



COOLOOLA SHIRE COUNCIL

AGENDA

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 19 February 2008
at 9.00 am**



Cooloolo Shire Council

GENERAL AGENDA

*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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SECTION 1: OPEN WITH PRAYER

ONE MINUTES SILENCE TO BE OBSERVED FOR DECEASED
COOLOOLA SHIRE RESIDENTS

SECTION 2: APOLOGIES

Nil

**SECTION 3: CONFIRMATION OF MINUTES OF
PREVIOUS GENERAL MEETING**

(MOTION: That the Minutes of the General Meeting held on 12
February 2008 be taken as read and confirmed.)

SECTION 4: PETITIONS

**SECTION 5 ADOPTION OF PLANNING AND
DEVELOPMENT COMMITTEE
RECOMMENDATIONS**

(MOTION: That the Recommendations of the Planning and Development
Committee Meeting held on 12 February 2008 as presented, be received.)

(MOTION: That the Recommendations of the Planning and Development
Committee Meeting held on 12 February 2008 (as amended), be adopted.)

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

SECTION 7: HEALTH & COMMUNITY SERVICES DEPARTMENT MATTERS (M.R Grant)
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7/1	Petition re: Wheelie Bins for the Langshaw Area
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The following Petition was tabled at the General Meeting of Council held on 12 February 2008 and Minute G29/02/08 (*That the Petition be received and referred to the Waste Management Committee Meeting to be held later today, and then referred to the General Meeting to be held on 19 February 2008*) refers.

“We, the ratepayers and residents of Langshaw, again request that, as soon as possible:

- *The entire Langshaw area be exempted from wheelie bins,*
- *All garbage trucks cease operation in the area, and*
- *All wheelie bins be removed from the area.*

We request this because:

1. *All previous petitions in this matter have requested an area-wide exemption;*
2. *Previous petitions have presented eighteen reasons for exemption*
3. *More than 90% of the people residing in the Langshaw area have signed petitions opposing the bins.*
4. *We believe it is unfair that a small minority are forcing the majority who don't want the bins to contend with:*
 - *The damage garbage trucks are causing to their roads;*
 - *The hazards these trucks present to residents and livestock;*
 - *The visual and litter pollution caused; and the added health risks.*

As long ago as last November, Council advised our previous primary petitioner that bins delivered to people who had signed petitions would be removed. After nearly three months, however, these bins are still lying unused by the side of the road. 152 Jerry's Creek Road is an example of this. 232 Jerry's Creek Road is also rented by someone who signed previous petitions.

If Council sees this matter as having been dealt with previously, why have we received multiple written responses from Council stating 'objections will be assessed by Council at a later date with a decision pending'.

Langshaw ratepayers and residents should be entitled to a timely resolution of this issue and we sincerely ask that this be so. We would like to stop

petitioning Council on this matter. However, we receive a conclusive response, we will continue.

We thank Council for the opportunity to oppose the unwanted bins and we look forward to a swift resolution.'

Report: (Health & Community Services Manager – M. Grant)

A late report will be faxed out to all Councillors.

SECTION 8: PLANNING & DEVELOPMENT DEPARTMENT MATTERS (M. Hartley)
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8/1	Petition re: 1. Request for resignation of Chairman of the Cooloola Heritage Sub Committee 2. Building approval number DA15276 for the building of a bottle shop at the Phoenix Hotel. (G28/02/08)
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Report: (Director of Planning & Development – M Hartley)

The following Petition was tabled at the General Meeting of Council held on 12 February 2008 and Minute G28/02/08 (*That the Petition be received and dealt with at the General Meeting to be held on 19 February 2008*) refers.

“We the undersigned petition the Cooloola Shire Council that they as soon as possible move a resolution to effect our will that:

- 1. The chairman of the Cooloola Heritage Sub Committee Councillor William J. McIntyre resigns his position as soon as possible.*
- 2. The Cooloola Shire Council moves a resolution to deny building approval number DA15276 for the building of a bottle shop at the Phoenix Hotel as soon as possible.*

For the following reasons:

Further that the Director of Planning & Development report back to council with a list of reasons why council should NOT approve application DA15276. For examples the two additional sites for the application being zoned Housing, and not zoned commercial.

- 2. Statutory Requirements, state the Housing Zone, for detached Housing on large lots to prevail in a range of housing forms suitable for the varying and special needs of residents and provide a high level of visual amenity.*

3. *This application does not make it suitable for the needs of residents and destroys not protects the amenity of the area and is not consistent with the intent of the Statutory legislation.*
4. *Drive in bottle Shops are NOT defined as food and entertainment and are NOT Code Assessable and are an Inconsistent Use.*
5. *The applicant might be able to expand the hotel building on the site but this expansion changes the Material Use of two other sites which are zoned housing and had a Use of Housing and are now proposed altering by Material change of Use to Commercial.*
6. *Locating noise generation uses towards the Road frontage as the building has ZERO setback all noise and lights will affect residents on the other side of the street, this is inconsistent with protecting the amenity of residential areas.*
Placing Car parks and kitchen areas next to, (within 2m) residences is inconsistent with protecting the amenity of residential areas.
7. *The two additional sites are not improved by a significant non – residential use and the use of the Hotel is not relevant to these additional sites which the current use has been housing.*
8. *Landscaping is below the Scheme requirements and cannot be used as a ground to support the proposal.*
9. *The Application does not meet the side, front and rear boundary setbacks for the housing Zone which is the current sone of the site.*
10. *The application has ZERO setback to Mount Pleasance Road and Red Hill Road and should have a SIX metre setback. Maori lane is not relevant to this requirement.*
11. *All Boundaries do not achieve required setbacks and are inconsistent with the Planning Scheme.*
12. *Applicant has not shown that the buildings are incapable of being repaired or have no character significance so is again inconsistent with the Code.*
13. *The House plays a role in Red Hill Road streetscape 19 out of 22 properties from the intersection in Red Hill Road with Mt Pleasant Road and the railway line are included in the voluntary character streetscape. Provisions in the planning Scheme.*
14. *Inclusion of Drive In bottle Shop is identified as concern by council Staff within a primary residential area. With two others in close proximity. The Exiting Driveway from the Drive in bottle Shop is opposite an existing House in Mount Pleasant Road and will place the residents in detriment.*
15. *Traffic of 108 trips per hour is NOT acceptable in a HOUSING ZONE, 100 varying to 200 vehicles per hour is generally acceptable industry figures and is a horrendous prospect for the local residents particularly the house on Mount Pleasant Road.*
16. *The Queuing Layout does not comply as per Industry Guidelines.*
17. *There is a shortfall in the Car Parking Space as per Town Plan. As Development proposal is Outside Council Policy PSP5 Car Parking Contributions, NO shortfall in car parking spaces as required by Councils Town Plan should be accepted.*
18. *The Noise report showed that the Noise exceeds the acceptable limits.*
19. *As extension of this size and scale is not auspicated by the planning scheme.*

20. *Under NORMAL circumstances Council would refuse this application based on the conflict with the Planning Scheme, increased Traffic and loss of Amenity.*
21. *That Notification signs for this Material Change of USE were not erected to notify the neighbours of this application.*
22. *The additional floor space is over double the existing size. 557 m² additional over the current 480 m² for a Total of 1037 m².*
23. *Four Petitions against the proposal 36 on three and 12 on the fourth and six individual submissions from local residents.”*

My report to the Planning & Development Committee on 12 February refers:-

The concerns expressed in the submissions were clearly identified and carefully considered in the report to Council assessing the application.

There is no statutory requirement for submissions to be read out at the Planning Committee Meeting. In deciding the application, Councillors were well aware of the relevant issues affecting this proposal.

As Council's decision to conditionally approve the application has been communicated to the applicant, it is now for the applicant to determine whether to make representations in relation to conditions or proceed with the development as approved. Council is reminded that the application was code assessable and as such there are no third party appeal rights against Council's decision.

Minute P23/02/08 refers.

That the principal petitioner be advised that the concerns of the submitters were well known and fully considered by Council in assessing the application, and appropriate conditions to manage the effects of the on-going use of the premises have been imposed to address those concerns.

Recommendation: (Director of Planning & Development – M Hartley)

For Council's consideration.

SECTION 9: CORPORATE SERVICES DEPARTMENT MATTERS (Cr M.J Venardos OAM, C. Manson, B. Hayes)
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9/1	2007 National Awards for Local Government
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Re: 2007 National Awards for Local Government
From: Lynette Pullin, Project Officer, National Awards for Local Government, Department of Infrastructure, Transport, Regional

Development and Local Government, GPO Box 594, Canberra, ACT
2601

File: AG94/00081
Date: 4 February 2008

“The National Awards for Local Government (the Awards) were established by the Australian Government to recognise ingenuity, resourcefulness and self-reliance, and identify and promote councils who are finding new ways of delivering services and developing local solutions to complex and challenging problems.

The Awards offer all councils the opportunity to enter projects in a national program that focuses on four broad areas of council business: capacity building, management practices, community services and the environment.

Please find enclosed copies of the following publications for the Mayor and the Chief Executive Officer’s reference:

- *2007 National Awards for Local Government Leading Practice Handbook – this booklet contains all the entries received in this year’s Awards program.*
- *2008 Calendar – featuring all Category Winners from 2007.*

The 2007 National Winners will be announced in early March. Following the announcement we will send you copies of the glossy 2007 Winners Book and a DVD featuring interviews with the 2007 category winners.

We look forward to 2008 and the receipt of your entries in the National Awards for Local Government program.”

Recommendation: (Mayor – Cr M.J Venardos OAM)

For Council’s information.

9/2

Crime Prevention through Environmental Design

Re: Crime Prevention through Environmental Design
From: Judy Spence MP, Minister for Police, Corrective Services and Sport,
Queensland Government, P O Box 15195, City East, QLD 4002
File: AG94/00139
Date: 11 February 2008

A copy of ‘Crime prevention through Environmental Design’ will be available at the meeting for Council’s perusal.

“I am very pleased to provide you with a copy of the Crime Prevention through Environmental Design (CPTED) Guidelines for Queensland.

CPTED is a proven crime prevention approach that reduces opportunities for crime and incivility by designing environments in ways that lessen or prevent the incidence of crime. The CPTED Guidelines for Queensland seek to promote the incorporation of CPTED principles into the planning, design and management of development in Queensland.

The Guidelines are presented in two parts:

Part A: Essential features of safer places outlines the idea of CPTED, introduces important concepts, identifies principles and introduces actions to implement the principles. It is offered to all in the community with an interest in and responsibility for the environments we create.

Part B: Implementation Guide is particularly offered to local councils. It aims to encourage and assist them to incorporate the principles of CPTED in their communities.

The Guidelines outline CPTED methodology in a user friendly way. They place CPTED in the context of the Queensland community and the contemporary work of the development industry and provide practical CPTED solutions which can be tailored to the unique needs of communities across the State.

The CPTED Guidelines for Queensland were developed jointly by the Queensland Police Service (QPS), the Department of Infrastructure and Planning, the Department of Local Government, Sport and Recreation and the Department of Communities, in consultation with a number of stakeholders across Queensland including local government, the planning and building industry, and Queensland communities. The Guidelines are available on the internet through the QPS website (<http://www.police.qld.gov.au/programs/crimePrevention/cpted.htm>) or by request to the Crime Prevention Policy Branch of the QPS (phone 07 3364 4902).

The release of the CPTED Guidelines for Queensland is an important achievement for the Queensland Government, highlighting our strong commitment to preventing crime and creating safe, healthy and connected communities.

The Guidelines will provide positive direction for design decisions in the future development of our cities, towns and communities – ensuring they are safe, more secure and more sustainable.

I commend the Guidelines to you.”

Recommendation: (Mayor – Cr M.J Venardos OAM)

For Council’s information.

SECTION 10: LATE ITEMS

SECTION 11: FOR COUNCIL'S INFORMATION

- National Environment Health Strategy 2007 – 2012
- Australian Red Cross, Year in Review 06/07

Recommendation: (Acting Chief Executive Officer – C Manson)

That the information be received.

SECTION 12: GENERAL BUSINESS

SECTION 13: IN COMMITTEE MATTERS