



# **MINUTES**

**of the**

**Ordinary Meeting of the Council**

**held in the**

**Council Chambers, 118 Victoria Street, St George**

**on**

**Thursday 19th August 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, ID Todd, WN Winks and SS Scriven

Mr Matthew Magin (Chief Executive Officer), Mrs Michelle Clarke (Director Financial & Corporate Services), and Mr Digby Whyte (Director Community and Environmental Services)

## **LEAVE OF ABSENCE**

Nil

## **CONFIRMATION OF MINUTES**

Cr Fuhrmeister moved and Cr Lomman seconded:

That the Minutes of the General Meeting held on 15 July, 2021 be confirmed

CARRIED UNANIMOUSLY

## **BUSINESS ARISING FROM MINUTES**

## **PUBLIC PARTICIPATION**

Nil

## **DEPUTATIONS**

Telstra – Scott Mullaly and Jon New provided an update on Regional Connectivity projects that could be explored with feedback from Council

## **DECLARATION OF INTEREST**

**Councillor Bill Winks** declared a **Prescribed Conflict of Interest** in accordance with s150EM(2) of the Local Government Act 2009, with respect to matters contained in **FCS8** on the grounds that: Councillor Winks is the owner of Charlton, which is a part of this application.

In accordance with s150EM(2) of the Local Government Act 2009, Councillor Winks indicated he would not participate in the discussion and decision making and would voluntarily leave the meeting.

# MEETING BUSINESS BY CORPORATE FUNCTION

FCS1

## **MAYORAL MINUTE - LGAQ MOTION**

Queensland Reconstruction Authority (QRA) - Increased Accountability Measures - Minimising the burden on Rural and Remote Councils

Cr O'Toole moved and Cr Lomman seconded:

That Council resolve for the Local Government Association Queensland (LGAQ) to call on the Queensland Reconstruction Authority (QRA) to ensure that in the determination of any new accountability measures required of councils, including the possibility of a separate bank account for all QRA funded projects, it fully considers all options and minimises the additional compliance burden and costs particularly for rural and remote councils.

CARRIED UNANIMOUSLY

## **(OCEO) OFFICE OF THE CEO**

OCEO1

### **SOUTH WEST QUEENSLAND REGIONAL ORGANISATION OF COUNCILS (SWQROC) - NOTIFICATION OF FULL MEMBERSHIP**

South West Queensland Regional Organisation of Councils (SWQROC) Incorporated – Notification of Full Membership

Cr Winks moved and Cr Todd seconded:

That Council resolves to elect the Deputy Mayor to support the Mayor as representatives of Balonne Shire Council to the South West Queensland Regional Organisation of Councils.

CARRIED UNANIMOUSLY

## **(FCS) FINANCE AND CORPORATE SERVICES**

### **CHANGE ORDER OF BUSINESS**

Cr Todd moved and Cr Winks seconded:

That Council change the order of business to consider the agenda item FCS2 the time being 9:30am and defer FCS1 until the Director Infrastructure Services is in attendance.

CARRIED UNANIMOUSLY

FCS2

### **CUC BALONNE LTD**

Facility Use Agreement – CUC Balonne Ltd

Cr Fuhrmeister moved and Cr Lomman seconded:

That Council note the in kind support provided to the CUC Balonne Ltd.

CARRIED UNANIMOUSLY

Josh Dyke, Manager Rural Services, Elizabeth Jones, Community Development Manager and Di Francisco Environmental Health Officer entered the meeting at 9.30am.

FCS3 **INDEPENDENT AUDIT & RISK COMMITTEE CHAIRPERSON**

Independent Chairperson of the Audit & Risk Committee

Cr Avery moved and Cr Todd seconded:

That Council resolves to call for expressions of interest for the Independent Audit & Risk Committee Chairperson for a period of two years from 1 January 2022 to 31 December 2024.

CARRIED UNANIMOUSLY

FCS4 **POLICY REVIEW - REGISTER AND RESCINDING OLD POLICIES**

Policy Review Project – Register and Rescinding Obsolete Policies

Cr Todd moved and Cr Avery seconded:

That Council resolves to rescind the following policies:

1. Confidentiality Procedure, resolved by Council 15/03/2013 as it is now addressed in the Employee Code of Conduct.
  2. Leave of Absence & Teleconferencing Policy, resolved by Council 19/09/2014 as it is addressed in Council's Code of Meeting Practice.
  3. Investigating Official Misconduct, resolved by Council 24/09/1993;
  4. Loss, Theft and Damage to Council Property Policy, resolved by Council 16/05/2019; and
  5. Salvage of Lost/Abandoned Goods, resolved by Council 19/05/2000;
- as 3, 4 and 5 have been superseded by Council's Policy – Administrative Action Complaints Policy (17/9/2020) and Public Interest Disclosures Policy (21/12/2017) and Corruption & Fraud Policy (29/10/2020).

CARRIED UNANIMOUSLY

FCS5 **POLICY REVIEW - ADVERTISING SPENDING POLICY**

Advertising Spending Policy (Statutory)

Cr Winks moved and Cr Fuhrmeister seconded:

That Council resolves to:

- a) rescind the previous version of the Advertising Spending Policy, adopted on 16 May 2019; and
- b) adopt the attached Advertising Spending Policy as required by S197 of the Local Government Regulations 2012.

CARRIED UNANIMOUSLY

FCS6 **POLICY REVIEW - ASSET MANAGEMENT**

Asset Management Policy

Cr Fuhrmeister moved and Cr Todd seconded:

That Council resolves to:

1. Rescind the Asset Management Policy adopted 19 July 2018; and

2. Adopt the attached Asset Management Policy.

CARRIED UNANIMOUSLY

FCS7

### **GIFTS AND BENEFITS POLICY**

Gifts and Benefit Policy

Cr Fuhrmeister moved and Cr Avery seconded:

That Council resolves to:

1. Rescind the Gifts and Benefits policy adopted 18 April 2018; and
2. Adopt the attached Gifts and Benefits Policy.

CARRIED UNANIMOUSLY

Meeting adjourned for Deputation with Scott Mullaly and Jon New – Telstra - the time being 10:01am.

Deputation ending the time being 10:38am.

Meeting reconvened, the time being 10:51am after morning tea.

**Councillor Winks** declared a **Prescribed Conflict of Interest** with respect to matters contained in **FCS8** on the grounds that:

Councillor Winks is the owner of Charlton, which is a part of this application.

In accordance with s150EM(2) of the Local Government Act 2009, Councillor Winks voluntarily left the meeting, the time being 10:52am.

FCS8

### **APPLICATION - CONVERSION OF LEASEHOLD TO FREEHOLD LAND**

Lot 23 BLM 691 and Lot 3 MGL42

Cr Lomman moved and Cr Scriven seconded:

That Council resolves to raise no objection to the conversion application of leasehold to freehold for Lot 23 BLM 691 and Lot 3 MGL42 on the Balonne Highway Bollon as there are no known non-indigenous cultural heritage values and no effect of the conversion on the future use of the land.

CARRIED UNANIMOUSLY

Cr Winks returned to the meeting, the time being 10:54am.

Josh Dyke (Manager Rural Services), Elizabeth Jones (Community Development Manager) and Di Francisco (Environmental Health Officer), left the meeting the time being 10:55am.

FCS9

### **QUARTERLY PERFORMANCE REPORT - QUARTER 4 - 2020/21**

Quarterly Performance Report – Quarter 4 – 2020/2021

Cr Fuhrmeister moved and Cr Todd seconded:

That Council resolves to adopt the Quarterly Performance Report for Quarter 4 of 2020/2021, as tabled, in accordance with, *Section 174(3) of the Local Government Regulations 2012*.

CARRIED UNANIMOUSLY

Tracey Lee (Manager Finance Services) and Samantha Speedy (Administration Officer - Finance) entered the meeting, the time being 11:02am.

FCS10 **MONTHLY FINANCIAL PERFORMANCE REPORT JULY 2021**

Monthly Financial Management Report as at 31 July 2021 to be tabled at the meeting.

Cr Lomman moved and Cr Fuhrmeister seconded:

That the monthly Financial Management Report for the period ending 31 July 2021, as attached, be received and noted.

CARRIED UNANIMOUSLY

Tracey Lee (Manager Finance Services), Samantha Speedy (Administration Officer - Finance) left the meeting, the time being 11:12am.

Andrew Boardman (Director Infrastructure Services) entered the meeting, the time being 11:19am.

**(IFS) INFRASTRUCTURE SERVICES**

IFS1 **QUOTATION CONSIDERATION PLAN, HEBEL – GOODOOGA ROAD CULVERT WORKS**

Quotation Consideration Plan, Hebel – Goodooga Road Culvert Works

Cr Fuhrmeister moved and Cr Avery seconded:

That Council resolves to adopt the attached quotation Consideration Plan for the Hebel – Goodooga Culvert Works in accordance with Section 230 of the Local Government Regulations 2012.

**Amendment:**

Cr Scriven moved and Cr Todd seconded

That Council resolves to:

- a) receive the report regarding procurement of the Hebel Goodooga Road Culvert Work and note the technical breach of the Local Government Regulation 2012 of failing to seek an exemption from tender; and
- b) directs the Chief Executive Officer to disclose the breach to the external auditors and Department of Local Government in the interest of openness and transparency.

The amendment on being put became the substantive motion and was carried unanimously.

CARRIED UNANIMOUSLY

Council provided reasons under S254H of the Local Government Regulations 2012 for amending the officer's recommendation stating that it was in the interests of openness and transparency rather than retrospectively applying an exemption for the procurement process.

**PLANT STANDING COMMITTEE MEETING MINUTES - 27 JULY 2021**

Plant Standing Committee Meeting Minutes – 27 July 2021

Cr Todd moved and Cr Scriven seconded:

That Council resolves to receive the minutes and endorse the Plant Standing Committee's recommendations as follows:

1. **RURAL SERVICES VEHICLE REQUEST**

The Plant Committee recommends to Council that:

- a) Council approve acquisition of a new vehicle for the Rural Lands and Environment Officer, with specifications including single cab long tray 4 x 4 utility with the ability to carry a minimum 1,600kg of accessories (exclusive of fuel), noting that this is a variation to the Light Vehicle Fleet Operational Policy.
- b) Council resolve to increase its 2021/22 Capital Budget, in accordance with S170(3) of the Local Government Regulations 2012, by \$60,000 to allow for the purchase of a Single Cab Toyota Hilux including GVM suspension (3465kg) for rural services.

**BALONNE SHIRE COUNCIL'S – COUNCILLOR VEHICLE**

The Plant Committee recommends to Council that Balonne Shire Council proceed with the purchase of a Toyota Prado Landcruiser GXL and that a review of the Light Vehicle Policy be undertaken and reviewed, to be brought back to a future Plant Committee Meeting.

2. **PROCUREMENT OF COUNCIL TRAILER**

The Plant Committee recommends procurement of the trailer occurs via Vendor panel through LB286.

3. **PROCUREMENT OF BACKHOE**

The Plant Committee recommends procurement of the Backhoe occurs via Vendor panel through NPN2.15.

4. **2020/21 CARRY OVER OF REPLACEMENT OF 5008**

The Plant Committee recommends Council resolves to amend its capital works budget in accordance with S170(3) of the Local Government Regulations 2012 by increasing expenditure by \$160,000 for procurement of Isuzu Truck to replace 5008 as per its plant replacement program.

5. **PROCUREMENT OF REPLACE TRUCK FOR 5009**

The Plant Committee recommends procurement of the Truck occurs via Vendor panel through NP04.13.

6. **PLANT AN DFLEET REPLACEMENT OF 2504 AND 3018**

The Plant Committee recommends that it recognised that the operational needs of Parks & Gardens vary to the majority of the organisation. The Council procures one vehicle in accordance with the policy and a second vehicle as a Toyota Hilux Petrol 2WD Automatic Workmate.

7. **COUNCIL PROCUREMENT OF MOWERS**

The Plant Committee recommends that all four mowers in accordance with Balonne Shire Council's Purchasing Policy and award the purchase to Myla Motors.

**PROCUREMENT OF REPLACEMENT TRUCK FOR 5016**

The Plant Committee recommends that procurement of the Truck of 5016 occurs via Vendor

panel through NPN04.13 – Truck (Cab Chassis).

**BALONNE SHIRE COUNCIL'S 2021-22 VEHICLE TENDER / ACQUISITION**

The Plant Committee recommends that procurement of the seven Council Vehicles occur as a Public Tender and a Request For Quote to have several vehicle accessories fitted.

CARRIED UNANIMOUSLY

Josh Dyke (Manager of Rural Services and Compliance) entered the meeting, the time being 11:48am.

IFS3

**YUWAALARAAY PEOPLE OLD CAMP MAINTENANCE REQUEST**

Yuwaalaraay People Old Camp Maintenance Request

Cr Avery moved and Cr Winks seconded:

That Council resolves to support the Yuwaalaraay People's momentous occasion by assisting to clean-up the site prior to the handover event scheduled later in the year (November/December). This assistance is to be provided by way of slashing and grading the site for the event. Site visit will be organised prior to any works being undertaken.

CARRIED UNANIMOUSLY

**CHANGE ORDER OF BUSINESS**

Cr Scriven moved and Cr Winks seconded:

That Council change the order of business to consider the agenda item FCS1 the time being 12:09pm.

CARRIED UNANIMOUSLY

FCS1

**BORROWINGS - 2021-22**

2021-22 Local Government Borrowing Program is now open

Cr Scriven moved and Cr Todd seconded:

That Council resolves to defer any additional borrowings until 2022-23 financial year due to the current number of projects still in progress.

CARRIED UNANIMOUSLY

**CHANGE ORDER OF BUSINESS**

Cr Avery moved and Cr Fuhrmeister seconded:

That Council change the order of business to consider agenda items: CIFS1, CIFS2, the time being 12:13pm.

CARRIED UNANIMOUSLY

**CLOSED MEETING**

Cr Scriven moved and Cr Fuhrmeister seconded:

That Council move into closed session, the time being 12:14pm in accordance with S254J of the



Local Government Regulations 2012 relating to discuss confidential agenda items.

CARRIED UNANIMOUSLY

### **OPEN MEETING**

Cr Todd moved and Cr Avery seconded:

That Council move out of closed session, the time being 12:18pm.

CARRIED UNANIMOUSLY

## **CONFIDENTIAL ITEMS**

### **(CIFS) INFRASTRUCTURE SERVICES**

CIFS1

#### **DIRRANBANDI SEWER RISING MAIN TENDER**

Dirranbandi Sewer Rising Main Tender

Cr Todd moved and Cr Lomman seconded:

That Council resolves to award the Dirranbandi Sewer Rising Main Tender BSC 20.830 to Newlands Civil Construction Pty Ltd, (Trading as the Newlands Group) for the sum of Four Hundred and Fifty-Four Thousand Eight Hundred and Seventy-Three Dollars and Ninety-Seven Cents. (\$454,873.97 ex. GST)

CARRIED UNANIMOUSLY

CIFS2

#### **DISPOSAL OF NON-CURRENT ASSET - 1 KLINGE LANE (BUILDING ONLY)**

Disposal of Non-Current Asset - 1 Klinge Lane (Building Only)

Cr Avery moved and Cr Lomman seconded:

That Council resolves to:

1. Offer the disposal (sale and removal) of the non-current asset 1 Klinge Lane, St George QLD 4487 by way of tender for the residential building only.
2. Request quotation to demolish site of non-current asset, 1 Klinge Lane, St George QLD 4487 if no tenders are received.

CARRIED UNANIMOUSLY

Andrew Boardman (Director of Infrastructure) left meeting, time being 12:25pm. Order of business resumed at CES1.

## **(CES) COMMUNITY AND ENVIRONMENTAL SERVICES**

CES1

#### **OVERALL PLAN – FERAL ANIMAL MANAGEMENT SPECIAL RATE 2021//22 (AMMENDMENT)**

Cr Fuhrmeister moved and Cr Lomman seconded:

That Council resolves to adopt the amended *Overall Plan – Feral Animal Management Special Rate 2021/2022* in accordance with Section 94 of the Local Government Regulation 2012.

CARRIED UNANIMOUSLY

CES2

**SYSTEMATIC INSPECTION PROGRAM 2021-22 - ANNUAL ANIMAL INSPECTION PROGRAM**

Report for the approval of a systematic inspection program (Annual animal inspection program).

Cr Avery moved and Cr Lomman seconded:

That Council resolves:

1. To approve a systematic inspection program across all properties in the Shire to monitor landholder compliance with the *Animal Management (Cats and Dogs) Act 2008* and *Local Law No.2 (Animal Management) 2018*, specifically:
  - a) unregistered dogs;
  - b) dogs that are not microchipped;
  - c) properties with more than 2 dogs without approval; and
  - d) compliance with permits for the keeping of animals.
2. That the systematic inspection program be for a 3-month period, commencing 18 October 2021 and concluding 18 January 2022.

CARRIED UNANIMOUSLY

CES3

**FERAL ANIMAL MANAGEMENT SPECIAL RATE 2021/22 (AMENDMENT)**

Cr Fuhrmeister moved and Cr Lomman seconded:

That Council resolves to:

1. Reduce the wild dog scalp bounty from \$100 per wild dog scalp for all wild dogs captured in the Balonne Shire Council local government area to \$50 per wild dog scalp;
2. Reduce the wild dog scalp trapper retainer program from \$300 per wild dog scalp caught by a Council registered wild dog trappers within the Balonne Shire Council local government area to \$100 per wild dog scalp;
3. Continue the provision of a 1080 baiting service, which includes the provision of free meat baits to all eligible landholders in the Balonne Shire Council local government area (to a max of 40kg);
4. Continue the provision of Rural Services staff wages to deliver Council's feral animal management program so that it remains consistent to previous years; and
5. Adopt the Balonne Wild Dog Advisory Committee's suggested Feral Animal Management budget for the delivery of the *Feral Animal Management Special Rate 2021/2022* as per below:

Special Rates for Feral Animal Management Budget Item (2021/22)	Budget Amount
Wild Dog Scalp Bounty (\$50/wild dog scalp)	\$16,000
Wild Dog Scalp Retainer Program (\$100/ wild dog scalp produced by registered trappers)	\$12,000
1080 baiting programs	\$32,000
Rural Services Officer wages	\$65,000

CARRIED UNANIMOUSLY

CES4

**LGAQ NATURAL ASSETS AND NRM ADVISORY GROUP – MOTION TO THE SENATE INQUIRY INTO THE IMPACT OF FERAL DEER, PIGS AND GOATS**

Report to endorse LGAQ's Natural Assets and NRM Advisory Group's meeting motion to the Senate inquiry into the impact of feral deer, pigs and goats in Australia by the Manager Rural Services and Compliance.

Cr Winks moved and Cr Avery seconded:

That Council formally endorses the LGAQ Natural Assets and NRM Advisory Group's motion to the *Senate Inquiry into the Impact of Feral Deer, Pigs and Goats* so that it can be tabled at the next LGAQ Annual Conference, specifically:

- a) That the Australian Government agrees to adopt and implement the recommendations from the inquiry into the impact of feral deer, pigs and goats in Australia, and prevent their impacts to the natural environment, community and farmers from worsening.
- b) That the Australian Government recognises local government as a key contributor in invasive plant and animal control by explicitly acknowledging their role in strategies and recovery plans moving forward.
- c) That where local governments are explicitly included in strategies and recovery plans, the Australian Government funds local governments to deliver increased invasive plant and animal control activities.

CARRIED UNANIMOUSLY

CES5

**ASSESSMENT OF FURTHER DEALING OF TERM LEASE 0/212950 DESCRIBED AS LOT 13 ON PLAN BLM994**

The Department of Resources has requested Council's consideration of the Assessment of Term Lease 0/212950 described as Lot 13 on Plan BLM994.

Cr Todd moved and Cr Lomman seconded:

That Council does not object to the application lodged with the Department of Resources for further dealing (lease renewal or conversion) located over Lot 13 on Plan BLM994.

CARRIED UNANIMOUSLY

CES6

**APPLICATION FOR A PERMIT TO OCCUPY - CHANGE OF OWNERSHIP - LOCATED OVER LOT A CROWN PLAN AP14867**

The purpose of this report is for Council to consider the proposed application for Permit to Occupy of Tenure Reference 0/233154, applicant is seeking the same tenure requirements as the Absolute of Surrender.

Cr Lomman moved and Cr Fuhrmeister seconded:

That:

1. Council does not object to the Application for Absolute of Surrender of Permit to Occupy AP14867 for 'grazing – reserve, road or stock route' in relation to the unused road reserve which transects through the "Moonie Ponds" property; and

2. Council provides **Part C – Statement in relation to an application under the *Land Act 1994 over State Land*** to Chan Lawyers with no objection to the Application of Permit to Occupy of AP14867 for 'grazing – reserve, road or stock route' in relation to this unused road reserve with the same terms as the previous Registered Permittee.

CARRIED UNANIMOUSLY

CES7

## **FEES AND CHARGES SCHEDULE 2021-2022**

Fees and Charges Schedule 2021-2022

Cr Lomman moved and Cr Scriven seconded:

That Council resolves to amend the fees and charges schedule for 2021-2022, in accordance with Section 262(3)(c) of the *Local Government Act 2009* and Section 97 of the *Local Government Regulations 2012*, and the *Stock Route Management Regulations 2003* (as at 1 July 2021) as follows:

Stock Route Travel Permit - Initial Application Fee	Commercial	\$ 175.00
Stock Route Travel Permit - Application Renewal or Change of Route	Commercial	\$ 100.00
Stock Route Travel Permit - Large Stock - per 20 head (or part of 20 head) per klm	Commercial	\$ 0.02
Stock Route Travel Permit - Small Stock - per 100 head (or part of 100 head) per klm	Commercial	\$ 0.02
Stock Route Grazing (Agistment) Permit - Initial Application Fee	Commercial	\$ 175.00
Stock Route Grazing (Agistment) Permit - Application Renewal or Change	Commercial	\$ 100.00
Stock Route Grazing (Agistment) - large stock - per head per week	Commercial	\$ 2.95
Stock Route Grazing (Agistment) - Small Stock - per head per week	Commercial	\$ 0.47
Inspecting Register of Water Facility Agreements	Commercial	\$ 17.05

CARRIED UNANIMOUSLY

Josh Dyke (Manager Rural Services & Compliance) left meeting, the time being 12:54pm.

Council adjourned for lunch, the time being 12:55pm.

The Meeting reconvened from lunch, the time being 1:50pm.

Jess Reiser (Planning & Development Officer) attended via teleconference, the time being 1:57pm.

CES8

## **RL 110 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - BOUNDARY REALIGNMENT (ELEVEN (11) LOTS INTO TWO (2) LOTS) LOCATED AT WHYENBAH ROAD ST GEORGE QLD 4487 (DESCRIBED AS LOT 1 ON BLM267, LOT 2 ON BLM267, LOT 6 ON BLM267, LOT 3 ON BLM268, LOT 4 ON BLM268, LOT 5 ON BLM268, LOT 8 ON BLM931, LOT 9 ON BLM364, LOT 10 ON SP308129, LOT 7 ON BLM365 AND LOT 12 ON SP136684)**

Cr Scriven moved and Cr Lomman seconded:

That:

- a) Council receives this report.
- b) Council approves the Development Application for Reconfiguring a Lot - Boundary Realignment (Eleven (11) Lots into Two (2) Lots) Located on the Whyenbah Road St George QLD 4487 (described as Lot 1 on BLM267, Lot 2 on BLM267, Lot 6 on BLM267, Lot 3 on BLM268, Lot 4 on BLM268, Lot 5 on BLM268, Lot 8 on BLM931, Lot 9 on BLM364, Lot 10

on SP308129, Lot 7 on BLM365 and Lot 12 on SP136684), subject to the permit conditions listed below.

**Conditions:**

**Approved development**

1. The approved development is for Reconfiguring a Lot – Boundary Realignment comprising eleven (11) Lots into Two (2) Lots, as defined in the *Planning Act 2016* and as shown on the approved plan.

**General**

2. Complete and maintain the approved development as follows:
  - a) in accordance with development approval documents; and
  - b) strictly in accordance with 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.
3. Any civil engineering and related work shall be designed and supervised by Registered Professional Engineers of Queensland (RPEQ) who are competent in completing the works.

**Compliance**

4. The applicant shall contact Council to arrange a development compliance inspection prior to the endorsement of the Survey Plan.
5. Unless otherwise stated, all conditions must be complied with prior to the Council endorsing the Survey Plan.

**Approved documents**

6. The approved development is to be carried out in accordance with following approved plans and documents 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.

Plan/Document Number:	Plan/Document Name:	Date:
218057-1	Plan of Boundary Realignment of Kia-Ora and Gulnabar	13/07/18

**Existing buildings and structures**

7. Existing buildings, structures, infrastructure and services located on the development site are not to encroach on the proposed allotment boundaries.

**Services provision**

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 shall be forwarded by the developer to the appropriate controlling authority for approval of any proposed changes.

### **Stormwater and drainage**

11. Post-development stormwater runoff flows, the characteristics of which include volume, concentration and velocities from the development site, must not exceed pre-development stormwater runoff flows to adjoining properties or roads.
12. There must be no increases in any silt loads or contaminants in any overland flow from the property during the course of any works required to establish the approved development or fulfil the requirements of the development approval conditions.

### **Access and roads**

13. Each lot must have vehicle access to a formed road (Whyenbah Road). 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.

### **Protection of infrastructure**

14. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets. Any damage to existing infrastructure (road pavement, existing underground assets, etc.) attributable to the development, shall 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.

### **Avoiding nuisance**

15. During the establishment of the approved development, no nuisance is to be caused to adjoining properties and occupiers, including by way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time.

### **No cost to Council**

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

## **Latest versions**

17. 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 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**

18. 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 Survey Plan.

## **General advice:**

- 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 use on the approved lot(s). 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/>
- iii. A development permit for a Material Change of Use will be required for any activity or development on the approved lots that is not accepted development or that does not comply with the assessment benchmarks for accepted development subject to requirements in the Balonne Shire Planning Scheme 2019.
- iv. Reticulated sewerage is unavailable to the development site. A development permit for plumbing and drainage works must be obtained from Council for any onsite sewerage system provided on the proposed lots.
- 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. Council will not accept any responsibility for the supply of electricity to any of the approved lots and a note to this effect will be included on any Rate Search Certificate issued by Council.
- vi. Any future clearing on either of the subject lots must be in accordance with the legislative exemptions, accepted development vegetation clearing codes or relevant development approval conditions.
- vii. All persons involved in the development have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the Biosecurity Act 2014.

- viii. 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.
- ix. 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 Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- x. 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.
- xi. 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.
- xii. The requirements to reconfigure a lot authorised by this Development Permit must be fully performed and completed within four years from the date this Development Permit takes effect at no cost to the Council.

The Survey Plan 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 four years from the date this Development Permit takes effect.

Unless otherwise stated all conditions shall be completed prior to the Council endorsing the relevant Survey Plan.

CARRIED UNANIMOUSLY

CES9

**RL 111 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - BOUNDARY REALIGNMENT (ELEVEN (11) LOTS INTO TWO (2) LOTS) LOCATED ON CASTLEREAGH HIGHWAY, DIRRANBANDI QLD 4486 (DESCRIBED AS LOT 1 ON RP67015, LOT 1 ON BEL5376, LOT 2 ON BEL5376, LOT 3 ON BEL5376, LOT 4 ON BEL5376, LOT 5 ON BEL5375, LOT 52 ON BEL5376, LOT 4 ON SP129702, LOT 5 ON BLM367, LOT 6 ON BLM367 AND LOT 1 ON BLM271)**

Cr Fuhrmeister moved and Cr Lomman seconded:

That:

- a) Council receives this report.



- b) Council approves the Reconfiguring a Lot - Boundary Realignment (Eleven (11) Lots into Two (2) Lots) located on the Castlereagh Highway, Dirranbandi QLD 4486 (described as Lot 1 on RP67015, Lot 1 on BEL5376, Lot 2 on BEL5376, Lot 3 on BEL5376, Lot 4 on BEL5376, Lot 5 on BEL5375, Lot 52 on BEL5376, Lot 4 on SP129702, Lot 5 BLM367, Lot 6 on BLM367 and Lot 1 on BLM271), subject to the permit conditions listed below.

**Conditions:**

**Approved development**

1. The approved development is for Reconfiguring a Lot – Boundary Realignment comprising eleven (11) Lots into Two (2) Lots, as defined in the *Planning Act 2016* and as shown on the approved plan.

**General**

2. Complete and maintain the approved development as follows:
  - a) in accordance with development approval documents; and
  - b) strictly in accordance with 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.
3. Any civil engineering and related work shall be designed and supervised by Registered Professional Engineers of Queensland (RPEQ) who are competent in completing the works.

**Compliance**

4. The applicant shall contact Council to arrange a development compliance inspection prior to the endorsement of the Survey Plan.
5. Unless otherwise stated, all conditions must be complied with prior to the Council endorsing the Survey Plan.

**Approved documents**

6. The approved development is to be carried out in accordance with following approved plans and documents 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.

Plan/Document Number:	Plan/Document Name:	Date:
218077-1	Plan of Proposed Subdivision	12/07/18

**Existing buildings and structures**

7. Existing buildings, structures, infrastructure and services located on the development site are not to encroach on the proposed allotment boundaries.

**Services provision**

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 shall be forwarded by the developer to the appropriate controlling authority for approval of any proposed changes.

#### **Stormwater and drainage**

11. Post-development stormwater runoff flows, the characteristics of which include volume, concentration and velocities from the development site, must not exceed pre-development stormwater runoff flows to adjoining properties or roads.
12. There must be no increases in any silt loads or contaminants in any overland flow from the property during the course of any works required to establish the approved development or fulfil the requirements of the development approval conditions.

#### **Access and roads**

13. Each lot must have vehicle access to a formed road (Castlereagh Highway). 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.

#### **Protection of infrastructure**

14. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets. Any damage to existing infrastructure (road pavement, existing underground assets, etc.) attributable to the development, shall 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.

#### **Avoiding nuisance**

15. During the establishment of the approved development, no nuisance is to be caused to adjoining properties and occupiers, including by way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time.

#### **No cost to Council**

16. All costs associated with the approved development are to be met by the developer, including

costs of survey, registration, document lodgement, easement documentation preparation and plan sealing unless there is specific agreement by other parties, including the Council, to meeting those costs.

### **Latest versions**

17. 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 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**

18. 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 Survey Plan.

### **General advice:**

- 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 use on the approved lot(s). 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/>
- iii. A development permit for a Material Change of Use will be required for any activity or development on the approved lots that is not accepted development or that does not comply with the assessment benchmarks for accepted development subject to requirements in the *Balonne Shire Planning Scheme 2019*.
- iv. Reticulated sewerage is unavailable to the development site. A development permit for plumbing and drainage works must be obtained from Council for any onsite sewerage system provided on the proposed lots.
- 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. Council will not accept any responsibility for the supply of electricity to any of the approved lots and a note to this effect will be included on any Rate Search Certificate issued by Council.
- vi. Any future clearing on either of the subject lots must be in accordance with the legislative exemptions, accepted development vegetation clearing codes or relevant development approval conditions.

- vii. All persons involved in the development have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the *Biosecurity Act 2014*.
- viii. 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.
- ix. 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 Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- x. 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.
- xi. 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.
- xii. The requirements to reconfigure a lot authorised by this Development Permit must be fully performed and completed within four years from the date this Development Permit takes effect at no cost to the Council.

The Survey Plan 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 four years from the date this Development Permit takes effect.

Unless otherwise stated all conditions shall be completed prior to the Council endorsing the relevant Survey Plan.

CARRIED UNANIMOUSLY

CES10

**MCU 194 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - "SERVICE STATION" (UNMANNED REFUELLING FACILITY) AND "OPERATIONAL WORKS" (EARTHWORKS) LOCATED AT 19-25 DIRRANBANDI-HEBEL ROAD (CASTLEREAGH HIGHWAY), DIRRANBANDI QLD 4486 (DESCRIBED AS LOT 41 ON BLM487)**

Cr Scriven moved and Cr Avery seconded:

That:

- I. Council receives this report.
- II. Council approve the development application for MCU194 - Development application from Barry Smith Transport C/- Out of the Woods Planning for a Material Change of Use - "Service Station" (Unmanned Refuelling Facility) and "Operational Works" (Earthworks) located at 19-25 Dirranbandi-Hebel Road (Castlereagh Highway), Dirranbandi QLD 4486 (described as Lot 41 on BLM487), subject to the permit conditions listed below.

**Conditions:**

**CONDITIONS APPLICABLE TO MATERIAL CHANGE OF USE – "SERVICE STATION"  
(UNMANNED REFUELLING FACILITY) AND OPERATIONAL WORKS (EARTHWORKS)**

**Use**

1. The approved development is a "Service Station" (Unmanned Refuelling Facility) and "Operational Works" (Earthworks) as defined in the Planning Scheme and *Planning Act 2016* respectively, and as shown on the approved plans.

**Compliance inspection**

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

**Approved plans and documents**

4. All works and operations are to be carried out generally in accordance with the approved plans listed in the following table. Where the approved plans conflict with the Assessment Manager's conditions, the Assessment Manager's conditions prevail.

Plan/Document Number:	Plan/Document Name:	Date:
090-001 Issue D	Plan of Development	11/05/2021
LSB-80-A0 Revision 01	ADBlue10KL – Design of Fuel Container sheet 1 of 2	2018/4/25
LSB-80-00 Revision 01	Self Bunded Tanks Model#LSB-80(48 Foot) Exploded View Sheet 2 of 2	2015/06/1
21-472 Revision A	Traffic Impact Statement Prepared by Pekol Traffic and Transport	05/21

**Development works**

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.
6. 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).

7. All works on or near roadways shall be adequately signed in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".

#### **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 and Austroads Standards and the National Construction Code 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.

#### **Stormwater drainage**

9. 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
10. Stormwater must not be discharged to adjoining properties and must not pond on the property being developed, or adjoining properties during the development process or after the development has been completed. The developer shall ensure that in all cases, discharge of stormwater runoff from the development drains freely to the legal point/s of discharge for the development.
11. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed.
12. The stormwater disposal system must be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.

#### **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 during or after the establishment of the approved development.
14. Dust emanating as result of activities carried out onsite (both during construction and post construction) must be continually monitored and suppressed in order to prevent any dust

drifting onto road networks and nearby properties and sensitive land uses.

15. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
16. The area and its surrounds shall be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses (during construction and post construction). The premises is to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.
17. 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.
18. 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*.
19. 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*.
20. Parking areas for vehicles associated with the construction works must be provided within the development site.

#### **Development costs**

21. 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**

22. 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**

23. 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’.

#### **Document control**

24. Should amendments be required to the approved plans and/or documents during construction, amended drawings and/or specifications shall be submitted to Council with an accompanying letter outlining the amendment together with any supporting information. All amendments shall be provided to Council for approval prior to the works being undertaken.

**CONDITIONS APPLICABLE TO MATERIAL CHANGE OF USE – “SERVICE STATION”  
(UNMANNED REFUELLING FACILITY)**

**Waste management**

25. All waste generated from construction activities must be effectively controlled on-site before disposal. All waste must be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
26. Adequate refuse storage areas and facilities must be provided on the site to service the approved development. Refuse storage facilities are to be screened from view at the street frontage and from adjoining properties.
27. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.

**Environment**

28. The area surrounding the refuelling facility tank that is within reach of the fuel dispenser/s must be bunded and appropriate pollution control devices and methods implemented to contain potential spills and prevent discharge of contaminants from the site.

**Access, manoeuvring and car parking**

29. 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.
30. Vehicle access from the Dirranbandi – Hebel Road (Castlereagh Highway) to the site is to be constructed with a sealed surface. The crossover design must provide for two-way access and cater for the maximum vehicle size accessing the site, ensuring no damage occurs to the adjoining roadway.
31. Vehicle crossovers must be located a minimum distance of one metre from any power poles, street signage, street lights, stormwater gully pits or other Council assets, unless otherwise specified in the applicable development standards and specifications.
32. All vehicle movements within the site are to be clear of proposed parking areas, buildings and landscape treatments. Vehicle parking bays must not encroach into swept paths for vehicle movements onsite.
33. 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.
34. In addition to the temporary parking spaces at fuel dispenser/s, 3 car parking spaces are to be provided within the development site area generally in the location shown on approved plan 090-001, Issue D – Plan Of Development', dated 11/02/2021.



35. Car parking and manoeuvring areas are to be designed in accordance with:
- a) AS2890.1 – Parking Facilities;
  - b) Austroads AP-34/95 - Design Vehicles and Turning Path Templates; and
  - c) The 'Access to Premises Standard' (Vol 1 of the National Construction Code).

### **Landscaping and fencing**

36. Landscaping areas are to be provided adjacent to the site frontage to Dirranbandi – Hebel Road (Castlereagh Highway) in the location shown on approved plan 090-001, Issue D – 'Plan of Development', dated 11/02/2021. Landscaping areas must contribute to the amenity of development by enhancing the visual appeal and softening the built form.
37. All landscaping works are to be completed prior to the commencement of use.
38. Site landscaping is to be irrigated during an establishment period of two years, and ground covers should fully cover vegetated areas within one year of planting.
39. All site landscaping is to be maintained throughout the duration of the approved use. Any dead and/or unhealthy plants are to be promptly removed and replaced.
40. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement.
41. Landscaping must not interfere with site lines at access driveways for vehicle traffic.

### **Provision of services**

42. The development must be connected to adequate services for the approved use (i.e. Council's reticulated water and sewerage supply networks).
43. 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).
44. 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).
45. All services installation connections to the respective networks, must comply with (i) the development approval conditions, (ii) any relevant provisions in the planning scheme for the area, (iii) Council's standard designs for such work where such design exist, (iv) any relevant Australian Standard that applies to that type of work and (v) any alternative specifications that Council has agreed to in writing and which the development must ensure do not conflict with any requirements imposed by any applicable laws and standards.

### **CONDITIONS APPLICABLE TO OPERATIONAL WORKS (EARTHWORKS)**

#### **Avoiding nuisance**

46. The transportation of materials, equipment and machinery to and from the site during the

course of the construction activities, is to be undertaken in a manner that ensures public access ways and roads are kept free of dust and spoil.

47. Construction activities must not prevent or obstruct access to adjoining properties, land uses or roads.
48. Any waste associated with the development works must be contained and disposed of from the site to prevent release to adjoining properties and roads.

#### **Earthworks and construction**

49. All earthworks, including batters, shall be fully contained within the development site and must not in any way impact on the properties adjoining the site.
50. No contaminated material is to be excavated or disturbed and no contaminated material or waste materials are to be used as fill.
51. Fill material is:
  - a) contained wholly within the site;
  - b) located in a single manageable area;
  - c) located a minimum distance of 10 metres from any property boundary;
  - d) does not exceed 1m deep or 1m high;
  - e) limited to the quantity necessary to establish the proposed works;
  - f) ensures no ponding develops on adjacent land at any time;
  - g) restores all surfaces exposed or damaged by the operations to their original standard immediately on conclusion of the works.

#### **Erosion and sediment control**

52. Erosion and sedimentation controls shall be implemented and maintained at all times during the course of the works. To the extent practicable, erosion and sediment controls are to be established prior to the commencement of works, and be monitored, maintained and adjusted as necessary to ensure ongoing effectiveness.
53. Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining roads during the course of the construction period and to prevent dust nuisance during construction. It is the developer's responsibility to ensure that all reasonable measures are taken to protect nearby properties and roads from dust pollution, erosion, siltation or sediment transport.
54. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of running water shall be stored clear of drainage paths and be prevented from entering the road and/or drainage system.
55. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be at no cost to Council. Such works shall be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.

## Vegetation

56. Vegetation removal from the site is limited to that necessary to facilitate the approved works.

### General advice:

- I. Refer to <https://www.balonne.qld.gov.au/council/publications/policies-plans-strategies> for Council Policies.
- II. 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 this Planning Scheme.
- III. Under the *Balonne Shire Planning Scheme 2019*:  
**Service Station** means: *Premises used for the sale of fuel including petrol, liquid petroleum gas, automotive distillate and alternative fuels. The use may include, where ancillary, a shop, food and drink outlet, maintenance, repair servicing and washing of vehicles, the hire of trailers, and supply of compressed air. The use does not include a car wash.*
- IV. 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.
- V. 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.
- VI. 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 development.
- VII. 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*.
- VIII. Refer to <https://www.worksafe.qld.gov.au/injury-prevention-safety/hazardous-chemicals/specific-hazchem-workplaces/service-stations#operator> the regulatory body for Service Stations in Queensland.
- IX. 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: [www.balonne.qld.gov.au](http://www.balonne.qld.gov.au).

X. 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.

CARRIED UNANIMOUSLY

Elizabeth Jones (Community Development Services Manager) entered the meeting, the time being 2:16pm.  
Jane Cornish (Community and Multicultural Development Officer) entered the meeting, the time being 2:20pm.

CES11     **TACKLING REGIONAL ADVERSITY THROUGH INTEGRATED CARE GRANT APPLICATION - DIRRANBANDI PROGRESS ASSOCIATION - BREAST CANCER AWARENESS BBQ**

The Dirranbandi Progress Association have requested funding from Balonne Shire Council's Tackling Regional Adversity Through Integrated Care (TRAIC) Funding to support a Breast Cancer Awareness BBQ on Friday October 1, 2021.

Cr Lomman moved and Cr Todd seconded:

That Council resolves to approve the full amount requested by the Dirranbandi Progress Association of \$3,000.00 towards the Breast Cancer Awareness BBQ on October 1, 2021 - from the 2021/22 Tackling Regional Adversity Budget, subject to COVID-19 restrictions at the time of the event.

CARRIED UNANIMOUSLY

CES12     **TACKLING REGIONAL ADVERSITY THROUGH INTEGRATED CARE GRANT APPLICATION - COMMUNITY AND ENVIRONMENTAL SERVICES - WILD DOG TRAPPING WORKSHOPS**

Balonne Shire Council's Rural Services and Compliance team have requested funding from Balonne Shire Council's Tackling Regional Adversity Through Integrated Care (TRAIC) Funding to support a Wild Dog Trapping Workshop to be held in October 2021.

Cr Fuhrmeister moved and Cr Avery seconded:

That Council resolves to approve the full amount requested by the Balonne Shire Councils' Rural Services of \$2,500 towards the Wild Dog Trapping Workshop - from the 2021/22 Tackling Regional Adversity budget, subject to COVID-19 restrictions at the time of the events.

CARRIED UNANIMOUSLY

CES13     **TACKLING REGIONAL ADVERSITY THROUGH INTEGRATED CARE GRANT APPLICATION - COUNTRY UNIVERSITY CENTRE BALONNE - DIGITAL UPSKILLING WORKSHOPS**

Balonne Shire Council's Rural Services and Compliance team have requested funding from Balonne Shire Council's Tackling Regional Adversity Through Integrated Care (TRAIC) Funding to support a series of Digital Upskilling Workshops to take place from September 24, 2021, to October 14, 2021.

Cr Winks moved and Cr Fuhrmeister seconded:

That Council resolves to approve the full amount requested by the Country University Centre Balonne of \$2,100 towards the Digital Upskilling Workshops from the 2021/22 Tackling Regional Adversity budget, subject to COVID-19 restrictions at the time of the events.

CARRIED UNANIMOUSLY

Jane Cornish (Community and Multicultural Development Officer) left the meeting, the time being 2:34pm.

CES14 **NAME FOR NEW ST GEORGE LIBRARY BUILDING**

Name for the new library-hub building and related cultural centre complex.

Cr Avery moved and Cr Fuhrmeister seconded:

That Council resolves to name the new Library building and overall complex "The Hub" and the current hall and annex to be named "The Cultural Centre".

CARRIED UNANIMOUSLY

CES15 **AMEND THE BSC 2021/2022 BUDGET TO FUND CULTURAL CENTRE LANDSCAPE**

Amend the BSC 2021/2022 Budget to fund Cultural Centre Landscape by the Director Community and Environmental Services

Cr Winks moved and Cr Todd seconded:

That Council resolves to amend the 2021/2022 BSC budget, under S170(3) of the Local Government Regulation, to reallocate \$180,000 from the operational project budget IAOP01 "St George Stage 2 and 3 Detailed Design" to fund an operational project: "Stage 1b Cultural Centre Rear Landscape".

CARRIED UNANIMOUSLY

Elizabeth Jones (Community Development & Cultural Services Manager) left the meeting, the time being 2:44pm.

**CLOSED MEETING**

Cr Lomman moved and Cr Fuhrmeister seconded:

That Council move into closed session, the time being 2:44pm in accordance with S252J(1) of the Local Government Regulations 2012 relating to CCFS1, CCFS2, CCFS3 AND CCES1.

CARRIED UNANIMOUSLY

Alex Buck – (MacDonnells Law) attended via teleconference, the time being 2:57pm during closed session to advise on CCES1 - YUWAALARAAY / EUAHLAYI PEOPLE CLAIM (QUD32/2017).

Alex Buck – (MacDonnells Law) left the meeting via teleconference, the time being 3:30pm.

**OPEN MEETING**

Cr Fuhrmeister moved and Cr Todd seconded:

That the meeting move out of closed session, the time being 3:33 pm.

CARRIED UNANIMOUSLY

## CONFIDENTIAL ITEMS

### (CFCS) FINANCE AND CORPORATE SERVICES

CCFS1

#### ST GEORGE COUNCIL DEPOT CONNECTIVITY SOLUTIONS

St George Council Depot Connectivity Solutions

Recommendation:

That Council resolves to amend the capital works budget in accordance with S170(3) of the Local Government Regulations 2012 by increasing expenditure by up to \$50,000 to include the Renewal of Council's existing infrastructure (10Gbps Point to Point link) and appoint Field Solutions Group to complete the works, accepting quotation Q-00705-1.

Cr Fuhrmeister moved and Cr Avery seconded:

That Council defer the report to the ICT Standing Committee for review with further information.

CARRIED UNANIMOUSLY

CCFS2

#### REFRESH - PRE-QUALIFIED SUPPLIERS - PLANT HIRE

Refresh – Pre-Qualified Suppliers for Wet & Dry Plant Hire.

Cr Todd moved and Cr Winks seconded:

1. That Council resolves to appoint the following new respondents, to the Register of Pre-Qualified Suppliers for Wet & Dry Plant Hire;
  - Aramira Civil Engineering Pty Ltd
  - C & E Transport
  - Cleanaway Co Pty Ltd
  - Compass Equipment Sales Pty Ltd
  - Goodland Gravel Pty Ltd
  - M & K Transport (QLD) Pty Ltd
  - Procrew
  - THE Mining Pty Ltd
  - The Trustee for the Schurmann Trust
  - Mike Trace Engineering Sales and Services
2. That Council resolved to accept changes from the already appointed respondents:
  - Advanced Sweepers
  - Balonne Bobcat and Tipper Hire
  - Brown Contractors
  - Burke Trucking Logistics Pty Ltd
  - Ellis Profiling (Qld) Pty Ltd
  - Hill Earthmoving & Bulk Haulage Pty Ltd
  - K & D Hadenfeldt
  - Kooroon Pastoral Pty Ltd

- Onsite Rental Group
- PKM Mini Diggers
- Rollers QLD
- South West Water Trucks Pty Ltd
- SouthWest Plant & Pastoral Trust

3. That Council resolves to decline all non-confirming tenders from the following respondents:

- Brooks Hire Services Pty Ltd
- Cleanaway Co Pty Ltd
- Hastings Deering (Australia) Limited
- P & D Grader Hire
- Peter M Williams Pty Ltd
- KAT Concrete Plumping
- Pro Comms Australia

CARRIED UNANIMOUSLY

CCFS3

### **REGISTER OF PRE-QUALIFIED SUPPLIERS FOR CLEANING SERVICES**

Register of Pre-Qualified Suppliers for Cleaning Services

Cr Avery moved and Cr Todd seconded:

That Council resolves to appoint JP Cleaning and Kylie's Cleaning Service to the Register of Suppliers for Cleaning Services for a period of two (2) years.

CARRIED UNANIMOUSLY

## **(CCES) COMMUNITY AND ENVIRONMENTAL SERVICES**

CCES1

### **YUWAALARAAY / EUAHLAYI PEOPLE CLAIM (QUD32/2017)**

Yuwaalaraay / Euahlayi People Claim (QUD32/2017) by the Director Community and Environmental Services

Cr Fuhrmeister moved and Cr Lomman seconded:

That Council resolves to:

1. Consent to a determination of native title of the Yuwaalaraay / Euahlayi People Claim (QUD32/2017) substantially in the same terms as the draft consent determination considered by Council, with such amendments as may be required or necessary to enable the consent determination to be made by the Federal Court.
2. Delegate to the Chief Executive Officer the power to negotiate and agree to such changes to the draft consent determination referred to in paragraph 1 of this resolution, as required to enable the Federal Court to make the consent determination, and to delegate to the Chief Executive Officer the power to authorise Council's legal representative to execute the section 87 Agreement and consent determination order on behalf of Council."

CARRIED UNANIMOUSLY

## **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 **ECONOMIC DEVELOPMENT UPDATE JULY 2021**

IOCEO2 **TOURISM SERVICES MONTHLY REPORT**

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

### **(IFCS) FINANCE AND CORPORATE SERVICES**

ICFS1 **MONTHLY REPORT DIRECTOR FINANCE & CORPORATE SERVICES - JULY 2021**

Monthly report for July 2021 - Finance and Corporate Services

ICFS2 **MONTHLY REPORT**

Grants Update 3 July – 4 August 2021

### **(IIFS) INFRASTRUCTURE SERVICES**

IIFS1 **DEPARTMENT OF INFRASTRUCTURE SERVICE'S MONTHLY REPORT**

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

IIFS2 **WH&S MONTHLY REPORT**

Monthly Information Report

### **(ICES) COMMUNITY AND ENVIRONMENTAL SERVICES**

ICES1 **MONTHLY REPORT COMMUNITY AND LIBRARY SERVICES**

July Monthly Report for Communities and Libraries

ICES2 **MONTHLY REPORT ENVIRONMENT AND REGULATORY SERVICES**

The Community & Environmental Services Report for the month of July 2021 is presented for Council's information.

There being no further business, the Meeting closed, the time being 4:30pm.

Confirmed at a Ordinary Meeting of the Council held on 16 September 2021.

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**MAYOR**