

UNCONFIRMED



MINUTES

of the

General Meeting of the Council

held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 16th August 2018

Commencing at 9:00am

Table of Contents

MEETING BUSINESS BY CORPORATE FUNCTION	4
(CEO) CHIEF EXECUTIVE OFFICER	4
(FCS) FINANCE AND CORPORATE SERVICES	4
(IFS) INFRASTRUCTURE SERVICES	6
(CES) COMMUNITY & ENVIRONMENTAL SERVICES	6
CONFIDENTIAL ITEMS.....	19
(CFCS) FINANCE AND CORPORATE SERVICES	19
INFORMATION REPORTS.....	20
(ICEO) CHIEF EXECUTIVE OFFICER	20
(IFCS) FINANCE AND CORPORATE SERVICES	20
(IIFS) INFRASTRUCTURE SERVICES	20
(ICES) COMMUNITY & ENVIRONMENTAL SERVICES	20

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OPENING

The Mayor declared the Meeting open at 9:00am.

COUNCIL PRAYER

The Mayor led the Council in the Opening Prayer.

ATTENDANCE

Cr RW Marsh (Mayor), Crs FM Gaske (Deputy Mayor), RG Fuhrmeister, SC O'Toole, RI Paul, SS Scriven and ID Todd

Mr Matthew Magin (Chief Executive Officer), Mrs Michelle Clarke (Director Financial & Corporate Services), Mr Mark Stanton (Acting Director Community & Environmental Services) and Mr Ross Drabble (Director Infrastructure Services)

LEAVE OF ABSENCE

Nil

CONFIRMATION OF MINUTES

Cr Todd moved and Cr Paul seconded:

That the Minutes of the General Meeting held on 19 July, 2018 be confirmed.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM MINUTES

Nil

CONFLICTS OF INTEREST

CES2

In accordance with s175E(2) of the Local Government Act 2009 **Councillor O'Toole** declared a Perceived Conflict of Interest in respect to matters contained in CES2, on the grounds that:

Cr O'Toole has a working relationship with John Travers, the applicant, and is on the Executive of the St George Chamber of Commerce with him and they are friends. Depending on the outcome of the consideration of the matter at the meeting the applicant stands to gain a benefit or suffer a loss by way of approval or refusal of the development application.

Having given due consideration to her position, on CES2, Councillor O'Toole stated that she would vote on this matter in the public interest and would request that she be granted approval to remain in the meeting.

CES3

In accordance with s175E(2) of the Local Government Act 2009 **Councillor Fuhrmeister** declared a Conflict of Interest in respect to matters contained in CES3, on the grounds that:

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Cr Fuhrmeister is President of the St George Heritage Centre Committee, depending on the outcome of the consideration of the matter at the meeting the St George Heritage Centre stands to gain a benefit or suffer a loss by way of Council's consideration of the development application.

Councillor Fuhrmeister advised that she will leave the meeting in accordance with s175E(2) and will not participate in discussion or voting on this matter.

CES13

In accordance with s175E(2) of the Local Government Act 2009 **Councillor Fuhrmeister** declared a Conflict of Interest in respect to matters contained in CES13, on the grounds that:

Cr Fuhrmeister is President of the St George Heritage Centre Committee, depending on the outcome of the consideration of the matter at the meeting the St George Heritage Centre stands to gain a benefit or suffer a loss by way of Council's consideration of the funding request.

Councillor Fuhrmeister advised that she will leave the meeting in accordance with s175E(2) and will not participate in discussion or voting on this matter.

CCFS1

In accordance with s175E(2) of the Local Government Act 2009 **Councillor Todd** declared a Perceived Conflict of Interest in respect to matters contained in CCFS1, on the grounds that:

one of the affected property owners Kylie Mulder on whose land the Levee is situated, is a previous business partner, and is a current employee.

Cr Todd advised that he will leave the meeting in accordance with s175E(2) and will not participate in discussion or voting on this matter.

In accordance with s175C(2)(b) of the Local Government Act 2009 **Councillor Gaske** declared a Material Personal Interest in respect to matters contained in CCFSS1, on the grounds that:

one of the affected property owners her husband, Andrew Gaske, owns a property adjoining the block wall levee in Hutt Street.

Cr Gaske advised she will leave the meeting in accordance with s175C(2)(b) and will not participate in discussion or voting on this matter.

PUBLIC PARTICIPATION

Nil

DEPUTATIONS

Nil

COUNCILLOR REPORTS

Cr Gaske moved and Cr Scriven seconded that Council receive and note the Councillor reports on their activities during the preceding month.

CARRIED UNANIMOUSLY

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MEETING BUSINESS BY CORPORATE FUNCTION

(CEO) CHIEF EXECUTIVE OFFICER

CEO1

QUEENSLAND GREAT ARTESIAN BASIN ADVISORY COMMITTEE (QGABAC)

Following on from the tabling of the Ministers letter to Cr. Gaske regarding membership of the QGABAC the Chief Executive Officer spoke with Arron Hieatt from LGAQ in relation to the process of her appointment in order to gain a better understanding and to provide council with my findings.

Cr Todd moved and Cr O'Toole seconded:

1. That Council support and endorse the nomination of Cr. Gaske to the board of the QGABAC;
and
2. That: Council agrees to meet the remaining 50% cost of Cr Gaske's participation on the board of QGABAC

CARRIED UNANIMOUSLY

(FCS) FINANCE AND CORPORATE SERVICES

FCS1

LGAQ CONFERENCE 2018 - CALL FOR MOTIONS

LGAQ Conference 2018 – Call for Motions

Cr O'Toole moved and Cr Gaske seconded:

That Council support the SWQLGA motions being submitted to the 2018 LGAQ Annual Conference, relating to a review of the Federal Assistance Grants distribution, Drought funding and amendments to the Vegetation Management Act.

CARRIED UNANIMOUSLY

Mrs Tracy Lee (Manager of Finance) and Miss Anna McMillan (Graduate Accountant) entered the Meeting at 10:20am

FCS2

ICT STEERING COMMITTEE MINUTES - 17 JULY 2018

ICT Steering Committee Minutes - 17 July 2018

Cr Gaske moved and Cr Scriven seconded:

1. That Council receive and note the minutes of the ICT Steering Committee 17 July 2018.
2. REP3 Black Spot Funding
That Council endorse the mobile black spot areas, below, nominated by the ICT Steering Committee to be considered for Mobile Black Spot Funding under Round 4.
 - a) QLD 1479
 - b) QLD 0194
 - c) QLD 0100
 - d) QLD 0980
 - e) QLD 0992
3. REP 4 Risk Management Module
 - a) That Council purchase of the CAMMs Risk Management Module for the revised quotation of

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\$15,000, as endorsed by the ICT Steering Committee.

- a) That Council amend the budget 2018/19 under Section 170(3) of the Local Government Act 2009 to purchase the CAMMs Risk Management Module.

CARRIED UNANIMOUSLY

FCS3

REVIEW OF TRANSPORT NETWORK USEFUL LIVES

Review of Transport Network Useful Lives

Cr Gaske moved and Cr O'Toole seconded:

1. That the adoption of the Lemmah Report be deferred pending completion of the Asset Management Plans and the full Asset Revaluation of the Transport Network and other Infrastructure scheduled for 2018/19 financial year.

CARRIED UNANIMOUSLY

FCS4

DIRRANBANDI COURT SPORTS ASSOCIATION LEASE

Dirranbandi Court Sports Association Lease

Cr Gaske moved and Cr Todd seconded:

1. That Council delegate to the Chief Executive Officer under Section 257(1)(b) the power to negotiate and finalise a lease with the Dirranbandi Court Sports Association for Lot 1 RP 100720 Theodore Street for exclusive rights over the tennis courts and associated buildings.

CARRIED UNANIMOUSLY

FCS5

MANAGING LOCAL GOVERNMENT RATES AND CHARGES SUMMARY

Managing local government rates and charges summary.

Cr Fuhrmeister moved and Cr Gaske seconded:

That:

1. Council adhere to the local government principles and rates practice principle when setting future rates and charges.
2. Council will work towards setting rates and charges at a level that allows them to maintain their assets in the long-term and deliver services in line with community expectations now and in the future.
3. Council comply with the legislative requirements and guidelines governing recovery of overdue rates and charges.
4. Council complete its review of rating categories with the intention of publishing a comprehensive description of its rates categories, why it uses the different categories, and the rationale for the different levels of rates for each category to improve transparency.
5. Council set rates and charges increases with a focus on operating sustainably over the long term.
6. Council engage their community in budget and rate setting decisions to determine services and facilities levels that they are prepared to pay for.

CARRIED UNANIMOUSLY

FCS6

QUARTER 4 PERFORMANCE REPORT 2017/18

Quarter 4 Performance Report 2017/18 is presented to Council for adoption.

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Cr Gaske moved and Cr Fuhrmeister seconded:

That in accordance with Section 174(3) of the Local Government Regulations, 2012, Council adopt the Quarterly Performance Report for Quarter 4 of 2017/18.

CARRIED UNANIMOUSLY

FCS7 **REQUEST TO LEASE LAND - DIRRANBANDI**

Request to lease land - Dirranbandi

Cr Fuhrmeister moved and Cr Paul seconded:

That Council advise the applicant that:

1. the land known as Lot 44 D30640 Charles Street Dirranbandi's purpose is a 'park' and as trustee Council cannot lease the area for the storage of material (sand & gravel).

CARRIED UNANIMOUSLY

FCS8 **MONTHLY FINANCE REPORT PERIOD ENDING 31 JULY 2018**

Monthly Finance Report period ending 31 July 2018.

Cr Todd moved and Cr Gaske seconded:

That the monthly Financial Management Report for the period ending July 2018, as tabled, be received and noted.

CARRIED UNANIMOUSLY

Adjournment for morning tea at 11:07am and resumption at 11:21, with Ms Fiona McLeod (Planning & Development Officer), Mr Mark Stanton (Acting Director Community & Environmental Services), Mrs Sandra Lee (Tourism Services Officer) in attendance.

(IFS) INFRASTRUCTURE SERVICES

IFS1 **THALLON PROGRESS ASSOCIATION REQUEST TO NAME THALLON RECREATION GROUNDS MCGEEVER PARK**

Thallon Progress Association has requested that Thallon Recreation Grounds be named McGeever Park in recognition of the McGeever family.

Cr Fuhrmeister moved and Cr Paul seconded:

That Council consult the wider public and the Department of Natural Resources and Mines regarding the proposed name change.

CARRIED UNANIMOUSLY

(CES) COMMUNITY & ENVIRONMENTAL SERVICES

CES1 **YELLOWBELLY COUNTRY MUSIC & POETS FESTIVAL 2018**

From the Tourism Development Officer reporting on the annual Yellowbelly Country Music Festival (YCMF) for 2018.

Cr Todd moved and Cr O'Toole seconded:

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That:

1. Council receives this report;
2. For the 2019 Yellowbelly Country Music and Poets Festival event that Council maintains the fees for the 2019 event of \$15.00 per powered site per night and \$12.00 per unpowered site per night;
3. Council undertakes the cleaning of the amenities prior to the event with a Contract cleaner being used throughout the week event to clean the showers and toilet facilities;
4. Council undertakes the waste collection for the event in 2019.
5. Council forward a letter of appreciation to the organisers of the event.

CARRIED UNANIMOUSLY

Mrs Mareea Lochel (Community Collective and Wellbeing Services Coordinator) entered the meeting at 11:32am

CES2 MCU 163 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - SECOND DWELLING - 12541 PALTRIDGE ROAD, ST GEORGE DESCRIBED AS LOT 14 ON RP800276

In accordance with s175E(2) of the Local Government Act 2009 **Councillor O'Toole** declared a **Perceived Conflict of Interest** in respect to matters contained in CES2, on the grounds that:

Cr O'Toole has a working relationship with John Travers, the applicant and is on the Executive of the St George Chamber of Commerce with him and they are friends. Depending on the outcome of the consideration of the matter at the meeting the applicant stands to gain a benefit or suffer a loss by way of approval or refusal of the application.

Cr O'Toole sought approval to remain in the meeting, having considered her position and stating she would vote on this matter in the public interest, in accordance with s175E(4) of the Local Government Act 2009, Council considered if Cr O'Toole has a real or perceived conflict of interest in the matter.

Cr O'Toole left the meeting at 11:36am while Council considered her request for remaining in the meeting for discussion on CES2.

DISCUSSIONS ON MCU 163

Cr Fuhrmeister moved and Cr Scriven seconded:

That Council resolves that Cr O'Toole has a Perceived Conflict of Interest in respect to matters contained in Report CES2 and that she may participate in the meeting in relation to the matter and vote on the matter.

CARRIED

Cr O'Toole returned to the Meeting at 11:37am.

Mrs Di Francisco (Environmental Health Officer) entered the Meeting at 11:53am.

Mrs Di Francisco (Environmental Health Officer) retired from the Meeting at 12:01pm

CES2

MCU 163 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - SECOND DWELLING - 12541 PALTRIDGE ROAD, ST GEORGE DESCRIBED AS LOT 14 ON RP800276

Council has received a development application from the owner, John Travers for a Material Change of Use proposing a second dwelling on the property located at 12541 Paltridge Road, St George

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described as Lot 14 on RP800276.

Cr Fuhrmeister moved and Cr Todd seconded:

Council noted that a perceived conflict of interest was confirmed by external advice given to the Planning and Development Officer who holds distant connections to the landowner / applicant (fiancé's father's uncle's son-in-law). Accordingly, the assessment report and recommendations presented have been reviewed by Mr Christopher Tickner, Town Planner at Maranoa Regional Council to ensure no bias to the grounds of decision.

That:

1. Council receives this report.
2. Council approves the development application for MCU 163 - Development Application for Material Change of Use - Second Dwelling - 12541 Paltridge Road, St George described as Lot 14 on RP800276 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 name	Date
Site Plan	05.07.2018
Floor Plan	23.06.2018
Elevations 1	23.06.2018
Elevations 2	23.06.2018
Perspectives	23.06.2018

Approved Development

2. The approved development is for a Material Change of Use MCU 163 for Second Dwelling on land described as Lot 14 on RP800276 situated at 12541 Paltridge Road, St George.
3. All conditions of the approval shall be complied with before the change occurs (prior to the commencement of use) and while the use continues, unless otherwise noted within the conditions.
4. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

Waste Management

5. All waste generated from construction of the premises must be effectively controlled

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on-site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

6. 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

7. Stormwater shall be collected and discharged in accordance with *Schedule 6: "Standards for Stormwater Drainage"* of the Balonne Shire Planning Scheme.
8. 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.
9. 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.
10. The stormwater disposal system must be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.

Services

11. 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

12. The premises must have an onsite storage of 20 000 litres of water for firefighting purposes.
13. Rainwater tank/s connected to the premises with a minimum capacity of 45,000 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 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).

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Access

14. The landowner shall be responsible for the maintenance of vehicle crossovers from the road carriageway to the property boundary. Should any damage be caused at the approved access location, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.

NOTES:

- *Nothing in this permit hereby issued approves the clearing of native vegetation.*
- *This permit does not constitute any authority to carry out any building work, operational work or a different use to what is currently established and permitted under this approval unless all relevant permits are obtained.*
- *This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that 'A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain in the presence or otherwise of Aboriginal cultural heritage. Further information on cultural heritage responsibilities of developers can be obtained from the Department of Aboriginal and Torres Strait Islander Partnerships.*
- *General environmental duty under the Environmental Protection Act 1994 prohibits unlawful environmental nuisance caused by (including but not limited to) noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.*
- *The proposed dwelling (including the storage of materials and equipment associated with the construction of the dwelling) is to be located outside of the "Flood Hazard Area for the purposes of Section 13 of the Building Regulation 2006" identified on Map B3B Minimum Habitable Finished Floor Levels – St George in the Planning Scheme. Should any part of the proposed dwelling encroach within these areas you will be required to resubmit revised plans showing the finished floor level above the defined flood level.*

CARRIED UNANIMOUSLY

CES3 MCU 162 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - COMMUNITY USE (HERITAGE CENTRE) - 8-12 LINDORES STREET, ST GEORGE DESCRIBED AS LOT 182 ON BLM1186

In accordance with s175E(2) of the Local Government Act 2009 **Councillor Fuhrmeister** declared a Conflict of Interest in respect to matters contained in CES3, on the grounds that:

Cr Fuhrmeister is President of the St George Heritage Centre Committee, depending on the outcome of the consideration of the matter at the meeting the St George Heritage Centre stands to gain a benefit or suffer a loss by way of approval or refusal of the development application.

Councillor Fuhrmeister left the meeting, including any area set aside for the public, at 12:02pm, in accordance with s175E(2) and did not participate in discussion or voting on this matter.

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CES3

MCU 162 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - COMMUNITY USE (HERITAGE CENTRE) - 8-12 LINDORES STREET, ST GEORGE DESCRIBED AS LOT 182 ON BLM1186

Council has received a development application from the applicant, St George Heritage Centre for a Material Change of Use proposing a Community Use on the property located at 8-12 Lindores Street, St George described as Lot 182 on BLM1186.

Cr Scriven moved and Cr Gaske seconded:

That:

1. Council receives this report.
2. Council approves the development application for MCU 162 - Development Application for Material Change of Use - Community Use (Heritage Centre) - 8-12 Lindores Street, St George described as Lot 182 on BLM1186 subject to the permit conditions listed below;

DEVELOPMENT PERMIT CONDITIONS

Approved Plans and Supporting Documentation

3. 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
_____	Site Plan Layout	April 2018

Approved Development

4. The approved development is for MCU 162 Application for Material Change of Use – Community Use (Heritage Centre) – 8-12 Lindores Street, St George described as Lot 182 on BLM1186 as shown on the approved plans.
5. All conditions of the approval shall be complied with before the change occurs (prior to the commencement of the use) and while the use continues, unless otherwise noted within the conditions.
6. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

Provision of Services

7. *Prior to the commencement of the use*, certificate(s) must be obtained from a provider agency and presented to Council stating that electricity supply network connections can be made to 8-12 Lindores Street, St George described as Lot 182 on BLM1186 and that adequate electricity supplies are available or can be made available.
8. Provide an on-site sewerage disposal system to the standards described in *Schedule 5: "Standards for Sewerage Supply" in the Balonne Shire Planning Scheme.*

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Hours of Operation

9. Unless otherwise approved by Council, the activities associated with the community (Heritage Centre) use must only be conducted between the hours of 8am to 5pm, Monday to Sunday.
10. Construction hours for the development are restricted to 6.30am to 6.30pm Monday to Saturday inclusive. Construction activities are not permitted on Sunday's and Public Holidays.

Avoiding Nuisance

11. 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, including non-working hours.
12. Any lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
13. The site shall be maintained in a clean and tidy manner, at all times.
14. Air emissions from the development shall not cause environmental harm of nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Air) Policy 2008*.
15. 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*.

Waste Management

16. All waste generated from construction of the premises must be effectively controlled onsite before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
17. 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

18. A minimum 45,000 litre rainwater tank must be installed and connected to the premises.
19. Premises has on site storage of 20 000 litres of water for firefighting purposes. This supply must be separate from the rainwater tanks and must be maintained at this level at all times.
20. Stormwater shall be collected and discharged in accordance with *Schedule 6: "Standards for Stormwater Drainage" of the Balonne Shire Planning Scheme*.
21. Any increases in volume, concentration or velocity of stormwater from the property

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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.

22. 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.
23. During construction and operation, soil erosion and sediment shall be managed in accordance with *Schedule 7: "Standards for Construction Activity" of the Balonne Shire Planning Scheme*.

Contaminated Land

24. Any works associated with the use must at all times ensure water is readily available for areas of exposed soil to mitigate against contaminated land dust.
25. A site based management plan must be readily made available to Council which identifies any risk on the contaminated land site and the appropriate action to address this risk.

Onsite Parking & Manoeuvring

26. Provide at least 2 on-site car parking spaces for employees, public and services vehicles.
27. Vehicle access, manoeuvring and parking shall be constructed and maintained in accordance with *Schedule 2: "Standards for Roads, Car Parking, Access and Manoeuvring Areas" of the Balonne Shire Planning Scheme*.
28. The access/crossover must be constructed in accordance with the *Balonne Shire Council Private Property Entrance Policy – Commercial Turnout*.
29. The developer shall be responsible for construction of vehicle crossovers from the road carriageway to the property boundary and for obtaining any approvals that may be required, and for complying with the applicable designs and standards.
30. The landowner shall be responsible for the maintenance of vehicle crossovers from the road carriageway to the property boundary. Should any damage be caused at the approved access location, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.
31. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during hours of operation.
32. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

Landscaping

33. Landscaping must be provided with a minimum width of 2 metres along the properties

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side and rear boundaries. Vegetation is to have a mature height of at least 3 metres within 5 years of planting, unless planted under electricity lines where the mature height must not exceed 3 metres.

NOTES:

- *Nothing in this permit hereby issued approves the clearing of native vegetation.*
- *This permit does not constitute any authority to carry out any building work, operational work or a different use to what is currently established and permitted under this approval unless all relevant permits are obtained.*
- *This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that 'A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain in the presence or otherwise of Aboriginal cultural heritage. Further information on cultural heritage responsibilities of developers can be obtained from the Department of Aboriginal and Torres Strait Islander Partnerships.*
- *General environmental duty under the Environmental Protection Act 1994 prohibits unlawful environmental nuisance caused by (including but not limited to) noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.*
- *The site is identified on the Contaminated Land Register. Accordingly, it is recommended appropriate measures are taken to ensure ground disturbance is limited and any risks identified and appropriately mitigated.*

CARRIED UNANIMOUSLY

Cr Fuhrmeister returned to the Meeting at 12:14pm

CES4

APPLICATION FOR PERMIT TO OCCUPY OVER AREA OF LAND ON THE BALONNE RIVER PREVIOUSLY KNOWN AS LOT A ON AP17278

The purpose of this report is for Council to consider an application that has been lodged with the Department of Natural Resources, Mines and Energy (DNRME) for a Permit to Occupy over an area of land on the Balonne River previously known as Lot A on AP17278.

Cr Fuhrmeister moved and Cr Paul seconded:

That:

1. Council does not object to the application to Department of Natural Resources, Mines and Energy (DNRME) for a Permit to Occupy over the subject area previously known as Lot A on AP17278.
2. Council advise that consent of the Permit to Occupy the land in no way provides permissions for structures to be erected on the site or further uses to occur beyond currently established/proposed. Further approvals may be required for the both the use and any associated structures on the site.
3. Council advise that this section of Thungaby Road is designated 'Primary Stock Route' with the proposed pump site located on Bindle Camping and Water Reserve. Accordingly, it is requested that measures are taken to place pipelines to the pump under the road reserve to

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avoid disruption of the Stock Route Network.

4. Balonne Shire Council advise nothing in this consent to the permit to occupy approves the clearing of native vegetation.
5. Balonne Shire Council advise nothing in this consent to the permit to occupy authorises any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that 'A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain in the presence or otherwise of Aboriginal cultural heritage. Further information on cultural heritage responsibilities of developers can be obtained from the Department of Aboriginal and Torres Strait Islander Partnerships.

CARRIED UNANIMOUSLY

CES5

QUEENSLAND TIDY TOWNS

Queensland Tidy Town registration is now open, with submissions closing on Friday, 31 August 2018.

Cr Gaske moved and Cr Todd seconded:

That, subject to the support of the Dirranbandi Progress Association, Council,

1. Nominate Dirranbandi to be registered in the 2018 Tidy Town program
2. Pay a total registration fee of \$315.00 from the Community donation/assistance program as follows:

Registration fee \$150.00

Judge's visit fee \$165.00

CARRIED UNANIMOUSLY

CES6

CUNNAMULLA FELLA FESTIVAL 2018

Balonne Shire Council has received an invitation to participate in this year's "Mayors' Challenge" at the Annual 2018 Land Transport's PBR Bull Ride. The event will be held in Cunnamulla on Saturday 25 August 2018 as part of the Cunnamulla Fella Festival.

Cr Gaske moved and Cr Scriven seconded:

That Council:

1. Pays the \$150.00 nomination fee to participate in the Land Transport's PBR Bull Ride at the Cunnamulla Fella Festival on the 25 August 2018.
2. Requests PBR to nominate a rider on its behalf.

CARRIED UNANIMOUSLY

CES7

COMMUNITY DROUGHT SUPPORT FUNDING 2018

Distribution of 2018 Community Drought Support funding.

Cr O'Toole moved and Cr Paul seconded:

That Council approves the Community Drought support requests as follows:

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	ORGANISATION	EVENT NAME	APPROVED FUNDING
1	QCWA Dirranbandi	Spring Affair	\$ 500.00
2	Thallon Progress Association	Grazing at the Watering Hole	\$ 3,000.00
3	St George Community Men's Shed	Tools and equipment upgrade	\$ 2,500.00

CARRIED UNANIMOUSLY

CES8

REQUEST FOR USE THALLON RECREATION GROUNDS

Thallon Progress Association are seeking permission to use the Thallon recreational grounds to host a food event "Grazing at the Watering hole" in September 2018 and a concert in March 2019.

Cr Gaske moved and Cr Paul seconded:

That:

1. Thallon Progress Association be advised of the fees and charges for the use of the recreational grounds
2. Council provide in principal support of the Grazing at the Watering Hole event and Country Music event to occur over 'Thallon Showgrounds' Lot 41 Crown Plan BLM577 subject to the following further approvals;
 - a) Trustee Permit; and
 - b) Land Management Plan.
3. Council inform the event organiser that should the events be proposed to occur on 'Recreation' Reserve Lot 41 Crown Plan BLM577 for any dates beyond September 2018 and March 2019, the event organiser will be required to write into Council again formally seeking permission to use the reserve.

CARRIED UNANIMOUSLY

CES9

RECREATIONAL VEHICLE STRATEGY

This report tables a revised version of the Recreational Vehicle Strategy prepared by EarthCheck following a review by the sub-committee established for this purpose.

Cr Gaske moved and Cr Fuhrmeister seconded:

That Council

1. Adopts the Recreational Vehicle and Freedom Camping Strategy as outlined in Attachment one;
2. Endorses the proposed budget amendments for consideration in the next quarterly Budget review for the 2018/19 financial year.

CARRIED UNANIMOUSLY

Cr Scriven retired temporarily from the Meeting at 12:41pm, and returned at 12:44pm.

Cr Gaske retired temporarily from the Meeting at 12:45pm, and returned at 12:47pm.

UNCONFIRMED

CES10

THALLON COMMUNITY SERVICES LIMITED - REQUEST FOR SUPPORT

Council has received a request from Thallon Community Services Limited to financially assist with the Thallon Independent Living Units project.

Cr Todd moved and Cr Gaske seconded:

That:

1. Council decline the request from Thallon Community Services Ltd, to match community contributions for the purchase of land to develop the Thallon Independent Living Units. On the grounds that the request is an ineligible item for support under the Community donations/assistance program; and
2. The consideration for waiver of rates on the proposed block of land be held over until further information can be provided to Council.

CARRIED UNANIMOUSLY

CES11

REGIONAL ARTS DEVELOPMENT FUND (RADF) - OUT OF ROUND APPLICATIONS

The Regional Arts Development Fund (RADF) is a state and local government partnership that supports local artist and arts and cultural activities in Queensland Communities. Council has received two out of round applications. The applications have been assessed by the RADF Reference Panel and have been determined to comply with the appropriate assessment criteria as detailed through the Balonne Shire RADF Program.

Cr Fuhrmeister moved and Cr Gaske seconded:

That Council approve the RADF applications from Thallon Progress Association and Balonne Creative Arts Group Incorporated as follows:

APPLICANT	PROJECT	APPROVED AMOUNT
Thallon Progress Association Inc	Crossing Heritage with Sculpture Trail	\$2,808.00
Balonne Creative Arts Group Incorporated	Fabric Medium – Bag Making Workshop	\$1,348.00
TOTAL		\$4,156.00

CARRIED UNANIMOUSLY

CES12

COMMUNITY DONATION, SPONSORSHIP AND GRANTS PROGRAM

The Balonne Shire Council is committed to assisting community organisations whose activities provide benefit to Balonne Shire's population. The application process for the Community Donation, Sponsorship and Grants program is designed to ensure that all assistance is provided in an equitable and accountable manner for projects and events that meet the cultural, community, education and recreational needs of the Balonne Shire.

Cr Gaske moved and Cr O'Toole seconded:

That Council decline the application from St George and District, Fishing and Restocking Club for sponsorship of the 2018 Fishing Club Competition on the grounds that Council has already provided

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\$1,500.00 sponsorship for this event through another funding program.

CARRIED UNANIMOUSLY

CES13 COMMUNITY DROUGHT SUPPORT - ST GEORGE HERITAGE CENTRE

In accordance with s175E(2) of the Local Government Act 2009 Councillor Fuhrmeister declared a Conflict of Interest in respect to matters contained in CES13, on the grounds that:

Cr Fuhrmeister is President of the St George Heritage Centre Committee, depending on the outcome of the consideration of the matter at the meeting the St George Heritage Centre stands to gain a benefit or suffer a loss by way of approval or refusal of the funding request.

Councillor Fuhrmeister left the meeting, including any area set aside for the public, at 12:55pm, in accordance with s175E(2) and did not participate in discussion or voting on this matter.

CES13 COMMUNITY DROUGHT SUPPORT - ST GEORGE HERITAGE CENTRE

Distribution of 2018 Community Drought support funding – supplementary report.

Cr Scriven moved and Cr Gaske seconded:

1. That Council approves the St George Heritage Centre's Community Drought Support application for \$2,500 for the "We are Open for Business" event to be held in November 2018;
2. subject to Public Liability Insurance being sighted and
3. subject to the final building certificate of classification being issued.

CARRIED UNANIMOUSLY

Cr Fuhrmeister returned to the Meeting at 1:02pm

CES14 REQUEST FOR USE IN PRINCIPLE - BARWON FISHING COMPETITION - CARP BUSTING

Mungindi Fishing Club are seeking permission to use the Mungindi recreational grounds (Mungindi Park) to host the Barwon Carp Busting Fishing event on 8/9 September 2018.

Cr Gaske moved and Cr O'Toole seconded:

That:

1. Council provide in principal support of the Barwon Carp Busting event to occur over the "Camping, Water and Road Purpose Reserve" described as 99 SP233567 subject to the following further approvals;
 - a) Trustee Permit; and
 - b) Land Management Plan.
2. Council inform the event organiser that should the event be proposed to occur on 'Camping, Water and Road' Reserve Lot 99 SP233567 for any dates beyond 8/9 September 2018, the event organiser will be required to write into Council again formally seeking permission to use the reserve.

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Ms Fiona McLeod (Planning & Development Officer), Mr Mark Stanton (Acting Director Community & Environmental Services), Mrs Mareea Lochel (Community Collective and Wellbeing Services Coordinator) and Mrs Sandra Lee (Tourism Services Officer) retired from the Meeting at 1:05pm.

CLOSED MEETING

Cr Fuhrmeister moved and Cr Scriven seconded:

That the Meeting be closed to the public, the time being 1:05pm
CARRIED

CONFIDENTIAL ITEMS (CFCS) FINANCE AND CORPORATE SERVICES

CCFS1 NOTICE OF OBJECTION REPORT - MOON - 249-253 ALFRED STREET, ST GEORGE

In accordance with s175E(2) of the Local Government Act 2009 **Councillor Todd** declared a **Perceived Conflict of Interest** in respect to matters contained in CCFS1, on the grounds that:

one of the affected property owners Kylie Mulder on whose land the Levee is situated, is a previous business partner, and is a current employee.

Cr Todd advised that he will leave the meeting in accordance with s175E(2) and will not participate in discussion or voting on this matter.

Cr Todd retired from the Meeting at 1:06pm.

In accordance with s175C(2)(b) of the Local Government Act 2009 **Councillor Gaske** declared a **Material Personal Interest** in respect to matters contained in CCFS1, on the grounds that:

one of the affected property owners her husband, Andrew Gaske, owns a property adjoining the block wall levee in Hutt Street.

Cr Gaske retired from the Meeting at 1:06pm.

OPEN MEETING

Cr Scriven moved and Cr O'Toole seconded:

That Council move out of closed session, the time being 1.30pm.

CARRIED

CCFS1 NOTICE OF OBJECTION REPORT - MOON - 249-253 ALFRED STREET, ST GEORGE

Notice of Objection Report – Moon – 249-253 Alfred Street, St George

Cr Scriven moved and Cr Paul seconded:

Having considered the grounds of objection raised by Mrs Pamela Moon in relation to the resumption of part of Lot 136 on SP 1138575, Council resolves, in reliance on this Objections Report dated 16 August 2018 and the attached Annexures provided by Council's delegate being the Chief Executive

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Officer, that:

- (a) The Notice of Intention to Resume dated 16 April 2018 be amended to reflect the amended Easement Area;
- (b) The easement document be amended to reflect the terms agreed between Council and Mrs Moon;
- (c) The proposed resumption of part of the Land proceed in accordance with the amended Notice of Intention to Resume; and
- (d) Council delegate the power under Section 257(1)(b) of the Local Government Act 2009, to finalise the resumption of part of the Land, Lot 136 on SP 1138575, in accordance with the amended Notice of Intention to Resume and make all applications and take all relevant steps to effect the publication of the notice in the Government Gazette, to the Chief Executive Officer.

CARRIED UNANIMOUSLY

Cr Todd and Cr Gaske returned to the Meeting at 1:31pm.
The Chief Executive Officer retired from the Meeting at 1:31pm.

INFORMATION REPORTS

(ICEO) CHIEF EXECUTIVE OFFICER

ICEO1 MONTHLY REPORT

This report presents to Council grants data from 4 July – 5 August 2018.

(IFCS) FINANCE AND CORPORATE SERVICES

ICFS1 MONTHLY REPORT - DIRECTOR FINANCE & CORPORATE SERVICES

Monthly Information Report – Director Finance & Corporate Services

ICFS2 MONTHLY REPORT - WHS

Monthly Report - WHS

ICFS3 MONTHLY FINANCE INFORMATION REPORT AS AT 31 JULY 2018

Monthly Finance Information Report for the period ended 31 July 2018.

(IIFS) INFRASTRUCTURE SERVICES

IIFS1 MONTHLY REPORT FOR THE AUGUST 2018 COUNCIL MEETING

From the Director of Infrastructure Services - reporting for the month of August.

(ICES) COMMUNITY & ENVIRONMENTAL SERVICES

ICES1 MONTHLY REPORT

The Community & Environmental Sustainability Report for the month of July 2018 is presented for

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Council's consideration.

ICES2

MONTHLY REPORT

Manager of Rural Services report for July 2018 is presented to Council for information.

There being no further business, the Meeting closed, the time being 1:35pm.

Confirmed at a General Meeting of the Council held on 20 September 2018.

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MAYOR