



# **MINUTES**

**of the**

**Ordinary Meeting of the Council**

**held in the**

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

**on**

**Thursday 21st September 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 RG Fuhrmeister, WN Winks, SS Scriven, AO Osborne

Cr AC Benn by teleconference

Mr Matthew Magin (Chief Executive Officer), Mr Chris Whitaker (Director Infrastructure Services), Mrs Michelle Clarke (Director Finance Corporate Services) and Dr Digby Whyte (Director Community and Environmental Services)

## **LEAVE OF ABSENCE**

It was noted that Councillor Avery would not be in attendance today.

## **CONFIRMATION OF MINUTES**

Cr Fuhrmeister moved and Cr Scriven seconded:

That the Minutes of the General Meeting held on 17 August, 2023 be confirmed.  
CARRIED UNANIMOUSLY

## **BUSINESS ARISING FROM MINUTES**

Nil

## **PUBLIC PARTICIPATION**

Nil

## **DEPUTATIONS**

Nil

## **DECLARATION OF INTEREST**

**Councillor Samantha O'Toole** gave notice of a **Prescribed Conflict of Interest** in accordance with S150EL of the Local Government Act 2009, in respect to matters contained in **CES3** on the grounds that: Councillor O'Toole and husband Jason O'Toole own and operate Balonne Airwork and perform airwork in the district. Councillor O'Toole indicated that she would voluntarily leave the meeting and not participate in the debate or decision

## MEETING BUSINESS BY CORPORATE FUNCTION

Michael Pickering (Manager Urban Infrastructure), Chris Whitaker (Director Infrastructure Services), Ben Mear (Manager Roads Construction & Maintenance) entered the meeting, the time being 9:05am.

Garnet Radford (Economic Development Officer) and Kim Wildman (Manager Tourism) entered the meeting, the time being 9:11am.

### **CHANGE ORDER OF BUSINESS**

Cr Fuhrmeister moved and Cr Osborne seconded:

That Council change the order of business to consider agenda item IFS3, the time being 9:08am.  
CARRIED UNANIMOUSLY

IFS3

### **DIRRANBANDI WATER QUALITY INCIDENT - 21 AUGUST 2023**

Cr Winks moved and Cr Scriven seconded:

That Council resolves to:

1. Prepare and distribute an information paper concerning the incident to Dirranbandi residents with individual residents be invited to meet with Council to further discuss as required.
2. Develop a Drinking Water Quality Incident Protocol – nominate appropriate personnel and prepare action and communication actions to align with the incident matrix in the DWQMP.
3. Approve a budget amendment of \$100,000 from reserves to repair, upgrade and replace equipment in the Dirranbandi Water Treatment Facility.
4. Engage TJS consulting to provide project management services to assist in the implementation of the infrastructure improvement works above.
5. Expand the water operations training programme regularly, adding new trainees each year – it is also intended to encourage staff who have attained Cert III to progress to Cert IV and further diploma or degree progression if appropriate. In addition, a proposal has been sought from TJS Consulting to provide regular operational inspections and mentoring of operational staff covering all of our operations in Balonne Shire. Funding for training to be provided from current operational budget.

CARRIED UNANIMOUSLY

## (OCEO) OFFICE OF THE CEO

Michael Pickering (Manager Urban Infrastructure) left the meeting, the time being 9:26am.

OCEO1

### **TOURISM EVENTS GRANT APPLICATION - PINNACLE BOER GOAT EXPO**

Cr Fuhrmeister moved and Cr Osborne seconded:

That Council:

Sponsor Youlden Valley with \$3,000 from the Tourism Events Grant Funding Program for the 2024 Pinnacle Boer Goat Expo & Australian Championships.

CARRIED UNANIMOUSLY

OCE02

### **TOURISM EVENTS GRANT APPLICATION - MCINTYRE 900**

Cr Scriven moved and Cr Benn seconded:

That Council:

Sponsor SEQORRA with \$4,000 from the Tourism Events Grant Funding Program for the 2024 McIntyre 900.

CARRIED UNANIMOUSLY

Nori Luff (Manager Finance Services) entered the meeting, the time being 9:54am.

Garnet Radford (Economic Development Officer) and Kim Wildman (Manager Tourism) left the meeting, the time being 10:00am.

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

FCS1

### **AUDIT & RISK COMMITTEE TERMS OF REFERENCE AND INDEPENDENT AUDIT & RISK COMMITTEE CHAIRPERSON**

Cr Osborne moved and Cr Winks seconded:

That Council resolves to:

1. amend the Terms of Reference clause 9 to state that the term of an independent external member is four years (rather than two years);
2. extend the Chair of the Audit & Risk Committee, Mr James Hetherington's term to expire 31 December 2024;
3. extend the independent member of the Audit & Risk Committee, Mr Walter Brosnan's term to expire 31 December 2025.
4. Call for nominations for a new Chair in September 2024 and a new independent member in September 2025

CARRIED UNANIMOUSLY

FCS2

### **FACILITY BOOKING POLICY - REVISED**

Cr Fuhrmeister moved and Cr Benn seconded:

That Council resolves to

- 1) Rescind the previous Facility Bookings Policy adopted 16 February 2023; and
- 2) Adopt the revised Facility Bookings Policy, as attached.

CARRIED UNANIMOUSLY

FCS3

### **DECLARATION OF INTEREST - SEPTEMBER - OCTOBER COUNCILLOR WORKSHOP**

Cr Fuhrmeister moved and Cr Scriven 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.

#### **Airport & Industrial Land Development**

Councillor Samantha O'Toole declared a Prescribed Conflict of Interest in accordance with S150EM(2) of the Local Government Act 2009, with respect to matters relating to the Airport & Industrial Development, on grounds that Councillor O'Toole and husband Jason O'Toole own and

operate Balonne Airwork. Councillor O'Toole advised she would voluntarily leave any councillor workshop or standing committee meeting relating to this matter, in accordance with s150EQ(3) of the Minutes of the Ordinary Meeting of the Council Page 4 of 18 20 April 2023 Local Government Act 2009.

CARRIED UNANIMOUSLY

Elsbeth Hurse (CUC Balonne Centre Manager) entered the meeting, the time being 10:16am.

FCS4

#### **FINANCE REPORT - MONTH ENDING 31 AUGUST 2023**

Cr Osborne moved and Cr Winks seconded:

That Council resolves to receive and note the monthly Financial Management Report for the period ending 31 August 2023, as attached.

CARRIED UNANIMOUSLY

Nori Luff (Manager Finance Services) left the meeting, the time being 10:33am.

Elsbeth Hurse (CUC Balonne Centre Manager) left the meeting, the time being 10:33am.

Council adjourned for morning tea, the time being 10:34am.

Council resumed from morning tea, the time being 10:59am.

## **(IFS) INFRASTRUCTURE SERVICES**

IFS1

#### **MAJOR PROJECT UPDATES**

Cr Winks moved and Cr Scriven seconded:

That Council resolves to receive the Major Project update Report.

CARRIED UNANIMOUSLY

Di Francisco (Manager Environmental Services) entered the meeting, the time being 11:09am.

IFS2

#### **PLANT STANDING COMMITTEE MINUTES AND RECOMMENDATIONS - 12 SEPTEMBER 2023**

Cr Osborne moved and Cr Scriven seconded:

That Council resolves to receive the Plant Standing Committee Minutes dated 12 September 2023 and endorse the following recommendations:

1. **STUMP GRINDER OPTIONS**

That Council recommends:

1. Consultation with local contractor/s on their capacity to undertake stump grinding.
2. Investigation to be undertaken into historical stump grinding costs, including equipment hire and contractors to allow a business case for purchase of a suitable stump grinder.

2. **PLANT AND FLEET RENEWAL POLICY**

That Council resolves to adopt the proposed Plant and Fleet Renewal Policy.

3. **PLANT AND FLEET POLICY – 10 YEAR PLAN**

That Council adopt the new Plant and Fleet Renewal Policy to allow Council Officers to adequately plan and develop a replacement program based on Council's utilisation, condition and age of assets.

CARRIED UNANIMOUSLY

Ben Mear (Manager Roads Construction & Maintenance) left the meeting, the time being 11:32am.

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

CES1

### **AUTHORISED INSPECTION PROGRAM 1 NOVEMBER 2023 TO 31 JANUARY 2024**

Cr Fuhrmeister moved and Cr Winks seconded:

That Council resolves to approve a systematic inspection program to monitor compliance with Section 134 of the Local Government Act, to be conducted for a period of three months commencing on 1 November 2023 and completed by 31 January 2024 and including all urban properties in the Shire.

CARRIED UNANIMOUSLY

CES2

### **FEES AND CHARGES 2023/24 AMENDMENT**

Cr Fuhrmeister moved and Cr Osborne seconded:

That Council resolves to approve the amendment of the fees and charges to remove fees for applications and permits for market and non-for-profit fund raising stalls on Council footpaths and reserves.

CARRIED UNANIMOUSLY

Di Francisco (Manager Environmental Services) left the meeting, the time being 11:47am.

Kate Swepson (Maranoa Planning Consultant) entered the meeting via Teams, the time being 11:48am.

**Councillor Samantha O'Toole** gave notice of a **Prescribed Conflict of Interest** in accordance with S150EL of the Local Government Act 2009, in respect to matters contained in **CES3** on the grounds that: Councillor O'Toole and husband Jason O'Toole own and operate Balonne Airwork and perform airworks in the district.

Councillor O'Toole left the meeting, the time being 11:48am.

Councillor Fuhrmeister assumed the Chair, the time being 11:48am.

CES3

### **RL122 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT – BOUNDARY REALIGNMENT – TWO (2) LOTS INTO TWO (2) LOTS LOCATED AT 11569 CARNARVON HIGHWAY AND CARNARVON HIGHWAY, ST GEORGE QLD 4487 (DESCRIBED AS LOT 2 ON RP76923 AND LOT 5 ON SP127240)**

Cr Scriven moved and Cr Osborne 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 11569 Carnarvon Highway and Carnarvon Highway, St George QLD 4487 (described as Lot 2 on RP76923 and Lot 5 on SP127240) 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. 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.
- x. 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.

### **Conditions:**

#### **Approved development**

1. The approved development is for Reconfiguring a Lot – Boundary Realignment – Two (2) lots into two (2) lots, located at 11569 Carnarvon Highway and Carnarvon Highway, St George QLD 4487 (described as Lot 2 on RP76923 and Lot 5 on SP127240), 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.

<b>Plan/Document Number:</b>	<b>Plan/Document Name:</b>	<b>Date:</b>
218010-15	Plan of proposed 3 lot boundary realignment of Lot 2 on RP76923 & Lots 4 & 5 on SP127240	1/8/2023

#### **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**

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

Councillor O'Toole returned to the meeting and resumed the Chair, the time being 11:51am.

Ron Petterson (Manager Community Services) entered the meeting, the time being 11:53am.

**MCU215 / RL121 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - "SERVICE STATION" (UNMANNED SERVICE STATION) AND RECONFIGURING A LOT - BOUNDARY REALIGNMENT (3 LOTS INTO 2 LOTS) LOCATED AT 1-9 RAILWAY STREET, DIRRANBANDI QLD 4486 (DESCRIBED AS LOTS 1 & 2 ON D30632 AND LOT 49 ON SP126294)**

Cr Fuhrmeister moved and Cr Winks seconded:

That:

- a) Council receives this report.
- b) Council approves the development application for MCU215 / RL121 - Development Application for Material Change of Use - "Service Station" (Unmanned Service Station) and Reconfiguring a Lot - Boundary Realignment (3 lots into 2 lots) located at 1-9 Railway Street, Dirranbandi QLD 4486, properly described as Lots 1 & 2 on D30632 and Lot 49 on SP126294, 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. Under the *Balonne Shire Planning Scheme 2019*:

**Service Station means:**

*Premises used for the sale of fuel including petrol, liquid petroleum gas, automotive distillate and alternative fuels.*

*The use may include, where ancillary, a shop, food and drink outlet, maintenance, repair servicing and washing of vehicles, the hire of trailers, and supply of compressed air.*

- iii. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- iv. All Aboriginal Cultural Heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003* and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land. The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.
- v. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans and policies to the relevant authorities for the approved use.
- vi. An Operational works application will be required to be submitted to and approved by Council 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 2,500m<sup>2</sup> of land.
- vii. This Material Change of Use approval will lapse if the change of use has not occurred within the following period, in accordance with the provisions contained in section 85(i)(a) of the Planning Act 2016.
- a. If no period stated – 6 years after the approval starts to have effect.
- viii. The Reconfiguring a Lot approval will lapse if a plan for the reconfiguration is not given to the local government within the following period, in accordance with the provisions contained in section 85(1)(b) of the Planning Act 2016:
- b. If no period stated – 4 years after the approval starts to have effect.
- 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.

**CONDITIONS APPLICABLE TO THE MATERIAL CHANGE OF USE TO ESTABLISH A  
SERVICE STATION (UNMANNED SERVICE STATION)**

**Use**

1. The approved development is a Material change of use – “Service Station” as defined in the Planning Scheme, *Planning Act 2016* and as shown on the approved plans.

**Compliance inspection**

2. All conditions relating to the establishment of the approved development must be fulfilled within three (3) months of this approval taking effect, unless noted in these conditions or otherwise permitted by Council.
3. The applicant shall contact Council to arrange a development compliance inspection within four (4) months of this approval taking effect.

**Approved plans and documents**

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

Plan/Document Number	Plan/Document Name	Date
202303-D1002, Rev B	Proposed Site Layout	20.04.23
202303-D1004, Rev B	Fuel Dispensing Layout	20.04.23
202303-D1005, Rev B	Elevation Layout North to South	20.04.23

**Stormwater Drainage**

5. 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.
6. 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.
7. 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.
8. All contaminated stormwater shall pass through an approved oil/water separator prior to discharge to the sewer network. Wastes (contaminates and solids) separated from the separator are to be collected and disposed of at a licensed facility. A hydrocarbon sensor must be installed with a shut off valve at the outlet.
9. Only rainwater from uncontaminated areas is to drain directly into the stormwater drainage system. The activity must not be conducted in a manner that may or will cause the contamination of surface stormwater runoff.
10. Ensure fuel spillage is not released or allowed to enter into stormwater infrastructure, roadside gutters or other waters outside the property.
11. Stormwater drainage is to be provided in accordance with:
  - a) Queensland urban drainage manual, 3rd Edition, Queensland Department of Energy and Water Supply, 2013; and
  - b) Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.

**Earthworks and Construction**

12. 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.

**Applicable Standards**

13. 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**

14. 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.
15. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (kerb, road pavement, existing underground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

### **Waste Management**

16. 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*.
17. 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.
18. 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**

19. 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.
20. Air (odour and dust) and noise emissions from the development shall not cause environmental nuisance or exceed the relevant quality objectives listed in the Environmental Protection Policy 2019, as measured at any sensitive or commercial place.
21. Dust emanating as result of activities carried out onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks and nearby properties and sensitive land uses.
22. All lighting shall be directed or shielded so as to ensure that no glare directly affects nearby properties.
23. 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.

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

### **Provision of Services**

25. The development must be connected to Council's reticulated water supply network in accordance with the applicable standards and policies.
26. The development must be connected to Council's reticulated sewerage supply network the applicable standards and policies.
27. The development must be connected to an electricity reticulation service in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).
28. If the premises is connected to a telecommunications service, then such works shall be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards, requirements and specifications (as relevant).

### **Access, Car Parking and Manoeuvring**

29. The developer shall be responsible for construction and maintenance of vehicle crossovers from the road carriageway to the property boundary and for obtaining any approvals that may be required, and for complying with the applicable designs and standards. Should any damage be caused at the approved access location, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.
30. The existing vehicle accesses are to be constructed to a sealed standard from the edge of the existing bitumen to the road boundary. The crossovers are to be designed generally in accordance with *Balonne Shire Council's Private property Entrance Policy* dated 15 January 2010 ensuring no damage to the roadway.
31. The western/entry crossover is to be upgraded to cater for the maximum vehicle size accessing the site, ensuring vehicles can enter without crossing the road centreline or leaving the sealed pavement and causing no damage to the roadway.
32. Install one (1) R2-4 Regulatory Sign (No Entry) at the eastern crossover, erected one (1) metre offset from the driveway and facing the opposite direction in accordance with the Manual for Uniform Traffic Control Devices (MUTCD).
33. Vehicle crossovers must be located a minimum distance of one metre from any power poles, street signage, street lights, manholes, stormwater gully pits or other Council assets, unless otherwise specified in the applicable development standards and specifications.
34. All onsite access, parking and manoeuvring areas are to be constructed with a dust suppressive gravel surface.
35. 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).
  - d) Vehicle access, car parking and manoeuvring areas are to be sealed with impervious surface.
36. Vehicle movements within the site are to be clear of proposed parking areas, buildings. Vehicle access, parking and manoeuvring areas are to be clearly delineated from pedestrian access ways within the site through the use of linemarking, signage, bollards or similar.
37. 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.

### **Roadworks**

38. Within six (6) months of this approval taking effect, design and construct Railway Street, from the Dirranbandi-Hebel Road intersection to the western property boundary as an Industrial Road in accordance with:
- (a) a minimum carriageway width of 8 metres with a pavement designed to AUSTROADS specifications allowing for the proposed vehicle types with 40mm deep asphalt surface;
  - (b) provision for stormwater drainage, line marking, tapers to existing/new road pavements, signage, street lighting associated with the required road works and road reserve transitions between existing and proposed roads;
  - (c) the developer shall contact Council's Infrastructure Services Department to ensure the design for all civil works is approved prior to commencement of any works onsite.
39. Railway Street is not currently approved for heavy vehicles. Obtain an approval for the route to be used by multi-combination vehicles, from the National Heavy Vehicle Regulator prior to allowing access for multi-combination vehicles via the above road section. Please refer to the following link for more information:  
<https://www.nhvr.gov.au/road-access/access-management/applications-and-forms>

### **Landscaping**

- 40. Landscaping areas are to be provided along the full length of the Railway Street frontage, exclusive of vehicular access, generally in accordance with approved plans.
- 41. A landscaping plan is to be submitted to Council for approval within one (1) month of the approval taking effect. The landscaping strip is to be planted with a combination of trees and screen hedging, or suitable alternative approved by Council, to screen the development.
- 42. All landscaping works are to be completed within three (3) months of this approval taking effect.
- 43. Site landscaping is to be irrigated during an establishment period of two years.
- 44. All site landscaping is to be maintained throughout the duration of the approved use. Any dead and/or unhealthy plants are to be promptly removed and replaced.
- 45. Site landscaping must not interfere with electrical infrastructure nor restrict maintenance access to any onsite infrastructure, public utility or easement.
- 46. Landscaping must not interfere with site lines at access driveways for vehicle traffic.

### **No Cost to Council**

- 44. 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**

45. 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**

46. 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'.

#### **CONDITIONS APPLICABLE TO RECONFIGURING OF A LOT – BOUNDARY REALIGNMENT (3 LOTS INTO 2 LOTS)**

##### **Approved development**

1. The approved development is for Reconfiguring a Lot – Boundary Realignment – Three (3) lots into two (2) lots, located at 1-9 Railway Street, Dirranbandi QLD 4486, properly described as Lots 1 & 2 on D30632 and Lot 49 on SP126294, 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.

<b>Plan/Document Number:</b>	<b>Plan/Document Name:</b>	<b>Date:</b>
23066-1	Plan of proposed subdivision of Lots 1 & 2 on D30632 & Lot 49 on SP126294	1/8/2023

##### **Existing buildings and services**

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

### **Services provision**

7. Both lots must be connected to Council's reticulated water supply network in accordance with the applicable standards and policies.
8. Both lots must be connected to Council's reticulated sewerage supply network the applicable standards and policies.
9. Ensure all services and infrastructure relevant is wholly contained within the lot it serves.
10. Remove any redundant water supply or sewerage network connections and reinstate the land.
11. An electricity supply must be made available to each lot. This supply must be in accordance with the relevant standards of the electricity distributor.
12. All services installation that is undertaken in conjunction with the approved development, including 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.
13. 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**

14. 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.
15. 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**

16. 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**

17. 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**

18. 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**

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

Kate Swepson (Maranoa Planning Consultant) and Councillor Alex Benn left the meeting via Teams, the time being 12:38pm.

Matthew Magin (Chief Executive Officer) and Ron Petterson (Manager Community Services) left the meeting, the time being 12:38pm.

Council adjourned for lunch, the time being 12:38pm.

Council resumed from lunch, the time being 1:15pm.

Ron Petterson (Manager Community Services) entered the meeting, the time being 1:15pm.

Kate Swepson (Maranoa Planning Consultant) and Councillor Alex Benn entered the meeting via Teams, the time being 1:15pm.

Kate Swepson (Maranoa Planning Consultant) left the meeting via Teams, the time being 1:31pm.

CES5

#### **BALONNE SHIRE YOUTH COUNCIL - MINUTES (UNCONFIRMED) HELD ON 16 AUGUST 2023**

Cr Winks moved and Cr Benn seconded:

That Council resolves to receive the Balonne Shire Youth Council's unconfirmed Minutes of Meeting held on 16 August 2023

CARRIED UNANIMOUSLY

CES6

**COMMUNITY GRANT APPLICATION: THALLON PROGRESS ASSOC INC**

Cr Scriven moved and Cr Fuhrmeister seconded:

That Council resolves to approve \$2,471.73 as requested by Thallon Progress Association Inc for the purposes of purchasing an AED (Defibrillator) to be located at the Visitor Information Station adjacent to the Council campgrounds in Thallon, subject to the success or otherwise of Council assisting the association to obtain an AED or funding from alternate sources.

CARRIED UNANIMOUSLY

CES7

**RADF GRANT APPLICATION: MONTVILLE LANE SESSIONS - POP-UP RECORDING STUDIO ("THE BALONNE SESSIONS")**

Cr Fuhrmeister moved and Cr Winks seconded:

That Council resolves to approve the request from Montville Lane Sessions – Pop-up Recording Studio ("The Balonne Sessions") in the amount of \$2,500 of Regional Arts Development Fund grant monies to provide 2.5 days of recorded sessions undertaken by David Blake, Engineer / Producer in a location to be provided by Council during the month of November 2023 with a minimum of five bookings, subject to the renewed Public Liability Certificate of Currency being provided.

CARRIED UNANIMOUSLY

CES8

**RADF GRANT APPLICATION: ARC CIRCUS - A BEE STORY**

Cr Osborne moved and Cr Fuhrmeister seconded:

That Council resolves to approve the request for \$2,500 in Regional Arts and Development Fund (RADF) grant funds from ARC Circus for the performance *A Bee Story* in St George, with two accompanying workshops (to be held in two primary schools) and *A Bee Story* book to be presented to the local library, held during their tour of SW Queensland in October 2023, subject to:

1. There being no cost to individual attendees; and
2. Receipt of renewal of their Public Liability Insurance Certificate of Currency.

CARRIED UNANIMOUSLY

Ron Petterson tabled correspondence from Loaves and Fishes Care Service requesting a fee waiver for the hire of the St George Showgrounds over a 12 month period to seek Council's view on the fee waiver.

Councillor Benn declared a declarable conflict of interest as a supporter of Loave and Fishes and left the meeting via Teams, the time being 2:17pm.

Council requested that the Chief Executive Officer decline the fee waiver request for a 12 month period from Loaves and Fishes.

Ron Petterson (Manager Community Services) left the meeting, the time being 2:25pm.

Councillor Benn returned to the meeting via Teams, the time being 2:26pm.

**CLOSED MEETING**

Cr Fuhrmeister moved and Cr Scriven seconded:

That Council move into closed session, the time being 2:26pm in accordance with S254J (1) of the Local Government Regulations 2012 relating to discuss confidential agenda item: CCFS1 and CCFS2.

CARRIED UNANIMOUSLY

### **OPEN MEETING**

Cr Fuhrmeister moved and Cr Benn seconded:

That the meeting move out of closed session, the time being 2:55pm.

CARRIED UNANIMOUSLY

## **CONFIDENTIAL ITEMS**

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

CCFS1

#### **ICT STANDING COMMITTEE MINUTES 24 AUGUST 2023**

Cr Winks moved and Cr Benn seconded:

That Council resolves to receive and note the ICT Standing Committee minutes of 24 August 2023 and adopt the following recommendations:

1. **IT GENERAL UPDATE**

That Council receive and note the IT General Update.

2. **DIGITAL STRATEGY**

That Council note the progress on the development of a Digital Strategy and the overarching objectives it aims to achieve.

3. **BUSINESS CONTINUITY AUDIT REPORT**

1. receive and note the internal audit report on the Business Continuity Plan review; and
2. adopt the attached Business Continuity Plan

4. **RESOLVE - MEETING AGENDAS AND MINUTES IT SYSTEM**

That Council note the progress of the Resolve agenda management and minutes program.

5. **WORKPLACE HEALTH & SAFETY IT SYSTEM**

That Council note the progress on the implementation of the WHS IT system.

CARRIED UNANIMOUSLY

CCFS2

#### **AUDIT & RISK COMMITTEE MINUTES 12 SEPTEMBER 2023**

Cr Fuhrmeister moved and Cr Osborne seconded:

That Council resolves to receive the Audit & Risk Committee Minutes dated 6 October 2022 and endorse the following recommendations:

1. **INTERIM AUDIT REPORT JUNE 2023**

2. **INTERNAL AUDIT PLAN**

3. **BUSINESS CONTINUITY PLAN INTERNAL AUDIT REPORT**

4. **QUEENSLAND AUDIT OFFICE - RECOMMENDATIONS**

## **5. ASSET MANAGEMENT INTERNAL AUDIT FINAL REPORT**

CARRIED UNANIMOUSLY

Digby Whyte (Director Community & Environmental Services) left the meeting, the time being 3:02pm.

Digby Whyte (Director Community & Environmental Services) returned to the meeting, the time being 3:34pm.

## **GENERAL BUSINESS**

### **BALONNE SHIRE YOUTH COUNCIL MINUTES - 16 AUGUST 2023**

Cr Benn moved and Cr Winks seconded:

That:

On receipt of minutes from Balonne Shire Youth Council, that Council:

1. refer to the Parks and Gardens Standing Committee for consideration:
  - a. installation of bench seats or bollards to restrict vehicle access to the Rowden Park basketball court for safety reasons;
  - b. installation of rubbish bins at or near the basketball court;
  - c. investigation of requirements to reinstate existing night lighting;
2. refer to ICT Standing Committee review of CCTV coverage for the basketball court area and provide advice to Youth Council.

CARRIED UNANIMOUSLY

## **COUNCILLOR REPORTS**

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

## **INFORMATION REPORTS**

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

IOCEO1 **ECONOMIC DEVELOPMENT MONTHLY REPORT - AUGUST 2023**

IOCEO2 **TOURISM SERVICES MONTHLY REPORT**

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

ICFS1 **MONTHLY REPORT DIRECTOR FINANCE & CORPORATE SERVICES - AUGUST 2023**

ICFS2 **GRANT MONTHLY REPORT - AUGUST 2023**

ICFS3 **BALONNE MANAGEMENT GROUP PERFORMANCE REPORT**

## **(IIFS) INFRASTRUCTURE SERVICES**

IIFS1 **DEPARTMENT OF INFRASTRUCTURE SERVICES - MONTHLY REPORT**

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

IIFS3 **SAFETY MONTHLY REPORT - AUGUST 2023**

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

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

There being no further business, the Meeting closed, the time being 4:40pm.

Confirmed at a Ordinary Meeting of the Council held on 26 October 2023.

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**MAYOR**