



REGIONAL COUNCIL

ORDINARY MEETING OF COUNCIL

MINUTES

23 APRIL 2008



ORDINARY COUNCIL
MEETING AGENDA
23 APRIL 2008

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ATTENDANCE:

Councillors Present

- **Cr Steve Jones (Mayor) (Chairperson)**
- **Cr Peter Friend**
- **Cr Jim McDonald**
- **Cr Janice Holstein**
- **Cr Dave Neuendorf**
- **Cr Tanya Milligan**
- **Cr Graham Moon**

Other People Present

- **Colin O'Connor, Acting Chief Executive Officer**
- **Chris Payne, Acting Director of Corporate Governance**
- **Derek Sellers, Director, Finance & Information Services**
- **David Kay, Director, Planning & Environment**
- **Brad Domrow, Director, Community Services**
- **Howard Karl, Director, Technical Services**
- **Gerry Franzmann, Director, Engineering Operations**
- **Tracey Ryan, Manager Planning & Environment**
- **Susan Boland, Assistant to Director Corporate Governance**

The meeting commenced at 9.03 am

*The Mayor Cr Steve Jones
Welcomed all present and opened the meeting*

*Minister John Haigh, From New Hope Church
Opened the meeting with prayer.*



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1.0 LEAVE OF ABSENCE

ITEM NO: 1.1
FILE NO: 1.1/29/3
DATE: 09 April 2008
TOPIC: LEAVE OF ABSENCE
AUTHOR: Susan Boland
AUTHOR'S TITLE: Assistant to Director Corporate Governance

No Leave of Absence reports at time of print run

2.0 DEPUTATIONS

No Deputations reports at time of print run

3.0 CONDOLENCES/GET WELL WISHES

ITEM NO: 3.1
FILE NO: 9.1/24/5
DATE: 09 April 2008
TOPIC: CONDOLENCES/GET WELL WISHES
AUTHOR: Jenny Pascoe
AUTHOR'S TITLE: Executive Assistant

OFFICER'S RECOMMENDATION

1. The family of the late Emil Otto Schulz (Pat)
 2. The family of the late Edna Pearl Ball
 3. The family of the late Kevin Percy Burgess
 4. The family of the late John Austin
 5. The family of the late Hannah Hauser
 6. The family of the late Stanley Green
 7. The family of the late Alf Burchmann
 8. The family of the late Artie Suter
 9. The family of the late Sid Burrows
 10. The family of the late Lachlan Storey
 11. The family of the late Mary Steinke
 12. The family of the late Winifred Topp
 13. The family of the late Lynn Battye
-

RESOLUTION:
THAT the Officer's Recommendation be adopted.

5.0 BUSINESS ARISING FROM MINUTES

No Business Arising from Minutes reports at time of print run

6.0 CHIEF EXECUTIVE OFFICER'S REPORTS

ITEM NO: 6.1
FILE NO: 1.1/5/1
DATE: 10 April 2008
TOPIC: CITIZENSHIP CEREMONY
AUTHOR: Jenny Pascoe
AUTHOR'S TITLE: Executive Assistant

The following people have been invited to attend the Council meeting at 9.50am to receive their Australian Citizenship Certificates:

Ms Frances Kay Armstrong (New Zealand)
Mrs Cornelia Margaretha Hollander, (South Africa)
Mr Heinrich Johann Hollander (South Africa)
Ms Nadia, Hollander (South Africa)
Mrs Sheila Pauline Matthews (England)
Ms Citra Pamela, Patterson (Indonesia)

Mr Shayne Neumann MP, Member for Blair has also accepted the invitation to attend the Ceremony.

At this juncture at 10.25am the meeting adjourned for morning tea and resumed at 10.55am.

7.0 CORPORATE GOVERNANCE REPORTS

ITEM NO: 7.1
FILE NO: 1.1/30/4
DATE: 16 April 2008
TOPIC: ENTERPRISE BARGAINING TEAM
AUTHOR: Chris Payne
AUTHOR'S TITLE: Director Corporate Governance

During the lead up to the new local government the Local Transition Committee had an Employment Sub-Committee. Following the establishment of the new local government, this Sub-Committee is to be reconstituted as the Local Government Employment Group. This group is an advisory group on all matters related to establishing a consistent industrial framework for the new Council and still remain in place for the three (3) year transition period.

One of the main roles of this group will be to negotiate a new enterprise agreement for the Council, within the State jurisdiction. Council has been approached by two (2) of the Unions requesting that negotiations commence for this new agreement. A key part of the new agreement will be resolving those differences between the existing agreements, as highlighted in the Sharp report attached to the transitional action plan.

The group will consist of representatives from management and the unions/workforce. It is proposed that the number of management representatives be six (6), comprising four (4) staff members and two (2) elected members. Based on the interim structure the four staff representatives proposed would be Colin O'Connor (Acting CEO), Chris Payne (Acting Director Corporate Governance), Gerry Franzmann (Acting Director Engineering Operations) and Shane Browne (Team Leader HR & Corporate Support). It is suggested that the elected representatives include Cr Milligan given her responsibility for the Corporate Governance portfolio.

OFFICER'S RECOMMENDATION

That

1. Council appoint management representatives to the Local Government Employment Group, consisting of four (4) staff members and two (2) elected members
 2. The staff members to represent management be determined by the Chief Executive Officer
 3. Council determine the two (2) elected members to represent management.
-

RESOLUTION:

THAT

1. Council appoint management representatives to the Local Government Employment Group, consisting of four (4) staff members and two (2) elected members
 2. The staff members to represent management be determined by the Chief Executive Officer
-



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3. Council management representatives on the Enterprise Bargaining Team be Cr Milligan and Cr Holstein.

Moved By: Cr Moon

Seconded By: Cr Friend

Resolution Number: 15

7/0

CARRIED



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8.0 PLANNING & ENVIRONMENT REPORTS

ITEM NO: 9.1
FILE NO: DA-01608A
DATE: 16 April 2008
TOPIC: BOUNDARY RE-ALIGNMENT - 8 SOUTHERN STREET & OLD GRANDCHESTER ROAD
AUTHOR: Nicole Dakers
AUTHOR'S TITLE: Planning Officer

Background

Council is in receipt of a development application (dated 12 February 2008) from Dan Lawless from Lockyer Survey Services for a Boundary Re-Alignment on Lot 254 CH 31978, Lot 11 SP 187098 & Lot 100 SP 187099, situated at 8 Southern Street & Old Grandchester Road, Laidley.

Discussion

The subject property has a *Rural Landscape and Rural Upland Area Classification*, in accordance with *Areas Map A1* of the *Laidley Shire Council Planning Scheme*. A Reconfiguring a lot development application for a boundary re-alignment on a property in the *Rural landscape and Rural Upland Area* requires that the level of assessment be code assessable; however due to the fact that the proposed boundary re-alignment is situated in a Very High Ecological Significant Native Vegetation Area, the level of assessment is required to be impact assessable.

The proposal has been assessed under the following codes;

- (a) *Rural Area Code*
- (b) *Reconfiguring a Lot Code*
- (c) *Areas of Natural & Environmental Significance Overlay Code*

Compliance with the *Rural Area Code*

The proposal is not in conflict with the Rural Areas Code of the Laidley Shire Council Planning Scheme.

Compliance with the *Reconfiguring a Lot Code*

Council Officers consider that the proposal is generally not in conflict with the requirements of the *Reconfiguring a Lot Code* of the *Laidley Shire Council Planning Scheme*.

The proposal does not comply with the acceptable solutions of the reconfigure a lot code in regard to the allotment sizes and shapes and the minimum frontage required in both the rural upland and rural landscape area as depicted in Table 7 of the reconfiguring a lot code, therefore the application has been assessed against the specific outcome.



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Old Grandchester Road is an unformed (unconstructed) road and although frontage requirements are not met on Southern street it would be a preferable outcome for Council to allow access from Southern Street rather from the unformed road.

There are pre-existing non conforming allotments and the proposed layout offers consolidation of the Rural Uplands Area and provides reliable access to the proposed lot 3 which was previously not available. Therefore it is considered that the development layout provides a wide range of allotment sizes and shapes that is compatible with the area in which the development is proposed.

Compliance with the Areas of Natural & Environmental Significance Overlay Code

Council Officers consider that the proposal is located in an area of Medium/Extreme Bushfire Risk, slope greater than 15% and in a Moderate to Very High Ecological Significant Native Vegetation Area and is generally not in conflict with the requirements of the *Areas of Natural & Environmental Significance Overlay Code* of the Laidley Shire Council Planning Scheme.

Council officers believe the proposed allotment shapes are the best outcome in particular making proposed allotment 3 larger which allows only one allotment within the densely vegetated, extreme bushfire risk and in some places slope in excess of 40% area. The proposed layout will allow for less remnant vegetation to be removed and also lessen the risk of damage to buildings and infrastructure located on the land.

Any proposed dwellings on any part of the property will require a Code Assessable Material Change of use application to be lodged.

WATER & SEWERAGE OFFICER'S ASSESSMENT

Council's Water & Sewerage Officer has assessed the proposed boundary realignment at the abovementioned property, and has recommended that if the proposed development be approved, no conditions shall apply.

CADET ENGINEER'S ASSESSMENT

Council's Cadet Engineer has assessed the proposed boundary realignment at the abovementioned property, and has recommended that if the proposed development be approved, it be subject to the conditions listed below.

PUBLIC NOTIFICATION

As the development application is Impact Assessable under the requirements of the *Laidley Shire Council Planning Scheme*, pursuant to *section 3.4.4* of the *Integrated Planning Act 1997*, a public notification period of (15) business days was required.

This was undertaken from the 5th of March 2008 to the 26th of March 2008, and involved a newspaper published public notice, the adjoining property owners being notified and a signboard being displayed on the site.

SUBMISSIONS

During the public notification period no submissions were received regarding the proposed boundary re-alignment at Lot 254 CH 31978, Lot 11 SP 187098 & Lot 100 SP 187099 situated at 8 Southern Street & Old Ggrandchester Road, Laidley

Assessment Manager's Conditions

1. The boundary realignment is to be generally in accordance with the plan of development numbered 200824, dated 01 April 2008.
2. Portions of the properties are located in Low/Medium/Extreme Bushfire prone areas, as identified on *Overlay Map D* of the *Laidley Shire Council Planning Scheme*.
3. Portions of the properties are identified as being located in *Moderate/Very High High Ecologically Significant Native Vegetation Areas*, in accordance with *Overlay Map E1* of the *Laidley Shire Council Planning Scheme*.
4. Portions of the properties are identified as being located in *Slope greater than 15%*, in accordance with *Overlay Map G1* of the *Laidley Shire Council Planning Scheme*.
5. Any proposed dwelling on any part of the lots would require a Code Assessable Material Change of Use Application to be lodged due to the overlays that affect the subject property.

Access Crossings

6. A sealed driveway (bitumen surfaced or concrete) of a minimum width of 3.0 metres is to be constructed within the proposed "access way" for its entire length.
7. The access crossings required for proposed lot 3 shall be suitably sealed from the existing road to the end of access corridor. Surfacing shall consist of either patterned, reinforced concrete, concrete pavers, segmental clay pavers, asphaltic hotmix or two coat (primerseal/seal) bitumen seal. Stormwater discharge from driveway structures shall not be concentrated and directed towards neighbouring properties.
8. Provision of conduits for underground services being water supply, electricity, gas, telephone cabling or other such utilities is required as part of the access driveway.
9. Any proposed access crossing shall be provided and installed at the expense of the property owner.

Utilities

10. Where existing features or services are required to be removed or relocated to suit the development then the terms and conditions of the relevant controlling authority are required to be met. The developer is required to contact controlling authorities for determination of condition prior to any works being undertaken.

General

11. Any costs from repairs due to damage caused to Council assets as a result of proposed works undertaken shall be met by the applicant. Where pedestrian and vehicular traffic safety is exposed to hazards created from damage, the damage shall be repaired immediately upon associated works being completed.
12. All works required pursuant to these terms and conditions shall be undertaken at the developer's expense.
13. The provision of electric power or the production of a letter from an electricity supplier stating that electricity is available to lots near existing distribution mains under present supply conditions for normal all electric residential loadings.
14. All of the above conditions must be met, within a period of four years from the date of this approval, and a sealing fee will be required to be lodged prior to the Plan of Survey being endorsed by Council. This fee will be Council's adopted rate at the time the Plan of Survey is submitted for endorsement.

Conclusion

The proposal is not in conflict with the acceptable solution and specific outcome requirement of the *Laidley Shire Council Planning Scheme*. Council Officers have not identified any other issues during the assessment of this proposal that would warrant refusal of the application. It is therefore recommended that approval be given for the boundary re-alignment, subject to reasonable and relevant conditions.

OFFICER'S RECOMMENDATION

That Council approve development application DA-01608A and Plan of Development numbered 200824 dated 1st April 2008, subject to conditions 1- 14, and the applicant be advised accordingly;

RESOLUTION:

THAT Council approve development application DA-01608A and Plan of Development numbered 200824 dated 1st April 2008, subject to conditions 1- 14, and the applicant be advised accordingly;

Moved By: Cr Milligan

Seconded By: Cr Moon

Resolution Number: 16



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CARRIED



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ITEM NO: 9.2
FILE NO: R1088-128-0/DA5721
DATE: 17 April 2008
TOPIC: REQUEST FOR A BOUNDARY RELAXATION FOR A DWELLING
AUTHOR: Albert Semenzin
AUTHOR'S TITLE: Building Certifier

Background

Council has received a request for a boundary relaxation for a Dwelling at the above address. An inspection was carried out on 9 April 2008 to assess the request and the following assessment was made:

Discussion

1. Lot 38 is an unusually shaped block on the corner of Reisenleiter Avenue and Toohill Court, Gatton;
2. The Queensland Development Code requires a 6 metre road boundary clearance to both boundaries;
3. The proposal is to reduce the Toohill Court road boundary clearance from the permissible 6 metres to approximately 5.2 metres to outer most projection thus reducing the clearance by approximately 0.8 metres;
4. This proposal will only require a corner portion of bedroom 1 to encroach into the road boundary clearance;
5. Toohill Court is a cul-de-sac so the outlook of road users will not be affected;
6. The neighbouring block is currently vacant, but once built upon the outlook or privacy of this block will not be affected;
7. The proposal will not create nuisance or diminish the safety of the public.

Conclusion

Due to Toohill Court being a cul-de-sac with limited traffic and that only a small portion of the dwelling is encroaching into the road boundary clearance, the safety of public and outlook/privacy of neighbouring properties will not be affected.

OFFICER'S RECOMMENDATION

That

- Council accept the reduced boundary clearance as proposed at 22 Reisenleiter Avenue, Gatton; and
- The applicant/landowner be advised in writing of Councils decision.

RESOLUTION:

THAT

- Council accept the reduced boundary clearance as proposed at 22 Reisenleiter Avenue, Gatton; and
- The applicant/landowner be advised in writing of Councils decision.

Moved By: Cr Holstein

Seconded By: Cr Neuendorf



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Resolution Number: 17
7/0

CARRIED



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ITEM NO: 9.4
FILE NO: R3067-0-0
DATE: 17 April 2008
TOPIC: TEMPORARY OCCUPATION
AUTHOR: Garry Shum
AUTHOR'S TITLE: Manager Building Services

Background

Council has received a request from Mr A McClean & Ms V Coffey for temporary occupation of a shed situated at 239 Huntingdale Crescent, Placid Hills (Lot 18 RP180328). An application was made by the owners and was received by Council on 28 March 2008.

Building Assessment

1. An application to construct a dwelling and a shed was received on 7 December 2006.
2. All information was supplied and a building permit issued on the 16 March 2007 to allow commencement on construction.
3. A footing inspection was carried out on the 16 April 2007 for the attached bathroom, toilet and laundry and the shed. A re-inspection was carried out on the 17 April 2007 after rectification and approved to pour concrete. No other works or inspections have been carried out.
4. Council have received a number of complaints in relation to persons living in tents and caravans. Two written complaints are attached.
5. On 13 March 2008 the applicant delivered a letter applying for a permit to reside temporarily in an Atco site hut, camping trailer site hut with a builders chemical toilet and a camping shower.
6. A site visit was carried out on the 4 April 2008 and the photographs as attached were taken.
7. It appeared the shipping container is used as the main sleeping area with no smoke alarms installed. The waste water from the shower is channelled away from the shower by a narrow shallow trench to the rear of the container.
8. Non of the structures have been tied down to the ground to adequately resist design wind forces.
9. Building regulations require a building permit for temporary structures including large tents. The exception is for legitimate builder's site offices.
10. Very little work towards completing the buildings has been done over the last twelve months.

OFFICER'S RECOMMENDATION

THAT

1. Council refuse the request for temporary occupation of the structures. The occupiers be given four weeks to vacate the premises.
2. The owners be asked to show cause why the existing unapproved buildings and structures should not be removed.



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RESOLUTION:
THAT the Officer's Recommendation be adopted.

Moved By: Cr McDonald

Seconded By: Cr Neuendorf

Resolution Number: **19**

7/0

CARRIED



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9.0 COMMUNITY SERVICES REPORTS

ITEM NO: 10.1
FILE NO: 5.5/25/5
DATE: 17 April 2008
TOPIC: USE OF GATTON SHIRE HALL FOR CHARITY EVENT
AUTHOR: Brad Domrow
AUTHOR'S TITLE: Director Community Services

Background

The attached letter was received in relation to a charity event at the Gatton Shire Hall on 27 June 2008.

The event organiser is requesting Council waive the hall hire fee and provide a monetary contribution towards the cause.

OFFICER'S RECOMMENDATION

That the report be considered.

RESOLUTION:

That if the Shire Hall is available, Council allow the use of the hall free of charge for the Cancer Research Charity Event.

Moved By: Cr Holstein Seconded By: Cr Friend
Resolution Number: 20
7/0

CARRIED

That Council Officers develop a policy in regard to waiving of hire fees.

Moved By: Cr McDonald Seconded By: Cr Neuendorf
Resolution Number: 21
7/0

CARRIED

That the Public Relations & Communications Officer discuss with the Charity Event Coordinator/Promoter and report back to council on the assistance required for this event.

10.0 ENGINEERING OPERATIONS REPORTS

ITEM NO: 11.1
FILE NO: CR-00084
DATE: 01 April 2008
TOPIC: MAINTENANCE OF RYAN ROAD
CLAIM FOR DAMAGE TO MOTOR VEHICLE
AUTHOR: Gerry Franzmann
AUTHOR'S TITLE: Director Engineering Operations

INTRODUCTION

On the 29th February 2008 Council (Laidley) received a letter from a resident of Ryan Road, Laidley requesting that Council pay the cost of repairs to a car which was allegedly damaged on the 21st February by the vehicle hitting a wash-out in the road. A copy of the letter and a photograph of the wash-out is attached.

COUNCIL'S POLICY

Council has a policy with respect to claims made concerning damage to motor vehicles. Generally, Council will only pay when it is able to be clearly shown that the damage occurred as a direct action of a Council worker; for example when a stone is thrown up by a slasher and damages a windscreen. On this basis I denied the claim for compensation for damage to the vehicle in Ryans Road.

CLAIMANT'S APPEAL

Subsequent to the Council's letter, a further letter has been submitted by the claimant appealing against the refusal and again requesting that Council meet the cost of repairs of \$1,500. To quote from the second letter:

"This incident would not be an issue if the road had not been in the neglected, washed-out, unsafe state it was. We have been driving on this road for 14 years and this is the first time the road has become extremely unsafe over all these years.

Notifications to Council about the deteriorating condition of Ryan Road had been made by me several times over the last 12 months by letter, phone and in person. The garbage truck driver of JJ Richards waste management had also complained on several occasions, especially in the last 2 months, regarding the dangerous state of the road when negotiating collection of the garbage.

If this proficient, big vehicle driver was having problems you can imagine the dilemma for me in a small 4 cylinder car. Being a professional nurse doing shift work, I travel on the road at all hours and to negotiate this washed-out section was a real problem of which resulted in causing this incident.

interest of the local government

ii. The appointment, dismissal or discipline of employees;

Moved By: Cr Moon

Resolution Number: 29

CARRIED

Item Number: 14.5
File Number: 1.1/17/1
SUBJECT: Open Session

THAT Council move into open session.

Moved By: Cr Neuendorf

Resolution Number: 30

CARRIED

14.0 CONFIDENTIAL ITEMS

ITEM NO: 15.1
FILE NO: 7.1/8/7-1
DATE: 16 April 2008
TOPIC: MEETING WITH TABLE TOP JUNIOR ART & CRAFT CLUB INC
AUTHOR: Jason Harm
AUTHOR'S TITLE: Manager Regional Development

Background

A meeting held in the Gatton Office of LVRC on Wednesday 9th of April with the Table Top Junior Art & Craft Club Inc. The meeting was attended by the Manager Regional Development, Tourism Officer, Media & communications coordinator, two representatives of the Art & Craft group and the Acting CEO. The initial appointment request came from the ladies to the acting CEO which he then invited the appropriate officers to attend the meeting. They are planning a two day event in Helidon focusing on the historical back ground the Helidon Spa resort and the past performers that have played at the resort in past years. Their marketing angle was to use the Legends of Rock that have played at the Spa to return and play in the Helidon Region. In their opinion the Spa site did offer enough room and was a little to run down.



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ITEM NO: 15.2
FILE NO: 3.1/23/6
DATE: 17 April 2008
TOPIC: CAHILL PARK SPORTS COMPLEX
AUTHOR: Brad Domrow
AUTHOR'S TITLE: Director Community Services

The attached letter has been received from Cahill Park Sports Complex Inc (CPSC) in response to an offer made by the Gatton Shire Council to purchase a portion of their land.

Background

The CPSC own and operate a multi-purpose outdoor recreation complex in Gatton with facilities for rugby league, cricket and outdoor netball. There is also a clubhouse with licensed bar and function room.

A report prepared in 2007 identified an opportunity for the complex to be further developed to improve existing facilities and to cater for additional uses eg. Little Athletics.

As the CPSC was not in a financial position to carry out the proposed developments the Gatton Shire Council agreed to purchase a portion of their land to justify committing public funds to the further developments. The area to be purchased is shown cross-hatched on the attached plan. This was to then leave the CPSC ownership and management of the clubhouse and rugby league fields which they intended to upgrade with part of the sale proceeds.

At the same time, Council was negotiating a Management Agreement with them to manage and maintain the area to be purchased by Council.

The land is zoned as Open Space under the Gatton Shire Planning Scheme and is unable to be developed for residential or commercial purposes. The price offered was therefore considered fair and reasonable.

ATTACHMENTS

- 1 Letter - Cahill Park Sports Complex 1 Page
- 2 Map of Area Proposed to be Purchased 1 Page

OFFICER'S RECOMMENDATION

That the offer of CPSC to sell the land to the Lockyer Valley Regional Council for \$1,000,000 be rejected and that it instead endorse the previous offer by the Gatton Shire Council to purchase the land for \$600,000 to be paid in equal instalments over four years.



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**RESOLUTION:
THAT**

- i. Further negotiations be had with the Cahill Park Sports Complex Executive base don the discussion of issues at today's Council meeting.**
- ii. The Mayor, Cr Friend and Chief Executive Officer be involved in these further negotiations.**

Moved By: Cr Milligan

Seconded By: Cr Holstein

Resolution Number: 32

7/0

CARRIED

