



MINUTES

of the

Ordinary Meeting of the Council

held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 18th November 2021

Commencing at 9:00am

Table of Contents

MEETING BUSINESS BY CORPORATE FUNCTION	4
(OCEO) OFFICE OF THE CEO	4
(FCS) FINANCE AND CORPORATE SERVICES	4
(IFS) INFRASTRUCTURE SERVICES	9
(CES) COMMUNITY AND ENVIRONMENTAL SERVICES	15
CONFIDENTIAL ITEMS.....	40
(CFCS) FINANCE AND CORPORATE SERVICES	40
(CCES) COMMUNITY AND ENVIRONMENTAL SERVICES.....	41
INFORMATION REPORTS.....	42
(IOCEO) OFFICE OF THE CEO	42
(IFCS) FINANCE AND CORPORATE SERVICES	43
(IIFS) INFRASTRUCTURE SERVICES	43
(ICES) COMMUNITY AND ENVIRONMENTAL SERVICES	43

OPENING

The Mayor declared the Meeting open at 9:02am.

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), Mr Digby Whyte (Director Community and Environmental Services) and Mr Andrew Boardman (Director Infrastructure Services)

LEAVE OF ABSENCE

Nil

CONFIRMATION OF MINUTES

Cr Scriven moved and Cr Fuhrmeister seconded:

That the Minutes of the General Meeting held on 21 October, 2021 be confirmed.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM MINUTES

Nil

PUBLIC PARTICIPATION

Nil

DEPUTATIONS

10:00 am - Citizenship Ceremony – Pamela Heraty

DECLARATION OF INTEREST

Councillor Robyn Fuhrmeister declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **FCS8**, on the grounds that: Councillor Fuhrmeister is an office bearer of the St George Heritage Centre who have a lease with council.

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

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **FCS9**, on the grounds that: Councillor Scriven's business supplies products and services to Balonne Shire Council.

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

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **IFS2 – Recommendation 6**, on the grounds that: Councillor Scriven's business makes trailers.

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

Councillor Samantha O'Toole declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **IFS4**, on the grounds that: Councillor O'Toole and husband Jason O'Toole are the employers of A. Pepler, who placed a tender in for the purchase of 1 Klinge Lane. In accordance with s150EM(2) of the Local Government Act 2009, Councillor O'Toole indicated she would not participate in the discussion and decision making and would voluntarily leave the meeting.

Councillor Robyn Fuhrmeister declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES3** on the grounds that: Councillor Fuhrmeister is the Chair of Care Balonne to which this event will be in partnership with.

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

Councillor Samantha O'Toole declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES4** on the grounds that: The Christmas Carols are coordinated and organised by the combined Churches of St George and Councillor O'Toole is a part of the Anglican Church Parish Council

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

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES4** on the grounds that: The Christmas Carols are coordinated and organised by the combined Churches of St George and Councillor Scriven is a part of the River Life Church as an executive & the Pastor signed the application.

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

Councillor Ian Todd declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES8** on the grounds that: St George Freightliners do significant work for Councillor Todd's business.

Councillor Todd indicated he will seek a decision be made under s 150ES(3)(a)(i) of the Local Government Act, 2009 that Councillor Todd may participate in the decision despite having a declarable conflict of interest in this matter

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES8**, on the grounds that: St George Freightliners deliver freight to Councillor Scriven's business.

Councillor Scriven indicated he will seek a decision be made under s 150ES(3)(a)(i) of the Local Government Act, 2009 that Councillor Scriven may participate in the decision despite having a declarable conflict of interest in this matter

Councillor Samantha O'Toole declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES10** on the grounds that: Councillor O'Toole and husband Jason O'Toole own Balonne Airwork's that is an aviation company.

In accordance with s150EM(2) of the Local Government Act 2009, Councillor O'Toole indicated she would not participate in the discussion and decision making and would voluntarily leave the meeting

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CCES1**, on the grounds that: Councillor Scriven's sister is one of the applicants.

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

MEETING BUSINESS BY CORPORATE FUNCTION (OCEO) OFFICE OF THE CEO

Nil reports

(FCS) FINANCE AND CORPORATE SERVICES

FCS1

CALENDAR OF COUNCIL MEETINGS 2022

Cr Scriven moved and Cr Todd seconded:

That Council resolves to adopt its calendar of ordinary meetings for 2022 to commence at 9am, as follows:

Council Meeting Calendar 2021	Date	Meetings:
January	20	Ordinary Council Meeting
February	17	Ordinary Council Meeting
March	17	Ordinary Council Meeting
April	21	Ordinary Council Meeting
May	19	Ordinary Council Meeting
June	16	Ordinary Council Meeting
June	23	Budget Special Meeting
July	21	Ordinary Council Meeting
August	18	Ordinary Council Meeting
September	15	Ordinary Council Meeting
October	20	Ordinary Council Meeting
November	17	Ordinary Council Meeting
December	15	Ordinary Council Meeting

CARRIED UNANIMOUSLY

FCS2

FINANCIAL STATEMENTS 2020-21

Cr Lomman moved and Cr Todd seconded:

That Council note the certification of its financial statements and flying minute of the Audit & Risk Committee.

CARRIED UNANIMOUSLY

FCS3

ANNUAL REPORT 2020 - 21

Cr Lomman moved and Cr Winks seconded:

That Council resolves to adopt the Annual Report 2020/21 in accordance with S182 of the Local Government Regulations 2012.

CARRIED UNANIMOUSLY

FCS4

QUEENSLAND RECONSTRUCTION AUTHORITY - DISASTER RECOVERY FUNDING

Cr Avery moved and Cr Fuhrmeister seconded:

That Council resolves to defer this matter to the next Ordinary Meeting of Council.

CARRIED UNANIMOUSLY

FCS5

QUARTERLY PERFORMANCE REPORT- QUARTER 1- 2021/22

Cr Winks moved and Cr Lomman seconded:

That Council resolves to

- a) adopt the Quarterly Performance Report for Quarter 1 of 2021/22, as tabled, in accordance with, Section 174 (3) of the Local Government Regulations 2012; and
- b) Amend the Operational Plan 2021/22 as follows:
 - I. Remove the Action under 3.3 Biosecurity, pest management and stock route planning:
 - a. Participate in Regional Pest Management Planning
 - II. And substitute with the following Actions:
 - a. Implement Council's Biosecurity Plan 2019-2024
 - b. Implement Council's Stock Route Management Plan 2021-2026

CARRIED UNANIMOUSLY

FCS6

CARETAKER PERIOD COUNCIL POLICY

Cr Fuhrmeister moved and Cr Lomman seconded:

That Council resolves to adopt the Caretaker Council Policy, as attached.

CARRIED UNANIMOUSLY

Tracey Lee (Manager Finance Services) left the meeting, the time being 9:26am.
Annabelle Albeck (Governance Officer) entered the meeting, the time being 9:27am.

FCS7

COUNCILLORS EXPENSES REIMBURSEMENT POLICY

Cr Avery moved and Cr Fuhrmeister seconded:

That Council resolves to:

1. Rescind the Councillor's Expense Reimbursement Council Policy adopted 16 May 2019; and
2. Adopt the attached Councillor's Expense Reimbursement Council Policy.

CARRIED UNANIMOUSLY

Councillor Robyn Fuhrmeister declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **FCS8**, on the grounds that:

Councillor Fuhrmeister is an office bearer of the St George Heritage Centre who have a lease with council. In accordance with s150EM(2) of the Local Government Act 2009, Councillor Fuhrmeister voluntarily left the meeting at 9:28am.

FCS8

LICENCE OR LEASE OF COUNCIL LAND-COUNCIL POLICY

Cr Lomman moved and Cr Avery seconded:

That Council resolves to

- a) rescind the Licence or Lease of Council Controlled Land originally adopted 22/03/2018; and
- b) adopt the attached revised Licence or Lease Council Controlled Land Policy.

CARRIED UNANIMOUSLY

Councillor Fuhrmeister returned to the meeting, the time being 9:36am.

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **FCS9**, on the grounds that:

Councillor Scriven's business supplies products and services to Balonne Shire Council.

In accordance with s150EM(2) of the Local Government Act 2009, Councillor Scriven voluntarily left the meeting at 9:36am.

FCS9

PROCUREMENT - COUNCIL POLICY

Cr Lomman moved and Cr Winks seconded:

That Council:

1. Rescind the 21 February 2019 version of its Purchasing Policy; and
2. Adopt the revised Procurement Policy as attached.

CARRIED UNANIMOUSLY

Councillor Scriven returned to the meeting, the time being 9:39am.

Annabelle Albeck (Governance Officer) left the meeting, the time being 9:39am.

FCS10

BUDGET AMENDMENT AND REVENUE RECOGNITION - MDBEDP ROUND 3 - ST GEORGE RIVER FORESHORE

Cr Avery moved and Cr Todd seconded:

That Council resolves to:

- 1) amend the capital works expenditure and revenue budgets 2021/22 in the sum of \$1m in accordance with S170(3) of the Local Government Regulations 2012;
- 2) note the revenue recognition assessment that revenue will be recognised as received.

CARRIED UNANIMOUSLY

FCS11

**BUDGET AMENDMENT AND REVENUE RECOGNITION - MDBEDP
ROUND 3 - WILD DOG EXCLUSION FENCING - STAGE 2**

Cr Scriven moved and Cr Todd seconded:

That Council resolves to:

- 1) amend the operational works expenditure and revenue budgets 2021/22 in the sum of \$1.5m in accordance with S170(3) of the Local Government Regulations 2012;
- 2) note the revenue recognition assessment that revenue will be recognised as received.

CARRIED UNANIMOUSLY

FCS12

**BUDGET AMENDMENT AND REVENUE RECOGNITION - MDBEDP
ROUND 3 - BUSINESS MENTORING**

Cr Lomman moved and Cr Fuhrmeister seconded:

That Council resolves to:

- 1) amend the operational works expenditure and revenue budgets 2021/22 in the sum of \$327,000 in accordance with S170(3) of the Local Government Regulations 2012;
- 2) note the revenue recognition assessment that revenue will be recognised as received.

CARRIED UNANIMOUSLY

FCS13

**BUDGET AMENDMENT AND REVENUE RECOGNITION - MDBEDP
ROUND 3 - BALONNE BUSINESS IMPROVEMENT SCHEME**

Cr Winks moved and Cr Scriven seconded:

That Council resolves to:

- 1) amend the operational works expenditure and revenue budgets 2021/22 in the sum of \$1m, in accordance with S170(3) of the Local Government Regulations 2012;
- 2) note the revenue recognition assessment that revenue will be recognised as received.

CARRIED UNANIMOUSLY

FCS14

**BUDGET AMENDMENT AND REVENUE RECOGNITION - MDBEDP
ROUND 3 - ST GEORGE CBD UPGRADES AND BEAUTIFICATION – GREY ST – SCOTT ST**

Cr Lomman moved and Cr Fuhrmeister seconded:

That Council resolves to:

- 1) amend the capital works expenditure and revenue budgets 2021/22 in the sum of \$600,000, in accordance with S170(3) of the Local Government Regulations 2012;
- 2) note the revenue recognition assessment that revenue will be recognised as received.

CARRIED UNANIMOUSLY

Meeting adjourned for Citizenship Ceremony and Morning Tea, the time being 9:57am.

Meeting reconvened, the time being 10:37am.

FCS15

POLICY REVIEW - REGISTER AND RESCINDING OLD POLICIES

Cr Todd moved and Cr Lomman seconded:

That Council resolves to:

1. note the progress of the policy review project; and
2. rescind the Portfolio Representative Policy – originally resolved by Council 21/05/2020 due to a change in direction and adoption of Standing and Advisory Committees and project working groups.

CARRIED UNANIMOUSLY

FCS16

CALL FOR SUBMISSIONS - OFFICE OF INDEPENDENT ASSESSOR

Cr Winks moved and Cr Todd seconded:

That Council resolves to make a submission to the Parliamentary Committee and Inquiry into the Office of Independent Assessor as outlined in the report.

CARRIED UNANIMOUSLY

FCS17

PRE-QUALIFIED SUPPLIERS - TRAFFIC MANAGEMENT SERVICES

Cr Todd moved and Cr Winks seconded:

That Council resolves to:

1. Appoint the following suppliers to the Register of Suppliers for Traffic Management Services for a period of two (2) years:
 - East Coast Traffic Control
 - Guardrite Security and Transport Management Qld Pty
 - Piolet Traffic Control
 - PSA Consultancy Australia
 - South West Traffic Management Pty Ltd
 - Traffic Management People
 - Traffic QLD & NSW

CARRIED UNANIMOUSLY

FCS18

LEASE OF LAND - GRAINCORP – THALLON

Cr Fuhrmeister moved and Cr Lomman seconded:

That Council defers consideration of the report and requests a meeting onsite with all relevant stakeholders to discuss a mutually acceptable outcome.

CARRIED UNANIMOUSLY

FCS19

DIRRANBANDI ARTS COUNCIL - LEASE

Cr Avery moved and Cr Lomman seconded:

That Council resolves to set a standard annual lease fee of \$500 per annum in lieu of rates to finalise the sub-lease arrangement with the Dirranbandi Arts Council for the lease of the Dirranbandi Goods Shed situated on part of Lot 12 SP134265.

CARRIED UNANIMOUSLY

Dianne Francisco (Environmental Health Officer) entered the meeting, the time being 11:24am and left the meeting at 11:28am.

Tracey Lee (Manager Finance Services) entered the meeting, the time being 11:35am.

Andrew Boardman (Director Infrastructure Services) entered the meeting, the time being 11:43am.

FCS20

MONTHLY FINANCIAL PERFORMANCE REPORT OCTOBER 2021

Cr Todd moved and Cr Lomman seconded:

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

CARRIED UNANIMOUSLY

Tracey Lee (Manager Finance Services) left the meeting, the time being 11:50am.

Councillor O'Toole left the meeting and Councillor Lomman assumed the Chair, the time being 12:00pm.

Councillor O'Toole returned to the meeting and resumed the chair the time being 12:03pm.

(IFS) INFRASTRUCTURE SERVICES

IFS1

PARKS AND GARDENS STANDING COMMITTEE MINUTES - 14 OCTOBER 2021

Cr Fuhrmeister moved and Cr Scriven seconded:

- A. That Council resolves to adopt the 14 October 2021 Parks and Gardens Standing Committee recommendations items 1 and 3 to 17 as follows:

1. BUSH TUCKER GARDEN UPDATE

- 1) That the draft Bush Tucker Garden Plan be submitted to Council for adoption and that Council consider an allocation of \$15,000 as a part of the November budget review.
- 2) That Council considers an annual allocation of funds in future budgets.
- 3) That Council considers the formal naming of the Bush Tucker Garden.

3. URBAN TREE POLICY

That -

- 1) changes be made to the draft Policy as provided by the Parks & Gardens Standing Committee; and

- 2) the updated policy proceeds through the internal governance and approval process before being presented to Council for adoption.
- 4. REMOVAL OF DANGEROUS TREES AT 53 & 55 SCOTT STREET, ST GEORGE**
That the two *Jacaranda mimosifolia* located on the verge outside 53 & 55 Scott Street, St George be removed and replaced with equivalent species as the removed trees.
- 5. MAINTENANCE TO THE ST GEORGE OLD CEMETERY**
That -
- 1) Council authorises the utilisation of the St George Work Outreach Camps (WORC), and when required, engage the Queensland Murry Darling Catchment Ltd (QMDCL) to assist with the overdue maintenance, weed spraying and burr removal from the St George Cemetery.
- 2) Council investigates the establishment of a "Friends of the Cemetery Group".
- 6. FLORA EDUCATIONAL SIGNAGE – BALONNE RIVER FORESHORE**
That Council provides approval for further investigation into a proposal to install plant identification labels along the Balonne River Foreshore and that a report be presented to a future Parks and Gardens Standing Committee.
- 7. ST GEORGE CBD MASTERPLAN - VICTORIA STREET (GREY STREET TO SCOTT STREET) AND HENRY STREET**
That -
- 1) The design for section 4.4 of the St George CBD Masterplan - Victoria Street (Grey Street to Scott Street) and Henry Street be procured through Local Buy.
- 2) That Council separate the Master Plan into two sections, being one section for the CBD and the second section being for Rowden Park.
- 8. ST GEORGE FORESHORE MASTERPLAN NEXT STAGE (TOWARDS HOSPITAL)**
That the Design and Construction Stage of the St George Foreshore Masterplan from Church Street to McGahan Street be endorsed by Council and released to market.
- 9. FUNDING WORKS TO WALTER AUSTIN PARK AND RIVER WALK FORESHORE – BOLLON**
That the Council approves the change of scope associated with proposed works in the Walter Austin Park and the River Walk Foreshore, Bollon.
- 10. TREE PLANTING WORKS PROGRAM**
That Council approves the proposed ongoing and continuous tree planting program for the communities within the Balonne Shire.
- 11. BOLLON SKATE PARK PROJECT UPDATE**
That the Parks & Gardens Standing Committee receive the report on the Bollon Skate Park Update.
- 12. REMOVAL OF DANGEROUS TREES WITHIN WALTER AUSTIN PARK – BOLLON**
That Council inform the community of Bollon at the Bollon Community Group Meeting to be held Friday 15 October 2021 of the outcome of an arborist's report and that Council investigates all opportunities to preserve the trees in the first instance.

13. DIRRANBANDI RAIL TO RIVER PRECINCT

That -

- 1) The Parks & Gardens Standing Committee recommend that Council start planning to undertake the next stage of the Dirranbandi Rail to River Precinct including finishing pathways and information boards at the Rail to River Precinct and the upgrade to the streetscape in Railway Street, Dirranbandi.
- 2) That the Parks & Gardens Standing Committee undertake a walk-around of the Dirranbandi Rail to River Precinct prior to the recommendation being adopted.

14. HEBEL AND THALLON MASTERPLANS

That -

- 1) Council delivers the initial consultation and mark-ups of the Hebel and Thallon Master Plans internally.
- 2) Council engages a landscape designer to finalise the plans of the design.

15. ST GEORGE CEMETERY EXPANSION PROJECT

That the Parks & Gardens Standing Committee receive the St George Cemetery Expansion Project Report and recommend that Council adopt the St George Cemetery Expansion Concept Plan to begin project planning.

16. MUNGINDI PARKLANDS STAGES 2-3 UPDATE

That the Parks & Gardens Standing Committee receive the Mungindi Parklands Stages 2-3 Update Report.

17. GENERAL GRANTS AND PROJECT UPDATE

That the Parks & Gardens Standing Committee receive and note the General Grants and Project Update.

18. ONE TON POST MASTER PLAN - MUNGINDI

1. That Council approve the following in order of priority to progress the One Ton Post – Mungindi Project -
 - a) New signage design to be approved as per the design to the Inverness sign (Page 6 of the attached document).
 - b) Cleaning up the area and removal of old wooden signs and installation of government funded signage to be undertaken.
 - c) The removal of the old non-functioning long-drop, upon consultation with the community, to commence early November.
 - d) Definition of the parking areas and paths to link the sites.
 - e) If the budget allows, fencing and placement of new picnic tables is to be undertaken.
2. That the Parks & Gardens Standing Committee present the One Ton Post Concept Plan to Council for adoption; and
3. That Council support seeking funding alternatives for additional landscaping and placement/construction of any outstanding items in the One Ton Post Concept Plan that cannot be completed within the current approved budget.

- B. That Council amends the 14 October 2021 Parks and Gardens Committee recommendation item 2 and resolves as follows:

2. PLACEMENT OF SYNTHETIC GRASS AROUND PERIMETER OF POOL

That Council delays the supply and installation of synthetic grass on the concrete apron around the perimeter of the St George Swimming Pool and seek further feedback and references from other Councils that currently have synthetic grass in place.

CARRIED UNANIMOUSLY

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **IFS2 – Recommendation 6**, on the grounds that: Councillor Scriven's business makes trailers. In accordance with s150EM(2) of the Local Government Act 2009, Councillor Scriven voluntarily left the meeting at 1:04pm.

IFS2

PLANT STANDING COMMITTEE MINUTES - 9 NOVEMBER 2021

Cr Scriven moved and Cr Avery seconded:

That Council resolve to adopt the 9 November 2021 Plant Standing Committee recommendations items 1 – 5 and 7 – 11 as follows:

1. PROCESS REVIEW – ADOPTION OF STANDING COMMITTEE MINUTES

That the CEO and Director Finance and Corporate Services review the process and adoption of "Unconfirmed" Standing Committee Minutes once presented to a Council General Meeting and provide a response back to the Plant Standing Committee.

2. Purchase of Prime Mover and Water Tanker

That Council -

- 1) Does not proceed immediately with the purchase of the Prime Mover and Water Tanker.
- 2) Amends its capital budget in accordance with S170(3) of the *Local Government Regulations 2012*, by removing the Prime Mover and Water Tanker from the 2021/22 Capital Budget.
- 3) Proceed with providing a business case with the options to purchase new or second-hand Prime Mover and/or Water Tanker and present to a future Plant Standing Committee for consideration in a future budget.

3. Procurement of Replacement Truck for Plant Number 5016 – Isuzu Truck

- 1) That Council approve the acquisition of a new truck, with specifications including an independent front suspension and an additional fuel tank, for the replacement of Plant Number 5016 (Isuzu Truck) from Kenway and Clarke for the tender value of \$102,338 excluding GST as per Vendor Panel Vendor Panel Response ID VPR455571.
- 2) That Council dispose of Plant 5016, once the new plant item is in service, by way of auction.

4. Procurement of Replacement Truck for Plant Number 5009 – Isuzu Truck

- 1) That Council approve the acquisition of a new Cab Chassis Isuzu truck, for the replacement of Plant Number 5009 (Isuzu Truck), from Black Trucks for the value of \$135,298.13 excluding GST as per Vendor Panel Response ID VPR452287.
- 2) That Council officers provide an estimated and budgeted price to Council's General Meeting for the proposed disposal of the existing truck and that future reports relating to the disposal of plant that are to be presented to the Plant Standing Committee include these details.
- 3) That Council officers investigate a new Disposal Policy and bring a report back to a

future Plant Standing Committee.

- 4) That Council dispose of Plant 5009, once the new plant item is in service, by way of auction.

5. Purchase of Grader and Roller for RMPC Crew

That Council resolves to -

- 1) Gain an understanding of the financial and resource implications of a fifth (additional) grader crew to ensure Council is adequately resourced to meet its RMPC and TMR contract obligations.
- 2) Support Officers going to market to confirm current costs and delivery timeframes for -
 - 1 x Grader (3D Ready);
 - 1 x Steel Drum Roller, and;
 - 1 x Multi Rubber Wheel Roller,to inform Council on budget requirements for the 2022/23 Capital Budget.
- 3) Consider entering into an arrangement with potential suppliers this financial year to ensure that purchase and delivery can be undertaken early within the 2022/23 financial year.

7. Procurement of Backhoe

That Council -

- 1) In accordance with S170(3) *Local Government Regulation*, amend its Capital Budget by an increase of \$21,000 to \$191,000, for the purchase of a new CAT Backhoe for the replacement of Plant Number 216 (Backhoe).
- 2) Accept the offer from Hastings Deering for the Caterpillar 428 Backhoe for the value of \$191,000 excluding GST as per Vendor Panel reference number VP259475.
- 3) That Council dispose of Plant 216, once the new plant item is in service, by way of auction.

8. Parks and Gardens Purchase of Mini Skid Steer

That Council, in accordance with S170(3) of the *Local Government Regulations 2012*, increases its Capital Budget for a suitable Mini Skid Steer (Plant & Fleet – Mini Skid Steer with Trailer & Attachments) by \$20,000 bringing the total budget amount to \$90,000 and proceeds to procurement for such a machine complete with required attachments and trailer.

9. Request for Consideration – Purchase of Skid Steer Loader and Road Profiler

That Council -

- 1) In accordance with 170(3) of the *Local Government Act 2012*, amend its capital budget by \$200,000 to bring forward the replacement of the Tracked Skid Steer Loader with the inclusion of a Road Profiler.
- 2) Undertake a Request for Quotation on Vendor Panel for the procurement of a Skid Steer Loader and Road Profiler.
- 3) That the procurement outcome be presented to a future Plant Standing Committee for a recommendation to Council on the purchase of a Skid Steer Load and Road Profiler.

10. Additional Light Vehicle for RMPC Crew

That Council -

- 1) In accordance with 170(3) of the *Local Government Act 2012*, amend its capital budget by \$65,000 for the purchase of a new Light Vehicle for the RMPC crew.
- 2) Undertake procurement of the new Light Vehicle for the RMPC crew.

11. Balonne Shire Council's Light Vehicle Fleet Operation Council Policy

The Plant Standing Committee requested that the revised Balonne Shire Council's Light Vehicle Fleet Operation Council Policy be presented to the next Plant Standing Committee Meeting.

CARRIED UNANIMOUSLY

CONFLICT OF INTEREST – IFS2 – RECOMMENDATION 6:

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **IFS2 – Recommendation 6**, on the grounds that: Councillor Scriven's business makes trailers. In accordance with s150EM(2) of the Local Government Act 2009, Councillor Scriven voluntarily left the meeting at 1:04pm.

Cr Fuhrmeister moved and Cr Winks seconded:

That Council resolve to adopt item 6 of the 9 November 2021 Plant Standing Committee as recommended:

6. Procurement of Council Trailer:

That Council proceed with the acquisition of a new Belco trailer for the replacement of Plant Number 340 (Trailer) from Belco Custom Trailers for the value of \$17,587.13 + GST as per Vendor Panel Response ID VPR45649

CARRIED UNANIMOUSLY

Councillor Scriven returned to meeting at 1:07pm.
Meeting adjourned for lunch, the time being 1:07pm.
Meeting reconvened, the time being 1:38pm.

IFS3

BUDGET AMENDMENT - DEPARTMENT OF TRANSPORT AND MAIN ROADS - 24A CARNARVON HIGHWAY AND 3514 NOONDOO-THALLON ROAD INTERSECTION UPGRADE

Cr Winks moved and Cr Lomman seconded:

That Council resolves to amend its 2021/22 budget in accordance with S170(3) of the Local Government Regulations 2012 to recognise the revenue and expenditure of \$1,317,849.51 inclusive of GST to carry out the 24A Carnarvon Highway and 3514 Noondoo-Thallon Road intersection upgrade as per the Department of Transport and Main Roads Contract Number CN-17378.

CARRIED UNANIMOUSLY

Councillor Samantha O'Toole declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **IFS4**, on the grounds that: Councillor O'Toole and husband Jason are the employers of one of the people who placed a tender in for the purchase of 1 Klinge Lane. In accordance with s150EM(2) of the Local Government Act 2009, Councillor O'Toole voluntarily left the meeting at 1:41pm.

Councillor Lomman assumed the Chair, the time being 1:41pm.

IFS4

DISPOSAL OF NON-CURRENT ASSET - RESIDENCE 1 KLINGE LANE

Cr Fuhrmeister moved and Cr Todd seconded:

That Council resolves to accept the tender offered by Ron Irwin Builders Trading as Safeway Excavations to pay Council \$1,000 for the removal of non-current assets, being the Council House and adjacent sheds located at 1 Klinge Lane, St George Queensland 4487.

CARRIED UNANIMOUSLY

Councillor O'Toole returned to the meeting and resumed the chair the time being 1:47pm.

Andrew Boardman (Director Infrastructure Services) left the meeting, the time being 1:51pm.

(CES) COMMUNITY AND ENVIRONMENTAL SERVICES

CES1

COMMUNITY GRANTS AND ASSISTANCE APPLICATION - ST GEORGE CHRISTMAS CARNIVAL MARKETS - CHAMBER OF COMMERCE

Cr Scriven moved and Cr Lomman seconded:

That Council resolves to sponsor \$2,500 to the St George Chamber of Commerce for the 2021 Christmas Carnival Markets in the showgrounds from the 2021/22 Community Grants and Assistance Budget.

CARRIED UNANIMOUSLY

CES2

COMMUNITY GRANTS AND ASSISTANCE APPLICATION - BOLLON CHRISTMAS TREE

Cr Avery moved and Cr Winks seconded:

That Council resolves to partially sponsor the QCWA Bollon Branch with \$1,000.00 towards the 2021 Christmas Tree in Bollon from the 2021/22 Community Grants and Assistance Budget.

CARRIED UNANIMOUSLY

Councillor Robyn Fuhrmeister declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES3** on the grounds that: Councillor Fuhrmeister is the Chair of Care Balonne to which this event will be in partnership with. In accordance with s150EM(2) of the Local Government Act 2009, Councillor Fuhrmeister voluntarily left the meeting at 1:53pm.

Josh Dyke (Manager Rural Services and Compliance) entered the meeting, the time being 1:53pm.

CES3

AUSTRALIA DAY 2022

Cr Lomman moved and Cr Avery seconded:

That:

1. Council endorses the use of an independent panel consisting of members of the community for the assessment and judging of the Australia Day nominations, similar to previous years.
2. Council resolves to approve \$4,500 for Australia Day as a contingency in the event of Council not being successful with the COVID Safe Event grant application.
3. Council approves the funding for the non-hosting towns (Dirranbandi, Thallon and Bollon) of \$200 each with a total of \$600 from Council's Community Events Program 2021-2022.

CARRIED UNANIMOUSLY

Councillor Fuhrmeister returned to the meeting, the time being 1:54pm.

Councillor Samantha O'Toole declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES4** on the grounds that: The Christmas Carols are coordinated and organised by the combined Churches of St George and Councillor O'Toole is a part of the Anglican Church Parish Council

In accordance with s150EM(2) of the Local Government Act 2009, Councillor O'Toole voluntarily left the meeting at 1:55pm.

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES4** on the grounds that: The Christmas Carols are coordinated and organised by the combined Churches of St George and Councillor Scriven is a part of the River Life Church as an executive & the Pastor signed the application.

In accordance with s150EM(2) of the Local Government Act 2009, Councillor O'Toole voluntarily left the meeting at 1:55pm.

CES4 **TRAFFIC MANAGEMENT SPONSORSHIP - RIVERLIFE CHURCH OF CHRIST - CAROLS ON THE BALONNE**

Cr Fuhrmeister moved and Cr Avery seconded:

That Council resolves to approve the Riverlife Church of Christ Traffic Management Sponsorship request of \$848 for the "St George Combined Churches Carols on the Balonne" 2021 from the 2021/22 Community Grants and Assistance budget.

CARRIED UNANIMOUSLY

Councillor O'Toole and Councillor Scriven returned to the meeting, the time being 1:56pm. The Mayor resumed as Chair.

CES5 **APPLICATION FOR A PERMIT TO OCCUPY - CHANGE OF OWNERSHIP - LOCATED OVER LOT B CROWN PLAN AP19917**

Cr Winks moved and Cr Todd seconded:

That:

1. Council does not object to the Application for Absolute of Surrender of Permit to Occupy Lot B on AP19917 for the purpose of 'Water Facility' from Grey Land Pty Ltd, Ralph Higgins Grey and Danbil Pty Ltd; and
2. Council provides a written response by 26 November 2021, of no objection to the Application of Permit to Occupy of Lot B on AP19917, by Alerin Farms Pty Ltd in relation to the parcel of land with the same terms as the previous Registered Permittee.

CARRIED UNANIMOUSLY

CES6 **DDSW REGIONAL WASTE PLAN MOU - CO-CONTRIBUTION COSTS**

Cr Fuhrmeister moved and Cr Lomman seconded:

That Council resolves to:

1. Sign the DDSW Regional Waste Management and Infrastructure Plan
2. Pay up to a co-contribution of \$3,556 from the current waste budget
3. Support the nomination of Cr Avery be to be part of the Regional Waste Group (Councillor).

CARRIED UNANIMOUSLY

FEES AND CHARGES 2021/22 AMENDMENT - CHANGES TO DOG REGISTRATION FEES (ASSISTANCE AND GUIDE DOGS)

Cr Fuhrmeister moved and Cr Lomman seconded:

That Council resolves to:

1. Introduce a fee waiver in Council's Fees and Charges 2021/22 for all persons who can provide evidence that their dog is either:
 - a. An assistance dog; or
 - b. A guide dog.

CARRIED UNANIMOUSLY

Jess Reiser (Planning and Development Officer – Maranoa Regional Council) and Chris Tickner - (Town Planner – Maranoa Regional Council) entered the meeting via teleconference, the time being 2:07pm.

Councillor Ian Todd declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES8** on the grounds that: St George Freightliners do significant work for Councillor Todd's business.

Councillor Todd indicated he will seek a decision be made under s 150ES(3)(a)(i) of the Local Government Act, 2009 that he may participate in the decision despite having a declarable conflict of interest in this matter

Cr Fuhrmeister moved and Cr Winks seconded:

That under s150ES(3)(a)(i) of the Local Government Act ,2009 Councillor Todd may participate in the decision despite having a declarable conflict of interest in this matter.

CARRIED UNANIMOUSLY

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES8**, on the grounds that: St George Freightliners deliver freight to Councillor Scriven's business.

Councillor Scriven indicated he will seek a decision be made under s 150ES(3)(a)(i) of the Local Government Act, 2009 that he may participate in the decision despite having a declarable conflict of interest in this matter

Cr Winks moved and Cr Avery seconded:

That a decision has been made under s 150ES(3)(a)(i) of the Local Government Act ,2009 that Councillor Scriven may participate in the decision despite having a declarable conflict of interest in this matter.

CARRIED UNANIMOUSLY

Josh Dyke (Manager Rural Services and Compliance) left the meeting, the time being 2:13pm.

MCU 196 - CHANGE APPLICATION (OTHER THAN A MINOR CHANGE) FOR DEVELOPMENT APPROVAL FOR A "TRANSPORT DEPOT & OPERATIONAL WORKS"

Cr Scriven moved and Cr Todd seconded:

That:

- a. Council receives this report.

And

- b. Give a decision notice to the applicant agreeing to the proposed changes to Negotiated

decision notice reference 84.1.53097;

And

- c. Change Negotiated decision notice reference 84.1.53097 to reflect Balonne Shire Councils current decision notice formatting and include a Statement of reasons, Appeal Provisions, Concurrence Agency Response, updated plans and any other information called up in legislation

And

- d. Include the following text and conditions in the changed Decision notice:

**CONDITIONS APPLICABLE TO MATERIAL CHANGE OF USE – “TRANSPORT DEPOT”
AND OPERATIONAL WORKS (EARTHWORKS)**

Use

1. The approved development is a “Transport Depot” and “Operational Works” (Earthworks) as defined in the Planning Scheme and as shown on the approved plans.

Approved use area

2. The approved development is restricted to the area generally shown on approved Drawing number *098-001 Issue An Overall Site Plan dated 11/06/2021* as highlighted in ‘blue’, ‘yellow’ and ‘green’. This area is the approved use area and no part of the approved development is to extend beyond this area or encroach within other areas of the site.

Overflow Area 2

3. ‘Overflow Area 2’ as shown on approved Drawing number *098-001 Issue An Overall Site Plan dated 11/06/2021* is to be used of the purposes of long term storage only and is to be accessed on an as need basis only. It must not form part of the ‘everyday operations’ or be used for any other purpose.

Compliance inspection

4. 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.
5. Prior to the commencement of use, the applicant shall contact Council to arrange a development compliance inspection.

Approved plans and documents

6. 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.

7.

Plan/Document Number:	Plan/Document Name:	Date:
098-001 Issue A	Overall Site Plan	11/06/2021
098-002 Issue B	Plan of Development	11/06/2021
098-003 Issue B	Stormwater Plan	11/06/2021
	ABC Sheds – 3D View	
	ABC Sheds – Elevations	

Development works

8. 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.
9. 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).
10. 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

11. All works must comply with:
 - (ii) the development approval conditions;
 - (iii) any relevant provisions in the Planning Scheme;
 - (iv) Balonne Shire Council Private Property Entrance Policy 2010;
 - (v) any relevant Australian and Austroads Standards and the National Construction Code that applies to that type of work; and
 - (vi) 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

12. Stormwater is collected and discharged so as to:
 - a) protect the stability of buildings and the use of adjacent land;
 - b) prevent water-logging of nearby land;
 - c) protect and maintain environmental values; and
 - d) maintain access to reticulated infrastructure for maintenance and replacement purposes.
13. 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.
14. 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.

15. 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

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 (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.
18. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
19. 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.
20. 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*.
21. 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*.
22. Parking areas for vehicles associated with the construction works must be provided within the development site.

Development costs

23. 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

24. 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

25. 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

26. 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

27. 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*.
28. 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.
29. All waste generated on-site must be managed in accordance with the waste management hierarchy as detailed in the *Waste Reduction & Recycling Act 2011*.

Access, manoeuvring and car parking

30. 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.
31. The vehicle crossover to “Overflow Area 2” as shown on approved plan *098-001 Issue A Overall Site Plan dated 11/06/2021* must be constructed to provide for two-way access and cater for the maximum vehicle size accessing the site, ensuring no damage occurs to the adjoining roadway.

Note: The existing second access to ‘Overflow Area 2’ that is located approximately 75 metres from the intersection of *Rimmer Road and the Carnarvon Highway* must be closed and under no circumstances be used as an access point to “Overflow Area 2”.

32. 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.
33. 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.

34. 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.
35. Eleven car parking spaces are to be provided within the development site area.
 - (e) Car parking and manoeuvring areas are to be designed in accordance with:
 - (f) AS2890.1 – Parking Facilities;
 - (g) Austroads AP-34/95 - Design Vehicles and Turning Path Templates; and
 - (h) The 'Access to Premises Standard' (Vol 1 of the National Construction Code).

Landscaping and fencing

36. Existing landscaping/vegetation along the site frontages is to be maintained throughout the duration of the approved use. Any dead and/or unhealthy plants are to be promptly removed and replaced.

Provision of services

37. 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).
38. 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).
39. Rainwater tanks are to be installed on site generally in the locations shown on approved Drawing number 098-001 Issue A Overall Site Plan dated 11/06/2021 and have adequate capacity to service the approved development.
40. The site must be connected to an on-site sewerage treatment system adequate for the use that is designed in accordance with AS/NZS 1547:2012.
41. The removal and disposal of any effluent from the site must be performed by a suitably licensed contractor.

Note: The landowner/operator is responsible for obtaining any permits required to achieve compliance with environmental laws relevant to the provision of onsite sewerage treatment and/or disposal.

42. 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

43. 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.
44. Construction activities must not prevent or obstruct access to adjoining properties, land uses or roads.
45. 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

46. 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.
47. No contaminated material is to be excavated or disturbed and no contaminated material or waste materials are to be used as fill.
48. 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

49. 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.
50. 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.
51. 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.
52. 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

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

General advice:

- II. Refer to <https://www.balonne.qld.gov.au/council/publications/policies-plans-strategies> for Council Policies.

- III. 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.

- IV. Under the *Balonne Shire Planning Scheme 2019*:

Transport depot means - *premises used for the storage, for commercial or public purposes, of more than one motor vehicle. The use includes premises for the storage of taxis, buses, trucks, heavy machinery and uses of a like nature. The term may include the ancillary servicing, repair and cleaning of vehicles stored on the premises.*

- V. 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.

- VI. 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.

- VII. 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.

- VIII. 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*.

- IX. 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.

- X. 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.

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. This development approval has been issued during a COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to an extension of time under section 275R of the *Planning Act 2016*

CARRIED UNANIMOUSLY

Chris Tickner (Town Planner – Maranoa Regional Council) left the meeting via teleconference, the time being 2:37pm.

CES9

APPLICATION FOR RENEWAL OF TERM LEASE 39/52689 - LOCATED OVER LOT 139 AND 140 ON PLAN BLM617

Cr Fuhrmeister moved and Cr Winks seconded:

That:

1. Council does not object to the Application for the renewal of Term Lease 39/52689 for a further 30-year period for the same purpose on land known as Lot 139 and 140 on Plan BLM617; and
2. Council provides a written response by 3 November 2021, of no objection to the Department of Resources in relation to the parcels of land with the same terms as the previous Term Lease.

CARRIED UNANIMOUSLY

Councillor Samantha O'Toole declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES10** on the grounds that: Councillor O'Toole and husband Jason O'Toole own Balonne Airwork's that is an aviation company. In accordance with s150EM(2) of the Local Government Act 2009, Councillor O'Toole voluntarily left the meeting at 2:42pm.

Councillor Lomman assumed the Chair, the time being 2:42pm.

CES10

RL 112 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - ONE (1) INTO ELEVEN (11) LOTS, INVOLVING TWO (2) FREEHOLD PARCELS AND NINE (9) LONG TERM LEASE PARCELS EXCEEDING 10 YEARS LOCATED AT 130-152 GREY ST, ST GEORGE QLD 4487 (DESCRIBED AS LOT 10 ON RP882935)

Cr Fuhrmeister moved and Cr Scriven seconded:

That:

- I. Council receives this report.

- II. Council approves the Development Application for Reconfiguring a Lot comprising of one (1) lot into eleven (11) lots, involving two (2) freehold parcels and nine (9) long term lease parcels exceeding 10 years, in two stages, located at 130-152 Grey Street, St George QLD 4487 (described as Lot 10 on RP882935) subject to the permit conditions listed below.

- III. Council issue the decision notice.

Conditions:

Approved development

1. The approved development is for Reconfiguring a lot - One (1) lot into eleven (11) lots, involving two (2) freehold parcels and nine (9) long term lease parcels exceeding 10 years, located on 130-152 Grey Street, St George QLD 4487 (described as Lot 10 on RP882935), as defined in the *Planning Act 2016* and as shown on the approved plans.
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. The approved development is permitted to occur in two stages as generally shown in approved plan "*Stage 1 and Stage 2 Development Extent*" and described as:

Stage 1: 4 lease lots + 2 freehold lots (i.e. proposed Lot 100 + balance lot), internal works including: extension of the existing airport service road and urban services (as required), construction of aprons, taxi-lanes and taxiways.

Stage 2: 5 lease lots, extension of the internal service road and urban services (as required).
4. Unless otherwise stated, the conditions of approval apply to all stages of the approved development.
5. Lease lots may be leased for aviation related purposes only.
6. Lease lots may be registered individually upon entering a lease for the relevant lot, subject to all applicable approval conditions being met.
7. The lease of any approved lot must reflect the extent of infrastructure and utility services (i.e. water, sewerage, electricity supply) available to the lot at the time of registering the relevant Survey Plan.

Compliance

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

Approved documents

10. 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:
830119110-PP01 A Sheet 1 of 2	Plan of Proposed Subdivision Lots 10 & 100 Cancelling Lot 10 on RP882934	29/10/2020
830119110-PP01 A Sheet 2 of 2	Proposed Subdivision Lease A to Lease H & Lease J in Lot 10 on RP882934	29/10/2020
	Stage 1 and Stage 2 Development Extent	
Siteworks Works Drawings		
WK20-0037/C1 Rev B	Overall Site Layout	April 2020
WK20-0037/C2 Rev B	Earthworks Layout Plan	April 2020
WK20-0037/C3 Rev B	Roadworks and Taxiway Layout Plan	April 2020
WK20-0037/C4 Rev B	Service Road No. 1 Longitudinal Section	April 2020
WK20-0037/C5 Rev B	Service Road No. 2 Longitudinal and Cross Sections	April 2020
WK20-0037/C6 Rev B	Taxiway Longitudinal Section	April 2020
WK20-0037/C7 Rev B	Service Road No.1 Cross Sections – Sheet 1 of 2	April 2020
WK20-0037/C8 Rev B	Service Road No.1 Cross Sections – Sheet 2 of 2	April 2020
WK20-0037/C9 Rev B	Service Road No. 2 Cross Sections	April 2020
WK20-0037/C10 Rev B	Taxiway Cross Sections - Sheet 1 of 2	April 2020
WK20-0037/C11 Rev B	Taxiway Cross Sections - Sheet 2 of 2	April 2020
WK20-0037/C12 Rev B	Service Road No.1 and No.2 Intersection Detail Layout Plan	April 2020
WK20-0037/C13 Rev B	Service Road No.1 Cul-de-sac Detail Layout Plan	April 2020
WK20-0037/C14 Rev B	Taxiway Intersection Detail Layout Plan	April 2020
WK20-0037/C15 Rev B	Concrete Causeway Layout and Detail Plan	April 2020
WK20-0037/C16 Rev B	Signage and Linemarking Plan	April 2020
Drainage Works Drawings		
WK20-0037/D1 Rev B	Overall Site Drainage Layout	April 2020
WK20-0037/D2 Rev B	Taxiway Culvert Detail Plan	April 2020
WK20-0037/D3 Rev B	Existing Culvert Upgrade Detail	April 2020
WK20-0037/D4 Rev B	Open Drain 1 Longitudinal Section	April 2020
WK20-0037/D5 Rev B	Open Drain 1 Cross Sections – Sheet 1 of 2	April 2020
WK20-0037/D6 Rev B	Open Drain 1 Cross Sections – Sheet 2 of 2	April 2020
WK20-0037/D7 Rev B	Open Drain 2 Longitudinal Section	April 2020
WK20-0037/D8 Rev B	Open Drain 2 Cross Sections	April 2020
WK20-0037/D9 Rev B	Overall Site Catchments	April 2020
Water and Sewerage Works Drawings		
WK20-0037/SW1 Rev B	Overall Water Layout	April 2020
WK20-0037/SW2 Rev B	Water Details and Connections Plan	April 2020
WK20-0037/SW3 Rev B	Overall Sewer Layout	April 2020
WK20-0037/SW4 Rev B	Sewer Reticulation Longitudinal Sections	April 2020
WK20-0037/SW5 Rev B	Sewer Reticulation Longitudinal Sections	April 2020
WK20-0037/SW6 Rev A	Pump Station Details Plan	April 2020
Erosion and Sediment Control Drawings		

WK20-0037/E1 Rev B	Erosion and Sediment Control Plan – Phase 1	April 2020
WK20-0037/E2 Rev B	Erosion and Sediment Control Plan – Phase 2	April 2020
WK20-0037/E3 Rev B	Erosion and Sediment Control Plan – Phase 3	April 2020
WK20-0037/E4 Rev B	Erosion and Sediment Control Details	April 2020

Existing buildings and structures

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

Development works

12. During construction of the development, 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 always in place.
13. 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.
14. 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”.
15. Construction activities must be undertaken in consultation with the Airport Manager so as to ensure there is no encroachment of the Obstacle Limitation Surface or impediment to airport operations.

Applicable Standards

16. All works must comply with:
 - a. the development approval conditions;
 - b. any relevant provisions in the Planning Scheme;
 - c. any relevant standards, drawings or specifications by the Institute of Public Works Engineering Australasia Queensland Division;
 - 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.

Services provision

17. Proposed Lot 100 (freehold parcel) must be connected to Council’s reticulated water supply network.
18. Connection of lease lots to Council’s reticulated water supply network is to be generally in accordance with the approved plans WK20-0037/SW1 Rev B and WK20-0037/SW2 Rev B, ensuring an adequate supply is available to meet the operational needs of future land uses.
19. Proposed Lot 100 (freehold parcel) must be connected to Council’s reticulated sewerage network or onsite sewerage treatment system in accordance with the Queensland Plumbing

and Wastewater Code.

20. Connection of lease lots to the Council sewerage system is to be generally in accordance with the approved plans WK20-0037/SW3 Rev B to WK20-0037/SW6 Rev B inclusive, ensuring network capacity is adequate to meet the operational needs of future land uses.
21. Proposed Lot 100 (freehold parcel) is to 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).
22. The connection of lease lots to an electricity reticulation service must be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).
23. If the lots are 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).
24. All services installation, including connections to water, sewerage, electricity and telecommunications, 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.
25. 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

26. Stormwater is to be managed in accordance with:
 - a. Approved Drainage Works Drawings WK20-0037/D1 – WK20-0037/D9 inclusive;
 - b. Queensland Urban Drainage Manual; and
 - c. Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.
27. 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. Stormwater runoff from the site must not adversely impact on flooding or drainage of properties or roads that are upstream, downstream or adjacent to the site.
28. Discharge of stormwater runoff from the development shall drain freely in all cases, and no nuisance of ponding is to be created as a result of the development.
29. There must be no increases in any silt loads or contaminates in any overland flow from the

property being developed during the development process and after the development has been completed. 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.

Earthworks

30. All earthworks for the development shall be undertaken in accordance with the Institute of Public Works Engineering Australasia Queensland Division.
31. All earthworks, including batters, must be wholly contained within the development site and must not impact on properties, land uses or roads adjoining the site.
32. No contaminated material is to be excavated or disturbed and no contaminated material or waste materials are to be used as fill.
33. 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. limited to the quantity necessary to establish the proposed works;
 - e. ensures no ponding develops on adjacent land at any time;
 - f. restores all surfaces exposed or damaged by the operations to their original standard immediately on conclusion of the works.

Erosion Control

34. All construction works on site are to be undertaken in accordance with:
 - a. Approved Drainage Erosion and Sediment Control Drawings WK20-0037/E1 Rev B - WK20-0037/E4 Rev B inclusive;
 - b. Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction sites (IE Aust, Queensland Division, Brisbane – or later versions); and
 - c. The Institute of Public Works Engineering Australasia Queensland Division.
35. 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.
36. 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.
37. Stockpiles of 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.
38. 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 undertaken immediately.

Access and roads

39. All lots approved for long term lease must have vehicle access to Cliff Parsons Drive via a service road generally as shown on approved plan WK20-0037/C1, Rev B – ‘Overall Site Plan’, dated 27/11/2020.
40. Vehicle Access to proposed Lot 100 (freehold) must be provided via Grey Street (Carnarvon Highway) generally as shown on approved plan 830119110-PP01 A Sheet 1 of 2 – ‘Plan of Subdivision Lots 10 and 100’, dated 29/10/2020. The vehicle crossover must be designed and constructed to cater for the maximum vehicle size accessing the site, ensuring no damage occurs to the adjoining roadway.
41. The balance lot (Lot 10) must retain access from Cliff Parsons Drive to Grey Street/Carnarvon Highway.
42. 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.
43. Vehicle crossovers must be located a minimum distance of one metre from any power poles, road signage, stormwater gully pits or other Council assets, unless otherwise specified in the applicable development standards and specifications.

Protection of infrastructure

44. 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

45. 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.
46. Dust emanating as a result of any development works onsite must be continually monitored and suppressed in order to prevent any dust impacting on airport operations, drifting onto road networks or nearby properties.
47. Parking areas for vehicles associated with the construction works must be provided within the development site.
48. 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.

49. Construction activities must not prevent or obstruct access to adjoining properties, land uses or roads.
50. Any waste associated with the development works must be contained and disposed of from the site to prevent release to adjoining properties and roads.
51. 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.

No cost to Council

52. 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

53. 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

54. 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 *Institute of Public Works Engineering Australasia Queensland Division* is the applicable engineering design guideline for development within the Balonne Shire.
- III. 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/>
- IV. 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*.

- V. 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*.
- VI. 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.
- VII. 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.
- VIII. 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.
- IX. 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.
- X. This approval lapses if a plan for the reconfiguration is not given to the Council within four (4) years of the approval taking effect.

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.

Unless otherwise stated all conditions shall be completed prior to the Council endorsing the relevant plan of survey.

This development approval has been issued during a COVID-19 applicable event declared under 275F of the Planning Act 2016. The period for undertaking the approved development may be subject to an extension of time under section 275R of the Planning Act 2016.

CARRIED UNANIMOUSLY

Note: Please refer to General Business for a further amendment made to RL 112 – condition 10.

Councillor O'Toole returned to the meeting and resumed the chair, the time being 2:47pm.

Andrew Boardman (Director Infrastructure Services) entered the meeting, the time being 2:50pm.

Matthew Magin (Chief Executive Officer) left the meeting, the time being 2:51pm.

MCU 198 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - "CHILD CARE CENTRE" (BEFORE AND AFTER SCHOOL CARE) LOCATED AT 100-102 ARTHUR ST, ST GEORGE QLD 4487 (DESCRIBED AS LOT 1 ON SP326139)

Cr Avery moved and Cr Fuhrmeister seconded:

That:

1. Council receives this report.
2. Council approves the development application for MCU 198 - Development Application for Material Change of Use - "Child Care Centre" (Before and After School Care) Located at 100-102 Arthur St, St George Qld 4487 (described as Lot 1 on SP326139), properly described as Lot 1 on SP326139, subject to the permit conditions listed below.

**CONDITIONS APPLICABLE TO THE CHILD CARE CENTRE
(BEFORE AND AFTER SCHOOL CARE)**

Use

1. The approved development is a Material Change of Use - "Child Care Centre" (Before and After School Care) as defined in the Planning Scheme, *Planning Act 2016* and as shown on the approved plans.
2. 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
-	Site Plan of 100-102 Arthur Street, St George QLD 4487	-
06/2021	Floor Plans of Existing Buildings	-
07/2021	Layout of Existing Car Park	-

Stormwater Drainage

3. Stormwater drainage is to be provided in accordance with:
 - a. Queensland urban drainage manual; and
 - b. Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.
4. Stormwater must not be discharged to adjoining properties and as a result of the development, must not pond on the property being developed, or adjoining properties. 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 site.

Earthworks and Construction

5. During the course of any construction works to establish the approved use, erosion controls and silt collection measures must be put in place to protect environmental values and mitigate potential impacts to adjoining properties and roadway/s.

Applicable Standards

6. 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.

Development works

7. 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.
8. 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).

Compliance inspection

9. 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.
10. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.

No Cost to Council

11. 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

12. 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

13. 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'.

Waste Management

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

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 (including vehicle traffic within the site) must be continually monitored and suppressed in order to prevent any dust drifting onto road networks and nearby properties and sensitive land uses.
18. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
19. 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.
20. 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.
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*.

Provision of Services

23. The development must be connected to Council’s reticulated water supply network in accordance with the applicable standards and policies.
24. The development must be connected to an on-site sewage management system that—
- a. prevents a risk to public health;
 - b. prevents environmental damage, including to land, soil, groundwater and surface water; and
 - c. protects community amenity.
25. The developer is responsible for obtaining all relevant approvals for the sewage treatment system from Balonne Shire Council and any other relevant regulatory agency.
26. 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).
27. 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, Car Parking and Manoeuvring

28. The developer shall be responsible for the 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. Crossovers must be appropriately sized to cater for vehicles accessing the site, ensuring no damage to the roadway. Should any damage be caused at the approved access location/s, 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.
29. A minimum of fifteen (15) car parking spaces, including one (1) car parking space for persons with disabilities, are to be provided within the development site area for the use of the approved “Child Care Centre” (Before and After School Care) generally in accordance with the approved development plans. Car parking areas must be clearly delineated and/or signposted.
30. Car parking areas are to be 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)
31. Vehicle driveways, access, car parking and manoeuvring areas are to be constructed of a sealed or compacted gravel surface to prevent dust nuisance.

32. Vehicle movements within the site are to be clear of proposed parking areas, buildings and landscape treatments. 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.
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.

Landscaping

34. Existing landscaping within the site, including garden beds and greenspace areas generally as shown on the approved Site Plan, must be maintained throughout the duration of the approved use. Any dead and/or unhealthy plants are to be promptly removed and replaced.
35. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement.
36. Landscaping must not interfere with sight lines at access driveways for vehicle traffic.

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. Under the *Balonne Shire Planning Scheme 2019*:

Child Care Centre means: *Premises used for minding, education and care, but not residence, of children.*
- III. The *Institute of Public Works Engineering Australasia Queensland Division* is the applicable engineering design guideline for development within the Balonne Shire.
- IV. 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/>
- V. 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.
- VI. 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.

- VII. 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.
- VIII. An Operational works application will be required to be submitted to and approved by Council for:
 - a. Operational works that is excavation and/or filling 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
 - b. Operational works for urban purposes that involve disturbing more than 2,500m² of land.
- IX. This approval lapses if the first change of use does not start within six (6) years of the approval taking effect.
- X. Unless otherwise stated all conditions shall be completed prior to the commencement of the use.
- 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. This development approval has been issued during a COVID-19 applicable event declared under 275F of the Planning Act 2016. The period for undertaking the approved development may be subject to an extension of time under section 275R of the Planning Act 2016.

CARRIED UNANIMOUSLY

Jess Reiser (Planning and Development Officer – Maranoa Regional Council) left the meeting via teleconference, the time being 2:52pm.

Andrew Boardman (Director Infrastructure Services) left the meeting, the time being 2:53pm.

CLOSED MEETING

Cr Fuhrmeister moved and Cr Lomman seconded:

That Council move into closed session, the time being 2:53pm in accordance with S252J(1) of the Local Government Regulations 2012 relating to discuss confidential agenda items: CCFS1, CCFS2, CCFS3, CCFS4 and CCES1.

CARRIED UNANIMOUSLY

Josh Dyke (Manager Rural Services and Compliance) entered the meeting, the time being 3:05pm.
Councillor Fuhrmeister left the meeting during closed session, the time being 3:06pm.

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CCES1**, on the grounds that:
Councillor Scriven's sister is one of the applicants.

In accordance with s150EM(2) of the Local Government Act 2009, Councillor Scriven voluntarily left the meeting in closed session the time being 3:06pm.

Councillor Scriven returned to the meeting, the time being 3:09pm.

OPEN MEETING

Cr Todd moved and Cr Scriven seconded:

That the meeting move out of closed session, the time being 3:17pm.

CARRIED UNANIMOUSLY

CONFIDENTIAL ITEMS

(CFCS) FINANCE AND CORPORATE SERVICES

CCFS1

A2390 - DISCOUNT AND INTEREST

Cr Todd moved and Cr Lomman seconded:

That Council resolves to waive the interest only of \$1,050.94 for Assessment 2390 and honour the discount for the 2020/21 financial year being \$543.75 and the property owner pay the remaining amount of \$1,614.18 for the reason that both parties accept responsibility for the oversight.

CARRIED 4:2

Councillor Winks requested his name be recorded against the motion.

CCFS2

AUDIT & RISK COMMITTEE INDEPENDENT CHAIR

Cr Scriven moved and Cr Lomman seconded:

That Council resolves to re-appoint Mr James Hetherington as the Audit & Risk Committee for a period of two years to expire 31 December 2023.

CARRIED UNANIMOUSLY

CCFS3

RATES ASSESSMENT A158

Council noted that this item was withdrawn by the applicant.

CCFS4

PRE-QUALIFIED CONSULTANCY PANEL

Cr Winks moved and Cr Avery seconded:

That Council resolves to appoint the following suppliers on a pre-qualified panel of providers in accordance with S232 of the Local Government Regulations 2012.

- ADG Engineers Pty Ltd
- All About Assets
- Allegra Consulting

- Anitech
- APV Valuers and Asset Management
- Avistra
- C3 Resilience
- Feddersen Consulting Group Pty Ltd
- FIIG Securities Limited
- Findex
- GP One Consulting Pty Ltd
- Henry Reed Pty Ltd
- lamdata.Solutions Pty Ltd
- Kelly Reaston Development & Property Services
- Kerry Phillips
- LG Consulting Group
- Lucid Economics
- Moonyah Services Pty Ltd
- Morris & Piper Advisory Pty Ltd
- North Point Consultants
- Organisational Risk Consulting Pty Ltd
- PerformHR
- Project Delivery Managers Pty Ltd
- PSA Infrastructure
- Recenseo Management Accounting and Consulting
- Reel Planning Pty Ltd
- RiskLogic
- SBH Consultancy
- Shepherd Services Pty Ltd
- Stoplevel Pty Ltd
- Trade and Transport Group Pty Ltd
- Transport Compliance Solutions Pty Ltd
- Walsh Accounting
- Weir Consulting (National)

CARRIED UNANIMOUSLY

Josh Dyke (Manager Rural Services and Compliance) left the meeting, the time being 3:17pm.

Councillor Scott Scriven declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CCES1**, on the grounds that: Councillor Scriven's sister is one of the applicants.

In accordance with s150EM(2) of the Local Government Act 2009, Councillor Scriven voluntarily left the meeting in open session at 3:19pm.

(CCES) COMMUNITY AND ENVIRONMENTAL SERVICES

CCES1

APPROVAL OF STOCK DOG PERMITS 2021-2022

Cr Winks moved and Cr Avery seconded:

That Council approves the Keeping of Stock Dogs permit applications for the following premises:

1. 69 Arthur Street, ST GEORGE
2. 45 Roe Street, ST GEORGE
3. 34 Andrew Street, ST GEORGE

4. 7 Phillip Street, ST GEORGE
5. 11 Mary Street, BOLLON
6. 52-54 Main Street, BOLLON
7. 10-12 Perkins Street, DIRRANBANDI
8. 71 Arthur Street, ST GEORGE
9. 20 Dyball Street, ST GEORGE
10. 22-24 Turvey Court, ST GEORGE
11. 38-44 Herbert Street, ST GEORGE

CARRIED UNANIMOUSLY

Councillor Scriven returned to the meeting, the time being 3:20pm.

Councillor Samantha O'Toole declared a **Declarable Conflict of Interest** in accordance with s150EQ of the Local Government Act 2009, with respect to matters contained in **CES10**, on the grounds that: Councillor O'Toole and husband Jason O'Toole own Balonne Airwork's that is an aviation company. In accordance with s150EM(2) of the Local Government Act 2009, Councillor O'Toole voluntarily left the meeting at 3:22pm.

Councillor Lomman assumed the chair, time being 3:22pm.

GENERAL BUSINESS

Due to late advice from Council's Town Planner, Council revisited Item CES10 to consider a minor amendment to condition 10:

Cr Scriven moved and Cr Winks seconded:

That Council amend condition 10 RL 112 as underlined:

The approved development is to be carried out in generally 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 or additional requirements from aviation authorities prevail.

CARRIED UNANIMOUSLY

Councillor O'Toole returned to the meeting and resumed the chair, the time being 3:32pm.

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 OCTOBER 2021**

IOCEO2 **TOURISM SERVICES MONTHLY REPORT**

(IFCS) FINANCE AND CORPORATE SERVICES

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

ICFS2 **MONTHLY REPORT**

(IIFS) INFRASTRUCTURE SERVICES

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

IIFS2 **MONTHLY REPORT**

(ICES) COMMUNITY AND ENVIRONMENTAL SERVICES

ICES1 **MONTHLY REPORT ENVIRONMENT AND REGULATORY SERVICES**

There being no further business, the Meeting closed, the time being 4:07pm.

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

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MAYOR