



MINUTES

Ordinary Council Meeting

24 October 2023

**MINUTES OF BULLOO SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 68 DOWLING STREET THARGOMINDAH QUEENSLAND 4492
ON TUESDAY, 24 OCTOBER 2023 AT 9:00AM**

PRESENT: Cr John Ferguson (Mayor), Cr Vaughan Collins, Cr Glyn Dare, Cr Stewart Morton

IN ATTENDANCE: Mrs Tamie Warner (Acting CEO), Ms Donna Hobbs (Rural and Town Services Manager), Ms Tiffany Dare (Finance & Administration Manager), Ms Debra Souvlis (Minute Taker)

1 OPENING OF MEETING

The Mayor welcomed all Councillors and guests and declared the meeting open at 9:00am.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Bulloo Shire Council acknowledges the traditional owners of the land on which the meeting is being held, and pay respects to their elders, past and present.

3 ATTENDANCE INCLUDING APOLOGIES

Cr Shirley Girdler

4 CONDOLENCES

Council held one minute silence for Trent Maxwell and Muffy Wilson.

5 DECLARATION OF MATERIAL PERSONAL INTEREST/CONFLICT OF INTEREST

- Pursuant to section 172 of the Local Government Act 2009, a councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees
 - (a) must disclose the interest to the meeting; and
 - (b) must not be present at or take part in the meeting while the issue is being considered or voted on.
- A councillor who is barred from a meeting under subsection (1) must not be in the chamber where the meeting is being conducted, including any area set apart for the public.

Councillors	MPI/COI	Meeting Item
Glyn Dare	Acting Chief Executive Officer	16.1

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF COUNCIL MEETING - 19 SEPTEMBER 2023****RESOLUTION 2023/235**

Moved: Cr Stewart Morton

Seconded: Cr Glyn Dare

That the Minutes of the Council Meeting held on Tuesday 19 September 2023 be received and the recommendations therein be adopted.

CARRIED

6.2 MINUTES OF SPECIAL COUNCIL MEETING - 3 OCTOBER 2023**RESOLUTION 2023/236**

Moved: Cr Vaughan Collins

Seconded: Cr Glyn Dare

That the Minutes of the Special Council Meeting held on Tuesday 3 October 2023 be received and the recommendations therein be adopted.

CARRIED

7 BUSINESS ARISING FROM PREVIOUS MEETING**8 RECEPTION OF PETITIONS****9 NOTICE OF MOTION**

Nil

10 RESCISSION MOTIONS

Nil

11 MAYORAL REPORTS**11.1 MAYORS REPORT****RESOLUTION 2023/237**

Moved: Cr Vaughan Collins

Seconded: Cr Glyn Dare

That Council receive and note the Mayors Report for the month of September 2023.

CARRIED

12 CHIEF EXECUTIVE OFFICER'S REPORTS**12.1 CHIEF EXECUTIVE OFFICERS REPORT****RESOLUTION 2023/238**

Moved: Cr Glyn Dare

Seconded: Cr Stewart Morton

That Council receive and note the Chief Executive Officer's report for the month of September 2023.

CARRIED

13 COMMITTEE AUTHORITY MEETING MINUTES & BUSINESS ARISING**13.2 BULLOO SHIRE PEST MANAGEMENT COMMITTEE MEETING MINUTES 5 SEPTEMBER 2023****RESOLUTION 2023/239**

Moved: Cr Stewart Morton

Seconded: Cr Glyn Dare

That Council receive the Minutes from the Bulloo Shire Pest Management Committee meeting held on 5 September 2023.

CARRIED

Attendance:

George Inocentes (Engineer) entered the meeting at 9:50am.

14 GENERAL BUSINESS & MATTERS FOR NOTING REPORTS

14.1 ENGINEERS REPORT

RESOLUTION 2023/240

Moved: Cr Vaughan Collins

Seconded: Cr Glyn Dare

That Council receive and note the Engineers Report for September 2023.

CARRIED

Attendance:

George Inocentes left the meeting at 9:50am.

Adjournment:

Council adjourned the meeting for Morning Tea at 10:30am.

Resumed

Council resumed the meeting at 10:48pm.

Attendance:

Tiffany Dare (Administration & Finance Manager) entered the meeting at 10:48am.

13.1 MINUTES OF AUDIT COMMITTEE MEETING - 20 SEPTEMBER 2023

RESOLUTION 2023/241

Moved: Cr Glyn Dare

Seconded: Cr Stewart Morton

That the Minutes of the Audit Committee Meeting held on Wednesday 20 September 2023 be received and the recommendations therein be adopted.

CARRIED

14.2 TOURISM & ECONOMIC DEVELOPMENT REPORT

RESOLUTION 2023/242

Moved: Cr Glyn Dare

Seconded: Cr Stewart Morton

That Council receive and note the Community, Culture & Places report for the month of September 2023

CARRIED

14.3 ADMIN & FINANCE REPORT**RESOLUTION 2023/243**

Moved: Cr Glyn Dare

Seconded: Cr Stewart Morton

That Council receive and note the Administration & Finance Services Report for September 2023.

CARRIED

14.4 CHANGE OF DECEMBER 2023 AND JANUARY 2024 ORDINARY MEETING DATES**RESOLUTION 2023/244**

Moved: Cr Vaughan Collins

Seconded: Cr Glyn Dare

That Council change the date of the

- a) December 2023 Ordinary Meeting of Council from Tuesday, 19th December 2023 to Friday, 8th December 2023; and
- b) January 2024 Ordinary Meeting of Council from Tuesday, 16th January 2024 to Tuesday, 23rd January 2024, due to Council closedown.

CARRIED

14.5 OPERATIONAL PLAN 2023-2024 PROGRESS REPORT - 30 SEPTEMBER 2023 (Q1)**RESOLUTION 2023/245**

Moved: Cr Stewart Morton

Seconded: Cr Vaughan Collins

That Council receive and note the July - September 2023 quarterly report for the Operational Plan 2023-2024 in accordance with s174 of the *Local Government Regulation 2012*.

CARRIED

14.6 ANNUAL REPORT FOR YEAR ENDED 30 JUNE 2022**RESOLUTION 2023/246**

Moved: Cr Glyn Dare

Seconded: Cr Stewart Morton

That pursuant to Section 182 of the Local Government Regulation 2012 Council adopt the Annual Report for the financial year ended 30th June 2023 as presented, and the Annual Report now be placed on Council's website within the required 2 week timeframe.

CARRIED**14.7 INTERNAL AUDIT OF MANAGEMENT OF CONTRACTORS****RESOLUTION 2023/247**

Moved: Cr Stewart Morton

Seconded: Cr Vaughan Collins

That Council endorse the expenditure of \$16,500 for the Internal Audit of Management of Contractors in addition to the regular 2023/24 Audit Plant.

CARRIED**14.8 01-202324 - MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY****RESOLUTION 2023/248**

Moved: Cr Glyn Dare

Seconded: Cr Stewart Morton

That Council approve the Material change of use for a "Telecommunication facility" on Cunnamulla-Thargomindah Road, Thargomindah being more accurately described as Lot 8 CP892351 subject to relevant, reasonable, and enforceable conditions. This recommendation is consistent with existing Council policy.

General Advice

- i. The relevant planning scheme for this development is the *Bulloo Shire Planning Scheme 2019*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to this Planning Scheme.
- ii. 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.

- 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 works are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- iv. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans to the relevant authorities for the approved use.
- v. 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 that the applicant contact Council for advice in the event of any potential change in circumstances.

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. Access and land use agreements must be in place with the landowner prior to the commencement of works.

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 and arrange a development compliance inspection.

Approved Plans and Document

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 are in conflict with the Assessment Manager's conditions, the Assessment Manager's conditions shall take precedence.

Plan/Document Number	Plan/Document Name	Date
B4BULL004-00 B	FSG Design Drawings	14 July 2023
RQ5341-1-2 A	Technical Drawing	14 July 2023

Construction 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).
9. All works must comply with:
 - a. this development approval;
 - b. any relevant Acceptable Solutions of the applicable codes of the planning scheme for the area;
 - c. Council's standard designs for such work where such designs exist;
 - d. any relevant Australian Standard that applies to that type of work.

Despite the requirements of paragraphs a-d above, Council may agree in writing to an alternative specification. This alternative specification prevails over those specified in paragraphs a-e in the event of any inconsistency.

The developer must also ensure that any works do not conflict with any requirements imposed by any concurrent lawful requirements outside those stated above.

Safety

10. Any required obstacle lighting or marking is to be installed and maintained on the approved "Telecommunication Facility" in accordance with the Civil Aviation Safety Authority's (CASA) and *Manual of Standards Part 139 – Aerodromes*.

Note: The applicant/developer will be required to contact the relevant aviation authorities and obtain the necessary clearances and permits in the event that there is any potential conflict between the development and aviation activities/operations.

Avoiding Nuisance

11. No nuisance is to be caused to adjoining properties and occupiers by the way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time.
12. All lighting shall be directed or shielded to ensure that no glare directly affects nearby properties.
13. 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.

14. 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.

Waste Management

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

Earthworks and Construction

17. 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.

Services

18. The proposed development must be connected to an electricity supply that is adequate for the use.

No Cost to Council

19. 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

20. 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

21. 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'.

REFERRAL AGENCY CONDITIONS

(Under section 56(1)(b)(i) of the Planning Act 2016 the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Condition	Condition timing
Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017) — Development near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The development must be carried out generally in accordance with the Site Plan prepared by Field Solutions Group Pty Ltd, dated 14 July 2023, Drawing No. B4BULL001-G3, Rev B (as amended in red by SARA on 11 September 2023).	At all times.
2.	The road access location is to be located between the Lease Land and Bulloo Developmental Road in accordance with the Site Plan prepared by Field Solutions Group Pty Ltd, dated 14 July 2023, Drawing No. B4BULL001-G3, Rev B (as amended in red by SARA on 11 September 2023).	At all times.

Advice to the applicant

General Advice	
1.	Terms and phrases used in this document are defined in the Planning Act 2016, its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the Transport Infrastructure Act 1994 and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006. Please contact the Department of Transport and Main Roads on 4639 0743 to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.

FURTHER ADVICE TO APPLICANT

- No work shall be commenced on works which will ultimately revert to Council or on adjacent roads or drainage schemes until Council has been advised in writing, of the name of the responsible contractor and that the contractor has received from Council a notice of appointment of principal contractor under the provisions of the *Workplace Health and Safety Act*.
- All works shall be carried out in accordance with the *Workplace Health & Safety Act 1989*.

3. It is the owner's and occupants responsibility under the *Environmental Protection Act 1994* to advise the Chief Executive administering the *Environmental Protection Act 1994* of any notifiable activity conducted on the site or contamination or suspected contamination which may cause a hazard to human health or the environment within 30 days of becoming aware of the operation of a notifiable activity on the site or of any contamination or suspected contamination. The Chief Executive, pursuant to the Act, is empowered to require that the development complies with the provisions of the Act, including the preparation of site investigation reports and if necessary the remediation of the site at the owners expense.
4. This approval takes effect in accordance with the timeframes of the *Planning Act 2016*.
5. The currency period for this approval is in accordance with the *Planning Act 2016*.

REASON FOR APPROVAL

1. The application for a development permit being a material change of use - "Telecommunications Facility" on Cunnamulla-Thargomindah Road, Thargomindah on land described as Lot 8 CP892351 was properly made.
2. The proposed use complied with the provisions of the Bulloo Shire Planning Scheme 2019.

CARRIED

14.9 02-202324 - MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY

RESOLUTION 2023/249

Moved: Cr Stewart Morton

Seconded: Cr Vaughan Collins

That Council approve the Material change of use for a "Telecommunication facility" on Cunnamulla-Thargomindah Road, Thargomindah being more accurately described as Lot 8 CP892351 subject to relevant, reasonable, and enforceable conditions. This recommendation is consistent with existing Council policy.

General Advice

- i. The relevant planning scheme for this development is the *Bulloo Shire Planning Scheme 2019*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to this Planning Scheme.
- ii. 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.

- 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 works are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- iv. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans to the relevant authorities for the approved use.
- v. 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 that the applicant contact Council for advice in the event of any potential change in circumstances.

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. Access and land use agreements must be in place with the landowner prior to the commencement of works.

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 and arrange a development compliance inspection.

Approved Plans and Document

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 are in conflict with the Assessment Manager's conditions, the Assessment Manager's conditions shall take precedence.

Plan/Document Number	Plan/Document Name	Date
B4BULL005-00	FSG Design Drawings	14 July 2023
RQ5341-1-2	Technical Drawing	14 July 2023

Construction 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).
9. All works must comply with:
 - a. this development approval;
 - b. any relevant Acceptable Solutions of the applicable codes of the planning scheme for the area;
 - c. Council's standard designs for such work where such designs exist;
 - d. any relevant Australian Standard that applies to that type of work.

Despite the requirements of paragraphs a-d above, Council may agree in writing to an alternative specification. This alternative specification prevails over those specified in paragraphs a-e in the event of any inconsistency.

The developer must also ensure that any works do not conflict with any requirements imposed by any concurrent lawful requirements outside those stated above.

Safety

10. Any required obstacle lighting or marking is to be installed and maintained on the approved "Telecommunication Facility" in accordance with the Civil Aviation Safety Authority's (CASA) *and Manual of Standards Part 139 – Aerodromes*.

Note: The applicant/developer will be required to contact the relevant aviation authorities and obtain the necessary clearances and permits in the event that there is any potential conflict between the development and aviation activities/operations.

Avoiding Nuisance

11. No nuisance is to be caused to adjoining properties and occupiers by the way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time.
12. All lighting shall be directed or shielded to ensure that no glare directly affects nearby properties.
13. 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.

14. 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.

Waste Management

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

Earthworks and Construction

17. 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.

Services

18. The proposed development must be connected to an electricity supply that is adequate for the use.

No Cost to Council

19. 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

20. 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

21. 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'.

REFERRAL AGENCY CONDITIONS

(Under section 56(1)(b)(i) of the Planning Act 2016 the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Condition	Condition timing
Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017) — Development near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The development must be carried out generally in accordance with the Site Plan prepared by Field Solutions Group Pty Ltd, dated 14 July 2023, Drawing No. B4BULL005-G3, Rev B (as amended in red by SARA on 11 September 2023).	At all times.
2.	The road access location is to be located between the Lease Land and Bulloo Developmental Road in accordance with the Site Plan prepared by Field Solutions Group Pty Ltd, dated 14 July 2023, Drawing No. B4BULL005-G3, Rev B (as amended in red by SARA on 11 September 2023).	At all times.

Advice to the applicant

General Advice	
1.	Terms and phrases used in this document are defined in the Planning Act 2016, its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the Transport Infrastructure Act 1994 and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006. Please contact the Department of Transport and Main Roads on 4639 0743 to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.

FURTHER ADVICE TO APPLICANT

1. No work shall be commenced on works which will ultimately revert to Council or on adjacent roads or drainage schemes until Council has been advised in writing, of the name of the responsible contractor and that the contractor has received from Council a notice of appointment of principal contractor under the provisions of the *Workplace Health and Safety Act*.
2. All works shall be carried out in accordance with the *Workplace Health & Safety Act 1989*.
3. It is the owner's and occupants responsibility under the *Environmental Protection Act 1994*

to advise the Chief Executive administering the *Environmental Protection Act 1994* of any notifiable activity conducted on the site or contamination or suspected contamination which may cause a hazard to human health or the environment within 30 days of becoming aware of the operation of a notifiable activity on the site or of any contamination or suspected contamination. The Chief Executive, pursuant to the Act, is empowered to require that the development complies with the provisions of the Act, including the preparation of site investigation reports and if necessary the remediation of the site at the owners expense.

4. This approval takes effect in accordance with the timeframes of the *Planning Act 2016*.
5. The currency period for this approval is in accordance with the *Planning Act 2016*.

REASON FOR APPROVAL

1. The application for a development permit being a material change of use - "Telecommunications Facility" on Cunnamulla-Thargomindah Road, Thargomindah on land described as Lot 8 CP892351 was properly made.
2. The proposed use complied with the provisions of the Bulloo Shire Planning Scheme 2019.

CARRIED

14.10 03-202324 - MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY

RESOLUTION 2023/250

Moved: Cr Glyn Dare

Seconded: Cr Vaughan Collins

That Council approve the Material change of use for a "Telecommunication facility" on Cunnamulla-Thargomindah Road, Thargomindah being more accurately described as Lot 1 SP284854 subject to relevant, reasonable, and enforceable conditions. This recommendation is consistent with existing Council policy.

General Advice

- i. The relevant planning scheme for this development is the *Bulloo Shire Planning Scheme 2019*. All references to the 'Planning Scheme' and 'Planning Scheme Schedules' within these conditions refer to this Planning Scheme.
- ii. 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.
- 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 works are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.

- iv. It is the responsibility of the developer to obtain all necessary permits and submit all necessary plans to the relevant authorities for the approved use.
- v. 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 that the applicant contact Council for advice in the event of any potential change in circumstances.

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. Access and land use agreements must be in place with the landowner prior to the commencement of works.

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 and arrange a development compliance inspection.

Approved Plans and Document

- 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 are in conflict with the Assessment Manager's conditions, the Assessment Manager's conditions shall take precedence.

Plan/Document Number	Plan/Document Name	Date
B4BULL001-00	FSG Design Drawings	14 July 2023
RQ5341-1-2	Technical Drawing	14 July 2023

Construction 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).
9. All works must comply with:
 - a. this development approval;
 - b. any relevant Acceptable Solutions of the applicable codes of the planning scheme for the area;
 - c. Council's standard designs for such work where such designs exist;
 - d. any relevant Australian Standard that applies to that type of work.

Despite the requirements of paragraphs, a-d above, Council may agree in writing to an alternative specification. This alternative specification prevails over those specified in paragraphs a-e in the event of any inconsistency.

The developer must also ensure that any works do not conflict with any requirements imposed by any concurrent lawful requirements outside those stated above.

Safety

10. Any required obstacle lighting or marking is to be installed and maintained on the approved "Telecommunication Facility" in accordance with the Civil Aviation Safety Authority's (CASA) and *Manual of Standards Part 139 – Aerodromes*.

Note: The applicant/developer will be required to contact the relevant aviation authorities and obtain the necessary clearances and permits in the event that there is any potential conflict between the development and aviation activities/operations.

Avoiding Nuisance

11. No nuisance is to be caused to adjoining properties and occupiers by the way of smoke, dust, rubbish, contaminant, stormwater discharge or siltation at any time.
12. All lighting shall be directed or shielded to ensure that no glare directly affects nearby properties.
13. 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.
14. 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.

Waste Management

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

Earthworks and Construction

17. 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.

Services

18. The proposed development must be connected to an electricity supply that is adequate for the use.

No Cost to Council

19. 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

20. 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

21. 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'.

REFERRAL AGENCY CONDITIONS

(Under section 56(1)(b)(i) of the Planning Act 2016 the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Condition	Condition timing
Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017) — Development near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The development must be carried out generally in accordance with the Site Plan prepared by Field Solutions Group Pty Ltd, dated 14 July 2023, Drawing No. B4BULL004-G3, Rev B (as amended in red by SARA on 11 September 2023).	At all times.
2.	The road access location is to be located between the Lease Land and Bulloo Developmental Road in accordance with the Site Plan prepared by Field Solutions Group Pty Ltd, dated 14 July 2023, Drawing No. B4BULL004-G3, Rev B (as amended in red by SARA on 11 September 2023).	At all times.

Advice to the applicant

General Advice	
1.	Terms and phrases used in this document are defined in the Planning Act 2016, its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the Transport Infrastructure Act 1994 and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006. Please contact the Department of Transport and Main Roads on 4639 0743 to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.

FURTHER ADVICE TO APPLICANT

1. No work shall be commenced on works which will ultimately revert to Council or on adjacent roads or drainage schemes until Council has been advised in writing, of the name of the responsible contractor and that the contractor has received from Council a notice of appointment of principal contractor under the provisions of the *Workplace Health and Safety Act*.
2. All works shall be carried out in accordance with the *Workplace Health & Safety Act 1989*.
3. It is the owner's and occupant's responsibility under the *Environmental Protection Act 1994* to advise the Chief Executive administering the *Environmental Protection Act 1994* of any notifiable activity conducted on the site or contamination or suspected contamination which may cause a hazard to human health or the environment within 30 days of becoming aware

of the operation of a notifiable activity on the site or of any contamination or suspected contamination. The Chief Executive, pursuant to the Act, is empowered to require that the development complies with the provisions of the Act, including the preparation of site investigation reports and if necessary the remediation of the site at the owners expense.

4. This approval takes effect in accordance with the timeframes of the *Planning Act 2016*.
5. The currency period for this approval is in accordance with the *Planning Act 2016*.

REASON FOR APPROVAL

1. The application for a development permit being a material change of use - "Telecommunications Facility" on Cunnamulla-Thargomindah Road, Thargomindah on land described as Lot 1 SP284854 was properly made.
2. The proposed use complied with the provisions of the Bulloo Shire Planning Scheme 2019.

CARRIED

14.11 T2023-2024-104 THARGOMINDAH MICROGRID FEASIBILITY STUDY

RESOLUTION 2023/251

Moved: Cr Stewart Morton

Seconded: Cr Glyn Dare

That Council award Thargomindah Microgrid Feasibility Study to Ener-G Management Group Pty Ltd for \$649,100 (ex. GST).

CARRIED

14.12 QUEENSLAND RESILIENCE AND RISK REDUCTION FUND 2022-23 REPORT

RESOLUTION 2023/252

Moved: Cr Stewart Morton

Seconded: Cr Glyn Dare

That Council receive the report for 80% design documentation of Speedy Stafford Street Stormwater Drainage project.

CARRIED

14.13 QUEENSLAND RESILIENCE AND RISK REDUCTION 2023-24**RESOLUTION 2023/253**

Moved: Cr Glyn Dare

Seconded: Cr Stewart Morton

That Council endorse Warri Gate Road Culvert and Floodway Resilience Stage 1 for further development to apply under the Queensland Resilience and Risk Reduction 2023-24 Funding program.

CARRIED

14.14 STATE EMERGENCY SERVICE (SES) SUPPORT GRANT 2024-25**RESOLUTION 2023/254**

Moved: Cr Stewart Morton

Seconded: Cr Vaughan Collins

That Council:

1. Endorse the submission of an application for funding under the 2024-2025 SES Support Grant to construct semi-permanent shaded infrastructure at the Thargomindah SES Shed.
2. Contribute \$7,500.00 to the SES Support Grant in the 2024-2025 budget.

CARRIED

Adjournment:

Council adjourned the meeting for Lunch at 12:15pm.

Resumed

Council resumed the meeting at 12:50pm.

Attendance:

Leanne Smith (Accountant) entered the meeting at 12:25pm.

14.15 FINANCIAL PERFORMANCE REPORT**RESOLUTION 2023/255**

Moved: Cr Vaughan Collins

Seconded: Cr Stewart Morton

That Council adopt the Financial Performance Report for period ending 30th September 2023 in accordance with Section 204 of the *Local Government Regulations 2012*.

CARRIED

14.16 FIXED TERM INTEREST RATES**RESOLUTION 2023/256**

Moved: Cr Glyn Dare

Seconded: Cr Stewart Morton

That Council endorsed the investment of five million cash with National Australia Bank at 5.18 percent interest for six months.

CARRIED

14.17 PLANT HIRE RATES**RESOLUTION 2023/257**

Moved: Cr Stewart Morton

Seconded: Cr Vaughan Collins

That Council

- a) approve an increase in Plant Hire rates on plant items where indicated in the report and maintain the Plant Hire rates on those items where an increase is not identified, and
- b) update the 2023/2024 Budget accordingly

CARRIED

Attendance:

Leanne Smith left the meeting at 1:35pm.

14.18 RURAL & TOWN SERVICES DEPARTMENT REPORT**RESOLUTION 2023/258**

Moved: Cr Stewart Morton

Seconded: Cr Glyn Dare

That Council receive and note the Rural Services Department Report for September 2023

CARRIED

14.19 ROADS MANAGER REPORT**RESOLUTION 2023/259**

Moved: Cr Glyn Dare

Seconded: Cr Vaughan Collins

That Council receive and note the Roads Manager Report for the month of September 2023.

CARRIED

14.20 PROJECTS REPORT

RESOLUTION 2023/260

Moved: Cr Stewart Morton

Seconded: Cr Glyn Dare

That Council received and noted the Projects Report for September 2023.

CARRIED

15 LATE ITEMS

CONFLICT OF INTEREST – 16.1

I, Councillor Glyn Dare, inform the meeting that I have a prescribed conflict of interest as a result of Acting Chief Executive Officer. My relationship is with my niece, Tiffany Dare. Although I have a declarable conflict of interest, I do not believe a reasonable person could have a perception of bias because this personal interest is not of sufficient significance that it will lead to making a decision on the matter that is contrary to the public interest. Therefore, I wish to remain in the meeting and ask the eligible councillors to decide if I may participate despite my declarable conflict of interest.

REMAIN IN THE MEETING

RESOLUTION 2023/261

Moved: Cr Vaughan Collins

Seconded: Cr Stewart Morton

I move that it is in the public interest that Glyn Dare participates and votes on Item 16.1 Acting Chief Executive Officer because this personal interest is not of sufficient significance that it will lead to making a decision on the matter that is contrary to the public interest, and therefore a reasonable person would trust that the final decision is made in the public interest.

CARRIED

16 CONFIDENTIAL MATTERS

RESOLUTION 2023/262

Moved: Cr Stewart Morton

Seconded: Cr Vaughan Collins

CLOSURE OF MEETING

RECOMMENDATION

THAT pursuant to Section 275 (1) of the *Local Government Regulation 2012*, the meeting be closed to the public at [enter time] to discuss the confidential matters listed below:

16.1 Acting Chief Executive Officer

This matter is considered to be confidential pursuant to Section 254J(3)(1) (a) of the *Local Government Regulation 2012* as it deals with the appointment, discipline or dismissal of the chief executive officer.

To be discussed:

to discuss the appointment of an Acting CEO.

CARRIED

RESOLUTION 2023/263

Moved: Cr Vaughan Collins

Seconded: Cr Stewart Morton

That Council moves out of Closed Meeting into Open Meeting at 2:22pm.]

CARRIED

16.1 ACTING CHIEF EXECUTIVE OFFICER

RESOLUTION 2023/264

Moved: Cr Stewart Morton

Seconded: Cr Vaughan Collins

That pursuant to section 195 of the *Local Government Act 2009*, Council appoints Tiffany Dare to be Council's Acting Chief Executive Officer for 1 January 2024 to 30 April 2024.

CARRIED

17 NEXT MEETING

The next Ordinary Meeting of Council will be Tuesday 21st November, 2023.

18 CLOSURE

The Meeting closed at 2:23pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 November 2023.

.....

CHAIRPERSON