



MINUTES

of the

General Meeting of the Council

held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 15th September 2016

Commencing at 9:00am

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MEETING BUSINESS BY CORPORATE FUNCTION

ATT1 ATTENDANCE

Cr RW Marsh (Mayor), Crs RG Fuhrmeister, FM Gaske, SC O'Toole, RI Paul, SS Scriven, ID Todd, Mr PC Stewart (Acting Chief Executive Officer) and Miss R McVinish (Asset Administration Officer).

CLP1 COUNCIL PRAYER

The Mayor declared the Meeting open at 9:10am and led the Council in the Opening Prayer.

LOA1 LEAVE OF ABSENCE

Nil

COM1 CONFIRMATION OF MINUTES

Cr O'Toole moved and Cr Gaske seconded:

That the Minutes of the General Meeting held on 18 August, 2016 be confirmed.

CARRIED

CONFIRMATION OF MINUTES - SPECIAL MEETING

Cr O'Toole moved and Cr Scriven seconded:

That the Minutes of the Special Meeting held on 31 August, 2016 be confirmed.

CARRIED

BAM1 BUSINESS ARISING FROM MINUTES

Roadside Drug Testing in St George: Mayor Cr Richard Marsh received correspondence from Senior Sergeant Richard Teale, Queensland Police Roadside Drug Testing Unit - Road Policing Command, in response to a letter sent to The Hon. William Byrne, Minister for Police, Fire and Emergency Services seeking the department's support in providing the St George Police Service the ability to conduct roadside drug testing.

Snr Sgt Teale commended Council's lobbying on the issue and endeavoured to increase the roadside drug testing presence from Roma officers. He outlined issues that may impede the implementation of roadside drug testing for St George officers such as training and budgetary considerations, his preference for blood testing and whether this be carried out by a hospital or private facility.

Cr Marsh and Cr Todd, the Community Safety Group chair, will meet with the St George Police Service Officer In Charge Senior Sergeant Paul Tabrett to discuss the issue further.

PUBLIC PARTICIPATION

Nil

DEPUTATIONS

Nil.

COUNCILLOR REPORTS

Councillors delivered their verbal reports on activities within their portfolios during the preceding month.

Cr O'Toole moved and Cr Scriven seconded.

That the Councillor reports be taken as received.

CARRIED

STATE AGRICULTURE MINISTER VISIT INVITATION

Cr Gaske moved and Cr O'Toole seconded:

That the Hon. Leanne Donaldson Queensland Minister for Agriculture be invited to the Balonne Shire to showcase the Higher Value Horticulture projects that have been funded through the Murray Darling Diversification Scheme.

CARRIED

MURRAY DARLING BASIN PLAN POLICY POSITION

Cr Gaske moved and Cr O'Toole seconded:

That Council formalise a policy position on the impacts of the implementation of the Murray Darling Basin Plan.

CARRIED

ADJOURNMENT

The meeting adjourned at 10:40am for morning tea and resumed at 11:05am.

MEETING ATTENDANCE

Ms Fiona Macleod (Planning and Development Officer) entered the meeting at 11:05am and left the meeting at 12:15pm. MacDonnell's Law partner Jenny Humphris addressed the meeting between 11:30am and 12:11pm via telephone to discuss the Bigambul People Native Title Claim (QUD101/2009).

ALTERATION TO THE ORDER OF BUSINESS

Cr Gaske moved and Cr O'Toole seconded:

That item CES 1 Bigambul People Native Title Claim be moved to an earlier time in the meeting.

CARRIED

MEETING CLOSED - BIGAMBUL PEOPLE NATIVE TITLE CLAIM (QUD101/2009)

Cr Todd moved and Cr Gaske seconded:

That Standing Orders be suspended in order to discuss CES1 Bigambul People Native Title Claim (QUD101/2009), the time being 11:06am.

CARRIED

MEETING OPENING

Cr Gaske moved and Cr O'Toole seconded:

That Standing Orders be resumed, the time being 12:14pm.

CARRIED

CES1

BIGAMBUL PEOPLE NATIVE TITLE CLAIM (QUD101/2009)

(05.09.16) The purpose of this report is to consider a Federal Court proceeding in which Council is a respondent party. Accordingly it is appropriate for Council to close the meeting to the public.

Cr Gaske moved and Cr Fuhrmeister seconded:

That:

1. Council receives this report.
2. Council delegate authority to the Chief Executive Officer to instruct Council's solicitors in this matter, on the resolution of Council's interests as a respondent party to the Bigambul People native title determination application QUD101/2009 (the claim) and to enter into the Indigenous Land Use Agreement.
3. Council delegate authority to the Chief Executive Officer to represent Council's interests and sign off on the consent determination.
4. Council acknowledge and endorse the power of the Chief Executive Officer to give instructions and act as authorised agent for the local government in the Claim and sign all documents for and on behalf of the local government in the Claim pursuant to section 240 of the Local Government Act 2009.

CARRIED

Andrew Mackenzie (Director of Corporate and Financial Sustainability) attended the meeting at 12:19pm and left at 1:30pm.

(CFS) CORPORATE FINANCIAL SERVICES

ST GEORGE CEMETERY MATTER

Cr O'Toole declared that a real Conflict of Interest in this matter (as defined in Section 173 of the *Local Government Act 2009*). Cr O'Toole retired from the meeting at 12:43pm and returned at 1:30pm.

MEETING CLOSED - ST GEORGE CEMETERY

Cr Gaske moved and Cr Fuhrmeister seconded:

That Standing Orders be suspended in order to discuss the Disturbance of a Grave at St George Cemetery, the time being 12:44pm.

CARRIED

MEETING OPENING

Cr Scriven moved and Cr Fuhrmeister seconded:

That Standing Orders be resumed, the time being 1:30pm.

CARRIED

CFS1

DISTURBANCE OF A GRAVE AT ST GEORGE CEMETERY

(07.09.16) An investigation has been undertaken in respect to the disturbance of a grave at the St George Cemetery on Saturday 20 August 2016.

Cr Gaske moved and Cr Scriven seconded:

That Council seek legal advice regarding the issue.

CARRIED

ADJOURNMENT

The meeting adjourned for lunch at 1:33pm and resumed at 2:10pm.

MEETING ATTENDANCE

Mr Andrew Mackenzie (Director of Corporate and Financial Services) attended the meeting at 2:10pm.

CFS98

MONTHLY REPORT

(06.09.16) The Director of Corporate and Financial Services Report for the Month of August is presented for Council's consideration.

Cr O'Toole moved and Cr Todd seconded:

That Council receives this report and note the contents therein.

CARRIED

CFS3

LGAQ TRAINING COURSE - WATER AND WASTE WATER FOR COUNCILLORS

(30.08.16) LGAQ have developed a training course in Water and Waste Water, specifically designed for Councillors.

Cr Fuhrmeister moved and Cr O'Toole seconded:

That Council: -

1. Resolve that Councillors attendance at the LGAQ's Water and Waste Water training course for Councillors is professional development as defined in Council's Councillor Expense Reimbursement Policy; and
2. Authorise the Water and Waste Water portfolio holder, Cr Todd, to attend the course, with Council covering the costs of attendance.

CARRIED

CFS4

REVIEW AND AMENDMENT OF COUNCIL'S COMPLAINT MANAGEMENT SYSTEM, POLICY AND PROCEDURE

(07.09.16) Council's Complaint Management System, Policy and Procedure have been reviewed in light of findings and recommendations arising out of an audit conducted by the Queensland Ombudsman's Office

Cr Fuhrmeister moved and Cr Todd seconded:

That in accordance with s268 of the *Local Government Act 2009*, Council adopt the attached Administrative Action Complaint Policy and Procedure as Council's complaint management process.

CARRIED

CFS5 **FINANCIAL MANAGEMENT REPORT FOR PERIOD ENDED 31 AUGUST 2016**

(08.09.16) Financial Management Reports for Period Ended 31 August 2016

Cr Gaske moved and Cr O'Toole seconded:

The report be received and noted.

CARRIED

CFS99 **GENERAL - CORPORATE FINANCIAL SERVICES**

MEETING ATTENDANCE

Mr Andrew Mackenzie (Director of Corporate and Financial Services) left the meeting at 3:13pm.

Mr Kevin Searle (Director of Infrastructure Services) entered the meeting at 3:12pm.

(IFS) INFRASTRUCTURE SERVICES

IFS1 **QUOTATION BSC16/17-Q03 – SUPPLY AND DELIVERY OF ONE NEW 4X2 DUAL CAB UTILITY**

(06.09.16) Quotation for BSC16/17-Q03 – Supply and Delivery of One New 4x2 Dual Cab Utility for the Environmental Health Officer.

Cr Gaske moved and Cr O'Toole seconded:

That Council accepts the quotation from Halpin Motors for the supply and delivery of one new 2016 Holden Colorado 4x2 dual cab utility for \$39,342 incl GST (with registration and third party insurance to be invoiced at cost) and sell the existing Holden Colorado 4x2 dual cab utility (250-SWR) through a competitive tender advertised in a local newspaper.

CARRIED

IFS2 **QUOTATION BSC16/17-Q04 - SUPPLY AND DELIVERY OF ONE NEW 4X4 DUAL CAB UTILITY**

(06.09.16) Quotation for BSC16/17-Q04 – Supply and Delivery of One New 4x4 Dual Cab Utility for a Grader Driver.

The item was withdrawn to be resubmitted at the October meeting.

IFS3 **QUOTATION BSC16/17-Q05 - SUPPLY AND DELIVERY OF THREE NEW 4X2 EXTRA CAB UTILITIES**

(07.09.16) Quotation for BSC16/17-Q05 – Supply and Delivery of Three New 4x2 Extra Cab Utilities for the Local Laws Officer, Parks & Gardens section and Water & Sewerage Supervisor.

Cr Gaske moved and Cr Paul seconded:

That Council accepts the quotation from O'Brien Toyota for the supply and delivery of three new 2016 Toyota Hilux SR Extra Cab utilities, two with a high clearance kits (for the Local Laws Officer and Water and Sewerage Supervisor) for a total cost of \$131,050.30 incl GST as detailed above

(with registration and third party insurance to be invoiced at cost) and sell the existing Holden Commodore utility (659-MDG), Toyota Hilux tipper utility (583-MXD) and Toyota Hilux utility (381-SSZ) through a competitive tender advertised in a local newspaper.

CARRIED

IFS4

QUOTATION BSC16/17-Q07 - SUPPLY AND DELIVERY OF ONE NEW 4X4 SINGLE CAB UTILITY

(07.09.16) Quotation for BSC16/17-Q07 – Supply and Delivery of One New 4x4 Single Cab Tipper Utility for the Thallon Town Supervisor.

Cr O'Toole moved and Cr Paul seconded:

That Council accepts the quotation from Halpin Motors for the supply and delivery of one new 2016 Holden Colorado 4x4 single cab tipper utility including heavy duty suspension for \$48,495 incl GST (with registration and third party insurance to be invoiced at cost) and sell the existing Holden Colorado 4x4 single cab tipper utility (175-RQQ) through a competitive tender advertised in a local newspaper.

CARRIED

IFS98

INFRASTRUCTURE SERVICES MONTHLY REPORT - AUGUST 2016

(07.09.16) From the Director of Infrastructure Services reporting for the month of August.

Cr Fuhrmeister moved and Cr O'Toole seconded:

That Council receives this report.

CARRIED

IFS98

SAFETY ADVISOR'S REPORT FOR AUGUST 2016.

(07.09.16) From the Safety Advisor reporting for the month of August 2016.

Cr Scriven moved and Cr Todd seconded:

That Council receives this report.

CARRIED

IFS99

GENERAL - INFRASTRUCTURE SERVICES

MEETING ATTENDANCE

Mr Kevin Searle (Director of Infrastructure Services) left the meeting at 4:10pm.

(GEN) GENERAL

GEN1 MONTHLY REPORT INVESTMENT ATTRACTION OFFICER AUGUST 2016

(08.09.16) Monthly Report Investment Attraction Officer August 2016.

Cr Fuhrmeister moved and Cr Gaske seconded:

That Council receives this report.

CARRIED

GEN2 LGAQ ANNUAL CONFERENCE MOTION 2016

(08.09.16) LGAQ is calling for motions from councils to be debated at the upcoming Annual conference in October.

Cr Fuhrmeister moved and Cr O'Toole seconded:

That Council endorse the following motion to be presented for consideration at the 2016 LGAQ conference.

"We seek the support of this conference in asking LGAQ to lobby the state and federal governments to abandon water buy-backs as a tool to recover water in the northern basin. We support the MDBA in being exhaustive in their investigation of means of achieving desired environmental outcomes, without further eroding productive capacity and economic activity in our already stressed communities."

CARRIED

(RLP) RURAL SERVICES

RLP98 MONTHLY REPORT FOR AUGUST 2016

(05.09.16) Manager of Rural Services reporting on the month of August 2016.

Cr Paul moved and Cr Scriven seconded:

That Council receives this report.

CARRIED

RLP99 GENERAL - RURAL SERVICES

(CES) COMMUNITY & ENVIRONMENTAL SERVICES

Item - CES1 Bigambul People Native Title Claim (QUD101/2009) - has been moved to another part of the document.

CES2 MCU 149 / OW 12 APPLICATION FOR MATERIAL CHANGE OF USE - RURAL WORKERS ACCOMMODATION UNITS AND ASSOCIATED OPERATIONAL WORKS - 10-12 HOCKING STREET, NINDIGULLY DESCRIBED AS LOT 308 ON N5631

(05.09.16) Council has received a development application from the owner for a Material Change of Use proposing Rural Workers Accommodation Units (accommodating 12 persons) and associated Operational Works (filling) on the site located at 10-12 Hocking Street, Nindigully described as Lot 308 on N5631.

Cr Paul moved and Cr Gaske seconded:

That:

1. Council receives this report.
2. Council approves the development application for a MCU 149 / OW 12 Application for Material Change of Use - Rural Workers Accommodation Units and associated Operational Works - filling at 10-12 Hocking Street, Nindigully described as Lot 308 on N5631 5631 subject to the permit conditions listed below;

DEVELOPMENT PERMIT CONDITIONS

Approved Plans and Supporting Documentation

1. The development must be carried out generally in accordance with the Balonne Shire Council stamped/approved plan(s) and supporting documentation referenced in the table below which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan/Document number	Plan/Document name	Date
No 1 of 7	Subject Site Location in Nindigully	19 July 2016
No. 2 of 7	Site Plan	19 July 2016
No. 3 of 7	Layout of Buildings Onsite	19 July 2016
No. 4 of 7	Proposed Floor Plan	19 July 2016
No. 5 of 7	Roof Plan	19 July 2016
No. 6 of 7	Elevations	19 July 2016
No. 7 of 7	Elevations (Internal)	19 July 2016

Approved Development

2. The approved development is for a Material Change of Use and Operational Works MCU 149 / OW 12 Application for Material Change of Use - Rural Workers Accommodation Units and associated Operational Works - filling at 10-12 Hocking Street, Nindigully described as Lot 308 on N5631 as shown on the approved plans.
3. The maximum numbers of persons accommodated within the Rural Workers Accommodation Units must not exceed 12 persons at any time.
4. Excavation and filling shall be undertaken in accordance with Schedule 7: "standards for construction activity" of the Balonne Shire Planning Scheme.
5. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council,

to meeting those costs.

6. The developer must comply with all conditions of this Development Permit for a Material Change of Use and Operational Works and demonstrate compliance, where appropriate, prior to the commencement of the use and operational works.

Avoiding Nuisance

7. No nuisance is to be caused to adjoining properties and occupiers by the way of noise, smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time.
8. The site shall be maintained in a clean and tidy manner, at all times to Council's satisfaction.
9. At the conclusion of construction works ensure all bare earth is seeded or planted with groundcover to minimise dust and erosion.
10. During construction dust will be controlled using onsite watering as necessary.
11. Noise emissions from the development shall not cause environmental harm of nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Noise) Policy 2008*.
12. Air emissions (dust) from the development shall not cause environmental harm or nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Air) Policy 2008*

Waste Management

13. All waste generated from construction of the premises must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
14. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.

Environmental - Stormwater – Drainage

15. Stormwater shall be collected and discharged in accordance with Schedule 6: "Standards for Stormwater Drainage" of the Balonne Shire Planning Scheme.
16. Any increases in volume, concentration or velocity of stormwater from the property being developed must be channelled to lawful points of discharge or to other storage or dispersal arrangements which must all be agreed in writing by the Council.
17. There must be no increase in any silt loads or contaminants in any overland flow from the property during the development process and after development has been completed.
18. If erosion or silt or other materials may be washed off the property being developed during development, the developer must document and implement a management plan that prevents this from occurring.

Services

19. Provide an on-site sewerage disposal system to the standards described in Schedule 5: "Standards for Sewerage Supply" in the Balonne Shire Planning Scheme.

Water Supply

20. The premises must have an onsite storage of 20 000 litres of water for firefighting purposes.
21. The premise is provided with an adequate volume and supply of water for the activity, which complies with the National Health & Medical Research Council: Australian Drinking Water Guidelines. All appropriate paperwork relating to the supply of water to the site ('Appletree Bore Water Supply Scheme Agreement') is to be retained for inspection by Council.
22. Prior to the commencement of the activity, a copy of the water licence and service agreement to Lot 308 must be submitted to Council.
23. A pressure gauge must be installed on Lot 308 to monitor line pressure which is being supplied from the 'Appletree' bore.
24. Water testing must be carried out twice per year (July and December) to monitor compliance with the National Health & Medical Research Council: Australian Drinking Water Guidelines. The results from this testing must be submitted to Council and a record must be kept by the applicant.

OR

25. In the event the owner of the premises elects not to participate in the Appletree Bore Water Supply Scheme Agreement (refer to conditions 21 to 24), rainwater tank/s connected to the premises with a minimum capacity of 135,000 litres must be provided onsite and comply with the National Health and Medical Research Council: Australian Drinking Water Guidelines. All appropriate paperwork relating to the supply of drinking water to the site is to be retained for inspection by Council. All water supplied from off-site must be by a registered water carrier, holding a current Food Licence.

Water testing must be carried out to monitor compliance with the National Health & Medical Research Council: Australian Drinking Water Guidelines. The results from this testing must be submitted to Council and a record must be kept by the applicant.

Should water testing for E.coli return positive the owner of Lot 308 must disinfect the rainwater as per the Guidance on Use of Rainwater Tanks by EnHealth.

Disinfectant Rate: Regular disinfection should not be necessary. If you suspect the water in the tank is contaminated, you can chlorinate rainwater by adding 40ml of liquid sodium hypochlorite or 7g of granular calcium hypochlorite per 1000 L of water (approx. 5mg/L chlorine).

Onsite Parking & Manoeuvring

26. Provide at least 12 on-site car parking spaces for the accommodation units.

CARRIED

CES3

AUSTRALIAN REGIONAL TOURISM NETWORK - CONVENTION 2016 ROMA

(05.09.16) Australian Regional Tourism Network have their annual Convention Conference, specifically designed for Officers and Councillors to attend.

Cr O'Toole moved and Cr Scriven seconded:

That Council:-

1. Approve the Tourism Portfolio holder, Councillor Robyn Fuhrmeister attend the convention, with Council covering the costs of attendance as defined in Council's Councillor Expense Reimbursement Policy.

CARRIED

CES4

WASTE AND RECYCLING SERVICE TENDERS

(05.09.16) Update on waste services

Cr Fuhrmeister moved and Cr Paul seconded:

That Council:

1. Draw up an extension contract with JJ Richards to continue with the current service until 30 June 2017; and
2. Enter into post offer negotiations with both Tenderers (E&E Waste Pty Ltd and JJ Richards Pty Ltd) in accordance with the Conditions Of Tender 6.8 (C).

CARRIED

CES98

MONTHLY REPORT

(08.09.16) The Community & Environmental Sustainability Report for the Month of August 2016 is presented for Council's consideration.

Cr Fuhrmeister moved and Cr O'Toole seconded:

That Council receives this report.

CARRIED

CES99

GENERAL - COMMUNITY & ENVIRONMENTAL SERVICES

There being no further business, the Meeting closed, the time being 4:45pm.

Confirmed at a General Meeting of the Council held on 27 October 2016.

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MAYOR