



MINUTES

of the

General Meeting of the Council

held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 17th January 2019

Commencing at 9:00am

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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) and Dr Digby Whyte (Director Community & Environmental Services).

LEAVE OF ABSENCE

Nil

CONFIRMATION OF MINUTES

Cr O'Toole moved and Cr Gaske seconded:

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

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM MINUTES

Nil

CONFLICT OF INTERSTS

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 affected property owners is her husband Andrew Gaske, who owns a property on the block wall levee.

Councillor Gaske advised she would leave the meeting in accordance with *s175C(2)(b)* and not participate in discussion 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, is Kylie Mulder who is a former business partner and current employee of Councillor Todd.

Councillor Todd advised he would leave the meeting in accordance with *S175E(4)* and not participate in discussion 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:

One of the affected property owners on whose land the levee is situated is Rodney Geiger who has a contract of employment with Councillor Scriven.

Councillor Scriven advised he would leave the meeting in accordance with *S175E(4)* and not participate in discussion on this matter.

In accordance with *s175C(2) of the Local Government Act 2009* Councillor Marsh declared a Material Personal Interest in respect to matters contained in CES3 on the grounds that:

Depending on the outcome of the consideration of the matter at the meeting CES3, Scott Bowman would receive a benefit or loss and is the nephew of Cr Richard Marsh.

Councillor Marsh indicated he would leave the meeting in accordance with *S175C(2)* and not participate in discussion.

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 CES6, on the grounds that:

Business Balonne Airwork owned by Councillors husband Jason O'Toole is a member of St George Cotton Growers Association and Balonne Airwork are also sponsors of the event.

Councillor O'Toole indicated she would request that she be able to participate in the meeting.

In accordance with *s175E(2) of the Local Government Act 2009* Councillor Todd declared a Real Conflict of Interest in respect to matters contained in CES6, on the grounds that:

the nature of the interest is that Cr Todd's son is the Vice President of St George Cotton Growers Association.

Councillor Todd indicated he would leave the meeting in accordance with *S175E(2)* and not participate in discussion.

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 CCFS2, on the grounds that:

the nature of the interest is that JP Cleaning cleans for Cr Gaske's residence.

Councillor Gaske indicated she would request that she be able to participate in the meeting.

PUBLIC PARTICIPATION

NIL

DEPUTATIONS

Leanne Brummel – Objection to Armour Energy Gas.

COUNCILLOR REPORTS

Cr O'Toole moved and Cr Todd seconded,

That Council receive and note the Councillor reports on their activities during the preceding month.

CARRIED UNANIMOUSLY

MEETING BUSINESS BY CORPORATE FUNCTION

CHANGE ORDER OF BUSINESS

Councillor O'Toole carried and Cr Paul seconded;

that the order of business be changed to consider CCFS1.

CARRIED UNANIMOUSLY

CCFS1 ST GEORGE LEVEE BANK – EASEMENTS

DECLARATION OF INTERESTS

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 affected property owners is her husband Andrew Gaske, who owns a property on the block wall levee.

Councillor Gaske left the meeting, including any area set aside for the public, at 9.44am in accordance with *S175C(2)(b)* and did 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

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

Councillor Todd voluntarily left the meeting, in accordance with *s175E(4) of the Local Government Act 2009* at 9:44am.

In accordance with *s175C(2) of the Local Government Act 2009* Councillor Scriven declared a Material Personal 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 is Rodney Geiger who has a contract of employment with Councillor Scriven.

Councillor Scriven left the meeting, including any area set aside for the public, at 9:44am in accordance with *S175C(2)(b)* and did not participate in discussion or voting on this matter.

CLOSED MEETING

Cr O'Toole moved Cr Paul seconded;

that in accordance with *section 275(f) of the Local Government Regulation 2012* Council go into a Closed Meeting time being 9:44am.

CARRIED UNANIMOUSLY

OPEN MEETING

Cr O'Toole moved and Cr Fuhrmeister seconded that the meeting be opened and resume order of business, the time being 10:06am.

CARRIED UNANIMOUSLY

CCFS1 **ST GEORGE LEVEE BANK - EASEMENTS**

St George Levee Bank - Easements

Cr Fuhrmeister moved and Cr Paul seconded:

That as a matter of policy, Council adopt the following approach for all matters that involve a compulsory acquisition process for easements:

- Prior to proceeding to the Land Court, Council make a final attempt to resolve matters of compensation, as soon as Ministerial approval has been obtained for the compulsory acquisition of an easement; and
- Where final agreement cannot be reached Council refer the issue of compensation to the Land Court for determination.

CARRIED UNANIMOUSLY

Councillor Gaske ,Todd and Scriven returned to meeting, the time being 10:07am.

Leanne Brummell also entered the meeting at 10:07am for a deputation on Objection to Armour Energy Gas.

Mrs Michelle Clarke (Director of Finance and Corporate Services) left the meeting at 10:09am and returned at 10:10am.

Leanne Brummell left meeting at 10:43am.

The meeting adjourned for morning tea at 10:45am, and reconvened at 10:55am, with Mrs Tracey Lee (Manager Finance Services) in attendance.

(FCS) FINANCE AND CORPORATE SERVICES

FCS1 **MONTHLY FINANCE REPORT DECEMBER 2018**

Monthly Finance Report December 2018

Cr Gaske moved and Cr Fuhrmeister seconded:

That the monthly Financial Management Report for the period ending 31 December 2018, as tabled, be received and noted.

CARRIED UNANIMOUSLY

Mrs Tracey Lee (Manager Finance Services) left meeting time being 11:08am.

(IFS) INFRASTRUCTURE SERVICES

IIFS1 PROPOSED RENAMING OF THALLON SHOWGROUND TO MCGEEVER RECREATION GROUND

Thallon Progress Association has requested the renaming of Thallon Showground to McGeever Recreation Ground. This matter was discussed at the August Council Meeting where it was decided that Council consult the wider community and the Department of Natural Resources, Mines and Energy (DNRME) regarding the proposal.

Cr Gaske moved and Cr O'Toole seconded:

That Council rename Thallon Showground to McGeever Recreation Ground and commence the process of changing the name in Council's rating system and inform the Department of Natural Resources, Mines and Energy.

CARRIED UNANIMOUSLY

Dr Digby Whyte (Director of Community and Environmental Service), Mrs Mareea Lochel (Community Collective and Wellbeing Co-Ordinator), Mrs Tayla Willis (Project Support Officer) and Ms Danni Kinnear (Community Development Officer) entered the meeting, the time being 11:10am.

Ms Fiona McLeod (Planning Development Officer) entered meeting, the time being 11:13am.

(CES) COMMUNITY & ENVIRONMENTAL SERVICES

CES1 FULL THROTTLE THEATRE - THEATRE PRODUCTION OF ASTRONOMICAL 2

Full Throttle Theatre in association with NQ Starshine, is organising a regional tour of the theatrical production *Astronomical 2* between 29 May and 8 September 2019.

Cr Fuhrmeister moved and Cr Todd seconded:

That:

1. Council provide a financial support up to \$1,300 and offer the event Free for all residents in the Balonne Shire;
2. St George be the venue to host the Astronomical 2 production and waiver any fees associated with the venue hire;
3. Council provide promotion and marketing assistance.
4. Council offer subsidised transport to other communities within the Shire.

CARRIED UNANIMOUSLY

CES2 RADF COMMUNITY GRANTS PROGRAM

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 one out of round application. The application has been assessed by the RADF Reference Panel and has 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:

1. Council approves the RADF application Dirranbandi Arts Council Inc.as follows:

APPLICANT	PROJECT	AMOUNT APPROVED
Dirranbandi Arts Council Inc.	Dirranbandi Restoration 2019	\$ 570.00

CARRIED UNANIMOUSLY

In accordance with *s175C(2) of the Local Government Act 2009* Councillor Marsh declared a Material Personal Interest in respect to matters contained in CES3 on the grounds that:

Depending on the outcome of the consideration of the matter at the meeting CES3, Scott Bowman would receive a benefit or loss and is the nephew of Cr Richard Marsh.

Councillor Marsh left the meeting, including any area set aside for the public, at 11:17am in accordance with *S175C(2)(b)* and did not participate in discussion or voting on this matter.

Councillor Gaske, Deputy Mayor assumed the role as the Chairperson.

CES3 CHANGE APPLICATION TO MCU 122 - DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE - INDUSTRY (MACHINERY STORAGE AND WORKSHOP) AT WILLOWTHAL ROAD, ST GEORGE QLD 4487 DESCRIBED AS LOT 3 ON SP169186

Council has received a change application from the owners, Scott and Janene Bowman for Development Permit (MCU 122) Material Change of Use – Industry (Machinery Storage and Workshop) located at Willowthal Road, St George affecting land described as Lot 3 on SP169186.

Recommendations

That;

1. Council receives this report.
2. Council refuse the change application to delete Condition 1 on Development Approval MCU 122 for Material Change of Use – Industry (Machinery Storage and Workshop) located at Willowthal Road, St George affecting land described as Lot 3 on SP169186.
3. Council approve the change application to amend Condition 1 of Development Approval MCU 122 for Material Change of Use – Industry (Machinery Storage and Workshop) located at Willowthal Road, St George affecting land described as Lot 3 on SP169186 to allow a further two (2) years of currency for the use until 23 December 2020.

Moved Cr Todd

The motion was lost due to want of a seconder.

Amendment:

Moved Cr Fuhrmeister and seconded Cr Paul;

That;

1. Council receives this report.
2. Council approve the change application to delete timed Condition 1 on Development Approval MCU 122 for Material Change of Use – Industry (Machinery Storage and Workshop) located at Willowthal Road, St George affecting land described as Lot 3 on SP169186.
3. A note be added to the development approval as follows:

The existing development conditions must be met and will be closely monitored and enforced by Council and any increase in intensity or scale will trigger a development application.

CARRIED 4 -2

Dr Digby Whyte (Director of Community and Environmental Services) left meeting at 11:18am and returned at 11:19am.

Mayor Cr Richard Marsh returned to meeting, the time being 11:53am.

CES4 **FEES & CHARGES SCHEDULE 2018-19 - STOCK ROUTE TRAVEL AND GRAZING PERMITS**

This is a report to include an additional fee proposed for Stock Route Travel Permits and Grazing Permits that are currently not included in our current or future fees and charges schedule.

Cr Fuhrmeister moved and Cr Paul seconded:

1. That the Register of Fees and Charges 2018/19 and future fees and charges be amended to include the below fee layout of:
 - **TRAVEL PERMITS**

a) Initial Application Fee for Travel Permits	\$150.00
b) Application Renewal or Change of Route	\$75.00
 - **GRAZING (Agistment) PERMITS**

a) Initial Application Fee for Grazing Permits	\$150.00
b) Application Renewal or Change	\$75.00
2. That the Register of Cost Recovery Fees and Commercial Charges for the 2018/19 financial year be adopted in accordance with Section 97 and Section 262(3)(c) of the Local Government Act 2009.
3. Under the *Stock Route Management Regulations 2003 – Schedule 2 Fees (Section 17)* the fees for Stock Route Grazing (Agistment) and Travel Permits set by the State are as follows:
 - (1). *Permit fee for stock route agistment permit (Act, s 116(5))—*
 - (a) *for large stock—*

(i) <i>minimum fee, for each head, for each week</i>	\$1.16
(ii) <i>maximum fee, for each head, for each week</i>	\$2.80
 - (b) *for small stock—*

(i) minimum fee, for each head, for each week	\$0.10
(ii) maximum fee, for each head, for each week	\$ 0.44

- (2.) Permit fee for stock route travel permit (Act, s 134(3))—
- | | |
|---|--------|
| (a) for large stock—for each kilometre, for each 20 head or part of 20 head | \$0.02 |
| (b) for small stock—for each kilometre, for each 100 head or part of 100 head | \$0.02 |

(3.) Inspecting register of water facility agreements (Act, s164(3)(a)) \$16.10

4. Under the *Stock Route Management Regulations 2003 – Section 17 Fees* – The fee payable for a stock route Agistment permit is the reasonable amount charged as per comparable Agistment rates in the Balonne Shire area. The fee for Agistment of stock is \$2.80 per head per week until further notice.

CARRIED UNANIMOUSLY

CES5 **CHANGE REPRESENTATION TO RL 99 - DEVELOPMENT APPROVAL FOR RECONFIGURATION OF A LOT - 1 TO 3 LOT SUBDIVISION - 85 BOWEN STREET, ST GEORGE AFFECTING LAND DESCRIBED AS LOT 11 ON STG857**

The purpose of this report is for Council to consider a request made by the applicant for a Negotiated Decision to RL 99 – Development Approval for Reconfiguration of a Lot – 1 to 3 Lot Subdivision – 85 Bowen Street, St George affecting land described as Lot 11 on STG857.

Cr O'Toole moved and Cr Gaske seconded:

That;

1. Council receives this report.
2. Council delete Condition 6 on RL 99 – Development Approval for Reconfiguration of a Lot – 1 to 3 Lot Subdivision – 85 Bowen Street, St George affecting land described as Lot 11 on STG857.
3. Council delete Condition 7 RL 99 – Development Approval for Reconfiguration of a Lot – 1 to 3 Lot Subdivision – 85 Bowen Street, St George affecting land described as Lot 11 on STG857.
4. All other conditions on RL 99 – Development Approval for Reconfiguration of a Lot – 1 to 3 Lot Subdivision – 85 Bowen Street, St George affecting land described as Lot 11 on STG857 remain unchanged.

CARRIED UNANIMOUSLY

Dr Digby Whyte (Director of Community and Environment) and Mrs Tayla Willis (Project Support Officer) left meeting time being 12:09pm.

Ms Fiona McLeod (Planning and Development Officer) left the meeting time being 12:10pm.

In accordance with *s175E(2) of the Local Government Act 2009* Councillor Todd declared a Real Conflict of Interest in respect to matters contained in CES6, on the grounds that:

the nature of the interest is that Cr Todd is the Vice President of St George Cotton Growers Association.

Councillor Todd left the meeting, including any area set aside for the public, at 12:09pm in accordance with S175C(2)(b) and did not participate in discussion or voting on this matter.

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 CES6, on the grounds that:

Business Balonne Airwork owned by Councillors husband Jason O'Toole is a member of St George Cotton Growers Association and Balonne Airwork are also sponsors of the event.

Having given due consideration to her position, Cr O'Toole stated that she would vote on this matter in the public interest and requested that she be granted approval to remain in the meeting. Councillor O'Toole voluntarily left the meeting, in accordance with s175E(4) of the Local Government Act 2009 at 12:09pm for council to make that determination.

As Cr O'Toole requested she participate in the meeting, Council considered if Cr O'Toole had a real or perceived conflict of interest in the matter.

Moved Cr Fuhrmeister, Seconded Cr Gaske;

That Council resolves that Cr O'Toole has a Perceived Conflict of Interest in respect to matters contained in Report CES6 and that she may participate in the meeting in relation to the matter and vote on the matter.

Cr O'Toole returned to the meeting at 12.10pm

Mrs Mareea Lochel (Community Collective and Wellbeing Co-Ordinator and Ms Danni Kinnear (Community Development Officer) left meeting at 12:10pm.

CES6 **SPONSORSHIP REQUEST - ST GEORGE COTTON GROWERS ASSOCIATION**

Council has received an invitation from St George Cotton Growers Association Incorporated to be one of the sponsors at its annual Cotton Grower Awards.

Cr Fuhrmeister moved and Cr Gaske seconded:

That Council provide sponsorship to St George Cotton Growers Association for a bronze sponsorship to the value of \$300.00.

CARRIED UNANIMOUSLY

Councillor Todd returned to meeting, the time being 12:12pm.

CONFIDENTIAL ITEMS

(CFCS) FINANCE AND CORPORATE SERVICES

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 CCFS2, on the grounds that:

the nature of the interest is that JP Cleaning cleans for Cr Gaske's residence.

Having given due consideration to her position, Cr Gaske stated that she would vote on this matter in the public interest and requested that she be granted approval to remain in the meeting.

Council considered if Cr Gaske had a real or perceived conflict of interest in the matter.

Moved Cr Scriven, Seconded Cr O'Toole;

/That Council resolves that Cr Gaske has a Perceived Conflict of Interest in respect to matters contained in Report CCFS1 Tender Evaluation of Cleaning Services and that she may participate in the meeting in relation to the matter and vote on the matter.

CARRIED UNANIMOUSLY

CLOSED MEETING

Cr O'Toole and Cr Gaske seconded,

that in accordance with *section 275(f) of the Local Government Regulation 2012* Council go into a Closed Meeting, the time being 12:13pm.

CARRIED UNANIMOUSLY

Ms Fiona McLeod (Planning and Development Officer) entered the meeting time being 12:17pm.

OPEN MEETING

Cr O'Toole moved and Cr Fuhrmeister seconded,

that the meeting open to the public, the time being 12:18pm.

CARRIED UNANIMOUSLY

Ms Fiona McLeod (Planning and Development Officer) left the meeting time being 12:18pm.

CCFS2 **TENDER EVALUATION REPORT CLEANING SERVICES**

Tender Evaluation – Cleaning Services.

Cr Fuhrmeister moved and Cr Gaske seconded:

That Council appoints a panel of providers for cleaning services to JP Cleaning and Kylies Cleaning Service commencing 18 January 2019.

CARRIED UNANIMOUSLY

(CCES) COMMUNITY & ENVIRONMENTAL SERVICES

CCES1 **GAMILARAAY PEOPLE NATIVE TITLE CLAIM QUD290/2017 - RESOLVING LEGAL PROCEEDINGS**

The purpose of this report is to seek instructions from Council in respect of a Federal Court native title proceeding to which Council is a respondent party.

Cr Fuhrmeister moved and Cr Todd seconded:

Whilst the Claim is not significantly progressed, and regardless of whether Council engages in ILUA negotiations now or later, there is utility in having appropriate delegations in place to progress Council's involvement in the Claim and to facilitate quick instructions through relevant Council officers and the Chief Executive to Council's solicitors in the matter.

If Council agrees with this approach, the following resolutions should be made:

1. The Council delegates authority to the Chief Executive Officer to negotiate and reach agreement in principle on:
 - a) the terms of an Indigenous Land Use Agreement concerning the Gamilaraay People Claim QUD290/2017; and
 - b) the terms of a consent determination order.

Any decision to sign off on entering into an ILUA (if one is negotiated), or final sign off on a consent determination will be subject to a Council resolution giving effect to that decision.

CARRIED UNANIMOUSLY

(CEO) CHIEF EXECUTIVE OFFICER

CEO1 LOCAL GRANTS & SUBSIDIES PROGRAM 2019-21 - PROJECT PROPOSAL CONFIRMATION

Balonne Shire Council has been invited by the Department of Local Government, Racing and Multicultural Affairs, Queensland Government to apply for funding for priority community projects under the Local Governments Grants & Subsidies Program 2019-21.

Cr Gaske moved and Cr Todd seconded:

That:

1. Council endorse:
 - a) Children's Splash Pool & Solar Heating Main Pool – St George, 60% funding to be sought and a cash co-contribution of 40% to be provided by Balonne Shire Council
 - b) Stage 2 & 3 Mungindi River Crossing Park Upgrade – 90% funding to be sought and a cash co-contribution of 10% to be provided by Balonne Shire Council
2. Council prioritises project a) as its first priority project and project b) as its second priority project.
3. Council supports South West Regional Road and Transport Group (SWRRTG) member Councils application for a regional asset management strategy with a co-contribution of 30% and subsidy of 70%.

CARRIED UNANIMOUSLY

Cr Gaske left the meeting at 12:32pm and returned at 12:34pm.

INFORMATION REPORTS

(ICEO) CHIEF EXECUTIVE OFFICER

MONTHLY REPORT

Monthly grants information report 8 December 2018 – 4 January 2019.

ECONOMIC DEVELOPMENT REPORT DECEMBER 2018

Economic Development Report December 2018

(IFCS) FINANCE AND CORPORATE SERVICES

MONTHLY REPORT - DIRECTOR FINANCE & CORPORATE SERVICES

Monthly Information Report – Director Finance & Corporate Services

MONTHLY FINANCIAL INFORMATION REPORT DECEMBER 2018

Monthly Financial Information Report for the period ended 31 December 2018

(IIFS) INFRASTRUCTURE SERVICES

MONTHLY REPORT FOR THE JANUARY 2019 COUNCIL MEETING

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

(ICES) COMMUNITY & ENVIRONMENTAL SERVICES

MONTHLY REPORT

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

MONTHLY REPORT

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

STOCK ROUTE MANAGEMENT ACT 2002 & STOCK ROUTE MANAGEMENT REGULATIONS 2003

From the Manager of Rural Services and Compliance reporting on the changes within the Stock Route Management Act 2002 & Stock Route Management Regulations 2003.

There being no further business, the Meeting closed, the time being 12:50pm.

Confirmed at a General Meeting of the Council held on 21 February 2019.

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MAYOR