



MINUTES

of the

Ordinary Meeting of the Council

held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 20th July 2023

Commencing at 9:00am

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OPENING

The Mayor declared the Meeting open at 9:00am

COUNCIL PRAYER

The Mayor led the Council in the Opening Prayer.

ATTENDANCE

Cr SC O'Toole (Chair), Crs RD Avery, RG Fuhrmeister, WN Winks, SS Scriven, AC Benn and AO Osborne

Mrs Michelle Clarke (Acting Chief Executive Officer), Mr Chris Whitaker (Director Infrastructure Services), and Mr Digby Whyte (Director Community and Environmental Services).

LEAVE OF ABSENCE

Cr Fuhrmeister moved and Cr Scriven seconded:

That a leave of absence be granted for Councillor Avery for the August and September Ordinary Council Meetings.

CARRIED UNANIMOUSLY

LEAVE OF ABSENCE

It was noted that Matthew Magin (Chief Executive Officer) would not be in attendance today.

CONFIRMATION OF MINUTES

Cr Avery moved and Cr Fuhrmeister seconded:

That the Minutes of the Special Meeting held at 9:00am on 29 June, 2023 be confirmed.

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

Cr Benn moved and Cr Osborne seconded:

That the Minutes of the General Meeting held at 11:00am on 29 June, 2023 be confirmed.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM MINUTES

Nil

PUBLIC PARTICIPATION

Nil

DEPUTATIONS

Nil

DECLARATION OF INTEREST

Councillor Alex Benn declared a **Declarable Conflict of Interest** in accordance with s150EF(3) of the Local Government Act 2009, with respect to matters contained in CIFS1, CIFS2, CIFS3, CIFS4

and CIFS5 on the grounds that: Councillor Benn indicated he has a close personal relationship with the applicant. Councillor Benn indicated he 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 s150EF(3) of the Local Government Act 2009, with respect to matters contained in **CCFS1** on grounds that: Councillor Fuhrmeister is the chairperson of Care Balonne and the St George Heritage Centre.

Councillor Fuhrmeister indicated she 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

DECLARATION OF INTEREST - JULY - AUGUST: COUNCILLOR WORKSHOP

Cr Winks moved and Cr Fuhrmeister seconded:

That individual Councillors declare any declarable conflicts of interest for eligible Councillors to consider how they may or may not participate in Councillor workshops and/or meetings to comply with S150ER and S150ES of the Local Government Act 2009.

Bollon Cemetery

Councillor Winks notified the table of a perceived conflict of interest in respect to matters contained in Parks and Gardens Committee agenda - REP4 – Bollon Cemetery Remembrance Garden Concept on grounds that Councillor Winks had a personal interest with the location of the placement of the memorial wall in the Bollon Cemetery, however the report tabled at the Parks and Gardens Standing Committee was limited to the remembrance garden concept only. Under the Local Government Act 2009 this is not a declarable conflict of interest – S150EO (iv) Councillor Winks therefore remained in the room.

Cr Scriven moved and Cr Benn seconded

It was resolved that Councillor Winks has no further conflict of interest in the Bollon Cemetery because the location of the memorial wall has now been finalised.

CARRIED UNANIMOUSLY

FCS2

FEES AND CHARGES 2023/24 AMENDMENT

Cr Osborne moved and Cr Scriven seconded:

That Council resolves to:

1. Approve the amendment of the Rate Search Comprehensive per property charge of \$208.00 for the 2023/24 financial year.
2. Approve the increase in application fee to \$55.75 and the processing fee of \$8.65 in the Fees and Charges schedule for 2023/24 in accordance with the Right to Information Act 2009.
3. Approve the amendment of the wording for the St George Swimming Pool from TJ's Swim

(TJS) to Lessee.

CARRIED UNANIMOUSLY

FCS3

LOCAL GOVERNMENT ASSOCIATION QUEENSLAND - MOTIONS FOR ANNUAL CONFERENCE 2023

Cr Fuhrmeister moved and Cr Avery seconded:

That Council resolves to submit the following motions to the 2023 annual Local Government Association Queensland conference:

1. Youth Justice

That the Local Government Association Queensland call on the Queensland Government to further amend the Youth Justice Act 1992 to remove or amend principle 18 that detention of a child in custody for an offence is only as a last resort.

2. Waste Strategy

That the Local Government Association Queensland call on the Queensland Government to provide greater differentiation for rural and remote Councils in meeting increasing environmental compliance costs for landfill and waste by increasing timeframes, funding or adopt a tiered level of compliance standards in recognition of smaller councils inability to pay and the relatively low impact per km² of environmental impact of waste on small populations.

3. Growing Regions

That the Local Government Association Queensland call on the Federal Government to limit the co-contribution under its grant funding programs to 10% or less for small rural and remote Local Government areas with a population less than 10,000, (including Growing Regions), rather than Australian Statistical Geography Standard (ASGS) Remoteness Areas where it currently splits some local government areas into different categories.

4. Water Buy Backs

That the Local Government Association Queensland call on the Federal government to use every possible measure to recover water for the Murray Darling Basin targets not solely relying on water buy backs and retain the triple bottom line as a safety net in Queensland in recognition of the devastating effects water buy backs have across the Murray Darling Basin.

5. Gravel Pits

a) That the Local Government Association Queensland urgently seek a legal opinion for the high court ruling in relation to quarry permit renewals needing an Indigenous Land Use Agreement (ILUA) due to the overall impact across the State restricting councils use of local gravel pits and recognising that many gravel pits in the State have permits that expire June 2024.

b) That the Local Government Association Queensland lobbies the Queensland Government to remove the requirement for ILUA with indigenous corporations to be negotiated as a pre-requisite for renewing gravel pit permits on the basis that:

- it is impractical and carries high costs
- increasingly Indigenous corporations are declining to develop ILUA, fearing loss of future benefits;
- the Australian Government Attorney General closed the Native Title Financial Assistance scheme on 31 October 2022 funding local authority legal costs for developing ILUA as part of native title determinations;

- there is an expectation by Indigenous corporations that any ILUA is comprehensive across all issues and therefore is expensive and time consuming;
- councils are paying higher costs to cart gravel from commercial gravel pits.

That Council resolve to support the following motions submitted by members of the South West Queensland Regional Organisation of Councils.

A. Australian Banking Association

That the Local Government Association Queensland call upon the Queensland Government to take immediate action to address the discriminatory lending practices of Queensland banks, which unfairly target regional and remote areas based on postcodes.

B. Amalgamation of rural properties

The Local Government Association Queensland call upon the Queensland Government to address the practice of the Valuer General in amalgamating property assessments when the property tenure, names, and Local Government Authority are the same.

C. Rate arrears for resource companies

The Local Government Association Queensland call on the Queensland Government to take immediate action to address the issue of unpaid rates on mining leases within Local Government areas by:

- a) Amending legislation to establish the mandatory payment of rates to Local Authorities as an obligation for all mining lease holders.
- b) Directly engaging in discussions with relevant mining companies on behalf of affected Councils to resolve Local Authority rate arrears promptly and ensure fair financial responsibility."

D. Mobile black spots

That Local Government Association Queensland call on the Queensland Government:

- a) To have a notification or tick off process of the consultation aspect of the project by the Federal MP and the Council to ensure that there is meaningful engagement with Community
- b) Including on the ground testing to ensure value for money in the location of this infrastructure which is designed to increase connectivity and reduce the digital divide.

CARRIED UNANIMOUSLY

Tina Woodbine (Records Administration Officer) and Craig Dreher (Accountant) entered the meeting, the time being 11:01am.

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MAYORAL MINUTE - LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND MOTIONS

Cr O'Toole moved and Cr Winks seconded:

That Council resolve to submit the following motions to the 2023 Local Government Association of Queensland annual conference as follows:

- 1) That the Local Government Association Queensland call on the Federal Government and Queensland State Valuer General to consider adding a land use management classification of carbon farming under the Class 3 Production from Dryland Agriculture and Plantations.
- 2) The Local Government Association Queensland call on the Queensland Government to

provide further assistance to small, rural and remote Councils to implement the Financial Sustainability Framework.

- 3) That the Local Government Association Queensland call on the Queensland Government to maintain the Queensland Wild Dog Barrier Fence for biosecurity purposes that is fully funded and maintained by the State.

CARRIED UNANIMOUSLY

FCS4

FINANCE REPORT - MONTH ENDING 30 JUNE 2023

Cr Avery moved and Cr Benn seconded:

That Council resolves to receive and note the monthly Financial Management Report for the period ending 30 June 2023, as attached.

CARRIED UNANIMOUSLY

Tina Woodbine (Records Administration Officer) and Craig Dreher (Accountant) left the meeting, the time being 11:47am.

Council adjourned for morning tea, the time being 11:47am.

Council resumed from morning tea, the time being 12:06pm.

(IFS) INFRASTRUCTURE SERVICES

IFS1

BALONNE WATER SECURITY AND COOLING PLANS

Cr Scriven moved and Cr Osborne seconded:

That Council resolves to endorse the recommendation report provided by Proterra in full as detailed in the executive summary and stage the works in order of their precedence as funding becomes available.

AMENDMENT

Cr Fuhrmeister moved and Cr Avery seconded:

That Council resolves to

1. Receive and note the report provided by Proterra on the Balonne Water Security and Cooling Plans; and
2. prioritise the following recommendations:
 - a) Conduct investigations and condition assessment inclusive of operational costs on Henry St bore to retain or replace as a back-up water supply for the community of St George.
 - b) Develop construction designs for pipe upgrade along Carnarvon Highway (Buchan bypass to airport - industrial development) inclusive of extension to Johnston Rd for both non-potable and potable water supplies.
 - c) Investigate water cooling options for communities in the Balonne Shire
3. Determine further priorities at a future Asset Committee.

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

CARRIED UNANIMOUSLY

Council adjourned for lunch, the time being 12:59pm.

Council resumed from lunch, the time being 1:35pm.

Ron Petterson (Manager Community Services) entered the meeting, the time being 1:36pm.

(CES) COMMUNITY AND ENVIRONMENTAL SERVICES

CES1

FIRE HAZARD REDUCTION THROUGH AGISTMENT

Cr Fuhrmeister moved and Cr Winks seconded:

That Council resolves to

1. Promote landholder agistment from their property boundary to the road on stock route and road corridors to mitigate the risk of fire damage to domestic and agricultural assets, by waiving the stock route agistment permit fee for the period July to December 2023 inclusive.
2. To delegate to the Chief Executive Officer in accordance with S257(1)(b) of the Local Government the decision to extend the promotion for three-month periods where significant grass fuel loads on stock route and road corridor boundaries prevail.

CARRIED UNANIMOUSLY

CES2

COMMUNITY GRANT APPLICATION: ST PATRICK'S YEAR 6 CAMP FUNDRAISING COMMITTEE

Cr Fuhrmeister moved and Cr Benn seconded:

That Council resolves to approve \$2,500 of the sponsorship request from St Patrick's Year 6 Camp Fundraising Committee, to assist with the costs associated with St Patrick's Year 6 Camp to Brisbane from 4-8 September 2023 and participation in a number of activities (subject to the applicant sourcing and providing details of an Au-spicing Body).

CARRIED UNANIMOUSLY

CES3

COMMUNITY GRANT APPLICATION: BALONNE RIVER CUTTERS INC

Cr Scriven moved and Cr Osborne seconded:

That Council resolves to

- 1 approve \$2,500 of sponsorship as requested by Balonne River Cutters to offset grounds hire fees for their "On the Banks of the Balonne 2023 Futurity" event to be held from Saturday, 26 August through until Sunday, 3 September 2023, subject to the receipt of evidence of public liability insurance.

CARRIED UNANIMOUSLY

CES4

BALONNE SHIRE YOUTH COUNCIL - MINUTES (UNCONFIRMED) HELD ON 21 JUNE 2023

Cr Benn moved and Cr Winks seconded:

That Council resolves:

1. To receive the Balonne Shire Youth Council's unconfirmed Minutes of their Meeting held on 21 June 2023
2. Receive and endorse the new member of the Youth Council

CARRIED UNANIMOUSLY

Ron Petterson (Manager Community Services) left the meeting, the time being 2:05pm.

Kate Swepson (Maranoa Planning Consultant) joined the meeting via teleconference, the time being 2:05pm.

CES5

RL119 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT – BOUNDARY REALIGNMENT – TWO (2) LOTS INTO TWO (2) LOTS LOCATED AT CHELMER ROAD, ST GEORGE QLD 4487 (DESCRIBED AS LOT 2 ON BLM65 AND LOT 3 ON BLM78)

Cr Scriven moved and Cr Benn seconded:

That:

- I. Council receives this report.
- II. Council approves the Development Application for Reconfiguring a Lot – Boundary Realignment – Two (2) lots into two (2) lots, located at Chelmer Road, St George QLD 4487 (described as Lot 2 on BLM65 and Lot 3 on BLM78) subject to the permit conditions listed below.

Preamble

- i. The relevant planning scheme for this development is *Balonne Shire Planning Scheme 2019*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- ii. A development permit for a Material Change of Use will be required for any activity or development on the approved lot(s) that does not comply with the accepted development criteria in the *Balonne Shire Planning Scheme 2019*.
- iii. 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*.
- iv. New development on any of the approved lots must be provided with an adequate supply of electricity. In the event that an adequate supply of electricity cannot be achieved through efficient design and alternative energy technologies, a connection to the reticulated electricity network must be made available. Prospective purchasers and/or developers of the newly created lots are encouraged to contact the relevant electricity provider to determine the availability and costs associated with connecting to the reticulated network.
- v. This approval lapses if a plan for the reconfiguration is not given to the Council within four (4) years of the approval taking effect.
- vi. 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.

- vii. 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 establishment of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- 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. Reticulated sewerage is unavailable to the development site. A development permit for plumbing and drainage works must be obtained from Council for any onsite sewerage system provided on the proposed lots.
- x. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. Council should be contacted for advice in the event of any potential change in circumstances.
- xi. 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.
- 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*.

Conditions:

Approved development

- 1. The approved development is for Reconfiguring a Lot – Boundary Realignment – Two (2) lots into two (2) lots, located at Chelmer Road, St George QLD 4487 (described as Lot 2 on BLM65 and Lot 3 on BLM78), 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.

Compliance

- 3. The developer shall contact Council to arrange a development compliance inspection prior to

the endorsement of the relevant Survey Plan.

4. Unless otherwise stated, all conditions must be complied with prior to the Council endorsing the relevant Survey Plan.

Approved documents

5. 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:
15224 PROPOSAL	Proposed Realignment (2 into 2)	14/06/2023

Existing buildings and structures

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

Services provision

7. All services installation that is undertaken in conjunction with the approved development, including onsite sewerage and water connections, must comply with:
 - a. the development approval conditions;
 - b. the relevant service provider's requirements and specifications;
 - c. any relevant provisions in the planning scheme for the area;
 - d. Council's standard designs for such work where such designs exist;
 - e. any relevant Australian Standard that applies to that type of work; and
 - f. any alternative specifications that the Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.
8. 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

9. 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 as a result of the development.
10. 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.

Access and roads

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

Protection of infrastructure

12. 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.

No cost to Council

13. 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

14. 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.

CARRIED UNANIMOUSLY

CES6

MCU214 – DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – “TELECOMMUNICATIONS FACILITY” LOCATED AT CARNARVON HIGHWAY, THALLON QLD 4497 (DESCRIBED AS LOT 34 ON BLM990)

Cr Osborne moved and Cr Winks seconded:

That:

- a) Council receives this report.
- b) Council approved the development application MCU213 for Material Change of Use – “Telecommunications Facility” on land situated at Carnarvon Highway, Thallon described as Lot 34 on BLM990 subject to the conditions listed below:

DEVELOPMENT PERMIT CONDITIONS

Use

1. The approved development is a Material Change of Use - “Telecommunications Facility” as defined in the Planning Scheme and as shown on the approved plans.
2. A development permit for building works must be obtained prior to commencing construction of the telecommunications facility.
3. 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
B4BALO016-G2, Issue A	Overall Site Plan	05/06/2023
B4BALO016-G3, Issue A	Site Layout High Level	05/06/2023
B4BALO016-G4, Issue A	Setout Plan	05/06/2023
B4BALO016-G5, Issue A	Site Elevation	05/06/2023

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 in these conditions.
5. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection. Applicable Standards
6. All works must comply with:
 - i. the development approval conditions;
 - ii. any relevant provisions in the Planning Scheme;
 - iv. Balonne Shire Council Private Property Entrance Policy 2010;
 - v. The Institute of Public Works Engineering Australasia Queensland Division (IPWEA);
 - vi. any relevant Australian and Austroads Standards and the National Construction Code that applies to that type of work; and
 - vii. 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. The developer shall ensure that all approved works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.
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).

Safety

9. Install, operate and maintain remote monitored safety lighting on the approved "Telecommunication Facility" generally in accordance with the Civil Aviation Safety Authority's (CASA) and Manual of Standards.

Waste Management

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

Stormwater Drainage

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

Earthworks and Construction

13. During construction, erosion controls and silt collection measures are to be put in place to protect environmental values and mitigate potential impacts to adjoining properties and roadway/s.
14. All earthworks for the development shall be undertaken in accordance with the Institute of Public Works Engineering Australasia Queensland Division.

Note: A operational works approval will be required for excavation and/or filling works that would result in a change of 1m or more in the level of any part of the land or where any drainage path is affected.

Avoiding Nuisance

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

Access

19. The landowner shall be responsible for the maintenance of vehicle crossovers from the road carriageway to the property boundary. Should any damage be caused at the approved access location, it is the landowner's responsibility to ensure this is

reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.

20. 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.

No Cost to Council

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

Latest versions

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

GENERAL ADVICE

- i. Refer to <https://www.balonne.qld.gov.au/council/publications/policies-plansstrategies> for Council Policies.
- ii. The relevant planning scheme for this development is Balonne Shire Planning Scheme 2019. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to the above Planning Scheme.
- iii. The Institute of Public Works Engineering Australasia Queensland Division is the applicable engineering design guideline for Balonne Shire Council.
- iv. 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.
- v. Under the Balonne Shire Planning Scheme 2019 a "**Telecommunications Facility**" means *premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled*.
- 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 the 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 and policies to the relevant authorities for the approved use.
- ix. A Works in a Road Reserve Permit will be required from Council for any works associated with the development that are undertaken within the Council road reserve by private contractor/entity.
- x. 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.
- xi. 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.
- xii. In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved plans and documents may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.

CARRIED UNANIMOUSLY

Kate Swepson (Maranoa Planning Consultant) left the meeting via teleconference, the time being 2:14pm.
Digby Whyte (Director Community Environmental Services) left the meeting via teleconference, the time being 2:15pm.

CLOSED MEETING

Cr Fuhrmeister moved and Cr Benn seconded:

That Council move into closed session, the time being 2:15pm in accordance with S252J(1) of the Local Government Regulations 2012 relating to discuss confidential agenda item: CCFS1, CIFS1, CIFS2, CIFS3, CIFS4 and CIFS5.

CARRIED UNANIMOUSLY

Councillor Robyn Fuhrmeister declared a **Declarable Conflict of Interest** in accordance with s150EF(3) of the Local Government Act 2009, with respect to matters contained in **CCFS1** on grounds that: Councillor Fuhrmeister is the chairperson of Care Balonne and the St George Heritage Centre.

Councillor Fuhrmeister left the meeting in closed session, the time being 2:15pm.

Councillor Fuhrmeister returned to the meeting in closed session, the time being 2:17pm.

Councillor Alex Benn declared a **Declarable Conflict of Interest** in accordance with s150EF(3) of the Local Government Act 2009, with respect to matters contained in CIFS1, CIFS2, CIFS3, CIFS4 and CIFS5 on the grounds that: Councillor Benn indicated he has a close personal relationship with the applicant.

Councillor Benn left the meeting in closed session, the time being 2:17pm.

OPEN MEETING

Cr Fuhrmeister moved and Cr Scriven seconded:

That Council enter into open session, the time being 2:46pm.

CARRIED UNANIMOUSLY

Councillor Fuhrmeister left the meeting in open session, the time being 2:46pm.

Councillor Benn returned to the meeting in open session, the time being 2:47pm.

Councillor Fuhrmeister returned to the meeting in open session, the time being 2:47pm.

Councillor Benn left the meeting in open session, the time being 2:48pm.

Councillor Benn returned to the meeting in open session the time being 2:49pm.

CONFIDENTIAL ITEMS

(CFCS) FINANCE AND CORPORATE SERVICES

CCFS1

RATES REMISSIONS - COMMUNITY RATES SUPPORT PROGRAM GUIDELINES & SUPPORT FOR 2023-24 RATES LEVY

Cr Winks moved and Cr Benn seconded:

That Council resolves to:

1. In accordance with Section 122 of the *Local Government Regulation 2012*, to grant the rate rebate as per the guidelines of the Community Rates Support Program for applications received by Council, for the total sum of \$16,146.84 (Attachment Two); and
2. Council accepts to round up one decimal place for off/uneven figures upon allocation of concessions.

CARRIED UNANIMOUSLY

(CIFS) INFRASTRUCTURE SERVICES

CIFS1

DRFA SOUTHERN DIRRANBANDI RECONSTRUCTION WORKS CN202213

Cr Avery moved and Cr Osborne seconded:

That Council resolves to:

- 1) approve the awarding of tender CN202213– Southern Dirranbandi Reconstruction Works to Lohman Contracting for the tendered price of \$4,240,985.46 (excl. GST);
- 2) delegate authority to the Chief Executive Officer in accordance with S257(1)(b) of the Local Government Act 2009, to negotiate and enter into contract, finalise and execute any and all matters in relation to this procurement activity. Noting that Council may choose to defer award of contract until a revised funding schedule is received from Queensland Reconstruction Authority for the Phase 2 submission approval.

CARRIED UNANIMOUSLY

CIFS2

DRFA SOUTH EAST RECONSTRUCTION WORKS CN202250

Cr Fuhrmeister moved and Cr Winks seconded:

That Council resolves to:

- 1) approve the awarding of tender CN202250– South East Reconstruction Works to Durack Civil for the tendered price of \$3,880,284.54 (excl. GST);
- 2) delegate authority to the Chief Executive Officer in accordance with S257(1)(b) of the Local Government Act 2009, to negotiate and enter into contract, finalise and execute any and all matters in relation to this procurement activity. Noting Council may choose to defer award of contract until a revised funding schedule is received from Queensland Reconstruction Authority for the Phase 2 submission approval.

CARRIED UNANIMOUSLY

CIFS3

DRFA BRIDGE AND CULVERT REMEDIATION - CN202102

Cr Scriven moved and Cr Avery seconded:

That Council resolves to:

- 1) approve the awarding of tender CN202102– Bridge and Culvert Remediation to Durack Civil for the tendered price of \$423,565.80 (excl. GST);
- 2) delegate authority to the Chief Executive Officer in accordance with s257(1)(b) of the Local Government Act 2009, to negotiate and enter into contract, finalise and execute any and all matters in relation to this procurement activity. Noting Council may choose to defer award of contract until a revised funding schedule is received from Queensland Reconstruction Authority for the Phase 2 submission approval.

CARRIED UNANIMOUSLY

CIFS4

DRFA BOLLON RECONSTRUCTION WORKS CN202212

Cr Fuhrmeister moved and Cr Osborne seconded:

That Council resolves to:

- 1) approve the awarding of tender CN202212– Bollon Reconstruction Works to Durack Civil for the tendered price of \$3,878,169.90 (excl. GST);
- 2) delegate authority to the Chief Executive Officer in accordance with S257(1)(b) of the Local Government Act 2009, to negotiate and enter into contract, finalise and execute any and all matters in relation to this procurement activity. Noting Council may choose to defer award of

contract until a revised funding schedule is received from Queensland Reconstruction Authority for the Phase 2 submission approval.

CARRIED UNANIMOUSLY

CIFS5

DRFA SEALED ROADS RECONSTRUCTION WORKS - CN202211

Cr Scriven moved and Cr Osborne seconded:

That Council resolves to:

- 1) approve the awarding of tender CN202211– Sealed Roads Reconstruction Works to AH&JH Earthmoving for the tendered price of \$1,044,218.28 (excl. GST);
- 2) delegate authority to the Chief Executive Officer in accordance with S257(1)(b) of the Local Government Act 2009, to negotiate and enter into contract, finalise and execute any and all matters in relation to this procurement activity. Noting Council may choose to defer award of contract until a revised funding schedule is received from QRA for the Phase 2 submission approval.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

COUNCILLOR REPORTS

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

INFORMATION REPORTS

(IOCEO) OFFICE OF THE CEO

IOCEO1

TOURISM SERVICES MONTHLY REPORT

IOCEO2

ECONOMIC DEVELOPMENT JUNE 2023 MONTHLY REPORT

(IFCS) FINANCE AND CORPORATE SERVICES

ICFS1

MONTHLY REPORT DIRECTOR FINANCE & CORPORATE SERVICES - JUNE 2023

ICFS2

GRANT MONTHLY REPORT - JULY 2023

ICFS3

BALONNE MANAGEMENT PERFORMANCE REPORT AS AT 30 JUNE 2023

(IIFS) INFRASTRUCTURE SERVICES

IIFS1

DEPARTMENT OF INFRASTRUCTURE SERVICES - MONTHLY REPORT

IIFS2 **DRFA MONTHLY STATUS REPORT – JUNE 2023**

IIFS3 **IMS COORDINATOR MONTHLY SAFETY REPORT - JUNE 2023**

(ICES) COMMUNITY AND ENVIRONMENTAL SERVICES

ICES1 **MONTHLY REPORT COMMUNITY AND ENVIRONMENTAL SERVICES - JUNE 2023**

There being no further business, the Meeting closed, the time being 3:57pm.

Confirmed at a Ordinary Meeting of the Council held on 17 August 2023.

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MAYOR