



MINUTES

of the

Ordinary Meeting of the Council

held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 18th March 2021

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

Crs SC O'Toole, RD Avery, RG Fuhrmeister, RW Lomman, SS Scriven, ID Todd and WN Winks

Mr Matthew Magin (Chief Executive Officer), Mrs Michelle Clarke (Director Financial & Corporate Services), Mr Digby Whyte (Director Environment and Regulatory Services) and Mr Andrew Boardman (Director Infrastructure Services)

LEAVE OF ABSENCE

Nil

CONFIRMATION OF MINUTES

Cr Fuhrmeister moved and Cr Lomman seconded:

That the Minutes of the General Meeting held on 18 February, 2021 be confirmed.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM MINUTES

NIL

DECLARATION OF INTEREST

Councillor Richard Lomman gave notice of a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **OCEO1**, on the grounds that:

He is a part of the Management Committee with the St George Golf Club.

In accordance with s150ES of the Local Government Act 2009 Councillor Lomman indicated he would not participate in the decision and voluntarily leave the meeting.

Director Digby Whyte gave notice of a **Declarable Conflict of Interest** in respect to matters contained in **ERS4**, on the grounds that:

He is a part of the Lions Club Executive Committee.

Digby Whyte indicated he would not participate in the decision and voluntarily leave the meeting.

PUBLIC PARTICIPATION

NIL

DEPUTATIONS

John Thomas and Paul Schefe from State Valuation Service, Department Resources.

MEETING BUSINESS BY CORPORATE FUNCTION

Kim Wildman (Manager Tourism) entered the meeting, the time being 9:06am

Mariella Perez (Community Development Officer) entered the meeting, the time being 9:08am.

CONFLICT OF INTEREST – OCEO1

In accordance with s150EQ of the Local Government Act 2009 **Councillor Richard Lomman** gave notice of a **Declarable Conflict of Interest** in respect to matters contained in OCEO1, on the grounds that:

He is a part of the Management Committee with the St George Golf Club.

Councillor Lomman voluntarily left the meeting, in accordance with s150ES of the Local Government Act 2009 at 9:11am.

(OCEO) OFFICE OF THE CEO

OCEO1 **2022 OUTBACK QUEENSLAND MASTERS**

Cr Fuhrmeister moved and Cr Winks seconded:

That Council delegates to the CEO to negotiate a counter proposal for sponsorship of a reduced cash investment combined with in-kind support to Golf Australia with assurances that local vendors will be utilised for all services for the event unless specialist and not available in the Shire.

CARRIED UNANIMOUSLY

5:1

Cr Scriven requested his name to be recorded as against the motion as the amount requested exceeded the Tourism Events Grants Policy.

Kim Wildman (Manager Tourism), Mariella Perez (Community Development Officer) left the meeting, the time being 9:35am.

Cr Lomman returned to meeting at 9:37am.

CHANGE ORDER OF BUSINESS

Cr Avery moved and Cr Todd seconded:

That Council adjourn the meeting to hear a deputation from State Valuation Services, Department of Resources, the time being 9:40am.

CARRIED UNANIMOUSLY

The meeting adjourned at 9.40am for morning tea. The meeting reconvened at 10:50am.

Mariella Perez (Community Development Officer) entered the meeting, the time being 10:50am.

OCEO2 **RADF APPLICATION FOR 'LANDSCAPES WITH LYN' WORKSHOP**

RADF Application for 'Landscapes with Lyn' workshop.

Cr Todd moved and Cr Lomman seconded:

That Council resolves to approve the St George Arts Group request of \$1,450.00 through the Regional Arts Development Fund 2020-2021 – Round 1 – Community Program for the ‘Landscapes with Lyn’ workshop subject to current COVID-19 restrictions at the time of the event.

CARRIED UNANIMOUSLY

Mariella Perez (Community Development Officer) left the meeting, the time being 10:52am.

Andrew Boardman (Director Infrastructure Services), Brenton Judge (Manager Transport and Drainage) entered the meeting, the time being 10:55am.

(FCS) FINANCE AND CORPORATE SERVICES

FCS1 MONTHLY FINANCIAL MANAGEMENT REPORT FEBRUARY 2021

Monthly Financial Management Report as at 28 February 2021 to be tabled at the meeting.

Cr Fuhrmeister moved and Cr Avery seconded:

That the monthly Financial Management Report for the period ending 28 February 2021, as attached, be received and noted.

CARRIED UNANIMOUSLY

FCS2 AUDIT & RISK COMMITTEE MINUTES 25 FEBRUARY 2021

Audit & Risk Committee minutes 25 February 2021

Cr Todd moved and Cr Lomman seconded:

That Council resolves to:

- a) receive and note the Audit & Risk Committee minutes of 25 February 2021; and
- b) adopt the Non-Current Asset Accounting Policy together with the following guidelines
- c) and standards:
 - Guideline A - Accounting for Non-Current Assets on Initial Acquisition
 - Guideline B - Accounting for Expenditure after Acquisition
 - Guideline C - Accounting for Depreciation and Amortisation
 - Guideline D – Accounting for Revaluation of Non-Current Assets
 - Guideline E - Accounting for Impairment of Non-Current Assets
 - Financial Asset Data Standards

CARRIED UNANIMOUSLY

FCS3 QUEENSLAND RECONSTRUCTION AUTHORITY - DISASTER RECOVERY FUNDING

Amendment to Budget 2020/21 and Revenue Recognition

Cr Fuhrmeister moved and Cr Winks seconded:

That Council resolves to:

1. amend the operational works budget in accordance with S170(3) of the Local Government Regulations 2012 as follows:

Operational Projects 2020/21

	Multi Year Budget	2020-21 Budget				2021-22 Budget	2022-23 Budget
		Budget 20/21	Funding 20/21	2020-21 Council Expenditure	Restricted Cash (from prior years)		
CARRY OVER ORIGINAL BUDGET 2020-21							
BalSC.0017.1920K REC - Reconstruction of Essential Public Assets - Hoolavale Road - Mourilyan Road	\$ 4,096,408	\$ -	\$ 1,228,922			\$ 2,457,845	\$ 409,641
BalSC.0018.1920K REC Femlee Rd - Honeyamah Lane	\$ 4,779,561	\$ -	\$ 1,433,868			\$ 2,867,736	\$ 477,956
BalSC.019.1920K REC Reconstruction of Essential Public Assets - Dalkeith Rd - Farm 158 Rd	\$ 3,887,416	\$ -	\$ 1,166,225			\$ 2,332,449	\$ 388,742
BalSC.0020.1920K REC Reconstruction of Essential Public Assets - Alfred St - Corack Rd	\$ 3,946,626	\$ -	\$ 1,183,988			\$ 2,367,976	\$ 394,663
BalSC.0022.1920K REC Reconstruction of Essential Public Assets - Lower Plains Road	\$ 508,147		\$ 152,444			\$ 304,888	\$ 50,815

Council noted the above table does not include the detail of all the roads to be covered under the proposed works across the Balonne Shire road network.

And

2. Acknowledges that while the funding agreement is for operational works for disaster recovery it is unlikely that it is specific enough to create a specific performance obligation under the Accounting Standards.

CARRIED UNANIMOUSLY

Council requested that additional information be provided on the recovery works to include a break up of expenditure per road as an information report.

FCS4

BOLLON LEVEE ROAD PERFORMANCE CONTRACT

Budget amendment and Revenue Recognition Assessment

Cr Fuhrmeister moved and Cr Avery seconded:

That Council resolves to amend the operational works budget in accordance with S170(3) of the Local Government Regulations 2012 as follows:

Operational Projects 2020/21			
	Multi Year Budget	2020-21 Budget	
		Budget 20/21	Funding 20/21
CARRY OVER ORIGINAL BUDGET 2020-21			
Road Performance Contract			
RPC_TMR Contract CN-15767 Bollon Levee Balonne Highway western end		\$ 1,152,540	\$ 1,152,540

CARRIED UNANIMOUSLY

FCS5

MEMBERSHIP OF COMMITTEES

Review of Standing and Advisory Committees and rescinding portfolios

Cr Lomman moved and Cr Winks seconded:

That Council resolves to:

- a) adopt, in accordance with Section 264a) of the Local Government Regulations 2012 the following Standing Committees and membership:

Standing Committee	Membership
Assets Standing Committee	Councillors Scriven (Chair), Todd and Avery
Parks & Gardens Standing Committee	Councillors Fuhrmeister (Chair) and Winks
Plant Standing Committee	Councillors Todd (Chair), Scriven & Avery

- b) adopt, in accordance with Section 264b) the following Advisory Committees and Councillor membership:

Advisory Committee	Membership
Economic Development Advisory Committee	Councillors Lomman (Chair) and Avery
Biosecurity Advisory Committee	Councillors Avery (Chair) and Scriven

- c) adopt the following informal Project Groups for the life of the project:

Project Group	Membership
Dirranbandi Dip Project Group	Councillors Todd, Fuhrmeister and Avery
Business Mentoring Project Group	Councillor Lomman (and the Mayor as ex officio)
Innovation Library Hub Project Group	Councillor O'Toole (Chair), Fuhrmeister and Avery

- d) rescind the Councillor Portfolio Policy 21/05/2020 and abolish the six strategic portfolio areas.

CARRIED UNANIMOUSLY

All existing committees remain unchanged.

(IFS) INFRASTRUCTURE SERVICES

IFS1

2020/21 ROAD TO RECOVERY PROGRAMME CHANGE

2020/21 Road To Recovery Programme Change

Cr Lomman moved and Cr Avery seconded:

That Council resolves to amend the Completed Road To Recovery Budget, in accordance with S170(3) of the Local Government Regulations 2012, to reflect the cost of the project delivery and reallocate the \$731,071.73 of the Road To Recover Budget by:

1. Amending the Ballangarry Road (Bitumen Sealing) scope from Chainage 38.82 – 39.22km and the Project Budget from \$140,560 to \$420,560
2. Amending the Wagoo Road (Bitumen Sealing) Budget from \$111,719 to \$391,719
3. Create a new Project for Dingadee Road to Gravel Resheet from Chainage 5.00 to 7.15km with a Project Budget of \$171,071.73

CARRIED UNANIMOUSLY

IFS2

HEBEL - GOODOOGA ROAD ALIGNMENT (WOOLERBILLA ROAD TO CASTLEREAGH HIGHWAY)

Hebel – Goodooga Road Alignment (Woolerbilla Road to Castlereagh Highway)

Cr Lomman moved and Cr Fuhrmeister seconded:

That Council resolves to hold over the report and investigate further options for the alignment of the Hebel – Goodooga Road upgrade between Woolerbilla Road and Castlereagh Highway.

CARRIED UNANIMOUSLY

IFS3

2021-22 TO 2024-25 TRANSPORT INFRASTRUCTURE DEVELOPMENT SCHEME PROGRAMME CHANGE

2021-22 to 2024-25 Transport Infrastructure Development Scheme Programme Change

Cr Lomman moved and Cr Avery seconded:

That Council resolves to authorise the attached SWRRTG – TIDS Project Scope Form and submit to the South West Regional Road Technical Group for 2021/22.

CARRIED UNANIMOUSLY

IFS4

LOCAL ROADS OF REGIONAL SIGNIFICANCE - JAKELWAR GOODOOGA ROAD

Local Roads of Regional Significance – Jakelwar Goodooga Road

Cr Lomman moved and Cr Scriven seconded:

That:

- 1) Council resolve to support the addition of Jakelwar – Goodooga Road as a Local Roads of Regional Significance, and;
- 2) Council submit a request to the South West Regional Roads & Transport Group for Jakelwar – Goodooga Road to be included as additional Local Roads of Regional Significance for the Shire.

CARRIED UNANIMOUSLY

IFS5

ST GEORGE DEPOT OFFICE EXPANSION - PROJECT REQUEST

Depot Office Expansion – Project Request

Cr Fuhrmeister moved and Cr Winks seconded:

That Council resolves to accept the St George Depot Office Expansion proposal as a Council initiative under the Project Governance Framework and progress the proposal to the 'select' phase (consultation, options analysis, business case, concept) of the Framework.

CARRIED UNANIMOUSLY

Andrew Boardman (Director Infrastructure Services), Brenton Judge (Manager Transport and Drainage) left the meeting, the time being 1:13pm.

The meeting adjourned at 1:13pm for Lunch.

Digby Whyte (Director of Environment and Regulatory Services), Fiona Macleod (Planning and Development Officer) entered the meeting, the time being 1:33pm.
The meeting reconvened at 1:40pm.

CHANGE ORDER OF BUSINESS

Cr Avery moved and Cr Fuhrmeister seconded:

That Council change the order of business to consider agenda item (CCFS1).

CARRIED UNANIMOUSLY

CLOSED MEETING

Cr Fuhrmeister moved and Cr Winks seconded:

Council resolve that the meeting go into closed session, to discuss Finance Corporate Services confidential item (CCFS1) in accordance with section 254J of the Local Government Regulations 2021, the time being 1:41pm.

CARRIED UNANIMOUSLY

OPEN MEETING

Cr Winks moved and Cr Lomman seconded:

That the meeting move out of closed session, the time being 2:04pm.

CARRIED UNANIMOUSLY

CONFIDENTIAL ITEMS

(CFCS) FINANCE AND CORPORATE SERVICES

ICT STANDING COMMITTEE MINUTES 4 MARCH 2021

Cr Lomman moved and Cr Winks seconded:

That Council resolves to:

1. Receive and note the minutes of the ICT Standing Committee of 4 March 2021.
2. adopt and support the IT Audit recommended phased actions 1 – 7 to be expended from the 2020/21 Operational Project Budget for IT projects.
3. Confirm the priorities for the 2021/22 ICT Capital and Operational Projects in the sum of \$339,000.
4. Confirm the priority for an operational project budget of \$25,000 for 2021/22 for the purchase of a ISO045001 compliant Work Health & Safety management system.
5. select the CCTV and fibre projects and consider utilising Phase 2 Local Roads Community Infrastructure funds in the sum of \$480,000 for the long-term enhancement and expansion of the Council's CCTV Network.

CARRIED UNANIMOUSLY

Michelle Clarke (Director of Finance Corporate Services) left the meeting, the time being 2:05pm. Order of Business resumed to ERS1.

(ERS) ENVIRONMENT & REGULATORY SERVICES

ERS1

APPLICATION FOR CONVERSION OF TERM LEASE 0/240532 LOCATED OVER LOT 1 ON CP840426

The purpose of this report is for Council to consider the proposed conversion of Term Lease 0/240532 located over Lot 1 on CP840426.

Cr Fuhrmeister moved and Cr Avery seconded:

That:

1. Council does not object to the application lodged with Department of Resources (DR) for conversion of TL 0/240532 located over Lot 1 on CP840426.

CARRIED UNANIMOUSLY

ERS2

MCU 189 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - "LOW IMPACT INDUSTRY (LIVESTOCK FEED SUPPLEMENT STORAGE FACILITY)" LOCATED AT JOHNSTON ROAD, ST GEORGE QLD 4487 (DESCRIBED AS LOT 2 ON SP246950)

MCU 189 - Development Application for Material Change of Use - "Low Impact Industry (Livestock Feed Supplement Storage Facility)" Located at Johnston Road, St George QLD 4487 (described as Lot 2 on SP246950).

Cr Scriven moved and Cr Todd seconded:

That:

1. Council approves the development application MCU 189 - Development Application for Material Change of Use - "Low Impact Industry (Livestock Feed Supplement Storage Facility)" Located at Johnston Road, St George QLD 4487 (described as Lot 2 on SP246950) subject to the permit conditions listed below.

DEVELOPMENT PERMIT CONDITIONS

Preamble

- i. The relevant planning scheme for this development is *Balonne Shire Planning Scheme 2019*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- ii. Under the Planning Scheme a "*Low Impact Industry*" - means premises used for industrial activities that include manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes;
 - a. Negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise.
 - b. Minimal traffic generation and heavy-vehicle usage.
 - c. Demands imposed upon local infrastructure network consistent with surrounding uses.
 - d. The use generally operates during the day (e.g. 7am to 6pm).
 - e. Offsite impacts from storage of dangerous goods are negligible.
 - f. The use is primarily undertaken indoors.
- iii. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable

and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.

- iv. All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- v. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.
- vi. An operational works application will be required to be submitted to and approved by Council where there would be a change 1m or more in the level of any part of the land or where any drainage path is affected; or for urban purposes that involve disturbing more than 2,500m² of land.
- vii. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.

Use

- 2. The approved development is a Material Change of Use - "Low Impact Industry" as defined in the Planning Scheme and as shown on the approved plans.
- 3. A development permit for building works must be obtained prior to commencing construction of the "Low Impact Industry".
- 4. The approved development is to be carried out generally in accordance with the following approved plans/documents and subject to approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan/Document Number	Plan/Document Name	Date
Rev 1	Site Layout Plan	05/01/2021
ESF090-01 Issue C	9000 Max Width Shade Shed	09/02/2016

- 5. During the course of constructing the works, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.

Compliance inspection

6. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless otherwise noted in these conditions.
7. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.

Applicable Standards

8. All works must comply with:
 - a) the development approval conditions;
 - b) any relevant provisions in the Planning Scheme
 - c) any relevant Australian and Austroads Standards and the National Construction Code that applies to that type of work; and
 - d) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

Development works

9. The developer shall ensure that all approved works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.
10. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

Waste Management

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

Stormwater Drainage

13. Stormwater drainage is to be provided in accordance with:
 - a) Queensland urban drainage manual, 3rd Edition, Queensland Department of Energy and Water Supply, 2013;
 - b) Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987; and
 - c) Class 1 and Class 10 buildings – National Construction Code, Volume 2.

Earthworks and Construction

14. During construction, erosion controls and silt collection measures are to be put in place to protect environmental values and mitigate potential impacts to adjoining properties and roadway/s.

Avoiding Nuisance

15. 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 during or after the establishment of the approved development.
16. Lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.
17. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
18. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.
19. 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*.
20. 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*.

Hours of Operation

21. Unless otherwise approved in writing by the Council, approved hours of construction are restricted to Monday – Saturday 6.30am to 6.30pm – noise permitted. Work or business which causes audible noise must not be conducted from or on the subject land outside the above times or on Sundays or Public Holidays.

Provision of Services

22. The development must be connected to an electricity reticulation service in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).
23. If the premises is connected to a telecommunications service, then such works shall be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).

Access

24. The developer shall be responsible for construction and maintenance of vehicle crossovers from the road carriageway to the property boundary and for obtaining any approvals that may be required, and for complying with the applicable designs and standards. Should any damage be caused at the approved access location, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the

landowner's expense.

25. The existing vehicle access from Johnston Road is to be upgraded to a gravel surface. Vehicle access and manoeuvring shall be maintained by the developer generally in accordance with *Balonne Shire Council's Private Property Entrance Policy* dated 15 January 2010 ensuring no damage to the roadway.
26. Vehicle crossovers must be located a minimum distance of one metre from any power poles, street signage, street lights, manholes, stormwater gully pits or other Council assets, unless otherwise specified in the applicable development standards and specifications.
27. Vehicles entering and exiting the development site must be able to enter and leave in forward direction. Reversing out of the development site is not permitted. Vehicle manoeuvres in this regard are to be totally contained within the development site boundaries.

Landscaping

28. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement.
29. Landscaping must not interfere with site lines at access driveways for vehicle traffic.

No Cost to Council

30. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes the costs of any services and infrastructure required in connection with the establishment of the development.

Latest versions

31. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the commencement of the development works, unless a regulation or law requires otherwise.

Application Documentation

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

CARRIED UNANIMOUSLY

ERS3

RL 109 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - BOUNDARY REALIGNMENT (TWO LOTS INTO TWO LOTS) LOCATED AT 110 & 112-118 VICTORIA STREET, ST GEORGE QLD 4487 (DESCRIBED AS LOT 1 ON RP96467 AND LOT 5 ON RP96467)

RL 109 Development Application for reconfiguring a lot – boundary realignment (two into two lots) at 110 & 112-118 Victoria Street, St George Qld 4487 (described as Lot 1 on RP96467 and Lot 5 on

RP96467), by Council's planner.

A perceived conflict of interest was identified with the application given Balonne Shire Council is the applicant to the development application and the Assessment Manager. Accordingly, the assessment report and recommendations presented have been reviewed by Jessica Reiser, Town Planner at Maranoa Regional Council to ensure no bias to the grounds of decision.

Cr Lomman moved and Cr Fuhrmeister seconded:

A perceived conflict of interest was identified with the application given Balonne Shire Council is the applicant to the development application and the Assessment Manager. Accordingly, the assessment report and recommendations presented have been reviewed by Jessica Reiser, Town Planner at Maranoa Regional Council to ensure no bias to the grounds of decision.

That:

1. Council approves the development application RL 109 - Development Application for Reconfiguring a Lot - Boundary Realignment (two lots into two lots) located at 110 & 112-118 Victoria Street, St George QLD 4487 (described as Lot 1 on RP96467 and Lot 5 on RP96467), subject to the permit conditions listed below.

Preamble

- i. The relevant planning scheme for this development is *Balonne Shire Planning Scheme 2019*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- ii. The land use rating category may change upon commencement of any new approved use on the site. Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s, can be viewed on the Council Website: <https://www.balonne.qld.gov.au/council/rates>.
- iii. A development permit for a Material Change of Use will be required for any activity or development on the approved lot(s) that does not comply with the accepted development criteria in the *Balonne Shire Planning Scheme 2019*.
- iv. The registered proprietor is responsible for gaining the approvals of any other Authorities having jurisdiction over any part of the works required to facilitate the approved development.
- v. New development on any of the approved lots must be provided with an adequate supply of electricity. In the event that an adequate supply of electricity cannot be achieved through efficient design and alternative energy technologies, a connection to the reticulated electricity network must be made available. Prospective purchasers and/or developers of the newly created lot/s are encouraged to contact the relevant electricity provider to determine the availability and costs associated with connecting to the reticulated network.
- vi. This approval lapses if a plan for the reconfiguration is not given to the Council within four (4) years of the approval taking effect.
- vii. The plan for the reconfiguration must be duly signed by the registered proprietor of the land and the surveyor, and submitted to Council for approval in a form acceptable to Council

within the relevant period.

- viii. Unless otherwise stated all conditions shall be completed prior to the Council endorsing the relevant plan of survey.
- ix. All persons involved in the development, operation or use of the site have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the *Biosecurity Act 2014*.
- x. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- xi. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans to the relevant authorities that are associated with the approved development, including any permits/approvals required by any State Agencies.
- xii. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. Council should be contacted for advice in the event of any potential change in circumstances.

Approved development

1. The approved development is for a Reconfiguration of a Lot – Boundary Realignment (Two Lots into Two Lots) as shown on the approved plan.
2. The applicant shall contact Council to arrange a development compliance inspection prior to the endorsement of the survey plan.
3. Complete and maintain the approved development in accordance with:
 - (a) the development approval documents; and
 - (b) those parts of the approved development that have been specified in detail by the Council unless the Council agrees in writing that those parts will be adequately complied with by amended specifications.

General

4. The approved development is to be carried out generally in accordance with following approved plans and documents, as amended, and subject to the approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Drawing/report title:	Prepared by:	Date:	Reference no:	Version/iss
Lot Reconfiguration Plan	Fulton Trotter Architects	25.02.21	3439SG01	—

ACD-0001				
Lot Reconfiguration Plan (Aerial View) ACD-0001	Fulton Architects	Trotter	25.02.21	3439SG01 —

5. All works required to facilitate the development must be designed and constructed in accordance with:
 - (a) the development approval conditions;
 - (b) any relevant provisions of the applicable planning scheme;
 - (c) Council's standard designs for such work where such designs exist;
 - (d) any relevant Australian Standard that applies to that type of work; and
 - (e) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.
6. All civil and related work is to be designed and supervised by Registered Professional Engineers of Queensland (RPEQ-Civil) who are competent in the construction of the works.
7. Existing buildings, structures, infrastructure and services located on the development site are not to encroach on proposed allotment boundaries.

Provision of Services

8. Each lot is to have a water supply adequate for the intended use.
9. All services installation, including onsite sewerage and water connections, must comply with:
 - (a) the development approval conditions;
 - (b) the relevant service provider's requirements and specifications;
 - (c) any relevant provisions in the planning scheme for the area;
 - (d) Council's standard designs for such work where such designs exist;
 - (e) any relevant Australian Standard that applies to that type of work; and
 - (f) any alternative specifications that the Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.
10. Any conflicts associated with proposed and existing services are to be forwarded by the developer to the appropriate controlling authority for approval of any proposed changes.
11. Infrastructure and services required in connection with the establishment of the approved development must be provided at no cost to Council.

Access & Roads

12. The landowner is responsible for the construction and maintenance of crossovers from the road carriageway to the property boundary and all internal vehicle access ways, and for obtaining any approvals that may be required and for complying with the applicable designs and standards.

Repair Damaged Infrastructure

13. Council and public utility services, infrastructure and assets must be located and protected at all times. Any damage to existing roads and infrastructure that is attributable to the development of the site must be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative/s, and at no cost to Council.

No Cost to Council

14. All costs associated with the approved development are to be met by the developer, including costs of survey, easement preparation and registration, document lodgement, plan sealing and land transfers, unless there is specific agreement by other parties, including the Council, to meeting those costs.

Latest versions

15. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are available at the time the first operational works or compliance approval is lodged with the assessment manager or approval agency for those types of works to be performed or approved, unless a regulation or law requires otherwise.

Rates and charges

16. All rates and charges of any description and all arrears of such rates and charges, together with interest outstanding thereon, on the land, due to Council, shall be paid prior to the Council endorsing the plan of survey.

CARRIED UNANIMOUSLY

CONFLICT OF INTEREST – ERS4

Director Digby Whyte declared a **Declarable Conflict of Interest** in respect to matters contained in ERS4, on the grounds that:

He is a part of the Lions Club Executive Committee.

Digby Whyte voluntarily left the meeting at 2:21pm.

ERS4

LIONS CLUB OF ST GEORGE INC - REQUEST FOR REIMBURSEMENT OF DEVELOPMENT APPLICATION FEE

The purpose of this report is for Balonne Shire Council to consider a full reimbursement of the development application fee paid for MCU 190 Development Approval issued on 23rd February 2021 for Material Change of Use – Medium Impact Industry (Container Refund Depot and Storage Facility).

Cr Avery moved and Cr Lomman seconded:

That Council:

1. Decline to reimburse the development application lodgement fee based on the Lions Club of St George Inc. commercially gaining from the Container Refund Depot and Storage Facility operation as well as the development fee being on a cost-recovery basis.

CARRIED UNANIMOUSLY

Digby Whyte returned to meeting at 2:22pm.

ERS5

MCU 191 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - "COMMUNITY USE" LOCATED AT 72-76 SAINT GEORGES TERRACE, ST GEORGE QLD 4487 (DESCRIBED AS LOT 6 ON RP98584, LOT 7 ON RP98584 AND LOT 8 ON RP98584)

MCU 191 Development Application for Material Change of Use – Community Use at 72-76 Saint Georges Terrace, St George (Lot 6 on RP98584, Lot 7 on RP98584 and Lot 8 on RP98584) by Council's planner.

Cr Avery moved and Cr Lomman seconded:

That:

1. Council approves the development application MCU 191 for a Material Change of Use – "Community Use" on land located at 72-76 Saint Georges Terrace, St George, described as Lot 6 on RP98584, Lot 7 on RP98584 and Lot 8 on RP98584 subject to the permit conditions listed below.

DEVELOPMENT PERMIT CONDITIONS

Preamble

- i. The relevant planning scheme for this development is *Balonne Shire Planning Scheme 2019*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- ii. Under the Balonne Shire Planning Scheme 2019 a "**Community Use**" means *premises used for providing artistic, social or cultural facilities and community support services to the public and may include the ancillary preparation and provision of food and drink*.
- iii. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- iv. All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines

are met and for obtaining any clearances required from the responsible entity.

- v. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.
- vi. An operational works application will be required to be submitted to and approved by Council where there would be a change 1m or more in the level of any part of the land or where any drainage path is affected; or for urban purposes that involve disturbing more than 2,500m² of land.
- vii. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.

Use

- 2. The approved development is a Material Change of Use - "Community Use" as defined in the Planning Scheme and as shown on the approved plans.
- 3. A development permit for building and plumbing works must be obtained prior to commencing construction of the community use.
- 4. The approved development is to be carried out generally in accordance with the following approved plans/documents and subject to approval conditions. Where there is any conflict between the approval conditions and the details shown on the approved plans, the approval conditions prevail.

Plan/Document Number	Plan/Document Name	Date
19-1107 A.000	Proposed Site Locality Plan	23/12/20
19-1107 A.010	Existing/Demolition Site Plan	23/12/20
19-1107 A.011	Proposed Site Plan	23/12/20
19-1107 A.100	Proposed Floor Plan	23/12/20
19-1107 A.200	Proposed Elevations	23/12/20
19-1107 A.201	Proposed Elevations	23/12/20
19-1107 A.210	Tilt Panel Elevations	23/12/20
19-1107 A.211	Tilt Panel Elevations	23/12/20
19-1107 A.300	Proposed Sections	23/12/20
19-1107 A.250	Proposed Streetscape Elevation	23/12/20
19-1107 A.900	Perspectives	23/12/20
19-1107 A.901	Perspectives	23/12/20
2006-01 C	Landscape Plan	January 2021
2006-02 C	Proposed Plants & Elevations	January 2021
S1920193 – C01	Schematic Design Site Civil Works Layout – Notes and Details	—
S1920193 – C02	Schematic Design Site Civil Works Layout – Sheet 1 of 2	—
S1920193 – C03	Schematic Design Site Civil Works Layout – Sheet 2 of 2	—
S1920193 – C04	Schematic Design Stormwater Drainage Layout –	—

	Sheet 1 of 2	
S1920193 – C05	Schematic Design Stormwater Drainage Layout – Sheet 2 of 2	—
S1920193 – H01	Schematic Design Hydraulic Services Layout – Site Plan, Notes and Details	—
S1920193 – H02	Schematic Design Hydraulic Services Layout – Sanitary Drainage	—
S1920193 – H03	Schematic Design Hydraulic Services Layout – Water Reticulation	—
S1920193 – H04	Schematic Design Roof Drainage Layout	—
S1920193 – S01	Schematic Design Structural Notes Sheet	—
S1920193 – S02	Schematic Design Footing and Floor Slab Layout	—
S1920193 – S03	Schematic Design Roof Framing Layout	—

5. During the course of constructing the works, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.

Compliance inspection

6. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless otherwise noted in these conditions.
7. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.

Applicable Standards

8. All works must comply with:
 - a. the development approval conditions;
 - b. any relevant provisions in the Planning Scheme;
 - c. Balonne Shire Council Private Property Entrance Policy 2010;
 - d. any relevant Australian Standard that applies to that type of work; and
 - e. any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

Development works

9. The developer shall ensure that all approved works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.
10. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset

owners' representative(s).

Amalgamation of Lots

11. The lots comprising the development site (Lot: 6 RP98584, Lot 7: RP98584 and Lot 8: RP98584) must be amalgamated prior to the commencement of the use.

Waste Management

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

Stormwater Drainage

14. Stormwater drainage is to be provided in accordance with:
 - a. Queensland urban drainage manual, 3rd Edition, Queensland Department of Energy and Water Supply, 2013;
 - b. Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987; and
 - c. Class 1 and Class 10 buildings – National Construction Code, Volume 2.

Earthworks and Construction

15. During construction, erosion controls and silt collection measures are to be put in place to protect environmental values and mitigate potential impacts to adjoining properties and roadway/s.

Avoiding Nuisance

16. 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 during or after the establishment of the approved development.
17. Dust emanating as result of activities carried out onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks and nearby properties and sensitive land uses.
18. Lighting of the site, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the site at any property boundary.
19. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
20. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.

21. 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*.
22. 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*.
23. Unless otherwise approved in writing by the Council, approved hours of construction are restricted to Monday – Saturday 6.30am to 6.30pm – noise permitted. Work or business which causes audible noise must not be conducted from or on the subject land outside the above times or on Sundays or Public Holidays.

Provision of Services

24. The development must be connected to Council’s reticulated water supply network in accordance with the applicable standards and policies.
25. The development must be connected to Council’s reticulated sewerage supply network the applicable standards and policies.
26. Proposed buildings located over or near the existing sewer main within the property must be constructed in accordance with ‘*Queensland Development MP1.4 – Building Over or Near Relevant Infrastructure*’.
27. The development must be connected to an electricity reticulation service in accordance with the relevant service provider’s requirements and specifications along with relevant building standards, requirements and specifications (as relevant).
28. If the premises is connected to a telecommunications service, then such works shall be undertaken in accordance with the relevant service provider’s requirements and specifications along with relevant building standards, requirements and specifications (as relevant).

Access

29. The landowner shall be responsible for construction and maintenance of vehicle crossovers from the road carriageway to the property boundary. Should any damage be caused at the approved access location, it is the landowner’s responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner’s expense.
30. The existing vehicle access points to the development from Beardmore Place shall be upgraded to a concrete standard. The developer will be responsible for the access to be maintained generally in accordance with *Balonne Shire Council’s Private Property Entrance Policy* dated 15 January 2010. The design of the vehicle crossovers must cater for the maximum vehicle size accessing the site ensuring no damage to the kerb and channel and roadway.
31. Vehicles entering and exiting the development site must be able to enter and leave in forward direction. Reversing out of the development site is not permitted. Vehicle manoeuvres in this regard are to be totally contained within the development site

boundaries.

32. Vehicle movements within the site are to be clear of proposed parking areas, buildings. Vehicle access, parking and manoeuvring areas are to be clearly delineated from pedestrian access ways within the site through the use of line marking, signage, bollards or similar.

Car Parking

33. Car parking and manoeuvring areas are designed in accordance with:
 - a. AS2890.1 – Parking Facilities
 - b. Austroads AP-34/95 - Design Vehicles and Turning Path Templates
 - c. The Access to Premises Standard' (Vol 1 of the National Construction Code).
34. A minimum of six (6) car parking spaces, including one (1) car parking space for persons with disabilities, are to be provided within the development site area generally in accordance with the approved development plans. Car parking areas must be clearly delineated and/or signposted.

No Cost to Council

35. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes the costs of any services and infrastructure required in connection with the establishment of the development.

Latest versions

36. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the commencement of the development works, unless a regulation or law requires otherwise.

Application Documentation

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

CARRIED UNANIMOUSLY

ERS6

SOUTH WEST INDIGENOUS CORPORATION - REQUEST FOR REIMBURSEMENT OF DEVELOPMENT APPLICATION FEE

The purpose of this report is for Balonne Shire Council to consider a full reimbursement of the development application fee paid for MCU 191 Development Application for Material Change of Use – Community Use (Harmony Centre).

Cr Fuhrmeister moved and Cr Lomman seconded:

That Council:

1. Decline to reimburse the development application lodgement fee based on the South West

Indigenous Corporation obtaining funding for the establishment of the Harmony Centre project as well as the development fee being on a cost-recovery basis.

CARRIED UNANIMOUSLY

Fiona Macleod (Planning and Development Officer) left the meeting, the time being 1:33pm.

COUNCILLOR REPORTS

THAT COUNCIL RECEIVE AND NOTE THE COUNCILLOR REPORTS ON THEIR ACTIVITIES DURING THE PRECEDING MONTH.

INFORMATION REPORTS

(IOCEO) OFFICE OF THE CEO

IOCEO1 TOURISM SERVICES MONTHLY REPORT

Balonne Shire Tourism Report for February 2021 as supplied by the Manager Tourism.

IOCEO2 MONTHLY REPORT COMMUNITY AND LIBRARY SERVICES

February Monthly Report for Communities and Libraries

IOCEO3 ECONOMIC DEVELOPMENT UPDATE - FEBRUARY 2021

(IFCS) FINANCE AND CORPORATE SERVICES

Nil

(IIFS) INFRASTRUCTURE SERVICES

IIFS1 DEPARTMENT OF INFRASTRUCTURE SERVICE'S MONTHLY REPORT

From the Department of Infrastructure Services - reporting for the month of February 2021.

IIFS2 MONTHLY REPORT

Monthly information report

(IERS) ENVIRONMENT & REGULATORY SERVICES

IERS1 MONTHLY REPORT ENVIRONMENT AND REGULATORY SERVICES

The Environment and Regulatory Services Report for the month of February 2021 is presented for Council's information.

There being no further business, the Meeting closed, the time being 3:15pm.

Confirmed at a Ordinary Meeting of the Council held on 15 April 2021.

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MAYOR