

UNCONFIRMED



MINUTES

of the

General Meeting of the Council

held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 18th October 2018

Commencing at 9:00am

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OPENING

The Mayor declared the Meeting open at 09:00am

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) and Mrs Michelle Clarke (Director Financial & Corporate Services)

LEAVE OF ABSENCE

Mr Ross Drabble (Director Infrastructure Services)

CONFIRMATION OF MINUTES

Cr Gaske moved and Cr O'Toole seconded:

That the Minutes of the General Meeting held on 20 September, 2018, be confirmed.

CARRIED UNANIMOUSLY

Cr Fuhrmeister moved Cr Todd

That the Minutes of the Special Meeting held on 5 October, 2018 be confirmed

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM MINUTES of the 20 September 2018

Nil

BUSINESS ARISING FROM MINUTES of the 5 October 2018

Nil

Conflict Of Interests

In accordance with *s175C(2) of the Local Government Act 2009* Councillor O'Toole declared a Material Personal Interest in respect to matters contained in CES1, on the grounds that:

Jason and Samantha O'Toole jointly own 8 Scott Street St George, and depending on the outcome of the consideration of the matter at the meeting, Jason and Samantha O'Toole stand to gain a benefit or suffer a loss by way of approval or refusal of the siting variation application. Jason O'Toole is Cr O'Toole's husband.

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

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

the nature of the interest is Cr Fuhrmeister is The Chairperson of Care Balonne and Care Balonne is the adjoining property to the application for approval or refusal in CES2.

Councillor Fuhrmeister advised she will leave the meeting in accordance with s175E(4) and will not participate in discussion or voting on this matter.

In accordance with *s175E(2) of the Local Government Act 2009* Councillor Gaske declared a Perceived Conflict of Interest in respect to matters contained in CES3 (1), on the grounds that:

the nature of the interest is Cr Gaske is a board member of the South West Hospital and Health Service.

Councillor Gaske advised she will leave the meeting in accordance with s175E(4) and will not participate in discussion or voting on this matter.

In accordance with *s175C(2) of the Local Government Act 2009* Councillor Gaske declared a Material Personal Interest in respect to matters contained in CES 3(3), on the grounds that:

Cr Gaske, depending on the outcome of the consideration of the matter at the meeting, the Tri St George Club stands to gain a benefit or suffer the loss and Jack Gaske participates in Tri St George events. Jack Gaske is Cr Gaske's son.

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

In accordance with *s175C(2) of the Local Government Act 2009* Councillor Gaske declared a Material Personal Interest in respect to matters contained in CES 3 (4 and 5), on the grounds that:

Cr Gaske, depending on the outcome of the consideration of the matter at the meeting her children who attend the St Patrick's Primary School, Jack and Elizabeth Gaske may stand to gain a benefit or suffer the loss by way of winning the colouring competition or winning the draw. Councillor Gaske is their mother.

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

In accordance with *s175C(2) of the Local Government Act 2009* Councillor O'Toole declared a Material Personal Interest in respect to matters contained in CES 3 (4 &5), on the grounds that:

Councillor O'Toole, depending on the outcome of the consideration of the matter at the meeting her child who attends St Patrick's Primary School, William O'Toole may stand to gain a benefit or suffer loss by way of winning the colouring competition or winning the draw. Councillor O'Toole's is William's mother.

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

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

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One of the effected property owners her husband Andrew Gaske, owns a property on the block wall levee.

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

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 on whose land the levee is situated, Kylie Mulder is a former business partner and current employee of Councillor Todd.

Councillor Todd advised he will leave the meeting in accordance with s175E(4) and will not participate in discussion or voting on this matter.

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

the nature of the interest is Rodney Geiger on whose land the levee is situated, has a contract of employment with Councillor Scriven.

Councillor Scriven advised he will leave the meeting in accordance with s175E(4) and will not participate in discussion or voting on this matter..

In accordance with *s175E(2) of the Local Government Act 2009* Councillor Fuhrmeister declared a Perceived Conflict of Interest in respect to matters contained in CCFS4, on the grounds that:

the nature of the interest is that Councillor Fuhrmeister is the Chairperson of Care Balonne which is a Community organisation who had previously applied for a rating concession.

Councillor Fuhrmeister advised she will leave the meeting in accordance with s175E(4) and will not participate in discussion or voting on this matter.

PUBLIC PARTICIPATION

Nil

COUNCILLOR REPORTS

The Mayor invited Councillors to raise any points on interests form their councillor reports, otherwise would take them as read. Council received and noted the Councillor reports on their activities during the preceding month.

MEETING BUSINESS BY CORPORATE FUNCTION

(CEO) CHIEF EXECUTIVE OFFICER

CEO1

COMMUNITY ENGAGEMENT POLICY AND STRATEGY

Balonne Shire Councillors and its Officers are collectively committed to the long-term vision of leadership in local government that enables a continual improvement in the wellbeing of our communities. It is with this commitment that community engagement becomes an essential part of our decision making.

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The Community Engagement Policy, Strategy and Project Plan template have been created to provide commitment and direction for Council's Community Engagement activities and establish a consistent, coordinated approach of including community participation in Council's decision-making process where appropriate.

Cr Todd moved and Cr Gaske seconded:

That Council adopt the Balonne Shire Council Community Engagement Policy and Balonne Shire Council Community Engagement Strategy.

CARRIED UNANIMOUSLY

Mrs Tracy Lee (Manager Of Finance) entered meeting at 09:20am

(FCS) FINANCE AND CORPORATE SERVICES

FCS1

QUEENSLAND ELECTORAL COMMISSION - LOCAL GOVERNMENT CHANGE COMMISSION - CALL FOR SUBMISSIONS

Queensland Electoral Commission – Local Government Change Commission – Call for Submission

Cr Gaske moved and Cr Fuhrmeister seconded:

1. That Council make no change submission to the Local Government Change Commission which is due for the March 2020 quadrennial elections.

CARRIED UNANIMOUSLY

FCS2

COUNCILLOR CODE OF CONDUCT

Councillor Code of Conduct

Cr O'Toole Moved Cr Fuhrmeister seconded

That the Code of Conduct enacted under the *Local Government Act 2009* be adopted by Council and noted by all Councillors.

CARRIED UNANIMOUSLY

Cr Gaske moved and Cr O'Toole seconded:

That Council write to Department of Local Government (Director General and Minister) to inform them that the recent Councillor conduct training provided was inconsistent with conflicting advice, and that Council consider the changes to the legislation are not practical especially for smaller rural councils.

CARRIED UNANIMOUSLY

FCS3

FEDERAL ASSISTANCE GRANTS - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CAMPAIGN

Federal Assistance Grants – Australian Local Government Association campaign

Cr Gaske moved and Cr Fuhrmeister seconded:

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That Council participate in the Australian Local Government Association's 'All Politics is Local' campaign, in the lead up to the Federal Government election, to draw the all Federal political parties' attention to the need for increased Federal Assistance Grant funding to local councils.

CARRIED UNANIMOUSLY

FCS4 **MONTHLY FINANCE REPORT SEPTEMBER 2018**

Monthly Finance Report September 2018

Cr O'Toole moved and Cr Todd seconded:

That the monthly Financial Management Report for the period ending 30 September 2018, as tabled, be received and noted.

CARRIED UNANIMOUSLY

FCS5 **BUDGET REVIEW - OCTOBER 2018**

Budget Review – October 2018

Cr O'Toole moved and Cr Scriven seconded:

That the Budget Review as tabled be adopted in accordance with *Section 170(3) of the Local Government Regulation 2012*.

CARRIED UNANIMOUSLY

Dr Digby Whyte (Director Community and Environmental Services) and Mrs Di Francisco (Environmental Health Officer) entered meeting at 9:41am.

Mrs Tracy Lee (Manager of Finance) left meeting at 9:49am.

Ms Fiona McLeod (Planning and Development Officer) entered meeting at 9:49am.

(CES) COMMUNITY & ENVIRONMENTAL SERVICES

In accordance with *s175C(2) of the Local Government Act 2009* Councillor O'Toole declared a Material Personal Interest in respect to matters contained in CES1 on the grounds that:

Jason and Samantha O'Toole jointly own 8 Scott Street St George, and depending on the outcome of the consideration of the matter at the meeting, Jason and Samantha O'Toole stand to gain a benefit or suffer a loss depending on the refusal or approval of the siting variation. Jason O'Toole is Cr O'Toole's husband.

Councillor O'Toole left the meeting, including any area set aside for the public, at 09:49 am in accordance with *S175C(2)(b)* and did not participate in discussion or voting on this matter.

CES1 **REQUEST FOR SITING VARIATION - 8 SCOTT STREET, ST GEORGE BEING LOT 6 ON SP299590**

The purpose of this report is for Council to consider a siting variation for a proposed residential shed to be located at 8 Scott Street, St George being Lot 6 on SP299590.

Cr Fuhrmeister moved Cr Scriven seconded

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Recommendation/s

That:

1. Council receives this report.
2. Council approve the proposed siting variation, allowing the residential outbuilding to be located on the southern rear boundary and western side boundary of the property at 8 Scott Street, St George.
3. Council state to the applicant/owner of the property that the shed requires building works approval. Accordingly, approval must be applied for and obtained either through Balonne Shire Council or Private Certification.

CARRIED

Councillor O'Toole returned to the meeting at 09:57am

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

the nature of the interest is Cr Fuhrmeister is The Chairperson of Care Balonne and Care Balonne is the adjoining property to the application for approval or refusal in CES2. Councillor Fuhrmeister voluntarily left the meeting, in accordance with *s175E(4) of the Local Government Act 2009* at 9:57am and did not participate or vote on this matter.

CES2

REQUEST FOR SITING VARIATION - 67 AND 69 CHURCH STREET, ST GEORGE BEING LOT 5 AND LOT 6 ON RP183984

The purpose of this report is for Council to consider a siting variation for proposed carports to be located at 67 and 69 Church Street, St George identified as Lot 5 and 6 on RP183984.

Cr Scriven moved and Cr Paul seconded:

Recommendation/s

That:

1. Council receives this report.
2. Council approve the proposed siting variation allowing the residential outbuilding (carport) to be setback 50mm from the North West side boundary of the property at 67 Church Street, St George.
3. Council approve the proposed siting variation allowing the residential outbuilding (carport) to be setback 50mm from the North West side boundary of the property at 69 Church Street, St George.
4. Council state to the applicant/owner of the property that the carport requires building works approval. Accordingly, approval must be applied for and obtained either through Balonne Shire Council or Private Certification.
5. Council advise that the footings for the proposed carport at 67 Church will be in the zone of influence of the sewer main. Accordingly footings for this carport must be at least 1.5m deep to get below the zone of influence, that should be shown in the building application.

CARRIED UNANIMOUSLY

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Ms Fiona McLeod (Planning and Development Officer) left meeting at 10:00am.
Mr Garnet Radford (Economic Development Officer) entered meeting at 10:02am.
Cr Fuhrmeister returned to meeting at 10:03am

DEPUTATION

Mr Richard Fenton from Armour Energy showed presentation on gas to the area, time being 10:05am.

The order of business resumed at 10:30am

CES 3 COMMUNITY DONATION, SPONSORSHIP AND GRANTS PROGRAM

In accordance with *s175E(2) of the Local Government Act 2009* Councillor Gaske declared a Perceived Conflict of Interest in respect to matters contained in CES3 (1), on the grounds that:

the nature of the interest is Cr Gaske is a board member of the South West Hospital and Health Service.

Councillor Gaske voluntarily left the meeting, in accordance with *s175E(4)* of the Local Government Act 2009 at 10:34am and did not participate in the discussion or voting on the matter.

In accordance with *s175C(2) of the Local Government Act 2009* Councillor Gaske declared a Material Personal Interest in respect to matters contained in CES 3(3), on the grounds that:

Cr Gaske, depending on the outcome of the consideration of the matter at the meeting, the Tri St George Club stands to gain a benefit or suffer the loss and Jack Gaske participates in Tri St George events. Jack Gaske is Cr Gaske's son.

Councillor Gaske left the meeting, including any area set aside for the public, at 10:35am in accordance with *S175C(2)(b)* and did not participate in discussion or voting on this matter.

In accordance with *s175C(2) of the Local Government Act 2009* Councillor Gaske declared a Material Personal Interest in respect to matters contained in CES 3 (4 and 5), on the grounds that:

Cr Gaske, depending on the outcome of the consideration of the matter at the meeting her children who attend the St Patrick's Primary School, Jack and Elizabeth Gaske may stand to gain a benefit or suffer loss by way of winning the colouring competition or winning the draw. Councillor Gaske is their mother.

Councillor Gaske left the meeting, including any area set aside for the public, at 10:35am in accordance with *S175C(2)(b)* and did not participate in discussion or voting on this matter.

In accordance with *s175C(2) of the Local Government Act 2009* Councillor O'Toole declared a Material Personal Interest in respect to matters contained in CES 3 (4 &5), on the grounds that:

Councillor O'Toole, depending on the outcome of the consideration of the matter at the meeting her child who attends St Patrick's Primary School, William O'Toole may stand to gain a benefit or suffer loss by way of winning the colouring competition or winning the draw. Councillor O'Toole's is his mother. Councillor O'Toole advised she will leave the meeting in accordance with *s175C(2)(b)* and will not participate in discussion or voting on this matter.

CES3

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

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and accountable manner for projects and events that meet the cultural, community, education and recreational needs of the Balonne Shire.

Cr Fuhrmeister moved and Cr Paul seconded:

That Council approves the Community Organisations donation and sponsorship requests individually as five separate motions numbered one to five as follows:

Cr Scriven moved Cr Todd seconded

1 Heart of Australia approve funding for \$2000

Cr Gaske left the meeting during voting and consideration of the following resolutions.

CARRIED UNANIMOUSLY

Cr Fuhrmeister moved Cr Todd seconded

2 Lifeline Darling Downs and South West approve funding for \$500

CARRIED UNANIMOUSLY

Cr Scriven Moved Cr Paul seconded

3 Tri St George approve funding for \$500

CARRIED UNANIMOUSLY

Cr O'Toole left the meeting during voting and consideration of the following resolutions.

Cr Fuhrmeister Moved Cr Todd Seconded

4 St Patrick's Fete Committee colouring competition for \$150

CARRIED UNANIMOUSLY

Cr Scriven Moved Cr Fuhrmeister Seconded

5 St Patrick's Fete Committee Mega draw funding for \$150

CARRIED UNANIMOUSLY

Councillors Gaske and O'Toole returned to the meeting at 10.37am.

CES4

CONSIDERATIONS ON THE FORMAL COMMUNITY CONSULTATION PROCESS RELATING TO THE PROPOSED BALONNE SHIRE COUNCIL LOCAL LAWS

As part of Council's local law making process, Council is obliged to:-

- (a) consult with relevant government entities about the overall State interest in the proposed local laws of Council; and

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- (b) consult with the public about the proposed local laws and the proposed subordinate local laws for at least 21 days; and
- (c) also consult with the public about possible anti-competitive provisions included in the proposed local laws and the proposed subordinate local laws; and
- (d) accept and consider properly made submissions to Council about the proposed local laws and the proposed subordinate local laws; and
- (e) subject to consideration of properly made submissions, decide whether to proceed with the making of, and make, the proposed local laws and the proposed subordinate local laws.

Cr Todd moved Cr Gaske seconded

Recommendation/s

A resolution for Report about making local laws and subordinate local laws.

Council resolves to—

- (a) note that Council has consulted with relevant government entities about the overall State interest in each of *the* proposed local laws of Council as follows—
 - (i) *Local Law (Repealing) Local Law (No. 1) 2018*
 - (ii) *Local Law No. 1 (Administration) 2018*
 - (iii) *Local Law No. 2 (Animal Management) 2018*
 - (iv) *Local Law No. 3 (Community and Environmental Management) 2018*
 - (v) *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*
 - (vi) *Local Law No. 6 (Aerodromes) 2018*
 - (vii) *Local Law No. 8 (Waste Management) 2018* and
- (b) having considered the content of a public interest test report (4 in total) in relation to anti-competitive provisions contained in each of *Local Law No. 1 (Administration) 2018* and various subordinate local laws and *Local Law No. 2 (Animal Management) 2018* and various subordinate local laws and *Local Law No. 3 (Community and Environmental Management) 2018* and an associated subordinate local law and *Local Law No. 8 (Waste Management) 2018* note the content of each public interest test report and implement the recommendations of each public interest test report; and
- (c) proceed with the making of, and make, each proposed local law listed in schedule 1 as advertised; and
- (d) proceed with the making of, and make, each proposed subordinate local law listed in schedule 2 as advertised; and
- (e) proceed with the making of, and make, the proposed subordinate local laws identified in this paragraph (e), as advertised, but amended as particularised in this paragraph (e)—
 - (i) *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled*

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Areas and Roads) 2018, schedule 3, from 'Subject to the' to 'local government.'—

omit, insert—

- '1. The State-controlled roads to which the authorising local law, but limited to the prescribed activity named in schedule 1, section 1, applies are the State-controlled roads as follows—
 - (a) Carnarvon Highway
 - (b) Barwon Highway
 - (c) Castlereagh Highway
 - (d) Moonie Highway
 - (e) Balonne Highway
 - (f) Mitchell – St George Road
 2. For the purposes of the *Transport Operations (Roads Use Management) Act 1995, s66(5)(b)*, the chief executive's written agreement is subject to the limitations specified in a letter from the Department of Transport and Main Roads to the local government dated 10 August, 2018 (the **Agreement of 10 August 2018**).
 3. Section 4 applies if there is any inconsistency between—
 - (a) the authorising local law and this subordinate local law; and
 - (b) the Agreement of 10 August 2018.
 4. If there is any inconsistency, the Agreement of 10 August 2018 prevails to the extent of the inconsistency.'
- (ii) *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2018, schedule 3, from 'Subject to the' to 'local government.'*—

omit, insert—

1. The State-controlled roads to which the authorising local law, but limited to the prescribed activity named in schedule 1, section 1, applies are the State-controlled roads as follows—
 - (a) Carnarvon Highway
 - (b) Barwon Highway
 - (c) Castlereagh Highway
 - (d) Moonie Highway
 - (e) Balonne Highway

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- (f) Mitchell – St George Road
2. For the purposes of the *Transport Operations (Roads Use Management) Act 1995, s66(5)(b)*, the Chief Executive's written agreement is subject to the limitations specified in a letter from the Department of Transport and Main Roads to the local government dated 10 August, 2018 (the **Agreement of 10 August 2018**).
 3. Section 4 applies if there is any inconsistency between—
 - (a) the authorising local law and this subordinate local law; and
 - (b) the Agreement of 10 August 2018.
 4. If there is any inconsistency, the Agreement of 10 August 2018 prevails to the extent of the inconsistency.
- (f) note that anti-competitive provisions are contained in each of the local laws and subordinate local laws as follows—
- (i) *Local Law No. 1 (Administration) 2018*
 - (ii) *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2018*
 - (iii) *Subordinate Local Law No. 1.5 (Keeping of Animals) 2018*
 - (iv) *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2018*
 - (v) *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2018*
 - (vi) *Local Law No. 2 (Animal Management) 2018*
 - (vii) *Subordinate Local Law No. 2 (Animal Management) 2018*
 - (viii) *Local Law No. 3 (Community and Environmental Management) 2018*
 - (ix) *Subordinate Local Law No. 3 (Community and Environmental Management) 2018*
 - (x) *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*
 - (xi) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*
 - (xii) *Local Law No. 8 (Waste Management) 2018*

SCHEDULE 1

1. *Local Law (Repealing) Local Law (No. 1) 2018*
2. *Local Law No. 1 (Administration) 2018*
3. *Local Law No. 2 (Animal Management) 2018*

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4. *Local Law No. 3 (Community and Environmental Management) 2018*
5. *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*
6. *Local Law No. 6 (Aerodromes) 2018*
7. *Local Law No. 8 (Waste Management) 2018*

SCHEDULE 2

1. *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2018*
2. *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2018*
3. *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2018*
4. *Subordinate Local Law No. 1.5 (Keeping of Animals) 2018*
5. *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2018*
6. *Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2018*
7. *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2018*
8. *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2018*
9. *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2018*
10. *Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2018*
11. *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2018*
12. *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2018*
13. *Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2018*
14. *Subordinate Local Law No. 1.18 (Depasturage of Animals on a Town Reserve) 2018*
15. *Subordinate Local Law No. 2 (Animal Management) 2018*
16. *Subordinate Local Law No. 3 (Community and Environmental Management) 2018*
17. *Subordinate Local Law No. 4 (Local Government Controlled Areas,*

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Facilities and Roads) 2018

- (g) Council resolves, under *Local Law No 8 (Waste Management) 2018*, as follows:-
- (a) for the purposes of section 5(a) (Designation of areas) to designate, as an area in which Council may conduct general waste or green waste collection (***for example, the area, or each area, shown hatched in black on the map in Schedule 1 to this resolution***); and
 - (b) for the purposes of the schedule (Dictionary) to declare, as recyclable waste for the local government area of Council (***for example, glass bottles, plastic containers, paper, cardboard, steel and aluminium cans and aluminium foil***); and
 - (c) for the purposes of the schedule (Dictionary), definition standard general waste container, each of the following containers as a standard general waste container—
 - (i) ***240 litre waste container (red lid bin) for the storage of domestic waste***
 - (ii) ***240 litre waste container (yellow lid bin) for the storage of recyclable waste***
 - (iii) ***240 litre waste container (blue lid bin- parks and gardens) for the storage of commercial waste***
 - (iv) ***240 litre waste container (green lid) for the storage of green waste***

(The resolution approving containers as a standard general waste container needs to identify every container which Council intends to supply to premises as a standard general waste container regardless of size. Each container should be identified by reference to the collection of a particular type of general waste and the specification for the container.)

CARRIED UNANIMOUSLY

Mrs Di Francisco (Environmental Health Officer) left meeting at 10:40am

CES5

COMMUNITY DROUGHT SUPPORT

Distribution of 2018 Community Drought support funding.

Cr Fuhrmeister moved and Cr Gaske seconded:

That Council approves the Racecourse User Group (St George Pony Club, Polocrosse and Jockey Clubs) Community Drought Support application in the sum of \$4500 for the “New Year’s Eve Bowties + Boardies” event to be held 31 December 2018, subject to appropriate insurance coverage and that Balonne Shire Council is recognised as a major sponsor.

CARRIED UNANIMOUSLY

CES6

RADF - PLACE-MAKING - PUBLIC ART IN BALONNE

The Regional Arts Development Fund (RADF) is a state and local government partnership that

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supports local artist and arts and cultural activities in Queensland Communities. Balonne Shire Council's 2018-19 RADF program has two components: Community grants program and Council initiative program - Place Making (Public Art in Balonne). This report tables a place making initiative submitted to Council from the Mungindi Progress Association.

Cr Fuhrmeister moved and Cr Gaske seconded:

That Council approves Mungindi Progress Associations RADF place-making application for the "Old Bridge Monument" for \$5,837.00.

CARRIED UNANIMOUSLY

Council adjourned for Morning tea at 11:06am, with Mr Damon Cavaclchini from NBN in attendance. Dr Digby Whyte (Director Community and Environment Services) left the meeting at 11:11am. Mr Andrew Boardman (Manager Roads and Drainage) entered the meeting at 11:13am.

DEPUTATION

Mr Damon Cavaclchini from NBN, gave a presentation on an introduction to NBN in the area, time being 11:13am.

The order of business resumed at 11.35am.

CLOSED MEETING

Cr Fuhrmeister moved Cr Gaske seconded.

That the meeting be closed in accordance with *Section 275 of the Local Government Regulation 2012* to consider items CCFS1, CCFS2, CCFS3, CCFS4, CCFS5 and CIFS1.

CARRIED UNANIMOUSLY

The meeting closed at 11:35am.

CONFIDENTIAL ITEMS

(CFCS) FINANCE AND CORPORATE SERVICES

CCFS1 ST GEORGE LEVEE BANK

In accordance with s175C(2) 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 effected property owners her husband Andrew Gaske, owns a property on the block wall levee.

Councillor Gaske left the meeting, including any area set aside for the public, at 11:36am in accordance with S175C(2)(b) and did not participate in discussion or voting on this matter.

In accordance with s175EC(2) of the Local Government Act 2009 Councillor Todd declared a Material Personal Interest Perceived Conflict of Interest in respect to matters contained in CCFS1, on the grounds that:

One of the affected property owners on whose land the levee is situated, Kylie Mulder is a former business partner and current employee on whose land the levee is situated is a previous employee, of Councillor Todd.

UNCONFIRMED

Councillor Todd left the meeting, including any area set aside for the public, at 11:36am in accordance with S175E(4) and did not participate in discussion or voting on this matter.

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

the nature of the interest is Rodney Geiger on whose land the levee is situated, who has a contract of employment with Councillor Scriven.

Councillor Scriven left the meeting including any area set aside for the public, at 11.36am in accordance with Section 175E(4) and did not participate in discussion or voting on this matter.

Councillors Gaske, Todd and Scriven returned to the meeting at 11.50am during closed session.

CCFS4 COMMUNITY RATES SUPPORT PROGRAM 2018/2019

In accordance with s175E(2) of the Local Government Act 2009 Councillor Fuhrmeister declared a Perceived Conflict of Interest in respect to matters contained in CCFS4, on the grounds that:

the nature of the interest is that Councillor Fuhrmeister is the Chairperson of Care Balonne which is a Community organisation that had previously applied for a rating concession.

Councillor Fuhrmeister voluntarily left the meeting, in accordance with s175E(4) of the Local Government Act 2009 at 12:05pm.

OPEN MEETING

Cr Fuhrmeister moved Cr O'Toole seconded that the meeting be re-opened, the time being 12:17pm

CARRIED UNANIMOUSLY

Councillors Gaske, Todd and Scriven left the meeting at 12.17pm due to their declaration of interests and did not participate in discussion or voting on CCFS1.

CCFS1 **ST GEORGE LEVEE BANK**

St George Levee Bank

Cr Fuhrmeister moved and Cr O'Toole seconded:

That Council delegate to the Chief Executive Officer under *S257(1)(b) of the Local Government Act 2009*, to carry out all things necessary to settle and finalise the easement agreement on Lot 7-8 ST 856 Alfred Street St George.

CARRIED UNANIMOUSLY

Councillors Gaske, Todd and Scriven re-entered the meeting at 12:19pm.

CCFS2 **REVIEW OF WATER CHARGES**

The purpose of this report is to inform Council of the over charged services allocated to Lot 12 on STG8544 at 119-121 Grey Street, St George.

UNCONFIRMED

Cr Fuhrmeister moved and Cr Scriven seconded:

That

1. Council resolve to approve a refund of water services charges for Lot 12 on STG8544 for the second business backdated to 01/07/2011.

CARRIED UNANIMOUSLY

CCFS3

CATEGORY OBJECTION APPEAL

The purpose of this report is to inform Council of the category objection appeal process that may occur in accordance with *Local Government Regulation 2012 Section 92* – Land owner's appeal against decision for L13 on RP895251.

Information Only

That Council note this rating matter for L13 on RP895251 is pending until notified otherwise by the property owner or the Land Court.

Noted by Council

Councillor Fuhrmeister left the meeting and did not discuss or vote on this matter due to her declaration of interest at 12.20pm.

CCFS4

COMMUNITY RATES SUPPORT PROGRAM 2018/2019

Community Rates Support Program 2018/2019

Cr Gaske moved and Cr O'Toole seconded:

That:

1. Council do not approve the application received after the closing date of 15 June 2018 from QCWA St George, for the following reasons:
 - a) The application does not comply with Council's Community Rate Support Program
 - b) The application was received after the closing date
 - c) Approving the application would set a precedent for other organisations that have missed the cut off date.
2. Council consider support through means of other programs such as drought funding program, community grants program or donations.
3. Council will within the letter of response to advise QCWA St George of other alternatives of support.

CARRIED UNANIMOUSLY

Cr Fuhrmeister returned to the meeting at 12:21pm

CCFS5

TRANSFER OF UNENCUMBERED LAND FOR FULL PAYMENT OF OUTSTANDING RATE AND SERVICE CHARGES

The purpose of this report is Council to consider the transfer of land in accordance with *Local Government Regulations 2012 Section 125* – Special provision for agreement to accept land transfer, for L44-46 on D30631 situated in Dirranbandi.

UNCONFIRMED

Cr Fuhrmeister moved and Cr O'Toole seconded:

That

1. Council resolve to proceed with transfer of land Lot 44-46 Crown Plan D30631, to Council in accordance with *Local Government Regulations 2012 Section 125* – Special provision for agreement to accept land transfer.

CARRIED UNANIMOUSLY

(CIFS) INFRASTRUCTURE SERVICES

CIFS1

TENDER EVALUATION TRAFFIC MANAGEMENT SERVICES BSC 2018-19 T01

This Council Report addresses the procurement and contract award for Traffic Management Services with a 3year duration. It is estimated Council annual expenditure for those services is approximately \$200,000.

Cr Scriven moved and Cr Paul seconded:

That Council award of the traffic management services contract to South West Traffic Management, based on the findings of the tender process BSC 2018-19 T01, for a period of three years.

.CARRIED UNANIMOUSLY

INFORMATION REPORTS

(ICEO) CHIEF EXECUTIVE OFFICER

ICEO1

BI-MONTHLY REPORT

Information report from the Communications Officer regarding activities from 1 July– 30 September, 2018.

ICEO2

DISASTER MANAGEMENT

This report advises of the activities undertaken in Disaster Management.

ICEO3

MONTHLY REPORT

Grants information 8 September – 3 October 2018.

ICEO4

ECONOMIC DEVELOPMENT UPDATE SEPTEMBER 2018

Economic Development Update September 2018.

(IFCS) FINANCE AND CORPORATE SERVICES

ICFS1

MONTHLY REPORT - DIRECTOR FINANCE & CORPORATE SERVICES

Monthly Information Report – Director Finance & Corporate Services.

UNCONFIRMED

ICFS2 **MONTHLY FINANCIAL INFORMATION REPORT SEPTEMBER 2018**

Monthly Financial Information Report for the period ended 30 September 2018.

(IIFS) INFRASTRUCTURE SERVICES

IIFS1 **MONTHLY REPORT FOR THE OCTOBER 2018 COUNCIL MEETING**

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

(ICES) COMMUNITY & ENVIRONMENTAL SERVICES

ICES1 **MONTHLY REPORT**

The Community & Environmental Sustainability Report for the month of September 2018 is presented for Council's information.

ICES2 **MONTHLY REPORT**

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

There being no further business, the Meeting closed, the time being 12:24pm.

Confirmed at a General Meeting of the Council held on 15 November 2018.

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MAYOR