



# ROMA REGIONAL COUNCIL

**MINUTES OF THE GENERAL MEETING OF ROMA REGIONAL COUNCIL  
HELD AT ADMINISTRATION CENTRE, MITCHELL ON 30 MAY 2008  
COMMENCING AT 9.00AM**

## ATTENDANCE

Mayor, Cr. R S Loughnan chaired the meeting with Deputy Mayor, Cr. T G Hartley, Cr. J C Baker, Cr. J P Bartels, Cr. J L Chambers, Cr. R J Denton, Cr. M L Price Cr. W S Wason, Cr. J S Watson, Acting Chief Executive, Officer Dan Phillips, Andrew Byrne, Director of Works – Bungil Office, Noela Ward, Principle Manager Economic Development - Mitchell Office, Tony Klein, Community Development Officer – Yuleba Office, Kelly Rogers, Minutes Officer in attendance.

## GUESTS

Cr. Donna Stewart, Mayor of Balonne Shire Council and Chair of Wild Dog Barrier Fence Panel was present.

## GALLERY

Three (3) members of the public were present.

## WELCOME

The Mayor welcomed all present and declared the meeting open at 9.00am.

The Mayor thanked Council for their support and well wishes with the recent passing of his father.

## APOLOGIES

No apologies were received for the meeting.

## CONFIRMATION OF MINUTES

**Resolution No. GM.75.08**

**Moved Cr. Hartley**

**Seconded Cr. Watson**

**That the minutes of the General Meeting (03-14.05.08) held on 14<sup>th</sup> May 2008 as amended be confirmed.**

**CARRIED**

## Amendment:

Cr. Chambers requested that Resolution No. GM.54.08 on page 8 be deleted from the Minutes as it was considered to be superfluous.



**Amendment:**

Cr. Chambers requested that Resolution No. GM.55.08 on page 8 of the Minutes be amended to read:

‘That Council in this instance accepts the position of the Booringa Action Group Inc.; however, Council would like to be kept informed on the outcome of the future search workshops and other community projects envisaged by the group.’

**Amendment:**

Cr. Chambers requested a correction to Resolution No. GM 68.08 on Page 17 to now read:

That Council forward a letter to the each of the following companies seeking their input into maintaining roads impacted by heavy vehicle loads as detailed:

- A) AA company in relation to the use of Tomoo Road for the movement of cattle.
- B) DPI/Forestry in relation to use of West Grove Road for hardwood logging transportation.

**BUSINESS ARISING FROM MINUTES**

There was no business arising from the minutes.

**ADOPTION OF REPORTS & MINUTES OF COMMITTEE MEETINGS**

**Resolution No. GM.76.08**

**Moved Cr. Chambers**

**Seconded Cr. Denton**

**That the minutes of the Committee Meeting Report held on 21st May 2008 be received & adopted.**

**CARRIED**

**Amendment:**

Cr. Watson requested the following resolution (CM 25.24) on page 19 be withdrawn in view of the legal opinion obtained from MacDonnells Law (refer page 6).

**Draft resolution: No. CM25.24**

**Moved Cr Watson**

**Seconded Cr Baker**

**That Council seek a directions hearing from the Planning & Environment Court seeking an outcome in this matter, in accordance with the Planning & Environment Court rule number 20.**

**CARRIED**



**Amendment:**

Cr. Denton requested a correction to the family surname stated in Resolution No. CM 25.26, on page 19 to read ‘Kehl’ in lieu of ‘Keel.’

**BUSINESS ARISING FROM COMMITTEE MEETING REPORT**

Nil

*Planning & Environment Court Appeal – BD5462 – Feedlot*

**Background:**

*This matter was discussed at Councils Committee Meeting of 21<sup>st</sup> May 2008, where the A/CEO was requested to obtain a legal opinion on the following resolution:*

*‘That Council seek directions hearing from the Planning & Environment Court seeking an outcome in this matter, in accordance with the Planning & Environment Court rule number 20.’*

*An inspection of Sandalwood Feedlot outside Dalby was attended by the majority of Councillors on Thursday 22<sup>nd</sup> May 2008.*

*The matter is brought before Council at this meeting.*

**Discussion:**

The A/CEO advised Council that the matter had been adjourned for hearing until 20<sup>th</sup> June, 2008.

Cr. Baker foreshadowed opposition to any proposal to discontinue the Planning & Environment Court appeal – BD5462 in relation to the Feedlot as detailed in the following:

It is admitted by Kevin Roberts, operator of Sandalwood Feedlot at Dalby that you can never eradicate all odours emanating from a Class 1 Feedlot. Being mindful of that information;

- 10.2kms from a large town of approximately 7,000 people is too close. (Sandalwood is double that distance from Dalby township)
- Concern regarding D.P.I officers’ ability, when based in Toowoomba, to quickly investigate genuine complaints regarding odour. The officers do not work on weekends. Roma Regional Council officers are not entitled to enter.
- ‘Sour’ smell of undigested grain in cattle faeces cannot be eradicated.
- Size of the effluent pond (10,000m<sup>2</sup>) is hardly ‘ancillary’ – doubtful whether appropriated tests for that size ‘pond’ (lake) were undergone.
- There is a swamp at the bottom of the hill on which Coolabong House is situated. In flood times, Blythe Creek rises and falls into the swamp, with potential to contaminate the creek with runoff from feedlot.
- Approval of the feedlot on Roma Downs will impair the expansion of Roma to the South East.



Cr. Baker further stated she would call for a Division of Vote.

Each Councillor was presented a copy of the documented legal opinion obtained from MacDonnells Law in relation to P & E Court Rule No. 20.

**Resolution No. GM.77.08**  
**Moved Cr. Denton** **Seconded Cr. Hartley**  
**That Council receive and note the legal advice submitted by MacDonnells Law; and,**  
**It is resolved that, in respect of Planning and Environment Appeal No. BD4562 of 2004 (“the Appeal”) brought by the former Roma Town Council against the whole of the decision of the former Bungil shire Council to approve a development application by Institutional Investments Pty Ltd for a development permit for a material change of use for Intensive Animal Husbandry (Cattle Feedlot 10,000 SCU) in respect of land situated at Carnarvon Highway, Roma, described as Lots 1,2,3 and 4 on RP903012 and Lot 2 on RP6480 Parish of Roma, County of Waldegrave:**

- 1) Council will discontinue the Appeal;**
- 2) Council instruct MacDonnells Law to file a notice discontinuing the Appeal;**
- 3) Council inform King and Company of its decision.**

**CARRIED**

<b>Responsible Officer</b>	<b>A/CEO</b>
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The Mayor allowed 3 speakers for and against the motion.

Cr. Denton, Cr. Hartley, Cr. Watson spoke in support of the motion, only two speakers against were Cr. Baker and Cr. Bartels.

Cr. Denton provided the following comments in support of the abovementioned resolution:

- As the previous Bungil Shire Council has agonised over the application first lodged in December 2003 and researched extensively all areas, there is no legal reason to refuse this 10,000 SCU feedlot. I can assure you all avenues were investigated fully and I felt the best outcome for the residents of Roma was to approve with stringent conditions, as if the court was to approve we would not be given the benefit of conditions.

Cr. Denton assured the meeting all submissions received were addressed in the consultants report and the the proposed development is adequately separated from surrounding sensitive land uses, including the town of Roma, as per D.P.I. guidelines.

The proposed development is conditioned to comply with separation distances as required by the planning scheme with odour levels to be managed by these conditions.



Cr. Baker re-iterated her concerns as detailed through her action to foreshadow any proposal to discontinue the Planning & Environment Court appeal – BD5462 in relation to the Feedlot.

Cr. Baker then requested a ‘Division of Vote.’ Votes for and against are detailed below:

<b>For the Motion</b>	<b>Against the Motion</b>
Cr. Chambers	Cr. Baker
Cr. Denton	Cr. Bartels
Cr. Watson	
Cr. Price	
Cr. Hartley	
Cr. Wason	
Cr. Loughnan	

Cr. Watson requested an extract of the legal advice obtained from MacDonnells Law be placed in the Minutes of the General Meeting of 30 May, 2008. (GM 05-30.05.08)  
This is provided below:



Our Ref: Linda Morris:46879  
Your Ref: Ian O'Donnell

28 May 2008

Acting Chief Executive Officer  
Roma Regional Council  
PO Box 116  
ROMA QLD 4455

Email: danp@romaregionalcouncil.qld.gov.au

Dear Dan.

**Roma Town Council v Bungil Shire Council & Anor  
Planning & Environment Appeal No BD4562 of 2004 – Proposed Roma Downs Feedlot**

We refer to the telephone conversation between Dan Phillips and Danyelle Roach on 26 May 2008.

Council has asked for some guidance about the powers of the Planning and Environment Court to “direct” parties to an appeal. If it is considered appropriate, Council has expressed a desire to seek direction from the Court about the path it should take in the appeal, given that, as a result of the recent local government amalgamations, it has found itself involved on opposing sides of the former Roma Town Council’s submitter appeal against the former Bungil Shire Council’s approval of the proposed Roma Downs Feedlot.

Specifically, we have been asked whether a resolution in the following terms would be likely to achieve a resolution of the issue,

*“That Council seeks a directions hearing from the Planning and Environment Court seeking an outcome in this matter, in accordance with P & E Court Rule No 20.”*

As we understand our instructions, “the outcome” referred to is which of the two opposing positions Council should pursue in the appeal.

**Rule 20 and its role in proceedings before the Planning and Environment Court**

The Planning and Environment Court is a case managed jurisdiction. It is not generally subject to the quite rigid requirements of the *Uniform Civil Procedure Rules 1999* which apply to other civil litigation, although those rules do apply (with necessary changes) if the *Planning and Environment Court Rules 1999 (P & E Court Rules)* do not provide for a matter in relation to a proceeding.

The P & E Court Rules were made pursuant to section 4.1.10 of the *Integrated Planning Act 1997 (IPA)* to provide for the procedures of the Court, including the regulation of proceedings before the Court.

Rule 20 provides a mechanism by which the parties, with the Court’s sanction and supervision, can control the path that proceedings before the Court will take. For example, directions may deal with formal procedural matters such as compliance with the public



Chief Executive Officer  
Roma Regional Council

MacDonnells Law  
28 May 2008  
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notification requirements of IPA; interlocutory steps such as disclosure and exchange of evidence which will help “shape” and progress the litigation, or the setting of review and hearing dates for the appeal.

Rule 20, whilst integral to the Court’s ability to manage the proceedings before it, does not imbue the Court with a power to direct the parties to adopt a particular stance, act in a particular way or adopt a particular argument. The Court’s substantive power is to hear and decide the appeals and applications as they are brought before it; it is a matter for each party to decide what stance it will take and how it will present its case in those proceedings.

The Court would not presume that it had the power to direct the Council to take a particular course in the situation in which Council presently finds itself. Accordingly a resolution such as that proposed would not be appropriate.

As expressed in previous communications from both this firm and King and Company, the decision about which stance to take in the appeal is a decision to be made by the new Council as a whole, having regard to all the relevant material, both for and against, which is put before it.

If you require any further assistance in this matter, please do not hesitate to contact Danyelle Roach on (07) 3031 9718.

Yours faithfully  
**MacDONNELLS**

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King and Company  
[rlw@kingandcompany.com.au](mailto:rlw@kingandcompany.com.au)











Executive Summary: Letter received informing Council of Peter Chay's resignation as Interim Executive Director – Surat Office. Letter provided for Councillors information.

**Discussion:**

Discussion took place on future arrangements to fill the future vacancy left at the Surat Office pending Peter Chay's resignation.

**Resolution No. GM.86.08**  
**Moved Cr. Price** **Seconded Cr. Watson**  
**That the letter be received and Peter Chay's resignation be accepted with regret.**  
**CARRIED**

**Item Number:** 04-11- Late Item **File Number:** N/A  
**SUBJECT HEADING:** APPOINTMENT OF CEO – ROMA REGIONAL COUNCIL

**Discussion:**

The A/CEO provided Council a copy of the letter received from Stuart Randall confirming acceptance of his role as Chief Executive Officer of Roma Regional Council. His proposed commencement date will be 16<sup>th</sup> June, 2008.

**Resolution No. GM.86.08**  
**Moved Cr. Denton** **Seconded Cr. Price**  
**That the letter be received and noted.**  
**CARRIED**

**SUBJECT HEADING:** SUSPENSION OF STANDING ORDERS  
COUNCIL ADJOURNED FOR MORNING TEA AT 10.02AM

**SUBJECT HEADING:** RESUMPTION OF STANDING ORDERS  
COUNCIL RETURNED FROM MORNING TEA AT 10.55 AM

**PRESENTATION**

Cr. Donna Stewart, Mayor of Balonne Shire Council and Chair of Wild Dog Barrier Fence Panel, addressed Council on the matter of the wild dog barrier fence precept.

**Discussion:**

Cr. Donna Stewart detailed funding arrangements for the Wild Dog Barrier Fence. She further stated that a \$72,952 increase was payable by Roma Regional Council in the precept for 2008/2009. As this increase is quite substantial and difficult for Council to absorb in one year, it has been recommended to the Minister that payment be made by Council over a 2 year period, by way of 2 instalment payments of \$36,476 for 2008 and 2009 respectively.



Cr. Stewart further advised additional funding for \$379,980 has been obtained to repair Flood damage to the fence. The Precept will issue from the governments for 2008/2009 budget, and will be officially announced in the near future.

**REPORTS**

**Item Number:** 04-12-Roma **File Number:** C12.204  
**SUBJECT HEADING:** APPLICATION FOR RECONFIGURATION OF A LOT  
 Name of Applicant: Murray & Associates  
 Location: 9 – 11 West St, Wallumbilla  
 Author and Officer’s Title: Graham Tiffany, Manager Building & Development  
 Responsible Officer: Dan Phillips, Acting Chief Executive Officer

***Executive Summary:** This application relates to an application by K & A Sainty to subdivide Lot 1 on RP101066 into 3 lots, thereby creating two (2) new Residential Lots of approximately 1513 m<sup>2</sup> each, with a balance area of 20.95 ha which remains in the Rural Zone.*

**Resolution No. GM.87.08**  
**Moved Cr. Watson** **Seconded Cr. Price**  
**That Council grants approval subject to the following conditions from the Bendemere Planning Scheme:**

1. That the lots be supplied with reticulated electricity.
2. That the lots be connected to the existing water main, which shall be extended by approximately 50 metres at the applicants cost.
3. Each lot has compacted gravel vehicle access to an all weather road (West Street is sealed). Access is to be designed and constructed in accordance with Schedule 2: Standards for Roads, Car Parking, Access and manoeuvring Areas”, of the planning scheme.
4. Any excavation or filling is to be undertaken in accordance with Schedule 7: “Standards for Construction Activities”.

CARRIED

Delegated Officer	Manager Building & Development - Roma
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**Item Number:** 04-13-Roma **File Number:** C11.5545  
**SUBJECT HEADING:** APPLICATION TO PERMIT OVERSIZED RESIDENTIAL BUILDING  
 Name of Applicant: P. & V Bietz  
 Location: 202 Bourne Dr, Roma  
 Author and Officer’s Title: Graham Tiffany, Manager Building & Development  
 Responsible Officer: Dan Phillips, Acting Chief Executive Officer





**Action:**

**Graham Tiffany and Rob Hayward to review the PIPRIS for the Region and provide a recommendation for Council.**

**Delegated Officer**

**Manager Building & Development - Roma**

**Resolution No. GM.89.08**

**Moved Cr.Denton**

**Seconded Cr. Chambers**

**That all Councillors are to advise the A/CEO of their availability to attend the PIP Workshop scheduled for 26<sup>th</sup> & 27<sup>th</sup> June, 2008 in Roma. Relevant Planning staff members are required to attend.**

**CARRIED**

**Item Number:**

**04-15-Mitchell**

**File Number: N/A**

**SUBJECT HEADING:**

**AUSTRALIA DAY AWARDS 2009**

**Name of Applicant:**

**Noela Ward**

**Author and Officer's Title:**

**Noela Ward – Principal Manager Economic Development**

**Responsible Officer:**

**Dan Phillips, Acting Chief Executive Officer**

*Executive Summary: Previously the Councils of Bendemere, Booringa, Bungil, Roma and Warroo have hosted Australia Day celebrations. In the main these events are co-ordinated by Council staff however community groups assist with the hosting of the celebratory activities e.g. catering, entertainment etc. The Business and Community Services Co-ordination Team have liaised with representatives from the Department of the Premier and Cabinet regarding the proposed format for the 2009 Australia Day Awards Program and in particular how the newly formed amalgamated Council boundaries will affect the allocation of Australia Day Awards. In view of the advice received from the department the co-ordination team would like to recommend that the status quo of allocating individual community based Australia Day Awards and celebratory activities be retained for the 2009 Australia Day Awards Program.*

**Discussion:**

Cr. Chambers asked if the Australia Day Ambassador Representatives would move around the region, this was confirmed as the intention by Noela Ward.

The process of issuing Australia Day Awards was discussed, in particular the allocation of towns within each of the districts. Once finalised the districts (inclusive of towns within the districts) will be formally advertised. Council also raised concerns with some of the peripheral areas not receiving mail within the Australia Post postcode regions. It was recommended that Noela Ward obtain the Electoral Commission listing to ensure all individuals were included for mail outs.





- *Vegetation is to have a mature height of at least 3 metres within 5 years of planting, unless planted under electricity lines where the mature height must not exceed 3 metres.*
  - *Ground covers should fully cover the vegetation strip within 1 year of planting.*
  - *Where the site adjoins residential uses a solid screen wall of 2 metre height is to be erected on the boundary in addition to landscaping requirements.*
2. **That the applicant provide a cash bond or bank guarantee to the value of \$5,000, refundable when Council is satisfied that the landscaping requirements have been met.**
  3. **That the applicants provide a contour layout plan prepared by a Licensed Surveyor or Registered Professional Engineer, to show the surface levels of the site to equate it with the result of a possible 1:100 year flood event.**
  4. **The land other than that built upon be sealed with a two coat bitumen seal to provide a dust free surface.**
  5. **The provision of 9 parking spaces based on an assumed floor area of 432m<sup>2</sup>**
  6. **That all building work be placed at least 1.5 metres from sewer mains which transverse the land.**
  7. **That access to the site be only permitted from George Street and that the access point be at least 12 metres back from the corner boundary of the site.**
  8. **That a 6.0 metre wide reinforced concrete crossing be placed at the entrance in accordance with Council's standard crossing plan.**
  9. **That Council require the applicant to extend the kerbing and channelling along the frontage of lot 106 in George Street, and widen the existing bitumen road surface to meet the kerbing & channelling.**
  10. **That the applicant conform with the following building setback requirements for the any proposed buildings on the site:-**
    - *Total use area is no more than 70% of the site; and*
    - *Buildings and structures are less than 10 metres in height and not more than 2 storeys at any point above the natural ground level; and*
    - *Front boundary clearance for any building or structure is 9.0 metres or more from any road frontage; and*
    - *Side boundary clearance for any building or structure is 3.0 metres or more; and*
    - *Rear boundary clearances are 3.0 metres or more from property boundary; and*
    - *Where adjoining residential land, the setback along the common boundary is 7 metres or more*
  11. **That the 100 mm water main in George Street (eastern side of Charles St) be extended and a fire hydrant installed, at the applicants cost, in such a**





**Item Number:** 04-18-Surat **File Number:** N/A  
**SUBJECT HEADING:** SURAT POTTERY CLUB  
 Name of Applicant: Roma Regional Council  
 Location: Surat Office  
 Author and Officer’s Title: Peter Chay, Interim Executive Director - Surat Office

*Executive Summary: Two (2) quotes attached for the construction of a 3 bay shed for use by the Surat Pottery Club for Councils Consideration.*

**Resolution No. GM.92.08**  
 Moved Cr. Bartels **Seconded Cr. Watson**  
**That Council approve the quote from Grulke Concreting, Bobcat Hire & Garages for the sum of \$16,890.00 inclusive of GST for the construction of a 3 bay shed.**  
**CARRIED**

<b>Delegated Officer</b>	<b>Interim Executive Director – Surat Office</b>
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**GENERAL BUSINESS**

**SUBJECT HEADING: DEVELOPMENT APPLICATION – T BRITTON**

*Background: Quotation supplied by Brandon’s for design works on the proposed intersection.*

**Discussion:**

*Cr Price, Cr Wason, Cr Hartley & Cr Chambers had met for discussion on this matter.*

**Resolution No. GM.92.08**  
 Moved Cr. Hartley **Seconded Cr. Wason**  
**That the quotation be received and subject to land being made available for corner truncation, Council accepts the basic design of \$5,280 on a 50% cost share basis.**  
**CARRIED**

<b>Delegated Officer</b>	<b>Director Asset Services – Roma Office</b>
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**SUBJECT HEADING: RETIREMENT HOME COMMITTEE – MITCHELL**

Cr. Watson advised that the former Advisory Committee for the Mitchell retirement home ceased to exist. He further advised that with the commencement of the recent Director of Care, that there would be advantages in having the Committee re-established in its former structure.



**Action:**  
**That A/CEO liaise with the Interim Executive Director – Mitchell Office to investigate and initiate the reformation of the Mitchell Retirement Home Advisory Committee with Cr. Watson and Cr. Chambers being Councils nominated representatives.**

<b>Responsible Officer</b>	<b>A/CEO</b>
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**SUBJECT HEADING:                      ADVANCE INJUNE**

The Mayor advised he had given Advance Injune a promise that Council would rotationally attend the groups monthly meeting following Cr. Watson raising the topic. It was noted that their scheduled meetings fell on the same day as Councils General and Committee Meetings.

**Action:**  
**A letter be forwarded to the Advance Injune group requesting they give consideration to their meetings being held on an alternate day of the month to enable Councillor attendance.**

<b>Responsible Officer</b>	<b>A/CEO</b>
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**SUBJECT HEADING:                      CHAMBER OF COMMERCE**

The Mayor recommended an opportune time for the community to meet with the new Chief Executive Officer and Councillors would be at the Chamber of Commerce meeting to be scheduled on 7<sup>th</sup> July, 2008. The mayor further advised that AG Force would be a valuable group resource in dealing with community issues, but that at this point in time no indication had been received on the intention of AG Force’s involvement in this event.

**SUBJECT HEADING:                      WARREGO EQUITIES**

The A/CEO advised Council he had engaged the services of GHD to undertake an independent appraisal of the proposed Warrego Equities development. He further advised of his intention to invite GHD to the Committee Meeting scheduled for the 18<sup>th</sup> June, 2008 to present the current ‘status’ of both water and wastewater infrastructure.  
 The A/CEO confirmed that Warrego Equities had arranged to have the appeal period suspended.

<b>Responsible Officer</b>	<b>A/CEO</b>
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**SUBJECT HEADING:                      PARTHENIUM WEED**

The A/CEO advised Council of the proposed arrangements to discuss Stock routes and the spread of Parthenium Weed in the Region. This is proposed to take place in Yuleba prior to Councils workshop to be held in Yuleba on 24<sup>th</sup> June, 2008.

<b>Responsible Officer</b>	<b>A/CEO</b>
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**SUBJECT HEADING:** SUSPENSION OF STANDING ORDERS  
COUNCIL ADJOURNED FOR LUNCH AT 12.15PM

**SUBJECT HEADING:** RESUMPTION OF STANDING ORDERS  
COUNCIL RETURNED FROM LUNCH AT 1.25PM

**REPORTS CONTINUED**

**Item Number:** 04-19-Bungil **File Number:** N/A  
**SUBJECT HEADING:** REPLACEMENT OF BUNGIL CREEK & YALEBONE CREEK BRIDGES  
**Name of Applicant:** Not applicable  
**Location:** Bungil Creek & Yalebone Creek Rds  
**Author and Officer’s Title:** Andrew Byrnes, Director of Works  
**Responsible Officer’s Title:** Dan Phillips, Acting Chief Executive Officer

**EXECUTIVE SUMMARY:** *Tenders were called for the deconstruction of existing Yalebone Creek and Bungil Creek Bridges along the Dunkeld Road and design, supply and installation of two (2) separate new reinforced concrete box culverts in their place.*

**Resolution No. GM.93.08**  
**Moved Cr. Denton** **Seconded Cr. Wason**  
**That Council accept the tender of NQ Civil Contractors for the deconstruction of the existing Yalebone Creek and Bungil Creek bridges along the Dunkeld Road and design, supply and installation of two (2) separate reinforced concrete box culverts in their place, at a cost of \$628,728 + plus GST.**  
**CARRIED**

<b>Delegated Officer</b>	<b>Director of Works</b>
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**Item Number:** 04-20-Bungil **File Number:** N/A  
**SUBJECT HEADING:** SALE/PURCHASE OF CRUSHING PLANT FOR BUNGIL QUARRY  
**Name of Applicant:** Not applicable  
**Location:** Not applicable  
**Author and Officer’s Title:** Andrew Byrnes, Director of Works  
**Responsible Officer’s Title:** Dan Phillips, Acting Chief Executive Officer

**Executive Summary:** *Proposal to sell outright one (1) Terex Pegson 4242SR Impact Crusher or to trade one (1) Terex Pegson 4242SR Impact Crusher and purchase a 1300 Mobile Cone Crusher or equivalent.*





**Resolution No. GM.95.08**

**Moved Cr. Denton**

**Seconded Cr. Baker**

**That Council approve the application for a Development Permit for the material change in use for Lot 22 and Lot 23 on Plan I71822, Parish of Injune, County of Westgrove for the purposes of Commercial Activity, Accommodation Units to be approved subject to the following conditions:**

Council conditions:

**1. PC 4 Stormwater/Inter-allotment Drainage**

- a) Stormwater is collected and discharged so as to:
  - (a) protect the stability of buildings or the use of adjacent land;
  - (b) prevent the waterlogging of nearby land; and
  - (c) protect and maintain environmental values.

**AS 4.1** Stormwater/inter-allotment drainage is collected and discharged in accordance with Schedule 7: “Standards for Stormwater Drainage”

**2. PC 5 Vehicle Access**

- a) Vehicle access is provided to a standard appropriate for use.

**AS 5.1** Access roads are to be sealed and are to connect into the existing road network. Access is to be designed and constructed in accordance with Schedule 2: “Standards for Roads, Car parking, Access and Manoeuvring Areas.”

**3. PC 6 Parking and Manoeuvring**

- a) Vehicle access is provided to a standard appropriate for the use.

**AS 6.1** All uses provide vehicle parking in accordance with Schedule 2: “Standards for Roads, Car parking, Access and Manoeuvring Areas.”

**AS 6.2** All service vehicles manoeuvring is in accordance with Schedule 2: “Standards for Roads, Car parking, Access and Manoeuvring Areas.”



*Plans to be provided to Council outlining the construction of proposed driveways and parking areas.*

4. **PC 7 Vehicle Access**

- a) All weather road access is provided between the premises and the existing and the existing road network.

**AS 7.1** Roads are designed and constructed in accordance with Schedule 2: “Standards for Roads, Car parking, Access and Manoeuvring Areas.”

5. **PC 15 Flooding**

- a) Premises are designed and located so as:
  - a) not to be adversely impacted upon by flooding;
  - b) to protect life and property; and
  - c) not to have an undesirable impact of the extent and magnitude of flooding

**AS 15.1** Preparation of a study that relating to the location of the development and the maximum flood height recorded.

6. **PC 17 Noise Emissions**

- a) Noise emissions from premises do not cause environmental harm and nuisance to adjoining properties or sensitive land uses.

**AS 17.1** Preparation of a study that identifies how the development is in accordance with Environmental Protection (Noise) Policy 1997.

7. **PC 18 Water Quality**

- a) The standard of effluent and/or stormwater runoff from premises ensures the quality of surface water is suitable for:
  - a) the biological integrity of aquatic ecosystems;
  - b) recreational use;
  - c) supply as drinking water after minimal treatment



- d) agriculture use or
- e) industrial use.

**AS 18.1** Preparation of a study that identifies how the development is in accordance with Environment Protection (Water) Policy 1997.

*Sufficient details should be provided to Council to accurately assess infrastructure requirements including:-*

- a) *proposed water supply;*
- b) *proposed effluent disposal;*
- c) *proposed stormwater disposal*

8. **PC 19 Excavation and Filling**

- a) Excavation and filling of land ensures:
  - a) that both the amenity and safety of users of the site and adjacent land holdings; and
  - b) soil erosion is kept to a minimum with remedial works

**AS 19.1** Batters have a minimum slope of 25%, are terraced at every rise of 1.5 metres and each terrace has a minimum depth of 750mm; and

**AS 19.2** Excavation and filling within 1.5 metres if any site boundary is battered or retained by a wall that does not exceed 1 metre in height; and

**AS 19.3** Excavation and is undertaken in accordance with Schedule 8: “Standards for Construction Activity”.

*Provide Council with proposed operational works including on site excavation and filling.*

*Plans to be provided showing elevation of block from both streets.*

9. **PC 35 Amenity**

- a) The operation of commercial activities is not unduly affected by the proximity of residential dwellings.



**AS 35.1** Commercial development adjoining land used or proposed to be used for residential purposes is to be fenced to a height of two (2) metres along common boundaries.

*Provide Council with details of proposed fencing on the property boundary.*

10. **PC 36 Scale**

a) Development is at a scale which protects the amenity of the area.

**AS 36.1** Total use area is no more than 50% of the overall site.

**AS 36.2** The site has an area of at least 600m<sup>2</sup>

11. **PC 39 Delivery of Goods**

a) The loading and unloading of goods occurs at appropriate times to protect the amenity of the Commercial Precinct.

**AS 39.1** Loading and unloading occurs only between the hours of;

- a) 7:00am and 7:00pm Monday to Friday; and
- a) 7:00am and 12:00 (noon) on Saturdays

**AS 39.2** No loading and unloading occurs on Sundays and Public Holidays

12. **PC 40 Lighting**

a) Lighting is designed in a manner to ensure ongoing amenity and safety in the commercial area whilst ensuring surrounding areas are protected from undue glare or lighting overfill.

**AS 40.1** All lighting does not exceed 8.0 lux at 1.5 metres from beyond the site boundary.

*Plans to be provided to Council showing details of external lighting proposed on the site.*



13. **PC 41 Landscaping**
- a) Landscaping is designed and established in a manner which achieves high quality frontage and contributes positively to the streetscape character.
- A landscape plan detailing the location, extent, densities and species of proposed plantings and other external treatments*
14. *Details on the location and type of all air-conditioners.*
15. *Details of location, size and type of signage proposed for the site.*
16. *A separate development application is to be lodged by the applicant to amalgamate Lot 22 and 23 on Plan I71822, Parish of Injune, County of Westgrove into one lot.'*
17. *All costs associated in gathering and presenting the abovementioned information be borne by the applicant.'*
- CARRIED

Delegated Officer	Director of Works
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**Item Number:** 04-22-Bungil      **File Number:** N/A

**SUBJECT HEADING:** DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE OF LOT 4 ON PLAN RP 905323 FROM URBAN TO COMMERCIAL LAND FOR THE PURPOSE OF IMPLEMENTING A BUTCHER SHOP.

**Location:** 74 Burrowes St, Surat

**Author and Officer's Title:** Kay Crosby – Regional Environmental Health Officer

**Responsible Officer:** Dan Phillips, Acting Chief Executive Officer

*Executive Summary: An IDAS application has been received for the material change of use from urban land to commercial use on land described as Lot 4 on Plan RP 905323, 74 Burrowes Street Surat.*



**Resolution No. GM.96.08**  
**Moved Cr. Bartels** **Seconded Cr. Price**  
**That a development permit be issued for the Material Change of Use for Lot 4 on RP 905323 from urban land use to commercial land use, subject to the following conditions:**

1. Approval is granted for the purpose of “commercial land use” for the development of a butcher shop on the land described as above situated in Burrowes Street Surat.
2. The development is to be in accordance with the site, floor and elevation plans supplied by the applicant with this development application.
3. The approval of this application is for material change of use only. The applicant is required to submit a building application and the appropriate designs and layout prior to commencement of building work.
4. At all times the use continues, there shall be provided an adequate supply of water approved for the use in accordance with legislative requirements.
5. Practices on site are not to cause environmental harm and or nuisance to persons external to the subject property, by way of the emission of noise, smell, odour, waste water, effluent or the like.

**CARRIED**

<b>Delegated Officer</b>	<b>Interim Executive Director – Roma Office</b>
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**Item Number:** 04-23-Yuleba      **File Number:** N/A  
**SUBJECT HEADING:** BUSINESS AWARDS PROPOSAL  
**Name of Applicant:** Not applicable.  
**Location:** Not applicable  
**Author and Officer’s Title:** Tony Klein, Interim Executive Director – Yuleba Office

***Executive Summary:** A proposal to conduct a regional business awards program has been developed and presented to Council for Consideration. This has been as a result of:*

- *Community and Economic Development Working Group action plan*
- *Consultation/discussion with Community and Economic Development Working Group*

**Resolution No. GM.97.08**  
**Moved Cr. Hartley** **Seconded Cr. Watson**  
**That the business awards proposal as presented be accepted as presented.**  
**CARRIED**

<b>Delegated Officer</b>	<b>Community Development Officer - Yuleba</b>
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**Moved Cr. Watson** **Seconded Cr. Baker**  
**That the Committee Meeting of 4 June 2008 be given full authority to make a decision on the Councillor Superannuation package offered by LG Super.**  
**CARRIED**

<b>Responsible Officer</b>	<b>A/CEO</b>
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**SUBJECT HEADING: COUNCILLOR SUPERANUATION PACKAGE**

Cr. Denton raised the matter of Council representation at the LNG Santos’ Gladstone Liquefied Natural Gas Environmental Impact Statement community information sessions. One will be held in Roma on Tuesday 10 June, 2008 and one at Injune on 11 June, 2008. It was determined that one Councillor will attend each session.

**CLOSURE**

At 3.15pm, there being no further business, the Mayor thanked Council for their attendance and declared the Meeting closed.

**These Minutes are to be confirmed at the next General Meeting of Council to be held on 11 June, 2008.**

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**Mayor.**

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**Date.**