

UNCONFIRMED



MINUTES

of the

General Meeting of the Council

held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 21st February 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 Finance & Corporate Services), Mr Digby Whyte (Director Community & Environmental Services) and Officer Andrew Boardman (Acting Director Infrastructure 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 17 January, 2019 be confirmed
.CARRIED

BUSINESS ARISING FROM MINUTES

Nil

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 CES9, CES10 and CCES1 Wild Dog Exclusion Fencing, on the grounds that:

Cr Gaske's husband Andrew Gaske works for Elders who supply fencing materials. Cr Gaske has sought advice from the Integrity Commissioner as part of her decision making process.

Councillor Gaske 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 Scriven** declared a Perceived Conflict of Interest in respect to matters contained in CES9, CES10 and CCES1, Wild Dog Exclusion Fencing, on the grounds that:

Cr Scriven's business sells steel but doesn't supply to the Balonne Shire Council. Cr Scriven advised he had sought advice from the Integrity Commissioner who advised if he does not supply to the Balonne Shire Council, he does not have a conflict.

Councillor Scriven indicated he would request that he be able to participate in the meeting.

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 CES2, on the grounds that:

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Cr Scriven's son works for the builder that will be doing the work on the proposed medical centre (if approved).
Councillor Scriven indicated he would request that he be able to participate in the meeting.

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 FCS1 Procurement Policy, on the grounds that:

Cr O'Toole is on the executive of the Chamber of Commerce and could be seen as influencing the policy as it has a preference weighting for local businesses.

The nature of the interest is that Cr O'Toole is the current Treasurer of St George and District Chamber of Commerce.

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

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 step nephew of Cr Richard Marsh.

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

PUBLIC PARTICIPATION

Nil

DEPUTATIONS

The Mayor advised the Meeting that Mr Floyd Leedie, Chief Executive Officer, Goondir Health Services will address the Meeting at 10:00am to discuss the Goondir Wellbeing Centre in St George, and will partake morning tea with Councillors to further discussions.

COUNCILLOR REPORTS

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

CARRIED UNANIMOUSLY

Council requested that the CEO arrange for a meeting with SunWater concerning proposed works at Beardmore Dam.

MEETING BUSINESS BY CORPORATE FUNCTION

(CEO) CHIEF EXECUTIVE OFFICER

CE01 FEDERAL ASSISTANCE GRANTS

Federal Assistant Grants from the Federal Government

Cr Gaske moved and Cr O'Toole seconded:

That Council write to the Federal Government and relevant members of parliament seeking an increase in Federal Assistance Grants to 1% of the total Federal taxation revenue.

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CARRIED UNANIMOUSLY

CE02

DIGITAL CONNECTIVITY PROJECT

Digital Connectivity Project - Funding

Cr Gaske moved and Cr O'Toole seconded:

That Council

- 1) Accept the Digital Connectivity Project proposal.
- 2) Accept the \$1m grant from Building Our Regions (BOR), acknowledging the budget requirement for any funding shortfall if costs or other contributors change and a contribution of \$54,600 for Project Management in the 2019/20 budget.
- 3) Proceed with a tender process in accordance with S228 (2)(b) inviting expressions of interest before inviting written tenders under subsection 6(b) to select a Telco to provide the infrastructure (and related services) for this project.

CARRIED UNANIMOUSLY

PROCUREMENT POLICY

In accordance with *s175E(2) of the Local Government Act 2009* Cr O'Toole declared a personal interest in respect to matters contained in Report FCS1 on the grounds that she is the Treasurer for the St George Chamber of Commerce and membership consists of local businesses. The procurement policy supports local business development and may be perceived as a conflict of interest.

Having given due consideration to her position, Cr 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.

Cr O'Toole voluntarily left the meeting at 9.30am, in accordance with *s175E(4) of the Local Government Act 2009* for Council to consider if Cr O'Toole has a real or perceived conflict of interest in the matter.

Cr Todd moved and Cr Gaske seconded that Cr O'Toole has a perceived Conflict of Interest in respect to matters contained in the Report FCS1 Procurement Policy and that she may participate in the meeting in relation to the matter and vote on the matter.

CARRIED UNANIMOUSLY

Cr O'Toole returned to the meeting at 9.31am.

Mrs Tracey Lee (Manager of Finance) entered the Meeting at 9:31am.

(FCS) FINANCE AND CORPORATE SERVICES

FCS1

PROCUREMENT POLICY

Purchasing Policy

Cr Fuhrmeister moved and Cr Gaske seconded:

That Council:

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1. Rescind the 15 February 2018 version of its Purchasing Policy; and
2. Adopt the revised Procurement Policy as Attached with the definition of a regional supplier to be those suppliers located within the South West Queensland Local Government Association area and the Goondiwindi Regional Council local government area.

CARRIED 6-1

Cr Scriven requested his name be recorded as voting against the resolution.
Cr O'Toole, having a perceived conflict of interest voted in favour of the motion.

Mr Andrew Boardman (Acting Director Infrastructure Services) entered the Meeting at 9:39am.

FCS2 **QUARTERLY PERFORMANCE REPORT - QUARTER 2 - 2018/19**

The Quarterly Performance Report for Quarter 2 – 2018/19 is presented to council for adoption.

Cr Fuhrmeister moved and Cr O'Toole seconded:

That in accordance with Section 174(3) of the Local Government Regulations, 2012 Council adopt the Quarterly Performance Report for Quarter 2 of 2018/19.

CARRIED UNANIMOUSLY

FCS3 **BUDGET REVIEW - JANUARY 2019**

Budget Review – January 2019

Cr Fuhrmeister moved and Cr Gaske seconded:

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

CARRIED UNANIMOUSLY

FCS4 **MONTHLY FINANCE REPORT JANUARY 2019**

Monthly Finance Report January 2019

Cr O'Toole moved and Cr Scriven seconded:

That the monthly Financial Management Report for the period ending 31 January 2019, as tabled, be received and noted.

CARRIED UNANIMOUSLY

Tracey Lee left the meeting at 9.58am. The Meeting adjourned at 9:58am and Mr Floyd Leedie, Chief Executive Officer, Goondir Health Services, and Mr Kelvin Duiker, Goondir Health Services, St George Service Manager, and Mr Alex Benn (Managing Director, St George Medical Centre), attended the Meeting.

Mr Duiker acknowledge traditional owners past present and future and presented an update on the proposal upgrade to Goondir Wellbeing Centre in St George.

The Meeting adjourned for Morning Tea at 10:15am, and resumed at 10:36am, with Mr Alex Benn in attendance.

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(IFS) INFRASTRUCTURE SERVICES

IFS1

TEMPORARY TRANSFER OF CAP POLICY AND PROCEDURE

Council has an opportunity to offset operating costs without compromising service delivery in the St George river water supply system by offering the temporary transfer of CAP to local irrigators.

The attached Temporary Transfer of CAP Policy and associated Procedure aims to formalise and strengthen the existing process utilised by Council by addressing concerns around the timing of the offer, the amount to offer without comprising customer supply, the notification process, and robustness around submissions and the evaluation process.

Cr Gaske moved and Cr Todd seconded:

That Council receives this report and that;

1. Council adopts the Temporary Transfer of CAP Policy (attached); and
2. Council adopts the Temporary Transfer of CAP Procedure (attached)

CARRIED 6-1

Councillor Paul requested his name be recorded as voting against the resolution.

Mr Andrew Boardman (Acting Director Infrastructure Services) retired from the Meeting at 11:02am.

(CES) COMMUNITY & ENVIRONMENTAL SERVICES

CES1

MCU 164 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - INTENSIVE ANIMAL INDUSTRY EXPANSION (CATTLE FEEDLOT 2,300SCU) AND ERA 2-1(B) INTENSIVE ANIMAL FEEDLOTING (KEEPING 1,000-10,000SCU) - "EURABA" 12730 CASTLREAGH HIGHWAY AND 700 EURABA ROAD, DIRRANBANDI DESCRIBED AS LOT 10 ON BLM369, LOT 1 ON BLM662, LOT 2 ON BLM368 AND LOT 3 ON BLM368

Council has received a development application from the applicant, Premise Agriculture on behalf of the landowner for MCU 164 Development Application for Material Change of Use - Intensive Animal Industry Expansion (Cattle Feedlot 2,300SCU) and ERA 2-1(b) Intensive Animal Feedlotting (Keeping 1,000-10,000SCU) - "Euraba" 12730 Castlereagh Highway and 700 Euraba Road, Dirranbandi described as Lot 10 on BLM369, Lot 1 on BLM662, Lot 2 on BLM368 and Lot 3 on BLM368.

Cr Paul moved and Cr Todd seconded:

That:

1. Council receives this report.
2. Council approves the development application for MCU 164 Development Application for Material Change of Use - Intensive Animal Industry Expansion (Cattle Feedlot 2,300SCU) and ERA 2-1(b) Intensive Animal Feedlotting (Keeping 1,000-10,000SCU) - "Euraba" 12730 Castlereagh Highway and 700 Euraba Road, Dirranbandi described as Lot 10 on BLM369, Lot 1 on BLM662, Lot 2 on BLM368 and Lot 3 on BLM368 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

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table below which forms part of this approval, unless otherwise specified by any condition of this approval.

Plan/Document number	Plan/Document name	Date
SK003-A	Aerial Plan	12.09.18
SK001-B	Proposed Site Layout	15.06.18
SK002-A	Catchment Plan	12.06.18

Approved Development

2. The approved development is for a Material Change of Use to expand an existing Intensive Animal Industry (Cattle Feedlot to 2,300 SCU) and ERA 2-1(b) Intensive Animal Feedlotting (Keeping 1,000-10,000 SCU) on land described as Lot 10 on BLM369, Lot 1 on BLM662, Lot 2 on BLM368 and Lot 3 on BLM368 situated at "Euraba" 12730 Castlereagh Highway and 700 Euraba Road, Dirranbandi.

Compliance with Conditions

3. 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.
4. All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

Application Documentation

5. It is the developer's responsibility to ensure all entities associated with this Development Permit have a legible copy of the Approved Plans and Approved Documents bearing "Council Approval" and the Decision Notice.

Fees and Charges

6. All fees, rates, interest and other charges levied on the property shall be paid in full, in accordance with the rate at the time of payment.

Site Maintenance

7. The development (including parking, access and other external spaces) shall be maintained in accordance with the Approved Plans and Approved Document, subject to and modified by any conditions of this approval.
8. The site shall be maintained in a clean and orderly state at all times to Council's satisfaction.

Avoiding Nuisance

9. No nuisance is to be caused to adjoining properties and occupiers by the way of noise,

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smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time, including non-working hours.

10. The applicant must ensure compliance with all environmental conditions outlined under the Environmental Authority for the environmentally relevant activity.
11. Noise emissions from the development shall not cause environmental harm of nuisance to adjoining properties or "Sensitive Land Uses" in accordance with the *Environmental Protection (Noise) Policy 2008*.
12. Air emissions 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*.

Waste Management

13. 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*.
14. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.

Public Utilities

15. The developer shall be responsible for the location of and protection of any Council and Public Utility Services Infrastructure and Assets that may be impacted on during construction of the development
16. Any damage which is caused to Council's Infrastructure as a result of the approved development must be repaired immediately.

Environmental - Stormwater – Drainage

17. There is to be no increase in any silt loads or contaminants in any overland flow from the property during the development process and after development has been completed.
18. The holder of the permit shall ensure that the use is to be conducted in a manner that the Cattle Feedlot activities do not cause contamination of groundwater or stormwater runoff.
19. The holder of the permit shall ensure that all persons engaged in the conduct of the activity are trained in the practices and procedures necessary to prevent environmental harm as a consequence of carrying out the activity and in the event of any emergency.
20. During construction, soil erosion and sediment is managed in accordance with *Schedule 7: "Standards for Construction Activity" of the Balonne Shire Planning Scheme*.
21. Excavation and filling is undertaken in accordance with *Schedule 7: "Standards for*

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Construction Activity” of the Balonne Shire Planning Scheme.

Onsite Manoeuvring

22. Vehicle access, manoeuvring and parking shall be maintained in accordance with *Schedule 2: “Standards for Roads, Car Parking, Access and Manoeuvring Areas” of the Balonne Shire Planning Scheme.*
23. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose.
24. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

Further Advice:

Please note that the DNRME and DAF (through DSDMIP) as concurrence agencies have provided conditions for the development within the concurrence agency response dated 4 January 2019. The applicant is required to ensure compliance with these conditions prior to the commencement/ and during the operation of the use. However DNRME and DAF are responsible for overseeing the compliance with these conditions. A copy of the concurrence agency response is provided as **Attachment 2**.

Under the requirements of the *Planning Act 2016 (PA)*, Balonne Shire Council are required to include the concurrence agency response received from DSDMIP received as part of the DA process which includes the abovementioned advice.

The requirement to enforce compliance with the aforementioned outstanding conditions falls to the DNRME and DAF and Council have no further responsibility in this matter however it is important that this matter be noted.

NOTES:

- *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.*
- *If in the future the development’s internal roads/access interacts with local controlled roads, an application is required to be presented to Council for approval.*

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AMENDMENT

Cr Paul moved and Cr Todd seconded:

That development application for MCU 164 Development Application for Material Change of Use - Intensive Animal Industry Expansion (Cattle Feedlot 2,300SCU) and ERA 2-1(b) Intensive Animal Feedlotting (Keeping 1,000-10,000SCU) - "Euraba" 12730 Castlereagh Highway and 700 Euraba Road, Dirranbandi described as Lot 10 on BLM369, Lot 1 on BLM662, Lot 2 on BLM368 and Lot 3 on BLM368 be deferred pending clarification from the applicant of the allotment they require the development approval to apply.

The amendment on being put became the substantive motion. The Mayor put the motion to Council.

Cr Fuhrmeister moved and Cr Todd seconded that the motion be adopted.

CARRIED UNANIMOUSLY

MCU 166 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - HEALTH CARE PREMISES EXTENSION AT 116 ALFRED STREET, ST GEORGE QLD 4487 DESCRIBED AS LOT 4 ON SP276756

In accordance with s175C(2) of the Local Government Act 2009 **Councillor Scriven** declared a Perceived Conflict of Interest in respect to matters contained in CES2, on the grounds that his son works for the builder that will be doing the work (if approved).

Having given due consideration to his position, Cr Scriven stated that he would vote on this matter in the public interest and would request that he be granted approval to remain in the meeting.

Cr Todd moved and Cr Fuhrmeister seconded that Cr Scriven has a perceived Conflict of Interest in respect to matters contained in the Report CES2 and that he may participate in the meeting in relation to the matter and vote on the matter.

CARRIED UNANIMOUSLY

Cr Scriven remained in the meeting for the vote and abstained from voting.

CES2

MCU 166 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - HEALTH CARE PREMISES EXTENSION AT 116 ALFRED STREET, ST GEORGE QLD 4487 DESCRIBED AS LOT 4 ON SP276756

Council has received a development application from the owner, Bennak Investments Pty Ltd (Alex Benn) for MCU 166 Development Application for Material Change of Use - Health Care Premises Extension at 116 Alfred Street, St George QLD 4487 described as Lot 4 on SP276756.

Cr O'Toole moved and Cr Scriven seconded:

That:

1. Council receives this report.
2. Council approves the development application for MCU 166 Development Application for Material Change of Use - Health Care Premises Extension at 116 Alfred Street, St George QLD 4487 described as Lot 4 on SP276756 subject to the permit conditions listed below;

DEVELOPMENT PERMIT CONDITIONS

Approved Plans and Supporting Documentation

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- 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
19209602	Proposed Site Plan	10.12.18
19209604	Proposed Floor Plan	10.12.18
19209608	Proposed Elevations	10.12.18

Approved Development

- The approved development is for a Material Change of Use to extend an existing Health Care Premises on land described as Lot 4 on SP276756 situated at 116 Alfred Street, St George.

Compliance with Conditions

- 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.
- All costs associated with compliance with these conditions shall be the responsibility of the developer unless otherwise noted.

Application Documentation

- It is the developer's responsibility to ensure all entities associated with this Development Permit have a legible copy of the Approved Plans and Approved Documents bearing "Council Approval" and the Decision Notice.

Fees and Charges

- All fees, rates, interest and other charges levied on the property shall be paid in full, in accordance with the rate at the time of payment.

Site Maintenance

- The development (including parking, access and other external spaces) shall be maintained in accordance with the Approved Plans and Approved Document, subject to and modified by any conditions of this approval.
- The site shall be maintained in a clean and orderly state at all times to Council's satisfaction.

Hours of Operation

- Unless otherwise approved in writing by Council, the activities associated with the health

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care premises use shall only occur between the following hours:

Monday to Friday: 8.00am to 6.00pm
Saturday: 8.30am to 12.00pm

12. 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

13. 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.
14. Any lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
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*.
16. Any external mechanical ventilation equipment to be erected as part of the development must be screened to ensure noise levels do not exceed 5dB above the background noise level.
17. 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*.
18. A 1.8 metre high solid fence must be constructed around the boundary of the premises adjoining residential property (114 Alfred Street). The fence must be constructed of an aesthetically pleasing weather resistant material such as earth mound, fibre cement, painted or treated timber, brick or a combination thereof and be continuous and free of gaps.

Waste Management

19. 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*.
20. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.

Public Utilities

21. The developer shall be responsible for the location of and protection of any Council and Public Utility Services Infrastructure and Assets that may be impacted on during construction of the development.
22. Any damage which is caused to Council's Infrastructure as a result of the approved development must be repaired immediately.

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Environmental - Stormwater – Drainage

23. The premises must have a minimum 22,500 litre rainwater tank connected to the premises.
24. Stormwater shall be collected and discharged in accordance with *Schedule 6: “Standards for Stormwater Drainage” of the Balonne Shire Planning Scheme*.
25. Any increases in volume, concentration or velocity of stormwater from the property being developed must be channelled to lawful points of discharge or to other storage or dispersal arrangements which must all be agreed in writing by the Council.
26. There is to 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.
27. The holder of the permit shall ensure that the use is to be conducted in a manner that the Health Care Premises activities do not cause contamination of groundwater or stormwater runoff.
28. During construction, soil erosion and sediment is managed in accordance with *Schedule 7: “Standards for Construction Activity” of the Balonne Shire Planning Scheme*.

Onsite Manoeuvring

29. Vehicle access, manoeuvring and parking shall be maintained in accordance with *Schedule 2: “Standards for Roads, Car Parking, Access and Manoeuvring Areas” of the Balonne Shire Planning Scheme*.
30. 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.
31. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

Landscaping

32. Landscaping must be provided along the premises front boundary (interface with Alfred Street). Vegetation is to have a mature height of at least 2 metres within 5 years of planting, unless planted under electricity lines where the mature height must not exceed 3 metres.

Further Advice:

Please note that DTMR (through DSDMIP) as a concurrence agency have provided a response citing no requirements for the development dated 19 December 2018. A copy of the concurrence agency response is provided as **Attachment 2**.

Under the requirements of the *Planning Act 2016 (PA)*, Balonne Shire Council are required to include the concurrence agency response received from DSDMIP received as part of the DA process which includes the abovementioned advice.

NOTES:

33. *This permit does not constitute any authority to carry out any building work, operational work*

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or a different use to what is currently established and permitted under this approval unless all relevant permits are obtained.

34. *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.*
35. *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.*

CARRIED UNANIMOUSLY

Councillor Scriven, having a perceived conflict of interest voted in favour of the motion.

Mr Alex Benn retired from the Meeting at 11:22am

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

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 Change Application MCU122 on the grounds that:

The applicants Scott and Jenene Bowman stand to gain a benefit or suffer a loss, depending on the outcome of the consideration of the matter and Scott Bowman is the step nephew of Councillor Marsh.

Councillor Marsh left the meeting, including any area set aside for the public, at 11:22am in accordance with S175C(2)(b) and did not participate in discussion or voting on this matter.

Cr Fiona Gaske (Deputy Mayor) assumed the Chair at 11:22am.

Dr Digby Whyte left the meeting at 11.23am.

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 considered a change application for MCU 122 on 17 January 2019. Unfortunately the change application was not properly made and reasons for a decision were not recorded in accordance with Section 273 of the Local Government Regulations 2012. This application will come to the next meeting of Council for determination (once properly made).

Cr Todd moved and Cr Fuhrmeister seconded:

That Council rescind its resolution of 17 January 2018 for item 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:

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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.

As the change application was not properly made and reasons for decision were not recorded in the minutes in accordance with Section 273 of the Local Government Regulations 2012.

CARRIED UNANIMOUSLY

Mrs Di Francisco (Environmental Health Officer) and Ms Dani Kinnear (Community Development Officer [Part time]), entered the Meeting at 11:26am with Dr Digby Whyte.

Cr Marsh returned to the Meeting at 11:35am and resumed the Chair.

CES4

PROPOSED RENEWAL OF TERM LEASE LOCATED OVER LOT A ON BLM1006

The purpose of this report is for Council to consider the proposed renewal of Term Lease located over Lot A on BLM1006.

Cr Gaske moved and Cr Todd seconded:

That:

1. Council objects to Department of Natural Resources, Mines and Energy renewing the Term Lease located over Lot A on BLM1006; *and*
2. Council recommends that a Permit to Occupy is issued over Lot A on BLM1006.

NOTE:

Lot A on BLM1006 is adjacent to a stock route. Accordingly, the landholder must NOT at any time impact the operations or utilise the stock route without consent of Council's Rural Services.

CARRIED UNANIMOUSLY

CES5

PROPOSED RENEWAL OF TERM LEASE 0/213095 LOCATED OVER LOT B ON CROWN PLAN BLM1006

The purpose of this report is for Council to consider the proposed renewal of Term Lease 0/213095 located over Lot B on BLM1006.

Cr Fuhrmeister moved and Cr Gaske seconded:

That:

1. Council objects to Department of Natural Resources, Mines and Energy renewing the Term

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Lease located over Lot B on BLM1006; *and*

2. Council recommends that a Permit to Occupy is issued over Lot B on BLM1006.

NOTE:

Lot B on BLM1006 is adjacent to a stock route. Accordingly, the landholder must NOT at any time impact the operations or utilise the stock route without consent of Council's Rural Services.

CARRIED UNANIMOUSLY

Mrs Michelle Clarke (Director Finance & Corporate Services) retired from the Meeting at 11:39am and returned at 11:41am.

CES6

RV OVERFLOW POLICY

In July 2018 and August 2018, Council adopted the RV Strategy with conditions. The Overflow Policy was one of the conditions of approval which is now ready for Council to consider.

Cr Fuhrmeister moved and Cr Gaske seconded:

1. That the Overflow Policy be adopted by Council with an amendment that functions held by organisations associated with holding an event at the St George Showgrounds be exempt and that applications be approved by the Chief Executive Officer (or their delegate); and
2. That Council decline the application by CAMMS Car Rally for an exemption to the Overflow Policy.

CARRIED UNANIMOUSLY

CES7

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 O'Toole seconded:

1. That Council approves the RADF application as follows:

APPLICANT	PROJECT	AMOUNT APPROVED
Allison Orchin (auspiced by Mungindi Progress Association)	Mungindi Upholstery Class 2019	\$ 2,920

CARRIED UNANIMOUSLY

CES8

COMMUNITY DONATIONS, SPONSORSHIPS AND GRANTS

UNCONFIRMED

The Balonne Shire Council is committed to assisting community organisations whose activities provide benefit to Balonne Shire's communities. 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 Paul seconded:

That Council resolves to approve the Community Donations Sponsorship and Grants application as follows:

APPLICANT	PROJECT	AMOUNT APPROVED
St George Golf Club	2019 2 nd Dragon Country Sand-green Cup	\$4,200

CARRIED 6-1

Cr O'Toole requested her name be recorded against the motion.

Mrs Di Francisco (Environmental Health Officer) and Ms Dani Kinnear (Community Development Officer [Part time]), left the Meeting at 11:57am.

CHANGE TO ORDER OF PROCEEDINGS

Cr O'Toole moved and Cr Fuhrmeister seconded:

That the Order of Proceedings be altered to discuss Confidential matters, the time being 11:58am.
CARRIED UNANIMOUSLY

CLOSED MEETING

Cr O'Toole moved and Cr Todd seconded:

that in accordance with *section 275(f) of the Local Government Regulation 2012* Council go into a Closed Meeting the time being 11:59am.

CARRIED

OPEN MEETING

Cr Fuhrmeister moved and Cr O'Toole seconded:

That the Meeting return to an Open Meeting, the time being 12:00pm

CARRIED UNANIMOUSLY

CONFIDENTIAL ITEMS

(CCES) COMMUNITY & ENVIRONMENTAL SERVICES

WILD DOG EXCLUSION FENCING - REQUEST FOR MINISTER APPROVAL TO BORROW

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 CES9, CES10 and CCES1 Wild Dog Exclusion Fencing, on the grounds that:

Cr Gaske's husband Andrew Gaske works for Elders who supply fencing materials. Cr Gaske has sought advice from the Integrity Commissioner as part of her decision making process.

UNCONFIRMED

Having given due consideration to her position, Cr Gaske stated that she would vote on matters CES9, CES10 and CCES1 relating to Wild Dog Exclusion Fencing, in the public interest and would request that she be granted approval to remain in the meeting.

Cr Gaske voluntarily left the meeting at 12.01pm, in accordance with s175E(4) of the Local Government Act 2009 for Council to consider if she has a real or perceived conflict of interest in the matter.

Cr Todd moved and Cr O'Toole seconded that Cr Gaske remain in the Meeting during items CES9, CES10 and CCES1 relating to Wild Dog Exclusion Fencing that she may participate in the meeting in relation to the matters and vote on the matters.

CARRIED UNANIMOUSLY

Cr Gaske returned to the meeting at 12.02pm.

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 CES9, CES10 and CCES1, Wild Dog Exclusion Fencing, on the grounds that:

Cr Scriven's business sells steel but doesn't supply to the Balonne Shire Council. Cr Scriven advised he had sought advice from the Integrity Commissioner who advised if he does not supply to the Balonne Shire Council, he does not have a conflict.

Having given due consideration to his position, Cr Scriven stated that he would vote on matters CES9, CES10 and CCES1 relating to Wild Dog Exclusion Fencing, in the public interest and would request that he be granted approval to remain in the meeting.

Cr Todd moved and Cr O'Toole seconded that Cr Scriven remain in the Meeting during items CES9, CES10 and CCES1 relating to Wild Dog Exclusion Fencing that he may participate in the meeting in relation to the matters and vote on the matters.

CARRIED UNANIMOUSLY

Cr Scriven remained in the Meeting for the above vote but abstained from voting.

CLOSED MEETING

Cr Scriven moved and Cr O'Toole seconded:

That in accordance with *section 275(f) of the Local Government Regulation 2012* Council go into a Closed Meeting to discuss confidential items CCES1 and CCES2, the time being 12:16pm

CARRIED UNANIMOUSLY

Mrs Di Francisco (Environmental Health Officer) entered the Meeting at 12:17pm

OPEN MEETING

Cr Todd moved and Cr Gaske seconded:

That the Meeting return to an Open Meeting, the time being 12:19pm

CARRIED UNANIMOUSLY

CHANGE TO ORDER OF PROCEEDINGS

UNCONFIRMED

Cr O'Toole moved and Cr Todd seconded:

That the Order of Proceedings be altered to allow the Council to resolve the Wild Dog Exclusion Fencing matters as follows CCES1, CES9 and CES10, the time being 12:20pm.

CARRIED UNANIMOUSLY

CCES1

WILD DOG EXCLUSION FENCING - REQUEST FOR MINISTER APPROVAL TO BORROW

Wild Dog Exclusion Fencing Special Rate Scheme – Request for Minister Approval to Borrow

Cr Scriven moved and Cr O'Toole seconded:

1. That Council amend the 2018/19 budget in accordance with S170 of the LG Regulations to increase its liabilities by \$8.56m and Wild Dog Exclusion Fencing Scheme with an administrative budget of \$100,000.
2. That Council adopt the Business case for the Wild Dog Exclusion Fencing Scheme. (attached)
3. That Council make a borrowing submission and seek approval from the Department of Local Government Racing and Multicultural Affairs for the Wild Dog Exclusion Fencing Scheme in the sum of approximately \$8.56million (including capitalised interest and the Queensland Treasury Corporation (QTC) administration fee of .115%) with an initial draw down of \$5million with capitalised interest and QTC fee, and subsequent option within two years to draw down of \$3million with capitalised interest and QTC fee;
4. That Council delegate to the Chief Executive Officer under Section 257(1)(b) of the Local Government Act 2009 the power to sign the Queensland Treasury Corporation's Master Facilities Terms and finalise the borrowing application on the following terms:
 - a) The term of the loan be for 20 years;
 - b) Capitalise interest for two years from the date of each drawdown;
 - c) After the first two years, payments may be interest only for the next three years; and
 - d) After the first five years the loan will revert to principal and interest for the remainder of the loan term.

CARRIED UNANIMOUSLY

CES9

ADOPTION OF WILD DOG EXCLUSION FENCE (WDEF) - FEES & CHARGES AND SELECTION CRITERIA

Adoption of Fees and Charges and Selection Criteria for the Wild Dog Exclusion Fence (WDEF) Special Rate Scheme applications, and the holding of an information forum for landholders.

Cr Fuhrmeister moved and Cr Gaske seconded:

1. That the Register of Fees and Charges 2018/19 be amended to include the \$1,000.00 Application Fee for the Wild Dog Exclusion Fence Special Rate Scheme in accordance with Section 97 and Section 262(3)(c) of the Local Government Act 2009;
2. That the 2019/20 Fees and Charges include the \$1,000.00 Application Fee for the Wild Dog Exclusion Fence Special Rate Scheme in accordance with Section 97 and Section 262(3)(c) of the Local Government Act 2009;
3. That the Selection Criteria for the Balonne Wild Dog Exclusion Fence Special Rate Scheme applications be adopted;

UNCONFIRMED

4. That the Balonne Shire Council hold a Balonne Wild Dog Exclusion Fence Special Rate Scheme Forum on Wednesday 13 March 2019 to provide landholders with information on the Scheme.

CARRIED UNANIMOUSLY

CES10 FENCE ADVISORY COMMITTEE TERMS OF REFERENCE

The report outlines the formation of the Wild Dog Exclusion Fence Scheme Fence Advisory Committee and provides a Terms of Reference.

Cr Fuhrmeister moved and Cr Paul seconded:

That Council adopts the Fence Advisory Committee (FAC) as an internal working group and the attached Terms of Reference.

CARRIED UNANIMOUSLY

Cr Gaske and Cr Scriven, having a perceived conflict of interest in CCES1, CES9 and CES10 voted in favour of the motions.

Council commended the staff's work on the Wild Dog Exclusion Fencing project.

The order of business resumed.

CCES2 AWARD OF BSC – 17/18 – T12, OPERATION OF ST GEORGE LANDFILL

Operation and Maintenance of the St George Landfill

Cr Paul moved and Cr Scriven seconded:

That:

1. Council award the contract for the Operation and Maintenance of the St George Landfill for a term of thirty-six (36) months, with the option to extend for an additional four (4) x twelve (12) months, to AH & JH Earthmoving at a 3 year price of \$797,563.80 (ex GST)
2. The contract specify the performance measures to be met by the successful contractor and provide an option for negotiation of a landfill lid or other improvement/s to work methods as budget allows.
3. Council write to Proterra thanking them for their service to the community and delegate to the Chief Executive Officer under section 257(1)(b) of the Local Government Act 2009 to finalise the transitional arrangements by 31 May 2019.

CARRIED UNANIMOUSLY

Di Francisco left the meeting at 12.25pm.

INFORMATION REPORTS

(ICEO) CHIEF EXECUTIVE OFFICER

ICEO1 ECONOMIC DEVELOPMENT UPDATE JANUARY 2019

Economic Development Update January 2019

UNCONFIRMED

ICE02 **BI-MONTHLY REPORT**

Information report from the Communications Officer regarding activities from 1 December 2018-31 January 2019

ICE03 **MONTHLY REPORT**

Grants information report 5 January – 8 February 2019.

(IFCS) FINANCE AND CORPORATE SERVICES

ICFS1 **MONTHLY REPORT - DIRECTOR FINANCE & CORPORATE SERVICES**

Monthly Information Report – Director Finance & Corporate Services

ICFS2 **MONTHLY FINANCIAL INFORMATION REPORT JANUARY 2019**

Monthly Financial Information Report for the period ended 31 January 2019.

ICFS3 **MONTHLY REPORT JANUARY 2019**

Monthly Report January 2019

(IIFS) INFRASTRUCTURE SERVICES

IIFS1 **MONTHLY REPORT FOR THE FEBRUARY 2019 COUNCIL MEETING**

From the Acting Director of Infrastructure Services - reporting for the month of January.

(ICES) COMMUNITY & ENVIRONMENTAL SERVICES

ICES1 **MONTHLY REPORT**

The Community & Environmental Sustainability Report for the month of January 2019 is presented for Council's information.

ICES2 **MONTHLY REPORT**

Manager of Rural Services report for January 2019 is presented to Council for information.

There being no further business, the Meeting closed, the time being 12:39pm.

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

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MAYOR