

## **General Council Meeting**

Meeting of the Central Highlands Regional Council held  
in the **Council Chambers, 65 Egerton Street, Emerald**  
on

**Tuesday, 12 June 2018**  
**Commenced at 2.30pm**

**COUNCIL MINUTES**

# CENTRAL HIGHLANDS REGIONAL COUNCIL

## GENERAL MEETING OF COUNCIL

TUESDAY 12 JUNE 2018

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**MINUTES – GENERAL COUNCIL MEETING**  
**HELD AT 2.30PM TUESDAY 12 JUNE 2018 IN THE CENTRAL HIGHLANDS REGIONAL COUNCIL**  
**CHAMBERS, EMERALD OFFICE**

**PRESENT**

**Councillors**

Councillor (Crs) K. Hayes (Mayor), G. Godwin-Smith (Deputy Mayor)

Councillors (Crs) P. Bell AM, C. Brimblecombe, M. Daniels, A. McIndoe, G. Nixon, C. Rolfe and G. Sypher

**Officers**

Acting Chief Executive Officer and General Manager Corporate Services J. Bradshaw, General Manager Communities D. Fletcher, General Manager Infrastructure and Utilities G. Joubert, General Manager Commercial Services M. Webster, General Manager Central Highlands Development Corporation S. Hobbs, Minute Secretary M. Wills

**APOLOGIES**

Chief Executive Officer S. Mason

**LEAVE OF ABSENCE**

Nil

**Opening Prayer**

Pastor Roderick McLennan from the Emerald Presbyterian Church delivered the opening prayer.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**General Council Meeting: 29 May 2018**

**Resolution:**

Cr Sypher moved and seconded by Cr Brimblecombe "That the minutes of the previous General Council Meeting held on 29 May 2018 be confirmed."

**2018 / 06 / 12 / 001**

Carried (9-0)

**Business Arising Out Of Minutes**

Nil

**Outstanding Meeting Actions**

Nil

**Review of Upcoming Agenda Items**

Nil

**Material Personal Interest, Conflict Of Interest, Personal Gifts and Benefits**

Cr Godwin-Smith declared that in accordance and defined in section 175D(3) of the *Local Government Act 2009* regarding the closed session item in relation to GP Super Clinic, that as a Council nominee on the GP Super Clinic Board that she intends on staying in the room during discussions, and that she had previously declared a conflict of interest.

Cr Bell declared a conflict of interest in the closed session matter item in relation to the GP Super Clinic (as defined by section 175D of the *Local Government Act 2009*) as follows: -

(a) Executive and Chairman of the GP Super Clinic Board (Central Highlands Healthcare Limited).

Cr Bell advised that he will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

### **PETITIONS (IF ANY)**

Nil

#### Attendance

Coordinator Development and Planning S. Mattner, Principal Planner Development Assessment S. Ronnfeldt, Senior Town Planner R. Tait attended the meeting at 2.44pm

## **COMMUNITIES**

### **Development Application - RAL001.1-2018 - Reconfiguring A Lot: One (1) Lot into Nineteen (19) Lot Subdivision - Lot 34 on RP894119, Pilot Farm Road Emerald**

#### **Executive summary:**

The Applicant, Trevor Black C/- Andrew Bell of Murray & Associates (Qld) Pty Ltd seeks to reconfigure a Lot: One (1) Lot into 19 Lot Subdivision on land described as Lot 34 on RP894119, Pilot Farm Road Emerald. The subject site is approximately 41.77ha in size and is located south west of Emerald and is situated approximately 7.5 kilometres from Emerald by road. The subject site is zoned both Rural and Emerging community zone *under the Central Highlands Planning Scheme 2016 (Amendment No. 3)*.

The application is Impact assessable as the proposed allotment sizes are less than the minimum allotment sizes within the subject zones. The subject site contains one (1) dwelling and associated structures (north east corner of the allotment), a number of dams/water capture drains (northern portion of the site) and has two (2) existing vehicle accesses from Pilot Farm Road. The eastern portion of the site has been previously cleared and contains sparse regrowth vegetation and on the western side of the site contains denser vegetation. The subject site is bounded by the Nogoia River along the western boundary and adjoins land which is Emerging community and Rural zone to the north and south and is bounded by Pilot Farm Road to the east.

#### **Resolution:**

Cr Brimblecombe moved and seconded by Cr Nixon “That Central Highlands Regional Council **refuse**, the application for a Development Permit for Reconfiguring a Lot: One (1) Lot into 19 Lot Subdivision on land described as Lot 34 on RP894119 at Pilot Farm Road Emerald, subject to the following grounds:

#### **Grounds of Refusal:**

1. The proposed development does not meet the minimum allotment size in the Rural zone and Emerging community zone.
2. The proposed development is inconsistent with the State Planning Policy (SPP) for Agriculture due to fragmentation of agricultural land. Subsequently, the proposed lots have the potential to cause small lot intensification within a Rural zone where there is clear strategic direction to protect agricultural land.
3. The proposed development does not progress the State interest for agricultural preservation and pursuits.
4. The proposed development is inconsistent with the Rural zone code, Agricultural overlay code and the future intent indicated by the Strategic framework of the Central Highlands Regional Council Planning Scheme 2016 (Amendment No. 3) for Rural places.
5. Inconsistencies with the Flood hazard overlay code. The subject site will be inundated during flood events and cannot provide safe, clear and direct evacuation routes that are trafficable by both vehicles and pedestrians in the Defined flood event.

6. Potential impacts between incompatible land uses if the proposed development occurs due to the subdivision layout and design being within close proximity to rural activities.”

2018 / 06 / 12 / 002

Carried (9-0)

**RAL003.2-2018 - SCN Developments Extend Relevant Period (94 lots) Lot 112 SP273878 125 Peak Downs Street, Capella**

**Executive summary:**

The applicant has sought Council’s approval for an extension to the relevant period of Development permit 4001/13 Reconfiguring a Lot: One (1) lot into 94 lots to be created under a community title scheme and a Material Change of Use to establish 94 houses. The subject land is located at 125 Peak Downs Street, Capella and has a dual zoning of General residential and Specialised centre zone.

A relevant period of four (4) years was attached to the original approval and this period expired on 26 February 2018. The applicant has requested an extension of a further two (2) years from this date.

The *Planning Act 2016* sets criteria for the assessment of applications seeking to extend the relevant period of approval. Significant statutory changes have taken place since the time the application was approved including the adoption of a new planning scheme which sets a clear land use intent for the subject site and strategic direction for the surrounding locality, being Capella and the Central Highlands as a whole. The approved development is not considered to be consistent with Council's current policies.

**Resolution:**

Cr Nixon moved and seconded by Cr Brimblecombe “That the application for a Request to Extend the Relevant Period for Reconfiguring a Lot: One (1) Lot into 94 lots and Material Change of Use to establish 94 houses on land at 125 Peak Downs Street, Capella described as Lot 112 on SP273878, is **refused** on the following grounds:

**Reasons for Refusal:**

1. The development was originally assessed and decided under the former *Peak Downs Shire Planning Scheme (Amendment No 1) 2011*. On 3 March 2016, Council adopted the Central Highlands Regional Planning Scheme 2016 and the approval is considered to be inconsistent with the current laws and policies that apply to the development:
  - The proposed development is in conflict with the purpose of the General residential zone code in that the development does not achieve the residential density, scale or character intended for the zone.
  - The proposed development does not meet the minimum lot size standard in the Reconfiguring a lot code to such a substantial degree that the resulting density is not appropriate for the locality.
  - The applicant has not demonstrated that an overriding community need still exists for this development to establish on a site where the use is inconsistent with the zoning.
2. Community consultation has been carried out for the law and policy changes that have occurred since the time of approval. Community awareness of these changes would reasonably be considered high.
3. A considerable amount of time has lapsed since the development approval in 2014 and no action has been taken by the developer to progress the development.

4. An extension of an additional two (2) years to start and complete the development cannot be supported due to the significant changes in laws and policies since the time of approval and the significant non-compliance with the current planning scheme.”

2018 / 06 / 12 / 003

Carried (9-0)

### **Regional Economic Development Incentive Application – Millibourne Pty Ltd**

#### **Executive summary:**

The applicant has lodged an application under the Regional Economic Development Incentive policy which was adopted by Council at its General Meeting on 12 September 2017. The application by Millibourne Pty Ltd is the first application to be assessed under the new policy, and requests financial assistance in the form of a refund of the application fees paid to Council during the Development Application process.

#### **Resolution:**

Cr Godwin-Smith moved and seconded by Cr Sypher “That Central Highlands Regional Council approve in accordance with the Regional Economic Development Incentive policy, a refund of \$21,311.00 to the applicant Millibourne Pty Ltd.”

2018 / 06 / 12 / 004

Carried (9-0)

#### **Attendance**

Minute Secretary M Wills left the meeting at 3.16pm and returned at 3.17pm

### **Development Application Update April 2018**

#### **Executive summary**

This report provides a monthly update on development activities currently before the Council for assessment and decision within the Planning Team. This update will be presented monthly at the first General Council Meeting in each month.

This update provides an opportunity for the Councillors to understand the decisions made and to review the current applications before Council. Should the need arise, time can be scheduled to discuss specifics of the application offline with the Assessment Manager from the Planning team.

Considered by Council

#### **Attendance**

Coordinator Development and Planning S. Mattner, Principal Planner Development Assessment S. Ronnfeldt, Senior Town Planner R. Tait left the meeting at 3.18pm

## **CHIEF EXECUTIVE OFFICER**

### **Events Strategy and Action Plan 2018-2020**

#### **Executive summary:**

The *Events Strategy and Action Plan 2018-2020* provides a framework and action plan to assist Central Highlands Regional Council plan for and manage events within the region.

The events strategy recommends a number of actions to be considered over the next two years that correspond with six key priority areas.

**Resolution:**

Cr Sypher moved and seconded by Cr Daniels “That Central Highlands Regional Council receive the report.”

**2018 / 06 / 12 / 005**

Carried (9-0)

Attendance

Manager Planning and Environment K. Byrne attended the meeting at 3.21pm

## **DEPARTMENTAL UPDATES**

### **Departmental Updates**

**Executive summary:**

The following information provides an update on key activities for the Communities Department.

❖ **Communities**

**Key Activities Summary**

1. Blackwater Priority Development Areas
2. Submission on Draft Solar Farm guidelines
3. Temporary Local Planning Instrument 01/2018 (Operational Work – Within a Flood Hazard Area)
4. Four (4) submissions made to the Innovation and Improvement Fund

Considered by Council

## **LATE AGENDA ITEMS**

### **Overview of the LGAQ Waste Forum**

**Executive summary:**

On 15 May 2018, the Local Government Association of Queensland (LGAQ) invited Central Highlands Staff to the to the LGAQ Waste Forum on 7 June 2018 to discuss the rapidly changing waste and recycling environment and the challenges and opportunities this presents for Queensland councils to create a ‘zero waste to landfill’ future.

Due to a media embargo, documents (including speaking notes) from the forum cannot be circulated until Friday 8 June 2018 and then discussed publicly until Sunday 10 June 2018. These will be emailed to Councillors once received.

**Resolution:**

Cr Nixon moved and seconded by Cr Sypher “That Central Highlands Regional Council receive the report.”

**2018 / 06 / 12 / 006**

Carried (9-0)

### **Creation of Local Law for Waste**

#### **Executive summary:**

Council currently regulates waste management under Chapter 5A of the *Environmental Protection Regulation 2008* (“Regulation”) and section 7 of the *Waste Reduction and Recycling Regulation 2011*. Those sections expire on 1 July 2018 and the State Government contemplates that local governments will regulate waste management under their local laws.

#### **Resolution:**

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

1. Propose to make Local Law No. 6 (Waste Management) 2018;
2. Pursuant to section 257 of the *Local Government Act 2009*, delegate to the chief executive officer of Council its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to decide:-
  - (a) how the public interest test of Local Law No. 6 (Waste Management) 2018 is to be conducted; and
  - (b) the matters with which the public interest test report in relation to Local Law No. 6 (Waste Management) 2018 must deal; and
  - (c) the consultation process for the public interest test and how the process is to be used in the public interest test.”

**2018 / 06 / 12 / 007**

Carried (9-0)

#### **Attendance**

Manager Planning and Environment K. Byrne left the meeting at 3.48pm

### **Minutes of Meeting – Finance and Infrastructure Standing Committee Meeting 12 June 2018, Communities Standing Committee Meeting: 12 June 2018 and Leadership and Governance Standing Committee Meeting 12 June 2018**

#### **Resolution:**

Cr Brimblecombe moved and seconded by Cr Godwin-Smith “That the minutes of the:

1. Finance and Infrastructure Standing Committee Meeting held on 12 June 2018;
2. Communities Standing Committee Meeting held on 12 June 2018; and
3. Leadership and Governance Standing Committee Meeting held on 12 June 2018

(subject to minor amendments to the Finance and Infrastructure Standing Committee and Communities Standing Committee) be confirmed.”

**2018 / 06 / 12 / 008**

Carried (9-0)



## **GENERAL BUSINESS**

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

### **Local Government Association of Queensland (LGAQ) Future Cities, Smart Communities Summit 2018**

#### ***Resolution:***

Cr Godwin-Smith moved and seconded by Cr Daniels “That Central Highlands Regional Council authorise Cr Bell to attend the Local Government Association of Queensland Future Cities, Smart Communities Summit 2018 which is being held in Cairns between 11-13 July 2018 as a Council representative.”

**2018 / 06 / 12 / 009**

Carried (9-0)

### **2018 / 2019 Special Budget Meeting**

#### ***Resolution:***

Cr Rolfe moved and seconded by Cr Daniels “That the Central Highlands Regional Council 2018 / 2019 Special Budget Meeting be held on 26 June 2018 at 5.30pm.”

**2018 / 06 / 12 / 010**

Carried (9-0)

#### **Cr Godwin-Smith**

In relation to the proposed Santos \$400m project in the Arcadia Valley. Communication has been made directly to the residents in the Arcadia Valley by Santos. Requested that Council contact Santos representatives to speak to Council directly, as it is a large project and footprint for the Arcadia Valley area, which may impact upon the local country. *General Manager Infrastructure and Utilities G. Joubert advised that a report is due to Council at the next meeting with regards to an infrastructure agreement and works program and will try to have Santos come to Council and make a presentation on the project.*

#### **Cr Rolfe**

Provided an update with regards to potential banking services providers in Springsure and across the region. Cr Rolfe advised that further discussions has been held with another financial institution last week. There are two financial institutions interested and that these discussions are still ongoing.

#### **Cr Sypher**

- At the request of the residents of Rubyvale asked to raise that the dump point at Sapphire is continually overflowing, can we look at installing another dump point at perhaps Rubyvale. It is not just the tourists using this dump point, residents are also using it and it is a public health issue. *General Manager Communities D. Fletcher advised that the parks and gardens team has done some preliminary work on that and that there is a project proposed for in future year and will confirm where that sits in health perspective and if not allocate money for that project or alternative solutions.*
- NBN Tower in Rubyvale, residents were wondering if a TV booster can be put on the tower to get better TV reception in the township of Rubyvale. *General Manager Communities D. Fletcher advised that he will follow up on this as there have been previous investigations and work done in the background.*

#### **Cr McIndoe**

Ms Cassie Pickard is returning for a second year in a row World Champion tomorrow at 3.05pm. It would be nice for the local community to acknowledge her achievements and it would be good if Council could do something to welcome her home.

Cr Nixon

Royal Flying Doctor Day in Buckland on Saturday on 16 June 2018 and the opening of the strip. Requested for someone from Council to attend the opening on Council's behalf. *Cr Nixon was nominated to open the strip on Council's behalf.*

Cr Bell

Advised that funding from the federal government has announced further funding for rural regional and small communities Blackspots and that it would be a good opportunity to put in further applications.

## **CLOSED SESSION**

**Into Closed Session**

**Resolution:**

Cr Nixon moved and seconded by Cr Daniels "That Council close its meeting to the public in accordance with Section 275 (1) (h) of the Local Government Regulation 2012 and that Council staff involved in the closed discussions remain in the room."

**2018 / 06 / 12 / 011**

Carried (9-0)

Meeting closed at 4.13pm

Attendance

General Manager Community Services D. Fletcher, General Manager Infrastructure and Utilities G. Joubert, General Manager CHDC S. Hobbs left the meeting at 4.13pm

Conflict of Interest

Cr Bell declared a conflict of interest at the beginning of the meeting in the following matter and left the meeting at 4.13pm

**Out of Closed Session**

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Sypher "That the meeting now be re-opened to the public."

**2018 / 06 / 12 / 012**

Carried (8-0)

The meeting was opened at 4.16pm

Attendance

Cr Bell returned to the meeting at 4.16pm

Conflict of Interest

Cr Godwin-Smith declared that she has a perceived conflict of interest in this matter GP Super Clinic report in closed session (as defined by section 175D of the *Local Government Act 2009*) as follows: -

- (a) That she is a Council nominee on the GP Super Clinic Board;

However, Cr Godwin-Smith acknowledged that the remaining councillors should now determine, pursuant to section 175E(4) of the *Local Government Act 2009*: -

- (a) Whether she has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) If so, whether: -
- a. He /she must leave the meeting while this matter is discussed or voted on; or
  - b. If he / she may participate in the meeting in relation to the matter, including by voting on the matter.”

***Resolution:***

Cr Nixon moved and seconded by Cr Brimblecombe “Councillors determined that it was a perceived conflict of interest and voted for Cr Godwin-Smith to remain in the room, debate and vote on the matter.”

**2018 / 06 / 12 / 012**

Carried (8-0)

*Cr Bell did not vote on the matter*

**Conflict of Interest**

Cr Bell confirmed his previous declaration of interest as a member of the Executive and Chairman of the GP Super Clinic Board (Central Highlands Healthcare Limited), and dealt with his conflict of interest by leaving the meeting and did not participate in discussions, debate and voting on the matter.”

Cr Bell left the meeting 4.18pm

## **CLOSED SESSION**

**Into Closed Session**

***Resolution:***

Cr Nixon moved and seconded by Cr Rolfe “That Council close its meeting to the public in accordance with Section 275 (1) (h) of the Local Government Regulation 2012 and that Council staff involved in the closed discussions remain in the room.”

**2018 / 06 / 12 / 013**

Carried (8-0)

The meeting closed at 4.18pm

**GP Super Clinic**

**Attendance**

General Manager Commercial Services M. Webster left the meeting at 4.28pm

Cr Bell returned to the meeting at 4.28pm

General Manager Infrastructure and Utilities G. Joubert returned to the meeting at 4.28pm

**Central Queensland Inland Port Update**

**Regional Jobs and Investment Package Update**

### **Out of Closed Session**

#### ***Resolution:***

Cr Nixon moved and seconded by Cr Godwin-Smith “That the meeting now be re-opened to the public.”

**2018 / 06 / 12 / 014**

Carried (9-0)

The meeting was opened at 4.49pm

### **GP Super Clinic**

#### ***Executive summary:***

This report provides an overview for Councillors on the history of the land transaction between Council, Central Highlands Rural Division of General Practice Inc and Central Highlands Healthcare Limited in regard to the Emerald GP Super Clinic site.

#### ***Resolution:***

Cr Brimblecombe moved seconded by Cr Rolfe “That Central Highlands Regional Council receive the report.”

**2018 / 06 / 12 / 015**

Carried (8-0)

*Cr Bell did not vote on this matter*

### **Central Queensland Inland Port Update**

#### ***Executive summary:***

This report provides Council with an update on the current status of the CQIP project with the execution of the Project Variation for the Building our Regions (BOR) Grant Funding Agreement between Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) and Central Highland Regional Council (CHRC) as well as the execution of the Co-contribution Agreements between CHRC and CQIP and GrainCorp.

#### ***Resolution:***

Cr Godwin-Smith moved and seconded by Cr Brimblecombe “That Central Highlands Regional Council receive the report.”

**2018 / 06 / 12 / 016**

Carried (9-0)

### **Regional Jobs and Investment Package Update**

#### ***Executive summary:***

Central Highland Regional Council (CHRC) was successful in applying for funding under the *Bowen Basin – Local Infrastructure, Regional Jobs and Investment Package* (RJIP) for the delivery of the CQ Intermodal Terminal and Industrial Access Road. The total project budget is \$5,873,997 with \$2,900,000 in government grants. The Australian Government, Department of Infrastructure, Regional Development and Cities is due to execute the Grant Funding Agreement with CHRC, with Council required to execute a “Mirror Agreement” for the disbursement of grant funds with CQ Inland Port, the project lead who will deliver the project as well as own and operate the CQ Intermodal Terminal.

#### ***Resolution:***

Cr Bell moved and seconded by Cr Nixon “That Central Highlands Regional Council receive the report.”

**2018 / 06 / 12 / 017**

Carried (9-0)

## **GENERAL BUSINESS**

### Cr Godwin-Smith

Advised that Mrs Wendy McPhee from the GP Super Clinic was awarded *Backbone of the Bush Award*, on the weekend and requested that Council write to Mrs McPhee to congratulate her on the receiving this award.

### Cr Hayes

Advised that he attended the Queensland Architecture Awards on the Gold Coast on 8 June 2018 as a guest of Liquid Blu the contractor engaged in project design who was recognised with the FDG Stanley Award and the Award for Sustainable Architecture for the Blackwater Aquatic Centre. It was requested that we send a letter of congratulations to 'Liquid Blu' and to the project Manager Mrs Carol Vertigan of SEEC Pty Ltd acknowledging this significant achievement.

## **CLOSURE OF MEETING**

There being no further business, the Mayor closed the meeting at 4.52pm.

CONFIRMED

MAYOR

DATE