

Goondiwindi Regional Council

Technical Services, Planning, Building & Environmental Health
Standing Committee Meeting

CONFIRMED MINUTES

Meeting held at the Goondiwindi Customer Service Office

82 Marshall Street

Goondiwindi Queensland 4390

Wednesday, 20 January 2010

Goondiwindi Regional Council
**MINUTES OF THE TECHNICAL SERVICES, PLANNING, BUILDING & ENVIRONMENTAL HEALTH
 STANDING COMMITTEE MEETING**
 20 January, 2010

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Present: Mayor Cr GS (Graeme) Scheu
Cr WP (Rick) Kearney
Cr PJ (Phil) Percival
Cr RJ (Rob) Reardon

In attendance Mr Peter Stewart (Chief Executive Officer)
Mr Mohamed Saleem (Director Building & Environmental Health Services)
Mr Peter McCashney (Manager Environmental Health Services)
Mrs Krista Roberts (Minutes Secretary)

Apologies: Cr PM (Mac) Kneipp
Cr RJ (Rick) McDougall
Cr DG (David) McMahan

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1. OPENING OF MEETING

The Mayor, Cr GS Scheu, declared the meeting open at 9.10am.

2. OPENING PRAYER

Father Michael O'Brian attended the meeting at 9.10 am to open the meeting with a prayer and left at 9.12 am.

3. APOLOGIES

Moved: Cr RJ Reardon;

Seconded: Cr WP Kearney;

That apologies be received from Cr DG McMahon, Cr PM Kneipp and Cr RJ McDougall and that they be granted leave of absence from the meeting.

Carried.

4. CONDOLENCES/CONGRATULATIONS

Nil.

5. CONFIRMATION OF MINUTES

Moved: Cr RJ Reardon;

Seconded: Cr PJ Percival;

That the minutes of the Technical Services, Planning, Building & Environmental Health Standing Committee Meeting held on Wednesday 16 December 2009 be confirmed.

Carried.

6. BUSINESS ARISING FROM PREVIOUS MEETING

6.1. Purchase of Vacant Block, Talwood

Cr GS Scheu advised that the purchase of the vacant block adjacent to the Talwood Community Centre, namely Lot 8 on T5392, have been finalised.

7. REPORTS – BUILDING & ENVIRONMENTAL HEALTH SERVICES

7.1. BES001-10 – Environmental Health Activities

A summary of the Environmental Health Activities for the month of December 2009 was tabled for Council's consideration.

Moved: Cr PJ Percival;

Seconded: Cr RJ Reardon;

That the Environmental Health Officer's report number BES001-10 for the month of December 2009 be received and noted.

Carried.

7.2. BES002-10 – Goondiwindi Waste Management Facility - Tenders

Council invited Expressions of Interest for Contract 09/43 "Waste Management and Operation of the Goondiwindi Waste Facility". All submissions for the contract have been evaluated and Tender Documents for the contract forwarded to the applicable respondents. Tenders closed on

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Friday, 8 January 2010. Five (5) submissions were received and tabled for Council's consideration.

Moved: Cr WP Kearney;

Seconded: Cr RJ Reardon;

That Council hereby resolves to accept the tender submitted by Rice Project Management Services for the management and operation of the Goondiwindi Waste Facility for a total amount of \$308,794.14 (excluding GST).

That the term of the Contract shall be for a period of eleven (11) months commencing on 1 February 2010 and terminating on 31 December 2010 in accordance with the Contract documents for:-

- 1. Waste Facility Management for the amount of \$104,442,25 (including GST); Contract; and***
- 2. Waste Facility Landfill Operators Contract for the amount of \$235,231,30 (including GST).***

Carried.

8. REPORTS – TECHNICAL SERVICES

8.1. EP001-10 – Water by Agreement – Inglewood Farms

A request has been submitted to Council by Inglewood Farms Pty Ltd for the supply of treated water to a property outside of the water area for Inglewood located on Tobacco Road, Inglewood.

Moved: Cr WP Kearney;

Seconded: Cr PJ Percival;

That Council approves in principle the connection of the supply of treated water to Inglewood Farms Pty Ltd, for property described as Lot 1 on SP159975, subject to conditions.

A suitable Water Agreement Contract will be brought back to Council for consideration.

That the supply is to be an off peak fill arrangement to lower the impact on Council's infrastructure.

Carried.

8.2. EP002-10 – Water by Agreement – D & H McDougall

A request has been submitted to Council by Doug & Hollie McDougall for the supply of treated water to a property outside of the water area for Inglewood located on the Cunningham Highway, Inglewood.

Moved: Cr RK Reardon;

Seconded: Cr WP Kearney;

That Council approves the connection of the supply of treated water to Doug & Hollie McDougall, for property described as Lot 196 on CVE139, subject to conditions.

- Size of supply connection to be nominated on the approved form;***
- All fees are payable in full prior to the connection being installed;***
- Stop cock and meter assembly will be installed at the connection point to the water main;***
- The consumption of the water is for domestic use only;***
- The owner is responsible for the supply, installation and all ongoing maintenance of all***

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pipe work on the outlet side of the meter assembly;

- *Installation approval is to be in accordance with Council's procedure, Installation of Pipe Line Under Roads; and*
- *Council reserves the right to restrict or terminate the water connection at any time with reasonable notice.*

Carried.

8.3. EP003-10 – Draft Water Meter Testing Policy

Council periodically receives queries in relation to water consumption and the accuracy of water meters. To ensure that a consistent and transparent response is provided to rate payers, a draft policy has been developed.

Moved: Cr RJ Reardon;

Seconded: Cr WP Kearney;

That Council adopts the draft Water Meter Testing Policy.

That the Chief Executive Officer be delegated authority to decide on all water meter and water consumption queries.

Carried.

8.4. EP004-10 – Supply of Pumps for Sewerage Pump Station No.2

At its meeting of 9 September 2009, Council resolved to proceed with the augmentation of Sewerage Pump Station No.2. Due to the specialist nature of this project, Council has selected the specialist sub-contractor, ITT Water and Wastewater Australia Limited. Prices have been submitted to Council for consideration.

Moved: Cr WP Kearney;

Seconded: Cr PJ Percival ;

That Council adopts the recommendation from Opus International Consultants and accepts the submission from ITT Water and Wastewater Australia Limited for Option 2 for the total price of \$47,173.50 inclusive of GST.

Carried.

8.5. EP005-10 – Texas Wash Bay

Council is in receipt of a petition submitted in relation to the recent closure of a rudimentary truck washing facility in Texas. The petition was tabled for Council's consideration.

Moved: Cr WP Kearney;

Seconded: Cr RJ Reardon;

That further investigations be carried out with respect to the viability and need of the facility with a further report to be brought back to Council.

Carried.

8.6. EP007-10 – HML (Higher Mass Limits) Access to Francis Street

A request to consider an application to extend a HML (Higher Mass Limits) approved route to Lowes Petroleum Depot in Francis Street Goondiwindi has been submitted by Lowes Petroleum Services for consideration by Council.

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Moved: Cr WP Kearney;

Seconded: Cr RJ Reardon;

That Council not object to the application to allow Higher Mass Limit vehicles access to Lowes Petroleum Depot via Lagoon, Russell and Francis Streets.

Carried.

8.7. EP006-10 - HML (Higher Mass Limits) Access to Cotton Gin on Kildonan Road

A request to reconsider an application to extend a HML (Higher Mass Limits) approved route to the cotton gin on Kildonan Road has been submitted by Englebrecht Transport. This matter was considered by Council on 9 September 2009 and refused.

Moved: Cr RJ Reardon;

Seconded: Cr WP Kearney;

That Council:-

- ***That Council advise the Department of Transport & Main Roads that it does not object to the application by Englebrecht Transport.***
- ***That a traffic counter be installed and the effects of HML traffic on Kildonan Road be monitored for a period of twelve months.***
- ***That further applications for HML vehicles on any roads other than this approved section not be approved until results are known of the monitoring.***
- ***That a further report be submitted to Council at the end of the monitoring period.***

Carried.

8.8. EP008-10 – Lamberth Road (Missing Link) Overlay and Seal

Council has budgeted \$175,000 in the 2009/10 budget to overlay and seal the “missing link” on Lamberth Road. Due to the proposed development along the Lambert Road by Developers Newlands (formerly Town and Country), additional funds will be required to meet construction costs. Council must consider entering into an Infrastructure Agreement with the Developers.

Moved: Cr WP Kearney;

Seconded: Cr RJ Reardon;

That Council

- ***Defer works on the ‘missing link’ on Lamberth Road whilst an Infrastructure Agreement is investigated;***
- ***That these works be considered in the 2010/11 budget; and***
- ***That the 2009/10 funds be transferred to the Lagoon Street/ Riddles Oval project.***

Carried.

8.9. EP009-10 – McNulty Street Depot

The McNulty Street Depot site is now completely vacant and Council must consider its position on the future development of the site.

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Moved: Cr WP Kearney;

Seconded: Cr RJ Reardon;

That Council:-

- **Prepare a development application for a subdivision on the McNulty Street site;**
- **Delegate to the Chief Executive Officer the authority to dispose of the land in accordance with relevant legislation.**

Carried.

10.24am – At this time the meeting was closed to the public.

Moved: Cr RJ Reardon;

Seconded: Cr WP Kearney;

That at 10.24am the meeting be closed to the public pursuant to Section 436 of the Act for the purpose of discussing a Development Application.

Carried.

10.56am – At this time the meeting was re-opened to the public.

Moved: Cr WP Kearney;

Seconded: Cr RJ Reardon;

That the meeting be re-opened.

Carried.

8.10. EP010-10 – Englebrecht - Reconfiguring a Lot (1 into 6) and Material Change of Use - “Industrial Activities” – “Storage Facility” (truck parking)

A Development Application for a Reconfiguration of a Lot (1 into 6 lot subdivision) and Material Change of Use for “Industrial Activities” – “Storage Facility” (truck parking) on proposed lot 6, on property described as Lot 223, Old Kildonan Road, Goondiwindi, has been submitted by Darren and Stacie Englebrecht.

Moved: Cr WP Kearney;

Seconded: Cr RJ McDougall;

That the Development Application for a Reconfiguration of a Lot (1 into 6 lot subdivision) and Material Change of Use for “Industrial Activities” – “Storage Facility” (truck parking) on proposed lot 6, on property described as Lot 223, Old Kildonan Road, Goondiwindi, be deferred to a Special Meeting to be convened on a suitable date and time.

Carried.

8.11. EP011-10 – Fees and Charges Schedule 2009/2010 under Sustainable Planning Act 2009

With the implementation of the *Sustainable Planning Act 2009* (SPA), Council's 2009/10 Fees & Charges for Town Planning development approvals require to be adopted under the current legislation.

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Moved: Cr WP Kearney;

Seconded: Cr PJ Percival;

That Council adopts the town planning Fees and Charges 2009-2010 under the Sustainable Planning Act 2009, replacing the Fees and Charges adopted Integrated Planning Act 1997, in accordance with the following schedule:-

Goondiwindi Regional Council FEES & CHARGES SCHEDULE 2009/2010	1071A Provision	FEE	GST	TOTAL
<u>SUSTAINABLE PLANNING ACT 2009</u>	1(a)			
<i>Application for Development Approval</i>				
(a) <u>Reconfiguring a Lot</u>				
(i) For not more than 2 parcels of land		\$ 500.00	exempt	\$ 500.00
(ii) For each additional parcel of land		\$ 250.00	exempt	\$ 250.00
(iii) Preliminary Approval		\$ 500.00	exempt	\$ 500.00
(b) <u>Making a Material Change of Use of Premises</u>				
(i) Preliminary Approval		\$ 500.00	exempt	\$ 500.00
(ii) Negotiated Decision Notice		\$ 100.00	exempt	\$ 100.00
(iii) Request to Change Existing Approval		\$ 100.00	exempt	\$ 100.00
(iv) Material Change of Use (including 1 sign)				
(a) Impact Assessment		\$1,200.00	exempt	\$1,200.00
- Carry out notification on behalf of applicant (MCU)		\$2,000.00	exempt	\$2,000.00
				(PLUS application fee)
(b) Code Assessment		\$1,000.00	exempt	\$1,000.00
(c) Compliance Assessment		\$800.00	exempt	\$800.00
(d) Additional sign		\$ 30.00	exempt	\$ 30.00
(v) If it is necessary for Council to engage consultants/specialists for development applications it may be done so at the developer's cost.		At cost		At cost
(vi) Sealing fee - Plan of Survey		\$ 100.00	exempt	\$ 100.00
(c) Application for Development Approval Under Superseded Planning Scheme		\$1,500.00	exempt	\$1,500.00
Full Planning Certificate		\$600.00	\$60.00	\$660.00
Standard Planning Certificate		\$400.00	\$40.00	\$440.00
Limited Planning Certificate		\$200.00	\$20.00	\$220.00
<u>INTEGRATED PLANNING ACT</u>				
(Non-Regulatory Charges)				
<u>Copy of Town Planning Scheme - Hard Copy (Black & White)</u>		\$ 100.00	exempt	\$ 100.00
<u>Copy of Town Planning Scheme - on CD</u>		\$ 50.00	exempt	\$ 50.00
*Note: Available on Council's Website				

Carried.

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8.12. E012-10 – Delegation of Authority - Sustainable Planning Act 2009

With the implementation of the *Sustainable Planning Act 2009* (SPA), Council must consider the delegating authority to the Chief Executive Officer to approve particular planning applications by delegation within the required timeframe.

Moved: Cr WP Kearney;

Seconded: Cr RJ Reardon;

That Council delegates authority to the Chief Executive Officer for the approval of development applications, in accordance with Section 472 & 1132 of the Local Government Act 1993 and Chapter 6, Chapter 7, Chapter 8, Chapter 9, Chapter 10 of the Sustainable Planning Act 2009.

1) To exercise the Council's powers under Chapter 6 of the Sustainable Planning Act 2009 in respect of the Integrated Development Assessment System, including without limitation, the following:

- (a) to receive and determine whether an application is properly made;**
- (b) to assess and decide a development application;**
- (c) to decide a request to change a development approval;**
- (d) to decide a request to extend the period of a development approval;**
- (e) to decide a request for the giving of a negotiated decision notice;**
- (f) to decide a request to cancel a development approval;**
- (g) to give the Minister all reasonable assistance the Minister requires to assess and decide a development application that has been called in by the Minister;**
- (h) to approve a plan of subdivision for the reconfiguring of a lot;**
- (i) to nominate an entity to carry out compliance assessment for the Council;**
- (j) to assess and decide a request for compliance assessment, including approving a request with or without conditions, or giving an action notice;**
- (k) to assess and decide representations made in respect of an action notice; and**
- (l) to assess and decide a request to change a compliance permit or compliance certificate.**

2) To exercise the powers of the Council under Chapter 9 of the Sustainable Planning Act 2009, including without limitation, the following:

- (a) the making available for inspection and purchase of documents which are required by the Sustainable Planning Act 2009 to be kept available for inspection and purchase;**
- (b) the maintenance of a register of development applications;**
- (c) the giving of a limited, standard or full planning and development certificate for a premises;**
- (d) the provision of a copy of a document/s from the register of all development applications at the request of members of the public;**
- (e) the publishing on Council's website information about each development application made to the Council as assessment manager in accordance with the requirements of the Sustainable Planning Act 2009.**

3) To exercise the powers of the Council under Chapter 10 (Transitional Provisions) of the Sustainable Planning Act 2009.

Delegation Criteria:

4) The Delegated Officer may exercise the powers of the Council under the Sustainable Planning Act 2009 for an application other than the following:

- (a) an application where the estimated construction value of the proposed development exceeds \$5 million (excluding land content);**
- (b) an application for the approval of a master plan for a master planned estate;**
- (c) an application for a preliminary approval mentioned in section 242 (Preliminary approval may affect a local planning instrument) of the Sustainable Planning Act 2009 that states the way in which the application seeks the approval to vary the effect of any applicable**

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local planning instrument for the land;

(d) the approval for a proposed development where there is substantial noncompliance with a stated policy of the Council or a high order provision of the planning scheme being a desired environmental outcome, strategic outcome, or an overall outcome of a code;

(e) an application for a proposed development where one or more submissions have been received during the notification stage objecting to the proposed development.

- 5) *Notwithstanding (a) and (d), the Delegated Officer may exercise the powers of Council under the Sustainable Planning Act 2009 for an application where the application has the potential for "deemed approval" in accordance with sections 330-331 of the Sustainable Planning Act 2009.*

Delegation Administrative Procedure:

- 6) *The following procedure is to be undertaken for this delegation:*

(a) The policies and codes of conduct of the Council are to be complied with and in particular a development application is to be referred to the Council for determination where a Councillor or delegated officer has declared a material personal interest in the development application or is an applicant or a submitter objecting to the application.

(b) Applications to be referred to Council at the request of Council, through the Mayor, or at the discretion of staff.

Carried.

8.13. EP013-10 – Notice of Appeal – R & J Reardon v Goondiwindi Regional Council and Alexander Sullivan

Council has received an appeal in relation to the approval of development application for a Material Change of Use – "Intensive Animal Industry" – "Stables" (stabling/keeping of two (2) horses) on land at Lot 18 on SP158268, 69 Coleborn Road, Goondiwindi.

Noted (no discussion held).

8.14. General Business

8.14.1. LGAQ Local Government Infrastructure & Planning Symposium

The Local Government Infrastructure & Planning Symposium will be held on 22 to 25 March 2010. It was noted that Councillors wishing to attend will advise the Director of Engineering and Planning.

9. REPORTS – COUNCILLOR PORTFOLIO (ENGINEERING & ENVIRONMENT)

9.1. CS001-10 – Councillor Portfolio (Engineering & Environment) Status Report

For information.

10. GENERAL BUSINESS

Nil

11. ADDITIONAL CORRESPONDENCE FOR NOTING

Nil

12. GENERAL BUSINESS

Nil

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13. CLOSURE OF MEETING

There being no further business, Cr GS Scheu thanked everyone for their attendance and declared the meeting closed at 11.13am.

Confirmed:.....

Date:.....

Mayor