



**General Meeting of Council**

# **MINUTES**

**Meeting held in the Central Highlands Regional Council Chambers, Emerald Office**

**Tuesday 28 March 2017**

**Commenced at 2.30pm**

# CENTRAL HIGHLANDS REGIONAL COUNCIL

## GENERAL MEETING OF COUNCIL

TUESDAY 28 MARCH 2017

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**MINUTES – GENERAL MEETING**  
**HELD AT 2.30PM TUESDAY 28 MARCH IN THE CENTRAL HIGHLANDS REGIONAL COUNCIL**  
**CHAMBERS, EMERALD OFFICE**

**PRESENT**

**Councillors**

Councillor (Crs) K. Hayes (Mayor), G. Godwin-Smith (Deputy Mayor)  
Councillors (Crs), C. Brimblecombe, M. Daniels, A. McIndoe, G. Nixon and C. Rolfe

**Officers**

Chief Executive Officer S. Mason, General Manager Communities D. Fletcher, General Manager Corporate Services J. Bradshaw, Acting General Manager Infrastructure and Utilities M. Parker, Manager Finance S. Fogg, Coordinator Communications A. Ferris, Minute Secretaries M. Wills and B. Pusey

**APOLOGIES**

Councillors (Crs) P. Bell AM and D. Lacey

***Resolution:***

Cr Nixon moved and seconded by Cr Brimblecombe “That a leave of absence as previously granted for Councillors P. Bell AM and D. Lacey for today’s meeting be recorded.”

**2017 / 03 / 28 / 001**

Carried (7-0)

**LEAVE OF ABSENCE**

Nil

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**General Council Meeting: 14 March 2017**

***Resolution:***

Cr Godwin-Smith moved and seconded by Cr McIndoe “That the minutes of the previous General Council Meeting held on 14 March 2017 be confirmed.”

**2017 / 03 / 28 / 002**

Carried (7-0)

**Business Arising Out Of Minutes**

Mayor K. Hayes provided an overview of the Trade Mission that he attended with the Premier to India and their visit to the Adani Operations.

**Outstanding Meeting Actions**

Nil

**CONFLICT OF INTEREST, PERSONAL GIFTS AND BENEFITS**

Cr Hayes declared that he received hospitality and travel from Adani while in India which totalled to an amount of \$1,664.00.

Cr Hayes declared a perceived conflict of interest in the Communities Report regarding Development Application 4080/10.

**PETITIONS (IF ANY)**

Nil

Conflict of Interest

Cr Hayes declared a perceived conflict of interest in this matter (as defined in section 173 of the Local Government Act 2009) due to his land ownership in the area of the development application and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Hayes left the meeting at 2.43pm.

Cr Godwin-Smith assumed the Chair

Attendance

Acting Manager Planning and Environment M. Lehman and Acting Senior Town Planner T. Alsop attended the meeting at 2.45pm

## **COMMUNITIES**

### **Development Application - 4080/10 - Katharina Sicklinger c/- Land Partners - 48 & 70 Stones Road, Emerald**

**Executive summary:**

Council received a request to extend the relevant period of an existing approval on 21 February 2017. The Development Permit with reference number 4080/10 for Reconfiguring a Lot: Two (2) Lots into Five (5) Lots located at 48 and 70 Stones Road, Emerald was issued on 22 December 2010 with a four (4) year relevant period. In 2014 an extension request was approved through an appeal order granted by the Planning and Environment Court, extending the relevant period to 23 December 2016. On 1 November 2016 the applicant requested an extension for a further four (4) years from this date, to 23 December 2020. The officer's recommendation to refuse the applicant's request on sufficient planning grounds was presented to Council at its General Meeting on 13 December 2016. The officer's recommendation was not supported and instead an alternate resolution was made, which agreed to extend the relevant period of the approval to 23 February 2017 to allow for further information to be provided to Council for consideration and a new request to extend the relevant period to be made by the applicant.

On 21 February 2017 the applicant in response to the resolution requested an extension for a further two (2) years, to 23 February 2019 on the basis that the applicant has complied with the grounds of the resolution.

The *Sustainable Planning Act 2009* sets criteria for the assessment of applications applying to extend the relevant period of approval. Significant statutory changes have taken place since the time the first extension was approved with the adoption of a new planning scheme, which sets clear land use intent for the subject sites and strategic direction for the surrounding locality, Emerald and the Central Highlands as a whole. The approved development is not considered to be consistent with Council's current policies. At the time of approval, the application was assessed as a code application thus no public notification was required. Given the amount of time and changes in planning schemes, the community awareness of the application is also likely to be very low. The Applicant has not provided any planning grounds in the additional information to support where the application conflicts with the provisions of the *Sustainable Planning Act 2009*. Accordingly, the officer recommendation presented to Council on 13 December 2016 to refuse the request on sufficient planning grounds remains relevant to the decision making process.

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Rolfe "That the application for a Request to Extend the Relevant Period for Reconfiguring a Lot: Two (2) Lots into five (5) Lots on land at 48 and 70 Stones Road, Emerald described as Lots 4 and 5 on RP616244, is **refused** on the following grounds:

Grounds of Refusal:

1. Laws and policies have changed since the time of the original approval issued. The development approval is inconsistent with the current State planning instruments, specifically:

- a. State Planning Policy as the approval does not progress the State Interest for agricultural preservation and pursuits.
  - b. The Central Queensland Regional Plan as the site is identified within the Agricultural Priority Development Area and results in fragmentation of good quality agricultural land.
2. The development approval was approved in accordance with a local planning instrument, *Emerald Shire Planning Scheme (Amendment 1) 2008*, that no longer has force and effect and is out dated as it does not reflect the current laws and policies.
  3. The State interests are reflected within the *Central Highlands Regional Council Planning Scheme 2016 (Amendment 1)* and the development approval is inconsistent with the intent of the Rural Zone Code, Agricultural Overlay Code and the future intent indicated by the Strategic Framework, as reflected within the current laws and policies.
  4. The applicant retains the right to make a new application to Council under the current and superseded local planning instruments. Further rights to make a submission would be available if the application was re-made today as the application is subject to impact assessment under both the current *Central Highlands Regional Council Planning Scheme (Amendment No. 1) 2016* and the superseded *Emerald Shire Planning Scheme ) Amendment No. 3) 2013*.
  5. Community consultation has been carried out for the law and policy changes that have occurred since the time of approval, specifically in 2013 and 2014. Community awareness of these changes would reasonably be considered high. Notwithstanding this, the development approval was subject to code assessment and did not require public notification and therefore it could be reasonably considered that community awareness of the development approval is low.
  6. A considerable amount of time has lapsed since the development approval in 2010 and no action has been taken by the developer to progress the development. A further extension of four years, as requested by the applicant, to complete the development cannot be supported due to the significant changes in laws and policies since the time of approval.”

**2017 / 03 / 28 / 003**

Carried (5-1)

Attendance

Acting Manager Planning and Environment M. Lehman and Acting Senior Town Planner T. Alsop left the meeting at 2.50pm

General Manager Communities. D Fletcher left the meeting at 2.50pm

Manager Community and Customer Service L. Lankowski attended the meeting at 2.50pm

Mayor Cr Hayes and General Manager Communities. D Fletcher returned to the meeting at 2.50pm

Cr Hayes resumed the Chair

**Grant Opportunity - Building Better Regions Fund - Community Investment Scheme**

**Executive summary:**

This report discusses funding opportunities provided by the Commonwealth Government's Building Better Regions Fund, and proposes projects that may be suitable for nomination under the Community Investment Stream of this funding programme. Nominations under this programme must be made by 31 March 2017.

**Resolution:**

Cr Daniels moved and seconded by Cr Godwin-Smith “That Central Highlands Regional Council approve the nomination of the following projects under the Building Better Regions Fund Community Investment Stream:

1. National Youth Week Festival – April 2018 - \$20,000;and
2. Senior’s Week – Active Health Aging – August 2017 - \$40,000.”

**2017 / 03 / 28 / 004**

Carried (7-0)

Attendance

Manager Community and Customer Service L. Lankowski left the meeting at 2.59pm  
Acting Manager Planning and Environment M. Lehman and Principal Planner Strategic Land Use J. Webster attended the meeting at 2.59pm

**Proceeding with Central Highlands Regional Council Local Government Infrastructure Plan**

**Executive summary:**

The *Local Government Infrastructure Plan (LGIP)* amendment to the *Central Highlands Regional Council Planning Scheme 2016* was publicly notified between 20 June 2016 and 2 August 2016. Since this time Council has considered and responded to the submission that was received. Council now needs to decide how to proceed with the proposed LGIP amendment.

**Resolution:**

Cr Godwin-Smith moved and seconded by Cr Nixon “That Central Highlands Regional Council:

1. Proceed with the proposed *Local Government Infrastructure Plan* with minor changes, which Council believes do not result in the proposed *Local Government Infrastructure Plan* being significantly different to the version that was released for public consultation, in accordance with step 6.5 of section 2.4B.1 of *Statutory Guideline 01/16 Making and amending local planning instruments*; and
2. Authorise the General Manager Communities to do all the matters specified in *Statutory Guideline 01/16 Making and amending local planning instruments* to complete step 6 of the process to keep progressing the proposed *Local Government Infrastructure Plan*.”

**2017 / 03 / 28 / 005**

Carried (7-0)

Attendance

Acting Manager Planning and Environment M. Lehman and Principal Planner Strategic Land Use J. Webster left the meeting at 3.02pm

**CORPORATE SERVICES**

**Monthly Financial Report - February 2017**

**Executive summary:**

A Financial Report which summarises the financial performance and position of the Central Highlands Regional Council is presented each month to provide a snapshot on Council’s financial performance. While this report complies with statutory obligations, it is also intended to provide additional information to keep Councillors informed in relation to relevant financial matters of Council.

**Resolution:**

Cr Nixon moved and seconded by Cr Rolfe “That Central Highlands Regional Council receive the Monthly Financial Report for the period ended 28 February 2017.”

**2017 / 03 / 28 / 006**

Carried (7-0)

Attendance

Manager Finance S. Fogg left the meeting at 3.19pm

**CHIEF EXECUTIVE OFFICER**

Attendance

Coordinator Communications A. Ferris left the meeting at 3.23pm

Coordinator Communications A. Ferris returned to the meeting at 3.23pm

**Condition of Planning Approval Accommodation Building 76-78 Retro Streets Emerald**

**Executive summary:**

Council has been requested to reconsider the enforcement of a Development Approval condition which was raised on January 15 2008 in relation to the bitumen sealing of the centre parking area at 76-78 Retro Street, Emerald.

**Resolution:**

Cr Godwin-Smith moved and seconded by Cr Nixon “That the Central Highlands Regional Council waive the Development Approval Condition issued on 15 January 2008 in relation to the bitumen sealing of the centre parking area at 78 Retro Street, Emerald.

Further, that Council refund the amount of \$17,164.25 (inclusive of goods and services tax) to the developer that was paid for the work.”

**2017 / 03 / 28 / 007**

Carried (7-0)

**Western Queensland Local Government Association (WQLGA) – 81st Annual Conference - Call for Motions**

**Executive summary:**

The Western Queensland Local Government Association conference is being held in Barcaldine on 30 -31 May 2017.

Submissions are currently being sought for motions for the annual conference. Proposed motions are due by 28 April 2017.

**Resolution:**

Cr Rolfe moved and seconded by Cr Daniels “That the Central Highlands Regional Council submit motions on the following:

1. Review of project delivery timeframes for Transport Infrastructure Development Scheme (TIDS) funding;
2. Localities and postcode issues;
3. Regional Tourism Organisations including Inland Tourism Alliance;
4. Blackspot funding for telecommunications; and
5. Funding for mental health and wellbeing in remote areas.

**2017 / 03 / 28 / 008**

Carried (7-0)

**Local Government Association of Queensland (LGAQ) - 2017 Disaster Management Conference**

**Executive summary:**

Registrations are currently open for the The Local Government Association of Queensland Disaster Management Conference *Our New Conversation building partnerships to enhance community resilience and safety* which is being held in Mackay from 9 – 11 May 2017.

**Resolution:**

Cr McIndoe moved and seconded by Cr Rolfe “That Central Highlands Regional Council authorises the Mayor, Councillors Nixon, Brimblecombe, Lacey and Rolfe as Chairs of the Local Disaster Satellite Advisory Committees and the General Manager Infrastructure and Utilities to attend the Local Government Association of Queensland Disaster Management Conference in Mackay between 9 – 11 May 2017 as Council’s representatives.”

**2017 / 03 / 28 / 009**

Carried (7-0)

**Western Queensland Local Government Association (WQLGA) 81st Annual Conference**

**Executive summary:**

The Western Queensland Local Government Association conference is being held in Barcaldine on 30 -31 May 2017.

The Western Queensland Local Government Association incorporates the Councils of Barcaldine Regional Council, Barcoo Shire Council, Blackall-Tambo Regional Council, Boulia Shire Council, Central Highlands Regional Council, Diamantina Shire Council, Flinders Shire Council, Isaac Regional Council, Longreach Regional Council, Richmond Shire Council and Winton Shire Council.

**Resolution:**

Cr Nixon moved and seconded by Cr Godwin-Smith “That the Central Highlands Regional Council authorises the Mayor, Councillors Brimblecombe and Lacey together with the Chief Executive Officer to attend the Western Queensland Local Government Association Conference which is to be held in Barcaldine on 30 – 31 May 2017.”

**2017 / 03 / 28 / 010**

Carried (7-0)



**Australian Local Government Association (ALGA) 2017 National General Assembly**

**Executive summary:**

The Australian Local Government Association National General Assembly is being held from 18-21 June 2017 in Canberra with this year's theme '*Building Tomorrow's Communities*'.

It presents local government as a whole with an opportunity for all issues to be raised and to ensure local government aspirations are addressed.

***Resolution:***

Cr Nixon moved and seconded by Cr Brimblecombe "That Central Highlands Regional Council authorise its Councillors Rolfe, Daniels and Bell and Chief Executive Officer to attend the Australian Local Government Association – National General Assembly of Local Government which is to be held in Canberra between 18-21 June 2017 as its representatives."

**2017 / 03 / 28 / 011**

Carried (7-0)

**2017 Developing Northern Australia Conference**

***Resolution:***

Cr Brimblecombe moved and seconded by Cr Daniels "That Central Highlands Regional Council authorise its Mayor and Councillor Lacey to attend the Developing Northern Australia conference which is to be held in Cairns between 19 - 20 June 2017 as its representatives."

**2017 / 03 / 28 / 012**

Carried (7-0)

**GENERAL BUSINESS**

*(Verbal matters raised by Councillors either as a question, acknowledgement and or additional follow-up by officers)*

Nil

**CLOSURE OF MEETING**

There being no further business, the Mayor closed the meeting at 3.56pm

CONFIRMED

MAYOR

DATE