



COOLOOLA SHIRE COUNCIL

MINUTES

of the

GENERAL MEETING

CHAIRMAN: Cr M Venardos OAM (Mayor)

**Held in the Boardroom
Old Bank Building
Cnr Nash & Channon Streets,
Gympie Qld 4570**

**On Tuesday 20 November 2007
at 9.00 am**



Cooloola Shire Council

GENERAL MINUTES

*Mayor MJ Venardos OAM (Chairman),
Crs. CR Chapman OAM, FG Nissen AM, NR Ellis, LJ
Friske, R. Owen, SS Jocumsen, DR Neilson, IT
Petersen, WJ McIntyre, WW Sachs, J Watt and M. Prior*

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The Meeting commenced at 9.02am.

PRESENT: Mayor M.J. Venardos OAM (Chairman), Crs C.R. Chapman OAM, W.J. McIntyre, J. Watt, W.W. Sachs, I.T. Petersen, D.R. Neilson, S.S. Jocumsen, M. Prior, L.J. Friske, R. Owen and N.R. Ellis.

Also in attendance were Acting Chief Executive Officer (Mr C Manson) and Minutes Clerk (Mrs R. McVicar).

DECLARATION OF INTERESTS

G57/11/07 – Cr M.J. Venardos OAM (due to being the friend of the Director of the Company (Willibmag)).

SECTION 1: OPEN WITH PRAYER

Pastor George Miller from the Victory College offered a Prayer for the advancement of the Shire and the true welfare of its people.

One Minutes silence was observed for family and friends of deceased residents of the Shire.

SECTION 2: LEAVE OF ABSENCE

Cr F.G Nissen has been granted Leave of Absence from today's meeting (Minute G92/09/07 refers)

SECTION 3: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING

G52/11/07 Moved: Cr I.T. Petersen Seconded: Cr W.J. McIntyre

That the Minutes of the General Meeting held on 13 November 2007 be taken as read and confirmed.

Carried

SECTION 4: PETITIONS**~~Petition re Planning Scheme Definitions~~ [Petition re How Council Determines Natural Ground Level](#)**

Cr R. Owen tabled the following petition regarding ~~Planning Scheme definitions~~ [How Council Determines Natural Ground Level](#)

From; Peter Croker, 16 Belle Ct, Rainbow Shores, Rainbow Beach and 9 other signatories

'We, the undersigned ratepayers and residents of the Cooloola Shire, draw your attention to the fact that the following requests for information remain unanswered:

- 1) *the methodology Council employs to determine, or verify 3rd party determinations of, natural ground level. This is a critical assessment as the planning scheme directly employs it in defining a range of construction values, including its definition of building height and number of stories above ground. The community is entitled to ensure that this assessment is being made objectively and consistently. No explanation of this methodology has yet been provided.*
- 2) *Council's ability to measure and enforce building approval conditions – as per point 2 of General Meeting Minute G90/09/07, which requires that the matter be addressed in a report by the Director of Planning. The matter remains unexplained as, amongst other shortcomings, the Director of Planning's most recent report incorrectly applies King & Co legal advice to the matter of compliance assessment when in fact this advice applies to primary contracting works."*

G53/11/07 Moved: Cr R. Owen

Seconded: Cr M Prior

That the Petition be received and referred to the Director of Planning & Development for investigation and report to the General Meeting of Council to be held on 27 November 2007.

Carried

<p>Petition re Closure of Eel Creek Rod Refuse Service Depot and the Introduction of Wheelie Bin Service in Langshaw</p>
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Cr M. J Venardos OAM tabled the following petition regarding the closure of the Eel Creek Rd Refuse Service Depot and the Introduction of a Wheelie Bin Service in Langshaw.

From: Karen Berry, Primary Petitioner for Langshaw Rate-Payers and Residents, 144 Crust Road, Langshaw with 46 other signatories.

“Dear Mr Venardos

We, the rate-payers and residents of Langshaw, urgently request that:

- *NO wheelie bins be issued to the Langshaw area as a whole;*
- *The rubbish depot for Langshaw rate-payers and residents and located on Eel creek Road remain open; and*
- *The rubbish removal services provided by Cooloola Shire Council to Langshaw remain unchanged.*

We make these requests because:

1. *There are ELEVEN DIRT ROADS in Langshaw – Mary’s Creek Road (parts) Gumnut Drive, Harrison Road, Crust Road, Mahon Road, Neuendorf Road, Coppermine Creek Road, Schachts Creek Road, Heathcote Road, Upper Eel Creek Road and Jerry’s Creek Road. These roads are rarely graded – even though Langshaw rate-payers and residents are charged for that service – and large, heavy garbage trucks would destroy them.
(Please note: Many of these roads are already in dire need of repair)*
2. *All of the dirt roads in Langshaw are NARROW. There is no room for garbage trucks AND local traffic at the same time. This would create unnecessary driving hazards and safety issues for local drivers, truck drivers and residents.*
3. *Much of Langshaw is extremely steep. This, combined with points 1 & 2 above, would make Langshaw roads EXTREMELY dangerous for garbage truck drivers, local drivers and residents, especially in the rain. Locals are, of course, very much aware of the dangers of driving on Langshaw roads but sharing those roads with extremely large, heavy trucks would cause an unnecessary and unwarranted problem resulting in a huge loss of safety.*
4. *Added to the three points above is the fact that Langshaw has many creeks – Eel Creek, Jerry’s Creek, Coppermine Creek, Schachts Creek – which often flood. It is very very dangerous even for local traffic to negotiate Langshaw’s narrow, steep dirt roads in flood times. These*

conditions would be totally and completely unsuitable for garbage trucks to attempt in even a small amount of safety.

5. *With reference to point 4, if a garbage truck driver found the road cut by floodwaters, it would not be possible to safely or easily reverse up Langshaw's steep, slippery roads. (This is particularly applicable on Crust Road where Eel Creek is preceded by a hairpin bend on a steep slope. Also Jerry's Creek Road, where there is a 60-foot drop instead of verge, is very dangerous.)*
6. *Also with reference to Point 4 above, rubbish could not be collected during these times (though it could probably be safely assumed that Council would NOT reimburse Langshaw ratepayers for the cost of the missed collections). The health risks associated with uncollected refuse would be very great.*
7. *Level road frontage is not available to most ratepayers and residents in Langshaw and there is no safe, convenient position in which to place wheelie bins outside their gates.*
8. *Many Langshaw residents and ratepayers live on large cattle grazing properties, many of which have their homestead many hundreds of metres – even kilometres in some instances – away from the road. The roads leading to those homesteads are rarely suitable for manoeuvring heavy wheelie bins. Please Note: The suggestion that children should position the bins, because the distance may be too great for older adults, is irresponsible and dangerous. Please also note: The suggestion of dragging the bins behind vehicles, again because the distance may be too great for older adults, is also dangerous.*
9. *As a result of Points 7 and 8 above, if ratepayers and residents elected to leave the bins on the roadside, the bins would be in the way of the Council contracted slasher and other widely used farm vehicles. PLEASE NOTE: Would Council cancel this very infrequent slashing service (for which Langshaw ratepayers and residents are charged) for fear of damaging the wheelie bins and incurring the cost of replacing them?*
10. *If bins are left on the roadside, they would be impossible to clean. They would become extremely unhygienic and quickly full of maggots. Langshaw does not have town water. The only available water for cleaning the bins would be in the distant homestead tanks.*
11. *Again, if bins are left on the roadside, they are apt to be knocked over either by vehicles or simply tip over because of the steep terrain. The scattered contents of the bins would result in unsightly, unhygienic pollution and would cause health risks to native and farm animals and to whoever is unfortunate enough to have the job of cleaning up.*

12. Experts state that wheelie bins are no deterrent to wild dogs, of which Langshaw has a problem. To furnish these pests with their own 'meals-on-wheels' would most certainly not be advisable.

It must be strongly state that many of the TWELVE preceding points would breach Occupational Health and Safety standards for which Council could be liable.

Cooloola shire council cites 'unprecedented growth and increasing volumes' as the reason for introducing wheelie bins to the area, however Langshaw has not grown nor increased its volume at all over the past three or four DECADES.

It has been suggested that one of the reasons Council wishes to change the present refuse arrangements is because of vandalism at the present site. It must be pointed out that the present service depot displays NO SIGNAGE to advise users of exactly what is allowed to be deposited and where it may be deposited. Thus we do not believe Council has the right to complain that the area had been 'abused' and should, to save hundreds of thousands of unnecessary spending of ratepayers money, commission appropriate signs to be manufactured.

However, an even cheaper proposition than supplying thousands of dollars worth of wheelie bins, causing hundreds of thousands of dollars worth of road damage and compromising the safety of local constituents, would be to put in video cameras at the existing service depot to catch offenders 'doing the wrong thing'. This way, those offenders could be fined and would be unlikely to re-offend.

The existing rubbish refuse site is convenient for ALL Langshaw ratepayers and residents as it lies on their way in to town. However, it has been suggested that an alternative site for a refuse service depot may be the corner of Eel Creek Road and Coppermine Creek Road. This location is fairly large and there are no residents living nearby who would complain about the smell. Moving the depot further away from town would deter those non-residents who are presently 'abusing' the present depot.

Langshaw ratepayers and residents have valid reasons for opposing the introduction of wheelie bins to the Langshaw area. This can easily been seen by the numerous points above and by the signatures on the petition attached to this letter.

We thank the Council for this opportunity to oppose the changes to Langshaw's refuse removal facilities. We trust you and the other councillors who have been elected to represent us will do as they have been elected to do; listen to their constituents. We trust also that you will concede to the validity of the arguments listed above and will agree to exempt the entire Langshaw area from these changes."

G54/11/07 Moved: Cr R. Owen

Seconded: Cr N.R. Ellis

That the petition be received and referred to the Health and Community Services Department Manager for investigation and report to the Waste Management Committee Meeting to be held on Wednesday 21 November 2007.

Carried

Cr S.S. Jocusen left the meeting at 9.13am and returned at 9.16am.

<p>SECTION 5: ADOPTION OF PLANNING AND DEVELOPMENT COMMITTEE RECOMMENDATIONS</p>

G55/11/07 Moved: Cr D.R. Neilson

Seconded: Cr I.T. Petersen

That the Recommendations of the Planning and Development Committee Meeting held on 13 November 2007 as presented, be received with the exception of Recommendations P23/11/07 and P34/11/07, P03/11/07, P13/11/07, P20/11/07, P29/11/07, P30/11/07 which are to be withdrawn and dealt with later in this meeting.

Carried

G56/11/07 Moved: Cr D.R. Neilson

Seconded: Cr W.J. McIntyre

That the Recommendations of the Planning and Development Committee Meeting held on 13 November 2007 as amended, be adopted.

Carried

Cr M.J. Venardos OAM declared a perceived Conflict of Interest in the following matters, due to being the friend of the Director of the Company (Willibmag) and left the meeting at 9.21am.

Cr Venardos vacated the Chair and Cr I.T. Petersen (Deputy Mayor) took over the role of Chairman of the Meeting.

Recommendations P23/11/07 and P34/11/07 of the
Recommendations of the Planning & Development Committee
Meeting held on 13 November 2007

G57/11/07 Moved: Cr L.J. Friske Seconded: Cr N.R. Ellis

That Recommendations P23/11/07 and P34/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007 be received and adopted.

Carried

Cr Venardos returned to the meeting at 9.22am.

Cr Petersen vacated the Chair and Cr M.J. Venardos OAM took over the role of Chairman of the meeting.

Recommendation P03/11/07 of the Recommendations of the
Planning & Development Committee Meeting held on 13 November
2007

Director of Planning & Development Mr M. Hartley entered the meeting at 9.23am.

G58/11/07 Moved: Cr R. Owen Seconded: Cr N.R. Ellis

That Recommendation P03/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007 be deleted and the following placed in its stead:-

That Council amend the Planning Scheme to include 54 Rainbow Beach Road in the Commercial Zone and arrange a preliminary approval for all of the above land by 'Material Change of Use' to apply to all land use entitlements for the Commercial Zone to this site.

With the leave of the meeting, Minute G58/11/07 was withdrawn.

G59/11/07 Moved: Cr I.T. Petersen Seconded: Cr J. Watt

That Recommendation P03/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007 be deleted and the following placed in its stead:-

That Council invites the owners of the property located at 54 Rainbow Beach Road to apply for a 'Material Change of Use' for use rights consistent with the Commercial Zone.

Further that Council waive fees associated with the above application.

Carried

Recommendation P13/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007
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G60/11/07 Moved: Cr M Prior

Seconded: Cr R. Owen

That Recommendation P13/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007 be deleted and the following placed in its stead:-

That Council refuse the request and pursue the developer for a development offence (by not complying with a condition of the development approval).

Lost

A **DIVISION** was called with the following results:

FOR: Cr R. Owen, Cr M Prior, Cr S.S. Jocumsen, Cr W.W. Sachs
AGAINST: Cr N.R. Ellis, Cr L.J. Friske, Cr D.R. Neilson, Cr I.T. Petersen, Cr J. Watt, Cr W.J. McIntyre, Cr C.R. Chapman OAM, Cr M.J. Venardos OAM

G61/11/07 Moved: Cr D.R. Neilson

Seconded: Cr L.J. Friske

That Recommendation P13/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007 be received and adopted.

Carried

A **DIVISION** was called with the following results:

FOR: Cr N.R. Ellis, Cr L.J. Friske, Cr D.R. Neilson, Cr I.T. Petersen, Cr J. Watt, Cr W.J. McIntyre, Cr C.R. Chapman OAM, Cr M.J. Venardos OAM
AGAINST: Cr R. Owen, Cr M Prior, Cr S.S. Jocumsen, Cr W.W. Sachs

Recommendation P20/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007

G62/11/07 Moved: Cr M Prior Seconded: Cr W.W. Sachs

That Council, as Assessment Manager, refuse the development application outright, on the grounds that this is prime agricultural land and should not be developed.

Lost

A **DIVISION** was called with the following results:

FOR: Cr R. Owen, Cr M Prior, Cr S.S. Jocumsen, Cr W.W. Sachs
AGAINST: Cr N.R. Ellis, Cr L.J. Friske, Cr D.R. Neilson, Cr I.T. Petersen, Cr J. Watt, Cr W.J. McIntyre, Cr C.R. Chapman OAM, Cr M.J. Venardos OAM

G63/11/07 Moved: Cr I.T. Petersen Seconded: Cr N.R. Ellis

That Recommendation P20/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007 be received and adopted.

Carried

A **DIVISION** was called with the following results:

FOR: Cr N.R. Ellis, Cr L.J. Friske, Cr D.R. Neilson, Cr I.T. Petersen, Cr J. Watt, Cr W.J. McIntyre, Cr C.R. Chapman OAM, Cr M.J. Venardos OAM
AGAINST: Cr R. Owen, Cr M Prior, Cr S.S. Jocumsen, Cr W.W. Sachs

Recommendation P29/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007

G64/11/07 Moved: Cr S.S. Jocumsen Seconded: Cr N.R. Ellis

That Recommendation P29/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007 be deleted and the following placed in its stead:-

That Council, as Assessment Manager, approve the development application DA16747.

Carried

A **DIVISION** was called with the following results:

FOR: Cr N.R. Ellis, Cr R. Owen, Cr L.J. Friske, Cr S.S. Jocusen ,
Cr D.R. Neilson, Cr I.T. Petersen, Cr W.W. Sachs, , Cr W.J.
McIntyre, Cr C.R. Chapman OAM, Cr M.J. Venardos OAM
AGAINST: Cr M. Prior, Cr J. Watt

Recommendation P30/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007

G65/11/07 Moved: Cr R. Owen

Seconded: Cr W.W. Sachs

That Recommendation P30/11/07 of the Recommendations of the Planning & Development Committee Meeting held on 13 November 2007 be deleted and the following placed in its stead:-

“That Council’s employee who ascertains the natural ground level of roads within our Shire, reports to Council on how Council determines this level.”

Lost

A **DIVISION** was called with the following results:

FOR: Cr N.R. Ellis, Cr R. Owen, Cr L.J. Friske, Cr S.S. Jocusen ,
Cr M. Prior, Cr W.W. Sachs.
AGAINST: Cr D.R. Neilson, Cr I.T. Petersen, Cr J. Watt, Cr W.J.
McIntyre, Cr C.R. Chapman OAM, Cr M.J. Venardos OAM
The Mayor utilised his casting vote and the motion was
LOST.

ADJOURNMENT OF MEETING

The Meeting adjourned for morning tea at 10.27am.

The Mayor advised he would not be returning to the meeting at this stage due to a personal commitment.

RESUMPTION OF MEETING

The Meeting resumed at 10.43am.

Cr I.T Petersen, Deputy Mayor, took over the role of Chairman of the meeting.

Cr W.J. McIntyre and Mayor, Cr M.J Venardos OAM were not present at the resumption of the meeting.

Director of Engineering, Mr R.A Fredman, was present at the resumption of the meeting.

Mrs Y Oliver, Finance Manager, entered the meeting at 10.45am.

SECTION 6: REPORT BY PLANNING & DEVELOPMENT CHAIRMAN (Cr D.R Neilson)
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Nil

SECTION 7: ENGINEERING DEPARTMENT MATTERS (R.A Fredman)
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7/1	Construction of Sewage Treatment Plants at Tin Can Bay, Rainbow Beach and Cooloola Cove. Report on Tenders, Contract 2007/2008-03 Construction of Treatment Plants
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Re: **G66/11/07** Construction of Sewage Treatment Plants at Tin Can Bay, Rainbow Beach and Cooloola Cove. Report on Tenders, Contract 2007/2008-03, Construction of Treatment Plants.

From: Water & Sewerage Manager – I. Schiefelbein.

File: WW07/00066

Date: 8 November 2007.

Attachment No 1 refers.

Report: (Water & Sewerage Manager – I Schiefelbein)

1.0 Introduction

With continued growth and higher effluent disposal requirements all of the sewage treatment plans on the Cooloola Coast now require significant upgrade. The upgrades will need to be in place by March 2009 as required by Councils

EPA licence. The plants are required to produce effluent with very low levels of organic matter and nutrients. The effluent will be irrigated to natural woodlands for further nutrient reduction. The current plants cannot be upgraded to provide the necessary effluent standards and will become redundant when the new facilities are complete. The work is composed of two major components namely,

1. Construction of treatment plants
2. Construction of effluent irrigation facilities

Contract 2007/2008-03 includes construction of the three sewage treatment plants at Rainbow Beach, Tin Can Bay and Cooloola Cove. The three treatment plants were included in one tender because;

- (a) Equipment would be identical
- (b) Efficient construction of three similar plants
- (c) Larger contractors may become interested in tendering
- (d) All plants need immediate upgrade
- (e) Reduction in supervision and administration costs.

2.0 Report on Tenders

The design consultants have prepared a "Tender Evaluation Report" (copy attached) which recommends that Council accept the tender submitted by Abergeldie Constructions Pty Ltd for the tender price of \$18,168,758.00 inclusive of GST.

The second lowest tender of Aquatec Maxcon proposes treatment plants which would produce effluent with slightly higher quality. However, the plants proposed by Aquatec Maxcon have much higher operating and maintenance costs. The higher effluent quality is of no benefit for the proposed effluent irrigation scheme.

3.0 Financial

3.1 Total Project Cost

Based on the lowest priced tender of Abergeldie Constructions Pty Ltd the estimated total project costs is as follows:

(a)	Construction of sewage treatment plants (exclusive of gst)	\$16,517,052.00
(b)	Construction of Effluent Irrigation System	
	(a) Tin Can Bay	\$ 390,000.00
	(b) Rainbow Beach	\$ 900,000.00
	(c) Cooloola Cove	<u>\$ 720,000.00</u>
	Sub Total	<u>\$18,527,052.00</u>

Allowance for Design and

Preliminary Works Planning	\$ 600,000.00
	(Substantially Complete)
Allowance for Administration and Contract Supervision	\$ 872,948.00
Allowance for Contingences	<u>\$ 1,800,000.00</u>
TOTAL	<u>\$21,800,000.00</u>

3.2 Budget

The budget for this financial year includes an allowance of \$9,000,000.00 (including subsidy) for this work with further expenditure in the next financial year. The budget for this financial year is sufficient for expected progress of the project. Additional funding will be required in 2008/2009 and 2009/2010.

The total project cost has increased substantially due to a number of causes including:-

- (a) The general rise in building and infrastructure costs which are considerably above rises in the consumer price index and inflation. This is caused by the amount of infrastructure projects currently in progress and planned, increasing labour costs, and increasing materials costs.
- (b) Increased effluent standards and EPA requirements (Finalised in July) which have reflected in the need to install relatively sophisticated plants with chemical nutrient removal facilities and substantial irrigation systems.
- (c) Provision of a contract supervision and contract administration costs.
- (d) Substantial growth at Rainbow Beach, Tin Can Bay and Cooloola Cove resulting in the need to provide plants with increased capacity to provide for future growth.

Local Government Infrastructure Services have advised that 150 Sewage Treatment Plants across Queensland will require upgrade within the next five (5) years with a total cost of about \$1.5 Billion. Most of the plants must be completed by 2008-2010 to meet licence conditions. This has caused a "heated" market characterised by very high costs.

Report: (Finance Manager – Mrs Y.J. Oliver)

The cost of this project has increased significantly to the estimated cost used in the current budget 2008 – 2012. The estimated cost used in the current budget document was \$13,500,000. The new cost is \$21,800,000.

The nett additional cost to the Community (taking into consideration subsidy available for the project) is \$4,980,000. The total nett cost to the Community is \$13,080,000 (previously \$8,100,000).

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The budget estimates have been updated with the new figures. It has been ascertained that in 2008/09 Council will need to borrow \$5.4m in lieu of the previously estimated \$3.55m and a further \$1.6m in 2009/10.

To accommodate this project it will be necessary to increase Cooloola Coast Sewerage rates by 14% in 2008/09, 2009/10 and 2010/11 instead of the previous budgeted increase of 6% in each of these years.

Obvious reasons for these increases are to service the additional interest and redemption on the loans, the increase in estimated depreciation expenses and increased operating costs.

Another factor which will lessen the effect on the level of rating is growth in the 3 coastal areas. No allowance has been made for growth in the modelling at this stage.

Further, Council may decide not to fully fund the depreciation applicable in the later years. However, this is not a prudent financial management strategy and it not recommended.

This modelling has been undertaken to inform Council of the possible rating scenario as a result of the project which is absolutely necessary.

Note – Cr Prior advised that assets should be funded across the entire Shire, as Coastal residents have assisted in the funding of infrastructure in Gympie such as Civic Centre, Pavilion etc, which residents utilise. Conversely, Gympie residents utilise facilities within the coastal areas.

G66/11/07 Moved: Cr W.W. Sachs Seconded: Cr M Prior

That the tender of Abergeldie Constructions Pty Ltd be accepted for Contract 2007/2008-03 Construction of Treatment Plants for the lump sum price of \$18,168,758.00 (inclusive of GST).

Further, that in accordance with Section 159ZW of the Local Government Act 1993, the Minister be advised of Council's decision as part of the policy decision requirements during the Local Government Reform transition phase.

Carried

Mr M. Hartley returned to the meeting at 10.56am.

Mr R.A Fredman and Mrs Oliver left the meeting 10.56am.

SECTION 8: PLANNING & DEVELOPMENT DEPARTMENT MATTERS (M. Hartley)
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8/1	Petition re Compliance with 2005 Cooloola Shire IPA Planning Scheme
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Re: **G67/11/07** Petition re Compliance with 2005 Cooloola Shire IPA Planning Scheme
 From: Director of Planning & Development, Mr M. Hartley.
 File:
 Date: 14 November 2007

At the General Meeting held on 13 November 2007, Cr R Owen tabled the following Petition in respect to Council's assessment of natural ground level in respect to buildings at Rainbow Beach (Minute G90/09/07).

From: Joseph Zunic, 32 Bombara Court, Rainbow Beach with 9 other signatories

"To the Mayor and Councillors of the Cooloola Shire in Council assembled:

We, the undersigned ratepayers and residents of the Cooloola shire, hereby wish to inform Council that the Director of Planning's report to the Planning and Development Committee, 13-11-07, fails to adequately address the questions that have been formally and repeatedly asked by the community regarding Council's assessment of natural ground level and its powers and policy for inspection and enforcement of building compliance.

In very brief summary:

- 1) *With regard to the matter of natural ground level:
 The report states (in Sect. 3.0 that "natural Ground level" is defined by the planning scheme to mean:
 (b) 'if the ground level on the day mentioned above [in part (a)] is not known, the natural ground level as determined by Council.
 Thus the report clearly identifies Councils' responsibility to determine natural ground level, yet it utterly fails to explain the method Council uses for this determination. Thus it fails to answer the petitioned question.*
- 2) *With regard to Council's capacity to measure and enforce compliance:
 The report's quotation of legal advice (King & Co) relates to Council's power to stipulate who can do works required by the development. This advice does not apply to the entitlement and methods Council has to make compliance checks or audits as might be necessary subsequent to the outcome of those primary works. The question that has been asked by repeated petitions, and by Council minute G90/09/07, remains unanswered.*

Furthermore, we wish to express our disappointment and frustration at this ongoing lack of adequate response to our genuine and vitally important questions.”

Minute G31/11/07 of the General meeting held on 13 November 2007 resolved as follows:-

That the Petition be received and referred to the Director of Planning & Development to report to the General Meeting of Council to be held on 20 November 2007.

Report: (Director of Planning & Development – M. Hartley)

The issue of calculating building height and enforcement was considered by the Planning and Development Committee at its Meeting on 13 November 2007 (Item 5/5).

The Committee resolved vide Minute P30/11/07 that Council receive the information and note the report.

G67/11/07 Moved: Cr D.R. Neilson Seconded: Cr J. Watt

That the information be received and the report noted.

Carried

Acting Director of Corporate Services Mr B. Hayes entered the meeting at 11.00am.

Mr Hartley left the meeting at 11.00am.

SECTION 9: CORPORATE SERVICES DEPARTMENT MATTERS (Cr M.J Venardos OAM, C. Manson, B. Hayes)
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9/1 Annual Report
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Re: **G68/11/07** Annual Report
From: Acting Director of Corporate Services, B. Hayes
File:
Date: 14 November 2007

Report: (Acting Director of Corporate Services – B. Hayes)

It is hoped the Draft Annual Report will be delivered on Friday 16 November 2007 for perusal by Council and adoption at the General Meeting to be held on 20 November 2007, subject to the timely delivery of the Financial Statements.

Mrs Oliver entered the meeting at 11.02am

G68/11/07 Moved: Cr N.R. Ellis Seconded: Cr L.J. Friske

That the 2007 Annual Report as presented, be received and adopted.

Further, that Mrs J. Lee, Mrs A. Haselwood, Mrs Y. Oliver and Mr B. Hayes be thanked for their input into the Annual Report.

Carried

Mr Hayes and Mrs Oliver left the meeting at 11.10am

9/2	LGAQ Circular #2007-391 – Plebiscite Timetable
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Re: **G69/11/07** LGAQ Circular #2007-391 – Plebiscite Timetable
 From: Mr G. Hallam PSM, Executive Director, LGAQ, PO Box 2230,
 Fortitude Valley, QLD 4006
 File: AG94/00079
 Date: 14 November 2007

“AEC have provided a timetable for the conduct of the Plebiscite for 85 Queensland Councils.

AEC have provided the following information regarding their conduct of Plebiscites for 85 Queensland Local Governments.

Preparation for the upcoming plebiscites for 85 Councils is currently on track.

The roll of voters for each plebiscite will be extracted from the roll which has closed for the Federal Election.

Ballot papers and other ballot materials are being printed and should be mailed to voters no later than Friday 23 November 2007.

At this stage AEC intend to publish a Plebiscite Notice in the Courier Mail in the week of 19 to 23 November. Likely to be Tuesday or Wednesday.

The ballot closing dates will be 7 December for the six urban Councils (Caboolture, Caloundra, Pine Rivers, Gold Coast, Noosa and Redcliffe) and 14 December for all other Councils.

It is noted that some Councils may wish to distribute how-to-vote material should not instruct voters to cast a vote in a manner which is contrary to the instruction in the ballot paper.

To assist Councils with this, AEC have provided the attached Sample Ballot paper, which is a copy of the content of the ballot paper. The sample is accurate for layout, general instructions and wording of the question but please note that, for ballot security purposes, it is not a copy of the complete ballot paper.

Each Council will have its own ballot paper and the Council name will appear in the header of the paper.

Note also that the Gold Coast ballot paper will include a differently worded question, which I will make available upon written request.

To enable other interested persons to prepare how-to-vote material AEC intend to provide a copy of the attached document to voters upon written request.

The scrutiny (checking names of voters to the rolls and counting of returned ballot papers) will occur at the Frank Robertson Building, Industry Street, RNA Showgrounds, Gregory Terrace in Bowen Hills Brisbane.

Checking names will commence Wednesday 28 November and the count for urban Councils will start on or after 7 December. Results will be released to LGAQ progressively as they are finalised.

The Rules for the Conduct of Queensland Council Plebiscites include provisions for the appointment of scrutineers.

AEC must receive a properly completed Scrutineer Appointment and Declaration Form for each person before they are provided access to the scrutiny venue.

For appointments by LGAQ (as agent for each of the councils) please ensure the appointment identifies the Council name/s if the appointment is intended to be limited. AEC will also accept an LGAQ generally worded appointment which covers all Councils for whom LGAQ is acting as agent.

Results will be placed on a public noticeboard at the scrutiny venue and issued to LGAQ (as agent for the relevant Council) at the completion of the count for each Council.

Hopefully everything will be all wrapped up by 21 December.

Please note that LGAQ Executive have determined that the Association will not be undertaking any promotion or publicity of either the “yes” or “no” cases during the plebiscite period.

Participating Councils may wish to publicise the plebiscite from around 23 November to the closing date (s) to encourage maximum return of ballots by electors of their communities.

As advised by AEC, any promotion or publicising of the “Yes” or “No” case MUST CONFORM with the form of the AEC’s Ballot and associated papers, so as to minimise confusion and the possibility of informal votes.

A further Circular will be issued in the next day or so explaining how (under the Rules), a person whose name appears on the Plebiscite Roll of Voters can obtain an electronic copy of the relevant roll from AEC.

The Association’s contact officer on this matter is Mark Leyland, Finance and Governance Policy Advisor, who can be contacted by telephone on 3000 2201 or email (mark.leyland@lgaq.asn.au).

Plebiscite on Council Amalgamations

Direction to Voter

Write YES or NO in the space provided opposite the question set out below.

Do you support the Queensland Government’s decision to

After marking your vote:

- Place the ballot paper in the Declaration Envelope, seal it and sign your name on the back.
- Place that envelope in the Reply Paid envelope.
- Post the Reply Paid envelope so that it reaches me not later than 2pm on Friday XX December, 2007.

G69/11/07

Moved: Cr R. Owen

Seconded: Cr S.S. Jocusen

That the information be received.

Further that Council write to all residents and give them reasons and arguments to vote no to the plebiscite.

Lost

A **DIVISION** was called with the following results:

FOR: Cr R. Owen, Cr S.S. Jocumsen.

AGAINST: Cr N.R. Ellis, Cr L.J. Friske, Cr M. Prior, Cr D.R. Neilson,
Cr W.W. Sachs, Cr J. Watt, Cr C.R. Chapman OAM, Cr
I.T. Petersen.

G70/11/07 Moved: Cr N.R. Ellis

Seconded: Cr D.R. Neilson

That the information be received

Carried

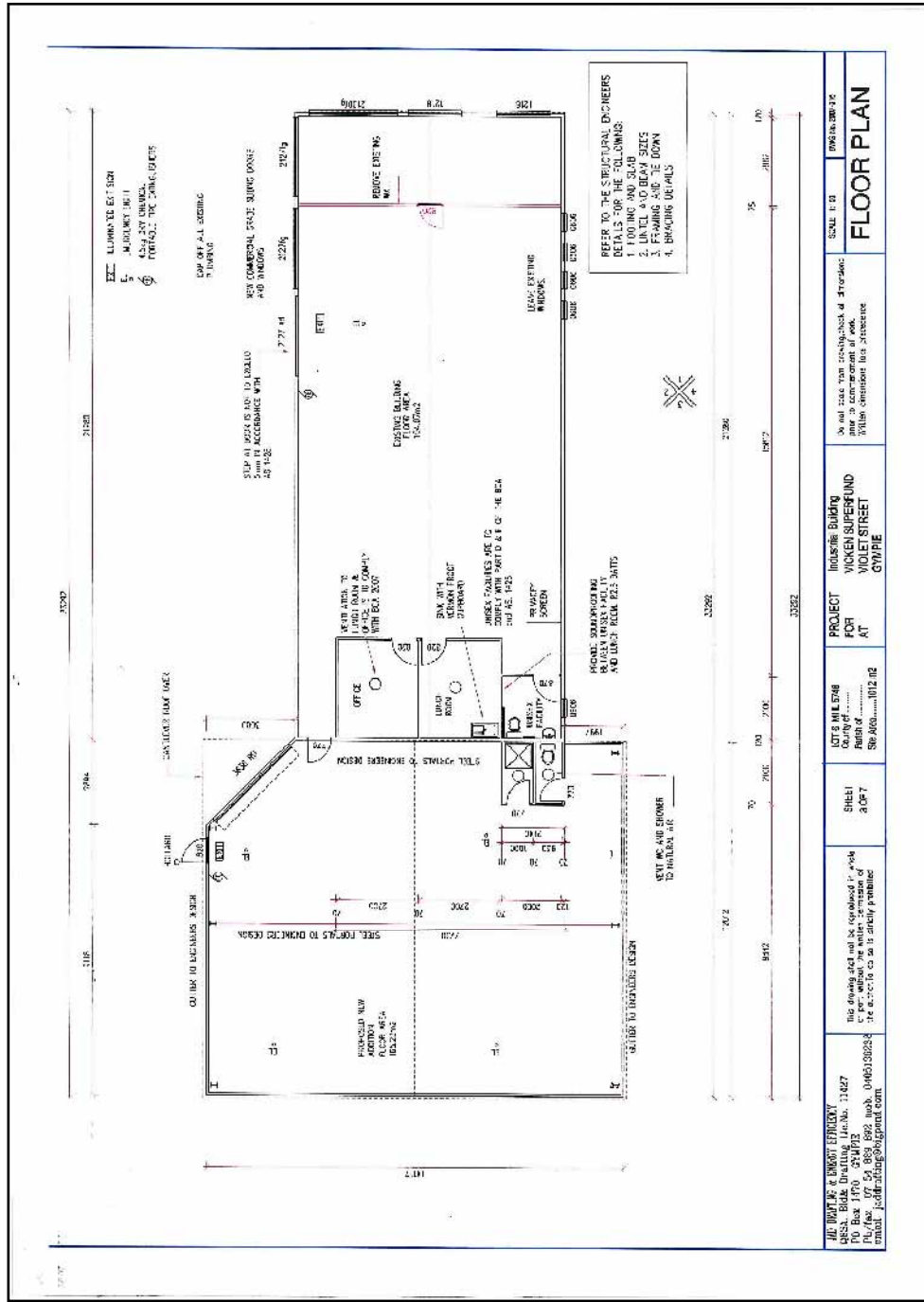
Mr Hartley entered the meeting at 11.14am.

SECTION 10: LATE ITEMS

Late Item 1 DA16624 – Material Change of Use Application – Showroom & Warehouse (Retail Carpet Store) – 54 Violet Street (Bruce Highway, Gympie) – Vicken Superfund

FILE NO:	DA16624
APPLICANT:	Vicken Superfund
RPD:	LANDOWNER: K. Burford & V. Hopkins
SITE ADDRESS:	Lot 6 MPH6726
CURRENT USE OF LAND:	54 Violet Street (Bruce Highway), Gympie.
PROPOSAL:	Shop
ZONE:	Material Change of Use – Showroom & Warehouse (Retail Carpet Store)
PREFERRED USE AREA:	Commercial
PLANNING AREA:	Highway Services
LEVEL OF ASSESSMENT:	Gympie
	Code





1.2 Site Description

The site is presently developed as a commercial building with associated carparking and limited landscaping.

1.3 Surrounding Land Uses

All surrounding land uses are of a commercial nature.

1.4 Site History

The site was previously used as a shop for the display and sale of pots (Country Bounty).

2.0 STATUTORY REQUIREMENTS

2.1 Intent of the Zone

The Commercial Zone aims to provide for the retail, business, commercial, administrative, service industrial and other needs of residents and visitors to Gympie and surrounding areas is reinforced in accordance with the preferred use areas and at other appropriate locations.

The proposal partially complies with this intent, except that it is located within the Highway Service preferred use area. This is discussed later in the report.

2.2 Compliance with the Planning Scheme

2.3.1 *Scheme Definition*

The planning scheme defines the proposal as a showroom as it involves the sale of bulky goods, or goods in bulk.

Further, it is also considered a warehouse as it involves the storage of goods pending distribution.

2.3.2 *Development Provisions*

Both a showroom and warehouse represent code assessable development in the Commercial Zone. The following codes are applicable:

Gympie Planning Area Code

The effects of the proposed use of this site is not likely to impact on the amenity of adjoining premises in relation to noise, air or light emissions.

The proposal complies with the maximum height for commercial buildings of 8.5 metres.

The proposal exceeds the adequate setbacks as prescribed in the scheme for the road frontage (13 metres), side boundaries (3 metres). The rear boundary achieves a 3 metre setback to the adjoining residential premises. This is below the 5 metres prescribed in the scheme but is acceptable given the location of the existing dwelling on the site.

No plant or equipment service areas as proposed as part of the development.

Storage and refuse areas are well positioned in relation to their impact on the streetscape.

Infrastructure Works Code

The site meets the requirements set out in Table 8:1 of the policy in relation to Standards for the provision of works, except the site is not serviced by a concrete footpath. Given the site's highway frontage it is considered unlikely that such works would be heavily utilised and as such a contribution is considered a better outcome in this instance.

Stormwater from this site discharges naturally to the rear corner of the property which presently contains dwellings facing Pine Street but the rear of which is undeveloped and wholly constrained by flooding.

Landscaping Code

The site is located on the Bruce Highway and it is considered that the existing landscaping is inadequate in terms of presentation.

Landscaping nominated in the scheme is prescribed to be 2 metres averaging 3 metres along the entire frontage. This should incorporate 3 tiered planting.

Shade trees are required for the parking areas at the rate of 1 tree per 6 spaces.

Vehicle Parking and Access Code

Car parking for a showroom is calculated at the rate of 1 space per 40m². Based on 194m², 5 spaces are required for the showroom.

The warehouse rate is 2 spaces per tenancy and 1 space for every 100m². This equates to 4 spaces.

A total of 9 spaces is therefore required. 10 spaces are nominated on the proposal plan. Although the car parking layout is not ideal in relation to parallel parking, it is considered that the existing layout of the building somewhat constrains alternatives from being practical. In a practical sense it is likely that staff would park towards the rear entrance of the site, with the customers utilising the four front spaces.

The applicant has not demonstrated how the vehicles are to enter and exit the site in forward gear. Verbal discussions following their failure to respond to the item in the information request indicates that deliveries occur prior to the showroom opening (ie. before 9am). A condition relating to this is included in the recommendation.

Erosion and Sediment Control Code

Measures will be required to be undertaken at the building and operational works stages of the development. No concerns are raised at this stage in relation to the proposal being able to comply with such requirements nominated in the code.

2.4 Local and/or State Planning Policies

There are no state or local planning policies applicable to this application.

3.0 PLANNING CONSIDERATIONS

3.1 Appropriateness of the Proposal

Although both aspects of the proposal represent inconsistent uses in the Commercial Zone when located in the Highway Service Preferred Use Area, it is considered the proposal represents an appropriate use of the site given the following:

- the previous use of the site was for a shop. This proposal represents a less intense use of the site in terms of traffic generation;
- the general locality is made up of a range of commercial activities, most of which are not highway related. For example, landscape supplies centre, steel distribution, produce store, shed display yard. None of these uses provide a highway service.
- The site is subject to flooding and is not entirely suitable for a range of highway service related uses such as motels and service stations.
- The warehouse component is ancillary to the showroom and does not in itself represent industrial development;
- the proposal is only inconsistent with the preferred use area and not the commercial zone in general.

Based on the above it is considered that proposal can be supported.

3.2 Impact on Amenity

No amenity concerns are raised in relation to this proposal given that the majority of surrounding land is commercial. One dwelling is located on the adjoining property to the rear, however, this is located at the front of the block to Pine Street and would not be directly impacted by the building. It should be noted that the building provides an adequate setback to the property in any event.

3.3 Site Access and Traffic

No additional access is proposed to the Bruce Highway. The Department of Main Roads have assessed this aspect and provided appropriate conditions.

3.4 Flooding

The code requires an escape route to be available in a Q50 flood event. A majority of the site is above the Q50 flood event and an adequate escape route to higher ground is available.

3.5 Site Contamination

The site is not listed on the Environmental Management Register.

3.6 Utilities and Services

Headworks charges are applicable with credits given for the shop use that was previously on the site. The shop is given credit at the rate of 0.8EP for Water and 1.2EP for sewerage per 100m² GFA. Based on 194m² of GFA this equates to a 1.6EP credit for water and a 2.4EP credit for sewerage.

Headworks for a showroom are levied at 1.0EP per 100m² of GFA for Water and 1.2EP per 100m² GFA for sewerage.

Based on the existing credits no sewerage headworks are applicable. Water headworks of 0.4EP are payable.

$$1054.50 \times 0.4 = 421.80 = \$422$$

It is not considered that headworks charges can be reasonably imposed in relation to the warehouse component as it only involves the storage of carpet and is unlikely to have any fixtures as the office and staff amenities are all located in the showroom building.

4.0 CONSULTATION

4.1 Internal

(a) Department of Engineering

Report: (Design Department Senior Engineer – A. Laszlo)

This engineering report is based on the information submitted by applicant.

TRAFFIC

No estimate of the additional traffic generated by the development was submitted with the application. Council has adopted a standard traffic generation rate of 4 vph per 100m² GFA in accordance with industry guidelines for this type of development. The frontage road is a state-controlled road. Due to the flow on effects onto local roads a contribution of \$937 is justified calculated on 50% of the GFA.

FRONTAGE ROAD / ACCESS / PARKING

Violet Street (Bruce Highway) is fully constructed except for kerb and channel and a concrete footpath. Kerb and channel and a 1.2 metre reinforced concrete footpath should be constructed for the full development frontage. However, future widening of Bruce Highway may effect the carriageway width, at this location; Therefore contributions of \$3,285 for kerb and channel and \$1,404 for concrete footpath would be more beneficial in this instance.

Bruce Highway access to meet the Department of Main Roads conditions as outlined in its letter dated 5 October 2007.

The applicant has not demonstrated that delivery vehicles can enter / exit site in a forward direction.

The car parking and loading area are to comply with AS2890.1 and AS2890.2.

STORMWATER DRAINAGE / FLOODING

Run off from sealed car parking areas and buildings should be captured on site and collected in an appropriately designed detention system or other acceptable system.

The development site is prone to flooding, however a clear evacuation path is available if such an event occurs.

WATER SUPPLY AND SEWERAGE

Both services are available with adequate capacity in each. Headwork's charges are applicable based on Council's Policy.

OTHER SERVICES

The developer will be required to provide electrical and communication services to the site with any upgrades to the developers costs. Street lighting is adequate at this location

MISCELLANEOUS

Main Roads Department as a Concurrence Agency assessed the application. All Department of Main Roads conditions to apply as outlined.

4.2 External –

(a) Department of Main Roads

Conditions required as attached.

6.0 CONCLUSION

The proposal is considered to represent an appropriate reuse of the site considering the surrounding land uses and flooding constraint.

G71/11/07 Moved: Cr N.R. Ellis Seconded: Cr R. Owen

That Council, as Assessment Manager, APPROVE development application for Material Change of Use – Showroom & Warehouse (Retail Sale of Carpet) over Lot 6 MPH6726 located at 54 Violet Street, Gympie subject to the following conditions:

- 1. The development shall be generally in accordance with the plan/s submitted with the application (Plan No/s. 2007-016 drawn by JAD Drafting).**
- 2. The development herein approved may not start until:**
 - (i) the following development permits have been issued and complied with as required -**
 - (a) Development Permit for Building Works;**
 - (b) Development Permit for Plumbing & Drainage Work;**

- (ii) development authorised by the above permits has been completed to the satisfaction of Council's Chief Executive Officer.
3. Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
 4. The development herein approved may not start until written confirmation is provided to Council that access to the Bruce Highway is constructed in accordance with the requirements of the Department of Main Roads.
 5. Any change of use of the site from that herein approved will necessitate recalculation of car parking requirements.
 6. Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with Council's Vehicle Parking and Access Code.
 7. Off-street car parking is to be provided in accordance with the Vehicle Parking and Access Code of Council's Planning Scheme and Planning Scheme Policy 8 - Infrastructure Works. *Note: 10 spaces are required for this development as nominated on the proposal plan.*
 8. Loading/unloading operations shall be conducted within the site and vehicles waiting to be loaded/unloaded shall stand entirely within the site.
 9. A contribution is to be paid to Council towards the provision of a footpath along the frontage of the site. The amount is currently assessed at \$1404, however will be indexed every 12 months from the date of this decision notice in accordance with ABS ANZSIC Index Class 4121.
 10. Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems at no cost to Council.
 11. Contribution is to be made towards Water Supply Headworks in accordance with Council's Planning Scheme Policy 7: *Water Supply and Sewerage Headworks Contributions, Works External and Works Internal*. The contribution is currently assessed at \$422, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
 12. The following landscaping works are required for the development:
 - a) 2 metres averaging 3 metres along the frontage of the site to the Bruce highway, incorporating 3 tiered planting of trees, shrubs and groundcovers.
 - b) 2 shade trees in the car parking area.

13. (i) A properly prepared Landscape Plan in accordance with Council's Planning Scheme Policy 4: *Landscaping* is to be submitted to and approved by Council's Chief Executive Officer. The landscape plan is to denote areas of existing vegetation and/or existing trees proposed to be retained.
 - (ii) Landscaping works are to be completed in accordance with the approved landscape plans.
 - (iii) The landscaping shall be maintained (watering, fertilising, mulching, weeding, and the like) at all times.
14. Prior to commencement of the use the following are to be provided:
 - (i) approved refuse containers;
 - (ii) a centralised refuse storage enclosure comprising an imperviously paved area provided with a hose cock and hose;
 - (iii) drainage designed to prevent stormwater entering Council's sewer;all to the satisfaction of Council's Chief Executive Officer.
15. In accordance with Planning Scheme Policy 11: *Roadworks Contributions* a contribution is to be paid toward road improvements as a result of the increased traffic generated by this development. The amount is currently assessed at \$937, however will be in accordance with Council's Policy and the amount applicable at the time of payment.
16. Roof and surface water is to be collected on site and is to be discharged through an underground drain line into existing drainage in Violet Street to the satisfaction of Council's Chief Executive Officer.
17. (i) Provide Council with written permission from relevant adjoining landowners to discharge/accept concentrated stormwater onto their respective properties.
 - (ii) Such water is to be directed to the lawful point of discharge without causing nuisance or annoyance to any person.
18. Any plans for operational works, water supply and sewerage works, drainage works and street lighting required by this development permit, are to be surveyed and designed in accordance with Council's Infrastructure Works Code.
19. Undertake at no cost to Council, the alteration of any public utility mains (eg. Electricity, water, sewerage, gas etc.) or other facilities necessitated by the development of the land or associated construction works external to the site.
20. The method of treatment of stormwater runoff from and through the site shall be designed and constructed in accordance with Council's Infrastructure Works Code.

21. **Stormwater runoff from the proposed development is to be collected on site in an appropriately design detention system or other manner acceptable to Council.**
22. **All delivery vehicles to enter / exit development in a forward direction. Deliveries to be restricted to times outside trading hours (9am-5pm Monday to Friday, 9am to 12noon Saturdays) to ensure parking area can be used for the required turning area for delivery vehicles.**
23. **A plan of the car parking and access areas for the development, in accordance with Council's Vehicle Parking and Access Code, is to be submitted and approved by Council.**
24. **A contribution, currently assessed at \$3285 is to be paid to Council for the construction of kerb and channel for the full frontage of the site. The amount payable will be indexed to reflect the cost of the works at the time of payment.**

Concurrency Agency Conditions

The application was referred to the Department of Main Roads under the provisions of the IPA. That department attached the following requirements:

1. **One access only is permitted to the Bruce Highway at all times.**
2. **The Department of Main Roads considers the current 7m road access is satisfactory and is considered to be the permitted road access for the proposed use. Access to the Bruce Highway {Violet Street} is to be limited to this single northern access location only. The disused Southern access and gate in the fence is to be removed and fenced.**

Note:

Further approvals will be required for any construction in the road reserve in accordance with the requirements of section 33 of the Transport Infrastructure Act 1994.

3. **The applicant shall contact Mr G. Webster of this department to ascertain line and level for proposed roadworks in this area. The applicant shall be responsible for ensuring that the access coincides with these requirements and shall be at the applicants cost.**
4. **Prior to the commencement of any works within the State-controlled road, the applicant must arrange for detailed engineering plans and specifications for the proposed works to be submitted to Main Roads for assessment and be approved.**

5. **The engineering design, plans and specifications submitted must be certified by an appropriate Registered Professional Engineer Qld (RPEQ).**

Note:

Further approvals will be required for construction in accordance with the requirements of section 33 of the Transport Infrastructure Act 1994.

6. **All works associated with this proposal, including relocation of services, lighting, etc. must be carried out at no cost to Main Roads.**
7. **The applicant is responsible for achieving the acoustic quality objectives of the Environmental Protection Act 1994 and the requirements of Main Roads document, Road Traffic Noise Management: Code of Practice. Main Roads will not be responsible for the provision of any buffers or noise attenuation measures necessary to maintain an appropriate level of amenity for residential or other noise sensitive uses. The applicant is to provide these noise attenuation facilities which are to be located clear of the State-controlled road reserve.**
8. **The applicant is to undertake all necessary works to ensure that future stormwater runoff from the proposed development is no worse than currently exists.**

Carried

Mr M Hartley left the meeting at 11.15am

Late Item 2 Local Government Road and Drainage Grant

Re: **G72/11/07** Local Government Road and Drainage Grant
From: Mayor, Cr M. J Venardos OAM
File: FF94/00018 Doc ID - 853333
Date: 19 November 2007

“From 1 July 2006, the State Government committed \$25 million per year, for five years, for the local government Road and Drainage Grant.

With the Local Government Reform process now underway, I have decided that the 2007/2008 Road and Drainage Grant allocations will be maintained at the 2006/2007 amounts for all councils.

The 2006/2007 allocations were determined using the asset preservation model, approved by the Commonwealth Government for use in the calculation of the Financial Assistance Grant.

One of the recommendations of the Local Government Reform Commission is that the Local Government Grants Commission should review the methodology used to calculate the Financial Assistance Grant. As this may affect the calculation of the Road and Drainage Grant for 2008/2009, I believe it is in the best interests of local governments to preserve the 2007/2008 grants at the 2006/2007 levels.

Therefore, I am pleased to advise the Road and Drainage Grant for your Council for 2007/2008 is \$284,162, and will be paid into the nominated bank account by close of business 26 November 2007.

I trust this information is of assistance to you. Should you require any further information in relation to this matter, please contact Ms Lyn Sawtell, of the Department of Local Government, Sport and Recreation, on telephone number 3225 8693."

G72/11/07 Moved: Cr M Prior

Seconded: Cr J. Watt

That the information be received.

Carried

SECTION 11: GENERAL BUSINESS

Funeral – Former Widgee Shire Councillor, the Late Clive Colburn

Cr Ellis advised that Clive Colburn, a Councillor of the Widgee Shire Council had passed away in North Queensland and suggested that it was fitting for a representative of this Council to attend his Funeral to be held in Home Hill.

G73/11/07 Moved: Cr L.J. Friske

Seconded: Cr N.R. Ellis

That Council authorise the Director of Engineering to attend Mr Clive Colburn's funeral to be held in Home Hill later in the week.

Carried

A former Councillor of Widgee Shire Council (Mr Rob Priebe) has suggested that the Council flag be lowered to half mast as an appropriate gesture to the passing away of Former Widgee Shire Councillor Clive Colburn.

G74/11/07 Moved: Cr N.R. Ellis

Seconded: Cr L.J. Friske

That Council lower the flag to half mast on the day of Former Widgee Shire Councillor Colburn's funeral.

Carried

Mr M. Hartley entered the meeting at 11.20am.

Shed on McMahon Road

Cr R. Owen questioned the Director of Planning & Development as to how investigations stood with respect to a shed being constructed at McMahon Road. Cr Owen questioned discrepancies concerning the use of the shed with regard to commercial activities.

Director of Planning & Development Mr M. Hartley advised that a report would be presented to the P&D Meeting.

Mr M. Hartley left the meeting at 11.25am.

Wide Bay Group Training Awards 2007/08

Cr D.R. Neilson advised that she attended the Wide Bay Group Training Awards held last Saturday evening in the Brolga Theatre in Maryborough.

Cr Neilson extended congratulations on behalf of Council to Dwayne Cope-Wyatt who won the Cooloola Regional Award.

G75/11/07 Moved: Cr D.R. Neilson

Seconded: Cr L.J. Friske

That Council send a congratulatory letter to Mr Dwayne Cope-Wyatt for winning the Cooloola Regional Award at the 2007 Wide Bay Group Training Awards.

Carried

Concerns re Gympie Cemetery Trust

Cr W.W. Sachs tabled the following letter from Mr R.D. Cavanagh, 168 Old Maryborough Road, Gympie dated 16/11/07.

“As a Gympie ratepayer and a practising Monumental Mason fore the past 40 years, could you please furnish me with the details of the following questions?”

- A. How much does the Cooloola Shire Council subsidise the Gympie Cemetery Trust for their operations per year?*
- B. What is the legal basis for Council to make payments to this entity?*
- C. Is the Cemetery Trust a legal entity?*
- D. Could Council advise where a copy of the original Trust document could be obtained?*
- E. Are the sums of money that Council gives in subsidies to the Cemetery Trust itemised, acquitted and accounted for by Cooloola Shire council auditors?*

I have many other questions I would like answered and I also have other information that your Council may benefit from.

I feel the unnecessary expenditure which the office girl authorises is totally uncalled for and unwarranted.

I work in other Shire cemeteries and they do not have the ridiculous projects this cemetery forecasts. Take the Noosa Council, their cemetery operations all make a profit and I think population would be comparable to Cooloola Shire.”

Awaiting your reply.”

G76/11/07

Moved: Cr W.W. Sachs

Seconded: Cr R. Owen

That the correspondence be received and referred to the Health and Community Services Manager for attention and response to Mr Cavanagh.

Carried

EIS Submissions re Infrastructure for the Mary Valley

Cr J. Watt raised the matter of EIS submissions regarding infrastructure for the Mary Valley under social impact. She advised Councillors for their information and for the information of their constituents, that anyone considering forwarding a submission to the EIS needs to be aware that some Government sources have recently suggested in the Mary Valley, that any infrastructure requirements by the community need to be submitted to the EIS in order to receive action or consideration. There are community concerns that infrastructure provision should not be dependent on the outcomes of the

Traveston Crossing Dam proposal, and should be considered independently by the Government.

There appears to be a conflict of understanding within the Community, due to Government information, that if the Community supports any tourism or infrastructure suggestions in the EIS, they should forward a supporting submission. Potential submitters need to be aware that any submission to the EIS supporting any tourism or infrastructure suggestions in the EIS, may be considered as supporting the Traveston Crossing Dam proposal.

Cr J. Watt asked Councillors to make certain that their constituents were fully aware of this outcome if they are considering placing supportive submissions to the EIS.

ALGA Conference - Darwin

Cr I.T. Petersen advised that due to family commitments, he was unable to attend the ALGA Conference being held in Darwin next week.

Cr Petersen suggested that Cr D.R. Neilson attend the Conference in his place.

G77/11/07 Moved: Cr I.T. Petersen Seconded: Cr J. Watt

That Cr Neilson be authorised to attend the Australian Local Government Association Conference being held in Darwin from 27-30 November 2007. in lieu of Cr I.T. Petersen.

Carried

Leave of Absence

G78/11/07 Moved: Cr S.S. Jocumsen Seconded: Cr L.J. Friske

That Cr D.R. Neilson be granted Leave of Absence from all Council meetings to be held on 27 November 2007.

Carried

Annual Leave

The Acting Chief Executive Officer Mr C. Manson advised that he would be taking annual leave commencing on Wednesday 19th December 2007 and returning on Monday 14 January 2008.

G79/11/07 Moved: Cr N.R. Ellis

Seconded: Cr L.J. Friske

That due to the Acting Chief Executive Officer Mr C Manson taking Annual Leave, that Mr R.A. Fredman be appointed Acting Chief Executive Officer effective from the close of business on 18th December 2007 to commencement of business on Monday 14 January 2008.

Carried

SECTION 12: IN COMMITTEE MATTERS

COUNCIL IN COMMITTEE

The Mayor advised the meeting that Council was going “Into Committee” to discuss

1. Sale of Land for Overdue Rates
2. Sale of Land for Arrears of Rates

G80/11/07 Moved: Cr S.S. Jocumsen

Seconded: Cr W.W. Sachs

That pursuant to the provisions of Section 463 of the Local Government Act, Council resolves to close the meeting to the public and move “into committee” to consider the following matter/s:-

- 1 Sale of Land for Overdue Rates.**
- 2. Sale of Land for Arrears.**

Further, that in relation to the provisions of Section 250 of the Act, Council resolves that following the closing of the meeting to the public and the moving ‘into committee’ that all matters and all documents (whether in hard copy, electronic, optical, visual or magnetic form) discussed, raised, tabled and/or considered whilst the meeting is closed and ‘in committee’, are confidential to the Council and the Council wishes to keep them confidential.

Carried

Ms Kaye St John and her daughter were invited to join Council, and entered the meeting at 11.33am.

Discussion ensued.

The Acting Mayor thanked the guests for addressing Council. Ms St John and her daughter left the meeting at 11.53am.

Cr Prior left the meeting at 11.53am.

Finance Manager Mrs Y. Oliver and Principal Rates Officer Mr R. Watson entered the meeting at 11.54am.

Cr Prior returned to the meeting at 11.55am.

Cr Sachs left the meeting at 12.11pm and returned to the meeting at 12.14pm.

Cr Watt left the meeting at 12.23pm and returned at 12.25pm.

ADJOURNMENT OF MEETING

The Meeting adjourned for lunch at 12.28pm.

RESUMPTION OF MEETING

The Meeting resumed at 1.00pm 'In Committee'.

PRESENT: Deputy Mayor Cr I.T. Petersen, (Chairman), Crs C.R. Chapman OAM, J. Watt, W.W. Sachs, D.R. Neilson, S.S. Jocusen, M. Prior, L.J. Friske, R. Owen and N.R. Ellis.

Also in attendance were Acting Chief Executive Officer (Mr C Manson), Principal Rates Officer Mr R. Watson, Finance Manager Mrs Y. Oliver and Minutes Clerk (Mrs R. McVicar).

COUNCIL OUT OF COMMITTEE

G81/11/07 Moved: Cr S.S. Jocusen

Seconded: Cr N.R. Ellis

That proceedings be resumed in Open Council.

Carried

12/1 Sale of Land for Overdue Rates

Re: **G82/11/07** Sale of Land for overdue Rates
From: Principal Finance Officer Revenue – R. Watson
File:
Date: 14 November 2007

G82/11/07 Moved: Cr W.W. Sachs Seconded: Cr L.J. Friske

That Council apply to the owner of the property at Moy Pocket, any applicable Council Pensioner discount on rates owing, backdated to 2003 on receipt of the appropriate Pensioner discount application.

Further that the date of sale of the property be extended to 11 January 2008.

Carried

Late In Committee Item 1 Sale of Land for Arrears of Rates

Re: Sale of Land for Arrears of Rates
From: Principal Finance Officer Revenue – R. Watson.
File:
Date: 19 November 2007.

G83/11/07 Moved: Cr L.J. Friske Seconded: Cr N.R. Ellis

That the reserve prices and sale dates for the sale of land for overdue rates discussed today be set at the amounts and dates decided by Council at the meeting.

Carried

SECTION 13: ATTACHMENTS

1. Cardno Tender Evaluation Report – Construction of Tin Can Bay, Rainbow Beach & Cooloola Cove Sewage Treatment Plants.

**There being no further business
the meeting closed at 1.03pm**

CONFIRMED THIS TWENTY-SEVENTH DAY OF NOVEMBER 2007

CR M.J. VENARDOS OAM
Chairman