



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 29 January 2008
at 9.00 am**



Cooloolo Shire Council

GENERAL MINUTES

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

CONTENTS:

SECTION 1: OPEN WITH PRAYER	4
SECTION 2: APOLOGIES.....	4
SECTION 3A: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING	4
SECTION 3B: RESCISSION NOTICE.....	4
3B/1: RESCISSION NOTICE	5
LATE ITEM 1: RESCISSION NOTICE REPORT	9
SECTION 4: PETITIONS.....	13
4/1 PETITION RE PROPOSED SEWERAGE RATES INCREASE	13
4/2 PETITION RE WADING POOL IN THE TIN CAN BAY SWIMMING POOL GROUNDS	14
4/3 PETITION AGAINST ANY CHANGES TO WASTE MANAGEMENT IN THE LANGSHAW AREA.....	14
SECTION 5: ADOPTION OF ADMINISTRATION AND FINANCE COMMITTEE RECOMMENDATIONS	15
5/1 RECOMMENDATION F36/01/08 OF THE RECOMMENDATIONS OF THE ADMINISTRATION & FINANCE COMMITTEE MEETING HELD ON 22 JANUARY 2008.....	16
SECTION 6: REPORT BY ADMINISTRATION & FINANCE COMMITTEE CHAIRMAN (CR I.T PETERSEN)	17
SECTION 7: ADOPTION OF SHIRE GROWTH & ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS	17
SECTION 8: REPORT BY SHIRE GROWTH & ECONOMIC DEVELOPMENT COMMITTEE CHAIRMAN (CR J. WATT).....	17
SECTION 9: CORPORATE SERVICES DEPARTMENT MATTERS (CR M.J VENARDOS OAM, C. MANSON, B. HAYES).....	18
9/1 LETTER OF SUPPORT FOR GOLD RUSH COMMITTEE	18
9/2 ENVIRONMENTAL IMPACT STATEMENT – TRAVESTON CROSSING DAM.....	19
SECTION 10: LATE ITEMS.....	21
SECTION 11: GENERAL BUSINESS.....	21

1.	FREE WOLLEMI PINE TREES	21
2.	REMOVAL OF FENCE – KANDANGA-AMAMOR ROAD	21
3.	STORMWATER AND SILT PROBLEMS IN BERRIE STREET, GYMPIE, ILLUSTRIOUS DRIVE, COOLOOLA COVE AND DAVID ROAD, GYMPIE.....	21
4.	FINAL ROUND OF REGIONAL ARTS DEVELOPMENT FUND APPLICATIONS.....	22
5.	POTHLES IN COONDOO CREEK BRIDGE.....	22
6.	CLOSING OF RAILWAY LINE FROM GUNALDA TO KINGAROY.	22
7.	WOMEN’S NETWORKING GROUP	23
8.	SEWERAGE WORK IN BARTER STREET.....	23
9.	“COOLOOLA - THEN & NOW” PROJECT.....	23
10.	CLOSING OF RAILWAY LINE FROM GUNALDA TO KINGAROY.....	23
11.	WOODEN BRIDGES WITHIN COOLOOLA SHIRE	24
12.	WALKERS BRIDGE	24
13.	POTHOLE IN FRONT OF CENTRO COMPLEX	25
SECTION 12: IN COMMITTEE MATTERS.....		25

The meeting commenced at 9.02am.

PRESENT: Mayor M.J. Venardos OAM (Chairman), Crs C.R. Chapman OAM, F.G. Nissen AM, 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 L Birt).

SECTION 1: OPEN WITH PRAYER

Pastor Noel McDonough from the Community Church 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: APOLOGIES

Nil

SECTION 3a: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING

G80/01/08 Moved: Cr F.G. Nissen AM

Seconded: Cr I.T. Petersen

That the Minutes of the General Meeting held on 22 January 2008 be taken as read and confirmed.

Carried

SECTION 3b: RESCISSION NOTICE

Acting Director of Corporate Services Mr B Hayes entered the meeting at 9.10am.

3b/1:	Rescission Notice
-------	-------------------

Re: **G81/01/08** Rescission Notice
From: Cr Ron Owen, Councillor, Cooloola Shire Council
File: AB01/00028 Doc ID 871264
Date: 23/01/08

“Five Days Notice are required to be given under the Local Government Act 93 to rescind a Motion of Council.

Could the CEO inform all Councillors that at the next general meeting after the appropriate notices have been delivered to the Councillors and the legalities can be followed, that

I Cr Ron Owen will move a Rescision motion, that the motion from the General Meeting held on the 22nd January 2008, under item

‘9/1 Election Signage G64/01/08 G64/01/08

Moved: Cr I.T. Petersen Seconded: Cr W.J. McIntyre

That Item 9/1 and Late Item 1 be received and dealt with concurrently.

Further that the contents of the report from Mr Hartley and Mr Hayes be noted.

Further that in respect to section 7(b)(ii) of Subordinate Local Law 11.1 agree that for a candidate, the total number of sites on which an election advertisement may be exhibited must not exceed 25.

Further that in the interest of uniformity across the proposed Gympie Regional Council, Council will not, during the 2008 election period, take enforcement action in relation to election signs unless

(a) they are placed on public land, as defined in Subordinate Local Law No 11.1; and

(b) there is, in the opinion of the Chief Executive Officer or his delegate, a risk to public health and safety.’

be rescinded and be replaced by a resolution stating.

Replacement Motion

*That Cooloola Shire Council affirms and declares that the document **Subordinate Local Law No. 11.1 (Election Advertisements)** does not have the force of a law.*

Report, Giving Reasons For Rescision.

*1. The document **Subordinate Local Law No. 11.1 (Election Advertisements)** states in section.*

(1) The object of this subordinate local law is to supplement Local Law No. 11 (Control of Advertisements)

Subordinate local law has to obtain its powers from a Local Law, Local Law No 11 (Control of Advertisements) it states in section (1) as being the local law that should supply that head of power.

2. The Local Government Act 93 emphatically states in many places that subordinate local law has to have specific authority within the (originating) Local Law to empower it for example;

Section 853 Meaning of subordinate local law

*"A subordinate local law is a law made by a local government about a matter that a **local law expressly states that** the local government may make about the matter".*

And

Section 897 Extent to which subordinate local law is binding

(1) A local government's subordinate local law is binding on the local government.

(2) A local government's subordinate local law on a matter is,

*and it is declared always was, binding on anyone else to the **extent stated in the local law stating the matter about which the subordinate local law may be made.***

To clarify the requirement even further there is an explanatory note in section

Section 848(3) Provision for subordinate local laws to assist the detailed implementation of a local laws objects. See examples 1 and 2..

Examples for subsections (2) and (3)—

1 If a local law on libraries states that the local government may make a subordinate local law about the management and use of library resources, the local government has a general power to make a subordinate local law about a variety of issues, including, for example, the hours of operation of the library, use of its facilities and restrictions on borrowing books.

2 If a local law on libraries states that the local government may make a subordinate local law on a specific issue, for example, the

*restriction of borrowing rights or suspension of membership if a member retains borrowed items for substantially longer than permitted by the library rules, the **local government can not, without specific authority in the local law, make a subordinate local law** about other library matters, including, for example, the hours of operation of the library.*

3. Local Law No 11 (Control of Advertisements) does not have the specific authority to make subordinate law. Its only external power is to grant under Section 23, Local Law Policies

Local law policies

23. The local government may make local law policies about

(a) classifying advertisements as permitted advertisements, and the conditions on which

advertisements are classified as permitted advertisements;⁷ or

(b) criteria for granting approvals for exhibition of advertisements, the term for which

approvals are to be granted or renewed, and the conditions of approvals;⁸ or

(c) specifying classes of advertisements that are prohibited or circumstances in which the

exhibition of advertisements is prohibited;⁹ or

(d) other matters about which this local law specifically allows for the making of local law

policies.

*4. The Local Government Act 93 gives powers to Local Government to make Local Laws which have enforceable penalties, local Government can also by motion make Policy such as a Revenue Policy or a Reimbursement Policy but Policies cannot proscribe penalties and enforcement. Therefore **Subordinate Local Law No. 11.1 (Election Advertisements)** is just a document as it does not have the specific authority from the Local Law and as it has not been through the process set down as described in **Part 2 Making local laws and subordinate local laws Division 1 to 4, Sections 855 to 883 of the Local Government Act 93.***

5. Councillors may recall that after legal advice was obtained from King & Co Re - Subordinate Local Law 11 (Sign Codes) they correctly identified that Local Law 11 (Control of Advertisement) has no specific authority due to its ability to only allow policy and its silence and lack of ability to empower

Subordinate Local Law. Mr Michael Grant brought that Legal opinion to this table and this Council made resolutions to correct this inadequacy, from memory it last came before Council for a review in December 2007.

6. So ignore all the High Court Decisions on Political expression, ignore the Commonwealth Crimes Act and the Queensland Criminal Code' sections on *Interfering with Political Liberty* by *threats or intimidation of any kind, hinders or interferes with the free exercise or performance*, by any other person, of any **political right or duty, shall be guilty of an offence.**

Penalty: Imprisonment for 3 years.

Ignore Section 854AA of the Local Government Act which states *NO JURISDICTION TO MAKE LOCAL LAWS AND SUBORDINATE LOCAL LAWS PROHIBITING PLACEMENT OF ELECTION SIGNS OR POSTERS*

(1) A local government has no jurisdiction to make a local law or subordinate local law prohibiting, in its area, the placement of election signs or posters for an election under this Act, the City of Brisbane Act 1924, the Electoral Act 1992 or the

Commonwealth Electoral Act 1918 (Cwlth).

(2) A local law or subordinate local law, to the extent it is contrary to subsection (1), is of no effect.

(3) In this section—election signs or posters means signs or posters that are able, or are intended—

(a) to influence a person about voting at an election; or

(b) to affect the result of an election.

Ignore the reasons why the State Government has removed this jurisdiction from councillors which is the same reason why councillors have no jurisdiction to make laws controlling 'How to vote Cards' and that is because Councillors have personal interests in the subject of these laws which are again contrary to provisions of the Local Government Act 93.

Ignore, 31 Inconsistency with State law

(1) If a State law and a local law (whether made before or after the State law) are inconsistent, the State law prevails over the local law to the extent of the inconsistency.

Ignore Peoples Common Law right to Free Political expression and control over their own property, the same right that gives Council the power to control signs and what it does on its property and the property it is responsible for.

Ignore all this and you still have no legitimate legislation to enforce your prohibitions on members of the public placing an electoral sign on their own private property. Council's document subordinate Local Law 11.1 attempts to allow candidates under certain conditions to place political signs but it attempts to prohibits the general public from utilizing its freedom to political expression.

*Even ignoring all of the above the Subordinate Law No 11. 1 (**Election Advertisements**) has plainly no authority or legitimacy and the Cooloola Shire Council should acknowledge the facts and carry the resolution.*

Late Item 1: Rescission Notice Report

Refer Item 3b/1

Re: Rescission Notice
From: Acting Director of Corporate Services – B Hayes
File:
Date: 25/01/08

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

Council has received the following advice from King & Company, Solicitors, Brisbane in response to the issues raised by Cr Owen in his report giving reasons for the notice to rescind resolution G64/01/08.

Attention is drawn to clause 9, page 3 of King & Company's response which provides the findings of their review of this matter.

From: King & Co, Solicitors, GPO Box 758, Brisbane Qld 4001
Date: 25 January 2008

“Validity of Subordinate Local Law No 11.1 – Election Advertisements

Background

1. *At Council's General Meeting of 22 January 2008 the following resolution (resolution G64/01/08) was passed:*

That Item 9/1 and Late Item 1 be received and dealt with concurrently.

Further that the contents of the report from Mr Hartley and Mr Hayes be noted.

Further that in respect to section 7(b)(ii) of Subordinate Local Law 11.1 agree that for a candidate, the total number of sites

on which an election advertisement may be exhibited must not exceed 25.

Further that in the interest of uniformity across the proposed Gympie Regional Council, Council will not, during the 2008 election period, take enforcement action in relation to election signs unless

- (a) they are placed on public land, as defined in Subordinate Local Law No 11.1; and**
- (b) there is, in the opinion of the Chief Executive Officer or his delegate, a risk to public health and safety.**

2. *By letter dated 23 January 2008, Councillor Owen has provided notice that, at Council's meeting of 29 January 2008, he will move a motion to rescind resolution G64/01/08 and, further, that he intends to move in its place the following motion:-*

That Cooloola Shire Council affirms and declares that the document Subordinate Local Law No 11.1 (Election Advertisements) does not have the force of a law.

3. *Councillor Owen's notice proceeds to advance arguments in support of his proposed resolutions. As we read Councillor Owen's material, his view is that Local Law No 11 (Control of Advertisements) ("the local law") only permits Council to make local law policies, not subordinate local laws. In this regard, Councillor Owen makes reference to section 23 of the local law, which provides:-*

The local government may make local law policies about

- (a) classifying advertisements as permitted advertisements, and the conditions on which advertisements are classified as permitted advertisements; or*
- (b) criteria for granting approvals for exhibition of advertisements, the term for which approvals are to be granted or renewed, and the conditions of approvals; or*
- (c) specifying classes of advertisements that are prohibited or circumstances in which the exhibition of advertisements is prohibited; or*
- (d) other matters about which this local law specifically allows for the making of local law policies. (Emphasis added)*

4. *To put it another way, Councillor Owen's argument is that, as the name suggests, Subordinate Local Law No 11.1 (election Advertisements) 2005 is a subordinate local law, not a local law policy as referred to in section 23 of the local law and, accordingly, is invalid.*

5. *Our advice is sought as to the merits (or otherwise) of Councillor Owen's argument.*

advice

6. *It appears that the local law was made or, at the least, last amended on or before 15 October 1996 pursuant to the Local Government Act 1993 ('The Act'). Between the commencement of the Act on 26 March 1994 and 1 January 2000, the Act empowered Councils to make 'local laws' and, if the local law expressly stated that Council could do so, 'local law policies'. The local law was made in accordance with the Act, as then worded.*
7. *As from 1 January 2000, the Local Government and Other Legislation Amendment Act 1999 ("LGOLA 1999") changed all references to the term 'local law policy' to 'subordinate local law'. Further, LGOLA 1999 inserted the following transitional provision into the Act:-*

Transitional provisions for local law policies

1234. (1) A local law policy in force immediately before the commencement of this section is taken to be a subordinate local law.

(2) A reference in an Act or document to a local law policy may, if the context permits, be taken to be a reference to a subordinate local law.

(3) The register kept by a local government, at the commencement, of its local law policies is taken to be the register of its subordinate local laws.

(4) Subsection (5) applies if, before the commencement, a local government had started, but not finished, using the process under chapter 12, part 2, division 4, for making a local law policy about a matter.

(5) On the commencement, the local government is taken to have used the process for making a subordinate local law about the matter to the extent it used the process under subsection (4).

8. *Pursuant to section 1234(1) and (2) of the Act, all references in the local law to the terms 'local law policy' and 'local law policies' became references to the terms 'subordinate local law' and 'subordinate local laws'. For example, since 1 January 2000, the correct way to read section 23 of the local law is as follows:-*

The local government may make subordinate local laws about

(a) classifying advertisements as permitted advertisements, and the conditions on which advertisements are classified as permitted advertisements; or

(b) criteria for granting approvals for exhibition of advertisements, the term for which approvals are to be granted or renewed, and the conditions of approvals; or

(c) specifying classes of advertisements that are prohibited or circumstances in which the exhibition of advertisements is prohibited; or

(d) other matters about which this local law specifically allows for the making of subordinate local laws (again, emphasis added).

9. *Subordinate Local Law No 11.1 (Election Advertisements) 2005 was made on 14 June 2005 in conformity with the relevant provisions of the local law, as they are to be read having regard to section 1234 of the Act (set out above). Councillor Owen's submission that there was no specific authority in the local law to make Subordinate Local Law No 11.1 (Election Advertisements) 2005 is, in our view, entirely without merit.*
10. *For completeness, we mention that you will not see section 1234 in the current reprint of the Act. This is because the section was expired on 1 July 2000 (pursuant to the Local Government and Other Legislation Amendment Act (No 2) 1999). However, that does not mean that section 1234 no longer applies to the interpretation of the local law. To the contrary, section 20 of the Acts Interpretation Act 1954 preserves the operation of Section 1234, so far as it relates to properly interpreting Council's local law.*
11. *Finally (and also for completeness), we note that councillor Owen makes reference to a previous advice from this firm which, in Councillor Owen's submission, suggests an opinion contrary to the opinion expressed in this advice. Councillor Owen makes reference to Council reviewing that advice in December 2007. We have no record of providing any such advice. We did provide advice to Council dated 30 November 2005, which advice may have been considered by Council at its December 2005 round of meetings. However, that advice does not address the issues as addressed by this advice."*

G81/01/08 Moved: Cr R. Owen

Seconded: Cr S.S. Jocumsen

That Item 3b/1 and Late Item 1 be received and dealt with concurrently.

Further that Minute G64/01/08 be rescinded.

Further that Cooloola Shire Council affirms and declares that the document Subordinate Local Law No. 11.1 (Election Advertisements) does not have the force of a law.

Lost.

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

FOR: Cr R. Owen, Cr S.S. Jocusen, Cr W.W. Sachs.

AGAINST: Cr N.R. Ellis, Cr L.J. Friske, Cr M. Prior, Cr D.R. Neilson, Cr I.T. Petersen, Cr J. Watt, Cr W.J. McIntyre, Cr F.G. Nissen AM, Cr C.R. Chapman OAM, Cr M.J. Venardos OAM.

Mr Hayes left the meeting at 9.26am.

SECTION 4: PETITIONS

4/1	Petition re Proposed Sewerage Rates Increase
-----	--

Cr Prior tabled the following Petition:-

From: Principal Petitioner – Cooloola Cove Residents & Friends Inc, PO Box 103, Tin Can Bay Qld 4580 Petition has 67 signatures.

Date: 22 January 2008

“The Petition of Residents, Friends and Visitors to Cooloola Cove, Divisions 2 and 5 of Cooloola Shire wishes to draw the attention of Cooloola Shire Council to the GREAT burden of opinion held by the people of Tin Can Bay, Cooloola Cove and Rainbow Beach that the proposed increase of 14% on the sewerage rates should not be allowed to happen.

There is evidence to suggest that the increased costs of construction have been known for some time and should have been calculated into the overall figures at the outset.

We know that we are assisting Imbil with their sewerage upgrade to the tune of \$77,466.00 and in other circumstances we would be happy to do so, BUT we do not expect to finance Council’s incompetences.

NO 14% INCREASE ON SEWERAGE RATES.”

G82/01/08 Moved: Cr M Prior

Seconded: Cr S.S. Jocumsen

That the Petition be received and referred to the Director of Engineering and Finance Manager for investigation and report to the Administration & Finance Committee Meeting to be held on 19 February 2008.

Carried

4/2	Petition re Wading Pool in the Tin Can Bay Swimming Pool grounds
-----	--

Cr Prior tabled the following Petition handed to her by Mr Michael Winton, Manager of the Tin Can Bay Swimming Pool Complex.

The Petition has 204 signatures.

Date: 29 January 2008

“We the undersigned request that you facilitate action to give permission to have erected in the Tin Can Bay Swimming Pool Grounds a wading pool for use as a basic learn to swim pool. This pool will be available to mothers with small children, elementary school swimming classes and general training for young beginners.”

G83/01/08 Moved: Cr M Prior

Seconded: Cr I.T. Petersen

That the Petition be received and referred to the Health & Community Services Manager for investigation and report to the Works & Services Committee Meeting to be held on 5 February 2008.

Carried

4/3	Petition against ANY changes to Waste Management in the Langshaw Area
-----	---

Cr Owen read a Petition from Mrs Karen Berry, Primary Petitioner for Langshaw Ratepayers and Residents, Langshaw – with 23 signatures re Petition against ANY Changes to Waste Management and in the Langshaw Area.

AGAINST: Cr R. Owen, Cr M. Prior, Cr S.S. Jocusen, Cr W.W. Sachs.

SECTION 6: REPORT BY ADMINISTRATION & FINANCE COMMITTEE CHAIRMAN (Cr I.T Petersen)

Nil

SECTION 7: ADOPTION OF SHIRE GROWTH & ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS

G90/01/08 Moved: Cr J. Watt Seconded: Cr W.J. McIntyre

That the Recommendations of the Shire Growth & Economic Development Committee Meeting held on 22 January 2008 as presented, be received.

Carried

G91/01/08 Moved: Cr J. Watt Seconded: Cr L.J. Friske

That the Recommendations of the Shire Growth & Economic Development Committee Meeting held on 22 January 2008 be adopted.

Carried

SECTION 8: REPORT BY SHIRE GROWTH & ECONOMIC DEVELOPMENT COMMITTEE CHAIRMAN (Cr J. Watt)

Nil

Cr I.T. Petersen left the meeting at 9.50am.

**SECTION 9: CORPORATE SERVICES DEPARTMENT
MATTERS (Cr M.J Venardos OAM, C. Manson,
B. Hayes)**

9/1 Letter of Support for Gold Rush Committee

Re: **G92/01/08** Letter of Support for Gold Rush Committee
 From: Sue Manton (President)
 File:
 Date: 24th January 2008

“I was hoping that the following letter could be read at the next general meeting of the Cooloola Shire Council to be held on Tuesday 29th January. On behalf of the Gold Rush Committee we request a letter of support from council giving their backing in a form similar to previous years of the Gympie Gold Rush Festival for completion of a Qld Events submission due on Feb 1st.”

My apologies for the lateness of this request, however there has been some confusion and reshuffling of the committee in recent times. We understand that with impending elections decision making is hampered however support of Cr Ian Peterson’s motion that the council makes an agreement to give ongoing backing to these “Iconic” events would be greatly appreciated.

Never more than now is there a time to get behind the gold rush festival and come together as a community to celebrate and a time to show pride in all the great things in this region.

A meeting was held of the gold rush committee to discuss ideas and Françoise Gregory was appointed as secretary after Cr Jan Watt needed to stand down due to other commitments. There was overwhelming support by the committee to return to a twilight parade thru Mary Street and to use the wealth of talent from this region. This would require the consent of the Cooloola shire Council.

Support of this festival is apolitical and must remain that way with a commitment by councillors across all walks to support this “iconic” celebration of Gympie’s history.

As president I will be calling on every member of this region, community leaders, business owners, service clubs, church groups, community organisations and local schools to put their minds to thinking of ways to enrich this festival and make it something we as a community can be proud of and a time of coming together as a community and celebrating the good things about life then and now.

Schools with there commitment to provide time to the study of Australian History could make it the focus of their unit to study the local history. Guided

and Biodiversity Conservation Act 1999 (EPBC Act). This decision acknowledges that the proposed dam could have a significant impact on matters protected by the EPBC Act and that a rigorous and transparent assessment of those impacts should be undertaken.

The dam can now not go ahead without Commonwealth environmental approval.

The Australian Government's Department of Environment and Heritage is required to independently assess the Environmental Impact statement (EIS) proposed by the applicant.

You may be aware that Queensland Water Infrastructure Pty Ltd (QWI) have recently acknowledged some inconsistencies between the version of the Traveston Crossing Dam Environmental Impact Statement circulated to the public and the one originally authorised by the Queensland State Government Coordinator-General. QWI amended the publicly released version and agreed to extend the public comment submission date to the 14th January 2008.

With the change in the Federal Government, the decision on whether the Dam can go ahead will now be made by the Hon Peter Garrett MP, the new Minister for the Environment.

I am concerned that Mr Garrett demonstrated little or no knowledge of the Traveston Crossing Dam when questioned on the issue some months ago. While he has previously declined all requests to visit the site to see the proposed project for himself, I understand that he has stated he will visit the Wide Bay before deciding the fate of the proposed Traveston Crossing Dam.

There must also be concerns as to whether the incoming Labor Federal Government will be willing to overturn the decision of the State Labor Government to build the Dam, irrespective of the importance of the environmental concerns.

Nonetheless, I will continue to fight this proposal and to highlight the disastrous, economic, social and environmental impacts of this proposal. I will also continue to point out that there are better options available which will deliver more water to Brisbane, more reliably and cheaper, than the Traveston Crossing Dam.

I have read your submission opposing the Traveston Crossing Dam with interest and thank you for providing me with a copy."

G93/01/08

Moved: Cr M Prior

Seconded: Cr J. Watt

That the information be received and Mr Truss thanked for his comments.

Carried

SECTION 10: LATE ITEMS

Nil

SECTION 11: GENERAL BUSINESS

1. Free Wollemi Pine Trees

Cr Ellis advised that he had been offered 100 Wollemi pine trees free of charge for planting throughout the area as a community tree planting project.

G94/01/08 Moved: Cr N.R. Ellis

Seconded: Cr L.J. Friske

That the matter of arranging for the delivery and distribution of 100 free Wollemi pine trees be referred to Cr N Ellis, Council's Parks & Gardens Superintendent and a representative from Gympie Landcare for attention.

Carried

2. Removal of Fence – Kandanga-Amamoor Road

Cr Ellis questioned as to when Mr Harvey Hasthorpe would be advised of the decision Council made at a recent meeting in respect to Removal of Fence Encroaching onto Road Reserve at Kandanga-Amamoor Road (refer G13/01/08 and G41/01/08 in the General Meeting of 15/01/08).

Acting Chief Executive Officer Mr C Manson advised that Mr Hasthorpe would receive advice in the very near future, should such advise have not already been sent.

3. Stormwater and Silt Problems in Berrie Street, Gympie, Illustrious Drive, Cooloola Cove and David Road, Gympie

Cr R. Owen requested a follow up of stormwater problems reported at the General Meeting held on 22 January 2008. Minute G74/01/08 refers:-

That the Director of Engineering be requested to provide a report to the next Works & Services Committee Meeting on stormwater and silt problems of Mr David Mason of 23 Berrie Street, Gympie; Mr Brian Whitfield of Illustrious Drive, Cooloola Cove and Mr Chris Thomas of David Road, Gympie.

G95/01/08 Moved: Cr R. Owen

Seconded: Cr L.J. Friske

That the Director of Engineering be authorised to liaise with Mr Mason, Mr Whitfield and Mr Thomas (as per Minute G74/01/08) and advise what action Council intends or proposes to take to assist them.

Carried

4. Final Round of Regional Arts Development Fund Applications

Cr M. Prior advised Council that the final round of RADF applications would close on 14 March 2008, and that the RADF Committee will be holding information sessions in Gympie and Imbil on 21 February 2008 and in Tin Can Bay on 20 February 2008.

5. Potholes in Coondoo Creek Bridge

Cr M. Prior brought to Council's attention and the attention of the Director of Engineering, the development of large potholes in Coondoo Creek Bridge and requested urgent action to rectify the problem.

6. Closing of Railway Line from Gunalda to Kingaroy.
--

Cr S.S Jocusen raised the matter of the State Government closing the railway line from Gunalda to Kingaroy.

Mayor, Cr M.J Venardos OAM responded by advising that he had chaired a meeting in Kilkivan regarding this matter and that in his opinion, because it was not under this Council's jurisdiction, that no action be taken by our Council at this point in time.

Discussion ensued.

7. Women's Networking Group

Cr D.R Neilson advised Council that a Women's Networking Group had been set up in Gympie by Senior State Development Officer, Ms Bridget Edwards. The inaugural meeting will be held in late February.

8. Sewerage Work in Barter Street

Cr I.T Petersen raised the matter of sewerage work in Barter Street and the condition of the footpath area following such works.

G96/01/08 Moved: Cr I.T. Petersen

Seconded: Cr N.R. Ellis

That Council request the Water & Sewerage Manager to investigate the matter of remediation works on footpaths and surrounding areas following work being carried out by Council staff (ie sewerage repairs etc) and ensure that the areas are seeded with the appropriate lawn grass.

Carried

9. "Cooloola - Then & Now" Project

G97/01/08 Moved: Cr I.T. Petersen

Seconded: Cr M Prior

That Council write a letter to Mrs Rachel Letham and Mrs Elaine Brown from the Cooloola Shire Libraries congratulating them on the "Cooloola Then & Now Project".

Carried

10. Closing of Railway Line from Gunalda to Kingaroy

Cr W. Sachs brought the matter of the closure of the railway line between Gunalda and Kingaroy back on the table for further discussion stating that he believed this Council should take appropriate action to support residents of those Shires that will be affected.

13. Pothole in front of Centro Complex
--

G101/01/08 Moved: Cr W.J. McIntyre

Seconded: Cr S.S. Jocusen

That the Mayor liaise with the Director of Engineering to have the matter of the pot hole at the lights in front of Centro rectified immediately.

Carried

SECTION 12: IN COMMITTEE MATTERS

Nil

There being no further business the meeting closed at 10.27am.

Confirmed this FIFTH day of FEBRUARY 2008

CHAIRMAN