the dwelling, as it is satisfied that, when built on the allotment in the way proposed, it would not unduly:

- (a) obstruct the natural light or ventilation of an adjoining allotment; or
- (b) interfere with the privacy of an adjoining allotment; or
- (c) restrict the areas of the allotment suitable for landscaping; or
- (d) obstruct the outlook from adjoining allotments; or
- (e) overcrowd the allotment; or
- (f) restrict off-street parking for the allotment; or
- (g) obstruct access for normal building maintenance; and
- (h) because of the levels of the allotment.

CARRIED

3.8 From: **Mr D. & Mrs N. Bowers**
 Subject: Siting Application
 File Ref: E2-21 (EP01250-67000)
 Author: Manager-Community Services

Synopsis:

An application has been received from Mr D. & Mrs N. Bowers, requesting the relaxation of siting requirement of not less than 10 metres at 18 Skyview Street, Meringandan West, being Lot 90 on RP207368. The land is zoned Rural Residential, which under Council's transitional Planning Scheme, section 5.2.3, requires a minimum setback of 15 metres.

Report:

In assessing this application under Section 48 of the Building Regulations and Section 5.2.3.2 of Council's transitional Planning Scheme, the Council must consider the following:

- (a) *the levels, depth, shape or conditions of the allotment and adjoining allotments;*
- (b) *the nature of any proposed building or structure on the allotment;*
- (c) *the nature of any existing or proposed buildings or structures on adjoining allotments;*
- (d) *whether the allotment is a corner allotment;*
- (e) *whether the allotment has 2 road frontages;*
- (f) *any other matter it considers relevant.*

Council may grant a variation to the setback if it is satisfied that a building or structure, built on the allotment in the way proposed, would not unduly—

- (a) *obstruct the natural light or ventilation of an adjoining allotment; or*
- (b) *interfere with the privacy of an adjoining allotment; or*
- (c) *restrict the areas of the allotment suitable for landscaping; or*
- (d) *obstruct the outlook from adjoining allotments; or*
- (e) *overcrowd the allotment; or*
- (f) *restrict off-street parking for the allotment; or*
- (g) *obstruct access for normal building maintenance*

I support the application for reduced setback to ten metres as it complies with the aforementioned.

MOVED Cr Hartley seconded Cr Hartwig, that Council approve the application by Mr D. & Mrs N. Bowers for a reduced setback of not less than 10 metres from the Skyview Street boundary to the outermost projection of the dwelling, as it is satisfied that, when built on the allotment in the way proposed, it would not unduly:

- (a) obstruct the natural light or ventilation of an adjoining allotment; or**
- (b) interfere with the privacy of an adjoining allotment; or**
- (c) restrict the areas of the allotment suitable for landscaping; or**
- (d) obstruct the outlook from adjoining allotments; or**
- (e) overcrowd the allotment; or**
- (f) restrict off-street parking for the allotment; or**
- (g) obstruct access for normal building maintenance; and**
- (h) because of the levels of the allotment.**

CARRIED

3.9 From: **Mr Jeremy Hill**
 Subject: Request for Review of Refusal for Third Dog Application
 File Ref: E1-5-9 (EP02798-20000)
 Author: Manager-Community Services

Synopsis:

Mr W. & Mrs E. Hill lodged an application to keep a third dog on 15 July 2004, which was refused as it did not satisfy the compassionate grounds requirement of Council's Local Law Policy No. 6, Section 10. The owner of dog, and son of Mr W. & Mrs E. Hill, would like Council to review the application.

Report:

In assessment of “compassionate” grounds, we consider the following matters:

- *length of time known or had dog;*
- *medical condition of family member;*
- *age of dog;*
- *deceased estate;*
- *blended families;*
- *length of time to keep extra dog;*
- *other options available to keep or house dog;*
- *relocated without making enquiry on local laws;*
- *history of failure to comply with local laws.*

Mr and Mrs Hill were in the gallery during the consideration of this item and spoke in defence of their son’s request.

MOVED Cr Ambrose, seconded Cr Mann, that Mr Jeremy Hill, son of W. & E. Hill, be granted permission to keep a third dog at 18 Mansel Drive, Gowrie Junction for a period of six months, after which time a review will be undertaken by the Manager-Community Services for a further extension. This approval is for the three dogs nominated in the application only. In addition, should Council receive any complaints regarding the dogs kept at these premises, the matter will be reviewed by Council and the approval may be revoked.

CARRIED

3.10 Authorisation to Manager-Community Services to Approve Siting Applications

MOVED Cr Hartley, seconded Cr Hartwig, that the Manager-Community Services be authorised to approve applications for a relaxation of siting requirements where he believes the request is not likely to be in extreme conflict with the amenity of an area and may set a precedent.

CARRIED

PRESENTATION

At 2.00 p.m. Ms Kit Philp, Local Government Liaison Officer of the SEQ Western Catchments Group, and Mr David Myers, Natural Resource Management Project Officer from the LGAQ, made a presentation to brief Council on the draft Integrated Natural Resources Management Plan for the Western Catchments Region and what it means for local government and the community. To ensure that the draft Regional NRM Plan accurately reflects the aspirations and needs of the community in the region, the SEQ Western Catchments Group is seeking input from the community on the issues and actions outlined. Open days will be held at Esk, Woodford, Ipswich and Laidley during August and September, and further information may also be obtained from < www.healthylandourfuture.com.au >.

Cr Strohfeld thanked both Kit and David for their presentation, which concluded at 2.40 p.m.

MOVED Cr Dean, seconded Cr Hartley, that Council move to a Closed Meeting to discuss staff matters.(2.50 p.m.).

CARRIED

MOVED Cr Hartwig, seconded Cr Harth, that Council resume normal business. (3.16 p.m.)

CARRIED

ENTERPRISE BARGAINING NEGOTIATIONS

MOVED Cr Hartley, seconded Cr Dean, that the following offer be put to the Federal Award (Office and Library) staff:

Retain current EBA provisions and add the following:

- (a) Provision to combine current RDO and TOIL accounts into one account;
- (b) Increase uniform allowance to \$460 when employee commences and \$180 per year thereafter for maintaining uniform, with both amounts to be increased annually in line with the CPI. New Librarians to start with an allowance of \$120 and an annual maintenance of \$80, with both these amounts being increased annually in line with the CPI.
- (c) 3 year agreement
- (d) Maternity leave of two weeks at full pay or one month at half pay and a requirement for at least two weeks to be accumulated prior to confinement through the RDO/TOIL provisions, to be available from the scheduled date of confinement, with at least two months' notice being given to Council of the employee's intention to take paid leave. Also, the employee must return to work for at least 30 days after the leave period or repay the amount paid.
- (e) Salary increases:

(a) after 12 August 2004	8.5%	above the Award
(b) after 12 months	9.0%	"
(c) after further 12 months	9.5%	"
- (f) Minimum of one month's notice of resignation to be given by all staff.
- (g) Up to two days per year to be made available by staff for training purposes, outside normal hours, which will be paid at ordinary rates.

CARRIED

Cr Hartley retired from the meeting at 3.18 p.m.

4. **ENGINEERING SERVICES**

- 4.1 From: **Department of Natural Resources, Mines & Energy**
Subject: Application for Permit to Occupy – G.R. & C.M. Handford
File Ref: R16
Author: Manager – Engineering Services

Synopsis:

The Department has responded to Council's recommendation that G.R. & C.M. Handford's application for a Permit to Occupy over an area of road adjacent to Kulpi be rejected, suggesting that, as the Box and Brigalow Scrub only covers part of the area, this area could be excluded from the application area and asking if Council would then clear the scrub of all declared and undeclared pest plants.

MOVED Cr Hartwig, seconded Cr Harth, that the Department of Natural Resources, Mines and Energy be advised Council upholds its previous recommendation because of the stand of virgin Brigalow scrub located on the application area.

THE MOTION WAS LOST

MOVED Cr Ambrose, seconded Cr Dean, that the Department of Natural Resources, Mines and Energy be advised Council has reconsidered the application by G.R. & C.M. Handford for a Permit to Occupy over part of the road adjoining Lot 2 on Plan AG2453 on the Oakey-Cooyar Road at Kulpi, and would now be in favour of them leasing the cleared part of the application area provided the Brigalow scrub, together with a suitable buffer zone, is fenced from the remainder of the area with a stock proof fence and not an electric fence.

CARRIED

The meeting then considered Section 2 - Corporate Services (3.40 p.m.).

- 4.2 From: **Department of Natural Resources, Mines & Energy**
Subject: Application for Permit to Occupy – R. Hartley
File Ref: R16
Author: Manager – Engineering Services

Synopsis:

The Department has requested Council's views and requirements in respect of an application by R. Hartley for a Permit to Occupy land adjoining Lot 30 on RP 21728, in Willis Road, Meringandan West.

MOVED Cr Hartwig, seconded Cr Gersekowski, that the Department of Natural Resources, Mines & Energy be advised Council would have no objection to the issuing of a Permit to Occupy land adjoining Lot 30 on RP 21728 to R. Hartley.

CARRIED

- 4.3 Subject: **Works Program – LG/DMR Alliance**
 File Ref: T2-1
 Author: Manager Engineering Services

Report

Prior to the adoption of the current budget, I was required as part of the LG/DMR Alliance arrangements to nominate projects to receive funding from the additional \$5m TIDS allocation from the State Government. This was required to be completed by 31 July and was done on fairly short notice.

I managed to negotiate contributions to three projects, as follows:-

<u>2004/05</u>	<i>Meringandan-Shirley Road</i>	<i>\$113,750</i>
	<i>Jondaryan-Nungil Road</i>	<i>\$110,775</i>
<u>2005/06</u>	<i>Kingsthorpe-Haden Road</i>	<i>\$ 70,000</i>

A list of the allocated funds across the RRG is appended. However, during the Council budget process, the Meringandan-Shirley Road project was dropped. This was discussed at the Technical Committee Meeting on Monday 2 August and it transpired that if that project was dropped, the overall contribution for Rosalie would be less over the two financial years.

In order to secure the above subsidies, Council would need to resolve to include the Meringandan-Shirley Road project in the 2004/05 budget. This decision, of course, would involve foregoing or deferring other expenditure. However, as none of this extra State Government funding was anticipated in the budget there is only a nett shortfall of \$100,475. To meet this shortfall I would like to propose that the budgeted rehabilitation works on the Dalby-Nungil Road (\$100,000) be deferred until the following financial year. This will ensure that Rosalie Shire gains a reasonable share of the extra funds available.

MOVED Cr Hartwig, seconded Cr Gersekowski:

- (1) **that Council endorse the actions of executive staff in negotiating the Regional Road Group works program;**
- (2) **that the 2004/05 Budget be modified as follows:**
 - **Deferral of Dalby-Nungil Road rehabilitation (\$100,000) to 2005/06**
 - **Inclusion of Meringandan-Shirley Road drainage upgrade (\$325,000)**
 - **Inclusion of RRG subsidies (\$224,525)**

CARRIED

- 4.4 Subject: **Tenders – Supply of Two Sedans**
 File Ref: T10-7-488
 Author: Manager Engineering Services

Officer's Report:

Tenders for supply of two sedans closed on Friday 6 August 2004 and a summary of tenders received was presented to Council on meeting day.

MOVED Cr Ambrose, seconded Cr Dean:

- (1) that Council accept the tender from Butler's Toyota for the supply of two Avalon sedans, trading in Council's Camry (No. 6018) for a nett change-over price of \$28,072.55 (excluding GST); and**
- (2) that Council accept the offer from Kim Stranger for Council's Magna (No. 6004) for the sum of \$9,600.00 (excluding GST).**

CARRIED**Declaration of Interest**

Under Section 244 of the *Local Government Act 1993*, Cr Hartwig declared a Conflict of Interest in Item 4.5 and left the Council Chamber at 4.25 p.m.

- 4.5** From: **M & S Steel Buildings**
 Subject: Road Access from Kingsthorpe-Goombungee Road
 File Ref: T16-1
 Author: Manager – Engineering Services

Synopsis:

M & S are currently assessing the purchase of Lot 15 on SP 134900, Kingsthorpe-Haden Road and a request was tabled at the meeting held on 27 July 2004 with regard to road access from Kingsthorpe-Haden Road. M & S have responded to Council's request for further information.

Report:

M & S Steel Buildings representatives have advised as follows:

- *It is quite possible they will construct a new building on the land to house the silo construction section which was moved from Oakey;*
- *The area may be used by the materials handling section;*
- *The area will possibly be used as a car parking area;*
- *It is possible they will extend the main building to allow for increased and more efficient production;*
- *At this stage no final decision has been made to purchase as they are currently negotiating with the owner.*

It is apparent that, should access be granted to the Kingsthorpe-Haden Road, heavy vehicles will use this entrance.

Current traffic volume on this road is between 600 and 700 vehicles per day of which 8% are heavy vehicles. Under the current design guidelines, widening of the road would be required at any proposed entrance to allow traffic to pass to the left of a slow vehicle entering the property from the south. In view of the speed of traffic and visibility restriction, the widening should be sealed.

It would, however, be inherently safer to require M & S Steel Buildings to gain access only from the Goombungee-Meringandan Road. Although safety on the Kingsthorpe-Haden Road can be improved by various engineering solutions, it would be by far preferable to keep the vehicle entering and turning movements in an area with a low speed environment.

MOVED Cr Dean, seconded Cr Gersekowski, that M & S Steel Buildings be advised Council would not allow access from the Kingsthorpe-Haden Road into Lot 15 on SP 134900.

CARRIED

Cr Hartwig returned to the Council Chamber at 4.30 p.m.

- 4.6** From: **Crows Nest Shire Council**
 Subject: Crows Nest – Blackbutt Road
 File Ref: T16-8
 Author: Manager – Engineering Services

Synopsis:

The Crows Nest Shire Council has requested further discussion in respect of their undertaking to construct the remaining section of Nukku Road, which will provide sealed construction to the intersection of Googa Creek Road at the Blackbutt end of “Greenflat”. They advise that from this point the road becomes a boundary road and formally request funding consideration from this Council for future construction of the balance of this road through to the Nanango Shire boundary.

Report:

A plan showing the location of the boundary road is attached. The length of Nukku Road on our boundary with Crow’s Nest is 6 kilometres.

Crows Nest Shire Council will be pursuing funding of this road through the LG/DMR Alliance and we will naturally be involved in these discussions in the Technical Committee and the RRG. This would seem the appropriate forum.

MOVED Cr Harth, seconded Cr Ambrose, that Crows Nest Shire Council be advised Council would be pleased to enter into further discussions on the sealing of Nukku Road, and that any future funding from Rosalie Shire for this purpose will depend on, among other factors, deliberations of the Regional Roads Group and Council on priorities in the region.

CARRIED

- 4.7 From: **Kingsthorpe & District Progress Association Inc.**
Subject: Permanent Sealing of Footpath
File Ref: T16-13
Author: Manager – Engineering Services

Synopsis:

The Association has requested the permanent sealing of the footpath running from the Kingsthorpe Primary School along the eastern side of Goombungee-Haden Road towards the railway line.

Report:

The total length of footpath concerned is about 500 metres. At a budget cost of \$60 per metre the total cost would be \$30,000. Council has budgeted \$10,000 for Kingsthorpe footpaths in 2004/05, and the Five Year Plan shows an additional allowance of \$10,000 in each of 2006/07 and 2008/09.

MOVED Cr Dean, seconded Cr Harth, that Council expend this year's footpath budget in Kingsthorpe on the footpath between North Street and Gowrie Street, and review the situation at the next Budget Meeting.

CARRIED

- 4.8 From: **Department of Natural Resources, Mines & Energy**
Subject: Proposed Permanent Road Closure
File Ref: T16-18
Author: Manager – Engineering Services

Synopsis:

The Department has requested Council's views in relation to an application by Astron Pastoral Co. for the permanent closure of Fitzgerald Road, Cooyar, between Lots 203 & 204 on RP 817439.

MOVED Cr Gersekowski, seconded Cr Ambrose, that the Department of Natural Resources, Mines & Energy be advised Council recommends a temporary closure rather than a permanent closure of the section of Fitzgerald Road situated between Lots 203 & 204 of RP 817439.

CARRIED

4.9 Tender T10-7-489 Inspections

MOVED Cr Harth, seconded Cr Ambrose, that Cr Gersekowski, Cr Hartwig, Cr Ambrose and Cr Harth be authorised to inspect the tenders for three tractors and that any interested Councillor not present at the meeting may also form part of the sub-committee.

CARRIED

5. WATER & SEWERAGE SERVICES

No Items

6. OTHER BUSINESS**6.1 Mayor's Report**

MOVED Cr Dean, seconded Cr Ambrose, that the Mayor's Report for the period be received.

CARRIED

6.2 Information Report

MOVED Cr Harth, seconded Cr Hartwig, that the Information Report (incorporating the Monthly Departmental Activity Reports) dated 10 August 2004 be received.

CARRIED

6.3 Illegal Motor Bike Riding in Rosalie Walk

MOVED Cr Hartwig, seconded Cr Dean, that Council write to the Queensland Police asking them to advise what they are able to do about children riding motor bikes in skatebowl and Rosalie Walk at Kingsthorpe and what the general situation is in respect of prosecuting juveniles when they commit an offence.

CARRIED

6.4 Flag Raising at Kingsthorpe

MOVED Cr Hartwig, seconded Cr Dean:

(1) that Council write to Mrs Joyce Chamberlain thanking her for her dedication over many years in raising the flag each day in Kingsthorpe on a voluntary basis; and

(2) that Council endorse Mr Jim Walford as voluntary flag raiser in Kingsthorpe.

CARRIED

6.5 Reports on Meetings attended by Councillors

Cr Ambrose gave a verbal report on the DDLGA meeting held on 9 August 2004.

There being no further business the meeting closed at 6.15 p.m.

*Confirmed by resolution of the Rosalie Shire Council at a meeting held on
Tuesday, 24 August 2004.*

.....
Mayor

.....
Chief Executive Officer

APPENDIX 1**MEMBERS OF COUNCIL APPOINTED COMMITTEES**(a) Bunya Pines Aged Accommodation Committee

Cr Noel Strohfeld (Chair)
Cr Colin Ambrose
Beryl Knowles
Col Davidson, Architect
Glenys Howlett
Connie Allan
Terry Dhann
Terry Montague
Arthur Moore
Betty Moore
Betty Wilkins
Wayne Emms
Helene Johnson
Dawn Plumridge
Aileen Noble

(b) Kingsthorpe Child Care/Medical Centre Committee

Cr Noel Strohfeld (Chair)
Cr Col Ambrose
Cr Lyn Dean
Cr Wayne Hoey
Cr Bev Mann
Dr David Perkins
Robert Hall
Raelene McGowan
Lester Ehrlich, Architect

(c) Goombungee Library/Cultural Centre Committee

Cr Noel Strohfeld (Chair)
Cr Alan Gersekowski
Cr Cathy Hartley
Cr Nev Hartwig
Cr Bev Mann
Clinton Weber
Sue Harth
Del Krautz

(d) Kingsthorpe Recreation Reserve Management Committee*

Cr Lyn Dean (Chair)
Val Hardy (Secretary)
Elaine Hess (Treasurer)
Jeff Hess
Mick Salisbury
Tony Fraser
Darryl O'Brien
*Chair to be elected by Committee

(e) Rosalie Shire Regional Arts Development Fund Committee*

Cr John Harth
Cr Cathy Hartley
Clinton Weber
Del Krautz
Barbara Stewart
Evelyn Clayton
Dorothy Mair
Sue Harth
Dawn Plumridge
*Chair to be elected by Committee

(f) Yarraman Cemetery Management Committee*

John Ormsby
Trevor Busiko
Bruce Carr
William Hobbs
June Harland
Rita Postle
Laurie Dommett
Terry Montague
Keith Sanders
Mac Norgaard
Eric Schloss
Joan Schloss
Paul Anderson
Carol Anderson
*Chair to be elected by Committee

(g) Goombungee Sport & Recreation Complex Management Committee*

Cr Nev Hartwig
Cr Bev Mann
Trevor Thies
Jacqui Bryant
Mike Ferris
Christine Harget-White
Jim Hartley
Denise Iseppi
Tracy Blanck
*Chair to be elected by Committee