



# **AGENDA**

## **Liveability, Governance and Finance Standing Committee Meeting Wednesday, 9 November 2022**

**I hereby give notice that a Meeting of the Liveability, Governance and Finance Standing Committee will be held on:**

**Date: Wednesday, 9 November 2022**

**Time: 9:00am**

**Location: Warren Truss Chamber  
45 Glendon Street  
Kingaroy**

**Mark Pitt PSM  
Chief Executive Officer**

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In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

- 1 OPENING**
- 2 LEAVE OF ABSENCE / APOLOGIES**
- 3 RECOGNITION OF TRADITIONAL OWNERS**
- 4 DECLARATION OF INTEREST**

**5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**5.1 MINUTES OF THE EXECUTIVE AND FINANCE & CORPORATE STANDING COMMITTEE MEETING HELD ON 12 OCTOBER 2022**

**File Number:** 09-11-2022

**Author:** Executive Assistant

**Authoriser:** Chief Executive Officer

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**OFFICER'S RECOMMENDATION**

1. That the Minutes of the Executive and Finance & Corporate Standing Committee Meeting held on 12 October 2022 be received and the recommendations therein be adopted.

**ATTACHMENTS**

1. **Minutes of the Executive and Finance & Corporate Standing Committee Meeting held on 12 October 2022**



# **MINUTES**

**Executive and Finance & Corporate  
Standing Committee Meeting  
Wednesday, 12 October 2022**

**Order Of Business**

<b>1</b>	<b>Opening</b> .....	<b>3</b>
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<b>3</b>	<b>Acknowledgement of Traditional Owners</b> .....	<b>3</b>
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<b>12</b>	<b>Closure of Meeting</b> .....	<b>6</b>

**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL  
EXECUTIVE AND FINANCE & CORPORATE STANDING COMMITTEE MEETING  
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY  
ON WEDNESDAY, 12 OCTOBER 2022 AT 1.30PM**

**PRESENT:****Councillors:**

Cr Brett Otto (Mayor), Cr Gavin Jones (Deputy Mayor), Cr Jane Erkens, Cr Danita Potter, Cr Kathy Duff, Cr Scott Henschen

**Council Officers:**

Susan Jarvis (General Manager Finance & Corporate), Tim Low (Acting General Manager Infrastructure), Peter O'May (General Manager Liveability), Kerri Anderson (Manager Finance and Sustainability), Rebecca Humphrey (Manager People and Culture), Anthony Bills (Manager ICT & Fleet), Kimberley Donohue (Executive Assistant)

**1 OPENING**

The Mayor opened the meeting with Lord's Prayer and welcomed all attendees.

**2 LEAVE OF ABSENCE / APOLOGIES****APOLOGY**

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**COMMITTEE RESOLUTION 2022/59**

Moved: Cr Brett Otto

Seconded: Cr Jane Erkens

That the apology received from Cr Schumacher be accepted and leave of absence granted.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter and Kathy Duff

Against: Nil

**CARRIED 5/0**

**3 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Cr Duff acknowledged the traditional custodians of the land on which the meeting took place at the Liveability Standing Committee Meeting which was held earlier in the day.

**4 DECLARATION OF INTEREST**

Nil



## 5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 5.1 MINUTES OF THE EXECUTIVE AND FINANCE & CORPORATE STANDING COMMITTEE MEETING HELD ON 21 SEPTEMBER 2022

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#### COMMITTEE RESOLUTION 2022/60

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That the Minutes of the Executive and Finance & Corporate Standing Committee Meeting held on 21 September 2022 be received.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter and Kathy Duff

Against: Nil

**CARRIED 5/0**

## 6 BUSINESS ARISING

#### Attendance:

At 1:42 pm, Cr Scott Henschen entered the meeting.

## 7 NOTICES OF MOTION

### 7.1 NOTICE OF MOTION - CLEARING OF VEGETATION - KAPERNICK'S PARK - BOAT MOUNTAIN

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#### COMMITTEE RESOLUTION 2022/61

Moved: Cr Kathy Duff

Seconded: Cr Jane Erkens

That the Committee recommends to Council that:

That Council investigate the vegetation mapping requirements and potential safety issues and bring a report back the December Liveability Standing Committee Meeting. The report is to include written consent from the private landholder to clear vegetation and indemnify Council against works completed. Also to include options regarding the vegetation currently obstructing the viewing area from Kapernick's Park, Boat Mountain and seek quotes for the construction of a modest timber viewing platform at the park. The report is to be brought back to the December Liveability Standing Committee Meeting to include costing.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

**8 GENERAL BUSINESS****9 PORTFOLIO - CORPORATE GOVERNANCE & STRATEGY, PEOPLE & CULTURE, COMMUNICATIONS & MEDIA, FINANCE & SUSTAINABILITY, ICT & BUSINESS SYSTEMS, COMMUNITY REPRESENTATION & ADVOCACY AND 2032 OLYMPICS****9.1 CORPORATE, GOVERNANCE & STRATEGY, PEOPLE & CULTURE, COMMUNICATIONS/MEDIA, FINANCE & SUSTAINABILITY, ICT & BUSINESS SYSTEMS, COMMUNITY REPRESENTATION & ADVOCACY AND 2032 OLYMPICS PORTFOLIO**

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**COMMITTEE RESOLUTION 2022/62**

Moved: Cr Brett Otto

Seconded: Cr Danita Potter

That Mayor Otto's Corporate, Governance & Strategy, People & Culture, Communications/Media, Finance & Sustainability, ICT & Business Systems, Community Representation & Advocacy and 2032 Olympics Portfolio Report to Council be received.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0****Attendance:**

At 1:43pm, Manager ICT and Fleet Anthony Bills entered the meeting.

**10 PORTFOLIO - REGIONAL DEVELOPMENT****10.1 REGIONAL DEVELOPMENT (INDUSTRY, AGRICULTURE, WATER SECURITY, ENERGY AND CIRCULAR ECONOMY) PORTFOLIO REPORT**

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**COMMITTEE RESOLUTION 2022/63**

Moved: Cr Gavin Jones

Seconded: Cr Danita Potter

That Cr Schumacher's Regional Development (Industry, Agriculture, Water Security, Energy and Circular Economy Portfolio Report to Council be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

**11 CONFIDENTIAL SECTION**

**12 CLOSURE OF MEETING**

**The Meeting closed at 1.44pm.**

**The minutes of this meeting were confirmed at the Executive and Finance & Corporate Standing Committee Meeting held on 16 November 2022.**

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**CHAIRPERSON**

**5.2 MINUTES OF THE LIVEABILITY STANDING COMMITTEE MEETING HELD ON 12 OCTOBER 2022**

**File Number: 09-11-2022**

**Author: Executive Assistant**

**Authoriser: Chief Executive Officer**

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**OFFICER'S RECOMMENDATION**

1. That the Minutes of the Liveability Standing Committee Meeting held on 12 October 2022 be received and the recommendations therein be adopted.

**ATTACHMENTS**

1. **Minutes of the Liveability Standing Committee Meeting held on 12 October 2022**



# **MINUTES**

## **Liveability Standing Committee Meeting**

**Wednesday, 12 October 2022**

**Order Of Business**

<b>1</b>	<b>Opening</b> .....	<b>4</b>
<b>2</b>	<b>Leave of Absence / Apologies</b> .....	<b>4</b>
<b>3</b>	<b>Acknowledgement of Traditional Owners</b> .....	<b>4</b>
<b>4</b>	<b>Declaration of Interest</b> .....	<b>5</b>
<b>5</b>	<b>Confirmation of Minutes of Previous Meeting</b> .....	<b>5</b>
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<b>6</b>	<b>Notices of Motion</b> .....	<b>5</b>
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6.3	Notice of Motion Finalisation of design plans for QEII Park Murgon .....	6
6.4	Notice of Motion change of zoning for 1-5 Banksia Drive Kingaroy.....	7
<b>7</b>	<b>Portfolio - Community Development, Arts &amp; Heritage, Library Services and Waste &amp; Recycling Management</b> .....	<b>7</b>
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7.2	Community Development, Arts & Heritage, Waste & Recycling Management and Library Services Portfolio Report .....	8
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7.3	Community and Lifestyle Operational Update .....	9
7.4	Environment and Waste Services Operational Update .....	9
7.5	Update on Head to Health Co-design.....	10
7.6	Ringsfield House Advisory Committee recommendations .....	10
7.7	Baconfest - inkind support.....	10
7.7.1	In-Kind Assistance .....	11
<b>8</b>	<b>Portfolio - Development Services, Community &amp; Social Housing</b> .....	<b>11</b>
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8.2	Planning and Land Management Operational Update .....	11
8.3	Policies to Support the Development Application and Assessment Process.....	12
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12.1	Questions on Notice .....	18
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**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL  
LIVEABILITY STANDING COMMITTEE MEETING  
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY  
ON WEDNESDAY, 12 OCTOBER 2022 AT 9.00AM**

**PRESENT:****Councillors:**

Mayor Brett Otto (Mayor), Deputy Mayor Gavin Jones (Deputy Mayor), Cr Jane Erkens, Cr Danita Potter, Cr Kathy Duff, Cr Scott Henschen

**Council Officers:**

Peter O'May (General Manager Liveability), Susan Jarvis (General Manager Finance & Corporate), Tim Low (Acting General Manager Infrastructure), Leanne Petersen (Manager Facilities & Parks), Michael Lisle (Acting Manager Planning & Environment), Darryl Brooks (Manager Planning & Environment), Jennifer Pointon (Manager Community & Lifestyle), Rebecca Bayntum (Land Investigations Officer), Kerri Anderson (Manager Finance & Sustainability), Joanne Newbery (Communications Officer), Kimberley Donohue (Executive Assistant)

**1 OPENING**

The Mayor opened the meeting with the Lord's Prayer and welcomed all attendees

**2 LEAVE OF ABSENCE / APOLOGIES****APOLOGY**

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**COMMITTEE RESOLUTION 2022/132**

Moved: Deputy Mayor Gavin Jones

Seconded: Cr Danita Potter

That the apology received from Cr Schumacher be accepted and leave of absence granted.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

**3 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Cr Duff acknowledged the traditional custodians of the land on which the meeting took place.



**4 DECLARATION OF INTEREST**

Nil

**5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****5.1 MINUTES OF THE LIVEABILITY STANDING COMMITTEE MEETING HELD ON 14 SEPTEMBER 2022**

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**COMMITTEE RESOLUTION 2022/133**

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That the Minutes of the Liveability Standing Committee Meeting held on 14 September 2022 be received.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

**Attendance:**

At 9:02am, Executive Assistant Wendy Kruger entered the meeting.

At 9:03am, Executive Assistant Wendy Kruger left the meeting.

At 9:19am, Executive Assistant Wendy Kruger entered the meeting.

At 9:19am, Executive Assistant Wendy Kruger left the meeting.

**6 NOTICES OF MOTION****6.1 NOTICE OF MOTION - KINGAROY RSL AND POUND STREET**

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**COMMITTEE RESOLUTION 2022/134**

Moved: Mayor Brett Otto

Seconded: Cr Danita Potter

That the Committee recommends to Council:

That a report be brought to the December Liveability Standing Committee Meeting as to the following:

1. An overview of the land needs of the Kingaroy RSL Bub-Branch for Veteran accommodation units.
2. The process for Council to subdivide and approve a Material Change of Use on the land area at 1 pound street as follows:
  - a) Suitable land area at the southern end as medium as medium density residential for transfer to the Kingaroy RSL sub-branch for the purpose of construction residential units for veterans;

- 
- b) Remaining land area for potential medium density residential and community recreation zoning for placement of a future community, veteran and youth centre and;
  - c) Land area in the floodway at the far northern end as a car park for use by community centre users and SB Care.
3. Consideration of other options for land use for the Kingaroy RSL sub-branch.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

## **6.2 NOTICE OF MOTION COUNCIL SUPPORT 2022 RACQ LIFEFLIGHT GALA**

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### **COMMITTEE RESOLUTION 2022/135**

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That the Committee Recommends to Council;

That the South Burnett Regional Council support the RACQ LifeFlight Gala Dinner on Saturday November 5<sup>th</sup> 2022 by way of Hall Hire, Insurance and advertising on our Facebook and Instagram pages and Website.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

## **6.3 NOTICE OF MOTION FINALISATION OF DESIGN PLANS FOR QEII PARK MURGON**

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### **COMMITTEE RESOLUTION 2022/136**

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That the Committee recommends to Council that:

Council act promptly to finalise the design plans for QEII Park Murgon and seek to engage contractors to commence work as a priority capital project for completion prior to 30<sup>th</sup> June 2023.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

**Attendance:**

At 9:39am, Executive Assistant Bree Hunt entered the meeting.

At 9:40am, Executive Assistant Bree Hunt left the meeting.

At 9:46am, Executive Assistant Lara Hodson entered the meeting.

At 9:47am, Executive Assistant Lara Hodson left the meeting.

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**6.4 NOTICE OF MOTION CHANGE OF ZONING FOR 1-5 BANKSIA DRIVE KINGAROY**

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**COMMITTEE RECOMMENDATION**

Moved: Cr Kathy Duff

Seconded: Deputy Mayor Gavin Jones

That the Committee recommends to Council that:

1. That Council proceed to seek approval from the Minister for the amendment to Council's Planning Scheme to change the zoning on the land area at 1-5 Banksia Drive Kingaroy from Low Density Residential to a Local Centre Zone.
2. Council amends the planning scheme for commercial/retail parking requirements to those set down in the Planning Scheme of the Toowoomba Regional Council.

In Favour: Cr Kathy Duff

Against: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter and Scott Henschen

**LOST 1/5**

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**7 PORTFOLIO - COMMUNITY DEVELOPMENT, ARTS & HERITAGE, LIBRARY SERVICES AND WASTE & RECYCLING MANAGEMENT**

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**7.1 REZONING - 1-5 BANKSIA DRIVE KINGAROY**

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**COMMITTEE RESOLUTION 2022/137**

Moved: Deputy Mayor Gavin Jones

Seconded: Cr Danita Potter

That the Committee recommend to Council: -

- 1) That the Council does not seek approval from the Minister to amend the South Burnett Regional Planning Scheme to change the zoning of 1-5 Banksia Drive, Kingaroy from Low Density Residential to Local Centre (Shopping Centre).
- 2) That the Council undertakes a further review of commercial/retail parking requirements during the public consultation period of the amendment of the South Burnett Regional Planning Scheme.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter and Scott Henschen

Against: Cr Kathy Duff

**CARRIED 5/1**

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**7.2 COMMUNITY DEVELOPMENT, ARTS & HERITAGE, WASTE & RECYCLING MANAGEMENT AND LIBRARY SERVICES PORTFOLIO REPORT**

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**COMMITTEE RESOLUTION 2022/138**

Moved: Cr Danita Potter

Seconded: Deputy Mayor Gavin Jones

That Cr Potter's Community Development, Arts & Heritage, Waste & Recycling Management and Library Services Portfolio Report to Council be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**7.2.1 SOUTH BURNETT RELAY FOR LIFE**

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**RESOLVED 2022/139**

That a media statement be issued on behalf of Cr Potter thanking the South Burnett Relay for Life Committee for their work raising money for cancer research.

**Attendance:**

At 10:20am, Land Investigations Officer Rebecca Bayntun left the meeting.

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**ADJOURN MORNING TEA**

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**COMMITTEE RESOLUTION 2022/140**

Moved: Mayor Brett Otto

Seconded: Cr Scott Henschen

That the meeting adjourn for morning tea.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**RESUME MEETING**

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**COMMITTEE RESOLUTION 2022/141**

Moved: Mayor Brett Otto  
Seconded: Cr Danita Potter

That the meeting resume at 10.39am.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

**Attendance:**

At 10:42am, Executive Assistant Bree Hunt entered the meeting.

At 10:42am, Executive Assistant Bree Hunt left the meeting.

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**7.3 COMMUNITY AND LIFESTYLE OPERATIONAL UPDATE**

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**COMMITTEE RESOLUTION 2022/142**

Moved: Cr Danita Potter  
Seconded: Deputy Mayor Gavin Jones

That the Community and Lifestyle Operational update be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**7.4 ENVIRONMENT AND WASTE SERVICES OPERATIONAL UPDATE**

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**COMMITTEE RESOLUTION 2022/143**

Moved: Cr Danita Potter  
Seconded: Cr Jane Erkens

That the Environment and Waste Services Update be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**7.5 UPDATE ON HEAD TO HEALTH CO-DESIGN**

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**COMMITTEE RESOLUTION 2022/144**

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That the report be received for information

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**7.6 RINGSFIELD HOUSE ADVISORY COMMITTEE RECOMMENDATIONS**

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**COMMITTEE RESOLUTION 2022/145**

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That the Committee recommend to Council that:

1. Simone Kucyk is appointed as the Booking and Event coordinator
2. Irene Suzanne (Sue) Wallis is appointed as the Volunteer Manager
3. Rebecca Bayntun is appointed as the Museum Curator

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**7.7 BACONFEST - INKIND SUPPORT**

---

**COMMITTEE RESOLUTION 2022/146**

Moved: Deputy Mayor Gavin Jones

Seconded: Cr Scott Henschen

That the report be received.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**7.7.1 IN-KIND ASSISTANCE**

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**RESOLVED 2022/147**

That a reporting regime be implemented for in-kind assistance that is provided outside of the Community Grant Program Policy with a brief summary to be brought back to a Standing Committee Meeting.

**8 PORTFOLIO - DEVELOPMENT SERVICES, COMMUNITY & SOCIAL HOUSING****8.1 DEVELOPMENT SERVICES AND COMMUNITY & SOCIAL HOUSING PORTFOLIO REPORT**

---

**COMMITTEE RESOLUTION 2022/148**

Moved: Cr Scott Henschen

Seconded: Cr Danita Potter

That Cr Schumacher's Development Services and Community & Social Housing Portfolio Report to Council be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

**8.2 PLANNING AND LAND MANAGEMENT OPERATIONAL UPDATE**

---

**COMMITTEE RESOLUTION 2022/149**

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That the Planning and Land Management Operational update be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

**Attendance:**

At 11:21am, Cr Danita Potter left the meeting.

At 11:23 am, Cr Danita Potter returned to the meeting.

### 8.3 POLICIES TO SUPPORT THE DEVELOPMENT APPLICATION AND ASSESSMENT PROCESS

---

#### COMMITTEE RESOLUTION 2022/150

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That Council note the report for information and that:

- 1) The draft Pre-Lodgement Development Application Meetings Policy be submitted to a future Liveability, Governance and Finance Standing committee meeting after consultation through the Corporate Governance Framework: and
- 2) The draft Planning and Development Councillor Briefing Sessions Policy (as amended) be submitted to a future Liveability, Governance and Finance Standing meeting after consultation through the Corporate Governance Framework.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter and Scott Henschen

Against: Cr Kathy Duff

**CARRIED 5/1**

#### 8.3.1 DRAFT PRE-LODGE MENT DEVELOPMENT APPLICATION MEETINGS POLICY

---

#### RESOLVED 2022/151

That a report containing the Draft Pre-Lodgement Development Applications Meetings Policy be brought back to the November Executive and Finance & Corporate Standing Committee Meeting.

#### **Attendance:**

At 11:54am, Acting General Manager Infrastructure Tim Low left the meeting.

### 8.4 LGAQ HOUSING ACTION PLAN

---

#### COMMITTEE RESOLUTION 2022/152

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That the report be received for information

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

#### **Attendance:**

At 11:56am, Acting General Manager Infrastructure Tim Low returned to the meeting.

At 12pm, Acting Coordinator Natural Resource Management Jim Willmott entered the meeting.



## 9 PORTFOLIO - NATURAL RESOURCE MANAGEMENT, COMPLIANCE AND ENVIRONMENTAL HEALTH

### 9.1 NATURAL RESOURCE MANAGEMENT, COMPLIANCE AND ENVIRONMENTAL HEALTH PORTFOLIO REPORT

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#### COMMITTEE RESOLUTION 2022/153

Moved: Cr Scott Henschen

Seconded: Cr Danita Potter

That Cr Henschen's Natural Resource Management, Compliance and Environmental Health Portfolio Report to Council be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

### 9.2 NATURAL RESOURCE MANAGEMENT OPERATIONAL UPDATE

---

#### COMMITTEE RESOLUTION 2022/154

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That the Natural Resource Management Operational update be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

#### **Attendance:**

At 12:15pm, Acting Coordinator Natural Resource Management Jim Wilmott left the meeting.

At 12:15pm, Communications Officer Joanne Newbery left the meeting.

At 12:18pm, Communications Officer Joanne Newbery returned to the meeting.

At 12:20 pm, Cr Scott Henschen left the meeting.

### 9.3 LOCAL LAW REVIEW

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#### COMMITTEE RESOLUTION 2022/155

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That Council's 2023/24 Operational Plan include a project to *Review Council's Local Laws* and an appropriate budget allocation be provided in Council's 2023/24 Operational Budget to complete the review.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter and Kathy Duff

Against: Nil

**CARRIED 5/0**

**Attendance:**

At 12:20 pm, Cr Scott Henschen returned to the meeting.

**10 PORTFOLIO - RURAL RESILIENCE AND DISASTER RECOVERY, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT AND FIRST NATIONS AFFAIRS****10.1 RURAL RESILIENCE & DISASTER RECOVERY, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT AND FIRST NATION AFFAIRS PORTFOLIO REPORT**

---

**COMMITTEE RESOLUTION 2022/156**

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That Cr Duff's Rural Resilience & Disaster Recovery, Parks & Gardens, Property & Facility Management and First Nation Affairs Portfolio Report to Council be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

**10.2 FACILITIES AND PARKS OPERATIONAL UPDATE**

---

**COMMITTEE RESOLUTION 2022/157**

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That the Facilities and Parks Operational update be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

**10.3 BOTANICAL GARDEN ADVISORY GROUP**

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**COMMITTEE RESOLUTION 2022/158**

Moved: Cr Kathy Duff

Seconded: Deputy Mayor Gavin Jones

That the Committee recommend to Council:

That Council Appoint of six (6) individual members to the South Burnett Regional Council Botanical Advisory Committee.

The six (6) members include;

- Ray Robinson
- Graham Mitchell
- Angela Griffiths
- Adrian Maybon
- Penny Hegarty
- Graham Helmhold

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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#### **10.4 PROSTON RAILWAY PARK - SCULPTURE UPDATE**

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##### **COMMITTEE RESOLUTION 2022/159**

Moved: Cr Kathy Duff

Seconded: Cr Jane Erkens

That the Committee recommend to Council that:

- (i) The weaner cattle statues are installed on a concrete slab
- (ii) The Christmas tree footings to remain in Railway Park, Proston in the current location.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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##### **Attendance:**

At 12:39 pm, Cr Danita Potter left the meeting.

At 12:41 pm, Cr Danita Potter returned to the meeting.

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#### **10.5 TIPPERARY FLAT DESIGN**

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##### **COMMITTEE RESOLUTION 2022/160**

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That the draft design be received, and that design staff meet with Councillors prior to 31 October 2022 onsite prior to Council seeking community feedback and finalisation of the design.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**10.6 CHRISTMAS TREE INSTALLATION UPDATE**

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**COMMITTEE RESOLUTION 2022/161**

Moved: Deputy Mayor Gavin Jones

Seconded: Cr Scott Henschen

That the report be received.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**10.6.1 MURGON CHRISTMAS TREE**

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**RESOLVED 2022/162**

That the condition of the Murgon Christmas tree be checked.

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**10.6.2 WONDAI CHRISTMAS TREE**

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**RESOLVED 2022/163**

That Council Liaise with the President of the Wondai Art Gallery regarding the arrangements made for a seat being made for children to have a photo with Santa and that appropriate approvals through Council and design have been made.

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**10.7 POTENTIAL CHRISTMAS DECORATIONS/FLAGS - NANANGO**

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**COMMITTEE RESOLUTION 2022/164**

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That the Committee recommend to Council that:

1. The potential replacement and re-installation of Christmas Banners and Christmas decorations to the Nanango Streetscape to be considered in 23/24 budget and work with community organisations to look at alternative funding opportunities.
2. Further consultation and risk assessments be conducted with Ergon Energy, Department of Transport and Main Roads and business owners.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**10.8 SUPPORT FOR THE CTC SAFER COMMUNITIES PROGRAM**

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**COMMITTEE RESOLUTION 2022/165**

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That the Committee recommend to Council that:

1. To support the CTC Safer Communities Program, by waiving the following fees and charges for the remainder of the 2022-23 financial year, to provide cooking classes and events for the South Burnett youth:
  - a. Public swimming pool private hire – up to six (6) community events per public pool at an operational cost to Council of up to \$6,480.
  - b. Public Hall Kitchen Hire - up to six (6) cooking classes per facility.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0****11 PORTFOLIO - TOURISM & VISITOR INFORMATION CENTRES, SPORT & RECREATION AND COMMERCIAL ENTERPRISES****11.1 TOURISM & VIC'S, SPORT & RECREATION AND COMMERCIAL ENTERPRISES PORTFOLIO REPORT**

---

**COMMITTEE RESOLUTION 2022/166**

Moved: Cr Jane Erkens

Seconded: Deputy Mayor Gavin Jones

That Cr Erken's Tourism &amp; VIC's, Sport &amp; Recreation and Commercial Enterprises Portfolio Report to Council be received for information.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**11.2 GRANT APPLICATION - FLEXIBLE FUNDING GRANTS**

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**COMMITTEE RESOLUTION 2022/167**

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That the Committee recommends to Council:

1. That Council develop and submit an application to the Flexible Funding Grants Initiative to deliver a community wellbeing event at Bjelke- Petersen Dam.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0****12 QUESTIONS ON NOTICE****12.1 QUESTIONS ON NOTICE**

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**COMMITTEE RESOLUTION 2022/168**

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That the responses to the questions raised be received and noted.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0****Attendance:**

At 1pm, Communications Officer Joanne Newbery left the meeting.

At 1pm, Manager Community &amp; Lifestyle Jennifer Pointon left the meeting.

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**13 CONFIDENTIAL SECTION**

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**COMMITTEE RESOLUTION 2022/169**

Moved: Cr Kathy Duff  
Seconded: Cr Danita Potter

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

**13.1 Knight Street Access**

This matter is considered to be confidential under Section 254J – (g) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

---

**COMMITTEE RESOLUTION 2022/170**

Moved: Mayor Brett Otto  
Seconded: Cr Scott Henschen

That Council moves out of Closed Council into Open Council.

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

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**13.1 KNIGHT STREET ACCESS**

---

**COMMITTEE RESOLUTION 2022/171**

Moved: Cr Danita Potter  
Seconded: Cr Jane Erkens

That the report be received for Information

In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

**CARRIED 6/0**

---

**14 CLOSURE OF MEETING**

**The Meeting closed at 1.10pm.**

**The minutes of this meeting were confirmed at the Liveability Standing Committee Meeting held on 9 November 2022.**

.....  
**CHAIRPERSON**



## **6 NOTICES OF MOTION**

### **6.1 NOTICE OF MOTION QEII PARK**

**File Number: 09-11-2022**

I, Councillor Kathy Duff, give notice that at the next Liveability, Governance and Finance Standing Committee Meeting to be held on 9 November 2022, I intend to move the following motion:

---

#### **MOTION**

That the Committee Recommends to Council:

That Council provide the additional funding in the 2022/23 Capital Works Program to enable the full completion of stage one of the QEII Park redevelopment in Murgon.

#### **RATIONALE**

Council recognised the impact of construction costs through the allocation of additional funds for projects such as Blackbutt CBD and Kumbia Streetscapes. The project at Murgon will also incur similar additional costs and to complete stage one of the eastern section of the park as part of one capital project will require additional funding. The additional funding allocated to be in accordance with costings provided by staff.

#### **CORPORATE PLAN**

EC1 Develop and implement initiatives to enhance community parks, gardens and recreational facilities, which may include tree planting strategy, botanical gardens and perennial (drought tolerant) scrubs and flower planting programme.

I commend this Notice of Motion to Council.

\*Cost estimates are being prepared as per Councillor's request and a report will be tabled at the meeting.

#### **ATTACHMENTS**

**Nil**

**6.2 PIG BOUNTY****File Number: 09-11-2022**

I, Councillor Kathy Duff, give notice that at the next Liveability, Governance and Finance Standing Committee Meeting of Council to be held on 9 November 2022, I intend to move the following motion:

---

**MOTION**

That the Committee Recommends to Council:

That Council introduce a \$10 per pig snout on feral pigs, consistent with the bounty offered by Gympie Regional Council.

**RATIONALE**

The risk of foot and mouth disease and the spread of feral pigs was raised at the Kingaroy Chamber Meet & Greet at Pakaderinga Feedlot. There was a suggestion by one of their workers and supported by everyone that Council consider a bounty on pigs similar to some other Councils to create more incentive to trap pigs.

**CORPORATE PLAN**

EN9 Develop and implement a systematic programme to identify and take action to address stray/feral/pest and wild animals.

I commend this Notice of Motion to Council.

**ATTACHMENTS**

**Nil**

**6.3 PIG BOUNTY - NOTICE OF MOTION****File Number:** 9-11-2022**Author:** Manager Environment and Planning**Authoriser:** Chief Executive Officer**PRECIS**

Consideration of the introduction of a pig bounty across the South Burnett.

**SUMMARY**

A Notice of Motion has been tabled by Councillor Duff regarding the introduction of a \$10.00 bounty for feral pigs, consistent with the bounty offered by Gympie Regional Council.

---

**OFFICER'S RECOMMENDATION**

That the Notice of Motion lay on the table and that the matter be further considered by Council at the 30 November 2022 Infrastructure, Environment and Compliance Standing Committee.

**REPORT**

Council Officers are currently investigating the potential introduction of a pig bounty across the South Burnett. By supporting the recommendation above, it will enable Council Officer's to provide a comprehensive report back to Council on the matter.

Mayor Otto has also raised the following question:

*The process involved in council applying QRA flood recovery funding to a contract for the aerial shooting of feral pigs.*

*Based on the explosion in the number of feral pigs and intrusion into cultivation lands in feeding on crop remains from flood.*

Both of these items would be addressed in the Infrastructure, Environment and Compliance Standing Committee if the recommendation is accepted by Council.

**ATTACHMENTS****Nil**

## **7 PORTFOLIO - CORPORATE GOVERNANCE & STRATEGY, PEOPLE & CULTURE, COMMUNICATION & MEDIA, FINANCE & SUSTAINABILITY, ICT & BUSINESS SYSTEMS, COMMUNITY REPRESENTATION AND ADVOCACY, 2032 OLYMPICS & PARALYMPICS**

### **7.1 CORPORATE, GOVERNANCE & STRATEGY, PEOPLE & CULTURE, COMMUNICATIONS/MEDIA, FINANCE & SUSTAINABILITY, ICT & BUSINESS SYSTEMS, COMMUNITY REPRESENTATION & ADVOCACY AND 2032 OLYMPICS & PARALYMPICS PORTFOLIO REPORT**

**File Number:** 07/11/2022

**Author:** Mayor

**Authoriser:** Chief Executive Officer

#### **PRECIS**

Corporate, Governance & Strategy, People & Culture, Communications/Media, Finance & Sustainability, ICT & Business Systems, Community Representation & Advocacy and 2032 Olympics & Paralympics Portfolio

#### **SUMMARY**

Mayor Otto presented his Corporate, Governance & Strategy, People & Culture, Communications/Media, Finance & Sustainability, ICT & Business Systems, Community Representation & Advocacy and 2032 Olympics & Paralympics Portfolio Report to Council.

#### **OFFICER'S RECOMMENDATION**

That Mayor Otto's Corporate, Governance & Strategy, People & Culture, Communications/Media, Finance & Sustainability, ICT & Business Systems, Community Representation & Advocacy and 2032 Olympics & Paralympics Portfolio Report to Council be received.

#### **Corporate, Governance & Strategy:**

The Kingaroy Customer Service Centre moved back into the Kingaroy Administration Centre on Monday 31 October 2022. The new improved service centre renovations were undertaken to address Work Health and Safety concerns.

Council's Corporate Services team have continued working with other departments with Council to improve processes in the administration of insurance claims. The processes that have been implemented have been working well, with claims and assessments being progressed in a timely manner. Claims in relation to Council assets are at times delayed, partially due to supply chain issues.

The new Customer Request system went live on 10 October 2022. The Corporate, Governance and Strategy branch were heavily involved with testing of the new system prior to go live. Since go live, the branch has embraced the change of processes. Along with the new Customer Request system, the Governance team have been updating change of addresses into the Name and Address Register and subsequently responding to customers, confirming their changes.

#### **People & Culture:**

#### **Rural Management Challenge**

South Burnett Regional Council is pleased to congratulate the winning team of the 2022 Southern Queensland Local Government Managers (LGMA) Rural Management Challenge, our very own -

Bunya MVP's consisting of Council Officers – Julianne H (People & Culture), Melinda C (Infrastructure), Marissa C (Infrastructure) and Sally H (Infrastructure) and Bryce E (Corporate).

Both of our own Council teams performed exceptionally well on the day and SBRC was pleased to bring back the winning trophy to our region.

Congratulations also to 'Driven Nutters' consisting of Tracy B (Corporate), Kate W (Infrastructure), Bree H (Executive Services) and Dave T (ICT).

Thanks must also be given to our Teams mentors, Rebecca B, Tony J & Karen S.

### **Workforce Diversity**

I am pleased to provide the following information:

### **Census Data - percentage of people in the South Burnett who identify as Aboriginal and Torres Strait Islander?**

Census data as obtained from *Australian Bureau of Statistics* providing the percentage of people in the South Burnett who identified as Aboriginal and Torres Strait Islander.

#### People and population

Indigenous status	South Burnett	%	Queensland	%	Australia	%
<i>All people</i>						
Aboriginal and/or Torres Strait Islander total	2,045	6.2	237,303	4.6	812,728	3.2
Aboriginal	1,894	5.7	193,405	3.8	742,882	2.9
Torres Strait Islander	35	0.1	21,772	0.4	33,765	0.1
Both Aboriginal and Torres Strait Islander	110	0.3	22,122	0.4	36,083	0.1
Non-Indigenous	28,090	85.1	4,635,042	89.9	23,375,949	91.9
Not stated	2,864	8.7	283,793	5.5	1,234,112	4.9

More information on [Place of Usual Residence \(PURP\)](#), [Indigenous status \(INGP\)](#)  
Table based on place of usual residence

### **Number and percentage of our employees who identify as Aboriginal and Torres Strait Islander?**

Information obtained from personnel records as at the 20 July 2022, suggest that 8 staff have disclosed and identify as Aboriginal and Torres Strait Islander on their employment records. This represents 2.4% of Staff. It must be noted that staff are not mandated to disclose and identify their origin upon employment. *It cannot be verified that this is an actual reflection of staff who identify as Aboriginal and Torres Strait Islander.*

Census data as obtained from Australian Bureau of Statistics providing the percentage of people in the South Burnett who identified

### **Opportunities and programs for Aboriginal and Torres Strait Islander traineeships?**

All Councils full-time one-year traineeships are funded by the First Start funding (under Skilling Queenslanders for Work program). This funding is targeted towards disadvantaged jobseekers and one of the categories of eligibility is 'identifying as Aboriginal and/or Torres Strait Islander'. Council has been successful over the years in recruiting Indigenous Trainees with this annual intake.

**Communications/Media:**

In October 2022, the Media and Communications team progressed the following:

- Media Releases x 33
- Media enquiries (via the Media email) x 9
- Social Media:
  - Facebook: x 114 Posts
  - Instagram: x 91 Posts
- Enews x 1
- Printed advertising x 6
- Graphic design x 106

A list of all media release/enquiries and statistics for October 2022 is available as an attachment to this report.

**Finance & Sustainability:**

At the end of October 2022, Council held \$58.72 million in cash and cash equivalents with \$45.94 million invested with the Queensland Treasury Corporation (QTC).

The Financial Statements have been signed off by the auditors and the Queensland Audit Office.

Water meter readings for the next rates levy will occur during November and December.

**BACKGROUND**

Nil

**ATTACHMENTS**

1. **October 2022 Media Report** [↓](#) 

**Media Releases – October 2022: 33**

1. 124. Public Notice 04-10-2022 Recovery Grant
2. 125. Public Notice 04-10-2022 Time to Get Ready Again
3. 126. Public Notice 06-10-2022 Tender Refresh Panels
4. 127. Public Notice 06-10-2022 Wondai Amenities Upgrade
5. 128. Public Notice 06-10-2022 Glendon St Works
6. 129. Public Notice 11-10-2022 Disaster Management Plans
7. 130. Media Release 06-10-2022 - Mental Health Week
8. 131. Public Notice 07-10-2022 Blackbutt Town Clock Rehabilitation
9. 132. Public Notice 10-10-2022 Works at QEII Park Murgon
10. 133. Public Notice 11-10-2022 Budget Committee Meeting
11. 134. Public Notice 12-10-2022 Supply of Christmas Tree Frames
12. 135. Public Notice 13-10-2022 Blackbutt Discoloured Water
13. 136. Public Notice 13-10-2022 Kumbia Parks Options
14. 137. Public Notice 13-10-2022 Small Grants Open
15. 138. Public Notice 13-10-2022 Facade Improvement Grants
16. 139. Public Notice 14-10-2022 Supply of 2 Utes
17. 140. Public Notice 14-10-2022 Notice of Works - Kumbia CBD
18. 141. Media Release 17-10-2022 - Relay for Life fundraising effort
19. 142. Media Release 17-10-2022 - Successful Feral Animal Management
20. 143. Media Release 17-10-2022 - 2022 Annual CEO's Santa Claus Lane Competition
21. 144. Media Release 17-10-2022 - Santa's Workshop enters its second year in the South Burnett
22. 145. Media Release 24-10-2022 - Building an Invasive Species Management Alliance Project
23. 146. Public Notice 24-10-2022 - SBRC 22-23-07 Request for Tender - Line Marking - Preferred Supplier Agreement
24. 147. Public Notice 24-10-2022 SBRC 22-23-02 Request for Tender - Supply of Pre-Mix Concrete
25. 148. Media Alert 25-10-2022 - Citizenship Ceremony tomorrow Wednesday
26. 149. Media Release 25-10-2022 Thankyou to Emergency Works Workers
27. 150. Public Notice 25-10-2022 Kingaroy Customer Service Re-opens
28. 151. Public Notice 27-10-2022 Supply of 1 Front deck Mower
29. 152. Public Notice 27-10-2022 Supply of 3 Zero Turn Mowers
30. 153. Public Notice 27-10-2022 2 Zero Turn Mowers
31. 154. Public Notice 27-10-2022 King St Footpath Works
32. 155. Media Release 27-10-2022 - Tourism Grant to Boost Bjelke-Petersen Dam facilities
33. 156. Media Release 28-10-2022 Recycling bins are here!

<b>Media Releases 22-23</b>						
<b>2022</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
	47	42	34	33		
<b>2023</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>

**Media enquiries (received to the 'Media' email, excludes phone and other emails): 9**

- 04-10-2022 – ABC – Requesting information regarding Local Recovery and Resilience Grant Funding capped at \$1million
- 04-10-2022 – Newscorp Australia – requesting information on unpaid rates
- 14-10-2022 – Newscorp Australia – Requesting timeframe from Council regarding switching back to Boondooma water regarding Blackbutt water discolour
- 19-10-2022 – National Wild Dog Plan – Requesting more detail regarding 'Feral animal management success'
- 20-10-2022 – Newscorp Australia – Requesting Council statistics on the number of dogs in local pounds or if this is an issue for our local animal welfare centre
- 21-10-2022 – 7News Toowoomba – Seeking information/interview about Japanese Encephalitis
- 26-10-2022 – Newscorp Australia – Seeking to know when the Council's annual report will be released
- 31-10-2022 – Newscorp Australia – Requesting comment on reasons behind the introduction of the recycling bins
- 31-10-2022 – Newscorp Australia – requesting information on noise complaints

<b>Media Enquiries 22-23</b>						
<b>2022</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
	23	8	8	9		
<b>2023</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>

**Social media: South Burnett Regional Council**

**Facebook**

@southburnettregion: 114 posts

**Most engaged post:**

17-10-2022 – Santa's Workshop – 3,532 reached, 31 reactions, 8 comments, 10 shares

**Followers:** 9760 (+57 from September 2022)

**Page reach:** 24,417 (-25.5% from September 2022)

**Instagram:** 91 posts

**Most engaged post:**

25-10-2022 – Customer Service Counter re-opens at Kingaroy – 267 reached, 6 likes

**Followers:** 1101 (+5 from September 2022)

**Page reach:** 728 (-10% from September 2022)



<b>Social media posts – all platforms</b>						
<b>2022</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
	Facebook: 77 Instagram: 59	Facebook: 106 Instagram: 79	Facebook: 65 Instagram: 49	Facebook: 114 Instagram: 91	Facebook: Instagram:	Facebook: Instagram:
<b>2023</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>
	Facebook: Instagram:	Facebook: Instagram:	Facebook: Instagram:	Facebook: Instagram:	Facebook: Instagram:	Facebook: Instagram:

#### **Enews**

- Council progressed 1 Enews during October

#### **Printed advertising**

- Council progressed two full page ads (Page 4) in the South Burnett Today published on 13 and 27 October 2022.
- Council progressed one public notice in the South Burnett Today published on 3 November 2022 - Notice of Auction
- Council progressed one ad in the Courier Mail - Notice of Sale of Land for Overdue Rates on Saturday 15 October 2022
- Council progressed one ad in the Queensland Government Gazette on 14 October 2022 - Notice of Sale of Land for Overdue Rates
- Council progressed one Murgon Moments ad in October for South Burnett Libraries

#### **Radio advertising**

- Radio advertising was progressed for the month of October.

#### **Graphic design – October 2022:**

- Council's Annual Report 2021/22
- Website Banners x 2 – Local Built Small Grants Program, South Burnett Health & Community Expo '22,
- Social media graphic – Public Notices x 22; Other SBRC x 26, External x 42
- Flyers/posters – 13 edited

## 8 CORPORATE GOVERNANCE & STRATEGY

### 8.1 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL CONDUCT OF COUNCIL & COMMITTEE MEETINGS POLICY - STATUTORY017

**File Number:** 09-11-2022

**Author:** General Manager Finance and Corporate

**Authoriser:** Chief Executive Officer

#### PRECIS

Adoption of the South Burnett Regional Council Conduct of Council & Committee Meetings Policy – Statutory017.

#### SUMMARY

This policy has been developed in accordance with the obligations of local government as provided for in the *Local Government Act 2009* ('Act') and *Local Government Regulation 2012* ('Regulation').

#### OFFICER'S RECOMMENDATION

That the Committee recommends to Council:

That the South Burnett Regional Council Conduct of Council & Committee Meetings Policy – Statutory017 be adopted as presented.

#### FINANCIAL AND RESOURCE IMPLICATIONS

No direct financial and resource implications arise from this report which have not already been considered in the development of Council's annual budget.

#### LINK TO CORPORATE/OPERATIONAL PLAN

Corporate Plan 2021 - 2026	OR2 Achieve community recognition as an ethical Council that values and practices community consultation, accountable governance and open and transparent decision-making
Operational Plan 2022/2023	Deliver the Council Policy Governance Framework aligned to strategic planning and relevant legislation incorporating Council's policies, procedures, forms and factsheets
	Promote a high standard of corporate responsibility, transparency and accountability in decision making at all levels of the organisation in the best interest of Council and the community aligning to legislation and Council policy

#### COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

The draft policy was reviewed by the Mayor, Councillors and the Chief Executive Officer, supported by Corporate, Governance & Strategy, then presented at the Executive Leadership Team Meeting held on 25 October 2022 for endorsement to the Liveability, Governance and Finance Standing Committee. Feedback received supported the suggested changes.

For the purposes of this report, fundamental changes to the current policy are identified within the draft policy as text highlighted in yellow.

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**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)***Acquisition of Land Act 1967 (Qld)**Local Government Act 2009 (Qld)**Local Government Regulation 2012 (Qld)**Human Rights Act 2019 (Qld)*

*Section 4(b) of the Human Rights Act 2019* requires public entities to act and make decisions in away compatible with human rights. The Act requires public entities to only limit human rights in certain circumstances and after careful consideration. The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:	
1. Recognition and equality before the law;	13. Cultural rights—Generally;
2. Right to life;	14. Cultural rights—Aboriginal peoples and Torres Strait Islander peoples;
3. Protection from torture and cruel, inhuman or degrading treatment;	15. Right to liberty and security of person;
4. Freedom from forced work;	16. Humane treatment when deprived of liberty;
5. Freedom of movement;	17. Fair hearing;
6. Freedom of thought, conscience, religion and belief;	18. Rights in criminal proceedings;
7. Freedom of expression;	19. Children in the criminal process;
8. Peaceful assembly and freedom of association;	20. Right not to be tried or punished more than once;
9. Taking part in public life;	21. Retrospective criminal laws;
10. Property rights;	22. Right to education;
11. Privacy and reputation;	23. Right to health services.
12. Protection of families and children;	

**POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

No direct local law or delegation implications arise from this report.

**ASSET MANAGEMENT IMPLICATIONS**

No direct asset management implications arise from this report.

**REPORT**

The objective of this policy is to establish protocol for the proper and orderly conduct of Council meetings including Standing and Advisory Committee meetings.

**ATTACHMENTS**

1. **South Burnett Regional Council Conduct of Council & Committee Meetings Policy - Statutory017** [↓](#) 



POLICY CATEGORY - NUMBER: Statutory017

POLICY OWNER: Executive Services

ECM ID: 2727868

ADOPTED:

## Conduct of Council & Committee Meetings Policy

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Corporate, Governance & Strategy Branch. **A hard copy of this electronic document is considered uncontrolled.**

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### 1. POLICY STATEMENT

This policy has been developed in accordance with the obligations of local government as provided for in the *Local Government Act 2009* ('Act') and *Local Government Regulation 2012* ('Regulation').

### 2. SCOPE

This policy applies to all Council representatives, Council Committee members, invited guests, media representatives and the general public.

The objective of this policy is to establish protocol for the proper and orderly conduct of Council meetings including Standing and Advisory Committee meetings.

Where a matter arises at a meeting that is not provided for in this policy, the matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise conforming with this policy.

This policy supports the State government prescribed:

- Local Government Principles under *Section 4* of the Act; and
- best practice standing orders for local government and Standing Committee meetings.

### 3. GENERAL INFORMATION

#### PART 1 MEETINGS OF THE COUNCIL

##### Division 1 - Time of Meetings

#### 3.1. Times of Ordinary Meetings

3.1.1. The days and times of ordinary meetings of the Council will be as resolved at the post-election meeting and from time to time thereafter.

3.1.2. All ordinary meetings of the Council will be held at its public office unless otherwise resolved at an ordinary meeting.

3.1.3. Pursuant to *Section 254B* of the Regulation, Council must, at least once in each year, publish a notice of the days and times when its ordinary meetings will be held.

3.1.4. Council must display in a conspicuous place in its public office a notice of the days and times when its meetings will be held, and meeting of its committees will be held.

### 3.2. Special Meetings

- 3.2.1. The Chief Executive Officer ('CEO') calls a special meeting by giving written notice of the date and the time of the meeting, and the business to be conducted at the meeting, to each Councillor (refer *Section 254C* of the Regulation).

#### Division 2 - Agenda for Council Meetings

- 3.2.2. The CEO will call a special meeting of the Council if:
- the special meeting is required by a resolution of the Council; or
  - a written request for the special meeting is lodged with the CEO under clause 3.2.2 (Special Meetings) of this policy; or
  - a special meeting is required to comply with the Act or some other legislation; or
  - where the CEO determines it is in the interests of the Council that a special meeting be held.
- 3.2.3. A written request for a special meeting of the Council will:
- be signed by the Mayor or three (3) or more Councillors; and
  - specify the object of the special meeting; and
  - propose a day and time for the holding of the special meeting.
  - The only business that may be conducted at a special meeting is the business specified in the notice of meeting (refer *Section 254C* of the Regulation).

### 3.3. Notice and Agenda for Council Meetings

- 3.3.1. The CEO will distribute a written notice of the meeting at least three (3) days prior to each Council meeting. ~~The only business that may be conducted at a special meeting is the business specified in the notice of meeting (refer *Section 254C* of the Regulation).~~
- 3.3.2. Any notice of meeting or agenda will be given to a Councillor by:
- personal delivery; or
  - delivery to a nominated address; or
  - post; or
  - electronic mail.
- 3.3.3. The agenda, including all papers are to be made publicly available by 5.00pm on the business day after being provided to the Councillors.
- 3.3.4. Matters on the agenda that will require the meeting to be in a closed session will be clearly identified including the reasons why the session will be closed.

#### Division 3 - Procedures for Meetings of Council

### 3.4. Presiding Officer

- 3.4.1. The Mayor will preside at a meeting of the Council.
- 3.4.2. If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 3.4.3. If both the Mayor and the Deputy Mayor, or the Mayor's delegate, are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.
- 3.4.4. Before proceeding with the business of the meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the Council.

### **3.5. Order of Business for Meetings of Council**

- 3.5.1.** The order of business will be determined by resolution of the Council from time to time.
- 3.5.2.** However, the Council may, by resolution and without notice of that motion, alter the order in which it proceeds with the business for a particular meeting.
- 3.5.3.** Unless otherwise altered under clause 3.5.2, the order of business will be as follows:
- opening of meeting;
  - attendance including apologies;
  - leave of absence;
  - prayers;
  - acknowledgement of traditional owners;
  - declaration of interest;
  - presentation of deputations/petitions;
  - confirmation of minutes of the previous meeting;
  - consideration of business sections including:
    - business arising out of the minutes of previous meeting;
    - reception and consideration of correspondence;
    - committees' reports to Council referred to the meeting by the CEO;
    - Council Officers' reports to Council referred to the meeting by the CEO; and
    - consideration of Notices of Motion.
  - reception of notices of motion for next meeting;
  - reports for Information of Council; and
  - confidential reports.

**3.5.4.** The CEO determines the agenda content for any meeting.

**3.5.5.** Business not on the agenda, or not fairly arising from the agenda, will not be considered at any Council meeting unless permission for that purpose is given by the local government at the meeting.

### **3.6. Time and Recording of Meetings**

Council meetings must not start before the time provided in the notice of the Council meeting. Council will electronically record Council meetings for the purpose of accurate record keeping and where Council consents a recording will be made available to the public.

### **3.7. Confirmation of Minutes**

**3.7.1.** The minutes of any preceding meeting, whether an ordinary or a special meeting, not previously confirmed, will be taken into consideration at every ordinary meeting of the Council, so that they can be confirmed.

**3.7.2.** No discussion will be permitted on the minutes except to confirm the accuracy as a record of proceedings.

### **3.8. Clarification - Members**

A Councillor feeling aggrieved by a matter which has transpired between the termination of one meeting and the commencement of the next may, immediately after the confirmation of the minutes of the preceding meeting and with the consent of the Chairperson, raise a matter for clarification and which may require discussion.

### **3.9. Matter Arising**

Where, at an ordinary meeting of the Council, a matter arises which is not provided for in this policy, the matter will be determined by resolution of the Council upon a motion which may be put without notice but otherwise in conformity with the Act/Regulation and Best practice standing orders for local government and standing Committee meetings.

### 3.10. **Objectionable Business**

If the Chairperson or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of the Council, the Chairperson may on their own motion or that of another Councillor, declare on a point of order that the matter not be considered further.

### 3.11. **Business Confined to Agenda**

3.11.1. Business not on the agenda or arising from the agenda will not be considered at any meeting unless permission for that purpose is given by resolution of the Council at that meeting.

3.11.2. A matter considered under clause 3.11.1. will be considered during that part of the meeting set aside under clause 3.15.11.

### 3.12. **Petitions**

3.12.1. A petition may be forwarded or handed to the CEO who will present it at the first ordinary meeting of the Council as an item of correspondence.

3.12.2. Any petition presented to a meeting of the Council will:

- be in legible writing or typewritten and contain a minimum of ten (10) signatures;
- include the name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue);
- include the postcode of all petitioners; and
- have the details of the specific request/matter appear on each page of the petition.

3.12.3. A petition may be presented to a meeting of the Council by a Councillor who before presenting the petition will, as far as practicable, become acquainted with the subject matter of the petition.

3.12.4. A Councillor, on presenting a petition to a meeting, will:

- state the nature of the petition; and
- read the petition.

3.12.5. The only motion which will be moved is from the following:

- the petition be received and referred to the CEO or a Committee for consideration and report back to a meeting of Council; or
- the petition be received and referred to the CEO to determine appropriate action; or
- the petition not be received as it is deemed invalid.

3.12.6. Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

### 3.13. **Deputations and Presentations**

3.13.1. A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than ~~seven (7)~~ five (5) business days before the meeting.

3.13.2. The CEO, on receiving an application for a deputation shall notify the Chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed (e.g. 15 minutes).

3.13.3. For deputations comprising three (3) or more persons, only three (3) persons shall be at liberty to address the Council meeting unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.

3.13.4. If a member of the deputation other than the appointed speakers interjects or attempts to address the Council meeting, the Chairperson may terminate the deputation.

3.13.5. The Chairperson may terminate an address by a person in a deputation at any time where:

- the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting; or
  - the time period allowed for a deputation has expired; or
  - the person uses insulting or offensive language or is derogatory towards Council representatives or members of the gallery / media representatives.
- 3.13.6. The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

#### **Division 4 - Motions**

##### **3.14. Notified Motions**

- 3.14.1. A Councillor may bring forward to a meeting a motion on any matter within the jurisdiction or official cognisance of the Council by giving notice in writing, in the approved form, to the CEO at least ~~(7) seven~~ five (5) days before the meeting.
- 3.14.2. The Chairperson shall rule out of order a motion which does not comply with clause 3.14.1 of this policy.
- 3.14.3. Notified motions shall be dated and recorded by the CEO as received.
- 3.14.4. Where a Councillor who has given notice of a motion is absent or declines to move the motion, the motion may be:
- moved by another Councillor at the meeting; or
  - deferred to the next meeting.
- 3.14.5. Where the notified motion is not moved or deferred, it shall not again be reintroduced without a subsequent notice of motion duly given as provided in clause 3.14.1.
- 3.14.6. At the meeting, a notified motion requires a seconder in order that it be dealt with.

##### **Notices of Motion - Rescinding or Repealing Previous Resolutions**

- 3.14.7. A resolution of the Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the Regulation.
- 3.14.8. A resolution of the Council can be rescinded or repealed only if written notice, in the correct format, of intention to propose the repeal is given to each Councillor at least five (5) days before the meeting at which the proposal is to be made.
- 3.14.9. At the meeting to decide the rescission motion, the proposed motion is taken to have been defeated unless it is agreed to by:
- the number of Councillors present at the meeting is more than the number present at the meeting at which the resolution was adopted - a majority of the Councillors present; or
  - in any other case - a majority of all Councillors.
- 3.14.10. A resolution of the Council can only be rescinded or repealed if it has not been acted upon. If an alternative resolution is proposed to be moved, notice of intention to move the alternative motion is to also be provided.
- 3.14.11. The Chairperson may call the notices of motion in the order they appear on an agenda. Where there is no objection to a motion to rescind or repeal a previous resolution being taken as a formal motion, the Chairperson may put the motion to rescind or repeal to the vote without discussion.
- 3.14.12. If the motion to rescind or repeal a previous resolution of Council is carried then, if there is an alternative motion, it will be moved and seconded for discussion and voting thereon.
- 3.14.13. Where a Councillor who has given notice of a motion is absent from the meeting of the Council at which the motion is to be considered, the motion may be:
- moved by another Councillor at the meeting; or
  - deferred to the next ordinary meeting of Council.



- 3.14.14.** Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. The deferral shall not be longer than three (3) months.
- 3.14.15.** Where a motion to rescind or repeal a previous resolution is lost, a motion of the same or like effect is not to be moved until at least three (3) months after the date on which the first mentioned motion to rescind was lost unless the Council, by resolution, decides otherwise.
- 3.15. Consideration of Motions and Amendments**
- 3.15.1.** A motion or an amendment to a motion shall not be debated at a meeting of the Council unless or until the motion or the amendment is seconded, with the exception of procedural motions which are not debated.
- 3.15.2.** A motion or an amendment to a motion (other than a procedural motion relating to a point of order) that is not seconded, lapses for want of a seconder.
- 3.15.3.** Notwithstanding clause 3.15.1, a Councillor who moves a motion or an amendment to a motion may speak with the permission of the Chairperson for the purpose of explaining the purport of that motion before it is seconded.
- 3.15.4.** A motion may not be withdrawn where a Councillor at the meeting objects to its removal.
- 3.15.5.** When a motion has been moved and seconded, it is subject to the control of the Council and may not be withdrawn without the consent of the Council meeting.
- 3.15.6.** Only one (1) motion, or one (1) proposed amendment to a motion, may be put at any one (1) time.
- 3.15.7.** An amendment to a motion will be in terms which maintain or further clarify the intent of the original motion and does not contradict the motion.
- 3.15.8.** Where an amendment to a motion is before a meeting of the Council, no other amendment to the motion will be considered until after the first amendment has been voted on.
- 3.15.9.** A Councillor who proposes or seconds a motion may propose or second an amendment to that motion.
- 3.15.10.** Where a motion is amended by another motion, the original motion will not be proposed as a subsequent motion to amend the other motion.
- 3.15.11.** The following items of business on the agenda of a Council meeting requires the movement of a motion:
- confirmation of minutes;
  - reception of correspondence;
  - receipt of petitions;
  - consideration of notices of motion;
  - reception and adoption of reports from Council standing and advisory committees;
  - matters resolved by the Council to be placed on the agenda; and
  - general business including Leave of Absence;
- 3.16. Withdrawal of a Motion**
- 3.16.1.** A motion may be withdrawn by the mover with the consent of the Council, which will be without debate, and a Councillor will not speak to the motion or amendment after the mover has been granted permission by the Council meeting for its withdrawal.
- 3.16.2.** A Councillor who has moved or seconded a motion may elect to withdraw the motion:
- before an amendment to the motion is moved and seconded; or
  - after an amendment is seconded but not adopted.
- 3.16.3.** A modification to a motion may be accepted by the Councillors who have moved and seconded the motion in which case the original motion is deemed to be withdrawn and the motion, as accepted, becomes the motion.

**3.17. Speaking to Motions and Amendments**

- 3.17.1.** Subject to clause 3.15.2 above, the mover of a motion or amendment will read it and state that it is to be moved but will not speak to it until the motion is seconded.
- 3.17.2.** A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- 3.17.3.** The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all Councillors who wish to speak have had the opportunity.
- 3.17.4.** An amendment may be withdrawn by the mover with the consent of the Council, which will be without debate, and a Councillor will not speak to the motion or amendment after the mover has been granted permission by the Council for its withdrawal.
- 3.17.5.** The mover of a motion or amendment has the right to reply. Each Councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.
- 3.17.6.** Each speaker, including when exercising a right of reply, will be restricted to not more than five (5) minutes and will speak directly to the motion.
- 3.17.7.** Any extension of time for a Councillor to speak in accordance with clause 3.17.6, will only be granted by the Chairperson and any extension will be for a period of not more than three (3) minutes.
- 3.17.8.** When two (2) or more Councillors rise or motion to speak at the same time, the Chairperson will determine who is entitled the priority.
- 3.17.9.** In accordance with *Section 254H* of the Regulation, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by a Council officer, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

**3.18. Method of Taking Vote**

- 3.18.1.** Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again by the CEO or other Council officer who is taking the minutes of the meeting.
- 3.18.2.** The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection.
- 3.18.3.** A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. A Councillor may call for a division on an item by requesting that the item be voted on separately. If a division is taken, the minute secretary will record the names of Councillors voting in the affirmative and of those voting in the negative.
- 3.18.4.** The Council will vote by a show of hands.
- 3.18.5.** The Chairperson will declare the result of a vote or a division as soon as it has been determined.
- 3.18.6.** Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote on it has been declared.
- 3.18.7.** Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.

**3.19. Procedural Motions**

- 3.19.1.** A Councillor at a meeting of the Council may, during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:
- that the question/motion be now put before the meeting;
  - that the motion or amendment now before the meeting be adjourned;

- that the meeting proceeds to the next item of business;
  - that the question lay on the table;
  - a point of order;
  - a motion of dissent against the Chairperson's decision;
  - that this report/document be tabled;
  - to suspend the rule requiring that (insert requirement); and
  - that the meeting stands adjourned.
- 3.19.2.** A procedural motion will be seconded.
- 3.19.3.** A procedural motion will not be debated and will be immediately put to the vote by the Chairperson.
- 3.19.4.** Where a procedural motion is lost, the Chairperson will not accept a similar motion until the expiration of 15 minutes after the time the motion was lost.
- 3.20. Motion - That the Question/Motion be Now Put before the meeting**
- 3.20.1.** A procedural motion, that the question be now put, may be moved and where the procedural motion is carried, the Chairperson will immediately put the question to the motion or amendment to that motion under consideration.
- 3.20.2.** Where a procedural motion is lost, debate on the motion or amendment to that motion will resume.
- 3.20.3.** Any mover or seconder or speaker to the original motion or amendment to the motion, cannot move a procedural motion that the motion be put.
- 3.21. Motion - That the motion or amendment now before the meeting be adjourned**
- 3.21.1.** A procedural motion that the motion and/or amendment now before the meeting be adjourned may specify a time or date to which the debate is to be adjourned.
- 3.21.2.** Where no date or time is specified:
- a further motion may be moved to specify such a time or date; or
  - the matter about which the debate is to be adjourned, will be included in the agenda for the next meeting of the Council.
- 3.21.3.** A procedural motion may not adjourn debate for a period more than three (3) months after the date of that procedural motion.
- 3.22. Motion - That the Meeting Proceeds to the Next Item of Business**
- 3.22.1.** Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion will cease and may be considered again by the Council on the giving of notice in accordance with the policy.
- 3.23. Motion - That the Question Lay on the Table**
- 3.23.1.** A procedural motion that the question lay on the table, will only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of the Council or person is required) before the matter may be concluded at the meeting.
- 3.23.2.** Where such a procedural motion is passed, the Council will proceed with the next matter on the agenda. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- 3.23.3.** Once the matter is taken off the table, all members, whether or not they have previously spoken, have the right to speak.
- 3.23.4.** If the motion for the question to lay on the table is lost, debate continues and the tabling motion cannot be moved again in respect to that substantive motion.

**3.23.5.** If the motion for the question to lay on the table is moved and carried whilst an amendment is before the Chairperson, both the motion and the amendment are laid on the table.

**3.24. Motion - That the Matter be Referred to a Committee**

**3.24.1.** If a procedural motion that the matter be referred to a Committee for consideration is carried, debate on the matter will cease and the Council will proceed with the next matter on the agenda.

**3.24.2.** Any Councillor may move to amend the procedural motion in order to specify or clarify the terms of reference under which the matter is referred or the composition or identity of the Committee to which the matter is to be referred.

**3.25. Motion - A point of order**

**3.25.1.** A Councillor may ask the Chairperson to decide on a point of order where it is believed that another Councillor:

- has failed to comply with proper procedures; or
- is in contravention of the local laws or legislation; or
- is beyond the jurisdiction power of the Council meeting.

**3.25.2.** Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking.

**3.25.3.** Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended.

**3.25.4.** The Chairperson will determine whether the point of order is upheld.

**3.25.5.** Upon a question of order arising during the process of a debate, a Councillor may raise a point of order, and then the Councillor against whom the point of order is raised, will immediately cease speaking and be seated when the point of order is submitted.

**3.25.6.** Notwithstanding anything contained in this policy or the Local Law No. 1 (Administration) 2011 to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.

**3.26. Motion - That a motion of dissent against the Chairperson's decision**

**3.26.1.** A Councillor may move a motion of dissent in relation to a ruling of the Chairperson on a point of order.

**3.26.2.** Where such a motion is moved, further consideration of any matter will be suspended until after the motion of dissent is determined.

**3.26.3.** Only the mover of the motion of dissent and the Chairperson will speak to the motion. The mover of the motion and the Chairperson will speak only once to the motion with the mover speaking first and the Chairperson second.

**3.26.4.** Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made will proceed as though that ruling had not been made.

**3.26.5.** Whereas a result of that ruling, a matter was discharged as out of order, it will be restored to the agenda and be dealt with in the normal course of business.

**3.26.6.** Where a motion of dissent is not carried, the ruling of the Chairperson will stand.

**3.27. Motion - That this Report/Document be tabled**

**3.27.1.** The motion that this report/document be tabled may be used by a Councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.

**3.28. Motion - To suspend the rule requiring that**

**3.28.1.** A procedural motion, to suspend the rule requiring that, may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule will specify the duration of the suspension.

**3.29. Motion - That the Meeting stands adjourned**

- 3.29.1.** A procedural motion that the meeting stands adjourned may be moved by a Councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a Councillor's time for speaking to the matter and will be put without debate.
- 3.29.2.** The procedural motion must specify a time for the resumption of the meeting and, on resumption, will continue with the business before the meeting at the point where it was discontinued on the adjournment.

**3.30. Motion - That the Meeting be Closed or Opened**

**3.30.1.** A meeting of Council may only be closed in accordance with *Section 254J* of the Regulation to discuss one (1) or more of the following matters:

- (a) the appointment, discipline or dismissal of the chief executive officer;
- (b) industrial matters affecting employees;
- (c) the local government's budget;
- (d) rating concessions;
- (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;
- (f) matters that may directly affect the health and safety of an individual or a group of individuals;
- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;
- (h) negotiations relating to the taking of land by the local government under the *Acquisition of Land Act 1967*;
- (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

- 3.30.2.** Where a procedural motion that the meeting be closed to the public is carried, the public will leave and not re-enter the room where the Council meeting is being held until a procedural motion that the meeting be opened, is carried.
- 3.30.3.** No motion can be moved and seconded and voted on while the meeting is closed to the public.
- 3.30.4.** Where the Council has resolved to close a meeting, all debate during the closed meeting will be confidential.

**Division 5 - Questions****3.31. Questions Without Notice**

- 3.31.1.** A Councillor through the Chairperson may at the Council meeting ask a question for reply by another Councillor or a Council officer regarding any item of business under consideration at the meeting of the Council. A question will be asked categorically and without argument and no discussion will be permitted at the meeting in relation to a reply or a refusal to reply to the question.
- 3.31.2.** A Councillor or Council officer to whom a question is asked without notice may request that the question be taken on notice at the next Council meeting.
- 3.31.3.** A Council officer to whom a question is asked without notice may:
- request that the question be taken on notice for the next Council meeting; or
  - request that the question be the subject of a report to a Council committee.
- 3.31.4.** Any Councillor wishing to ask a question relating to the general work or procedure of the Council but not related to any matter under consideration at the meeting, will provide the question in writing to the CEO at least ~~four (4)~~ **five (5)** days prior to the day of the meeting at which it is to be asked.

- 3.31.5.** A Councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.
- 3.31.6.** The Chairperson may disallow a question which the Chairperson considers inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if carried the Chairperson will allow the question.

#### **Division 6 - Record of Decision-making**

##### **3.32. Recording of reasons for particular decisions**

Pursuant to *Section 254H* of the Regulation, if a decision made at a meeting is inconsistent with a recommendation or advice given to the local government by a Council officer of the local government and either or both the following apply to the decision:

- (a) the decision is about entering into a contract the total value of which is more than the greater of the following:
- (i) \$200,000 exclusive of GST; or
  - (ii) 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report.
- (b) The decision is inconsistent with:
- (i) the policy or approach ordinarily followed by the local government for the type of decision; or
  - (ii) a policy previously adopted by the local government by resolution, whether or not as required by the Act, and still in force.

The CEO must ensure the minutes of the meeting include a statement of the reasons for not adopting the recommendation or advice previously included in clause 3.17.9.

#### **PART 2 COUNCIL STANDING COMMITTEE/S**

##### **Division 1 - Appointment and Function of Standing Committee/s**

##### **3.33. Standing Committee/s**

- 3.33.1.** The Council may, by resolution, appoint from its Councillors one (1) or any number of Standing Committees of the Council and determine the name of the Committee or Committees.
- 3.33.2.** The Council may, by resolution, appoint the number of members to each appointed Committee.
- 3.33.3.** Business must be in accordance with the adopted terms of reference for each Committee.
- 3.33.4.** The Council will choose the Chairperson for a Committee. This Chairperson will normally preside over meetings of the Committee.
- 3.33.5.** If the Chairperson of a Committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the Committee meeting.
- 3.33.6.** Where one (1) Committee only is appointed, the Committee will comprise all members of Council with the Mayor as Chairperson. Each Councillor will be assigned a portfolio and will be referred to as the Spokesperson for that particular portfolio.
- 3.33.7.** The CEO will decide the order of business for the agenda.

##### **3.34. Function of a Standing Committee**

- 3.34.1.** The function of a Standing Committee is to consider, report upon and make recommendations to the Council in respect of matters comprised within or related to the business with which that Committee is charged by the Council. A Committee can also exercise powers of the Council if those powers have been delegated to it under *Section 257* of the Act.

- 3.34.2.** The reports and recommendations of every Standing Committee must, except where power has been delegated to the Standing Committee to implement its decisions, be submitted to the Council for consideration.
- 3.34.3.** This section does not limit the power of the Council itself to deal with any matter which has been referred to or delegated to a Standing Committee.

#### **Division 2 - Time of Standing Committee Meetings**

##### **3.35. Times and Places of Standing Committee Meetings**

- 3.35.1.** The days and times of ordinary meetings of Standing Committees will be as resolved at the post-election meeting and from time to time thereafter.
- 3.35.2.** All meetings of Standing Committees will be held at the Council's public office unless otherwise resolved by Council.
- 3.35.3.** Pursuant to *Section 254B* of the Regulation, Council must, at least once in each year, publish a notice of the days and times when its ordinary meetings of its standing committees will be held.
- 3.35.4.** Council must display in a conspicuous place in its public office a notice of the days and times when its meetings will be held and meeting of its Committees will be held.

##### **3.36. Special Standing Committee Meetings**

- 3.36.1.** The CEO will call a special meeting of a Standing Committee if:
- the special meeting is required by a resolution of the Council; or
  - a written request for the special meeting is lodged with the CEO.
- 3.36.2.** A written request for a special meeting of a Standing Committee will:
- be signed by the Mayor or three (3) or more Councillors; and
  - specify the business of the special meeting; and
  - propose a day and time for the holding of the special meeting.
- 3.36.3.** The CEO calls a special meeting by giving written notice of the date and the time of the meeting, and the business to be conducted at the meeting, to each Councillor.
- 3.36.4.** As per clause 3.1.3., Council must, at least once in each year, publish a notice of the days and times when its special meetings will be held.
- 3.36.5.** Council must, where possible, publish a notice of the day and time when its special meeting will be held.

#### **Division 3 - Notice of Standing Committee Meetings**

##### **3.37. Notices**

- 3.37.1.** The CEO will distribute a written notice of the meeting at least three (3) days prior to each meeting the only business that may be conducted at a special meeting is the business specified in the notice of meeting (see *Section 258* of the Regulation).
- 3.37.2.** Any notice of meeting or agenda will be given to a Councillor by:
- personal delivery; or
  - delivery to a nominated address; or
  - post; or
  - electronic mail.
- 3.37.3.** If the notice relates to a special meeting, it must also specify the business of the meeting.

#### **Division 4 - Conduct of Standing Committee Meetings**

##### **3.38. Chairperson**

- 3.38.1.** The Chairperson of a Standing Committee will preside at a meeting of a Standing Committee.

**3.38.2.** If the Chairperson is not present at a meeting, the members present will appoint a Chairperson for the meeting (see *Section 267* of the Regulation).

**3.39. Procedure at Standing Committee Meetings**

**3.39.1.** A Standing Committee will deal with the items of business on its agenda in accordance with:

- procedural directions given to the Standing Committee by resolution of the Council; or
- procedural directions specified in this policy; or
- if there is no procedural direction governing a particular matter, the Chairperson's decision.

**3.39.2.** However, a Standing Committee may, by resolution, overrule a decision on a procedural question made by the Chairperson.

**3.39.3.** If an appropriate or adequate method of dealing with any matter is not provided for in this policy, the method of dealing with the matter may be determined by the Chairperson or by resolution upon a motion which may be put without notice.

**3.40. Deputations and Presentations at Standing Committee Meetings**

**3.40.1.** A deputation or presentation group wishing to address a meeting of a Standing Committee on any matter relevant to the Standing Committee will apply in writing to the CEO not less than five (5) **working business** days before the day of the meeting.

**3.40.2.** The CEO, on receiving an application for a deputation or presentation, will notify the Mayor and/or the Chairperson of the Standing Committee who will determine whether the deputation or presentation may be heard.

**3.40.3.** The CEO, or delegate, will inform the deputation or presentation group of the determination under clause 3.40.2.

**3.40.4.** Where it has been determined under clause 3.40.2 that the deputation or presentation will be heard, a convenient time will be arranged for that purpose and a time period allowed.

**3.40.5.** A deputation or presentation will not exceed 15 minutes unless otherwise agreed by the Chairperson.

**3.40.6.** A maximum of three (3) persons from a deputation or presentation will be at liberty to address the Standing Committee.

**3.40.7.** The Chairperson may terminate an address by a person in a deputation or presentation at any time where:

- the Chairperson is satisfied that the purpose of the deputation or presentation has been sufficiently explained to the Councillors at the meeting; or
- the person uses insulting or offensive language; or
- if a member of the deputation or presentation, other than the appointed speakers, continues to interject or attempt to address the Council after the Chairperson has warned the member of the deputation or presentation.

**3.41. Questions**

**3.41.1. Questions Without Notice**

**3.41.2.** A Councillor through the Chairperson may at the Standing Committee meeting ask a question for reply by another Councillor or a Council officer regarding any item of business under consideration at the meeting of the Council. A question will be asked categorically and without argument and no discussion will be permitted at the meeting in relation to a reply or a refusal to reply to the question.

**3.41.3.** A Councillor or Council officer to whom a question is asked without notice may request that the question be taken on notice at the next Standing Committee meeting.

**3.41.4.** A Council officer to whom a question is asked without notice may:

- request that the question be taken on notice for the next Standing Committee meeting; or



- request that the question be the subject of a report to a Standing Committee meeting.

**3.41.5.** Any Councillor wishing to ask a question relating to the general work or procedure of the Council but not related to any matter under consideration at the meeting, will provide the question in writing to the CEO at least five (5) days prior to the day of the meeting at which it is to be asked.

**3.41.6.** A Councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.

**3.41.7.** The Chairperson may disallow a question which the Chairperson considers inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if carried the Chairperson will allow the question.

### **3.42. Speaking to Motions or Amendments**

**3.42.1.** During Committee Meetings, the mover of a motion or amendment has the right to reply. Each Councillor will have the opportunity to speak to the motion. Once the right of reply had been delivered, the debate ends. During Council Meetings, the mover of a motion or amendment has the right to reply. Each Councillor will speak no more than once to the same motion or same amendment except as a right of reply.

**3.42.2.** During Committee Meetings each speaker will have the opportunity to free and open debate and be able to seek information from the relevant officer/s and other Councillors. During Council Meetings each speaker, including when exercising the right of reply will be restricted to no more than five (5) minutes and will speak directly to the motion

**3.42.3.** During a Committee Meeting, the Chairperson will make a determination as to cease debate should discussion exhaust all the points of view. During a Council Meeting, any extension of time for a Councillor to speak in accordance with clause 3.42.2 will only be granted by the Chairperson and any extension will be for a period of no more than three (3) minutes.

### **3.43. Reports by Standing Committee/s**

**3.43.1.** All Standing Committees, unless otherwise resolved by Council pursuant to *Section 254F* of the Regulation, will submit reports and/or recommendations to the CEO who will list them on the agenda for the next available ordinary meeting of Council.

**3.43.2.** All Standing Committee minutes submitted to the Council will be signed by the Chairperson of the Standing Committee or the person presiding over the meeting at which the report was authorised.

**3.43.3.** Where Council has one (1) Standing Committee only, the report will be signed by all Councillors present at the meeting.

**3.43.4.** If in a report of a Standing Committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.

**3.43.5.** The Chairperson of the ordinary meeting of the Council will decide whether the distinct recommendations or parts of recommendations are considered separately by the meeting of the Council.

**3.43.6.** The Standing Committee recommendations adopted by Council are resolutions of the Council.

### **3.44. Standing Committee Reports**

**3.44.1.** If, in a report of a Standing Committee, distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.

**3.44.2.** A recommendation of a Standing Committee, or portion thereof, may be amended by the Council in any manner it may think fit.

**3.44.3.** A recommendation of a Standing Committee adopted by the Council is a resolution of the local government.

## **PART 3 ADVISORY COMMITTEES**

### **Division 1 - Appointment of Advisory Committees**

#### **3.45. Appointment of Advisory Committees**

- 3.45.1.** The Council may, by resolution, appoint Advisory Committees for the performance of any duty, not of a permanent nature, for which in the opinion of the Council an Advisory Committee ought to be appointed.
- 3.45.2.** The appointment of every Advisory Committee will be made by resolution of the Council and the motion to appoint the Advisory Committee will include the following:
- the duties proposed to be entrusted to the Advisory Committee; and
  - the term of the appointment of the Advisory Committee; and
  - the Advisory Committee membership, including Councillors and, where applicable, persons who are not Councillors; and
  - Council senior officers who provide technical operational expertise and who are non-voting members; and
  - the Advisory Committee Chairperson will be a Councillor unless the Council decides otherwise.
- 3.45.3.** The Council will provide reasonable administrative assistance for the conduct of Advisory Committee meetings however, the Council officers providing the administrative assistance will not be members of the Advisory Committee or have voting entitlements.

### **Division 2 - Conduct of Advisory Committee Meetings**

#### **3.46. Conduct of Meetings**

- 3.46.1.** The Advisory Committee, through the Chairperson, may determine the dates, times and places for its meetings pursuant to *Section 268* of the Regulation, subject to operational resources.
- 3.46.2.** The Chairperson will preside at an Advisory Committee meeting pursuant to *Section 267* ('Chairperson of Committee') of the Regulation. However, if the Chairperson is absent or unavailable to preside, a Councillor will be chosen by the Mayor to preside. Should a Councillor be unavailable to preside, the CEO will nominate a member of the senior management team to preside.
- 3.46.3.** With the permission of the Chairperson, a non-member may attend an Advisory Committee meeting and, with the permission of the Chairperson, address the Advisory Committee on any item of business listed on the agenda.
- 3.46.4.** A non-member will not vote on any matter at an Advisory Committee meeting.

### **Division 3 - Conduct of Members of Advisory Committees**

#### **3.47. Conduct of Members**

- 3.47.1.** A member of an Advisory Committee must ensure that there is no conflict or possible conflict between the member's private interests and the honest performance of the member's role of advising or making a recommendation to the Council.
- 3.47.2.** A member of an Advisory Committee will not:
- make improper use of information acquired as a member of the Advisory Committee to gain directly or indirectly a financial advantage for that person or someone else; or
  - make improper use of information acquired as a member of the Advisory Committee to harm the Council; or
  - release information that the person knows or should reasonably know is information that is confidential to the Council.
- 3.47.3.** Termination of membership of a committee member for inappropriate conduct will be determined by Council.

**Division 4 - Reports by Advisory Committees****3.48. Reports by Advisory Committees**

- 3.48.1.** An Advisory Committee through the Council department responsible for the function will submit a report to Council of each of its meetings, namely the minutes of the Advisory Committee meeting. The report will list the recommendations for Council consideration and be tabled on an agenda for an ordinary meeting of Council. Council is to have adopted the recommendation/s prior to any action being taken operationally to deliver on the recommendations.

**Division 5 - Termination of Advisory Committees****3.49. Tenure of Advisory Committee Membership**

- 3.49.1.** Subject to any resolution to the contrary, if an Advisory Committee is appointed for a particular purpose or for a limited time, the Advisory Committee is abolished and appointment of members to the Advisory Committee is terminated upon the fulfilment of that purpose or the expiration of that time.
- 3.49.2.** If any member of an Advisory Committee is absent from three (3) consecutive meetings without having obtained a leave of absence from the Advisory Committee, the member's continued membership of that Advisory Committee will be referred to Council for determination.
- 3.49.3.** Individual membership is for a period of three (3) years unless for a shorter period as stated in the establishment of the Advisory Committee. At the conclusion of the three (3) year appointment, the Advisory Committee member is released from the Advisory Committee. For Councillor and Council officer membership positions, the membership will be reinstated unless otherwise decided by Council. For external membership positions, nominations will be called for from relevant community groups / sectors to fill the vacant positions. The process to assess the applications will be formalised operationally in consultation with Council.
- 3.49.4.** A report will be tabled for Council to adopt the Advisory Committee membership at an ordinary meeting of Council.

**PART 4 PUBLIC PARTICIPATION IN COUNCIL MEETINGS****3.50. Attendance of Public and Media at Council Meetings**

- 3.50.1.** Every ordinary meeting of the Council, other than a closed meeting pursuant to *Section 2754J* of the Regulation, will be open to media representatives and to the public.
- 3.50.2.** Copies of the Council meeting agenda, excluding confidential items, will be made available to the representatives of the media. Reasonable access will be allowed to the representatives to correspondence and reports laid on the table or submitted to the meeting. However, access will be withheld where the Council by resolution so decides on the grounds that publication may prejudice the Council's interests.
- 3.50.3.** An area shall be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
- 3.50.4.** Subject to Part 7, when the Council or a Committee proposes to close a meeting pursuant to *Section 254J* of the Regulation, the Chairperson will direct all persons, other than members of the Council or the Committee, to leave the meeting and every person will immediately comply with the direction.
- 3.50.5.** Unless resolved otherwise, clause 3.48.4. does not apply to the Council officers or its legal and technical advisers who are required to be in attendance for the matters under discussion.
- 3.50.6.** The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with *Section 254J* of the

Regulation. The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a Closed Session. Council must resolve to move out of Closed Session so that a resolution can be passed on the matters considered in Closed Session.

### 3.51. Public Participation at Council Meetings

- 3.51.1. Except when invited to do so by the Chairperson, a member of the public will not take or attempt to take part in the proceedings of a Council meeting.
- 3.51.2. Any person addressing the Council will stand, act and speak with decorum and frame any remarks in respectful and courteous language.
- 3.51.3. Any person who is considered by the Council or the Mayor to be unsuitably attired may be directed by the Mayor or Chairperson to immediately withdraw from the meeting.
- 3.51.4. Failure to comply with a request under clause 3.49.3. will be considered an act of disorder.
- 3.51.5. The Council Chairperson may, as a mark of distinction, admit a non-member to a part of the Council Chambers normally reserved for Councillors during the conduct of a Council meeting to participate in the discussion of a particular item of business, on conditions decided by the Council. The time allotted shall not exceed 15 minutes and no more than three (3) speakers shall be permitted to speak at one meeting. The right of any individual to address the meeting during this period shall be at the absolute discretion of the Council.

### 3.52. ~~Teleconferencing of meetings~~ Participating in meetings by audio link or audio visual link (Teleconference)

- 3.52.1. If a Councillor wishes to be absent from a Council meeting place during a meeting, they may participate in meeting by audio link or audio-visual link in accordance with *Section 254K* of the Regulation. The Councillor wishing to participate by audio link or audio-visual link must advise the Chairperson or CEO of their participation by teleconference, ~~at least three (3) business days prior to the meeting or~~ as soon as practicable once the Councillor becomes aware of their intended absence. The Chairperson may allow a Councillor to participate in a Council or Committee meeting by teleconference.
- 3.52.2. A Councillor taking part by teleconference is taken to be present at the meeting if the Councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor must be recorded in the minutes as present at the meeting.
- 3.52.3. Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.
- 3.52.4. ~~In order for Councils to manage the safety rules during the COVID-19 pandemic, changes have been added to the Regulation that will expire in June 2021.~~

~~These provisions allow the Council:~~

- ~~• the option to conduct the entire Council meeting via phone, teleconference or video conference;~~
- ~~• where possible, must provide streaming or other facilities so that the public can observe or hear the meeting as it is happening, at one of the Council's public offices or on the Council's website;~~
- ~~• Chairperson has the option to close the meeting on health and safety grounds to protect participants or observers from risk of exposure to COVID-19.~~

## PART 5 MAINTENANCE OF GOOD ORDER AT COUNCIL AND COMMITTEE MEETINGS

### 3.53. General Conduct During Meetings

- 3.53.1. After a meeting of the Council or a Committee has been formally constituted and the business commenced, a Councillor or Committee member will not enter or leave the meeting without first notifying the Chairperson.

- 3.53.2.** A Councillor or Committee member is not deemed to be present at any meeting of the Council or Committee unless the Councillor or Committee member is inside the meeting room or in attendance via teleconference in accordance with *Section 254K* of the Regulation.
- 3.53.3.** At ordinary and special meetings of the Council, unless exempted by the Chairperson, Councillors will stand and address the Chairperson while:
- moving any motion or amendment; or
  - seconding any motion or amendment; or
  - taking part in any discussion; or
  - replying to any question; or
  - addressing the Council for any other purpose.
- 3.53.4.** Councillors and Committee members will, during a meeting of the Council or a Committee, address:
- other Councillors by their respective titles, Mayor or Councillor; and
  - Council officers by designating them by their respective official or departmental title.
- 3.53.5.** Councillors and Committee members will confine their remarks to the matter under consideration.
- 3.53.6.** Councillors and Committee members will remain seated and silent while a vote is being taken.
- 3.53.7.** Councillors and Committee members will act with due decorum during meetings in order that the meeting is conducted in an efficient and effective manner. Councillors and Committee members will not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the Council or a Committee.
- 3.53.8.** The Chairperson may specify orally or in writing appropriate standards of decorum which will be observed by all Councillors and other persons attending a meeting of the Council or a Committee.
- 3.53.9.** Councillors and Committee members will not make personal reflections on or impute improper motives to any other Councillor, Committee member or a Council officer.
- 3.53.10.** A Councillor or Committee member who is speaking will not be interrupted except upon a point of order being raised either by the Chairperson or Councillor or Committee member.
- 3.53.11.** When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak, will immediately cease speaking and resume their seat, and each Councillor and Committee member present will preserve strict silence so that the Chairperson may be heard without interruption.
- 3.53.12.** The Chairperson may:
- call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor or Committee member; and
  - direct a Councillor or Committee member to discontinue a speech.
- 3.54. Loss of Quorum**
- 3.54.1.** If during the conduct of a meeting, the Chairperson becomes aware that a quorum is no longer present; the meeting will be adjourned to a date and time to be determined by the Chairperson but no later than 21 days from the date of the adjournment.
- 3.54.2.** However, the meeting may be adjourned to a later time on the same day.
- 3.54.3.** When the conduct of a meeting is interrupted as a result of the loss of a quorum, the business of the resumed meeting must commence at the point in the meeting agenda at which the interruption occurred.

- 3.54.4.** In the event where one (1) or more Councillors or Committee members leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the Council must resolve to, where applicable:
- delegate the consideration and decision on the matter, pursuant to *Section 261* of the Act;
  - defer the matter to a later meeting; and
  - not decide on the matter and take no further action in relation to the matter.
- 3.54.5.** All Councillors and Committee members including the conflicted Councillors and Committee members, may participate in deciding to delegate or defer a matter.
- 3.54.6.** The Council or the Committee must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
- 3.54.7.** If the matter cannot be delegated under legislation, the Council should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister may impose.
- 3.54.8.** The Councillor or Committee member must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor or Committee member must not influence or attempt to influence the remaining Councillors or Committee members to vote on the matter in a particular way.
- 3.54.9.** Once the Councillor or Committee member has left the area where the meeting is being conducted, the Council or Committee can continue discussing and deciding on the matter at hand.

**3.55. Prescribed Conflict of Interest**

Councillors and Committee members are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a Council or Committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors or Committee members must abide by the following procedures:

- 3.55.1.** A Councillor or Committee member who has notified the Chairperson/CEO of a prescribed conflict of interest in a matter to be discussed in a Council meeting must also give notice during the meeting.
- 3.55.2.** A Councillor or Committee member who first becomes aware of a prescribed conflict of interest in a matter during a meeting must immediately inform the meeting of the conflict of the interest.
- 3.55.3.** When notifying the meeting of a prescribed conflict of interest, the following details must be provided:
- if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
  - if it arises because of an application or submission, the subject of the application or submission:
    - the name of any entity other than the Councillor or Committee member that has an interest in the matter;
    - the nature of the Councillor's or Committee member's relationship with the entity that has an interest in a matter;
    - details of the Councillor's or Committee member's (and any other entity's) interest in the matter.
- 3.55.4.** The Councillor or Committee member must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter.

**3.55.5.** Once the Councillor or Committee member has left the area where the meeting is being conducted, the Council or Committee can continue discussing and deciding on the matter at hand.

**3.56. Declarable Conflict of Interest**

Councillors or Committee members are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council or Committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor or Committee member may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors or Committee members prior to deciding to declare a conflict of interest. If the other Councillors or Committee members suspect the personal interest might be a conflict of interest, the Councillor or Committee member may disclose their suspicion and the processes under *Section 150EW* of the Act.

When dealing with a declarable conflict of interest, Councillors or Committee members must abide by the following procedures:

- 3.56.1.** A Councillor or Committee member who has notified the Chairperson/CEO of a declarable conflict of interest in a matter to be discussed at a Council or Committee meeting must also give notice during the meeting.
- 3.56.2.** A Councillor or Committee member who first becomes aware of a declarable conflict of interest in a matter during a Council or Committee meeting must inform the meeting of the conflict of interest
- 3.56.3.** When notifying the meeting of a declarable conflict of interest, Councillors and Committee members should provide sufficient detail to allow the other Councillors or Committee members to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:
- the nature of the declarable conflict of interest;
  - if it arises because of the Councillor's or Committee member's relationship with a related party:
    - the name of the related party to the Councillor or Committee member;
    - the nature of the relationship of the related party to the Councillor or Committee member; and
    - the nature of the related party's interest in the matter;
  - if it arises because of a gift or loan from another person to the Councillor or Committee member or a related party:
    - the name of the other person;
    - the nature of the relationship of the other person to the Councillor or Committee member or related party;
    - the nature of the other person's interest in the matter; and
    - the value of the gift or loan and the date the gift or loan was made.
- 3.56.4.** After a Councillor or Committee member has declared a conflict of interest, the Councillor or Committee member should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 3.56.5.** If the Councillor or Committee member chooses not to leave the meeting, the Councillor or Committee member may advise the other Councillors and Committee members of their reasons for seeking permission to participate in making the decision.
- 3.56.6.** The other non-conflicted Councillors and Committee members at the meeting must then decide, by resolution, whether the Councillor or Committee member can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors and Committee members. The non-conflicted

Councillors and Committee members may impose conditions on the Councillor or Committee member under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The Councillor or Committee member must comply with any decision or condition imposed by the non-conflicted Councillors and Committee members.

- 3.56.7.** In deciding on a Councillor's or Committee member's declarable conflict of interest in a matter, only Councillors and Committee members who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors or Committee members is less than a majority or less than a quorum for the meeting consistent with *Section 150ET* of the Act.
- 3.56.8.** The Councillor or Committee member who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other Councillors or Committee members in making their decision. The subject Councillor or Committee member must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor or Committee member may remain in the meeting and participate in deciding the matter in which the Councillor or Committee member has a declarable conflict of interest.
- 3.56.9.** When deciding whether a Councillor or Committee member may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors and Committee members should consider the particular circumstances of the matter including, but not limited to:
- how does the inclusion of the Councillor or Committee member in the deliberation affect the public trust;
  - how close or remote is the Councillor's or Committee member's relationship to the related party;
  - if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
  - will the benefit or detriment the subject Councillor or Committee member or their related party stands to receive from the decision have major or minor impact on them;
  - how does the benefit or detriment the subject Councillor or Committee member stands to receive compare to others in the community;
  - how does this compare with similar matters that Council has decided and have other Councillors or Committee members with the same or similar interests decided to leave the meeting; and/or
  - whether the subject Councillor or Committee member has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 3.56.10.** If the non-conflicted Councillors or Committee members cannot decide about the declarable conflict of interest of a Councillor or Committee member, they are taken to have decided that the Councillor or Committee member must leave and stay away from the meeting while the non-conflicted Councillors and Committee members discuss and vote on the matter.
- 3.56.11.** A decision about a Councillor or Committee member who has a declarable conflict of interest in a matter applies in relation to the Councillor or Committee member for participating in the decision, and all subsequent decisions, about the same matter unless there is a change to the Councillor's or Committee member's personal interests and/or the nature of the matter being discussed. If the non-conflicted Councillors and Committee members decide that the Councillor or Committee member can act in the public interest on the matter, then the Councillor or Committee member may participate in the meeting and be involved in processes occurring outside of a Council or Committee meeting about the same matter e.g. briefing sessions or workshops.



- 3.56.12.** In making the decision under 3.54.6 and 3.54.9, it is irrelevant how the subject Councillor or Committee member intended to vote on the issue or any other issue (if known or suspected).
- 3.56.13.** A Councillor or Committee member does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister
- 3.57. Reporting a suspected conflict of interest**
- 3.57.1.** If a Councillor or Committee member at a meeting reasonably believes or suspects that another Councillor or Committee member has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that Councillor or Committee member is participating in a decision on that matter, the Councillor or Committee member must immediately inform the Chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
- 3.57.2.** The Chairperson then should ask the relevant Councillor or Committee member with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor or Committee member agrees they have a conflict of interest, the Councillor or Committee member must follow the relevant procedures above.
- 3.57.3.** If the Councillor or Committee member believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 3.57.4.** The non-conflicted Councillors and Committee members must then decide whether the Councillor or Committee member has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor or Committee member does not have prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor or Committee member has a conflict of interest, the Councillor or Committee member must follow the relevant procedures above.
- 3.57.5.** If the Councillors and Committee member cannot reach a majority decision, then they are taken to have determined that the Councillor or Committee member has a declarable conflict of interest.

**3.58. Process for dealing with Unsuitable Meeting Conduct by a Councillor**

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Council or Committee meeting and contravenes a behavioural standard of the code of conduct for Councillors.

When dealing with an instance of unsuitable conduct by a Councillor in a Council or Committee meeting, the following procedures must be followed:

- 3.58.1.** The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor at a Council or Committee meeting.
- 3.58.2.** If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, refer to clause 3.56.7 for the steps to be taken.
- 3.58.3.** If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
- ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
  - apologising for their conduct; and
  - withdrawing their comments.
- 3.58.4.** If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 3.58.5.** If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.

- 3.58.6.** If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 3.58.7.** If the Councillor still continues to fail to comply with the Chairperson's request for remedial actions, the Chairperson may make one (1) or more of the orders below:
- an order reprimanding the Councillor for the conduct; and
  - an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 3.58.8.** If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting by an authorised Council officer. The meeting must be adjourned whilst the Councillor is being removed pursuant to *Section 150I(2)(c)* of the Act.
- 3.58.9.** Following the completion of the meeting, the Chairperson must ensure:
- details of any order issued is recorded in the minutes of the meeting pursuant to *Section 150I(3)* of the Act;
  - if it is the third or more order within a twelve (12) month period made against a Councillor or the Councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as inappropriate conduct pursuant to *Section 150J* of the Act; and
  - the Council's CEO is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register pursuant to the Act.
- 3.58.10.** Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for clause 3.56.1, 3.56.7 and 3.56.8.

**3.59. Meeting process for dealing with suspected inappropriate conduct which has been referred to a Local Government by the Independent Assessor (IA)**

Pursuant to *Chapter 5A, Division 5* (Referral of conduct to a local government) of the Act after receiving a referral by the Independent Assessor (IA) or under clause 3.56.9 (b) of this policy of an instance of suspected inappropriate conduct, the Council must complete an investigation into the alleged conduct.

After the completion of the investigation, the Council must decide whether the Councillor has engaged in inappropriate conduct in a Council or Committee meeting, unless it has delegated responsibility for this decision under *Section 257* of the Act.

When dealing with an instance of suspected inappropriate conduct which has been referred to a Council by the IA:

- 3.59.1.** The Council must be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into Closed Session under *Section 254J* of the Regulation to discuss the allegation.
- 3.59.2.** The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor by the Chairperson to assist the other Councillors in making a decision. This permission to remain in the meeting for the debate is on the condition that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
- 3.59.3.** Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in clause 3.54.9. If the complainant Councillor who has a declarable conflict of interest, wishes

to remain in the meeting during the debate and vote on the matter, the other Councillors must decide how to deal with the conflict of interest under clause 3.54.9. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.

- 3.59.4.** The Council must debate the issue and decide whether the accused Councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with *Section 257* of the Act or deferred to another date when a quorum will be present.
- 3.59.5.** If a decision is reached that the accused Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed in clause 3.57.6, if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous inappropriate conduct of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the Council is reasonably satisfied is true.
- 3.59.6.** The Council may order that no action be taken against the Councillor or make one (1) or more of the following:
- an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
  - an order reprimanding the Councillor for the conduct;
  - an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
  - an order that the Councillor be excluded from a stated Council meeting;
  - an order that the Councillor is removed, or must resign, from a position representing the Council, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the Council on a State board or Committee;
  - an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; and/or
  - an order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's inappropriate conduct.
- 3.59.7.** Council may not make an order that the Councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future, in relation to a person who is no longer a Councillor.
- 3.59.8.** The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the Chairperson must advise them of the details of the decision.
- 3.59.9.** The Chairperson must ensure the meeting minutes reflect the resolution made.

**3.60. Acts of Disorder by Members of a Committee of Council**

- 3.60.1.** A member of the Council or a Committee commits an act of disorder at a meeting of the Council or a Committee if the member:
- obstructs or interrupts the proper conduct of the meeting; or
  - uses indecent or offensive language; or
  - makes a statement reflecting adversely on the reputation of the Council; or
  - makes an intemperate statement reflecting adversely on the character or motives of a member or officer of the Council; or
  - refuses or willfully fails to comply with a direction given by the Chairperson of the meeting; or
  - commits an act which, in the Chairperson's opinion, constitutes an act of disorder; or

- fails to comply with Council's Code of Conduct.
- 3.60.2.** If a member of the Council or a Committee has, in the Chairperson's opinion, committed an act of disorder; the Chairperson may direct the member to make a retraction or apology.
- 3.60.3.** If the member does not comply immediately with a direction under clause 3.58.2, the Chairperson may immediately move a motion (a suspension motion) that the member be suspended for the remainder of the meeting or a lesser time fixed by the Chairperson.
- 3.60.4.** If the Chairperson moves a suspension motion:
- the motion will be put to the vote immediately without discussion; and
  - if the motion is passed, the member will immediately leave the meeting place and will remain away for the period of the suspension.
- 3.60.5.** A member will comply with clause 3.58.4.
- 3.60.6.** The use of mobile phones in the area set aside for Councillors and Committee members in the Council Chambers or other meeting places is not permitted unless authorised by the Chairperson.
- 3.61. Acts of Disorder by a Person Other Than a Member**
- 3.61.1.** A person who is not a member of the Council or a Committee will not interrupt or obstruct the proper conduct of a meeting of the Council or a Committee. Maximum penalty - 20 penalty units Local Law No.1 (Administration) 2011.
- 3.61.2.** If a person other than a member interrupts or obstructs the proper conduct of a meeting of the Council or a Committee, the Chairperson may ask the person to withdraw from the meeting place.
- 3.61.3.** A person asked to withdraw from a meeting place under clause 3.59.2 will immediately withdraw from the place and will remain away until the end of the meeting or for a lesser period fixed by the Chairperson. Maximum penalty - 20 penalty units Local Law No. 1 (Administration) 2011.
- 3.61.4.** If a person contravenes clause 3.59.3, an authorised Council officer may, at the request of the Chairperson, exercise reasonable force to remove the person and keep the person away from the meeting place.
- 3.61.5.** The use of mobile phones in the area set aside for the representatives of the media and the public in the Council Chambers or other meeting places is not permitted unless authorised by the Chairperson.
- 3.62. Adjournment for Disorder**
- 3.62.1.** The Chairperson may adjourn a meeting of the Council or a Committee for not more than 30 minutes and quit the Chair if an act of disorder arises at a Council or Committee meeting and the meeting cannot properly continue.
- 3.62.2.** On resumption of the meeting, the Chairperson will move a motion, which will be put without debate, to determine whether the meeting will proceed.
- 3.62.3.** Where a motion under clause 3.60.2 is lost, the Chairperson will declare the meeting closed, and any outstanding matters will be referred to a future meeting.
- 3.63. Council Officers - Attendance at Council and Standing Committee Meetings**
- 3.63.1.** The CEO and General Managers will be available to attend all ordinary, special and standing committee meetings of the Council.
- 3.63.2.** Every Standing Committee may, before entering into discussion on any matter, call on the relevant Manager and/or the General Manager's nominee to be present at the discussion and the Manager or the General Manager's nominee will attend.

## **PART 6 RECORD OF MEETINGS**

### **3.64. Agenda and Minutes of Meetings**

Agenda of a meeting of the Council or a Committee will include:

- a copy of any report whether by a Committee or a Council officer adopted by the meeting, excluding confidential reports; and
- a copy of any other documentary material necessary for a proper understanding of the proceedings of the meeting.

Minutes of a meeting of the Council or a Committee must comply with *Section 254F* of the Regulation.

### **3.65. Audio and Video Recording of Meetings**

**3.65.1.** The Council may direct that an audio or video recording of a meeting of the Council or a Committee be made for the purpose of verifying the accuracy of the minutes of the meeting.

**3.65.2.** An audio or video recording made under this clause:

- may be used for the purpose of verifying the accuracy of the minutes of the meeting;
- after being used for that purpose will be dealt with as directed by the CEO; and
- where Council consents, will be made available to the public.

**3.65.3.** A person (other than the Council) will not, without the approval of the Chairperson, use an electronic recording or transmitting device or a mobile phone in the public gallery of a meeting place of a meeting of the Council or a Committee.

**3.65.4.** If a Councillor or Committee member wishes to be absent from a Council or Committee meeting place during a meeting, the Councillor or Committee member must apply to the Chairperson to participate by teleconference, at least three (3) business days prior to the meeting or as soon as practicable once the Councillor or Committee member becomes aware of their intended absence. The Chairperson may allow a Councillor or Committee member to participate in a meeting by teleconference.

**3.65.5.** A Councillor or Committee member taking part by teleconference is taken to be present at the meeting if the Councillor or Committee member was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor or Committee member must be recorded in the minutes as present at the meeting.

## **PART 7 CLOSED MEETING**

Council and Standing Committee meetings may resolve that a meeting be closed to the public if its members consider it necessary to discuss any of the following matters:

- appointment, dismissal or discipline of a CEO;
- industrial matters affecting employees;
- the Council's budget;
- rating concessions;
- legal advice obtained by the Council, including legal proceedings that may be taken by or against the Council;
- matters that may directly affect the health and safety of an individual or group of individuals;
- negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council;
- negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967*; and
- a matter that the Council is required to be kept confidential under a law of, or formal agreement with, the Commonwealth or a State.

In accordance with *Section 252* of the Regulation, Council cannot resolve under *Section 254J* of the Regulation that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

### 3.66. Procedure

**3.66.1.** A Council or Committee meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillor's or Committee member's personal interest in the matter by another person and the eligible Councillors or Committee members at the meeting must decide whether the Councillor or Committee member has a declarable conflict of interest in the matter.

**3.66.2.** Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors or Committee member who leave the meeting and the Council or Committee must:

- delegate the matter;
- decide by resolution to defer to a later meeting; or
- decide by resolution to take no further action on the matter.

**3.66.3.** A Council or Committee must not make a resolution (other than procedural) in a Closed Session meeting. If a Closed Session includes attendance by teleconference, the Councillor/s or Committee member/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation.

**3.66.4.** To take an issue into a Closed Session, the Council or Committee must abide by the following:

- pass a resolution to close the meeting;
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered;
- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in Closed Session, and an explanation of why it is deemed necessary to take the issue into Closed Session must be stated; and
- not make a resolution while in a closed meeting (other than a procedural resolution).

### 3.67. Confidentiality

For the purposes of *Section 254J* of the Regulation, information obtained by a Councillor, Committee member or Council officer at or during a closed meeting of the Council or a Committee is deemed to be information that he or she knows or should reasonably know is information that:

- is confidential to the Council, and
- the Council wishes to keep confidential.

## 4. DEFINITIONS

**Act** means the *Local Government Act 2009*

**Advisory Committee** means an Advisory Committee appointed by the Council pursuant to *Section 264* (Appointment of Committees) of the Regulation.

**Authorised Council officer** means a person authorised by the Chief Executive Officer for the purpose of enforcing and maintaining order at a Council or Committee meeting.

**Business Day** means any day Monday to Friday.

**Chairperson** means:

- the Mayor in the case of a Council meeting; or
- the person appointed by the Council pursuant to *Section 267* (Chairperson of Committee) of the Regulation as Chairperson of the Council or a Committee meeting; or
- a person acting in the position of Chairperson pursuant to this policy.

**Chief Executive Officer ('CEO')** means the person appointed and employed by the Council as its Chief Executive Officer pursuant to *Section 194* (Local Government Employees) of the Act.

**Council officer** means a person who is an employee of the local government or is otherwise engaged to provide services to the local government and whose duties include giving a recommendation or advice.

**Council representative** means all Councillors and Council employees, including permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

**Day** means any calendar day.

**Deputation** means a group of people appointed to undertake a mission or take part in a formal process on behalf of a larger group.

**Mayor** means the Mayor of the Council and includes any person acting in the position of the Mayor pursuant to the Act or this policy.

**Media** means regionally recognised media from a registered publication with a public distribution.

**Member** means in the case of:

- a Council meeting, Councillors of the Council; and
- a Council Standing Committee meeting, Councillors appointed to the Standing Committee by the Council; and
- an Advisory Committee, persons appointed to the Advisory Committee by the Council.

**Non-member** means:

- the Chief Executive Officer; or
- a Council representative nominated by the Chief Executive Officer; or
- a Council representative invited to a Council or Standing Committee or Advisory Committee meeting by the Chairperson of that meeting; or
- in the case of a Council meeting, a Standing Committee meeting or an Advisory Committee meeting, a person admitted to the meeting by the respective Council, Standing or Advisory Committee; or
- in the case of a Standing or an Advisory Committee meeting, a Councillor who is not a member of that Committee.

**Ordinary meeting** of the Council means:

- a post-election meeting of the Council which is required to be held under *Section 175* (Post-election meetings) of the Act; or
- a periodic meeting of the Council which is required to be held under *Section 257* (Frequency and place of meetings) of the Regulation.

**presentation** means a speech or talk in which a new product, idea or piece of work is shown and explained to the audience.

**Point of order** means an objection to an action which:

- is in contravention of the Act; or
- is irrelevant; or
- was the matter the subject of discussion at a closed meeting of the local government; or
- otherwise prejudices the interests of the Council.

**Procedural motion** means a motion set out in this policy.

**Quorum** means a majority of local government Councillors as prescribed under *Section 259* of the Regulation.

**Regulation** means the *Local Government Regulation 2012*

**Standing Committee** means a Standing Committee appointed by the Council pursuant to *Section*

264 (Appointment of Committees) of the Regulation.

**Statutory notice of meeting** means a notice of meeting to be given under *Section 254C* (Notice of meetings) of the Regulation.

#### 5. LEGISLATIVE REFERENCE

*Acquisitions of Land Act 1967* (Qld)

*Local Government Act 2009* (Qld)

*Local Government Regulation 2012* (Qld)

#### 6. RELATED DOCUMENTS

South Burnett Regional Council Acceptable Request Guidelines – Statutory004

South Burnett Regional Council Councillor Conduct Complaints Investigation Policy – Statutory028

South Burnett Regional Council Employee Code of Conduct – Statutory011

South Burnett Regional Council Expenses Reimbursement Policy for Councillors – Statutory002

South Burnett Regional Council Media Relations Policy – Statutory001

South Burnett Regional Council Councillor Portfolio Representative Policy – Statutory003

Department of Local Government, Racing and Multicultural Affairs

Best practice standing orders for local government and standing Committee meetings

Code of Conduct for Councillors in Queensland

Councillor Conduct Examples for Queensland Local Governments

#### 7. NEXT REVIEW

As prescribed by legislation or November 2024

#### 8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	New Policy	9 December 2015	1543853
2	Policy Review	15 November 2017	2477948
3	Policy Review – Legislation Update	12 December 2018	2556631
4	Policy Review – Legislation Update	25 November 2020	2727868
5	Administrative change replacing Social & Corporate Performance Branch with Corporate Services Branch as per Council Resolution 2021/296	24 March 2021	2427868
6	Administrative amendment – organisational review – resolution 2022/432	27 April 2022	2727868
7	Review of policy		

Mark Pitt PSM

**CHIEF EXECUTIVE OFFICER**

Date:



## 8.2 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL AMENITY & AESTHETICS (SHIPPING CONTAINERS) POLICY - STATUTORY066

**File Number:** 09-11-2022

**Author:** General Manager Finance and Corporate

**Authoriser:** Chief Executive Officer

### PRECIS

Adoption of the South Burnett Regional Council Amenity & Aesthetics (Shipping Containers) Policy – Statutory066.

### SUMMARY

The objective of this policy is to ensure that shipping containers being used as Class 10a buildings are assessed against appropriate provisions and complement the existing built environment and residential amenity of non-commercial properties located within defined town areas of the South Burnett Regional Council ('Council') area.

A report was presented to Council on 23 March 2022 and the Liveability Standing Committee on 13 July 2022 seeking a policy position for the placement of shipping containers on private land. From the 23 March meeting it was agreed that:

*South Burnett Regional Council takes a risk-based methodology in developing a policy applying to residential and rural residential use of properties enabling the placement of a shipping container on a property, incorporating the following:*

- *For a period no greater than 180 days before requiring a Development Approval for Building Works and that the policy;*
- *Consideration of an appropriate number of shipping containers (or railway carriage) on the property;*
- *Located in consideration of visibility to road frontage and neighbourhood amenity*
- *Screened by landscaping or a suitable screening structure so not to be visible;*
- *Colour scheme consideration*

*That a draft policy be brought to the July 2022 Communities Standing Committee, including a report on resource implications and relationship to the Planning Scheme.*

From the 13 July 2022 Liveability Standing Committee it was resolved:

*That the draft Amenity and Aesthetics (Shipping Containers) Policy be further considered by Council through a workshop to be held as soon as possible after the homelessness forum.*

With the South Burnett Housing and Homelessness Forum being held on 7 October 2002 it is timely to bring the draft back to Council for further consideration.

The draft Policy has also been reviewed through Council's Policy Governance Framework.

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### OFFICER'S RECOMMENDATION

That the Committee recommends to Council:

That the South Burnett Regional Council Amenity & Aesthetics (Shipping Containers) Policy – Statutory066 be adopted as presented.

## FINANCIAL AND RESOURCE IMPLICATIONS

It appears that the number of shipping containers being placed on non-commercial property in defined town areas is increasing. When complaints are received from concerned residents, they are often emotive, believing that their local amenity and/or value of their property is being adversely affected. Likewise, when the owner of the shipping container becomes aware of the complaint, they too become emotive as they believe in their right to use their property as they wish. Therefore, the investigation into these complaints is often complicated and lengthy, placing strain on Council's limited resources. Council currently employs a single Building Certifier for both assessment and compliance responsibilities. The endorsement of a Policy would greatly aid this officer.

## LINK TO CORPORATE/OPERATIONAL PLAN

Corporate Plan 2021 - 2026	OR2 Achieve community recognition as an ethical Council that values and practices community consultation, accountable governance and open and transparent decision-making
	OR13 Implement reliable, realistic, and cost-effective business systems and practices.
	GR8 Support and advocate for appropriate growth and development with responsive planning schemes, processes, customer service and other initiatives.
Operational Plan 2022/2023	Deliver the Council Policy Governance Framework aligned to strategic planning and relevant legislation incorporating Council's policies, procedures, forms and factsheets
	Promote a high standard of corporate responsibility, transparency and accountability in decision making at all levels of the organisation in the best interest of Council and the community aligning to legislation and Council policy

## COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

A draft of the policy was presented at the Liveability Standing Committee held on 13 July 2022. The draft policy was then workshopped and reviewed by Manager Environment & Planning, supported by Corporate, Governance & Strategy for endorsement to the Liveability, Governance and Finance Standing Committee.

For the purposes of this report, fundamental changes to the current policy are identified within the draft policy as text highlighted in yellow.

## LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

*Local Government Act 2009 (Qld)*

*Planning Act 2016 (Qld)*

*Planning Regulation 2017 (Qld)*

*Right to Information Act 2009 (Qld)*

*Human Rights Act 2019 (Qld)*

*Section 4(b) of the Human Rights Act 2019* requires public entities to act and make decisions in away compatible with human rights. The Act requires public entities to only limit human rights in certain circumstances and after careful consideration. The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:	
1. Recognition and equality before the law;	13. Cultural rights—Generally;
2. Right to life;	14. Cultural rights—Aboriginal peoples and Torres Strait Islander peoples;
3. Protection from torture and cruel, inhuman or degrading treatment;	15. Right to liberty and security of person;
4. Freedom from forced work;	16. Humane treatment when deprived of liberty;
5. Freedom of movement;	17. Fair hearing;
6. Freedom of thought, conscience, religion and belief;	18. Rights in criminal proceedings;
7. Freedom of expression;	19. Children in the criminal process;
8. Peaceful assembly and freedom of association;	20. Right not to be tried or punished more than once;
9. Taking part in public life;	21. Retrospective criminal laws;
10. Property rights;	22. Right to education;
11. Privacy and reputation;	23. Right to health services.
12. Protection of families and children;	

## POLICY/LOCAL LAW DELEGATION IMPLICATIONS

No direct local law or delegation implications arise from this report.

## ASSET MANAGEMENT IMPLICATIONS

No direct asset management implications arise from this report.

## REPORT

### Current Practice

Currently, the Building Certifier responds to shipping container concerns on a complaint-to-complaint basis. This generally involves speaking with the property owner/occupier to gain an understanding of how long the container will remain on the property. If it is temporary, this is shared with the complainant and their patience & understanding is sought. If the shipping container is permanent, a Development Approval for Building Works is required.

The above process is laborious, particularly when the shipping container is kept on the property for longer than initially advised and complainant expectations become difficult to manage.

Given the current demand for certification services Council's Certifier needs to prioritise certification works, Council is unable to respond to these complaints in a timely manner and, most complaints go unresolved.

The Queensland Ombudsman has recently notified Council that a local resident is dissatisfied with this practice.

With the South Burnett Housing and Homelessness Forum being held on 7 October 2022, were there any outcomes from this forum which would require amendment to the draft Policy?

### Outcomes of Review

A benchmarking exercise was conducted, enquiring as to whether neighbouring Councils (and Councils of similar size and demographic) require Development Approvals for Building Work and Planning Approval (concurrency agency referral) for shipping containers, and if so, at what point in time. The findings of this benchmarking exercise are provided in Appendix 1.

A review of Council Local Laws, the Planning Scheme, legislative requirements, and legal opinions was also conducted. The results are as follows:

### **Local Law**

Nil requirements for the installation of shipping containers on private property. Council approval is required to place, or partially place, a shipping container on Council controlled land.

### **Planning Scheme**

There are no special planning requirements for shipping containers outside of the regular siting and size criteria for a structure such as sheds (Class 10a) and dwelling houses (Class 1a).

### **Legislative Requirements**

The building classification of shipping containers largely depends on its use. For example, if the container is used for storage of personal goods, it is classified as a Class 10a structure under the Building Code of Australia. If it is used for dwelling purposes, it is classified as a Class 1a structure.

As per the below legal opinion, the placement of a shipping container – regardless as to whether temporary or permanent – requires Development Approval for Building Work.

### **Legal Opinions**

As per Clare Heitkonig, King & Co (8 May 2020) –

*On the 29 August 2018, the Magistrates Court held that a shipping container had to be “fixed” to land in order to constitute assessable development. This position was reversed in a recent decision of the District Court of Queensland where it was held that the placing of a shipping container on land, without “fixing” it to the land, constituted assessable building work.*

### **Proposed Policy**

As per Council’s Resolution of 23 March 2022, a Policy has been developed requiring Development Approval for Building Works no later than 180 days of the shipping container being located on the property (refer to Section 2 Scope, Attachment 2).

The Resolution also required the following to be incorporated:

- Consideration of an appropriate number of shipping containers on the property.
- Located in consideration of visibility to road frontage and neighbourhood amenity.
- Screened by landscaping or a suitable screening structure so not to be visible.
- Colour scheme consideration.

Section 2 Scope and Table 1.0 of the proposed Policy addresses the above, stating that only shipping containers not complying with one or more Acceptable Solution (below) are subject to Concurrence Agency referral to Council.

The draft Policy was further considered by Council at the Liveability Standing Committee meeting on 13 July 2022 where it was resolved that the draft Policy be further considered by Council as soon as possible after the homelessness forum.

### **Acceptable Solution**

AS1.1 A shipping container is to be placed behind the dwelling house or a minimum of 7m from the street where the property is vacant.

AS1.2 A shipping container is to be suitably screened, either by existing landscaping or a screening structure to minimise its visual impact from the streetscape and adjoining sites.

AS1.3 Only one shipping container a maximum 6m length can be established on a site.

AS1.4 The shipping container is to be colour matched to the dwelling house so to be sympathetic to the amenity and aesthetic of the surrounding environment.

AS1.5 The shipping container is to comply with the Queensland Development Code sighting provisions outlined in MP1.1 and /or MP1.2 as applicable.

Should a Concurrence Agency referral be received by Council, the assessment manager assesses the application and conditions the development accordingly.

### **Operational Procedure**

A procedure will be developed to aid the Building Certifier with the investigation of complaints regarding the keeping of shipping containers on non-commercial property within defined town areas.

### **Conclusion**

Current practices in managing complaints received about the placement of shipping containers on private property are resource intensive and do not meet customer expectations. The endorsement of a Policy will provide both staff and the community direction.

This policy enables Council to discharge its jurisdiction as a concurrence agency pursuant to the *Planning Act 2016* and *Planning Regulation 2017* for such matters. Council acknowledges that it has an obligation to ensure that the exercise of its regulatory power is carried out consistently and without bias.

## **ATTACHMENTS**

1. **Appendix 1 for Shipping Container Council Report** [↓](#) 
2. **South Burnett Regional Council Amenity & Aesthetics (Shipping Containers) Policy - Statutory066** [↓](#) 

## APPENDIX 1: BENCHMARKING EXERCISE

Council	When is a building development approval permit required?	When is planning approval required?	Additional requirements
<b>Fraser Coast Regional</b>	<ul style="list-style-type: none"> <li>&gt;90 days</li> </ul>	<ul style="list-style-type: none"> <li>May be needed if property located within FCRC's overlays (coastal protection, heritage &amp; neighbourhood protection, etc.).</li> </ul>	<ul style="list-style-type: none"> <li>&gt; 90 days, and if compliance with Council's Amenity and Aesthetics Policy cannot be met a concurrence referral must be lodged for assessment. The Concurrence Agency Response forms part of the development permit for building works issued by Private Certifier.</li> </ul>
<b>Gladstone Regional</b>	<ul style="list-style-type: none"> <li>When permanent</li> </ul>	<ul style="list-style-type: none"> <li>May be triggered if unable to comply with the same requirements as a shed or carport for setbacks, height, and design features.</li> </ul>	<ul style="list-style-type: none"> <li>May be located on a house block if an Amenity and Aesthetics approval is obtained.</li> <li>Must also meet the following requirements: <ul style="list-style-type: none"> <li>A maximum of one Shipping Container (or Railway Carriage) on the property.</li> <li>Located behind the house and not be visible from the main street frontage.</li> <li>Screened by landscaping or a suitable screening structure so it's not visible.</li> <li>Painted with a consistent colour scheme to the house.</li> </ul> </li> </ul>
<b>Mackay Regional</b>	<ul style="list-style-type: none"> <li>&gt;30 days</li> </ul>	<ul style="list-style-type: none"> <li>Depending on size and location of the container.</li> </ul>	
<b>Southern Downs Regional</b>	<ul style="list-style-type: none"> <li>When permanent</li> </ul>		
<b>Sunshine Coast Regional</b>	<ul style="list-style-type: none"> <li>No approval required if on an active construction site, or on a construction site</li> <li>where works have ceased no more than 30 days.</li> <li>If the shipping container is going to be used as a long-term storage shed, house or other building. For example, being used as a second dwelling, shed for doing work, a permanent fixture on the property etc.</li> <li>If the shipping container is going to be used as another structure. For example, like a swimming pool, fishpond, viewing platform, architectural feature etc.</li> <li>If the shipping container is going to be fixed to the ground. For example, with tie-downs, installed with footings, with electricity or plumbing installed.</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Cannot be kept in urban areas &gt;30 days</li> <li>Cannot be kept in other areas &gt;90 days.</li> <li>A Local Law permit is required when a container is located on a property - <ul style="list-style-type: none"> <li>In an urban zone for &lt;30 days and cannot comply with self-assessable criteria.</li> <li>Not in an urban zone for &lt;90days and cannot comply with self-assessable criteria.</li> </ul> </li> <li>A Local Law permit is also needed if the container will be placed on Council controlled land.</li> </ul>

	<ul style="list-style-type: none"> <li>• If the shipping container has been or will be altered with building works. For example, doors, windows, attachments, awnings, or patios etc.</li> <li>• Once the local law permit expires.</li> </ul>		
<b>Toowoomba City</b>	<ul style="list-style-type: none"> <li>• Always</li> </ul>		<ul style="list-style-type: none"> <li>• Other permits and approvals may be required through Council or other governmental bodies</li> </ul>
<b>Western Downs Regional</b>	<ul style="list-style-type: none"> <li>• &gt;30 days</li> </ul>	<ul style="list-style-type: none"> <li>• There are no special planning requirements for shipping containers outside of the regular siting and size criteria for a structure such as sheds (Class 10a) and dwelling houses (Class 1a).</li> <li>• The location of Council infrastructure (water, sewer, stormwater) in relation to the shipping container may also trigger assessment by Council under the <i>Queensland Development Code MP1.4 - Building over or near relevant infrastructure.</i></li> </ul>	



**POLICY CATEGORY - NUMBER:** Statutory066  
**POLICY OWNER:** Environment & Planning  
**ECM ID:** 2960670  
**ADOPTED:**

## Amenity & Aesthetics (Shipping Containers) Policy

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council’s intranet or by contacting Council’s Corporate, Governance & Strategy Branch. **A hard copy of this electronic document is considered uncontrolled when printed.**

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**1. POLICY STATEMENT**

The objective of this **proposed** policy is to ensure that shipping containers being used as Class 10a buildings are assessed against appropriate provisions and complement the existing built environment and residential amenity of non-commercial properties located within defined town areas **of the South Burnett Regional Council ('Council') area.**

Development that does not comply with one (1) or more of the Acceptable Solutions in Table 1.0 of this policy may:

- have an extremely adverse effect on the amenity, or likely amenity of the locality; or
- be in extreme conflict with the character of the locality.

This policy enables Council to discharge its jurisdiction as a concurrence agency pursuant to the *Planning Act 2016* and *Planning Regulation 2017* for such matters. Council acknowledges that it has an obligation to ensure that the exercise of its regulatory power is carried out consistently and without bias.

**Council's values are committed to servicing the community with Honesty, Respect, Accountability, Integrity, and Unity.**

**2. SCOPE**

This policy **applies to all Council employees and** is applicable to Class 10a buildings where the Class 10a building is a shipping container located on a non-commercial property within a defined town area.

**3. GENERAL INFORMATION**

**For this policy,** A shipping container is considered a Class 10a building when it has been established on a site for more than 180 days.

Council will be a concurrence agency in accordance with the *Planning Act 2016* for shipping containers that are deemed Class 10a buildings where such applications do not comply with one or more of the acceptable solutions specified in Table 1.0 of this policy.

No referral is required in instances where the acceptable solutions are met.

Applicants **must should** ensure that they check the relevant provisions of the South Burnett Planning Scheme relating to dwellings houses for any other applications that may be required.



**3.1. Anonymous Complaints**

Council will accept, but will not action, anonymous complaints regarding shipping containers on non-commercial property within defined town areas.

**3.2. Confidentiality of Complaints**

Council operates in accordance with the *Right to Information Act 2009*. All access to information is considered by relevant appropriately delegated staff and/or Council’s public officer.

**3.3. Community Education**

Council is committed to has a focus on educating the community and will take a proactive approach by developing programs to educate the community on legislative requirements and the importance of acting in accordance with these requirements. Education programs will be developed, and resourced, in accordance with Council’s annual budget.

**3.4. Management and Enforcement Action**

Management and enforcement action will be taken by Council should non-compliance with legislation be identified. This action may include several or all the below:

- record only (no response);
- verbal warnings;
- written warnings or cautions;
- notices/orders;
- Penalty Infringement Notices (PINs); and/or
- prosecution/civil proceedings.

It is important for consistency, transparency, and procedural fairness that Council’s Authorised Person follows up enforcement action undertaken. Failure to finalise enforcement action may expose Council to significant liability.

The delivery of management and enforcement action will be guided by Council’s Amenity and Aesthetics (Shipping Container) Operational Procedure.

**3.5. Assessment Controls**

The following table identifies the specific amenity and aesthetics provisions that applications will be assessed against.

Table 1.0 Class 10a Buildings Under the NCC Building Code of Australia (BCA) (Shipping Container) Performance Criteria Acceptable Solution/s.

Performance Criteria	Acceptable Solution
Design and Siting	
PC1. The design, siting and materials of the Shipping Container or Railway Carriage structure are in keeping with the amenity of the surrounding neighbourhood and the overall outcomes of the zone as contained within the South Burnett Planning Scheme.	AS1.1 A shipping container are to be placed behind the dwelling house or a minimum of 7m from the street.
	AS1.2 Shipping containers are to be suitably screened by existing landscaping or a screening structure to minimise its visual accessibility from the streetscape and adjoining sites.
	AS1.3 Only one shipping container a maximum 6m length can be established on a site.
	AS1.4 The shipping container are to be colour matched the dwelling so to be sympathetic to the amenity and aesthetic of the surrounding environment.

	AS1.5 The shipping container is to comply with the Queensland Development Code sighting provisions outlined in MP1.1 and /or MP1.2 as applicable.
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**4. DEFINITIONS**

**Authorised Person** means a qualified person as defined in *Section 125 of the Local Government Act 2009*.

**Council employee** means a person employed by Council who performs work, under the direction and control of Council, on an ongoing basis with an ongoing expectation of work entitled to superannuation contributions paid by Council.

**Designated Town Area** means a designated town area is as defined by Schedule 13, Subordinate Local Law No. 2 (Animal Management) 2011.

**5. LEGISLATIVE REFERENCE**

*Local Government Act 2009* (Qld)

*Planning Act 2016* (Qld)

*Planning Regulation 2017* (Qld)

*Right to Information Act 2009* (Qld)

**6. RELATED DOCUMENTS**

South Burnett Regional Council Complaint Management Policy – Statutory040

**7. NEXT REVIEW**

As prescribed by legislation or November 2024

**8. VERSION CONTROL**

Version	Revision Description	Adopted Date	ECM Reference
1	Development of policy		XXX

Mark Pitt PSM  
**CHIEF EXECUTIVE OFFICER**

Date:

## **9 FINANCE & SUSTAINABILITY**

### **9.1 FINANCIAL ASSISTANCE GRANT - GRANTS COMMISSION**

**File Number:** FAGs Nov 22

**Author:** Chief Executive Officer

**Authoriser:** Chief Executive Officer

#### **PRECIS**

Update of actions relating to the Financial Assistance Grants and a meeting with the Grants Commission.

#### **SUMMARY**

Following on from reports to the Executive and Finance & Corporate Standing Committees of 21 September 2022.

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#### **OFFICER'S RECOMMENDATION**

That the committee recommend to Council.

1. That Council support the LGAQ Policy Executive in their advocacy of the resolutions adopted at the 2022 State Conference.
2. That Council amend the adopted budget at the second quarter review to reflect and account for a 50% early payment of the 2023/24 Financial Year Financial Assistance Grant Allocation.
3. That the question on notice by Mayor Otto be received for information.

#### **BACKGROUND**

Deputy Mayor Jones, Cr Erkens and the CEO met with the Grants Commission Chair Paul Bell and Committee Member Cr Kurt Rehbein at the LGAQ State Conference on 17 October to raise council's concerns with the current methodology and allocation.

The points raised at the meeting were:

- Confirmation of timing for future allocations with funding to be allocated on a three-year basis;
- Clarification and review of accounting standards to not reflect adversely of councils with the change of early % payments;
- Support for greater Commonwealth Government allocation to Queensland pool of funding;
- Queensland methodology relationship to Commonwealth allocation guidelines;
- Request a commitment to maintain current funding levels at a minimum.

The outcome and advise from the commission members is that the methodology changes will continue to flow through. There is no accurate knowledge of what the total funding pool is for the 2023/24 financial year. This will not be known until later in this financial year and possibly only after the early payment is made. Early payments are expected to continue though the quantum is believed to dropping back to 50% this financial year from the 75% made in the 2021/22 financial year. There appears no appetite to change the financial standards and there is current no actions in place to change the standards. This means the FAGs early payments will continue to be accounted for in the year paid.

These is a belief from the Commission that the total pool funding for Queensland may increase 2 to 3% which would have an impact of maintaining South Burnett Regional Council funding at the current level.

It is important to note, and the point was made to the Commission, that whilst the payment of the cash is banked and utilised in the financial year that it is allocated for, the current process of accounting for this payment is confusing and reflects adversely on Councils who have no control over when the payment is made.

It was raised at the LGAQ State Conference by Whitsunday Regional Council that

“The Federal Government has been prepaying councils over recent years, and this also adds to the confusion this year as the payments are based on historical grants and not the current calculation. The grant allocations are generally released late in each financial year which doesn’t correlate with the budget cycle of councils, and with many of the proposed changes the transition to the new allocation has been drafted over the next three years. But these allocations have not been formally advised and budgets have been built on the best estimates available.”

Mareeba Shire Council raised the following points”

“This creates a range of issues for councils. Firstly, there is the perception, often reinforced by the media, that this is additional grant funding for councils and can be used to provide new or additional services or infrastructure, rather than the important income stream required to fund council's operation. The smaller the council the more essential this grant is to support day-to-day operations where it forms a significant part of a council's operating budget.

Secondly, it creates an issue with council's Financial Statements, in particular the Statement of Comprehensive Income. As the funds must be recognised in the year they are received when council's Annual Report is published, the figures reflect council having a significantly higher surplus than is really the case. This can and does cause consternation among the community as it is believed that council is therefore over charging ratepayers.”

Regarding consistency of advice from the Commonwealth Government,

Resolution 71 from the 2020 Annual Conference mirrors the intent of this motion. This resolution states: That the LGAQ lobby the Federal Government to provide councils with certainty about the timing of the Financial Assistance Grant payments so as not to distort council financial statements.

The LGAQ has advocated to the Federal Government on this issue, including seeking support from the Federal Government to provide councils with certainty about the timing of the Financial Assistance Grant payments so as not to distort council financial statements.

The Federal Government is yet to agree to the LGAQ's request.

Other actions arising from this discussion were noted in the following resolutions. Action on these items were held till after the LGAQ State Conference as there were several resolutions and deputations by other Council on very similar issues to those our Council raised.

### **8.12.3 FINANCIAL ASSISTANCE GRANT ALLOCATIONS - LETTER TO DEB FRECKLINGTON & SHADOW MINISTER**

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#### **RESOLVED 2022/49**

A letter be sent to Deb Frecklington MP and Shadow Minister Ms Ann Leahy for Local Government to a request a forum or an opportunity to meet to progress the issues raised with the Financial Assistance Grant Allocations.

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**8.12.4 FINANCIAL ASSISTANCE GRANT ALLOCATIONS - REVIEW OF METHODOLOGY**

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**RESOLVED 2022/50**

A report to be brought back to the October Executive and Finance & Corporate Standing Committee Meeting on how Council can approach a media story/ video to communicate with our broader residents to bring awareness to the challenges Council faces with dwindling grants.

Including any advice regarding the review of the current methodology versus the federal guidelines and what options Council may have to have input into the methodology.

**LGAQ Policy Executive**

*The LGAQ calls on the Federal Government to restore Financial Assistance Grants to at least one per cent of Commonwealth Taxation Revenue to address the serious financial sustainability issues experienced by all councils.*

**Carried 178/0****Central Highlands proposed the following resolution:**

*The LGAQ calls on the Federal Government to amend the National Principles used by the Queensland Local Government Grants Commission (QLGGC) for the road allocations components of grants, to take greater account of the scale of road networks which regional local governments are required to maintain when compared with their rate bases, as part of an overall review by the Federal Government that would return Financial Assistance Grants to 1 per cent of Commonwealth taxation revenue.*

**Carried 188/8****Whitsunday Regional Council**

*The LGAQ calls on the Queensland Local Government Grants Commission to seek confirmation that the grant allocations determined for local government for each of the next three (3) years, be advised to councils by the end of March each year to allow for confirmation in local government budgeting for the upcoming forward financial years.*

**Carried 198/0****Mareeba Shire Council**

*The LGAQ calls on the Federal and State governments to allow the State Government to allocate but hold payment of the annual Financial Assistance Grant to councils until the start of the applicable financial year.*

**Lost 55/132**

Associated to this report is the question on notice from Mayor Otto at the 21 September Standing Committee.

### **8.12.1 QUESTION ON NOTICE - ADDITIONAL FUNDING RECEIVED**

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Question on Notice received from Cr Brett Otto:

What is the breakdown of the additional \$533k which was received compared to the 2022-23 budget prediction?

### **ATTACHMENTS**

1. **8.12.1 Question on Notice & Response - Additional Funding Received** [↓](#) 

**0.0 ADDITIONAL FUNDING RECEIVED - FINANCIAL ASSISTANCE GRANT****File Number:** 09.11.2022**Author:** Manager Finance & Sustainability**Authoriser:** Chief Executive Officer

The following question on notice was received from Mayor Otto.

**Question**

What is the breakdown of the additional \$533k which was received compared to the 2022-23 budget prediction?

**Response**

*During the 21-22 year, Council was advised that we would see approximately a 7% decrease on our Financial Assistance Grant allocation year on year for the next few years. Based on this, Council determined that the allocation to be received would be approximately \$6.621m for the 22-23 year and as such this is what was allocated in the original budget. After the budget was adopted, Council was notified it would receive \$7.154m as part of the 22-23 year allocation. This meant that the original expected decrease did not come to fruition. The difference between the original \$6.621m and the actual \$7.154m allocated is the \$533k in question.*

*South Burnett Regional Council's allocation for the 21-22 year was \$7,119,584 and as such, Council saw an increase in total allocation in the 22-23 year of 0.49% or \$35k.*

**ATTACHMENTS****Nil**

## **10 PORTFOLIO - COMMUNITY DEVELOPMENT, ARTS & HERITAGE AND LIBRARY SERVICES**

### **10.1 COMMUNITY DEVELOPMENT, ARTS & HERITAGE AND LIBRARY SERVICES PORTFOLIO REPORT**

**File Number:** 9-11-2022

**Author:** Councillor

**Authoriser:** Chief Executive Officer

#### **PRECIS**

Community Development, Arts & Heritage and Library Services Portfolio Report

#### **SUMMARY**

Cr Potter presented her Community Development, Arts & Heritage and Library Services Portfolio Report to Council.

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#### **OFFICER'S RECOMMENDATION**

That Cr Potter's Community Development, Arts & Heritage and Library Services Portfolio Report to Council be received for information.

#### **Community Development**

##### **Youth:**

The South Burnett Regional Council Youth Council met on 8 November 2022 to progress the partnering with Your Towns to put together the Youth Activity Plan.

On a different note, several members of the Youth Council are in the final semester of Grade 12, Council wishes them all the best with final assessments and exams. The last meeting of the Youth Council will be held in December and recruitment of the new committee will begin in January 2023, with a handover between the two committees in February 2023.

##### **Senior Citizens:**

50 people attended the Seniors morning tea to celebrate Seniors Month, it was a great morning with live music and catering. The Community Development team are looking forward to planning the 2023 event and rolling activities out across the region.

##### **Arts, Culture and Heritage:**

The scoping of the Arts Culture Heritage Strategic Plan is underway and will be provided to the Art Cultural and Heritage Committee for initial feedback. The Committee will be meeting in December to discuss the purpose, scope and inclusions of the plan. The Community Development Team will be planning consultation with all sectors of the community in 2023.

##### **Ringsfield House Advisory Committee**

The Ringsfield House Advisory Committee will be gathering for a meet and greet and volunteer induction on Tuesday 15 November. There are still positions on the committee available that are open for nominations, to discuss a nomination community members can contact Council's Community Development team.



## Library Services:

### Spooky Libraries Roundup

The Blackbutt and Proston Libraries were overrun by spooky visitors during the recent Freaky Friday events, with ghosts and ghouls visiting Blackbutt and scary souls enjoying the festivities at Proston!

It was all hands-on deck at the Kingaroy Library's Spooky Saturday event on Saturday 29 October! It was wonderful to see families dressed in their scary best taking part in the variety of activities available on the morning.

Sand art, face painting, a freaky photo booth, fun games and Halloween hide & seek all proved very popular with children in attendance. It is estimated that over families visited the library to take part in the spooky celebrations which ran from 9am-12noon.

New memberships were generated during the morning, with lots of new faces visiting the library for the first time. Library staff can't wait to do it all again next year!

### Sustainability in November - Recycling and Reducing Waste

The South Burnett Sustainable Future Network are keen to encourage local community members to become WASTE WARRIORS with tips and tricks on how to Recycle, Reuse and Reduce waste.

Workshops will be held 10.00am Friday 18 November at the Kingaroy Library and 12.30pm at the Nanango Library.

Those interested are encouraged to check out the South Burnett Libraries Facebook and Instagram pages for more information.

### NaNoWriMo - Write a Novel in November

National Novel Writing Month, or "NaNoWriMo" for short, is an annual event in which participants attempt to write a 50,000-word novel in the month of November. Community members are encouraged to take up the challenge this November by utilising the study spaces located at each library branch.

### South Burnett Libraries Outreach

Library staff have once again been out and about in the South Burnett region promoting a variety of free resources and programs to community members. Recently a staff member travelled to Orana's Seniors of the South Burnett event to discuss what's happening at our local libraries. Some attendees have already visited the library to follow up from the talk to find out more and provide feedback about the services already offered.

On Tuesday 25 October, library staff attended the Murgon Youth Hub to present information about resume writing and cover letter creation. This workshop, which was delivered in partnership with CTC, will hopefully encourage young people in the region to look to the libraries for help with life skills and job readiness.

In the coming weeks, staff will also attend the South Burnett Health & Community Services Expo and Under 8s Day at the Nanango State School.

## BACKGROUND

Nil

## ATTACHMENTS

1. **Let's Get Crafty**  
2. **It's Sew Time**  
3. **Centa Care - November Calendar**  
4. **Community Garden**  
5. **Centa Care - Cuppa and Chat**  

# LET'S GET CRAFTY!

Join us as we  
enjoying learning how  
to make String Art!



IN THE BISCUIT TIN  
15 ALBERT ST, KINGAROY

THURS. 3RD NOV. 2022  
1:00PM- 3:00PM

FEE \$10.00

Join us! As we try out different craft ideas, learning and using new techniques each month.

REGISTER ON PH: (07) 4162 5439 OR  
[CENTACARESOUTHBURNETT@BNE.CENTACARE.NET.AU](mailto:CENTACARESOUTHBURNETT@BNE.CENTACARE.NET.AU)





CENTACARE COMMUNITY CONNECTIONS

# It's SEW-Time!

Register on Ph:4162 5439 or at  
[centacaresouthburnett@bne.centacare.net.au](mailto:centacaresouthburnett@bne.centacare.net.au)

Open to all experience levels!  
Come along and learn easy and practical sewing skills.  
We're making Casserole Carriers!



THURS. 17TH NOV 2022 / 1PM-3PM / COST \$10  
BISCUIT TIN, 15 ALBERT ST, KINGAROY

Wanting More Information?

VISIT US!

You can collect flyers for each activity from the Community Connections reception!

GIVE US A BUZZ!

Also, you can telephone our community center between 9am-3pm Monday to Friday – Ph. 4162 5439 and ask for more details.

SIGN UP FOR EMAIL!

Sign up for email notifications for new events and receive the flyers to your inbox!

GET INVOLVED!

Participants at each group can receive a flyer for other scheduled activities, just ask the group leader!



aged care  
community & pastoral care  
disability care  
early edcare  
family & relationship care

South Burnett  
Community Connections

'Biscuit Tin'  
15 Albert Street, Kingaroy, QLD, 4610

Ph. 4162 5439 Open: 9am-3pm  
centacaresouthburnett@bne.centacare.net.au

South Burnett  
Community Connections

November Event Calendar



Come and join in the fun of this month's groups and activities and be active in your community!



# November 2022

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3 Let's Get Crafty! 1:00pm-3:00pm	4 Gardening Group 9:30am-10am Cuppa & Chat 10am-11am	5	6
	8	9	10	11 Cuppa & Chat 10am-11am	12	13
4	15	16	17 It's SEW-Time! 1:00pm-3:00pm	18 Gardening Group 9:30am-10am Cuppa & Chat 10am-11am	19	20
1	22	23	24	25 Cuppa & Chat 10am-11am	26	27
3	29	30				



Come and grow in our...

# Community Garden



**Friday the 4th and 18th of November 2022  
9:30am - 10am @ 15 Albert street, Kingaroy  
Centacare Community Connections**



Looking for all new and experienced gardeners to help us care for our flower and vegetable gardens! To join, or for more info, phone 4162 5439 or email [centacaresouthburnett@bne.centacare.net.au](mailto:centacaresouthburnett@bne.centacare.net.au)





# CUPPA AND CHAT

Every Friday 10am - 11am  
15 Albert St, Kingaroy in the 'Biscuit Tin'.  
Free morning tea provided.



● [centacaresouthburnett@bne.centacare.net.au](mailto:centacaresouthburnett@bne.centacare.net.au) ● (07) 4162 5439 ●

## 11 COMMUNITY DEVELOPMENT (HEALTH, YOUTH, SENIOR CITIZENS)

### 11.1 LICENCE TO OCCUPY - LES MULLER HUT - BLACKBUTT

**File Number:** 9-11-2022

**Author:** Lease Officer

**Authoriser:** Chief Executive Officer

#### PRECIS

A request to enter into a Licence to Occupy for part of Lot 1 on RP120337 known as Les Muller Hut from the Bloomin Beautiful Blackbutt Festival Committee.

#### SUMMARY

The Bloomin Blackbutt Avocado Festival have requested a Licence to Occupy for part of Lot 1 on RP120337 known as the Les Muller Hut.

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#### OFFICER'S RECOMMENDATION

That the Committee recommends to Council that

1. That South Burnett Regional Council resolves that the exception in *Local Government Regulation 2012 section 236 (1)(b)(ii)* applies to Council for the disposal by way of grant of a Licence to Occupy to the valuable non-current asset which is the land comprising part of Lot 1 on RP120337, to the Bloomin Beautiful Blackbutt Festival Inc., a community organisation, other than by way of tender or auction, for a term of 1 year with an option of a further term of 1 year on terms agreed between Council and the Bloomin Beautiful Blackbutt Festival Inc.
2. South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the Licence to Occupy between Council and the Bloomin Beautiful Blackbutt Festival Inc. on terms and conditions the Chief Executive Officer reasonably considers are satisfactory to Council.

#### FINANCIAL AND RESOURCE IMPLICATIONS

The building was once utilised as the Blackbutt Visitor Information Centre and has been vacant since the development of the Roy Emerson Museum. The asset has been managed by the property team with budget provided through Council's annual operating budget.

#### LINK TO CORPORATE/OPERATIONAL PLAN

IN10: Investigate options for leasing opportunities to not-for-profit groups and organisations.

OPL/23: Explore parentship opportunities to support local volunteer groups.

#### COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Council received a request from the Bloomin Beautiful Blackbutt Festival Inc. to utilise the facility for the six (6) weekends of events to act as a central event office and merchandise pop up shop. The committee held a community meeting on 21<sup>st</sup> July 2022 to discuss the proposed use with other community members and not for profit organisations. The feedback was provided to Council in an email as attached.

Council has discussed the proposal with a representative of the Roy Emerson Museum, to ensure that the proposed use does not overlap with the purpose of the Roy Emerson Museum. Community feedback indicates the two facilities and their purpose will complement each other.

#### LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Offer of a licence is in accordance with Sections 227-228 of the *Local Government Regulation 2012*.



**POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

Offering the property for the lease is in accordance with Council's Asset Disposal Policy

**ASSET MANAGEMENT IMPLICATIONS**

The Licence will require the Committee to maintain the building by keeping clean, tidy and free of pests. Council will retain the responsibility to undertake any capital works to the building.

Any requests for additional support to undertake building works on the building will require assessment against the current and future operational and capital works and other Council priorities. The Committee will be restricted from undertaking any extensions or building works that change the building footprint or use from community space to commercial use.

**REPORT****Property Details:**

**RPD:** Lot 1 on RP120337

**Street Address:** 22 Coulson Street Blackbutt

**Tenure:** Freehold

**Proposed terms:**

**Type of agreement:** Licence to Occupy

**Purpose:** To operate the Premises for the purpose of and event management office for local Blackbutt Festival and events, selling locally made crafts and goods, merchandise promoting the Blackbutt Festival and promotion of other local not-for profits groups and their events.

**Rental:** \$75.00 (plus GST) per annum

**Term of Licence:** 12 months

**Option:** 1 x 12 months





**ATTACHMENTS**

1. **Feedback from community consultation** [↓](#) 

██████ - great news. A meeting was held in Blackbutt last Wed 21<sup>st</sup> at 6pm.

16 people were present representing over 12 different local organizations and 9 local businesses with apologies from another 8 people representing another 9 local organizations and 5 local businesses.

After much excited discussion and brain storming a resolution was put to the group that was supported unanimously, "That the Bloomin Beautiful Blackbutt Festival Inc Committee continue its negotiations and consultation with the South Burnett Regional Council to take out a long term lease on the slab hut building in Les Muller Park, Blackbutt. It was envisaged that this could become Blackbutt Delights HQ (Head Office) and a focal point for "all things Blackbutt". The BIC (Blackbutt Information Centre) would be fitted out with merchandise, ticketing, contacts, directions, accommodation, local product and souvenirs, info on what happens in Blackbutt, the clubs and NFP's, schools, churches, sports facilities, Sunday Markets, etc, etc. The venue would make an excellent launch site for local businesses and ventures. The group wanted to be clear, that they would not be running as a Visitor Information Centre, but as a centre point in town, that showcases that Blackbutt really does delight every day of the week. It was envisaged that this would be of mutual benefit to both parties ( Blackbutt Clubs/Community and the SBRC), with the community, town and visitors in complete focus."

It was decided to take this resolution back to their respective clubs, organizations and businesses and update their members with progress. As well each person present agreed to "spread the word" seeking support for the project. It was resolved that BBBFInc take this positive measure of community consultation and support back to SBRC for advice on our next actions and that further community focus groups be run to gauge and garner support for the project. Each organization present and that present an apology were 100% supportive of the project proceeding with some sense of urgency.

**12 ARTS & HERITAGE****12.1 CHANGE OF COUNCIL REPRESENTATIVE OF THE ARTS, CULTURE AND HERITAGE ADVISORY COMMITTEE****File Number:** 09-11-2022**Author:** Visitor Enhancement Officer**Authoriser:** Chief Executive Officer**PRECIS**

Change to Art, Culture and Heritage Advisory Committee

**SUMMARY**

Recommended change to Council representative on Art, Culture and Heritage Advisory Committee

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**OFFICER'S RECOMMENDATION**

That the Committee recommend to Council that:

1. Cr Duff as the Deputy Chair of the Art Culture and Heritage Advisory Committee be replaced by Cr Erkens in alignment with the Arts Culture and Heritage Terms of Reference.

**BACKGROUND**

The Arts, Culture and Heritage Advisory Committee Terms of Reference Membership requires Council to appoint two (2) Councillors with, one Councillor being the Community, Arts Heritage, Sports & Recreation Portfolio holder. Due to the changes in the Portfolios of Councillors, Cr Erkens is the Portfolio holder for Sport and Recreation, whilst Arts remains with Councillor Potter.

The change in Council representative on the Arts, Culture and Heritage Advisory Committee will reflect the change in Council portfolio positions.

**ATTACHMENTS**

1. **Arts,Culture and Heritage Advisory Committee Terms of Reference** [!\[\]\(74b79100900fb9c2d2bf26a3e7e89183\_img.jpg\) !\[\]\(0d80902132933aad4b83a1deb6a11266\_img.jpg\)](#)



POLICY CATEGORY - NUMBER: Statutory 045

POLICY OWNER: Community

ECM ID: 2787778

ADOPTED: 24 March 2021

## Arts, Culture and Heritage Advisory Committee Terms of Reference

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Corporate Services Branch. **A hard copy of this electronic document is considered uncontrolled.**

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### 1. INTRODUCTION

Council has instituted the setup of an Advisory Committee (the Committee) to support regional arts, culture and heritage activity in the South Burnett region as a facilitator.

### 2. OBJECTIVES

- Providing leadership to the sectors through advocacy, promotion and development/ maintenance of Council's arts, cultural and heritage assets;
- Identifying and responding to community needs through strategic planning;
- Assisting with local coordination of art culture and heritage activities;
- Assisting in the stimulation of the arts, culture and heritage-based enterprises;
- Encouraging collaboration across sectors; and
- Managing and displaying Council's art and heritage collections across its facilities.

### 3. DUTIES AND RESPONSIBILITIES

Council's primary role in supporting the arts, culture and heritage activity in the region is as a facilitator.

### 4. MEMBERSHIP

Council will appoint the members, two (2) Councillors will be appointed to the Committee, one of whom shall be the Community, Arts, Heritage, Sports & Recreation Portfolio Holder who will perform the role of Committee Chairperson. A further Councillor shall be appointed to the Committee as Deputy Chair. Council can at any time appoint a stand-in or replacement member to the committee. Council will appoint the members based on industry representation from the following groups:

- SB Arts

- Blackbutt Art Gallery
- Kingaroy Art Gallery
- Wondai Art Gallery
- Indigenous Representative
- SB Community Orchestra
- SB Musical Comedy Society
- Two (2) Community Representatives

The Community, Arts, Heritage, Sports & Recreation portfolio holder will perform the role of Committee Chairperson.

The other councillor shall be appointed to the Committee as Deputy Chair.

Council can at any time appoint a proxy or replacement member to the committee.

Council will appoint the members on the committee based on appropriate cross industry representation.

Council's Chief Executive Officer and General Manager Community is appointed to the committee as ex-officio members. Council's planning and technical officers may be invited to provide advice and feedback to the committee as appropriate and at the discretion of the CEO.

Representatives will be appointed for a two (2) year term, commencing on 1 July each year and if appointed at any time after 1 July, the first year of their term will end on 30 June.

Representatives may be nominated at the end of the two year term to extend their appointment, however no representative may serve more than two (2) consecutive two (2) year terms or a total of four (4) years.

## 5. MEETINGS

- The chairperson may determine the dates, times and places for the Committee's meetings.
- The Committee meetings will be held quarterly on rotation with the meeting minutes and recommendations reported to Council at the Community Standing Committee Meeting.
- Based on current priorities, grant funding opportunities or alike, the Arts, Culture and Heritage Advisory Committee may meet more regularly depending on current priorities and demand, however will meet at a minimum of four times a year.
- The agenda will be prepared and circulated among members and attendees at least five (5) days prior to the meeting.
- The Committee may collectively decide to invite other Council officers, elected representatives, guest speakers or relevant bodies or attendees to participate in Committee meetings and provide further information as necessary.
- Committee members may request a meeting be scheduled within a minimum of 10 business days' notice.
- A quorum shall consist of at least half of the members of the Committee plus one.
- Council shall provide secretarial functions and prepare a written report about the recommendations the Committee may make representation to Council about.
- The Chief Executive Officer shall present the report to Council at the next available Council meeting.
- Council may nominate agenda items for the Committee meeting's agenda, and may specifically request feedback or stakeholder input from the committee with regards to a specific topic or matter.
- Council may submit agenda items or discussion topics to the Committee meeting for consideration and response by the committee members.

## 6. ETHICAL CONDUCT

Committee members must exercise transparency, integrity, honesty, objectivity and ethical conduct in the fulfilment of their duties and responsibilities. Members must ensure confidentiality, exercise prudence, care and due diligence in the handling of Council and personal information acquired in the course of their duties.

Members must immediately declare to the Chairperson any interest that may represent a real, potential or apparent conflict of interest related to their Committee membership. In case of a conflict of interest involving the Chairperson, declaration to the Chief Executive Officer is required. The declaration must be made on appointment to the Committee and in relation to specific agenda items at the outset of each Committee meeting and be updated as necessary.

## 7. COMMITTEE EVALUATIONS

The Committee will conduct an annual self-assessment to evaluate its performance and ensure the efficient and effective achievement of objectives. The assessment will confirm that all duties and responsibilities indicated in these terms of reference have been performed. The Chairperson will take necessary action to ensure that enhancements and recommendations highlighted in the assessment are properly implemented.

## 8. LEGISLATIVE REFERENCE

*Local Government Act 2009*

*Local Government Regulation 2012*

*Crime and Corruption Act 2001*

## 9. RELATED POLICIES/PROCEDURES

South Burnett Regional Council Arts, Culture and Heritage Policy – Strategic 009

South Burnett Regional Council Conduct of Council & Committee Meetings Policy – Statutory 017

South Burnett Regional Council Employee Conflict of Interest Policy – Statutory 033

South Burnett Regional Council Councillor Code of Conduct Policy – Statutory 001

South Burnett Regional Council Employee Code of Conduct Policy – Statutory 011

South Burnett Regional Council Fraud and Corruption Prevention Management Policy – Statutory 021

## 10. NEXT REVIEW

As prescribed by legislation or every two (2) years – March 2023

## 11. VERSION CONTROL

Version	Revision Description	Approval/Adopted Date	ECM Reference
1	Development and Adoption	24 March 2021	2787778

  
Mark Pitt PSM  
CHIEF EXECUTIVE OFFICER

Date: 24 March 2021

## 12.2 EXPO 88 STATUE RESCUING CAPTAIN BLIGH

**File Number:** 09/11/2022

**Author:** General Manager Liveability

**Authoriser:** Chief Executive Officer

### PRECIS

EXPO 88 statue for display "*Rescuing Capitan Bligh*"

### SUMMARY

Enquiry on whether Council would consider acceptance of a historic EXPO 88 statue "*Rescuing Capitan Bligh*" for display.

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### OFFICER'S RECOMMENDATION

That the Committee recommend to Council:

That Council advise the Legacy of EXPO 88 organisation that Council is not able to accept and display the EXPO 88 statue "*Rescuing Capitan Bligh*"

### BACKGROUND

Council has been approached to consider accepting a historic EXPO 88 statue for display.

Representatives from "Legacy of EXPO 88" have held initial discussion with Mayor Otto and Cr Potter in relation to the statue. The identified statue is the "*Rescuing Capitan Bligh*". A subsequent meeting was held on 28 October 2022.

The Artwork is a large 2 piece outdoor public artwork.

Dimensions of the statue (2 pieces)

The Two Man and Reel - H 1,450mm; W 1,620mm; L 2,900mm

The Seven Person Piece - H 2,120mm; W 1,620mm; L 2,650mm

It is understood the request relates to housing the statue in an indoor location for future preservation of the works. It is noted no suitable location has been identified.

The works hold no particular significance for the South Burnett Region.

Council has previously accepted another EXPO 88 Statue "*Clown Bending Over Backwards*" however the cost of repairs and difficulty finding a suitable location for the statue has meant this statue is yet to be repaired/displayed.

Given the large size and lack of suitable space to house and display the statues it is not recommended Council pursue these works.

### ATTACHMENTS

Nil



## **13 PORTFOLIO - TOURISM & VISITOR INFORMATION CENTRES, SPORT & RECREATION AND COMMERCIAL ENTERPRISES**

### **13.1 TOURISM & VIC'S, SPORT & RECREATION AND COMMERCIAL ENTERPRISES PORTFOLIO REPORT**

**File Number:** 9-11-2022

**Author:** Division 1 Councillor

**Authoriser:** Chief Executive Officer

#### **PRECIS**

Tourism & VIC's, Sport & Recreation and Commercial Enterprises Portfolio Report

#### **SUMMARY**

Cr Erkens presented her Tourism & VIC's, Sport & Recreation and Commercial Enterprises Portfolio Report.

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#### **OFFICER'S RECOMMENDATION**

That Cr Erken's Tourism & VIC's, Sport & Recreation and Commercial Enterprises Portfolio Report. to Council be received for information.

#### **Tourism & VIC's:**

We are extremely well serviced by some fabulous displays in our regions Visitor Information Centres. Wondai with the Timber display, Kingaroy with the story of peanuts and Blackbutt with its history of the region and Roy Emersons contribution to tennis.

The synthetic grass has been installed in the South Burnett Energy Centre. The motors as part of the display in the centre are fired up the first Saturday of the month for entertainment of motor enthusiast both visitors and locals are invited to attend.

The South Burnett community have been busy throughout October hosting local and regional events.

October events:

- Oktoberfest - Blackbutt Delights - 1st October
- Bjelke Petersen Dam Inland Fishing Classic - 1st - 2nd October
- SMILE GALA - Kingaroy - 14th October
- Kingaroy Speedway - Season Opener - October 15th
- Heritage Waterhole Rocks - Nanango - 13th - 16th October
- Bunya Red Farm Open Day - Kumbia - 16th October
- Sue & Geoff's Country Music Campout - Wooroolin - 20th -22nd October
- Motors 'n' Mochas - Kingaroy - 23rd October
- Wondai Races - 15th October
- Halloween in Nanango – 31 October

November looks to be another busy month for the region.

**Sport & Recreation:**

South Burnett Regional Council is supporting South Burnett Rugby League in the delivery of the Greg Inglis Goanna Academy Clinic. The Academy will be 10 November 4.00pm – 8.00pm, Kingaroy Rugby League Grounds, Youngman Street. Buses are available for kids, parents and caregivers from Murgon, Wondai, Blackbutt, Yarraman, Nanango, Proston and Hivesville.

For more information and to RSVP visit [www.goannaacademy.com.au](http://www.goannaacademy.com.au)

**Council's Elite Performance Youth Grants**

A number of young South Burnett residents have been awarded financial assistance due to their qualification to represent the State in their respective chosen field.

**Commercial Enterprises****Saleyards:**

As well as the commercial and social benefits that the saleyards bring to the rural community, I see a potential for tourism as many urban visitors continue to visit region post Covid. The Saleyards are an excellent venue for visitors to mix with local rural community.

Coolabunia conducted the monthly store sale on the 27 October with a smaller yarding than normal of 282 head due to the weather conditions earlier in the week. Cattle prices are remaining firm for all descriptions of cattle due to the great season across our region and greater Queensland area. The saleyards working committee met on the 11 October to discuss action plan items and recommended to seek Council's support for more capital funding to undertake projects identified with high WH&S/animal welfare risks.

**Dams:**

This month was extremely busy at both dams with the end of school holiday period earlier in the month as well as Fishing comps at both Boondooma & Bjelke-Petersen Dams.

Council was successful in its grant application to the Queensland Government's Tourism Experience Development Fund for \$50,000 to install nine new split air conditioners, upgrade the kiosk floor and eatery, painting of managers residence, installation of a shower in the contractor's facility and installation of nine Colourbond carports. Council has contributed \$150,000 to the project through its capital expenditure program. Construction works are proposed to commence in March in between peak holiday bookings.

The Annual Bjelke-Petersen Inland Fishing Comp returned following a two-year absence due to low water levels and Covid. This year was well attended and by all reports and was enjoyed by all with some fantastic prizes on offer for winners of categories.

This month has also seen Contractors utilising multiple accommodation options from Cabins, Villas and the contractor's rooms. Some of these have booked up to the end of this calendar year. SES also booked in for training over two weekends in October and have rebooked for next year's training. Weddings, 50<sup>th</sup> birthday & family reunion guests are also choosing BP Dam as their accommodation choice and commenting that the park is perfect for everyone, neat & tidy and clean and modern facilities.

**Aerodromes:**

Council has awarded the tender for the upgrade of airport lighting at the Kingaroy aerodrome. The project is funded through Regional Airport Fund and Council's allocated capital works. This project will allow safer operations for night landings and take-offs specially to support the Royal Flying Doctor which is a service essential to our residents. The remainder of the funding was a diversion of funds that was allocated to Wondai Aerodrome for a carpark reseal which will be undertaken in 2023/2024 financial year.

Council's ARO is continuing to undertake the necessary weekly inspections at both Kingaroy & Wondai Aerodromes. Spraying of the internal/external areas around the new feral animal fence and

around marker cones was undertaken in late October, new signage has arrived and installed on the perimeter of the new fence/gate. Civil Aviation Safety Authority (CASA) have notified Council that they will be undertaking a surveillance of the Kingaroy Aerodrome in late November, pursuant to section 9 (1) (f) of the Civil Aviation Act 1988.

Council has also released an internal expression of interest to staff wishing to become ARO's to support the aerodrome operations.

**BACKGROUND**

Nil

**ATTACHMENTS**

Nil

## 14 TOURISM & VISITOR INFORMATION CENTRES

### 14.1 COMMUNITY AND LIFESTYLE OPERATIONAL UPDATE

**File Number:** 9-11-2022

**Author:** Manager Community & Lifestyle

**Authoriser:** Chief Executive Officer

#### PRECIS

Liveability – Community and Lifestyle Operational Update.

#### SUMMARY

Liveability – Community and Lifestyle Operational Update.

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#### OFFICER'S RECOMMENDATION

That the Community and Lifestyle Operational update be received for information.

#### BACKGROUND

Nil

#### ATTACHMENTS

1. Statistical and project update [↓](#) 
2. Visitor Information Center - Statistical update [↓](#) 

**LIVEABILITY – COMMUNITY AND LIFESTYLE OPERATIONAL UPDATE**

**Jennifer Pointon**  
Manager Community & Lifestyle

**Library****2022 – October Statistics**

Item	Year to Date	October
Loans and Renewal:	40,928	26,181
New Membership:	431	190
JP Visitation (Kingaroy)	644	N/A
Meeting Room Booking (Hrs)	251	N/A
Visitation:	48,310	11,640

**Program totals – Year to Date**

Program	Attendance	Session
0-5 Early Childhood		
Total on Site	937	90
Out Reach	135	4
Children 6-12		
Total on Site	707	32
Out-Reach	152	2
Young Adults (13-17)		
Total on Site	13	3
Adult Programming	458	87
Digital Literacy	368	164
Cultural Celebration	37	7

**Commercial Enterprises****Customer Requests**

Category	Monthly 01/10/22 – 26/10/22	Year to Date Cumulative 01/07/22 –26/10/22	Year to Date Cumulative 01/07/21 – 31/07/21
Airports	12	34	14
Cemetery	10	51	46
Dams	2	8	5
Saleyards	0	2	0
<b>Total</b>	<b>24</b>	<b>80</b>	<b>58</b>

**2022/23 Capital Works - South Burnett Regional Council**

Item	Description	Actions
Coolabunia Saleyards	Asset Upgrades	Report to Council
Boondooma Dam Tourist Park	Painting Managers Residence and Cabins	
Bjelke Petersen Dam Tourist Park	Installation of 9 split air-conditioners; upgrade kiosk kitchen and floor; installation car ports; additional shower	Tourism Experience Fund – grant awarded
Kingaroy Aerodrome Fuel Cell	Repainting of above ground tanks	Procurement
Wondai Aerodrome	Reseal Carpark	Funds rediverted to Aerodrome Lighting

**2022/23 Regional Airports Program**

Department of Infrastructure, Transport, Regional Development, Communication and the Arts.  
Australian Government

Project Name	Description	Status
Kingaroy Airport lighting upgrade	Funded by the Australian Government to design & construct runway lighting	Tenders awarded 40%

**Cemetery****CAPEX Update**

Project Name	Description	Status
Cemeteries	Wondai and Nanango new Columbarium walls	Completed
	Blackbutt new Columbarium Wall	Completed

**Cemetery Statistics**

Stats Item	Monthly		Year to Date Cumulative	
	2022/23	2021/22	2022/23	2021/22
	01/10/22-31/10/22	01/10/21-30/10/21	01/07/22-31/10/22	01/07/21-31/10/22
Cemeteries	Burial/Ashes	Burial/Ashes	Total	Total
Blackbutt	0	0	3	3
Booie	0	0	0	0
Kumbia	0	0	1	0
Memerambi	0	0	0	0
Mondure/Wheatlands	0	0	0	0
Murgon	4	3	14	7

Stats Item	Monthly		Year to Date Cumulative	
	2022/23	2021/22	2022/23	2021/22
	01/10/22-31/10/22	01/10/21-30/10/21	01/07/22-31/10/22	01/07/21-31/10/22
Cemeteries	Burial/Ashes	Burial/Ashes	Total	Total
Nanango	3	0	16	8
Proston	0	1	3	3
Taabinga	7	4	25	16
Tingoora	0	0	1	0
Wondai	1	2	9	11
<b>Total</b>	<b>15</b>	<b>10</b>	<b>57</b>	<b>48</b>

### Dams

Stats Item	Monthly		Year to Date Cumulative			
	2022/23		2022/23		2021/22	
	01/01/22-25/10/22		01/07/22-25/10/22		01/07/21-30/09/21	
Dams Accommodation Numbers	Boondooma Dam	BP Dam	Boondooma Dam	BP Dam	Boondooma Dam	BP Dam
Cabins	128	230	555	945	469	899
Bunkhouse	58	N/A	195	N/A	79	N/A
Powered Sites	237	525	1127	2463	926	2014
Unpowered Camping	541	436	1767	1327	2505	916
Contractor / Conference Room	N/A	47	N/A	87	N/A	84
<b>Total</b>	<b>964</b>	<b>1236</b>	<b>3644</b>	<b>4822</b>	<b>3979</b>	<b>3913</b>

### Saleyards

Stats Item	Monthly 01/10/22- 25/10/22	This month last year	Year to date Cumulative 01/07/22- 25/10/22
<b>Coolabunia Saleyards</b>			
Dipping (Agent & Private)	407	1177	2731
Inspection (Private)	348	574	1421
Consignment / Transit (Private)	218	417	1005
Weighed (Agent & Private)	0	824	1076
Sold (Agent)	0	886	1315
Spray	0	2	1
<b>Nanango Dip Yard</b>			

Stats Item	Monthly 01/10/22– 25/10/22	This month last year	Year to date Cumulative 01/07/22– 25/10/22
Cattle Dipped	45	0	60

### Community Development

#### 2022/24 Black Summer Bushfire Recovery Grants Program

Department of Industry, Science, Energy and Resources

Department of the Prime Minister and Cabinet

Project Name	Description	Status
Community Connection – Local Built	Recruitment of Officers	Local Business Resilience officer – Finalisation of recruitment
	Social Recovery and Resilience Investment Stream	Local Built Small grants – Community Information session completed Individual appointments open
	Economic Recovery and Investment Stream	Hub in the Pub – Completed, next session due in February 2023.  Business Accelerator Program – Funding agreement signed Project commenced  Kingaroy CBD - Façade Improvement Program – Funding agreement signed KCCI assessor training  South Burnett Region – Façade Improvement Program – Stakeholder meetings completed Door to door engagement in progress
Events	Time and Date	Venue
Health and Community Expo	3 November 2022	Kingaroy Town Hall
Community Furniture Cent Sale	19 November 2022	Nanango Depot

#### 2022/24 Resources Community Infrastructure Fund

Resources Community Infrastructure Fund – round 2

Project Name	Description	Status
Kingaroy Mental Health and Youth Hub	Construction of a mental health and youth building in Kingaroy	Funding declined



**LEASING**

<b>Item</b>	<b>Description</b>	<b>Actions</b>
Ringsfield House, Nanango	Advisory Committee	Meet and greet of volunteers
Area 21 – Kingaroy Aerodrome	New site released by tender	Letter of offer provided to tenderer
Shop 70 – Lamb Street Murgon	Shop to be tendered and targeted to new start up business	Lease executed
Hivesville Progress Association Inc.	Community project on Hivesville Park land.	Licence executed
Proston Showground Reserve	Investigate and realign boundaries to support future growth and development of the site in conjunction with Proston community groups	Department of Resources to provide feedback
Proston Show Society	Request to lease caravan park	Internal consultation
Kingaroy and District Tennis Association Inc.	Group wish to enter new lease	Lease sent to group for signing
Barambah District Aero Club	Renewal of Licences (x3)	Completed
Farmland – Kingaroy Aerodrome	Farmland offered for Lease	Stakeholder meeting with Kingaroy Vintage Machinery Club Tender to be developed
Les Muller Hut	Blackbutt pop-up shop Bloomin Blackbutt Festival	Council report
Support has been provided to Wondai Show Society, Burnett Kennel Club, 2 licence enquiries for Wondai Aerodrome.		

**VISITOR INFORMATION CENTERS**

**Monthly Statistics:**

<b>Visitor Information Centres – Monthly Statistics 2022-2023</b>						
<b>2022</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
Sales	K - \$6229 M - \$587 N - \$1061 W - \$4153	K - \$8182 M - \$518 N - \$1126 W - \$4394	K - \$6624 M - \$482 N - \$1082 W - \$5701	K - \$5140 M - \$ N - \$1039 W - \$2791	K - \$ M - \$ N - \$ W - \$	K - \$ M - \$ N - \$ W - \$
Visitor Numbers	K - 1596 M - 349 N - 604 W - 884	K - 1455 M - 372 N - 636 W - 775	K - 1220 M - 333 N - 735 W - 970	K - 812 M - 220 N - 417 W - 680	K - M - N - W -	K - M - N - W -
Coach Tours	K - 1 M - 0 N - 0 W - 1	K - 0 M - 0 N - 2 W - 0	K - 0 M - 0 N - 0 W - 0	K - 1 M - 0 N - 0 W - 1	K - 0 M - 0 N - W - 0	K - 0 M - 0 N - 0 W - 0
Volunteer Numbers	K - 91 M - 49 N - 60 W - 46	K - 86 M - 41 N - 63 W - 56	K - 76 M - 37 N - 57 W - 45	K - 91 M - 41 N - 53 W - 51	K - M - N - W -	K - M - N - W -
Volunteer Hours	K - 537 M - 217 N - 325 W - 234	K - 537 M - 250 N - 316 W - 283	K - 475 M - 172 N - 289 W - 227	K - 544 M - 200 N - 267 W - 258	K - M - N - W -	K - M - N - W -
Days Open	K - 28 M - 27 N - 30 W - 30	K - 27 M - 28 N - 30 W - 31	K - 25 M - 24 N - 28 W - 29	K - 30 M - 25 N - 28 W - 31	K - M - N - W -	K - M - N - W -
<b>2023</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>
Sales	K - \$ M - \$ N - \$ W - \$	K - \$ M - \$ N - \$ W - \$	K - \$ M - \$ N - \$ W - \$	K - \$ M - \$ N - \$ W - \$	K - \$ M - \$ N - \$ W - \$	K - \$ M - \$ N - \$ W - \$
Visitor Numbers	K - M - N - W -	K - M - N - W -	K - M - N - W -	K - M - N - W -	K - M - N - W -	K - M - N - W -
Coach Tours	K - 0 M - 0 N - 0 W - 0	K - 0 M - 0 N - 0 W - 0	K - M - 0 N - W - 0	K - M - 0 N - 0 W - 0	K - M - 0 N - W -	K - M - 0 N - W -
Volunteer Numbers	K - M - N - W -	K - M - N - W -	K - M - N - W -	K - M - N - W -	K - M - N - W -	K - M - N - W -
Volunteer Hours	K - M - N - W -	K - M - N - W -	K - M - N - W -	K - M - N - W -	K - M - N - W -	K - M - N - W -
Days Open	K - M - N -	K - M - N -	K - M - N -	K - M - N -	K - M - N -	K - M - N -

	W -	W -	W -	W -	W -	W -
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## 15 COMMERCIAL ENTERPRISES (SALEYARDS, DAMS, AERODROMES, CEMETERIES)

### 15.1 CAPITAL WORKS - COOLABUNIA SALEYARDS AND CEMETERIES

**File Number:** 9-11-2022

**Author:** Coordinator Commercial Enterprises

**Authoriser:** Chief Executive Officer

#### PRECIS

Capital works program for the Coolabunia Saleyards and the South Burnett Cemeteries has been defined and requires additional funds to complete.

#### SUMMARY

The capital projects for the Coolabunia Saleyards have been identified, assessed and prioritised against criteria of workplace safety risk and animal welfare compliance. The identified cemetery projects have been assessed against the operational requirements to maintain cemeteries to community standards.

#### OFFICER'S RECOMMENDATION

That the Committee recommend to Council:

1. Reallocation of \$67,777 from Council's Capital Budget for 2022/23 from Cemetery projects be allocated to the Coolabunia Saleyards
2. Allocation of \$78,223 from Council's Capital Budget for 2022/23 be allocated to Coolabunia Saleyards
3. The capital works for the Taabinga Cemetery carpark reseal, Taabinga Cemetery expansion, Proston expansion and road be deferred to the 2023/24 capital works program.
4. The capital works projects for Coolabunia Saleyards of full replacement of elevated catwalks (timber to steel), replacement of additional holding yards and replacement tank, and renewal of scales office be considered in 2023/24 capital works program.

#### FINANCIAL AND RESOURCE IMPLICATIONS

Current unspent capital funding allocation for Commercial Enterprises

Coolabunia Saleyards	\$80,000
Taabinga Cemetery (Carpark reseal)	\$29,000
Taabinga Cemetery expansion	\$52,000
Proston Cemetery	\$13,566
Blackbutt Columbarium Wall	\$8,211
<b>Total</b>	<b>\$182,777</b>

Capital works requirements to meet Operation Plan.

Coolabunia Saleyards <ul style="list-style-type: none"> <li>- Replace front holding yards, and single and double ramp holding yards (pens 91-102, including spray shed panels to new gateway)</li> <li>- Pressure pump (increase flow to sprinkler system)</li> <li>- Replacement of boards of elevated Catwalks</li> </ul>	\$226,000
Cemetery – installation of plinths <ul style="list-style-type: none"> <li>- 121 sites for Blackbutt, Wondai and Nanango</li> </ul>	\$35,000
Total	\$261,000
Increase in allocation required	\$78,223

#### **LINK TO CORPORATE/OPERATIONAL PLAN**

OPL/06 Maintain and improve Council's Saleyards to meet community standards

OPL/05 Maintain and improve Council's cemeteries to meet community standards

#### **COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Capital works for the saleyards were identified through a Workplace Health and Safety audit that was conducted by Council's Workplace Health and Safety team. The audit and corrective action list were discussed at the August and October Saleyards working committee. Other issues of the scales office termite damage have also been raised. Prior to Council consideration for the replacement or repairs of this building further project scoping and investigation are required.

A report was provided to Council's Standing Committee, outlining the change in the layout of the new lawn cemetery at Wondai. It was identified through this process that there was a limited number of plots available in Wondai, Nanango and Blackbutt.

#### **LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

Council is required to ensure that the Saleyards are meeting the mandatory code of conduct under the *Animal Welfare and Protection Act 2001*. The code provides guidance for humane and considerate treatment of livestock and sets a minimum standard of acceptable livestock management practices.

#### **POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

The increase in capital works at the Saleyards will increase the safe and healthy work environment in accordance with Council's Workplace Health and Safety Policy.

#### **ASSET MANAGEMENT IMPLICATIONS**

The higher investment in the Coolabunia Saleyards will begin the process of rebuilding the yards to meet both community and industry expectations. The improvements are targeted to maximise the improvements in workplace health and safety and animal welfare.

## REPORT

### Property details

**RPD:** Lot 227 on FY2764

**Address:** 3 Muller Street Coolabunia Qld 4610

### Background

Coolabunia Saleyards was inspected by Council's Workplace Health Safety adviser in July 2022. The audit provided feedback on the various aspects required to increase the safety of the facility for staff, contractors and users.

The income from the facility, is derived from tick clearing and cross loading more so than fortnightly sales. Therefore, by renewing parts of the assets that support the higher number of customers utilising the facility is strategically more efficient.

Council's cemeteries have a limited number of plots available in the new lawn cemeteries of Blackbutt, Wondai and Nanango. Therefore, by allocating the funding to this specific project ensure the operations continue to a standard that is acceptable by the community.

It is noted that the other works particular for Taabinga and Proston are also important but given the limited availability of infrastructure services to deliver, this program should be considered in the 2023/24 financial year with delivery more likely to be achieved.



**ATTACHMENTS**

**Nil**

## 16 PORTFOLIO - REGIONAL DEVELOPMENT, DEVELOPMENT SERVICES, COMMUNITY & SOCIAL HOUSING

### 16.1 REGIONAL DEVELOPMENT, DEVELOPMENT SERVICES AND COMMUNITY & SOCIAL HOUSING PORTFOLIO REPORT

**File Number:** 02/11/2022

**Author:** Councillor

**Authoriser:** Chief Executive Officer

#### PRECIS

Regional Development, Development Services and Community & Social Housing Portfolio Report

#### SUMMARY

Cr Schumacher presented her Regional Development, Development Services and Community & Social Housing Portfolio Report to Council.

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#### OFFICER'S RECOMMENDATION

That Cr Schumacher's Regional Development, Development Services and Community & Social Housing Portfolio Report to Council be received for information.

#### Development Services

##### Planning / Building:

The planning team received 109 customer requests recorded (as of 1/11/22) and 4 pre-lodgement meetings were held in October. The following Planning applications received.

- Material Change of Use (MCU) – 3 development application
  - Minor Change – Change to conditions
  - Minor Change to proposed dwelling house
  - Telecommunications facility
- 1 application was received for the Development Incentive Scheme.

With the recent introduction of the new customer request system in CI Anywhere, planning staff have highlighted the difficulties and increase in time to record customer requests. This recent change had resulted in not all requests being captured. The planning team worked with Council's project team for a work-around. Customer request statistics should be better represented in the December standing committee meeting.

##### Amendment to Planning Scheme:

The Department of State Development, Infrastructure, Local Government and Planning's (DSDILGP) assessment restarted on 26 October 2022. To date Council officers have not received any further information or feedback in relation to the submitted Planning Scheme Amendment Package.

##### Amendment to Queensland *Planning Regulation 2017*

An amendment to the *Planning Regulation 2017* came into effect on Friday 21 October 2022 which provides for the establishment of emergency housing and social and affordable housing. This recent change is streamlined through the MID (Ministerial Infrastructure Designation) process and are not assessable by Council.

The purpose the Planning (Emergency Housing) Amendment Regulation 2022 (the Amendment Regulation) will amend the Planning Regulation 2017 (Planning Regulation) to provide for the



establishment of emergency housing and social and affordable housing. The Amendment Regulation will:

- Provide for State and local governments to deliver emergency housing in response to an event without seeking planning approval through the development assessment process. This will allow for State and local governments to provide housing for communities affected by events such as flooding or other events as defined under the Disaster Management Act 2003 for a temporary period without requiring local government planning approval. The provisions will streamline the delivery of on-ground housing outcomes to support communities.

AND

- Provide for the infrastructure designation pathway to be used for the development of social or affordable housing by a community housing provider or under a State government funded program by prescribing this type of development as infrastructure under Schedule 5 (Infrastructure) of the Planning Regulation. This will treat social and affordable housing in a manner that is consistent with other infrastructure under Schedule 5 of the Planning Regulation that then allows this type of housing development to use the infrastructure designation assessment process.

## **ATTACHMENTS**

**Nil**

## **17 REGIONAL DEVELOPMENT (INDUSTRY, AGRICULTURE, WATER SECURITY, ENERGY AND CIRCULAR ECONOMY)**

### **17.1 BUNYA MOUNTAINS WORKFORCE SHORTAGE**

**File Number:** Bunya Nov 22  
**Author:** Chief Executive Officer  
**Authoriser:** Chief Executive Officer

#### **PRECIS**

A request from the Bunya Mountains Tavern regarding the challenges they are having in recruiting enough staff to run their operations and is concerned that when the Mountain Bike Track opens, they will be unable to cope with the influx of visitors due to the lack of available workforce.

#### **SUMMARY**

The business receives calls from interested backpackers all the time or from those on working visas who are interested in working remotely - so that they can extend the time on their visa – It is understood to be eight (8) weeks work in a remote location can add significant time benefit to your visa. Unfortunately, the Bunya Mountains post code isn't recognised as remote and when backpackers find out they don't qualify for remote working at the Bunya's they withdraw their application for employment.

The Bunya Mountains 's is around 50 km from both Dalby and Kingaroy and there is little incentive for people to travel the winding narrow road in the dark or early hours of the morning so that they can work at the tavern making it hard to retain a skilled workforce.

A request has been made for the Hon. David Littleproud to investigate this further and advise on the process to have the Bunya Mountains recognised as a remote location - so that there is that incentive to backpackers/visa holders to work there and get the benefit of an extended visa.

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#### **OFFICER'S RECOMMENDATION**

That the Committee recommend to Council:

1. That South Burnett Regional Council to provide a supporting letter to the Hon. David Littleproud, Leader of the Nationals and Shadow Minister for Agriculture, supporting the Bunya Mountains Tavern's request for the postcode to be recognised as a 'Outer Regional Area'.

#### **BACKGROUND**

Since 2019, the Hon. David Littleproud has been pursuing changes to the Working Holiday Maker (WHM) Program to enable backpackers to count work in hotels in all 'Outer Regional', 'Remote' and 'Very Remote' areas of Maranoa towards their 2<sup>nd</sup> and 3<sup>rd</sup> year visas.

As part of this process, the then Minister Littleproud made the attached submission to the 2020 Joint Standing Committee on Migration's 'Inquiry into the Working Holiday Maker Program'. He asked for all 'Outer Regional', 'Remote' and 'Very Remote' areas to be included in the WHM Program changes.

The Final Report from that Inquiry included a recommendation based on the very suggestion put forward by then Minister Littleproud, as also supported by other Federal Members. The recommendation is as below:

### **Recommendation 3**

3.37

*The Committee recommends that Working Holiday (subclass 417) and Work and Holiday (subclass 462) visa holders should be able to work in tourism and hospitality in all hard-to-staff rural and remote areas of Australia as part of their 88 days or 6 months to qualify for their second- or third- year WHM visa.*

He then made further representations to the Hon Alex Hawke, who was Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, regarding expediting of implementation of the recommendations from the Inquiry.

Minister Hawke thus implemented Recommendation 3 but determined that only 'Remote' and 'Very Remote' areas should be included in the WHM Program changes.

The reason given for this by Minister Hawke was due to strong representation from several other Ministers, Federal Members and tourism and hospitality business owners in 'Remote' areas who informed that inclusion of 'Outer Regional' areas would result in backpackers being drawn to jobs in these areas over 'Remote' areas, thus again leaving 'Remote' area businesses disadvantaged.

Since the WHM Program changes were made in June last year to include 'Remote' and 'Very Remote' areas, the Hon. David Littleproud has made further representations to Minister Hawke regarding inclusion of 'Outer Regional' areas. Each time this was not approved by Minister Hawke however due to the same reason previously given – disadvantage to 'Remote' area businesses.

As such, he, with the support of some other Ministers and Members, tried a different approach, which was to request application of the Modified Monash Model to determine the postcodes in 'Outer Regional' areas which should be considered eligible for inclusion and to also allow individual business cases to be put forward for postcodes in 'Outer Regional' areas which could show they have compelling reasons to be included. Minister Hawke agreed to look at business cases put forward and is also considering adoption of use of the Modified Monash Model in the future.

The Hon David Littleproud then accordingly put forward to Minister Hawke business cases for three Maranoa postcodes to be included in the WHM Program changes. Businesses from these postcodes had made strong representations to him for inclusion over many months and had compelling reasons. For example, Toobeah is approximately only 20kms short of the official 'Remote' area classification, has a small population, a low unemployment rate and the business owner in the area had put forward considerable evidence to show their efforts to secure staff has been consistently challenging. Similar points were put forward for the two other postcodes.

Overall, had the Mr Littleproud's original proposal been approved, which was for the inclusion of 'Outer Regional' areas as a whole to be part of the WHM Program changes, then the Bunya Mountains would have been included in the changes, however, strong opposition to the inclusion of 'Outer Regional' areas from businesses in 'Remote' areas around the nation prevented this from eventuating.

Minister Hawke did inform in his last correspondence to the Mr Littleproud though that he was willing to continue consideration of business cases put forward to him, but he emphasised the reasons for inclusion to the WHM Program changes must be compelling, such as very small population, low unemployment rate and close proximity to the official 'Remote' area classification.

#### **ACTION:**

With the change in Government, Mr Littleproud has been advocating for the Labor Government to implement programs to address skills and labour shortages in regional areas. He spoke at the National Jobs and Skills Summit to draw attention to the extensive issues being faced by regional businesses and the need for strategies, such as new visa programs, to be immediately implemented to address such.

Mr Littleproud emphasised he is certainly willing to put forward a business case to the new Minister for Immigration, Citizenship and Multicultural Affairs, the Hon Andrew Giles MP, for the Bunya Mountains to be included in the WHM Program's specified work areas, however he requested please

the provision of letters of support and any other supporting evidence from impacted businesses in the area to enable him to build a strong case for inclusion. A letter from the Council would also be beneficial.

**ATTACHMENTS****Nil**

**17.2 POWERLINK QUEENSLAND BURNETT STAKEHOLDER REFERENCE GROUP****File Number:** Powerlink Nov 22**Author:** Chief Executive Officer**Authoriser:** Chief Executive Officer**PRECIS**

Establishment of a Burnett Stakeholder Reference Group by Powerlink

**SUMMARY**

The role of the Burnett Stakeholder Reference Group (BSRG) is to provide input and feedback on Powerlink's project development in the Burnett region. Membership to the group is by invitation and Powerlink has extended an invitation to Cr Schumacher to be part of the committee.

**OFFICER'S RECOMMENDATION**

That the Committee recommend to Council:

1. That Council notes Cr Schumacher's invitation to be a member of the Powerlink Burnett Stakeholder Committee and endorses her appointment as Council's representative.

**BACKGROUND**

Powerlink Queensland has been asked by the Queensland Government to investigate a potential pumped hydro energy storage facility at Borumba Dam. Two new electricity transmission lines will need to be built to connect the proposed facility to the existing transmission network at Powerlink's Woolooga and Tarong substations.

As part of their planning for this and other projects in our area, they are keen to set up a local Stakeholder Reference Group to provide regular feedback and input to our decision-making.

The initial meeting focused on the following areas:

- An overview of the Borumba Pumped Hydro Project and electricity transmission connections to Woolooga and Tarong
- Current projects underway and proposed in the local area
- Powerlink's approach to landholder, other stakeholder and wider community engagement and its critical role in shaping the project outcome
- Purpose of the group, nomination of proxies and how it is intended to operate.

The BSRG will have an initial focus on gaining stakeholder feedback on where best to locate a transmission line between the Lake Borumba and Tarong Substation as part of the Borumba Pumped Hydro Project.

The group will also be engaged on additional project work involving Powerlink in the area, in particular connections to renewable energy developments.

Objectives of the BSRG are to:

- to assist Powerlink and to be aware of local issues related to the transmission connection projects, and other projects as relevant, and that the interests of a broad range of stakeholders are considered;
- leverage community knowledge to fully understand potential local benefits and investment and how they can be captured;
- provide an opportunity for stakeholders to better understand the project, and others as relevant;

- provide a formal communication channel between Powerlink and stakeholders to disseminate and gather information.

The BSRG will comprise up to 12 members from a mix of different stakeholder groups with two local government members being invited to join the committee.

Members will be appointed for a period of two years. After the two-year period, Powerlink and the member will liaise with a view to either reappoint or relinquish the position based on feedback from both parties.

## **ATTACHMENTS**

**Nil**

**18 DEVELOPMENT SERVICES - (PLANNING, BUILDING, PLUMBING)****18.1 PLANNING AND LAND MANAGEMENT OPERATIONAL UPDATE****File Number:** 9/11/2022**Author:** General Manager Liveability**Authoriser:** Chief Executive Officer**PRECIS**

Planning and Land Management Operational Update.

**SUMMARY**Planning and Land Management Operational Update.

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**OFFICER'S RECOMMENDATION**

That the Planning and Land Management Operational update be received for information.

**BACKGROUND**

Nil

**ATTACHMENTS**

1. Planning and Land Management Operational Update [↓](#) 

**LIVEABILITY – PLANNING & LAND MANAGEMENT OPERATIONAL UPDATE**

**Darryl Brooks**  
 Manager Environment & Planning

**Private Certification YTD Report on Subcategories**  
 Period 01-Jul-2022 to 31-Oct-2022

Application Type	Total
AltPoolFnc	0
BudgetAcc	0
CAP	0
Class1&10a	9
Class1&10b	1
Class10a	41
Class10a&b	0
Class10b	2
Class1a	26
Class1b	1
Class2	0
Class3	0
Class4	0
Class5	0
Class6	1
Class7	1
Class8	0
Class9	1
Class9a	0
Class9b	0
Class9c	0
FarmShed	1
IssChgClas	0
Remove	1
Restump	0
RetainWall	0
SACouncilP	0
SASStatePro	0
SignSatDsh	0
SpecStruct	0
SwimPool	0
TempStruct	0
<b>Total</b>	<b>85</b>

**Planning Applications YTD Report on Subcategories**  
 Period 01-Jul-2022 to 31-Oct-2022

Application Type	Total
QEXC	0
QMCU	14
QOPW	3
QPOS	13
QRAL	15
QSPS	0
LLTempHome	1
<b>Total</b>	<b>46</b>

**Plumbing Applications YTD Report on Subcategories**  
 Period 01-Jul-2022 to 31-Oct-2022

Application Type	Total
AmendPrmt	0
BackFlow	0
CASC	0
DomNoSewer	47
DomSewer	13
Form4	4
HSTP	64
Inspect	0
OtherBuild	9
TMV	0
<b>Total</b>	<b>137</b>

**Building Applications YTD Report on Subcategories**  
 Period 01-Jul-2022 to 31-Oct-2022

Application Type	Total
AltPoolFnc	0
BldMatters	0
BudgetAcc	0
CAP_Bld	0
Class1&10a	5
Class1&10b	0
Class10a	74
Class10a&b	0
Class1a	29
Class1b	1
Class2	0
Class3	0
Class4	0
Class5	0
Class6	4
Class7	5
Class8	1
Class9	4
DesignSite	11
DwellReloc	10
FarmShed	1
FireSafety	0
IssChgClas	0
Remove	5
ReRoof	1
ResService	0
Restump	1
RetainWall	0
SACouncilP	0
SASStatePro	0
SignSatDsh	0
SpecStruct	0
SwimPool	7
TempStruct	0
<b>Total</b>	<b>159</b>



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
<b>Comparison of Development Applications 2019/2020, 2020/2021, 2021/2022 and 2022/2023</b>													
<b>Period 01-Jul-2022 to 31-Oct-2022</b>													

<b>Planning Applications</b>													
2019/2020	3	8	8	10	6	3	1	3	5	5	6	6	<b>64</b>
2020/2021	8	3	9	2	4	9	1	1	6	5	10	4	<b>62</b>
2021/2022	11	6	8	11	4	4	3	13	12	10	15	12	<b>109</b>
2022/2023	17	4	18	7	0	0	0	0	0	0	0	0	<b>46</b>

<b>Building Applications</b>													
2019/2020	38	51	35	33	32	6	38	35	20	20	23	33	<b>364</b>
2020/2021	37	34	41	42	44	27	37	55	43	39	48	42	<b>489</b>
2021/2022	40	41	44	43	36	24	36	37	34	28	43	35	<b>441</b>
2022/2023	42	46	37	34	0	0	0	0	0	0	0	0	<b>159</b>

<b>Private Certification Applications</b>													
2019/2020	24	16	12	25	17	21	11	15	8	18	14	14	<b>195</b>
2020/2021	18	15	59	31	24	10	14	28	28	17	21	18	<b>283</b>
2021/2022	32	21	21	15	22	17	14	27	24	17	22	25	<b>257</b>
2022/2023	22	30	17	16	0	0	0	0	0	0	0	0	<b>85</b>

<b>Plumbing Applications</b>													
2019/2020	32	20	21	21	21	15	24	14	24	11	19	26	<b>248</b>
2020/2021	23	26	17	43	30	23	22	30	31	21	27	14	<b>307</b>
2021/2022	27	34	30	30	22	17	19	19	24	27	28	22	<b>299</b>
2022/2023	19	42	45	31	0	0	0	0	0	0	0	0	<b>137</b>

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
<b>Plan Certs</b>													
2019/20	3	4	7	1	8	2	1	6	0	2	7	1	42
2020/21	4	5	4	4	4	4	5	3	5	3	2	11	54
2021/22	7	5	10	7	4	6	3	6	12	35	9	4	108
2022/23	5	6	7	6	0	0	0	0	0	0	0	0	24
<b>Build certs</b>													
2019/20	36	28	28	41	25	22	32	34	22	17	40	50	375
2020/21	55	48	37	65	32	49	53	65	76	63	67	69	679
2021/22	66	72	53	66	62	41	51	63	60	37	34	54	659
2022/23	47	54	32	35	0	0	0	0	0	0	0	0	168
<b>Pool Compliance</b>													
2019/20	0	0	0	1	0	0	1	0	1	1	2	0	6
2020/21	2	0	0	1	0	0	1	0	0	0	0	0	4
2021/22	0	0	2	0	0	0	0	0	0	0	1	0	3
2022/23	1	1	0	4	0	0	0	0	0	0	0	0	6
<b>Plumbing Certs</b>													
2019/20	6	8	10	6	13	2	7	9	7	5	9	12	94
2020/21	6	10	10	18	16	10	17	11	18	13	13	21	163
2021/22	17	20	22	19	8	9	11	8	14	10	6	11	155
2022/23	13	11	7	14	0	0	0	0	0	0	0	0	45
<b>Planning customer requests</b>													
2019/20	51	37	34	36	40	22	36	32	42	26	42	60	458
2020/21	77	83	79	80	73	55	61	79	91	61	73	83	895
2021/22	96	112	116	101	92	59	82	93	125	103	117	123	1219
2022/23	101	134	108	109	0	0	0	0	0	0	0	0	452
<b>Developer Incentive Requests</b>													
2020/21	0	0	0	0	0	0	0	1	5	0	1	0	7
2021/22	0	0	1	0	0	1	0	0	1	9	1	6	19
2022/23	0	2	1	1	0	0	0	0	0	0	0	0	4
<b>Building customer requests</b>													
2019/20	68	76	68	71	61	36	76	61	45	64	61	84	771
2020/21	74	79	86	85	90	66	84	99	86	86	82	81	998
2021/22	117	149	91	94	85	63	95	89	100	90	95	94	1162
2022/23	78	110	102	92	0	0	0	0	0	0	0	0	382
<b>Plumbing customer requests</b>													
2019/20	7	11	5	9	6	6	5	4	6	3	12	22	96
2020/21	24	12	13	23	19	4	8	8	22	12	11	14	170
2021/22	26	19	13	12	23	16	14	13	18	16	20	15	205
2022/23	Page 3	15	16	15	22	0	0	0	0	0	0	0	68

**18.2 APPLICATION FOR A NEGOTIATED DECISION NOTICE FOR RECONFIGURING A LOT (1 LOT INTO 3 LOTS) AT 272 MOUNT MCEUEN ROAD, MOUNT MCEUEN (AND DESCRIBED AS LOT 221 ON FY1361) AND SITUATED - APPLICANT: BRUCE AND ANDREA ANNING C/- ONF SURVEYORS**

**File Number:** 9-11-2022  
**Author:** Senior Planning Officer  
**Authoriser:** Chief Executive Officer

**PRECIS**

Application for a Negotiated Decision Notice for Reconfiguring a Lot (1 lot into 3 lots) at 272 Mount McEuen Road, Mount McEuen (and described as Lot 221 on FY1361) and situated - Applicant: Bruce and Andrea Anning C/- ONF Surveyors.

**SUMMARY**

The applicant submitted representations on 13 September 2022 requesting a Negotiated Decision Notice in relation to a Reconfiguration of a Lot (1 into 3) approved on 7 September 2022 (refer **Attachment A**).

The applicant requested amendments to the conditions of approval, as follows:

- **ENG15 – Electricity supply:** The applicant requests that alternative sources of electricity supply, such as solar energy, be available as an alternative option to a reticulated connection.

It is recommended that Council does not approve the request. (Refer to **Attachment B – Statement of Reasons**).

**OFFICER'S RECOMMENDATION**

That Council *does not approve* the request for a Negotiated Decision pursuant to the provisions of Section 76 of the Planning Act 2016, however includes the following advisory note:

ADV4. Council would accept a Certificate of Electricity Supply from the electricity supply authority demonstrating that all lots can be provided with a reticulated electricity connection as evidence of compliance with ENG15.

**PROPOSED DEVELOPMENT APPROVAL CONDITIONS – NEGOTIATED DECISION NOTICE**

**GENERAL**

**GEN1.** The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Drawing Title	Prepared by	Ref No.	Rev.	Date
Proposed Subdivision	ONF Surveyors	10357p/1	-	1/3/2022
Sight Distance Report	ATC Engineers and Project Managers	-	1.0	12/5/2022

**Timing:** At all times.

**GEN2.** All works, including the repair or relocation of services is to be completed at no cost to Council.

**COMPLIANCE**

**GEN4.** All conditions of this approval are to be satisfied prior to Council endorsing the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

A fee will be charged, with payment required prior to Council's approval of the associated documentation requiring assessment.

**OUTSTANDING FEES**

**GEN5.** Prior to sealing of Survey Plan the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the Planning Regulation 2017.

**SURVEY MARKS**

**RAL1.** Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

**VALUATION FEES**

**RAL2.** Payment of Department of Natural Resources and Mines valuation fee that will result from the issue of split valuations prior to Council sealing the Survey Plan. The contribution is currently assessed at \$96.00 (2 x \$48.00); however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

**PLANNING**

**RAL3.** All development involving the emission of noise, odour and dust from ongoing uses, building and/or construction activities, must ensure that the emissions are in accordance with the requirements of the Environmental Protection Act 1994.

**Timing:** As indicated.

**PROPERTY BOUNDARIES**

**RAL4.** All existing on-site structure, dams and sewerage treatment facilities including transpiration and irrigation areas are to be relocated so as not to cross the proposed property boundary.

**ENGINEERING WORKS**

**ENG1.** Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.

**ENG2.** Undertake Engineering designs and construction in accordance with the Planning Scheme, Council Standards, relevant Australian Standards, and relevant design manuals.

**ENG3.** Be responsible for any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

**LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS**

**ENG4.** Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

**ENG5.** Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for

public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

### **STORMWATER MANAGEMENT**

**ENG6.** Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

**ENG7.** Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

### **WATER SUPPLY**

**ENG8.** Future dwellings shall provide on-site water storage with a minimum capacity of 45kl.

### **ON-SITE WASTEWATER TREATMENT**

**ENG9.** Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Wastewater Code.

**Timing:** Prior to the issue of a Building Approval for a future Dwelling on the proposed lots.

### **VEHICLE ACCESS**

**ENG10.** Accesses are to be constructed in accordance with Council Standard Drawing 00049.

**ENG11.** All accesses shall be located in accordance with Figure 2 of the Sight Distance Report prepared by ATC Engineers and Project Managers, version 1.0 dated 12 May 2022.

**ENG12.** The proposed access location for proposed Lot 4 on Dip Road is to be a minimum 180m from the intersection with Mount McEuen Road.

**ENG13.** Carry out the recommendations contained in the 'Conclusion' of the Sight Distance Report prepared by ATC Engineers and Project Managers, version 1.0 dated 12 May 2022

### **TELECOMMUNICATION AND ELECTRICITY**

**ENG14.** Provide telecommunications to all lots within the development.

**ENG15.** Prior to Council sealing the Survey Plan the applicant is to provide each lot with an electricity supply. The standards of service nominated by the electricity supply authority with reticulated electricity to be made available at the property boundary.

### **SERVICES - EXISTING CONNECTIONS**

**ENG16.** Ensure that all services provided to the existing house on proposed Lot 5 are wholly located within the lot(s) it serves.

### **EROSION AND SEDIMENT CONTROL - GENERAL**

**ENG17.** Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

### **STANDARD ADVICE**

**ADV1.** Section 85(1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within a period of four (4) years the approval will lapse.

**ADV2.** This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved

development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

**ADV3.** Attached for your information is a copy of Chapter 6 of the Planning Act 2016 as regards Appeal Rights.

**ADV4.** Council would accept a Certificate of Electricity Supply from the electricity supply authority demonstrating that all lots can be provided with a reticulated electricity connection as evidence of compliance with ENG15.

## REPORT

<b>SITE DETAILS</b>	
<b>Street Address:</b>	272 Mount McEuen Road, Mount McEuen
<b>RP Description:</b>	Lot 221 On Fy1361
<b>Applicant:</b>	Bruce And Andrea Anning C/- ONF Surveyors
<b>Land Area:</b>	Approximately 62.22 hectares
<b>Existing Use of Land:</b>	Rural land utilised in part for grazing purposes containing a detached dwelling
<b>Road Frontage:</b>	Approximately 1,235 to Mount McEuen Road and approximately 350m to Dip Road
<b>Significant Site Features:</b>	Mount McEuen, which rises to a pointed peak of approximately 510m, is located on the property.
<b>Topography:</b>	Sloping
<b>Surrounding Land Uses:</b>	Rural and Rural Living
<b>PLANNING SCHEME SITE DETAILS</b>	
<b>Current Planning Scheme</b>	South Burnett Regional Planning Scheme Version 1.4
<b>Zone</b>	RURAL
<b>WBB regional Plan</b>	Regional Landscape and Rural Production Area
<b>STATE PLANNING POLICY</b>	<p><b>Agriculture</b> Important Agricultural Areas Agricultural land classifications A and B</p> <p><b>Biodiversity</b> MSES – Regulated vegetation (Category B and R, and Intersecting a watercourse)</p> <p><b>Natural Hazards Risk and Resilience</b> Bushfire Prone Area</p>
<b>OVERLAYS</b>	<ul style="list-style-type: none"> <li>• Agricultural Land Classification Overlay (Important Agricultural Areas; Agricultural Land Class A).</li> <li>• Bushfire Hazard Overlay (Very High Potential Bushfire Intensity, High Potential Bushfire Intensity, Medium Potential Bushfire Intensity, Potential Impact Buffer).</li> </ul>

	<ul style="list-style-type: none"> <li>• Flood Hazard Overlay (Flood Hazard Area).</li> <li>• Biodiversity Areas Overlay (Regulated Vegetation).</li> <li>• Landslide Hazard Overlay (Landslide Hazard Area).</li> </ul>
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The following table describes the key development parameters for the proposal:

<b>RECONFIGURING A LOT</b>	<b>DEVELOPMENT PARAMETERS</b>
<b>Number of Proposed Lots</b>	3
<b>Size of Proposed Lots</b>	Proposed Lot 3: 44.5ha Proposed Lot 4: 10.47ha Proposed Lot 5: 7.15ha
<b>Easements</b>	N/A
<b>Covenants</b>	N/A

#### **BACKGROUND / SITE HISTORY**

<b>APPLICATION NO.</b>	<b>DECISION AND DATE</b>
RAL22/008	Approved – 7 September 2022

<b>CHANGE REPRESENTATIONS</b>	
<b>Applicant Name</b>	Bruce and Andrea Anning c/- ONF Surveyors
<b>Type of Application</b>	Request for negotiated decision notice
<b>Appeal Period Suspended</b>	13 <sup>th</sup> September 2022
<b>Representations Received</b>	13 <sup>th</sup> September 2022

#### **ASSESSMENT:**

##### **Framework for Assessment**

Section 76 (1) of the *Planning Act 2016* establishes the following parameters in relation to the assessment of change representations made during the appeal period:

#### **76 Deciding change representations**

- (1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.

##### **Assessment of Proposed Changes – Change to Conditions of the Development Approval**

Changes to the conditions of approval have been proposed by the applicant. The following table identifies the relevant condition of approval, the applicant's proposed changes, any relevant representations made by the applicant, the officer's assessment of the proposed amendments and any recommend amendments to the condition.

No.	Original Condition	Proposed Amended Condition by Applicant	Relevant Representation	Officer's Assessment	Condition to be Recommended
ENG15	Prior to Council sealing the Survey Plan the applicant is to provide each lot with electricity supply. The standards of service nominated by the electricity supply authority with reticulated electricity to be made available at the property boundary.	Refer to Attachment A	Refer to Attachment A	See below	No change to condition recommended.  The following advisory note has been included:  ADV4. Council would accept a Certificate of Electricity Supply from the electricity supply authority demonstrating that all lots can be provided with a reticulated electricity connection as evidence of compliance with ENG15.

### OFFICERS ASSESSMENT:

The representations are not accepted. In accordance with Performance Outcome PO5 of the Services and works code the development is to be provided with infrastructure which:

- Conforms with industry standards for quality
- Is reliable and service failures are minimised
- Is functional and readily augmented.

The proposed representations do not allow for the provision of a reliable and consistent electricity connection to the land. In some instances, reliance on alternative forms of electricity may be justified, such as where lots are remote from the reticulated network and substantial upgrades would be required. Searches reveal that there is electricity infrastructure running along Mount McEuen Road, so it is unlikely that significant upgrades or extensions of the reticulated network would be necessary. Moreover, it is noted that Council has consistently applied this standard in instances such as this where the parcels are below the minimum lot size and will likely be used for 'rural living' purposes.

Council has included an advisory note that advises that at a minimum a Certificate of Electricity Supply is provided which demonstrates that all lots can be provided with a reticulated electricity connection.

### CONCLUSION:

The representations made with respect to changing the condition listed above is not considered reasonable.

The change representations have been assessed with regard to the applicable assessment framework. The proposed change to the conditions of the approval is not considered acceptable as described in the report. Therefore, it is recommended that the conditions of approval are not amended, however an advisory note is included.

### ATTACHMENTS

1. **Attachment A - Applicant's Representations**  
2. **Attachment B - Statement of Reasons**  



## ATTACHMENT A – APPLICANT REPRESENTATIONS

South Burnett Surveys Pty Ltd T/A



ABN 26 010 622 189

 admin@onfsurveyors.com.au  
 www.onfsurveyors.com.au

Our Ref: 10357K

13 September 2022

 Chief Executive Officer  
 South Burnett Regional Council  
 PO Box 338  
 KINGAROY, QLD, 4610

 Your Ref: RAL22/0008  
 By Email: [planning@sbrc.qld.gov.au](mailto:planning@sbrc.qld.gov.au)

Dear Sir/Madam

**Development Permit RAL22/0008 - 272 Mount McEuen Road, Mount McEuen described as Lot 221 on FY1361 – Notice to suspend appeal period and Change Representations**

We refer to Council's Decision Notice dated 7 September 2022 and confirm that we act on behalf of the applicants Bruce and Andrea Anning.

Pursuant to section 75(2) of the *Planning Act 2016* we give notice that we wish to suspend the applicant's appeal period and lodge the following change representations pursuant to section 75(1) of the *Planning Act 2016*.

The applicant provides the following change representations to condition ENG 15 that reads as follows.

**ENG15.** Prior to Council sealing the Survey Plan the applicant is to provide each lot with an electricity supply. The standards of service nominated by the electricity supply authority with reticulated electricity to be made available at the property boundary.

The applicant is seeking to **amend** this condition and is seeking flexibility regarding the provision of reticulated electricity supply due to the significant cost involved in providing reticulated supply to the proposed lots and the current alternative technology to generate electricity on site via solar. Future owners would likely rely on solar to power equipment given the current commercial availability of cost-effective technology and is unlikely to pay a premium for a rural lot with reticulated electricity supply.

To demonstrate the above, we note the applicant has received interest from a prospective purchaser for proposed Lot 4 to use the proposed lot for grazing horses and any electricity supply will be provided via solar, if required. In addition, the applicant currently resides on proposed Lot 5 that contains an existing dwelling. Proposed Lot 3 includes private grave

## Offices:

## Kingaroy

 (Servicing: Darling Downs – Wide Bay Burnett – Western Downs)  
 PO Box 896, Kingaroy QLD, 4610 ☎ 07 4162 2647

## Sunshine Coast

 (Servicing: Sunshine Coast – Brisbane – Gold Coast)  
 PO Box 771, Buddina QLD, 4575 ☎ 07 5422 0200




admin@onfsurveyors.com.au  
www.onfsurveyors.com.au

sites of the landowner's predecessors and will likely never be sold to another person and does not require electricity supply.

We note that Council's current planning scheme appears to contain an anomaly whereby development in the Rural Zone is not required to have frontage to a sealed road but each dwelling in the Rural Zone is required to be provided with a service line connection to the electricity supply. The requirement to connect to electricity supply would, in our view, be relevant to a lot within a zone, other than the Rural Zone. The electricity requirement does not reflect the availability of alternative electricity supply that is commercially available.

The applicant proposes that the condition is amended as follows.

**ENG15.** Prior to Council sealing the Survey Plan the applicant is to provide each lot with electricity supply, **or alternatively, provide evidence that alternative electricity supply can be made available to each lot.** The standards of service nominated by the electricity supply authority with reticulated electricity to be made available at the property boundary, **should the applicant choose to provide reticulated electricity supply.**

I trust this information meets your requirements in consideration of this matter.

Yours faithfully,



Chris Du Plessis MPlA  
Town Planner

Offices:

**Kingaroy**

(Servicing: Darling Downs – Wide Bay Burnett – Western Downs)  
PO Box 896, Kingaroy QLD, 4610 ☎ **07 4162 2647**

**Sunshine Coast**

(Servicing: Sunshine Coast - Brisbane - Gold Coast)  
PO Box 771, Buddina QLD, 4575 ☎ **07 5422 0200**



## ATTACHMENT B – STATEMENT OF REASONS

**NOTICE ABOUT DECISION – STATEMENT OF REASONS**

The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016

<b>SITE DETAILS</b>	
<b>Applicant:</b>	Bruce and Andrea Anning C/- ONF Surveyors
<b>Proposal:</b>	Reconfiguring a Lot (1 lot into 3 lots)
<b>Properly Made Date:</b>	25 March 2022
<b>Street Address:</b>	272 Mount McEuen Road, Mount McEuen
<b>RP Description:</b>	Lot 221 on FY1361
<b>Assessment Type:</b>	Impact Assessable
<b>Number of Submissions:</b>	1
<b>ISSUE</b>	<b>RESPONSE</b>
<b>Traffic and current condition of Mount McEuen Road and Dip Road</b>	<p>The applicant submitted a Sight Distance Report in response to the information request that demonstrated that the existing and proposed access points are appropriate, subject to recommendations. Conditions have been imposed to ensure the recommendations of the Sight Distance Report are adopted.</p> <p>Two of the three lots will be accessed from existing access points on to Mount McEuen Road, with the third lot accessed from Dip Road in an appropriate location as determined by the Sight Distance Report.</p>
<b>Water and Electricity Infrastructure</b>	Council has imposed conditions that require each lot to be adequately serviced, including provisions for water, telecommunications and electricity. It is the applicant's responsibility to ensure these services are provided and are sufficient to service the lots.
<b>Non-Compliant Buildings/Dwellings</b>	Noted. This is not an application for a dwelling house, and any usage of the site for such a use will need to demonstrate compliance with SBRC standards prior to commencement of use.
<b>Wildlife</b>	There is sufficient cleared space on each of the proposed lots that any future dwelling houses will be located within existing cleared areas and will not require the removal of regulated vegetation.
<b>Titles</b>	The site is unsuitable for most typical rural land uses, and each of the three proposed lots are likely only suitable for rural living. Consequently, while the proposed lots do not meet the minimum lot requirements, the lots are considered to comply with the relevant performance outcomes of the Reconfiguring a Lot Code. This is due to the proposed lots being of sufficient size and dimensions

	to meet the requirements of the users and provide for servicing of the intended use.  It is also noted that the proposed new lot boundaries align with existing road reserve boundaries adjacent to the subject lot and follow existing boundary fences. As a result, not having the appearance of new lots.
<b>Decision:</b>	Approved subject to conditions
<b>Decision Date:</b>	7 September 2022

### 1. Assessment Benchmarks

The following are the benchmarks apply to this development:

South Burnett Regional Council Planning Scheme 2017

- Strategic Framework
- Rural Zone Code
- Reconfiguring a Lot Code
- Services and Works Code

### 2. Reasons for the Decision

The reasons for this decision are:-

- The subject site is located within the Rural Zone.
- The proposal does not conflict with the strategic and specific outcomes of the Strategic Framework
- The proposed lots are of sufficient size and dimensions to meet the requirements of the users and provide for servicing of the intended use.
- The proposed new lot boundaries align with existing road reserve boundaries adjacent to the subject lot and follow existing boundary fences and therefore will not have the appearance of additional lots.
- The proposed lots will have sufficient area outside of areas of affected by environmental constraints, bushfire hazard and flood hazard areas to accommodate a future use.
- The proposed reconfiguration does not preclude the development from being undertaken in a structured and coordinated sequence.

Overall, there are no conflicts with the planning scheme identified. Reasonable and relevant conditions are included to manage or mitigate potential impacts from the use such that use maintains acceptable amenity outcomes in the locality.

### 3. Compliance with Benchmarks

The development was assessed against all of the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.

**Note:** Each application submitted to Council is assessed individually on its own merit.

**18.3 RECONFIGURING A LOT (1 LOT INTO 3 LOTS) AT 163 BOWMAN ROAD, BLACKBUTT NORTH (AND DESCRIBED AS LOT 94 ON RP891602) - APPLICANT: F & J GREEN C/- ONF SURVEYORS****File Number: 9-11-2022****Author: Senior Planning Officer****Authoriser: Chief Executive Officer****PRECIS**

Reconfiguring a Lot (1 lot into 3 lots) at 163 Bowman Road, Blackbutt North (and described as Lot 94 on RP891602) - Applicant: F & J Green C/- ONF Surveyors

**SUMMARY**

- Application for Reconfiguring a lot (1 lot into 3 lots);
- Subject site included in the Rural zone under the South Burnett Regional Council Planning Scheme v1.4;
- Proposed lots are below the minimum 100ha in area and are therefore subject to impact assessment against the relevant benchmarks:
  - Strategic framework;
  - Rural zone code;
  - Reconfiguring a lot code; and
  - Services and works code.
- Five public submissions were received;
- No referral to SARA;
- The application has been assessed against the overall outcomes and does not and cannot comply and cannot be conditioned to comply with certain aspects;
- A significant amount of vacant or large underutilised sites within Blackbutt. Council's analysis provides an unquestionable understanding of the residential land supply existing within the locality and presents a compelling planning justification for not supporting the proposed further subdivision of rural zone land;
- There are no other planning grounds presented by the applicant to support a decision that conflicts with the current, contemporary, planning instruments. This conflict is not a matter that can be negotiated with the applicant or conditioned to comply as the development is not supported in principle.
- Application recommended for refusal for reasons contained within the report.

---

**OFFICER'S RECOMMENDATION**

The application be refused for the reasons contained herein.

Note: The applicant was requested to withdraw this application within the initial assessment period and an advice notice was issued to the applicant stating Council's strong objection to the proposal within the information request period. The applicant did not follow Council's advice.

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

The applicant may appeal the Council's decision to the Planning and Environment Court in accordance with the *Planning Act 2016*.

#### **LINK TO CORPORATE/OPERATIONAL PLAN**

Growing our Region's Economy and Prosperity

GR8 Support and advocate for appropriate growth and development with responsive planning schemes, process, customer service and other initiatives.

#### **COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Refer to CONSULTATION in this report.

#### **LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

As identified above, the applicant can appeal the Council's decision to the Planning and Environment Court.

#### **POLICY/LOCAL LAW/DELEGATION IMPLICATIONS**

The refusal maintains the Planning Scheme Strategic Framework outcomes and any decision otherwise will give rise to significant conflict that cannot be overcome through the proposal presented for Reconfiguring a Lot.

#### **ASSET MANAGEMENT IMPLICATIONS**

No implication can be identified.

**LOCALITY DETAILS**



Figure 1 - Locality Plan (Source: IntraMaps)

**AERIAL IMAGERY**

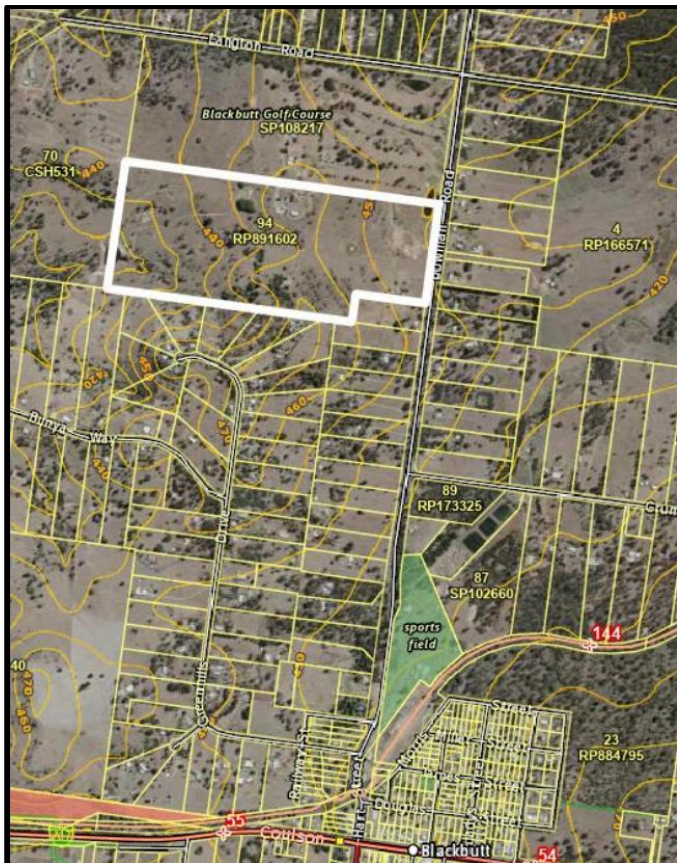


Figure 2 - Aerial Image (Source: Qld Globe)





**REPORT**

The applicant seeks approval for a development permit for a reconfiguration of a lot (1 lot into 3 lots).

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	F & J Green C/- ONF Surveyors
<b>Proposal:</b>	Reconfiguring a Lot (1 lot into 3 lots)
<b>Properly Made Date:</b>	27 June 2022
<b>Street Address:</b>	163 Bowman Road, Blackbutt North
<b>RP Description:</b>	Lot 94 on RP891602
<b>Assessment Type:</b>	Impact assessable
<b>Number of Submissions:</b>	5 properly made submissions were received.
<b>State Referral Agencies:</b>	N/A
<b>Referred Internal Specialists:</b>	Development Engineer

The following table describes the key development parameters for the proposal:

<b>DEVELOPMENT PARAMETERS</b>								
<b>Number of Proposed Lots</b>	1 lot into 3 lots							
<b>Size of Proposed Lots</b>	It is proposed to reconfigure the subject lots to create the following new lots <table border="1" data-bbox="678 1032 1385 1189"> <tr> <td>1.7Ha</td> <td>Lot 2</td> <td rowspan="3">Cancelling existing lot</td> </tr> <tr> <td>1.7Ha</td> <td>Lot 3</td> </tr> <tr> <td>35Ha</td> <td>Lot 4</td> </tr> </table>	1.7Ha	Lot 2	Cancelling existing lot	1.7Ha	Lot 3	35Ha	Lot 4
1.7Ha	Lot 2	Cancelling existing lot						
1.7Ha	Lot 3							
35Ha	Lot 4							
<b>Variations Sought:</b>	Lot sizes in the Rural Zone are not consistent.							
<b>Easements</b>	N/A							
<b>Covenants</b>	N/A							

**SITE DETAILS:**

<b>SITE AND LOCALITY DESCRIPTION</b>	
<b>Land Area:</b>	38.63ha
<b>Existing Use of Land:</b>	Dwelling House and outbuildings and landscape supply uses
<b>Road Frontage:</b>	Bowman Road
<b>Road/s</b>	<b>Road Hierarchy</b>
Bowman Road	Collector Major
<b>Easements</b>	None.
<b>Significant Site Features:</b>	A minor extent of the western and northern boundary of the subject site is mapped as Potential Bushfire Impact Buffer.
<b>Topography:</b>	No specific topographical features.
<b>Surrounding Land Uses:</b>	<b>Zone/Precinct</b>
	Land adjoining to the north of the subject site is used by the Blackbutt Golf Course for a golf course. Land to the west is used for rural living purposes and cattle grazing.

	A mobile phone mast was constructed over a lease area described as Lease A on SP255936 along the southern boundary of the subject site
<b>Services:</b>	Electricity, telecommunications.

### Background / Site History

<b>APPLICATION NO.</b>	<b>DECISION AND DATE</b>
	N/A

### ASSESSMENT:

#### Framework for Assessment

#### Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- The *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

### Relevant Sections of Planning Act 2016

The following sections of the *Planning Act 2016* are relevant to this application:

- 45(5) An impact assessment is an assessment that –**
- (a) **must be carried out –**
    - (i) **against the assessment benchmarks in a categorising instrument for the development; and**
    - (ii) **having regard to any matters prescribed by regulation for this subparagraph; and**
  - (b) **may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.**

In regard to the prescribed regulation, being the Planning Regulation 2017, the following sections apply in the assessment of this application:

#### **Section 30 – Assessment Benchmarks generally**

**(1) For section 45(5)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.**

**(2) Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—**

**(a) the assessment benchmarks stated in—**

- (i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and**

**(ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and**

**(iii) a temporary State planning policy applying to the premises;**

**(b) if the development is not in a local government area-any local planning instrument for a local government area that may be materially affected by the development;**

**(c) if the local government is an infrastructure provider—the local government’s LGIP.**

**(3) However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.**

### Assessment Benchmarks Pertaining to the Planning Regulation 2017

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Assessment Benchmarks:</b>	<ul style="list-style-type: none"> <li>• State Planning Policy 2017 Part E</li> <li>• Schedule 12A Assessment benchmarks for particular reconfiguring a lot of the Planning Regulation 2017</li> </ul>
<b>WBB Regional Plan Designation:</b>	N/A

<b>State Planning Policy Part E</b>	
<p>The State Planning Policy (July 2017) (SPP) commenced on the 3 July 2017 and is effective at the time of writing this report. The Planning Regulation 2017 (PR 2017) states the assessment <u>must be carried out against the assessment benchmarks</u> stated in Part E of the State Planning Policy to the extent Part E is not appropriately integrated into the planning scheme.</p> <p><b>The current planning scheme does not integrate SPP2017 and so an assessment of policies that are relevant is provided below</b></p>	
Liveable communities and housing	The proposal presents a conflict with the existing policy framework that restricts new land subdivisions where there exists underutilised land already zoned for residential use/ land division.
Economic growth <ul style="list-style-type: none"> <li>• Agriculture.</li> <li>• Development and construction.</li> <li>• Mining and extractive resources.</li> <li>• Tourism.</li> </ul>	No applicable assessment benchmarks
Planning for the environment and heritage. <ul style="list-style-type: none"> <li>• Biodiversity.</li> <li>• Coastal environment.</li> <li>• Cultural heritage.</li> </ul>	Not applicable

• Water quality	
Safety and resilience to hazards • Emissions and hazardous activities. • Natural hazards, risk and resilience.	There are no impacts from natural hazards to address, however this is not a matter that can overcome the significant planning conflicts presented by the proposal alone.
Infrastructure • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports.	The proposal will introduce multiple new accesses onto a major road without consideration for impacts and the assessment benchmarks seek to achieve new development that takes access from new roads rather than from creating multiple new accesses onto existing major roads. No new access road is proposed for this 1 into 3 lot subdivision.

### Assessment Benchmarks Pertaining to the Planning Scheme

The applicable planning scheme for the application is South Burnett Regional Council Version 1.4. The following sections relate to the provisions of the Planning Scheme.

#### Relevant Parts

- Part 3 – Strategic Framework
- Part 6 – Rural Zone Code
- Part 8 – Development Codes – Reconfiguring a Lot Code and Services and Works Code

<b>Planning Scheme:</b>	South Burnett Regional Council Planning Scheme Version 1.4
<b>Strategic Framework Land Use Category:</b>	Rural
<b>Zone:</b>	Rural zone
<b>Overlays</b>	OM2 – Bushfire Hazard Overlay – Part of subject site is mapped as Potential Impact Buffer. OM8 – Agricultural Land Overlay – Class B
<b>Precinct:</b>	N/A
<b>Consistent/Inconsistent Use:</b>	Inconsistent
<b>Assessment Benchmarks:</b>	The Planning Scheme 2017

## Rural zone code

### 6.2.13.2 Purpose

- (1) The purpose of the rural zone code is to–
  - (a) provide for rural uses and activities;
  - (b) provide for other uses and activities that are compatible with–
    - (i) existing and future rural uses and activities; and
    - (ii) the character and environmental features of the zone; and
  - (c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.
- (2) The overall outcomes sought for the zone code are as follows:
  - (a) Land that is essential to the economic viability of productive Agricultural Land Classification Class A or Class B and rural land uses within the region is conserved.
  - (b) Development comprises a wide range of existing and new rural pursuits, including cropping, intensive horticulture and animal industries, animal husbandry and keeping and other compatible primary production uses.
  - (c) On farm value adding in the form of small scale agri-tourism is supported where associated with the rural use of the site.
  - (d) Infrastructure is provided at a standard normally expected in rural locations.
  - (e) Areas of land used for primary production are conserved and not unnecessarily fragmented.
  - (f) The viability of existing and future rural uses and activities are protected from the intrusion of incompatible uses.
  - (g) Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised.
  - (h) Development embraces sustainable land management practices and contributes to the rural amenity and landscape of the area.
  - (i) Development is reflective of and responsive to the surrounding character of the area, natural hazards and the environmental constraints of the land.
  - (j) Sites that are contaminated or pose a health risk from prior activities are remediated prior to being developed for sensitive land use (as defined in the Regulation).
  - (k) Residential or other sensitive land use (as defined in the Regulation) are not intensified in the identified separation area around the Swickers Kingaroy Bacon Factory on Overlay Map 11.
  - (l) New residential development of historic or remote residential subdivisions is inconsistent with the purpose of this zone code.
  - (m) Non-rural development is appropriate only where directly associated with the rural use of the zone and does not compromise the rural use of the land.
  - (n) Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and buffered from adjacent development.
  - (o) Water supply catchments are protected from activities that may endanger water quality.

## RaL Code

*8.4.1.2 Purpose (1) The purpose of the Reconfiguring a lot code is to ensure development:*

- (a) Provides a compact urban form of safe, attractive and well-connected neighbourhoods that provide a variety of housing options and convenient access to services.*
- (b) Provides opportunities for rural residential living with good access to services.*
- (c) Manages the potential risks from natural and man-made hazards.*
- (d) Avoids unnecessary impacts on the natural environmental, features and resources.*
- (e) Allows for the efficient and sequential provision of urban infrastructure and an enhanced open space network*

## Services and Works Code

*8.4.2.2 Purpose (1) The purpose of the Works and services code is to provide for the adequate provision of services and control of operational works.*

*(2) The purpose of the code will be achieved through the following overall outcomes:*

(a) *Infrastructure is provided in a cost-effective, efficient and co-ordinated manner to a standard ordinarily expected in the locality.*

(b) *Development is planned, designed, constructed and operated to manage stormwater and wastewater in ways that protect environmental values and achieve water quality objectives;*

(c) *Development is provided with sufficient vehicle parking and servicing in a manner that provides safe and efficient access and circulation.*

(d) *Landscaping enhances visual amenity, integrates the built and natural environments, maximises water efficiency, minimises soil loss, provides shade in large paved areas and does not adversely impact on infrastructure.*

(e) *Filling or excavation maintains the amenity and health of the community and environment.*

(f) *Development is reflective of and responsive to the environmental constraints of the land and is established where the impacts of natural hazards are avoided or safely managed.*

### **The proposal does not comply with:**

#### Part 3 Strategic Framework

- 3.2 Settlement Pattern - (3)
- 3.2 Other Towns – residential areas reflect the expectation that larger lot sizes and minimal intrusion by multiple dwelling units will be maintained to preserve the existing character and retain the desired country lifestyle...

The quantum of growth in towns is relatively low and planning for this is about managing their distinctive character and local service industries.

Blackbutt .... Its hinterland accommodates substantial rural residential development that has placed the town under some growth pressure particularly in relation to commercial facilities.

- 3.2.1 Strategic Outcomes (4), (7)
- 3.2.1.1 Specific Outcomes (1), (2), (8), **(13)**, (14),

(13) Rural residential development provides a legitimate life-style choice where existing services and infrastructure can support this development or augmented without difficulty. New allotments outside the areas nominated in the Strategic Framework map are likely to be resisted unless there is legitimate planning need and the productive values of agricultural land and regional ecosystem values are not compromised

(14) New rural residential development is consolidated in areas nominated on the Strategic Framework map – which are generally close to Kingaroy and the other towns – to maintain good access to services, employment and existing infrastructure. Additional areas may be considered only where there is a legitimate, demonstrated planning need for additional allotments and they retain the fundamentals of good access to urban services via good quality roads, no loss of good quality agricultural land or remnant regional ecosystem vegetation, minimal erosion and flood-free, fire-resistant and moderately sloped house sites.

#### 3.6 Strong Communities

The Planning Scheme confronts the challenge of community building, providing services to meet growing and diversifying demands, managing development and sustaining affordable housing and services.

- 3.6.1 Strategic Outcomes (1), (3),(8), (12).

#### 3.7 Infrastructure and Servicing

- 3.7.1 Strategic Outcomes (1), (7)

- 3.7.1.1 Specific Outcomes (1), (4)

#### 6.2.13 Rural Zone Code

- 6.2.13.2 Purpose (1)(a) & (b)(i), (2) (b) - (f), (m)
- Table 6.2.13, Section 1, Performance Outcomes PO2

#### 8.4.1 Reconfiguring a Lot Code

- 8.4.1.2 Purpose (a), (b), (e), Overall Outcomes (b), (c), (h)

### Local Categorising Instrument - Variation Approval

N/A

### Local Categorising Instrument - Temporary Local Planning Instrument

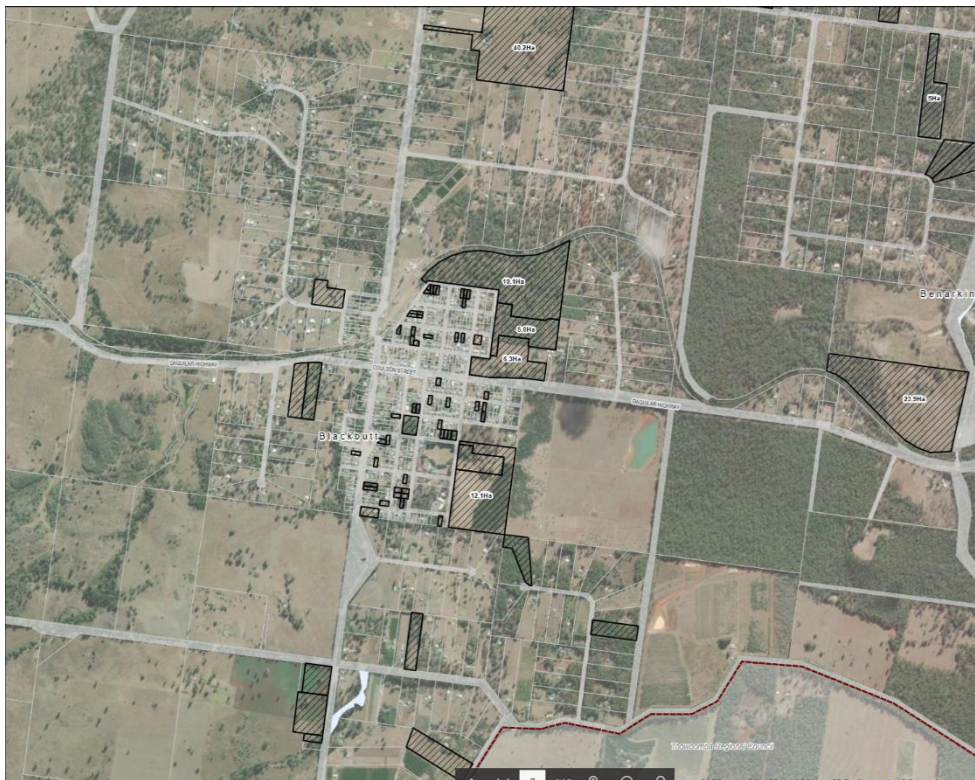
N/A

### Other Relevant Matters

Internal strategic planning information used in this assessment identifies the following clear outline of AVAILABLE UNDERUTILISED LAND within the Blackbutt locality already zoned appropriately for residential subdivision and residential use:

Town	Zone	Area (Ha) of vacant or large underutilised sites
<b>Blackbutt</b>	Emerging Communities	37.4
<b>Blackbutt</b>	Low Density Residential	14.7
<b>Blackbutt</b>	Rural Residential	295.0

Attached is the visual representation of the identified vacant or large underutilised sites within Blackbutt. This analysis provides an unquestionable understanding of the residential land supply existing within the locality and presents a compelling planning justification for not supporting the proposed further subdivision of rural zone land.





**CONSULTATION:****Referral Agencies**

There are no referrals for this development application under Schedule 10 of the *Planning Regulation 2017*.

**Other Referrals**

<b>INTERNAL REFERRAL SPECIALIST</b>	<b>REFERRAL / RESPONSE</b>
Development Engineer	There are no planning grounds to support the proposal and as such, engineering conditions are not imposed.
Infrastructure Charges Unit	There are no planning grounds to support the proposal and as such, no charges are levied.

**Public Notification**

The Notice of compliance was received by Council on 25<sup>th</sup> August 2022. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of compliance states the public notification included: -

- Publishing a notice in the Burnett Today Newspaper on Thursday 25<sup>th</sup> August 2022.
- Place a notice on the land from 25<sup>th</sup> August 2022; and
- Notifying owners of all land adjoining the site on 24<sup>th</sup> August 2022.

Five (5) public submission were received during the notification period. The below table includes a summary of the matters raised in the submission and a response to each matter:

<b>Issue</b>	<b>Response</b>
Support on the grounds that the subdivision may generate more membership at a local sports club because of additional residential lots being developed	This is not a relevant planning consideration. Reconfiguring the land provides no direct or indirect known involvement in community sports.
Support for the development on the basis the land has connection to town water and is accessible to township services.	This is not a matter that justifies supporting the development despite the significant conflict with the Planning Scheme. There is a known abundance of existing residential zoned land within Blackbutt, with access to all utilities and township services that are vacant or underutilised. There are no grounds to support an out of sequence land division in the rural zone when surplus residential land supply remains available within the local area.
Support for the development because vacant blocks are selling quickly currently.	This is not a relevant planning consideration.
Support because the block sizes match those nearby and the real estate market would benefit	The market is not a relevant planning consideration. There is a surplus of residential land supply in Blackbutt that is vacant and underdeveloped.

Support because the demand for vacant acreage blocks within the locality is high	The market is not a relevant planning consideration.
--	--

**CONCLUSION:**

The proposed development presents conflicts with the planning scheme Rural zone intent through the creation of two new rural residential/ rural 'lifestyle' lots not anticipated by existing policy.

Public submissions in support of the development provide no other relevant matters for consideration in the assessment and the lack of physical/natural constrains over the land is not sufficient reason to support the proposal in conflict with the planning scheme.

**RECOMMENDATION:**

It is recommended that the proposed Reconfiguring a Lot Development Permit 1 into 3 Lots over land at 163 Bowman Road Blackbutt North be refused for the reason outlined in the attached Statement of Reasons. There are no other planning grounds presented by the application to support a decision that conflicts with the current, contemporary, planning instruments. This conflict is not a matter that can be negotiated with the applicant or conditioned to comply as the development is not supported in principle.

**ATTACHMENTS**

1. **Attachment A - Statement of Reasons**  

**Submissions**

RAL 22/0026

RECEIVED  
16 SEP 2022**Property Centre**

DALBY TOOWOOMBA BLACKBUTT YARRAMAN

01-09-2022

Re: Subdivision of Larger Properties

To Whom it May Concern

On the 1st of February 2022, 1 Property Centre purchased Yarraman Real Estate. We now have offices in Blackbutt, Yarraman, Dalby and Toowoomba. The growth in the area has been phenomenal in the last 18 months. Things have been selling extremely quickly and we now have more people looking for properties than we have listings.

The demand for vacant acreage properties in the area is extremely high at the moment and we have nothing left on our books. We have people leaving their names with us all the time to let them know as soon as something comes up. Clients are currently looking at properties anywhere from 1 acre up to 5 acres. We are finding that people are either looking to build straight away or they are planning to use it as a weekender for a few years, with the intention to build their retirement homes in the future.

We would whole heartily support the subdivision of properties into some more 1-5 acre blocks while the demand is so high.

Kind regards

[REDACTED]

**Cheryl Marriott- Sales Agent**  
#1 Property Centre Yarraman/Blackbutt

E: [cheryl@1propertycentre.com.au](mailto:cheryl@1propertycentre.com.au)W: [www.1propertycentre.com.au](http://www.1propertycentre.com.au)

RAL 22/0026

RECEIVED  
16 SEP 2022**MAIN STREET REALTY**

P.O. BOX 52,  
BLACKBUTT  
QLD. 4306  
Phone/Fax 07 4163 0355  
Mobile 0427716314  
Email [msr@msr.com.au](mailto:msr@msr.com.au)  
ABN 26052244434

1<sup>st</sup> September 2022

To South Burnett Regional Council,

RE:163 BOWMAN ROAD, BLACKBUTT  
Planned Subdivision – 2 x 5 Acre Blocks.  
On behalf of John & Fay Green.

I can tell you that I have been in Real Estate for 30 Years, selling in Blackbutt.  
Currently I have One 5 acre block for sale at lot 18 Old Esk Rd, Taromeo. It has been on  
the market for 1 week & I have a client making an offer today.

This has been like it for the last 14 to 18 months with hardly any vacant blocks to sell.  
I am hoping that John & Fay can subdivide as I have buyer's waiting.

If you have any queries, please don't hesitate to call me.

Yours faithfully,

[REDACTED]  
Ann-Maree Norris  
Main Street Realty  
[REDACTED]



RAL 22/0026

RECEIVED  
16 SEP 2022

Mr & Mrs P Collins  
127 Bowman Road  
Blackbutt Qld 4314

1<sup>st</sup> September, 2022.

South Burnett Regional Council

Re: No Objection to Subdivision at 160 Bowman Road, Blackbutt

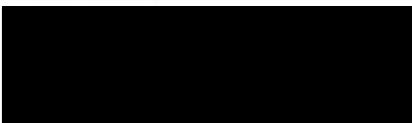
This has reference to the proposed subdivision of a couple of 5 acre blocks at 160 Bowman Road, Blackbutt, owned by John and Faye Green.

We live on one of the blocks close by and have no objection to this subdivision going ahead.

It would match the other blocks, that go up to Bowman Road from town.

Also I'm sure with the Real Estate market today not having these size blocks so close to town and people looking to buy in our community.

Yours faithfully



Peter and Kristina Collins

RAL22/0026

RECEIVED  
16 SEP 2022

**Blackbutt Hardware Pty Ltd**  
ABN: 84 759 387 725

26 Coulson St  
Blackbutt Qld 4306  
Ph/Fax: 4163 0305

Email: [info@blackbutthardware.com](mailto:info@blackbutthardware.com)

5<sup>th</sup> September 2022

South Burnett Regional Council  
41 Glendon St,  
KINGAROY QLD 4610

To Whom It May Concern

We support the application for the subdivision of 163 Bowman Rd Blackbutt Qld 4314.

This is an ideal location as the water pipe goes along this road and it is close to town and sporting venues. We believe that it would be advantageous for our rural community.

Regards

David & Kate Berry

RAL22/0026

RECEIVED  
16 SEP 2022**BLACKBUTT GOLF CLUB INC.**

51 Langton Road, Blackbutt North, Qld;  
ABN: 30143556940.

PO Box 71,  
Blackbutt, Qld. 4314  
Ph: (07) 4163 0180.  
Email: [bbgolfclub@bigpond.com](mailto:bbgolfclub@bigpond.com)  
[www.blackbuttgolfclub.com.au](http://www.blackbuttgolfclub.com.au)

14 September 2022

South Burnett Shire Council  
PO Box 336  
Kingaroy Qld 4610

**To Whom It May Concern**

**Re: Application Ref: RAL22/0026 - Proposed Development Reconfiguring a Lot (Subdivision – 1 lot into 3 lots) on Lot 94 on RP891602 at 163 Bowman Road, Blackbutt that adjoins property Lot 93/SP1108217 owned by Blackbutt Golf Club Inc.**

We wish to advise that we feel the above proposed development would be beneficial to the Blackbutt Golf Club as it could potentially increase the membership through means of buyers joining our club.

Furthermore, the Blackbutt Golf Club Inc. has no negative thoughts or comments against this proposed development, we feel it will only bring a positive outcome.

Kind Regards  
Bob Holmes  
President  
Blackbutt Golf Club Inc.

## NOTICE ABOUT DECISION – STATEMENT OF REASONS

*The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016*

The development application for:

<b>Type of Approval</b>	Reconfiguration of a lot – 1 lot into 3 lots
<b>Level of Assessment</b>	Impact
<b>Application No</b>	RAL22/0026
<b>Name of Applicant</b>	F & J Green C/- ONF Surveyors
<b>Street Address</b>	163 Bowman Road, Blackbutt North
<b>Real Property Address</b>	Lot 94 on RP891602

On 2 November 2022 the above development was:

Refused

### 1. Reasons for the Decision

The reasons for this decision are:

- The Council's planning scheme includes an abundance of land zoned for rural residential purposes within Blackbutt and across the South Burnett Local Government Area. There is a commitment through the Planning Scheme to support rural residential living across the region including ensuring the supply of rural residential lots is delivered, however this proposal is a simplistic encroachment of rural residential land division into the rural zone. The strategic Outcomes of the planning scheme seek to keep the boundary of urban, semi-urban and rural areas well-defined, particularly along main approaches to towns such as along Bowman Road into Blackbutt. Strip development such as this proposal are discouraged within the current Planning Scheme framework.
- The Settlement Pattern statements of the Strategic framework, further highlights that rural residential living is anticipated to occur via consolidation of existing land, in response to any need, rather than expansion, as is proposed.
- There is no planning need for the expansion of the rural residential zone within the Blackbutt township, or more broadly across the SBRC LGA based on existing land supply indicators and current and future population and demand forecasts that are



used in strategic land supply analysis supporting the current Planning Scheme strategic policy directions and the Planning Schemes intent.

- The land and the proposal present no exceptional planning circumstances for being developed, as suggested, for 'infill' development opportunities. In fact, the proposal is for an incremental expansion of the surrounding rural residential zone into the adjoining rural zone through this proposal. This outcome is not supported.
- The proposal would not advance any exceptional circumstances for critical short or long term housing needs within the SBRC LGA at a time of critical housing shortages and housing affordability pressures. The proposal has no employment generating outcomes of any planning significance.
- Introducing unplanned residential allotments outside of the abundance of existing rural residential land will put pressure on local services and infrastructure without any return improvements or for the benefit of the local Blackbutt township. Particularly if the applicant were to have the benefit of any infrastructure charges subsidy or waiver under existing incentive policies.
- The proposal may, through residential subdivision encroachment, impact on the ability of surrounding rural productions activities to operate at their most efficient and unconstrained ability.

### **Grounds for Refusal**

#### Part 3 Strategic Framework

- 3.2 Settlement Pattern - (3)
- 3.2 Other Towns – residential areas reflect the expectation that larger lot sizes and minimal intrusion by multiple dwelling units will be maintained to preserve the existing character and retain the desired country lifestyle...  
The quantum of growth in towns is relatively low and planning for this is about managing their distinctive character and local service industries.  
Blackbutt .... Its hinterland accommodates substantial rural residential development that has placed the town under some growth pressure particularly in relation to commercial facilities.
- 3.2.1 Strategic Outcomes (4), (7)
- 3.2.1.1 Specific Outcomes (1), (2), (8), **(13)**, (14),

(13) Rural residential development provides a legitimate life-style choice where existing services and infrastructure can support this development or augmented without difficulty. New allotments outside the areas nominated in the Strategic Framework map are likely to be resisted unless there is legitimate planning need and the productive values of agricultural land and regional ecosystem values are not compromised

(14) New rural residential development is consolidated in areas nominated on the Strategic Framework map – which are generally close to Kingaroy and the other towns – to maintain good access to services, employment and existing infrastructure. Additional areas may be considered only where there is a legitimate, demonstrated planning need for additional allotments and they retain the fundamentals of good access to urban services via good quality

roads, no loss of good quality agricultural land or remnant regional ecosystem vegetation, minimal erosion and flood-free, fire-resistant and moderately sloped house sites.

### 3.6 Strong Communities

The Planning Scheme confronts the challenge of community building, providing services to meet growing and diversifying demands, managing development and sustaining affordable housing and services.

- 3.6.1 Strategic Outcomes (1), (3),(8), (12).

### 3.7 Infrastructure and Servicing

- 3.7.1 Strategic Outcomes (1), (7)
- 3.7.1.1 Specific Outcomes (1), (4)

### 6.2.13 Rural Zone Code

- 6.2.13.2 Purpose (1)(a) & (b)(i), (2) (b) - (f), (m)
- Table 6.2.13, Section 1, Performance Outcomes PO2

### 8.4.1 Reconfiguring a Lot Code

- 8.4.1.2 Purpose (a), (b), (e), Overall Outcomes (b), (c), (h)

## 2. **Assessment Benchmarks**

The following benchmarks apply to this development:

- The South Burnett Planning Scheme 2017

**Note:** Each application submitted to Council is assessed individually on its own merit.

**18.4 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT****File Number:** 26/10/2022**Author:** Senior Planner**Authoriser:** Chief Executive Officer**PRECIS**

List of correspondence pending completion of assessment report

**SUMMARY**

Reports pending completion of assessment

**OFFICER'S RECOMMENDATION**

That the List of Correspondence pending completion of Assessment Report be received.

**REPORT****Reconfiguration of a lot (RAL) applications**

1. RAL22/0011 – Easement associated with MCU22/0004 at 79 Zerners Road MURGON
2. RAL22/0013 – Reconfiguration of a Lot – Subdivision (1 Lot into 20 Lots and New Road) at Fairway Drive NANANGO
3. RAL22/0017 – Reconfiguration of a Lot – Subdivision (1 Lot into 4 Lots and 2 Access Easements) at 23-25 Millis Way NANANGO
4. RAL22/0021 – Reconfiguration of a Lot – Subdivision (1 lot into 4 lots) at 4 Gilliland Crescent, BLACKBUTT NORTH
5. RAL22/0022 – Reconfiguration of a Lot – Subdivision (1 Lot into 8 Lots and an access easement within proposed lot 5) at 197 Taylors Road, KINGAROY
6. RAL22/0023 – Reconfiguration of a Lot – Subdivision (1 Lot into 2 Lots) at 58 Malar Road, BOOIE
7. RAL22/0024 – Reconfiguration of a Lot - Boundary Realignment – 3 Lots into 3 at 431 Gesslers Road, OAKDALE
8. RAL22/0027 – Reconfiguration of a Lot – Subdivision (1 lot into 31 lots) at Kelvyn Street, KINGAROY (Not yet properly made)
9. RAL22/0028 – Reconfiguration of a lot – Subdivision (1 Lot into 2 Lots) at 1304 Wattlegrove Road, WATTLEGROVE
10. RAL22/0029 – Reconfiguration of a lot – Subdivision (1 Lot into 23 Lots) at McGinley Road, NANANGO
11. RAL22/0030 – Reconfiguration of a lot – Subdivision (1 Lot into 7 Lots over two (2) stages) at 31 Heights Road, GLAN DEVON
12. RAL22/0031 – Reconfiguration of a lot – Boundary Realignment (2 lots into 2 lots) at Borcherts Hill Road & Bunya Highway, MURGON
13. RAL22/0032 – Reconfiguration of a lot – Boundary Realignment (6 lots into 5 lots) at 12 Arthur Street East, NANANGO
14. RAL22/0034 - Reconfiguration of a lot – Boundary Realignment (2 lots into 2 lots) at 362 Mondure Wheatlands Road, MONDURE
15. RAL22/0038 - Reconfiguration of a lot – Subdivision (1 Lot into 2 Lots) at 122 Greenhills Drive, BLACKBUTT

16. RAL22/0039 - Reconfiguration of a lot – Subdivision (1 Lot into 31 Lots) at Kelvyn Street, KINGAROY
17. RAL22/0040 - Reconfiguration of a lot – Subdivision at Sarum Road, IRONPOT
18. RAL22/0041 - Reconfiguration of a lot – Subdivision (1 Lot into 2 Lots) at 64 Boat Mountain Road, MURGON

### **Material Change of Use (MCU) Applications**

1. MCU20/0017 – Material Change of Use – Service Station/Food & Drink Outlet/Showroom at Rogers Drive KINGAROY
2. MCU21/0001 – Material Change of Use – Service Station, Food & Drink Outlet & Shop at 81 Haly Street WONDAI
3. MCU21/0017 – Material Change of Use – Expansion of the existing piggery (57,000SPU) at 592 Morgans Road, WINDERA (and described as Lot 49 on MZ555 & Lot 203 on SP251979)
4. MCU21/0019 – Other Change to Existing Approval - Material Change of Use (Master Planned Community and Development Permit for Reconfiguration of a lot (1 lot into 6 lots plus parkland dedication) at Corner Bunya Highway & Taylors Road KINGAROY
5. MCU21/0023 – Child-care Centre at 101 Alford Street KINGAROY
6. MCU22/0004 – Extractive Industry and Easement at 79 Zerners Road MURGON
7. MCU22/0009 – Intensive Animal Industry at 97 Schloss Road CUSHNIE
8. MCU22/0011 – Motorsport and Ancillary Facilities and Caretakers' Residence and ERA (63) for Sewerage Treatment at Lewis Duff Road BALLOGIE
9. MCU22/0017 – Re-sited Secondary Dwelling at 80 King Street, NANANGO
10. MCU22/0018 – Agricultural supplies store and Special Industry (Manufacturing fertiliser) and concurrent ERA 7 (Chemical Manufacturing) at 107 River Road, KINGAROY
11. MCU22/0020 – Other change to proposed Medium Impact Industry development that formed stage 2 of the original development approval at 5 Cornish Street, KINGAROY
12. MCU22/0021 – Material Change – Granny flat at 65 Hazeldean Road, SOUTH NANANGO
13. MCU22/0022 - Material Change of use – Use of secondary dwelling for short-term accommodation at 17 Fork Hill Drive, Moffatdale
14. MCU22/0023 – Material change of use – Extension to educational establishment at 84 – 94 Ivy Street, Kingaroy
15. MCU22/0024 - Material change of use -Showroom at 9 Markwell Street, Kingaroy
16. MCU22/0025 – Material Change of use – Proposed dwelling house at Bunya Avenue, Bunya Mountains
17. MCU22/0027 – Other change – Other change to multiple dwelling units at 44 Markwell Street, Kingaroy

### **Operational Works (OPW) Applications**

1. OPW22/0007 – Operation Works – Road Work at Mondure Wheatlands Road MONDURE
2. OPW22/0012 – Operational works – Roadworks, Stormwater and Earthworks at Oliver Road, NANANGO
3. OPW22/0013 – Operational works – Roadworks, Drainage works, landscaping, stormwater, earthworks, water infrastructure and sewerage infrastructure at Kelvyn Street, Kingaroy

**ATTACHMENTS**

**Nil**

**ATTACHMENTS**

**Nil**

**18.5 DELEGATED AUTHORITY REPORTS (1 SEPTEMBER 2022 TO 31 OCTOBER 2022)****File Number:** 23/11/2022**Author:** Senior Planning Officer**Authoriser:** Chief Executive Officer**PRECIS**

Reports signed by the Chief Executive Officer under delegated authority.

**SUMMARY**

This report comprises a listing of any reports approved by delegated authority from the 1<sup>st</sup> of September 2022 until the 31<sup>st</sup> of October 2022.

---

**OFFICER'S RECOMMENDATION**

That the Delegated Authority report be received.

**ATTACHMENTS**

1. **Signed off Delegated Authority Report - Development permit for Material change of use at 4 Knowles Street, Nananago** [↓](#) 
2. **Signed off Delegated Authority Report - Development permit for Material change of use at 101 Alford Street, Kingaroy** [↓](#) 
3. **Signed off Delegated Authority Report - Development permit for Material change of use at Dangore Mountain Road, Gordonbrook** [↓](#) 
4. **Signed off Delegated Authority Report - Development permit for Operational Work at Kingaroy- Barkers Creek Road, Kingaroy** [↓](#) 
5. **Signed off Delegated Authority Report - Development permit for Reconfiguration of a lot (1 lot into 2 lots) at 23 Anita Road, Blackbutt North** [↓](#) 

Delegated Authority Report	Date: 20/10/2022
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**MATERIAL CHANGE OF USE FOR MEDIUM IMPACT INDUSTRY (JOINERY - PRODUCING LESS THAN 500 TONNES PER YEAR) AND ANCILLARY SHOWROOM AND OFFICE AT 4 KNOWLES STREET, NANANGO (AND DESCRIBED AS LOT 7 ON CP891608) - APPLICANT: TJ SUPERANNUATION FUND C/- ONF SURVEYORS**

**File Number:** MCU22/0016  
**Author:** Planning Officer  
**Authoriser:** Chief Executive Officer

	DATE
Deputy MANAGER Stanner	20/10/22
GM / Acting	20/10/22
SLO	21.10.2022

**PRECIS**

Material change of use for Medium Impact Industry (Joinery - producing less than 500 tonnes per year) and ancillary showroom and office (and described as Lot 7 on CP891608) - Applicant: TJ Superannuation Fund C/- ONF Surveyors

**SUMMARY**

- Application for Material Change of Use – Development Permit (Medium Impact Industry (Joinery - producing less than 500 tonnes per year) and ancillary showroom and office).
- Subject site located in the Medium Impact Industry zone under the South Burnett Regional Council Planning Scheme.
- Proposal triggered code assessment as the proposal did not meet accepted development subject to requirements.
- The subject site is 1,800m<sup>2</sup> and there is an existing shed at the rear of the block.
- The development application is assessed against the relevant codes of the South Burnett Regional Council Planning Scheme. Relevant codes including:
  - Medium Impact Industry Zone Code; and
  - Services and works Code.
- The subject site is within 25m of a State-controlled Road and within 100m of a State-controlled Road intersection and therefore triggered referral to SARA (Refer Attachment B for SARA Response).
- Council issued an Information Request in regard to vehicle parking and manoeuvring, landscaping, stormwater, and built form.
- The application has been assessed and the proposal generally meets the requirements of the planning scheme and relevant codes or has been conditioned to comply (refer Attachment A – Statement of Reasons).
- Refer Attachment C for Instructure Charges Notice.
- Application recommended for approval subject to reasonable and relevant conditions.

**OFFICER'S RECOMMENDATION**

That Council approve the development application for a Material Change of Use for a Medium Impact Industry (Joinery - producing less than 500 tonnes per year) and ancillary showroom and office on land at 4 Knowles Street, Nanango (and described as Lot 7 on CP891608), subject to the following conditions.

**GENERAL**

GEN1. The development must be completed and maintained in accordance with the approved plans and documents and conditions to this development approval:

Drawing Title	Prepared By	Ref No.	Revision	Date
Site Plan	Blueprint Drafting Services	21-3125-TN Sheet 1	-	22 August 2022
Floor Plan	Blueprint Drafting Services	21-3125-TN Sheet 2	-	22 August 2022

Delegated Authority Report	Date: 20/10/2022
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Elevations	Blueprint Services	Drafting	21-3125-TN Sheet 3	-	22 August 2022
3D Views 1	Blueprint Services	Drafting	21-3125-TN Sheet 4	-	22 August 2022
3D Views 2	Blueprint Services	Drafting	21-3125-TN Sheet 5	-	22 August 2022
Service Vehicle Turning Path	ATC Engineers		23020 G-101	A	2 September 2022
Preliminary Stormwater Layout	ATC Engineers		23020 D-101	A	30 August 2022
Cover Sheet Sheet 1 of 5	Marion Birkenbeil		TM-01 LD-01	-	5 August 2022
Landscape Plan – Sheet 2 of 5	Marion Birkenbeil		TM-01 LD-02	-	5 August 2022
Plant Schedule & Images Sheet 3 of 5	Marion Birkenbeil		TM-01 LD-03	-	5 August 2022
Landscaping Specifications Sheet 4 of 5	Marion Birkenbeil		TM-01 LD-04	-	5 August 2022
Details and Materials	Marion Birkenbeil		TM-01 LD-05	-	5 August 2022

#### APPROVED USE

GEN2. The approved development is a Material Change of Use for Medium Impact Industry, as shown on the approved plans and does not imply approval for other similar uses.

#### DEVELOPMENT PERIOD – MCU

GEN3. The currency period for this development approval for material change of use is six (6) years after the development approval starts to have effect.

#### COMPLIANCE, TIMING AND COSTS

GEN4. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.

GEN5. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

#### MAINTAINANCE

GEN6. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the Approved Plan, subject to and modified by any conditioned of this approval.

GEN7. Maintain the site in a clean and orderly state at all times.

GEN8. Dust prevention measures must undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

#### LANDSCAPING

MCU1. Implement the submitted Landscape Plan prepared by Marion Birkenbeil (as referenced in GEN1) and maintain at all times.

#### BUILT FORM

MCU2. All parts of the building facades visible from the road do not incorporate highly reflective materials.



Delegated Authority Report	Date: 20/10/2022
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### **WASTE STORAGE COLLECTION**

- MCU3. Provision must be made for the storage and removal of waste in accordance with the Waste Reduction and Recycling Regulation 2011.
- MCU4. Any areas that are dedicated for the collection and/or storage of solid waste on the premises are to be:
- a) level;
  - b) Provided with impervious hard stand and drained; and
  - c) If facing either the street frontage or adjoining properties, screened by a 1.8m high fence around the full perimeter.

### **MECHANICAL PLANT**

- MCU5. Mechanical plant (air conditioning, refrigeration equipment and pumps) must comply with the Environmental Protection Act 1994.

### **ENGINEERING WORKS**

- ENG1. Complete all works approved and works required by conditions of the development approval and/or any related approval at no cost to Council, prior to the commencement of the use unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.
- ENG3. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road or drainage works required in connection with the development.

### **LOCATION, PROTECTION AND REPAIR OR DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES AND INFRASTRUCTURE AND ASSETS**

- ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

### **STORMWATER MANAGEMENT**

- ENG6. Provide stormwater management generally in accordance with the Preliminary Stormwater Layout prepared by ATC Engineers & Project Managers, Plan No. D-101 Revision A, dated 30/8/22, subject to detailed design and except as altered by conditions of this development approval.
- ENG7. Design and construct stormwater drainage to ensure that the development will achieve "no nuisance" as described in the Queensland Urban Drainage Manual (QUDM) to all downstream properties including road reserves and the like for design storms up to ARI100.
- ENG8. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG9. Stormwater from sealed areas and overflow pipes from stormwater detention structures and/or tanks installed for the stormwater system is required to be piped to existing table drain.
- ENG10. Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.

Delegated Authority Report	Date: 20/10/2022
----------------------------	------------------

- ENG11. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

#### **WATER SUPPLY**

- ENG12. Connect the development to Council's reticulated water supply system via a single connection.

#### **ON-SITE WASTEWATER DISPOSAL**

- ENG13. Connect the development to an on-site wastewater disposal system, in accordance with the AS1547 and the Queensland Plumbing and Waste Water Code.
- ENG14. Obtain a Development Permit for Plumbing Works for the on-site wastewater treatment system.

#### **PARKING AND ACCESS – GENERAL**

- ENG15. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.
- ENG16. Design and construct all parking and manoeuvring areas with concrete, asphalt or a two-coat bitumen seal.
- ENG17. Provide a minimum of 6 car parking spaces including a minimum of 1 person with disability (PWD) car parking spaces.
- ENG18. Design & construct all PWD car parking spaces in accordance with AS2890.6.
- ENG19. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
- ENG20. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.
- ENG21. Provide longitudinal gradient and crossfall for all driveways to comply with the requirements of AS2890.1.

#### **PARKING AND ACCESS – SERVICING**

- ENG22. Design along the route to and from all loading facilities and the external road network, all access driveways, circulation driveways, parking aisles and the like with a layout that accommodates the turning movements of a Medium Rigid Vehicle (8.8m long), and ensure that all vehicles are able to enter and exit the site in a forward direction.

#### **VEHICLE ACCESS**

- ENG23. Construct a commercial crossover between the property boundary and the edge of the Knowles Street road pavement, having a minimum width of 6 metres, generally in accordance with IPWEAQ Std Dwg RS-051, Rev F. Ensure that crossover splay is designed to accommodate turning movements of a Medium Rigid Vehicle.
- ENG24. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

#### **ELECTRICITY AND TELECOMMUNICATION**

- ENG25. Connect the development to electricity and telecommunication services.

#### **EROSION AND SEDIMENT CONTROL – GENERAL**

- ENG26. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

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- ENG27. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

#### **ADVICE**

- ADV1. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filing out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

#### **APPEAL RIGHTS**

- ADV2. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

#### **INFRASTRUCTURE CHARGES**

- ADV3. Infrastructure charges are not levied by way of an infrastructure charges notice pursuant to section 119 of the *Planning Act 2016*.

#### **DEVELOPMENT INCENTIVE SCHEME**

- ADV4. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

For further information or application form please refer to the rules and procedures on Council's website.

Delegated Authority Report	Date: 20/10/2022
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**FINANCIAL AND RESOURCE IMPLICATIONS**

No implication can be identified.

**LINK TO CORPORATE/OPERATIONAL PLAN**

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.

GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

**COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Refer to CONSULTATION in this report.

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

No implication identified.

**POLICY/LOCAL LAW/DELEGATION IMPLICATIONS**

No implication can be identified.

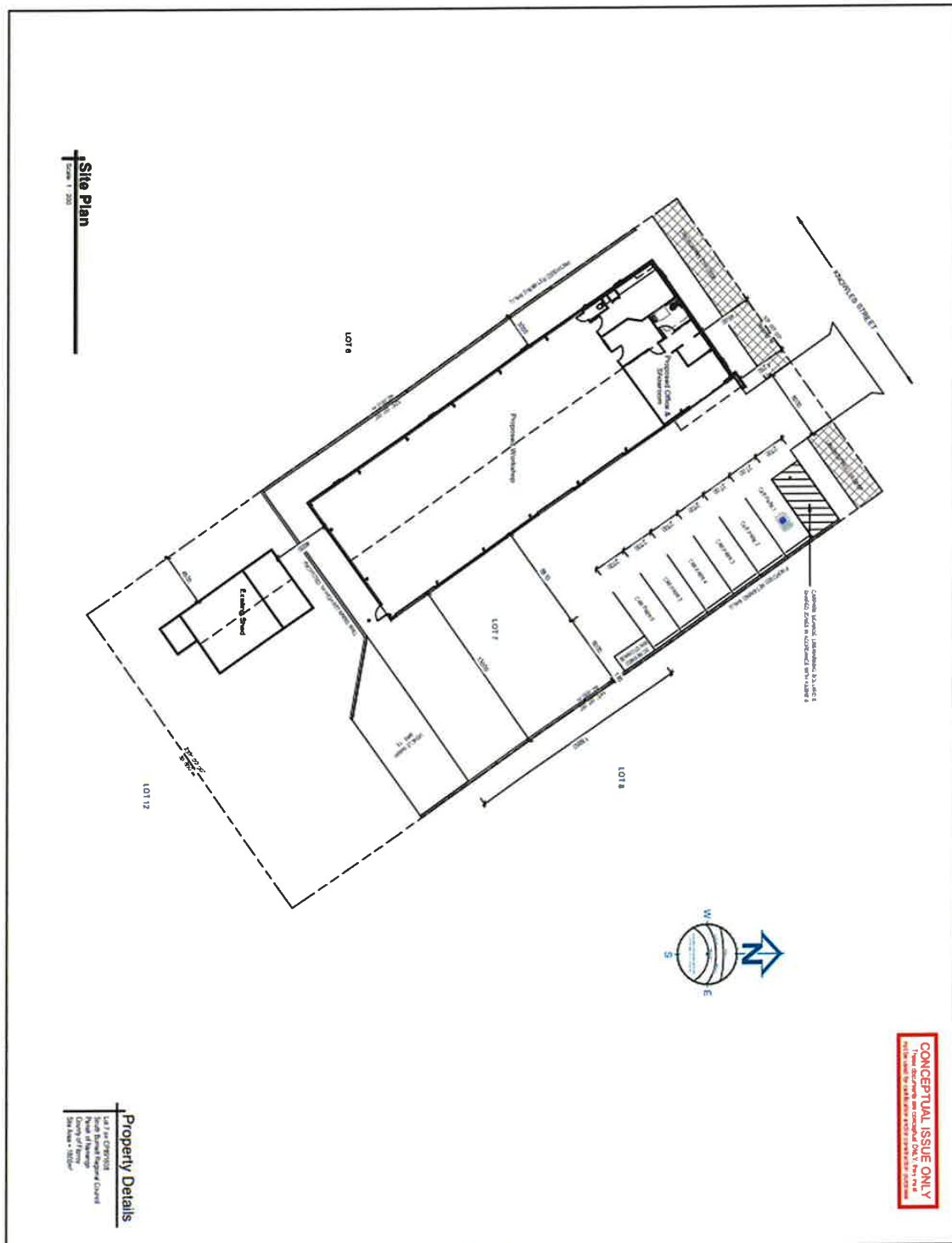
**ASSET MANAGEMENT IMPLICATIONS**

No implication can be identified.

**PROPOSAL PLAN**

Delegated Authority Report

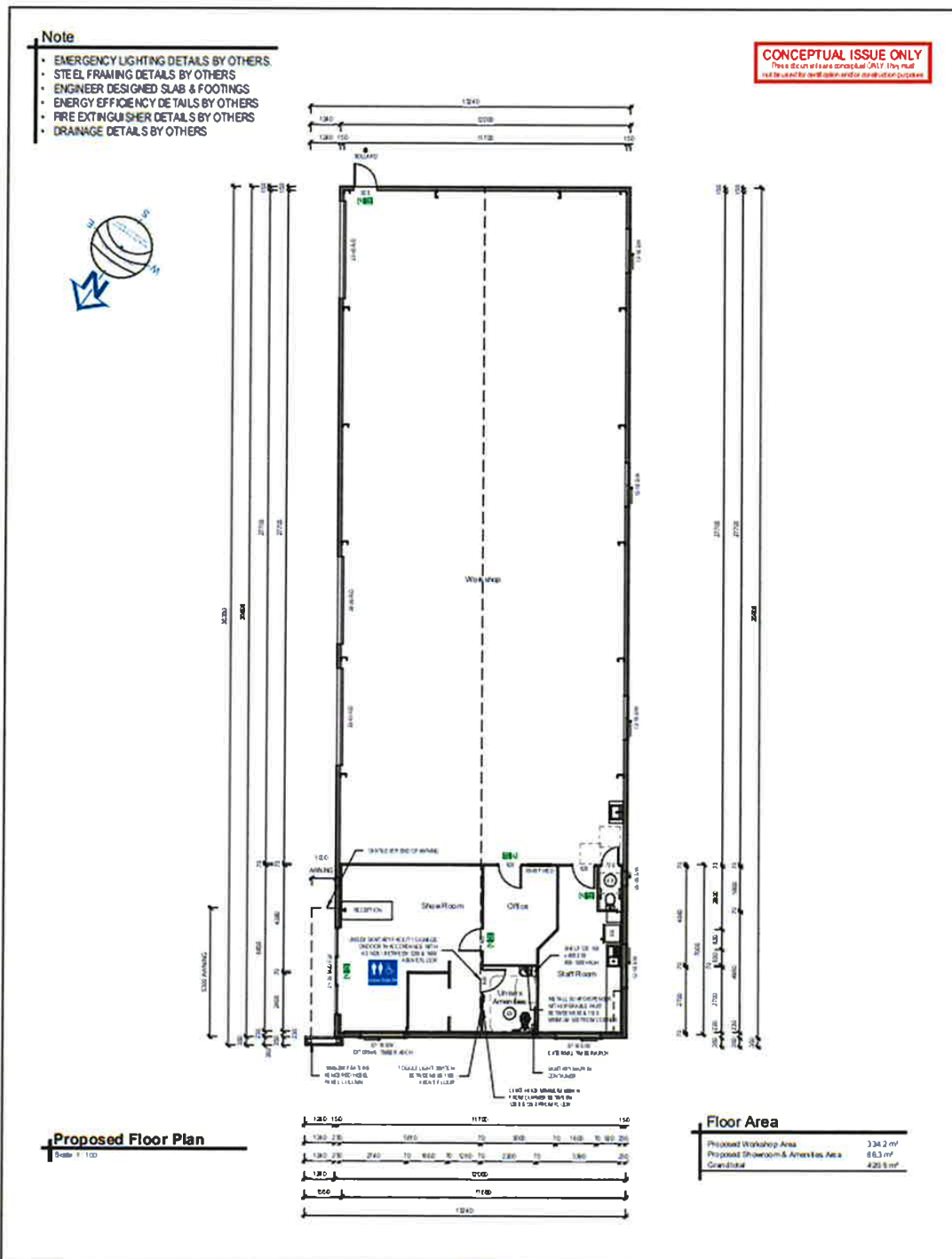
Date: 20/10/2022



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 Building Design & Construction  
 200, C.T. Road  
 PO Box 100, 171, QLD  
 Tel: 07 551 1000  
 Fax: 07 551 1001  
 Email: info@blueprint.com.au

**MANAGING COMMITTEE**  
**PROPOSED**  
**MEMBERSHIP A**  
**OFFICE**  
 4 ROOMS 15 STREET  
 BALMAIN QLD 4015

**RTI PLAN**  
 21-3125-TN



<p>21-125-TN</p> <p>2</p>	<p>DATE: 20/10/2022</p> <p>PROJECT: [REDACTED]</p> <p>CLIENT: [REDACTED]</p> <p>DESIGNER: [REDACTED]</p> <p>ARCHITECT: [REDACTED]</p> <p>ENGINEER: [REDACTED]</p> <p>PLUMBER: [REDACTED]</p> <p>ELECTRICIAN: [REDACTED]</p> <p>MECHANICAL: [REDACTED]</p> <p>LANDSCAPE: [REDACTED]</p> <p>INTERIOR DESIGNER: [REDACTED]</p> <p>PAINTER: [REDACTED]</p> <p>GLAZIER: [REDACTED]</p> <p>ROOFER: [REDACTED]</p> <p>CONCRETE: [REDACTED]</p> <p>STEELWORKER: [REDACTED]</p> <p>WELDER: [REDACTED]</p> <p>PAVING: [REDACTED]</p> <p>LANDSCAPE: [REDACTED]</p> <p>CONCRETE: [REDACTED]</p> <p>STEELWORKER: [REDACTED]</p> <p>WELDER: [REDACTED]</p> <p>PAVING: [REDACTED]</p>
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**CONCEPTUAL ISSUE ONLY**  
This document is prepared for the purpose of providing information only and is not intended to be used for any other purpose.

**North-Western Elevation**  
Scale: 1:100  
New Steel Floor Height: 3350  
Office Top Floor: 1550  
New Steel Floor Level: -1150

**South-Western Elevation**  
Scale: 1:100  
New Steel Floor Height: 3350  
Office Top Floor: 1550  
New Steel Floor Level: -1150

**South-Eastern Elevation**  
Scale: 1:100  
New Steel Floor Height: 3350  
Office Top Floor: 1550  
New Steel Floor Level: -1150

**North-Eastern Elevation**  
Scale: 1:100  
New Steel Floor Height: 3350  
Office Top Floor: 1550  
New Steel Floor Level: -1150

**Client:** Bluebird  
**Project:** 4 BROWN LANE STREET  
**Address:** DUNEDIN 8011  
**Architect:** BRYAN BIRD  
**Phone:** 03 478 1234  
**Website:** www.bryanbird.co.nz

**Project Information:**  
Project Name: 4 BROWN LANE STREET  
Project Address: DUNEDIN 8011  
Project Reference: 21-3125-TN  
Project Date: 20/10/2022

**Northern View**  
NOT TO SCALE

**CONCEPTUAL ISSUE ONLY**  
These documents are conceptual ONLY. They must not be used for certification and/or construction purposes

**Western View**  
NOT TO SCALE

Revision	Date	Description	Designer
Revision Schedule			

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www.blueprintdesign.net.au

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Client	MANANGAN JONJERY
Project	PROPOSED WORKSHOP & OFFICE
Site Address	4 KNOWLES STREET NANANGO QLD 4615
Sheet Name	3D VIEWS 1
Scale	NOT TO SCALE @ A1
Date	20th AUGUST 2022
Designed by	T. BISHWILLI
Approved	
Hand Number	21-3125-TN
Sheet	4



Delegated Authority Report

Date: 20/10/2022



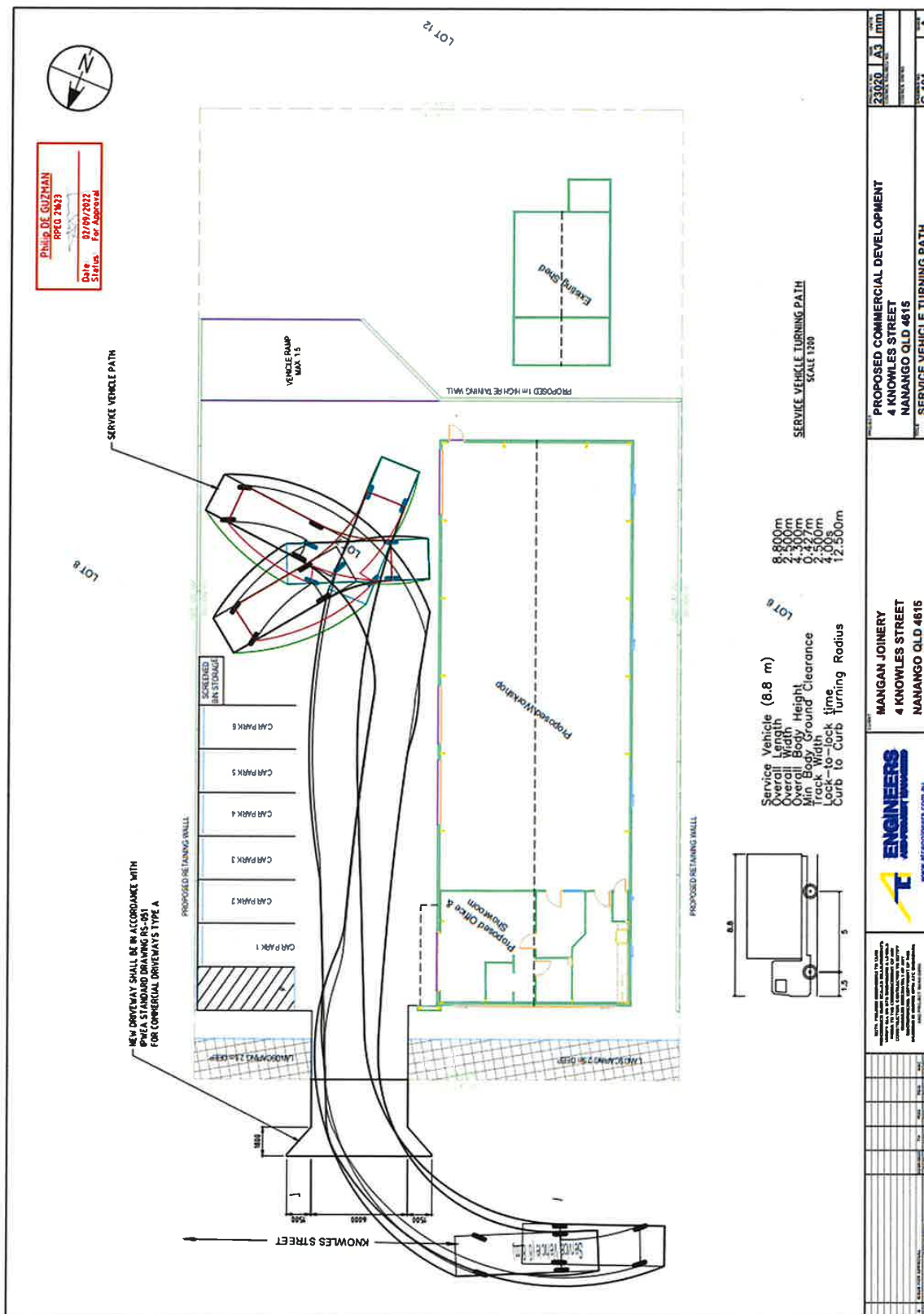
**CONCEPTUAL ISSUE ONLY**  
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Revision	Date	Description	Designer
Revision Schedule			

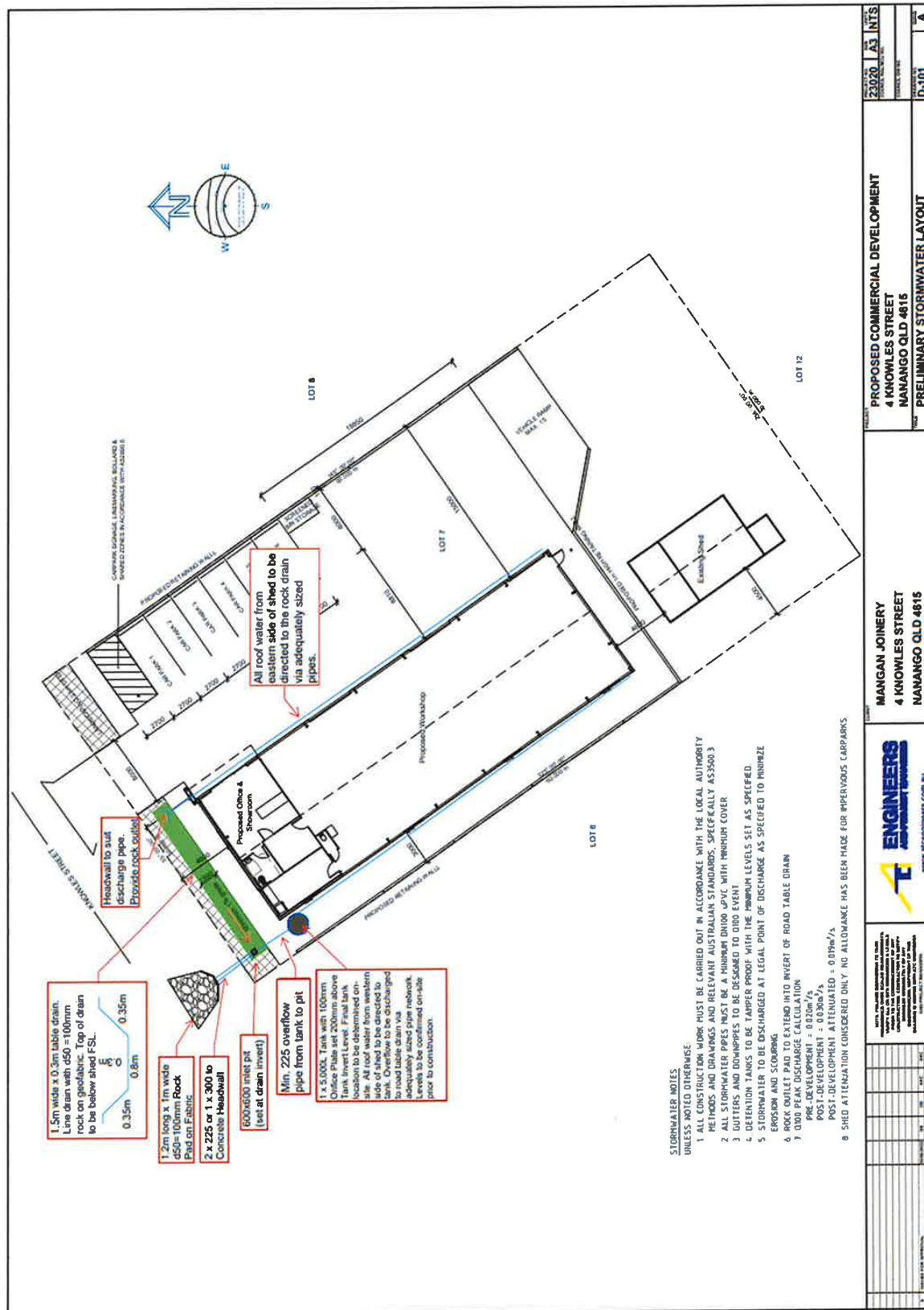
**blueprint**  
 Blueprint Building Services  
 4801 9212 9413172  
 Licensed Building Designer  
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 5 O'Hara Drive  
 JACOBS WELLS QLD 4208  
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**Client:** MANGAL JONERY  
**Project:** PROPOSED WORKSHOP & OFFICE  
**Site Address:** 4 KNOWLES STREET MANNINGO QLD 4815  
**Sheet Name:** 3D VIEWS 2  
**Scale:** NOT TO SCALE @ A3  
**Date:** 22nd AUGUST 2022  
**Designer:** I. FERRELL  
**Approved:**  
**Project Number:** 21-3125-TN  
**Sheet:** 5



<b>PROPOSED COMMERCIAL DEVELOPMENT</b> 4 KNOWLES STREET NANANGO QLD 4815	
<b>MANGAN JOINERY</b> 4 KNOWLES STREET NANANGO QLD 4815	
	
PROJECT NO: 23020 DRAWING NO: A3 SCALE: 1:100 DATE: 07/09/2022	SHEET NO: G-101 OF: A



PROJECT NO	23020	DATE	20/10/2022
PROJECT NAME	PROPOSED COMMERCIAL DEVELOPMENT 4 KNOWLES STREET NANANGO QLD 4816		
PROJECT TYPE	PRELIMINARY STORMWATER LAYOUT		
SCALE	D-101		
DATE	A		
CLIENT	MANGAN JOINERY 4 KNOWLES STREET NANANGO QLD 4816		
ENGINEER	 www.atengineers.com.au		

**SUBJECT SITE AND LANDSCAPE DESIGN INTENTION**

The subject site is located at 4 Knowles Street, Nanango Qld 4615. This landscape design for a proposed Workshop and Office is based on the Site Plan by Blueprint Drafting Services. Refer to the wastewater plans provided by ENVIRO WATER DESIGN, Job no.: EWD 2386, Sheets 1 to 7, and to their Design Statement and Report Job no.: EWD3795. The proposed planting shall enhance the visual amenity of the new building. Two native trees are to be planted in advanced sizes (25 L. min.). One existing shrub in the front garden may be pruned and replanted - to be advised by the client.

**LIST OF SHEETS**

- LD01 COVER SHEET
- LD02 LANDSCAPE DESIGN
- LD03 PLANT SCHEDULE & PLANT IMAGES
- LD04 SCOPE OF WORKS / LANDSCAPE SPECIFICATIONS
- LD05 DETAILS AND MATERIALS



Figure 1: Location of subject site (not to scale)

**REAL PROPERTY DESCRIPTION**

Lot 7 on CP891608  
 South Burnett Regional Council  
 Parish of Nanango  
 County of Fitzroy  
 Site Area = 1800m<sup>2</sup>

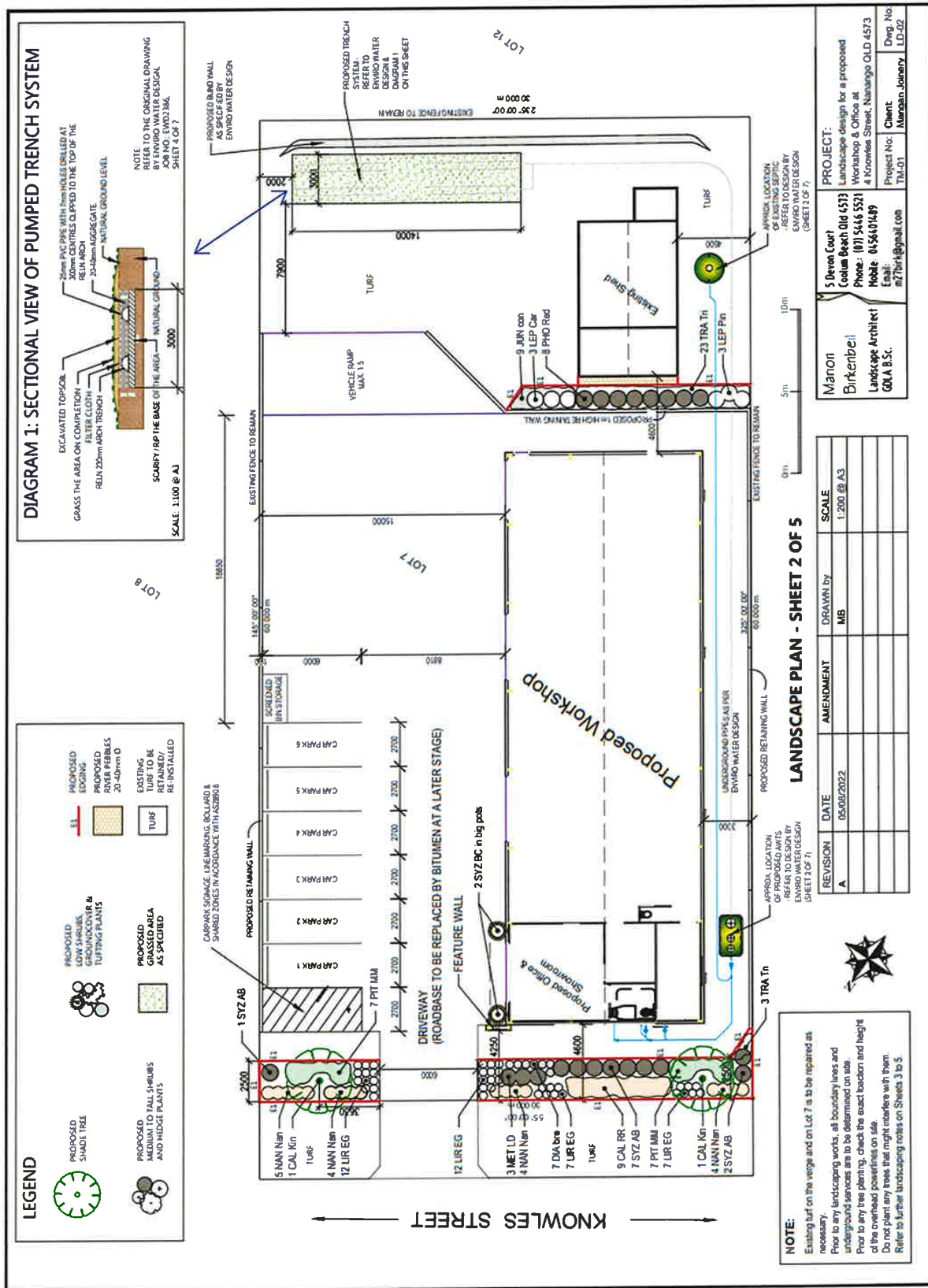


Marion Birkenbeil Landscape Architect QUA U.S.C.	5 Devon Court Coles Beach Qld 4573 Phone: (07) 5446 5331 Mobile: 055411449 Email: mar@marionbirkenbeil.com	PROJECT: Landscape design for a proposed Workshop & Office at 4 Knowles Street, Nanango QLD 4573
	Project No: TM-01 Client: Marston-Jarvis	Draw. No: LD-01

REVISION	DATE	AMENDMENT	DRAWN BY	SCALE
A	05/09/2022		MB	N/A



**COVER SHEET**

Delegated Authority Report

Date: 20/10/2022

**PLANT IMAGES**



Metrosideros 'Little Dugald'



Pittosporum 'Miss Muffet'



Syzygium 'Aussie Boomer'



Trachelospermum 'Tricolour'

**SHEET 3**

**Manon Birkenbeil Landscape Architect GOLLA B.Sc.**

**PROJECT:** 5 Devon Court, Coolam Beach Qld 4573  
Landscape design for a proposed Workshop & Office at 4 Knowles Street, Manango QLD 4573

**Phone:** 071 5446 5521  
**Mobile:** 0456491489  
**Email:** m7@trh@gmail.com  
**Project No.:** TM-01  
**Client:** Manangan Joinery  
**Draw. No.:** LD-03

Code	Botanical Name:	Common Name:	Size:	Typical spacing:	Mat. Height x Spread:	Quantity:
<b>TREES</b>						
CAL Kin	<i>Callistemon Kings Park Special'</i>	Bottlebrush	25 L	per plan	4m x 3 to 4m	2
<b>TALL SCREENING SHRUBS</b>						
MET LD	<i>Metrosideros 'Little Dugald'</i>	Little Dugald	200mm	at 1m centres	2m x 1m or pruned	3
PHO Red	<i>Photinia 'Red Robin'</i>	Photinia 'Red Robin'	140mm	at 1m centres	2 to 3m x 1.5m	8
SYZ AB	<i>Syzygium 'Aussie Boomer'</i>	Lillypilly 'Aussie Boomer'	200mm	at 1m centres	2m x 1.5m	10
<b>SHRUBS TO 1.5m HEIGHT MAX.</b>						
CAL RR	<i>Callistemon 'Rocky Rambler'</i>	Bottlebrush 'Rocky Rambler'	140mm	per plan	0.7m x 0.7m	9
LEP CW	<i>Leptospermum flavescens 'Cardwell'</i>	Leptospermum 'Cardwell'	140mm	1 per linear m	1.5 to 2m x 1.5m	3
LEP Pin	<i>Leptospermum 'Pink Cascade'</i>	Leptospermum 'Pink Cascade'	140mm	per plan	0.8m x 1.5m	3
NAN Nun	<i>Mandala domestica 'Nana'</i>	Dwarf Nandina	140mm	per plan	0.6m x 0.6m	13
PIT MM	<i>Pittosporum 'Miss Muffet'</i>	Pittosporum 'Miss Muffet'	140mm	per plan	0.7m x 0.8m	14
<b>GROUNDCOVER, TUFTING &amp; TRAILING PLANTS</b>						
DIA bre	<i>Dianella brevipedunculata</i>	Blue Flax Lily	140mm	at 500mm centres	0.5m x 0.5m	7
JUN con	<i>Juncus conferta</i>	Shore Juniper	140mm	per plan	trailing	9
LIR EG	<i>Liriodendron 'Evergreen Giant'</i>	Liriod. 'Evergreen Giant'	140mm	at 480mm centres	0.5m x 0.5m	38
TRA Tr	<i>Trachelospermum 'Tricolour'</i>	Vine-trailing Star Jasmine	140mm	at 700mm centres	0.4m x 0.7m	26
<b>FEATURE PLANTS IN FEATURE POTS</b>						
SYZ BC	<i>Syzygium 'Booth Christmas'</i>	Lillypilly 'Booth Christmas'	200mm	1 per pot	bushy shrub	2

**NOTE:**  
Optional: Depending on the size of the feature pots, add some hardy trailing plants, e.g. 6 *Helichrysum petiolare* 140mm.  
Please contact the landscape architect, if certain plant species are not available at the planting time.  
Refer to further specifications and Typical Tree Planting Detail on Sheets 4 and 5.

**GENERAL NOTES:**

**1. PLANT SPECIES AND NUMBERS**  
Plant species as listed above are indicative only and require final count once the landscape design has been approved.  
Mature sizes can vary depending on location.

**2. PLANT QUALITY**  
All plant stock is to be well formed, hardened off nursery stock. They are to be container grown in potting mixture with a healthy root system and not pot bound.  
All pots shall be free of weeds and plant stock is to be free from living insects, pests and disease.

**3. ADVANCED TREE NOTES.**  
All advanced trees 45L or greater are to be certified as AS2303-2018 compliant.  
Contractor to sight and supply certification to superintendent prior to accepting trees from the nursery.  
Contractor is to remove all tree stock at unloading and prior to planting to ensure the following:  
Trunk is not buried below flare in trunk at top of roots. There is no sign of root girdling. Tree is self supporting.  
Tree is of good form and health. When bag is removed roots are not circling or pot bound.  
Trees that fail these criteria should not be planted and are to be returned to nursery.  
Trees are to be planted 20-30mm above finish level to allow for settling. Rip side of root ball prior to planting to loosen roots.  
Advanced trees 25L or greater are to be staked as shown on Detail 1: Typical Advanced Tree Planting on Sheet 5.

REVISION	DATE	AMENDMENT	DRAWN by	SCALE
A	05/08/2022		MB	N/A

**PLANT SCHEDULE & IMAGES**

### SCOPE OF WORKS

**LANDSCAPE WORKS ARE TO INCLUDE THE FOLLOWING:**

- Co-ordination with other trades
- Conduct installation where applicable
- Excavation and drainage of planting areas
- Weeding and pruning
- Topsoil – Supply and incorporation
- Garden edging
- Shaping of garden areas
- Supply and installation of containerised plants
- Planting of 2 feature pots
- Supply and spread of organic mulch
- Supply and installation of gravel / pebbles
- Supply and lay of turf / repair of existing lawns
- Watering as required according to rainfall, weather and soil conditions
- Maintenance of landscape works / Establishment periods as stated on this sheet.

### LANDSCAPE WORKS NOTES

- 1. SERVICES**  
It is the responsibility of the contractor to determine the location of boundaries and all services prior to all landscape works, construction or installation.
- 2. PREPARATION**  
Eradicate all weeds. Remove debris from site. Excavate areas for new garden beds and new lawns to allow 300mm for garden beds and 100mm for turfed areas. Cultivate existing ground to a minimum depth of 300mm for garden beds.
- 3. DRAINAGE AND FALLS**  
Landscape contractor to ensure all levels provide sufficient drainage to nominated points or to street drainage. Grade all turf and planting areas evenly away from structures and towards legal drainage points of discharge. Ponding is not acceptable. If planting areas will be constructed at buildings they shall drain away from building at min. 1:40.

### 4. TOPSOIL FOR GARDEN BEDS

Supply and place imported topsoil, suitable for native plants and free of any weeds, nut grass, roots, rocks and toxic materials, to dedicated areas. All soils (both the site topsoil and imported topsoil) to comply with AS 4419. Topsoil for garden areas to be a min. 300mm depth. Where possible maximise the use of soil from on site. Topsoils to be of horticultural suitability and to receive appropriate amelioration if required. Place all topsoils in the areas directed and specified. Prevent excess compaction during construction works.

### 5. PLANTS & FERTILISER

All plants are to be set out in accordance with the specified locations and densities as detailed on Sheet LD02 and as per Plant Schedule on Sheet LD03. All planting and landscaping shall be undertaken by a qualified landscape contractor. Plants to be healthy, of a good quality and to be hardened-off nursery stock, well foliated and true to species and variety. Trunks and branches shall be sturdy and uniformly distributed to form a well branched plant. All plants shall receive water crystals as per manufacturer's directions and slow release fertiliser. In accordance with best horticultural practices, soak the soil thoroughly prior to planting and after planting. Unless an automatic irrigation system is installed, water all plants according to their needs with a hand-held hose, especially in the first 6 weeks after planting. Follow any current water restrictions by the Council. All Tree stock must:
 

- Conform to the stock selection criteria outlined in AS 2303:2018 - Tree Stock for Landscape Use.
- Be certified NATSPEC compliant (tree stock over 200mm)
- Be free of nutrient deficiencies and disease
- Be acclimatised to conditions similar to those expected on the development site.

Advanced trees in 25L pot size or larger are to be staked with at least 2 hardwood stakes. Stakes must not be driven through the root ball. Refer to Typical Advanced Tree Planting Detail on Sheet LD05.

### 6. TURF & TOPDRESSING

Damaged existing turf areas on verges to be repaired as necessary during the Establishment Period. New turfed areas to be cultivated to a depth of 150mm prior to placement of 100mm min. depth of free draining, sandy loam topsoil. Topsoil to comply with AS4419. Lightly compact the topsoil. All turfed levels are to be finished to appropriate falls and finish flush with adjacent surface treatments. Roll and water turf after laying to ensure a smooth even surface. Turf to be of a good quality and to be fairly drought tolerant. Maintain or replace existing turf through period of construction as necessary. Topdressing to lawns as required to maintain an even surface during the maintenance period. Topdressing material to comply with AS4419 to a maximum depth of 10mm.

### 7. PUMPED TRENCH SYSTEM

Refer to Diagram 1 on Sheet LD02 and to specifications by ENVIRO WATER DESIGN

### 8. MULCH

Mulch to be free from rubble and rubbish, soil, weeds and twigs. Provide Hoop Pine Bark 25mm grade or other mulch as approved. Mulch is to be placed on site as soon as possible after weeding and after planting to prevent weed growth and to retain moisture. Spread to an approximate depth of 100mm minimum (and 150mm depth maximum). The finish level of the mulch is to be level with the finish level of all adjacent surfaces after settlement allowances of the topsoil and mulch. Ensure all mulch is placed clear of plant stems to avoid rotting of plants.

### 9. GRAVEL / RIVER PEBBLES

Construct gravel areas over approved weedmats (layer of gravel/pebbles at least 75mm).

### 10. PLANTS IN FEATURE POTS

Feature pots to have good drainage. Provide good quality potting mix. Shrubs shall be pruned occasionally to achieve a dense bushy appearance. A layer of organic mulch or small decorative pebbles may be provided after planting. Keep organic mulch away from leaves and trunks of plants.

### 11. GARDEN EDGING

Supply and install edging between garden beds, turfed areas and gravel areas as shown on Sheet LD02. Edging could be 'LinkaEdge' 75mm high.

### 12. MATERIALS AND FINISHES

Exact quantities of all materials to be determined on site. Also refer to Sheet LD05.

### 13. MAINTENANCE

The Establishment Period commences at the date of Practical Completion of Works. During the Establishment Period, best horticultural practices are to be maintained including (but not limited to) the following items: weeding, pruning, fertilising, pest and disease control, mulching, watering, rubbish removal and keeping the site neat and tidy. Remove all nursery sticks and labels of plants. Remove the stakes and ties of the trees as soon as they are no longer needed. Maintenance of landscape works: 12 weeks for general landscaping works. The following maintenance activities will be required to enhance landscaping success: Watering: as a benchmark, plantings may need to be watered every day for week 1 following planting, twice per week for weeks 2-4, and weekly onwards until 6 months after planting. Watering requirements beyond this establishment phase will be site specific depending on weather conditions. Deep soaking is preferred over light watering to promote deep-rooting and should take place early in the morning or late in the evening. In the event soils are hydrophobic, a wetting agent can be applied. Weed control: manual weed control and spot herbicide application should be used as required. Replenishing mulch supplies: as required; Replenishing tree guards: as required; Supplementary planting: The maintenance period includes monitoring of plant performance with remedial action as required. Failed or damaged plants are to be replaced during the Establishment Period / prior to practical completion at the superintendent's direction.

## SHEET 4

**Manon Birkenbell**  
Landscape Architect  
QLD A.S.C.


5 Devon Court  
Coolool Beach Qld 4573  
Phone: (07) 5446 5531  
Mobile: 0454410439  
Email: m.birkenbell@gmail.com

**PROJECT:** Landscape design for a proposed Workshop & Office at 4 Knowles Street, Nannaroo QLD 4573

Project No: TM-01 Client: Manshan January 1 2024  
Dwg. No: LD-04

REVISION	DATE	AMENDMENT	DRAWN BY	SCALE
A	05-09-2022		MB	N/A

### LANDSCAPE SPECIFICATIONS



Item

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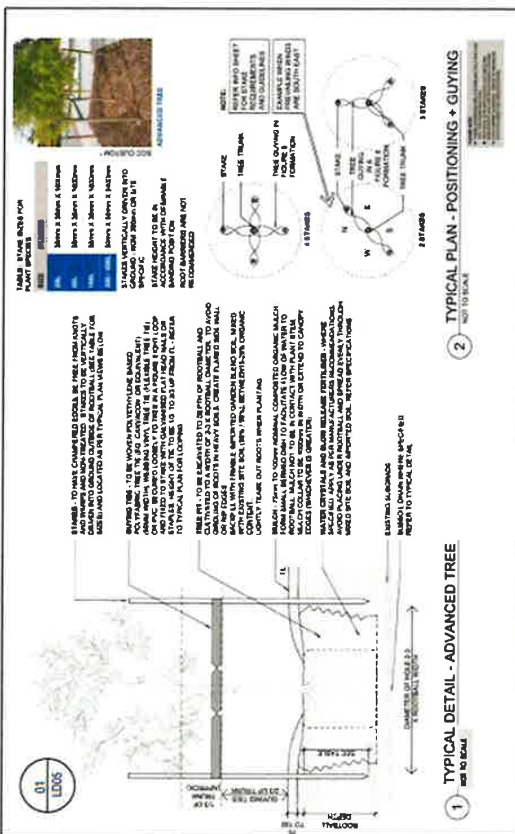
Item 18.5 - Attachment 1

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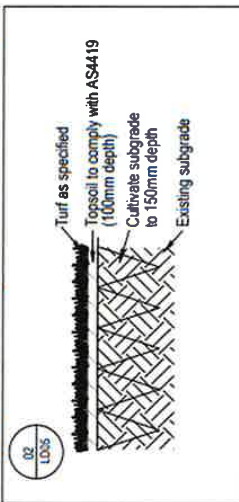
**MATERIALS & FINISHES SCHEDULE**

ITEM	REQUIREMENTS
Turf	Supply and install turf / repair existing turf. Turf to be drought tolerant, e.g. 'Empire Zoysia' or 'Wintergreen'.
Topdressing to turfed areas	As specified on Sheet LD04.
Topsoil	For garden beds as specified.
Garden Edge	Install edging between planting areas and turf or gravel.
Feature pots	Large pots / planters to be supplied by the client. Provide good quality potting mix.
Stakes for trees	And other materials for advanced tree planting as specified - refer Detail 1.
Mulch	As specified.
Fertilizer and water crystals	As specified.
Gravel / Pebbles	Refer to Sheets LD02 & LD04.

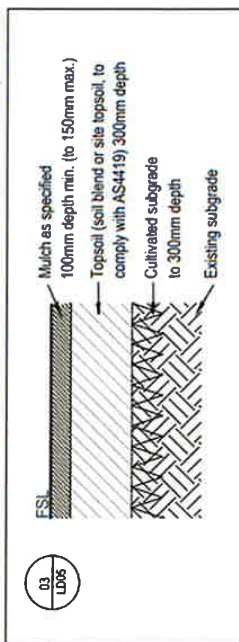
**DETAIL 1: TYPICAL ADVANCED TREE PLANTING**



**DETAIL 2: TYPICAL TURF PROFILE**



**DETAIL 3: TYPICAL GARDENBED PROFILE**



**SHEET 5**

REVISION	DATE	AMENDMENT	DRAWN BY	SCALE
A	05/08/2022		MB	NOT TO SCALE

DETAILS AND MATERIALS

Manon Birkenbeil Landscape Architect GOLLA B.S.C.	PROJECT: 5 Deron Court Cootamundra NSW 2591 Phone: (071) 5446 5521 Mobile: 0455410189 Email: m77bird@gmail.com	PROJECT: Landscape design for a proposed Workshop & Office at 4 Knowles Street, Nanango QLD 4573 Project No: TML-01 Client: Manogan Jobbery Dwg No: LD-05
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Delegated Authority Report	Date: 20/10/2022
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**REPORT**

The applicant seeks approval for a material change of use for Medium Impact Industry (Joinery – producing less than 500 tonnes per year) and ancillary showroom and office.

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	TJ Superannuation Fund C/- ONF Surveyors
<b>Proposal:</b>	Medium Impact Industry Workshop with showroom and office space.
<b>Properly Made Date:</b>	12 July 2022
<b>Street Address:</b>	4 Knowles Street, Nanango
<b>RP Description:</b>	Lot 7 CP891608
<b>Assessment Type:</b>	Code Assessment
<b>Number of Submissions:</b>	N/A
<b>State Referral Agencies:</b>	State Assessment and Referral Agency  Triggers: <ul style="list-style-type: none"> <li>✓ 25m of State-controlled Road</li> <li>✓ 100m of State-controlled Road intersection</li> </ul>
<b>Referred Internal Specialists:</b>	Development Engineer

The following table describes the key development parameters for the proposal:

<b>PROPOSED DEVELOPMENT</b>	
<b>Proposed Development:</b>	Medium Impact Industry Workshop with showroom and office space.
<b>Variations Sought:</b>	Nil
<b>Level of Assessment:</b>	Code assessable
<b>Area to be used:</b>	420.5m <sup>2</sup> total  Workshop = 334.2m <sup>2</sup> Showroom, office & amenities = 86.3m <sup>2</sup>
<b>Impervious Area:</b>	Not provided
<b>Car Parking Spaces:</b>	6 (including 1 PWD park)
<b>Service Vehicle Provision:</b>	Nil
<b>Submissions Received:</b>	N/A
<b>Decision Making Period Ends:</b>	12 October 2022

**SITE DETAILS:**

<b>SITE AND LOCALITY DESCRIPTION</b>				
<b>Land Area:</b>	1,800m <sup>2</sup>			
<b>Existing Use of Land:</b>	Shed at rear of the site			
<b>Road Frontage:</b>	Knowles Street			
<b>Road/s</b>	<b>Road Hierarchy</b>			
Knowles Street	Place			
<b>Easements</b>	Nil			

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<b>Significant Site Features:</b>	Nil	
<b>Topography:</b>	Relatively flat	
<b>Surrounding Land Uses:</b>	<b>Land Use</b>	<b>Zone/Precinct</b>
<b>North</b>	The site is located within an established industrial estate. Land directly to the south, east and west of the subject site is located in the medium impact industry zone and are used for mixed industrial and commercial uses. To the north of the site is the D'Aguilar Highway and land zoned as rural residential. Further to south of the site is the Nanango racecourse.	
<b>South</b>		
<b>East</b>		
<b>West</b>		
<b>Services:</b>	Nil.	

### Background / Site History

<b>APPLICATION NO.</b>	<b>DECISION AND DATE</b>
	N/A

### ASSESSMENT:

#### Framework for Assessment

#### Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- The *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

#### Assessment Benchmarks Pertaining to the Planning Regulation 2017

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Assessment Benchmarks:</b>	Nil.
<b>WBB Regional Plan Designation:</b>	N/A

#### Assessment Benchmarks Pertaining to the Planning Scheme

The applicable planning scheme for the application is South Burnett Regional Council Version 1.4. The following sections relate to the provisions of the Planning Scheme.

<b>Planning Scheme:</b>	South Burnett Regional Council Planning Scheme Version 1.4
<b>Strategic Framework Land Use Category:</b>	Urban
<b>Zone:</b>	Medium Impact Industry Zone
<b>Precinct:</b>	N/A
<b>Consistent/Inconsistent Use:</b>	Consistent
<b>Assessment Benchmarks:</b>	Medium Impact Industry Zone Code Services and works Code

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### Assessment Benchmarks – Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

<b>ACCEPTABLE OUTCOME</b>	<b>ASSESSMENT MANAGER COMMENTS</b>
<b>MEDIUM IMPACT INDUSTRY ZONE CODE</b>	
<b>Section 1 - General</b>	
<b>PO1</b> Buildings are of a scale that is consistent with the surrounding built form, streetscape and civic spaces.	
<b>AO1.1</b> Maximum building height is 11.5m.	✓ Building is 4.5m high plus 10% roof pitch.
<b>PO2</b> Buildings are sited to achieve an acceptable standard of visual amenity.	
<b>AO2.1</b> Buildings are setback from sub-arterial or higher order road frontages by a minimum of 8m. or <b>AO2.2</b> Buildings are setback from all other road frontages by a minimum of 4m. and <b>AO2.3</b> Where adjoining land is used, or approved for use, for industrial use, buildings have no minimum setbacks to the common property boundary. or In all other circumstances, buildings are setback a minimum of 4m from the common property boundary. and <b>AO2.4</b> Total use area is no more than 75% of the site, excluding car parking areas.	N/A  ✓ The building is setback 4.25m from the road frontage.  ✓ All adjoining land is zoned medium impact industry.  N/A  ✓ Site cover is approximately 27% excluding car parking areas and landscaping.
<b>PO3</b> Development presents a high-quality appearance when viewed from public areas.	
<b>AO3.1</b> The maximum length of any wall without articulation or change of material is no more than 30m. and <b>AO3.2</b> All parts of the building facades visible from an arterial or higher order road are constructed predominantly of brick or coloured concrete or masonry and do not incorporate highly reflective materials. and <b>AO3.3</b> Buildings include variation in parapet design, roofing heights and treatments. and <b>AO3.4</b> The main entry to the building is easily identifiable from and directly accessible from the principal street frontage of the site and any ancillary office	✓ The building has a maximum wall length of 35m long. The external building finish is charcoal Colourbond. The South-western wall has 5 windows incorporated to break up the façade. The north-western wall has 3 sliding garage doors which will be made of Trimdek wall sheeting and aluminium framed windows/ sliding glass floors into the office with an awning over the entry. The north-western wall (which faced Knowles Street) has a feature rendered Hebel panel column, a large signage panel and 2 timber framed windows. ✓ The design proposes a standard 10% roof pitch and the rendered panel column which offers a variation in parapet design. As described above, the design incorporates a change in treatments. ✓ The main entry to the building is easily identifiable from street and the office and

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or sales area is located at the front of the building.	showroom is located at the front of the building.	
<b>PO4</b> Development is to be adequately serviced.		
<p><b>AO4.1</b> Development is to be connected to reticulated water supply and sewerage.</p> <p>and</p> <p><b>AO4.2</b> Development is supplied with reticulated electricity and telecommunications services.</p> <p>and</p> <p><b>AO4.3</b> Stormwater is captured and drained to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners.</p>	<p>✓ Development engineer has included conditions to ensure the development complies with AO4.1, AO4.2 and AO4.3.</p>	
<b>PO5</b> Landscaping is provided to enhance the established streetscape, protect visual amenity, preserve sight lines and offer effective screening of unsightly activities.		
<p><b>AO5.1</b> A minimum of 3% of the site is used to provide landscaping.</p> <p>and</p> <p><b>AO5.2</b> Landscaping comprising large trees and spreading groundcovers is provided along all road frontages of the site, for a minimum depth of:</p> <p>(a) 2m along a State-controlled road or an arterial road; or</p> <p>(b) 1m along any other road frontage.</p> <p>and</p> <p><b>AO5.3</b> Landscaping is provided to side and rear boundaries for a minimum depth of:</p> <p>(a) 2m where adjoining a sensitive receptor;</p> <p>(b) 0m where adjoining an industrial use; or</p> <p>(c) 1m in all other circumstances.</p> <p>and</p> <p><b>AO5.4</b> Existing trees that already contribute to these requirements are retained where their removal is not required to site the use.</p> <p>and</p> <p><b>AO5.5</b> Shade trees are provided in car parking areas at a ratio of 1 tree for each 6 car parking spaces.</p>	<p>✓ In response to the Information Request the applicant provided a Landscape Plan. This details the implantation and management of a 2.5m deep landscape strip at the entry to the site. Applicant will be conditioned to comply with the submitted Landscape Plan. Total landscaping is approximately 60m<sup>2</sup>, which equates to 3.3% of the site. The proposed landscape plan includes shade trees, low and medium shrubs, hedge plants and groundcovers, river pebbles, turf and garden bed edging.</p> <p>✓ Side and rear boundaries adjoining industrial zoned blocks, therefore no landscaping to side and rear boundaries required.</p> <p>N/A – no existing trees on site.</p> <p>Overall, it is considered that the proposed landscaping is sufficient and enhances the streetscape and visual amenity.</p>	
<b>PO6</b> Site access facilitates the efficient, effective, safe and convenient functioning of transport infrastructure.		
<p><b>AO6.1</b> Site access is provided to a gazetted, formed and sealed road.</p> <p>and</p> <p><b>AO6.2</b> Access arrangements preclude the need for vehicles to reverse on or off the site.</p>	<p>✓ The site gains access from Knowles Street which is bitumen sealed.</p> <p>✓ Service Vehicle Turning Path Plan designed by ATC Engineers demonstrates</p>	

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<p>and</p> <p><b>AO6.3</b> Site access is provided that is at least 15m from an uncontrolled intersection or 30m from an intersection with traffic lights or islands.</p> <p>and</p> <p><b>AO6.4</b> Where practical, adjoining industrial uses utilise a shared access point.</p>	<p>that service vehicle can turn around on site and leave in forward gear.</p> <p>✓ Site is not within 15 of an uncontrolled intersection.</p>	
<b>PO7</b> Development does not adversely affect the safety and security of people and property.		
<p><b>AO7.1</b> Storage of dangerous goods and combustible liquids is limited to:</p> <p>(a) Class 2.1 - 2t or kl;</p> <p>(b) Class 2.2 - 100t or kl;</p> <p>(c) Class 2.3 - 100kg or litres;</p> <p>(d) Class 3 - 20kl;</p> <p>(e) Class 4 - 125kg;</p> <p>(f) Class 5.1 - 1.25t or kl;</p> <p>(g) Class 5.2 - 125kg or litres;</p> <p>(h) Class 8 - 1.25t or kl and complies with the National Standard for the Storage and Handling of Dangerous Goods [NOHSC:1015(2001)].</p> <p>and</p> <p><b>AO7.2</b> Visitor car parking areas are located adjacent to the office component of the use.</p> <p>and</p> <p><b>AO7.3</b> The office component is designed with 25% of un-obscured glazing in facades facing public areas of the site and the street.</p>	<p>✓ It is stated in the planning report prepare by ONF Surveyors that the proposal will not involve the storage of dangerous goods and combustible liquids in excess of the listed limits.</p> <p>✓ The visitor's parking area is provided at the of the site adjacent to the office and showroom component of the development.</p> <p>✓ 3 sliding glass doors open into office space from public area. 2 Glass windows facing the street as well.</p>	
<b>PO8</b> Development minimises disturbance to the geotechnical, hydrological, and environmental characteristics of the site and its setting.		
<p><b>AO8.1</b> Development is located on land with less than 10% slope.</p> <p>and</p> <p><b>AO8.2</b> Development occurs in areas outside of stormwater discharge points, overland flow paths and natural drainage features.</p> <p>and</p> <p><b>AO8.3</b> Stormwater is directed away from areas of potential contamination.</p> <p>and</p> <p><b>AO8.4</b> Areas where potentially contaminating substances are stored or used are covered and bunded.</p> <p>and</p> <p><b>AO8.5</b> Provision is made for spills to be controlled on-site for removal and disposal by an approved means.</p>	<p>✓ Site is relatively flat.</p> <p>✓ Development engineer reviewed application and stormwater information submit and relevant conditions added to ensure compliance with AO8.2 and AO8.3.</p> <p>✓ In the Planning report prepared by ONF it is stated that no storage of chemicals will occur onsite.</p>	

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and <b>AO8.6</b> Liquid or solid wastes are not discharged directly to land or waters.	✓ No liquid or solid waste will be discharged directly to land or waters.	
<b>PO9</b> Refuse storage areas are located for convenient collection, screened from public view and provided with facilities for self-contained cleaning.		
<b>AO9.1</b> Refuse storage areas are located behind the front building line, allow the appropriately sized collection vehicle to enter and exit in a forward gear. The use of staff car parking areas to accommodate internal manoeuvring is permissible. and <b>AO9.2</b> The refuse storage area is provided in a building or other enclosed structure screened to a minimum height of 0.2m above the height of the refuse receptacles. and <b>AO9.3</b> Refuse storage areas are provided with an impervious base that is drained to an approved waste disposal system and provided within a dedicated hose cock.	✓ Refuse storage is located behind the front building line in the car parking area.  ✓ Screened bin storage area is proposed. Relevant conditions added to ensure compliance with AO9.2 and AO9.3.	
<b>PO10</b> Development is located and designed to ensure that land uses are not exposed to: (a) Areas that pose a health risk from previous activities; and (b) Unacceptable levels of contaminants.		
<b>AO10.1</b> Development does not occur: (a) In areas that pose a health risk from previous activities; and (b) On sites listed on the Contaminated Land Register or Environmental Management Register. or <b>AO10.2</b> Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.	✓ Site is not listed on the CLR or EMR.	
<b>Section 4 – For development affected by one or more overlays</b>		
<b>Flood hazard overlay</b>		

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**PO23** Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.

**AO23.1** All new allotments include an area of sufficient size to accommodate the intended land use outside the area identified on Overlay Map 03.

and

**AO23.2** New buildings are not located within the area identified on Overlay Map 03;

or

**AO23.3** Development is sited above the 1%AEP flood event where known, or the highest known flood event, as follows:

- (a) Habitable floor levels - 500mm;
- (b) Non-habitable floor levels - 300mm;
- (c) On-site sewage treatment and storage areas for potential contaminants - 300mm;
- (d) All other development - 0mm.

and

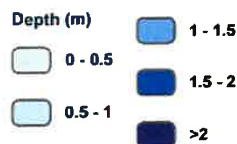
**AO23.4** Building work below the nominated flood level allows for the flow through of flood water at ground level:

- (a) The structure below flood level is unenclosed; or
- (b) Any enclosure below flood level aligns with the direction of water flow; or
- (c) Any enclosure not aligning with the direction of water flow must have openings that are at least 50% of the enclosed area with a minimum opening of 75mm.

and

N/A

✓ Below is a snip of the Nanango Flood Investigation (1% AEP Event) from the QLD Government FloodCheck Webpage. On the below plan the subject site is not affected by flooding.



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<p><b>AO23.5</b> Resilient building materials are used below the nominated flood level in accordance with the relevant building assessment provisions.</p> <p>and</p> <p><b>AO23.6</b> Signage is provided on site indicating the position and path of all safe evacuation routes off the site.</p>		
<p><b>PO24</b> Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.</p>		
<p><b>AO24.1</b> Works associated with the proposed development do not:</p> <p>(a) involve a net increase in filling greater than 50m<sup>3</sup>; or</p> <p>(b) result in any reductions of onsite flood storage capacity and contain within the site any changes to depth / duration/velocity of flood waters; or</p> <p>(c) change flood characteristics outside the site in ways that result in:</p> <p>(i) loss of flood storage;</p> <p>(ii) loss of/changes to flow paths;</p> <p>(iii) acceleration or retardation of flows; or</p> <p>(iv) any reduction in flood warning times.</p>	<p>✓ The development will not affect the water flow, flood level and will not increase the potential for flood damage as the site is outside of the flood area.</p>	
<p><b>PO25</b> Development avoids the release of hazardous materials into floodwaters.</p>		
<p><b>AO25.1</b> Materials manufactured or stored on site are not hazardous in nature.</p> <p>or</p> <p><b>AO25.2</b> Hazardous materials and any associated manufacturing equipment are located above the nominated flood level.</p>	<p>✓ The applicant states there are no hazardous material manufactured or stored on site.</p>	
<p><b>PO26</b> Community infrastructure in any area mapped as Flood Hazard is able to function effectively during and immediately after flood.</p>		
No outcome specified.		N/A
<p><b>SERVICES AND WORKS CODE</b></p>		
<p><b>Section 1 - General</b></p>		
<p><b>PO1</b> The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.</p>		
<p><b>AO1.1</b> A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.</p>	<p>✓ This development does not necessitate the need for a Stormwater quality management plan.</p> <p>✓ Applicant provided Preliminary Stormwater Layout.</p> <p>✓ Relevant stormwater conditions added by Development Engineer to ensure development is done in accordance with the Preliminary Stormwater Layout.</p>	
<p><b>PO2</b> Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.</p>		



Delegated Authority Report		Date: 20/10/2022
<p>AO2.1 A wastewater management plan prepared by a suitably qualified person and addresses :</p> <p>(a) wastewater type;</p> <p>(b) climatic conditions;</p> <p>(c) water quality objectives;</p> <p>(d) best-practice environmental management;</p> <p>and</p> <p>AO2.2 Wastewater is managed in accordance with a waste management hierarchy that:</p> <p>(a) avoids wastewater discharge to waterways; or</p> <p>(b) minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater.</p>	<ul style="list-style-type: none"> <li>✓ This development does not necessitate the need for a Wastewater management plan.</li> <li>✓ Relevant condition added by Development Engineer in relation to wastewater management.</li> </ul>	
<b>PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.</b>		
<p>AO3.1 An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.</p>	<ul style="list-style-type: none"> <li>✓ This development does not necessitate the need for an Erosion and sediment control plan.</li> <li>✓ Relevant conditions added by Development Engineer to ensure that during construction there is minimal impact on stormwater quality.</li> </ul>	
<b>PO4 Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.</b>		
<p>AO4.1 Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.</p>	<ul style="list-style-type: none"> <li>✓ Relevant conditions added by Development Engineer to ensure compliance.</li> </ul>	
<b>Section 2 - Infrastructure</b>		
<b>PO5 Development is provided with infrastructure which:</b>		
<p>(a) conforms with industry standards for quality;</p> <p>(b) is reliable and service failures are minimised; and</p> <p>(c) is functional and readily augmented.</p>		
<p>AO5.1 Except in the Rural zone, all development occurs on a site with frontage to a sealed road.</p> <p>and</p> <p>AO5.2 Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<ul style="list-style-type: none"> <li>✓ Subject site fronts Knowles Street, which is bitumen sealed.</li> <li>✓ Upgrade to current access required in accordance with relevant standards.</li> </ul>	
<b>Section 3 – Vehicle Parking</b>		
<b>PO6 Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.</b>		
<p>AO6.1 Vehicle parking spaces are provided on-site in accordance with Table 9.4.5.</p> <p>and</p>	<ul style="list-style-type: none"> <li>✓ 6 vehicle parking spaces are provided (including 1 PWD park) which represents a shortfall of 1 cap parking space in accordance with Table 8.4.5. Despite the</li> </ul>	

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<p><b>AO6.2</b> A service bay is provided on-site for the service vehicle nominated in Table 9.4.5.</p> <p>and</p> <p><b>AO6.3</b> Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards. and</p> <p><b>AO6.4</b> Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>shortfall, the vehicle parking provided is considered to meet the needs of the employee and visitors (based on the information provided by the applicant).</p> <p>✓ Relevant condition added by Development Engineer to ensure compliance with AO6.3</p>	
<b>Section 4 - Landscaping</b>		
<b>PO7</b> Landscaping is appropriate to the setting and enhances local character and amenity.		
<p><b>AO7.1</b> Landscaping is provided in accordance with the relevant zone code provisions.</p> <p>and</p> <p><b>AO7.2</b> Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m<sup>2</sup> and is unsealed and permeable.</p> <p>and</p> <p><b>AO7.3</b> Plantings along frontages or boundaries are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>	<p>✓ A landscape plan has been submitted to Council for the proposed development which involves the implementation and management of 2.5m deep landscaping along the front of the site.</p> <p>✓ Complies.</p>	
<b>PO8</b> Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.		
<p><b>AO8.1</b> Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping.</p> <p>and</p> <p><b>AO8.2</b> Species selection avoids non-invasive plants.</p>	<p>✓ Complies.</p>	
<b>Section 5 – Filling and Excavation</b>		
<b>PO9</b> Development results in ground levels that retain:		
<p>(a) access to natural light;</p> <p>(b) aesthetic amenity;</p> <p>(c) privacy; and</p> <p>(d) safety.</p>		
<p><b>AO9.1</b> The depth of:</p> <p>(a) fill is less than 2m above ground level; or</p> <p>(b) excavation is less than 2m below ground level.</p> <p>and</p> <p><b>AO9.2</b> The toe of the fill, or top of the excavation is not less than 0.5m inside the site property boundary.</p>	<p>✓ Proposal does not involve cut or fill greater than 2m above or below ground.</p> <p>✓ Minimal cut and fill required.</p>	

Delegated Authority Report		Date: 20/10/2022
<p>and <b>AO9.3</b> Works do not occur on slopes over 15% in grade.</p> <p>and <b>AO9.4</b> Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped.</p> <p>and <b>AO9.5</b> Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height.</p> <p>and <b>AO9.6</b> Filling or excavation for the purpose or retention of water: (a) is certified by an RPEQ engineer to safely withstand the hydraulic loading; (b) directs overflow such that no scour damage or nuisance occurs on adjoining lots.</p>	<ul style="list-style-type: none"> <li>✓ Site is relatively flat.</li> <li>✓ The proposed retaining walls are not over 1m high.</li> <li>✓ The slope of the vehicle ramp at the rear of the site is no steeper than 1:5.</li> <li>✓ No filling or excavation for the purpose of water retention is proposed.</li> </ul>	
<b>PO10</b> Filling or excavation does not cause damage to public utilities.		
<b>AO10.1</b> Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.	<ul style="list-style-type: none"> <li>✓ Relevant conditions added to ensure compliance.</li> </ul>	
<b>PO11</b> Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.		
<b>AO11.1</b> Following filling or excavation: (a) the premises: (i) are self-draining; and, (ii) has a minimum slope of 0.25%; and, (b) surface water flow is: (i) directed away from neighbouring properties; or (ii) discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2.	<ul style="list-style-type: none"> <li>✓ Relevant conditions added by Development Engineer to ensure compliance with AO11.1.</li> </ul>	

**Local Categorising Instrument - Variation Approval**

Not applicable.

**Local Categorising Instrument - Temporary Local Planning Instrument**

Not applicable.

**Other Relevant Matters**

Not applicable.

**Locality Plan**



Figure 1 - Aerial Image (Source: SPP Mapping)

**Aerial Plan**

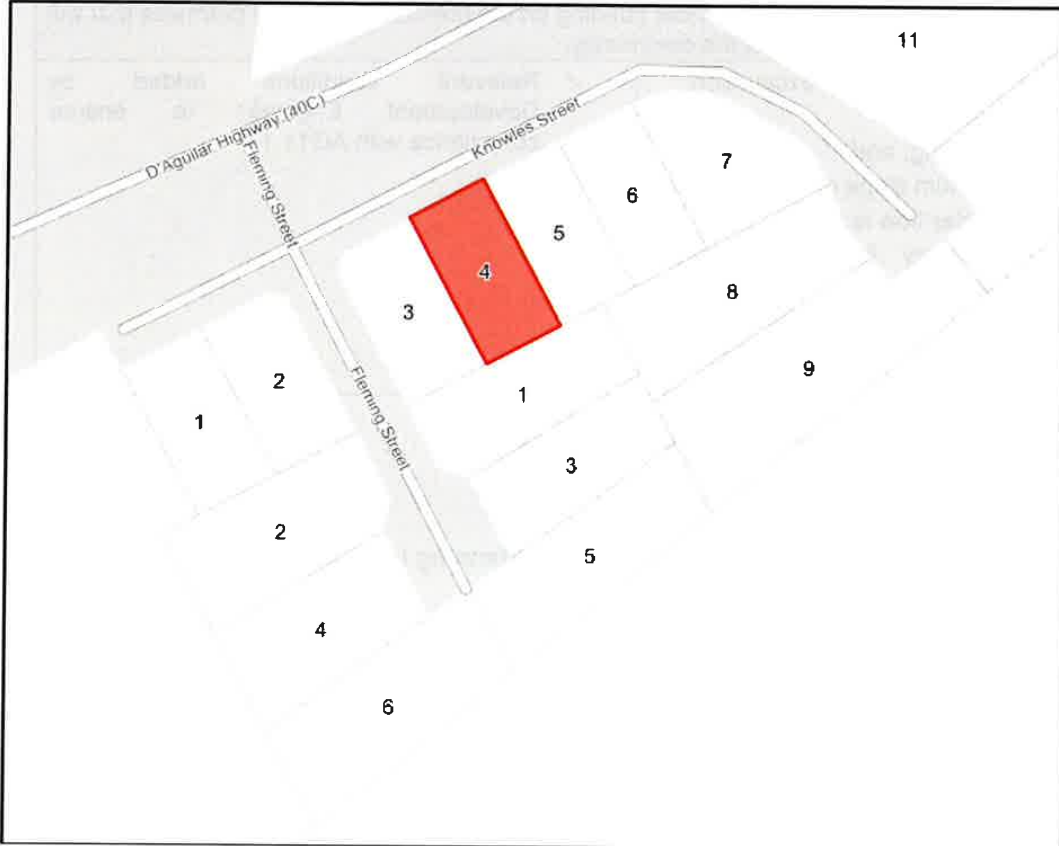


Figure 2 - Locality Plan (Source: IntraMaps)

Delegated Authority Report	Date: 20/10/2022
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**CONSULTATION:****Referral Agencies**

State Assessment and Referral Agency (Refer Attachment B).

**Other Referrals**

<b>INTERNAL SPECIALIST</b>	<b>REFERRAL / RESPONSE</b>
Development Engineer	Provided standard conditions relating to stormwater, services, access, water supply and wastewater.
Infrastructure Charges Unit	<p>Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:-</p> <ul style="list-style-type: none"> <li>a) Reconfiguring a lot;</li> <li>b) Making a material change of use; and</li> <li>c) Carrying out building work.</li> </ul> <p>Refer to the Infrastructure Charges Notice attached as Attachment B.</p>

**CONCLUSION:**

The development has been assessed with regard to the assessment benchmarks as identified in the report. Where the development may not meet all the benchmarks it can be conditioned, or advice given to ensure compliance.

The proposal will allow for an industrial activity to be development within an established industrial estate consistent with the intent of the zone.

**RECOMMENDATION:**

It is recommended that the Code Assessment application for a Development Permit for a Medium Impact Industry (Joinery – producing less than 500 tonnes per year) and ancillary showroom and office space on land at 4 Knowles Street, Nanango (described as Lot 7 CP891608) be approved subject to reasonable and relevant conditions pursuant to Section 60 of the Planning Act 2016.

Delegated Authority Report
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Date: 20/10/2022
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**ATTACHMENTS**

1. **Attachment A - Statement of Reasons**
2. **Attachment B - Referral Agency Response**
3. **Attachment C - Infrastructure Charges Notice**

## NOTICE ABOUT DECISION – STATEMENT OF REASONS

*The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016*

The development application for:

<b>Type of Approval</b>	Material Change of Use – Development permit
<b>Level of Assessment</b>	Code
<b>Application No</b>	MCU22/0016
<b>Name of Applicant</b>	TJ Superannuation Fund C/- ONF Surveyors
<b>Street Address</b>	4 Knowles Street, Nanango
<b>Real Property Address</b>	Lot 7 on CP891608

On 20 October 2022 the above development was:

Approved in full, with conditions.

### 1. Reasons for the Decision

The reasons for this decision are:

- The proposal generally complies with the medium impact zone code and services and works code.
- The proposal will allow for a new industrial business to be established within an existing industrial estate.
- The proposal is consistent and/ or can be conditioned to comply with the intent of the zone.

### 2. Assessment Benchmarks

The following benchmarks apply to this development:

- Medium Impact Industry zone code
- Services and works code

**Note:** Each application submitted to Council is assessed individually on its own merit.

**Attachment B**

RA6-N



SARA reference: 2207-29884 SRA  
 Council reference: MCU22/0016  
 Applicant reference: 10659K

15 August 2022

Chief Executive Officer  
 South Burnett Regional Council  
 PO Box 336  
 KINGAROY QLD 4610  
 info@southburnett.qld.gov.au

Attention: Josie Bambling

Dear Sir/Madam

**SARA response—4 Knowles Street, Nanango**(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 18 July 2022.

**Response**

Outcome:	Referral agency response – with conditions
Date of response:	15 August 2022
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

**Development details**

Description:	Development Permit	Material Change of Use – Medium Impact Industry (New Workshop (joinery, producing less than 500 tonnes per year), Ancillary Showroom and Office)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1)—Material change of use of premises near a state	

Page 1 of 5

Wide Bay Burnett regional office  
 Level 1, 7 Takalvan Street, Bundaberg  
 PO Box 979, Bundaberg QLD 4670



2207-29884 SRA

transport corridor (Planning Regulation 2017)

SARA reference: 2207-29884 SRA

Assessment manager: South Burnett Regional Council

Street address: 4 Knowles Street, Nanango

Real property description: Lot 7 on CP891608

Applicant name: TJ Superannuation Fund

Applicant contact details: PO Box 896  
Kingaroy QLD 4610  
admin@onfsurveyors.com.au

### Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Javier Samanes, Principal Planning Officer, on 07 4037 3237 or via email [WBBSARA@dsdilgp.qld.gov.au](mailto:WBBSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely,



David Hooper  
Manager

cc TJ Superannuation Fund, [admin@onfsurveyors.com.au](mailto:admin@onfsurveyors.com.au)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions

2207-29884 SRA

**Attachment 1—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)

No.	Condition	Condition timing
10.9.4.2.4.1—Material change of use of premises 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 condition:		
1.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.  (b) Any works on the land must not: <ul style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>(ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>(iii) surcharge any existing culvert or drain on the state-controlled road; and/or</li> <li>(iv) reduce the quality of stormwater discharge onto the state-controlled road.</li> </ul>	(a) and (b) At all times

2207-29884 SRA

**Attachment 2—Advice to the applicant**

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**General advice**

- |    |   |
|----|---|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), version 3.0. If a word remains undefined it has its ordinary meaning. |
|----|---|

2207-29884 SRA

### **Attachment 3—Reasons for referral agency response**

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(Given under section 56(7) of the *Planning Act 2016*)

**The reasons for SARA's decision are:**

The proposed development complies with State code 1: Development in a state-controlled road environment of the SDAP. In particular the development

- does not increase the likelihood or frequency of accidents, fatalities or serious injury of users of a state-controlled road
- does not adversely impact on the structural integrity or physical condition of the state-controlled road, including from stormwater impacts
- does not adversely impact the function and efficiency of the state-controlled road.

**Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, v3.0
- the Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

### **Attachment 4—Representations about a referral agency response provisions**

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## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding representations about a referral agency response

### Part 6: Changes to the application and referral agency responses

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#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

**INFRASTRUCTURE CHARGES NOTICE***(Section 119 of the Planning Act 2016)*

<b>APPLICANT:</b>	TJ Superannuation Fund C/- ONF Surveyors PO Box 896 KINGAROY QLD 4610	
<b>APPLICATION:</b>	Material change of Use - Medium Impact Industry (New workshop (Joinery, producing less than 500 tonnes per year), ancillary showroom and office)	
<b>DATE:</b>	18/10/2022	
<b>FILE REFERENCE:</b>	MCU22/0016	
<b>AMOUNT OF THE LEVIED CHARGE:</b> <i>(Details of how these charges were calculated are shown overleaf)</i>	<b>\$10,920.00</b>	<b>Total</b>
	\$7,560.00	Water Supply Network
	\$0.00	Sewerage Network
	\$3,360.00	Transport Network
	\$0.00	Parks and Land for Community Facilities Network
	\$0.00	Stormwater Network
<b>AUTOMATIC INCREASE OF LEVIED CHARGE:</b>	The amount of the levied charge is subject to an automatic increase. Refer to the Information Notice attached to this notice for more information on how the increase is worked out.	
<b>LAND TO WHICH CHARGE APPLIES:</b>	Lot 7 CP891608	
<b>SITE ADDRESS:</b>	4 Knowles St, Nanango	
<b>PAYABLE TO:</b>	<b>South Burnett Regional Council</b>	
<b>WHEN PAYABLE:</b> <i>(In accordance with the timing stated in Section 122 of the Planning Act 2016)</i>	Material Change of Use – When the change happens.	
<b>OFFSET OR REFUND:</b>	Not Applicable.	

This charge is made in accordance with South Burnett Regional Council's **Charges Resolution (No. 3) 2019**

## DETAILS OF CALCULATION

### Water Supply

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry (Medium Impact Industry – Joinery)	420	m <sup>2</sup> GFA	\$18.00	CR Table 2.2	\$7,560.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

### Sewerage

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

### Transport

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry (Medium Impact Industry – Joinery)	420	m <sup>2</sup> GFA	\$8.00	CR Table 2.2	\$3,360.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00



## Parks and Land for Community Facilities

### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

## Stormwater

### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

## Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Other Industry (Medium Impact Industry – Joinery)	\$7,560.00	\$0.00	\$3,360.00	\$0.00	\$0.00	\$10,920.00
<b>Total</b>	<b>\$7,560.00</b>	<b>\$0.00</b>	<b>\$3,360.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$10,920.00</b>

\* In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at South Burnett Regional Council's discretion.

## INFORMATION NOTICE

<b>Authority and Reasons for Charge</b>	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
<b>Appeals</b>	Pursuant to section 229 and Schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
<b>Automatic Increase Provision of charge rate (\$)</b>	<p>An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average<sup>1</sup>. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.</p>
<b>GST</b>	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
<b>Making a Payment</b>	<p>This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.</p> <p>To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.</p>

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<sup>1</sup> 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

An Itemised Breakdown may be requested by emailing [info@southburnett.qld.gov.au](mailto:info@southburnett.qld.gov.au)

Payment can be made at any of the following South Burnett Regional Council Offices:

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

### **Enquiries**

Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Planning and Land Management, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at [info@southburnett.qld.gov.au](mailto:info@southburnett.qld.gov.au)

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**0.0 MATERIAL CHANGE OF USE FOR A CHILDCARE CENTRE AT 101 ALFORD STREET, KINGAROY (AND DESCRIBED AS LOT 25 ON SP 237285) - APPLICANT: SHANE HARRIS C/- ONF SURVEYORS**

**File Number:** MCU21/0023  
**Author:** Planning Officer  
**Authoriser:** Chief Executive Officer

MANAGER	[Redacted]	1/9/22
GM	[Redacted]	
A/CEO	[Redacted]	1/9/2022

**PRECIS**

Material change of use for a Childcare Centre at 101 Alford Street, Kingaroy (and described as Lot 25 on SP 237285) - Applicant: Shane Harris C/- ONF Surveyors

**SUMMARY**

- Application for Development Permit for Material Change of Use – Childcare Centre.
- Subject site is located in the Low density residential zone under the South Burnett Regional Council Planning Scheme 2017 v1.4.
- Proposal triggers impact assessable against the entire Planning scheme which includes:
  - Strategic Framework; and
  - Low density residential zone code; and
  - Services and works code.
- The proposed childcare centre designed has been revised to suit the low density residential character of the zone.
- Streetscape character is addressed through appropriate setbacks, façade treatments and landscaping.
- Council issued an Information Request, seeking changes/information in relation to:
  - Stormwater management Plan;
  - Built form and appearance;
  - Acoustic amenity;
  - Internal layout/design; and
  - Landscaping,
- The applicants response to RFI advised they would not be providing the requested information or amending the proposal plans.
- Application subject to public notification – 2 objections were received during the notification period.
- A Further Advice letter was issued seeking information/changes as outlined in the Information Request. Subsequently, the applicant submitted amended plans and a Noise Impact Assessment report.
- The proposal generally complies with the assessment benchmarks or has been conditioned to comply (refer Attachment A – Statement of Reasons).
- Infrastructure Charges Notice (refer Attachment B – Infrastructure Charges Notice).
- Application recommended for approval subject to reasonable and relevant conditions.

**OFFICER’S RECOMMENDATION**

That Council approve the Development Application for Material Change of Use – development permit (childcare centre) at 101 Alford Street, Kingaroy (and described at lot 25 on SP237285) subject to the following conditions:-

**GENERAL**

GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

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Date:

Drawing Title	Prepared by	Project No. Reference no.	Revision	Date
Site Plan	Blueprint Drafting Services	21-3077-SPY Sheet 1	-	22 April 2022
Floor Plan	Blueprint Drafting Services	21-3077-SPY Sheet 2	-	22 April 2022
Elevations	Blueprint Drafting Services	21-3077-SPY Sheet 3	-	22 April 2022
3D Views 1	Blueprint Drafting Services	21-3077-SPY Sheet 4	-	22 April 2022
3D Views 3	Blueprint Drafting Services	21-3077-SPY Sheet 5	-	22 April 2022

## Approved Documents:

Document Title	Prepared by	Project No. Reference no.	Revision	Date
Noise Impact Assessment	Range Environmental Consultants	J000909	Final	2/8/2022

- GEN2. The development herein approved may not start until the following development permits have been issued and complied with as required:-
- Development Permit for Building Works.
  - Development Permit for Operational Works (Site Works, road widening, kerb and channel and associated drainage, landscaping, access driveways, water supply and sewerage discharge sludge collection and removal, stormwater disposal).

**APPROVED USE**

- GEN3. The approved development is a Material change of use for a Childcare Centre on 101 Alford Street, Kingaroy, as shown on the Approved Plans and does not infer approval to use the premises for other land uses.

**DEVELOPMENT PERIOD – MCU**

- GEN4. The currency period for this development approval for material change of use is six (6) years after the development approval starts to have effect.

**COMPLIANCE, TIMING AND COSTS**

- GEN5. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.
- GEN6. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

**MAINTAINANCE**

- GEN7. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the Approved Plan, subject to and modified by any conditions of this approval.
- GEN8. Maintain the site in a clean and orderly state at all times.
- GEN9. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

Delegated Authority

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**PERMIT TO WORK ON COUNCIL ROADS**

GEN10. The applicant must submit a completed *Permit to Work on Council Roads Application* available from <http://www.southburnett.qld.gov.au> for approval by Council before commencing and works within the Council road reserve (i.e., in this case, the required property access).

**CHILDCARE CENTRE OPERATION**

MCU1. The Childcare centre is to accommodate a maximum of 54 children.

MCU2. The Childcare centre is to operate in accordance with Section 7.3 Operational Noise Management Measures of the Noise Impact Assessment Report (project no: J000909, dated 2/8/22).

MCU3. The Childcare centre is to manage complaints in accordance with Section 8 of the Noise Impact Assessment Report (project no: J000909, dated 2/8/22).

MCU4. The development is to implement the General Building Recommendations in accordance with Section 7.2 of the Noise Impact Assessment Report (project no: J000909, dated 2/8/22).

**MECHANICAL PLANT**

MCU5. Mechanical plant (air conditioning, refrigeration equipment and pumps) must comply with the *Environmental Protection Act 1994*.

Air conditioning and refrigeration equipment must achieve no more than 3dB(A) above the background level from 10pm to 7am and no more than 5dB(A) above the background level from 7am to 10pm when measured at an affected building.

Pumps (including heat pumps) must not be audible from 10pm to 7am, no more than 5dB(A) above the background level from 7am to 7pm and no more than 3dB(A) above the background level from 7pm to 10pm when measured at an affected building.

**WASTE STORAGE COLLECTION**

MCU6. Provision must be made for the storage and removal of waste in accordance with the *Waste Reduction and Recycling Regulation 2011*.

MCU7. Any areas that are dedicated for the collection and/or storage of solid waste on the premises are to be:

- a) level;
- b) provided with impervious hard stand and drained; and
- c) if facing either the street frontage or adjoining properties, screened by a 1.8m high fence around the full perimeter.

**LANDSCAPING**

MCU8. Submit to Council for endorsement, a Landscape Concept Plan which illustrates the proposed landscaping solution.

**Timing:** Prior to the commencement of the use.

MCU9. Implement the approved Landscape Concept Plan and maintain at all times.

**FENCING**

MCU10. Construct acoustic barrier fencing along all side and rear boundaries in accordance with *Figure 1*. A cantilevered 2.4-metre-high acoustic fence is required along the boundaries highlighted red in *Figure 1*. A 2-metre-high acoustic fence is required along the boundaries highlighted blue in *Figure 1*.

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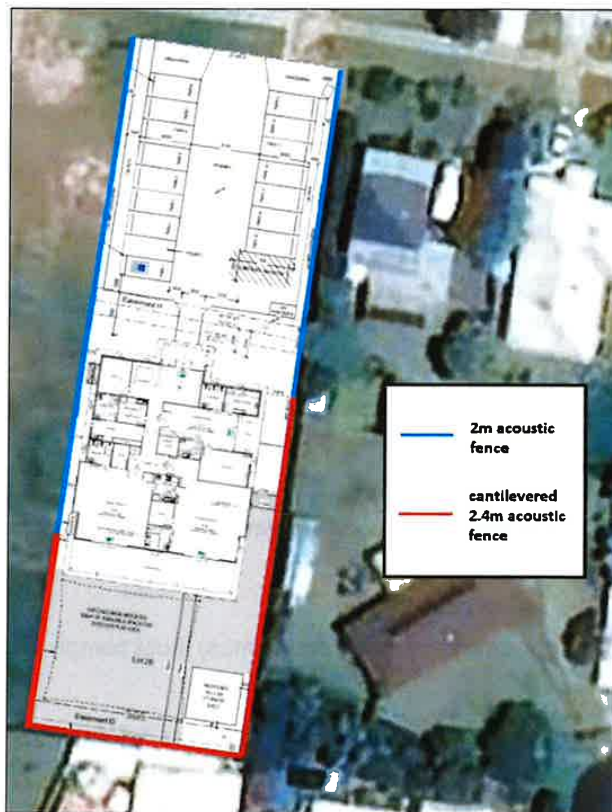


Figure 1 – Acoustic barrier specifications.

- MCU11. The acoustic barrier can be constructed from any durable material with sufficient mass (minimum of  $12.5\text{kg/m}^2$ ) to prevent direct noise transmission. The use of Colourbond or tin construction material is not permitted.

#### ENGINEERING WORKS

- ENG1. Submit to Council, an Operational Work application for all civil works including earthworks, stormwater and parking.
- ENG2. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to the commence of the use unless otherwise stated.
- ENG3. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.
- ENG4. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or public utility installations resulting from the development or from road and drainage works required in connection with the development.

#### LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

- ENG5. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG6. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for

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public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

#### **CONSTRUCTION AND NUISANCE MANAGEMENT PLAN**

ENG7. Submit to Council for endorsement, a Construction and Nuisance Management Plan for approved development works for the site. The Plan is to cover where applicable, the following:

- a) Air quality management;
- b) Noise and vibration management;
- c) Storm water quality management;
- d) Erosion and sediment management;
- e) Vegetation management;
- f) Waste management;
- g) Complaint management;
- h) Community awareness;
- i) Preparation of site works plan;
- j) Workers car parking arrangements; and
- k) Traffic control during works.

**Timing:** Prior to commencement of works.

ENG8. Implement the approved Construction Management Plan at all times during construction of the development.

ENG9. Ensure a legible copy of the approved Construction Management Plan is available on-site at all times during construction and earthworks.

#### **STORMWATER MANAGEMENT**

ENG10. Submit to Council for assessment and approval, a Stormwater Management Plan, prepared by a RPEQ, addressing the following:

- a) Demonstrate that there is no material increase in stormwater discharge and velocities from the development between the pre and post development flows for the ARI 2, ARI 5, ARI 10, ARI 20, ARI 50 and ARI 100 storm events of duration between 5 min to 4.5 hours;
- b) Details of open channel and detention basin design, capacities and operation;
- c) Lawful point of discharge;
- d) Conceptual piped and overland flows site stormwater systems designed in accordance with Queensland Urban Drainage Manual; and
- e) Information for site filling to ensure that the other properties are not affected by altered overland flow paths.

**Timing:** Prior to submission of an Operational Work application.

ENG11. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG12. Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.

ENG13. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

ENG14. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).



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**WATER SUPPLY**

ENG15. Connect the development to Council's reticulated water supply system via a single connection.

**SEWERAGE**

ENG16. Connect the development to Council's reticulated sewerage system via a single connection. The connection must be designed in accordance with Council's standards and be approved by Council's Utility Services Section.

ENG17. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.

ENG18. Do not build works within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).

ENG19. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.

ENG20. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site is provided for future maintenance/upgrade purposes.

ENG21. The above minimum clearances to Council's sewer infrastructure do not preclude the need for works to proposed structures to prevent loading to the sewer system.

**PARKING AND ACCESS – GENERAL**

ENG22. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 – Parking Facilities – Off Street Car Parking.

ENG23. Design and construct all sealed areas with concrete, asphalt or a two-coat bitumen seal.

**Note:** Surface coating of trafficable areas in the carpark should be selected to minimise tyre squeal or noise, in accordance with the Noise Impact Assessment Report (project no: J000909, dated 2/8/22)

ENG24. Provide a minimum of 14 car parking spaces including a minimum of 1 person with disability (PWD) car parking space.

ENG25. Design & construct all PWD car parking spaces in accordance with AS2890.6.

ENG26. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

ENG27. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

ENG28. Provide longitudinal gradient and crossfall for all driveways to comply with the requirements of AS2890.1.

**PARKING AND ACCESS – SERVICING**

ENG29. Provide manoeuvring for a Waste Collection Vehicle in the location generally shown on the approved plan(s).

ENG30. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in forward gear.

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**VEHICLE ACCESS**

- ENG31. Construct a commercial crossover between the property boundary and the edge of the Alford Street road pavement, having a minimum width of 6.0 metres, generally in accordance with IPWEAQ Std Dwg RS-051, Rev F. Ensure that crossover splay is designed to accommodate the path of a Waste Collection Vehicle.
- ENG32. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (e.g. Power pole, telecommunications pit), road infrastructure (e.g. Street sign, street tree, etc).

**REDUNDANT CROSSOVERS**

- ENG33. Remove the redundant crossover and reinstate the kerb and channel, road pavement, services, verge and any footpath to the standard immediately adjacent along the frontage of the site.

**ROADWORKS AND PEDESTRIAN SAFETY**

- ENG34. Install signage for all works on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.
- ENG35. Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction or the works.
- ENG36. Maintain safe pedestrian access along Council's footpaths at all times.

**ELECTRICITY AND TELCOMMUNICATION**

- ENG37. Connect the development to electricity and telecommunication services.

**EARTHWORKS – GENERAL**

- ENG38. Earthworks per site involving cut or fill with a nett quantity of material greater than 50m<sup>3</sup>, requires an Operational Works application.
- ENG39. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

**EROSION AND SEDIMENT CONTROL – GENERAL**

- ENG40. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
- ENG41. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

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**FINANCIAL AND RESOURCE IMPLICATIONS**

No implication can be identified.

**LINK TO CORPORATE/OPERATIONAL PLAN**

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.

GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

**COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Refer to CONSULTATION in this report.

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

No implication identified.

**POLICY/LOCAL LAW/DELEGATION IMPLICATIONS**

No implication can be identified.

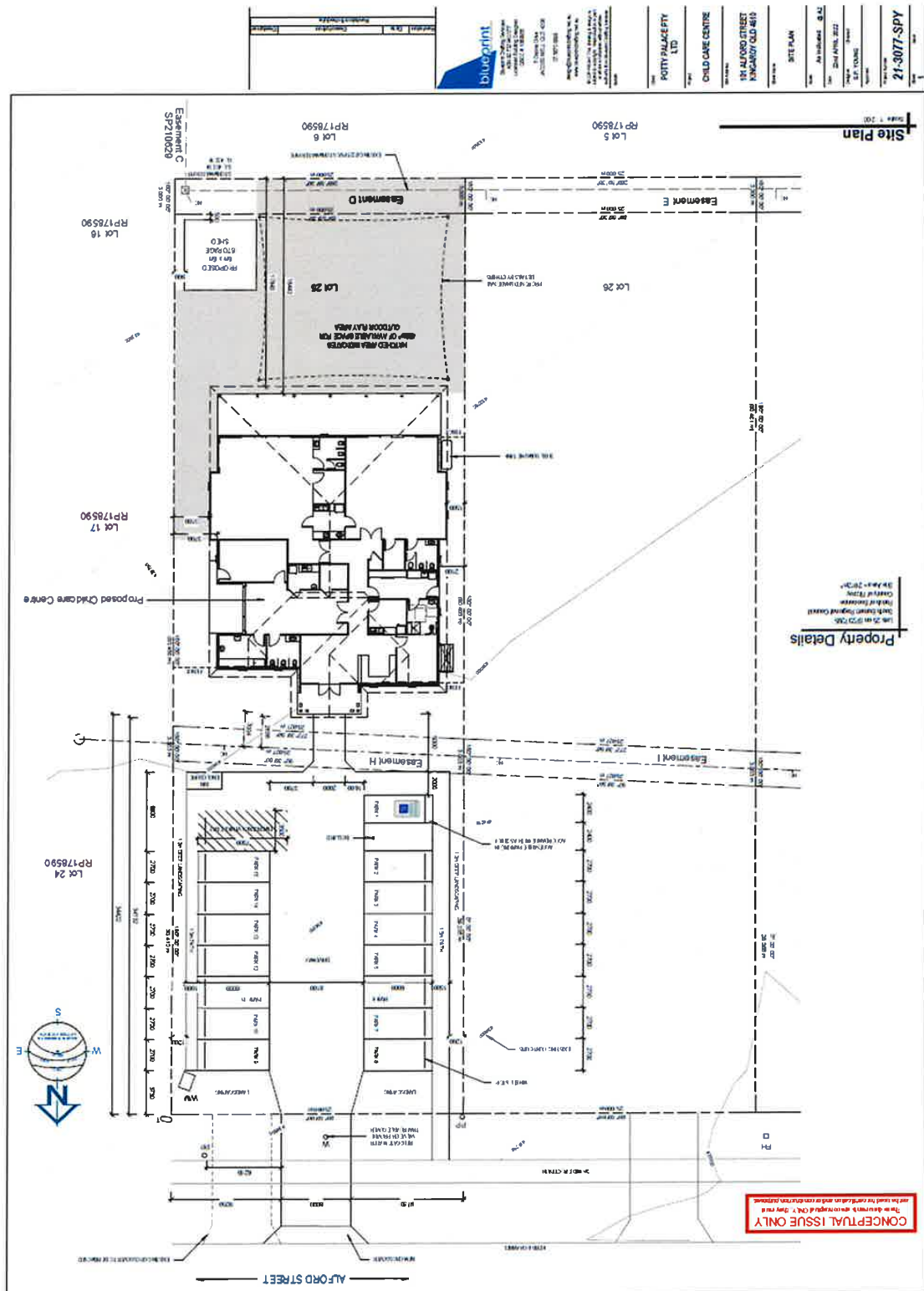
**ASSET MANAGEMENT IMPLICATIONS**

No implication can be identified.

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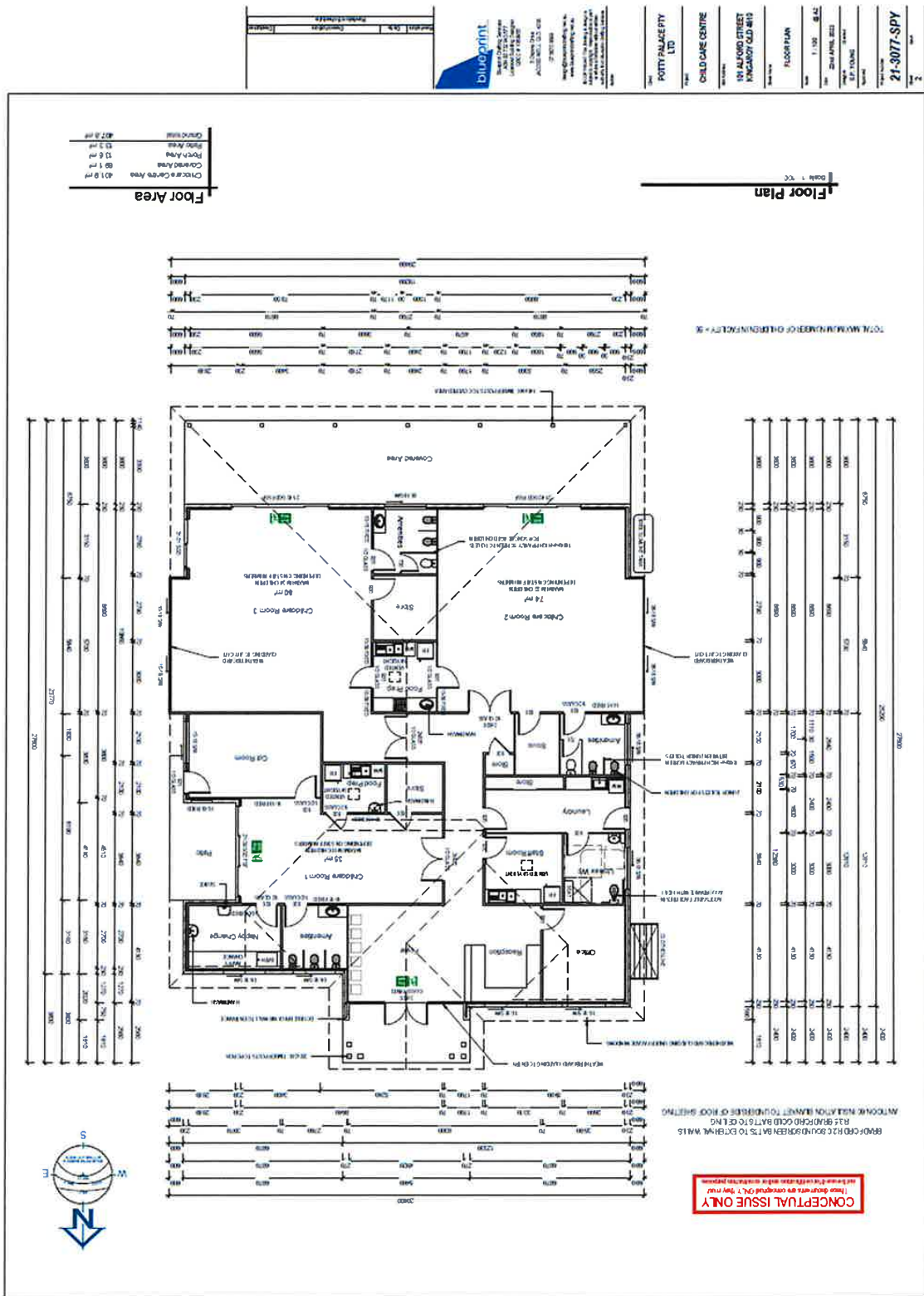
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PROPOSAL PLAN



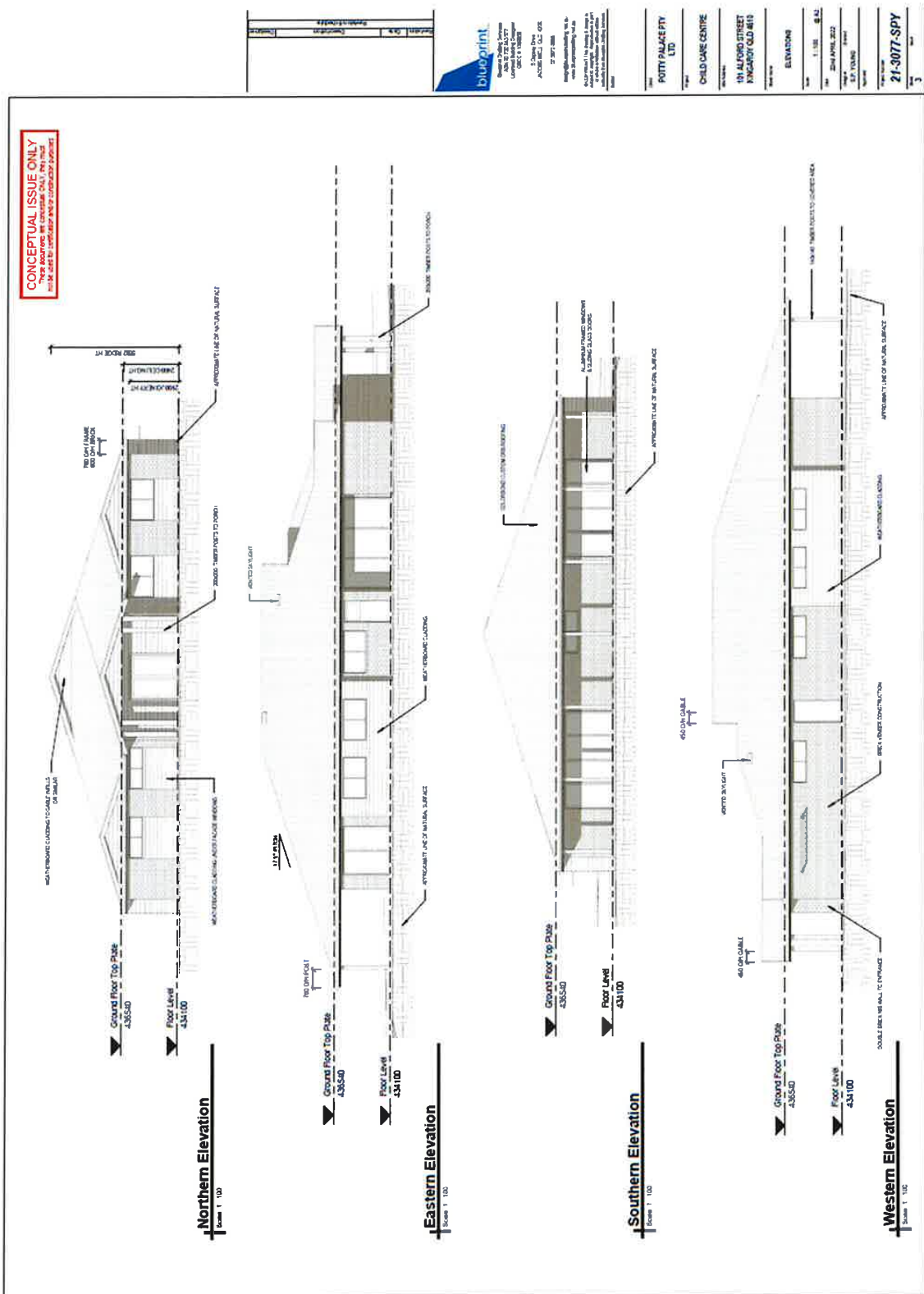
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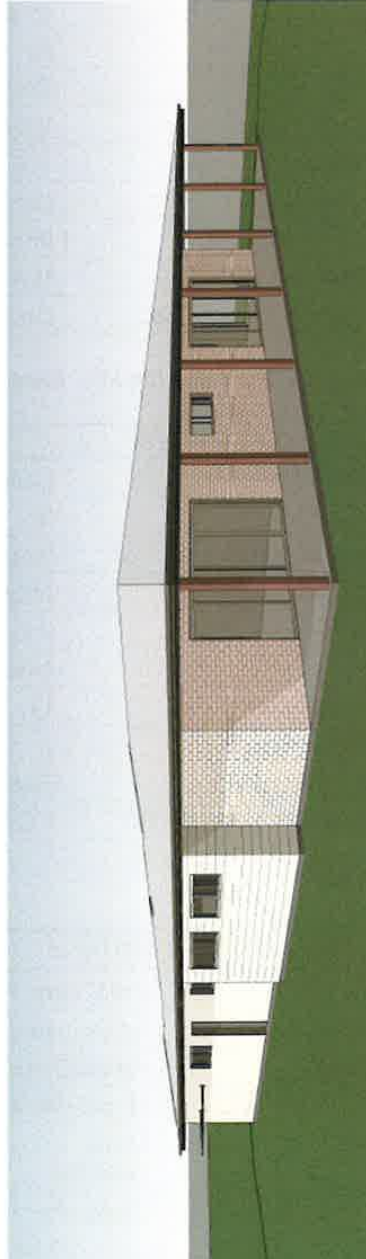
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Delegated Authority

Date:

**REPORT**

The applicant seeks approval for a material change of use for a development permit for a childcare centre.

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	Shane Harris C/- ONF Surveyors
<b>Proposal:</b>	Childcare centre
<b>Properly Made Date:</b>	3 December 2021
<b>Street Address:</b>	101 Alford Street, Kingaroy
<b>RP Description:</b>	Lot 25 SP 237285
<b>Assessment Type:</b>	Impact Assessable
<b>State Referral Agencies:</b>	N/A
<b>Referred Internal Specialists:</b>	Development Engineer

The following table describes the key development parameters for the proposal:


<b>PROPOSED DEVELOPMENT</b>	
<b>Proposed Development:</b>	Childcare Centre
<b>Variations Sought:</b>	Nil
<b>Level of Assessment:</b>	Impact assessable
<b>Area to be used:</b>	A total area of 938.8sqm is to be used.
<b>Impervious Area:</b>	Information not provided
<b>Site Cover:</b>	24%
<b>Car Parking Spaces:</b>	14
<b>Service Vehicle Provision:</b>	1
<b>Submissions Received:</b>	Two (2) submissions were received.
<b>Decision Making Period Ends:</b>	5 October 2022

**SITE DETAILS:**

<b>SITE AND LOCALITY DESCRIPTION</b>				
<b>Land Area:</b>	2,012sqm			
<b>Existing Use of Land:</b>	Vacant land			
<b>Road Frontage:</b>	Alford Street			
<b>Road/s</b>	<b>Road Hierarchy</b>			
Alford Street	Minor urban collector			
<b>Easements</b>	2 easements - 1 for the purpose of sewer - 1 for the purpose of stormwater			

Delegated Authority

Date:

		
<b>Significant Site Features:</b>	Nil	
<b>Topography:</b>	The site is relatively flat.	
<b>Surrounding Land Uses:</b>	<b>Land Use</b>	<b>Zone/Precinct</b>
<b>North</b>	Residential/dwellings – low density residential zone	
<b>South</b>	Residential/dwellings - low density residential zone	
<b>East</b>	Vacant lots - low density residential zone	
<b>West</b>	Residential/dwellings - low density residential zone	
<b>Services:</b>	Water, sewer, electricity, stormwater, telecommunications.	

**Background / Site History**

<b>APPLICATION NO.</b>	<b>DECISION AND DATE</b>
	N/A

**ASSESSMENT:****Framework for Assessment**Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- The *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

**Assessment Benchmarks Pertaining to the Planning Regulation 2017**

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Assessment Benchmarks:</b>	State Planning Policy – The SPP is reflected in the South Burnett Regional Planning Scheme 2017.
<b>WBB Regional Plan Designation:</b>	The Wide Bay Burnett Regional Plan is reflected in the South Burnett Regional Planning Scheme 2017.

**Assessment Benchmarks Pertaining to the Planning Scheme**

The applicable planning scheme for the application is South Burnett Regional Council Version 1.4. The following sections relate to the provisions of the Planning Scheme.

Delegated Authority

Date:

<b>Planning Scheme:</b>	South Burnett Regional Council Planning Scheme Version 1.4
<b>Strategic Framework Land Use Category:</b>	Urban
<b>Zone:</b>	Low density residential
<b>Precinct:</b>	Nil
<b>Assessment Benchmarks:</b>	Strategic framework Low density residential zone Services and works code

### Strategic Framework

The Strategic Framework considers the following matters:

- Settlement Pattern
- Rural Futures
- Strong Economy
- Natural Systems & Sustainability
- Strong Communities
- Infrastructure & Servicing

The subject site is located within the Urban Area nominated on Council's Strategic Framework Map. The themes of the Strategic Framework have been summarised as applicable, as follows:

<b>STRATEGIC FRAMEWORK</b>	
<b>THEME</b>	<b>ASSESSMENT COMMENTS</b>
Settlement Pattern	<p>"Forecasts suggest moderate growth throughout the Region, prompting incremental increases in urban growth areas around most towns" (section 3.2.1 Strategic Framework).</p> <p>"Kingaroy develops as the main activity centre for the Region with the highest level of commercial, industrial, community and municipal services" (section 3.2.1 Strategic Framework).</p> <p>The provision of a new childcare centre will ensure there is suitable access to childcare services for the growing demand/population. The subject site is located in the low density residential zone and is currently vacant. The surrounding residential amenity can be protected through acoustic fencing, landscaping and operational management. The proposed building has been designed to complement the surrounding low density residential style, with a low roof pitch, entry way, windows, combination of brick and timber cladding to break up the façade.</p> <p><b>It is considered the proposed development generally complies with the requirements of the Settlement Pattern theme.</b></p>
Rural Features	<b>N/A</b> – The site is within the Urban Area on Council's Strategic Framework mapping.
Strong Economy	"The region's economy is founded on strength and diversity of industry and service provision that capitalises on its location advantages and natural assets, improving the Region's employment opportunities and maximising regional economic activity" (Section 3.4.1 of the Strategic Framework).

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	<p>The proposed development aims to provide childcare services within close proximity to the Kingaroy township, to support the growing region. The proposed development will also create long employment opportunities.</p> <p><b>It is considered the proposed development generally complies with the requirements of the Strong Economy Theme.</b></p>
Natural Systems & Sustainability	<p>No natural hazards affect the subject site and there are no biodiversity areas or areas of regulated vegetation on site. The subject site will not necessitate clearing of vegetation as it is already cleared. The development will be conditioned to manage land degradation and to reduce the risk on water quality and biodiversity in the surrounding area.</p> <p><b>It is considered the proposed development generally complies with the requirements of the Natural Systems &amp; Sustainability theme.</b></p>
Strong Communities	<p>“Development occurs in a manner that provides access to a range of employment, commercial, cultural, recreational, education and community opportunities in serviceable location that respond to community needs” (Section 3.6.1 of the Strategic Framework).</p> <p>The proposed childcare centre is consistent with the surrounding area and allows for an additional childcare service in the Kingaroy township, increasing childcare availability. The subject site and surrounding area have access to a bitumen sealed road, electricity, telecommunications, water supply, waste collection and mail delivery services.</p> <p><b>It is considered the proposed development generally complies with the requirements of the Strong Communities theme.</b></p>
Infrastructure & Servicing	<p>The proposed development will be connected to Council’s reticulated water and sewerage networks as well as electricity, telecommunications and stormwater.</p> <p><b>It is considered the proposed development generally complies with the requirements of the Infrastructure &amp; Servicing theme.</b></p>

#### Assessment Benchmarks – Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

#### **Low Density Residential Zone Code**

<b>PURPOSE</b>	
<b>Relevant Overall Outcomes</b>	<b>Comments</b>
Development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts.	Development has conditions in relation to traffic, noise, and lighting. Applicant commissioned Noise Impact Assessment. Development has been conditioned to operate in accordance with the operational management recommendations in relation to noise nuisance. A 2m high acoustic fence and 2.4m high cantilevered acoustic fence will be constructed to protect the residential amenity of nearby sensitive receptors.
Development reflects and enhances the existing low density scale and character of the area.	Childcare centre building will be constructed of a combination of brick and timber cladding to enhance visual amenity. The roof pitch has been reduced lessening the built form reflective of the low density residential scale and character.

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Development is designed to incorporate sustainable practices including maximising energy efficiency, water conservation and public/active transport use.	The building has been designed to incorporate natural heating and cooling. The design includes 3 skylights, this will increase natural light throughout the building. There is an existing cement walking path that traverses in front of the site. The development has included a footpath to access the entry of the building to encourage safe pedestrian access and active transport.
Non-residential uses may be supported where such uses directly support the day to day needs of the immediate residential community, do not detract from the residential amenity of the area and do not undermine the viability of nearby centres.	This development will support the day-to-day childcare needs of the surrounding residential community. Relevant conditions have been imposed to ensure the development does not detract from the residential amenity of the area.

<b>ACCEPTABLE OUTCOME</b>	<b>ASSESSMENT MANAGERS COMMENTS</b>
<b>SECTION 2 - General</b>	
<b>PO2</b> The density, built form and appearance of development reflects the intended low density, detached housing character of the zone, is climatically responsive and facilitates casual surveillance of the street.	In response to Council Further Advice letter the applicant: <ul style="list-style-type: none"> <li>- Decreased the pitch of the roof to suit the low-density character.</li> <li>- Incorporated timber cladding into built form.</li> <li>- Incorporated skylights.</li> </ul>
<b>AO2.1</b> Site cover does not exceed 50% except for the Bunya Mountains Precinct where the maximum site cover is 10%. and <b>AO2.2</b> Buildings are a maximum of 2 storeys above ground level. and <b>AO2.3</b> Pedestrian entrances to buildings are clearly visible from the street. and <b>AO2.4</b> The maximum length of any façade without articulation or change of materials is 10m. and <b>AO2.5</b> Buildings are set back at least: (a) 6m from the primary street frontage; (b) 4.5m from any secondary street frontage; (c) 1.5m from side boundaries; and (d) 6m from rear boundaries. and <b>AO2.6</b> A 1.8m high screen fence is provided to the side and rear boundaries. and <b>AO2.7</b> Plant and service equipment (air conditioning, exhaust fans, lift motor rooms, refuse bins, telecommunication devices, etc) are integrated into the building. and <b>AO2.8</b> Garages are at or behind the ground level front building setback. and	<ul style="list-style-type: none"> <li>✓ Site cover is approximately 24%</li> <li>✓ The proposed building is 1 storey.</li> <li>✓ The building has been designed with an entry archway which makes the entrance clearly visible from the street.</li> <li>✓ The maximum length of the side façade is approx. 21m long. However, the building design has incorporated a combination of brick and timber cladding, glass windows resulting in a change in articulation.</li> <li>✓ The building is setback 34m from the street frontage, within on-stie parking incorporated Infront of the building façade. The building is setback 1.5 from the western boundary, 3.1m from the eastern boundary and 18m from the rear boundary.</li> <li>✓ Relevant conditions added which requires the construction of a 2m high acoustic fence and 2.4m high cantilevered fence along different boundaries, in accordance with the Noise Assessment Report.</li> <li>✓ Relevant conditions added which requires ensures compliance with AO2.7.</li> </ul>

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<p><b>AO2.9</b> Front façades incorporate the front door (and an associated front door identification structure) and living room windows or balconies oriented toward the street.</p> <p>and</p> <p><b>AO2.10</b> Each unit incorporates a private open space at least 20m<sup>2</sup> in area and 4 metres wide that directly adjoins the unit's principal living area and is oriented northward.</p> <p>and</p> <p><b>AO2.11</b> Front fences are less than 1.2 metres high.</p> <p>and</p> <p><b>AO2.12</b> Where a dual occupancy in the Low Density Residential zone, each unit has:</p> <p>(a) independent driveway access to its respective street frontage;</p> <p>and</p> <p>(b) Its front door (and an associated front door identification structure) and living room windows or balconies oriented toward its respective street frontage.</p>	<p>✓ A front door is incorporated into the front façade.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p><b>PO3</b> Development responds to natural landforms and stormwater flows.</p>	<p>✓ The site will retain the current natural landform where possible</p>
<p><b>AO3.1</b> Cut and fill is minimised.</p> <p>And</p> <p><b>AO3.2</b> For building sites steeper than 10%, elevated split-level building construction is used to achieve level changes.</p>	<p>✓ Minimal cut and fill proposed.</p>
<p><b>PO4</b> Development is adequately serviced.</p>	<p>✓ Complies.</p>
<p><b>AO4.1</b> Development is connected to reticulated water supply and sewerage.</p> <p>and</p> <p><b>AO4.2</b> Stormwater is discharged to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners.</p> <p>and</p> <p><b>AO4.3</b> Development is supplied with reticulated electricity and telecommunications services.</p>	<p>✓ Conditioned to comply.</p> <p>✓ Conditioned to comply.</p> <p>✓ Conditioned to comply.</p>
<p><b>PO5</b> The efficiency and safety of the road network is not compromised by inappropriate access arrangements.</p>	<p>✓ Relevant access conditions applied.</p>
<p>No outcome specified.</p>	
<p><b>PO6</b> Refuse storage areas:</p> <p>(a) are conveniently located for use and collection; and</p> <p>(b) are of useable size; and</p> <p>(c) avoid adverse impacts on neighbours and occupants; and</p> <p>(d) are screened from view within the site, adjoining properties and the street.</p>	<p>✓ Refuse storage condition added to ensure compliance.</p>
<p>No outcome specified.</p>	

Delegated Authority

Date:

<p><b>PO7</b> Development is located and designed to ensure that land uses are not exposed to:                  (a) Areas that pose a health risk from previous activities; and                  (b) Unacceptable levels of contaminants.</p>	<p>N/A</p>
<p><b>AO7.1</b> Development does not occur:                  (a) In areas that pose a health risk from previous activities; and                  (b) on sites listed on the Contaminated Land Register or Environmental Management Register.                  or  <b>AO7.2</b> Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</p>	<p>✓ The subject site is not identified in the CLR or EMR.</p>

**SERVICES AND WORKS CODE**

<b>PURPOSE</b>	
<b>Relevant Overall Outcomes</b>	<b>Comments</b>
<p>Development is planned, designed, constructed and operated to manage stormwater and wastewater in ways that protect environmental values and achieve water quality objectives.</p>	<p>A condition has been added which requires a Stormwater Management Plan to be submitted to Council.</p>
<p>Development is provided with sufficient vehicle parking and servicing in a manner that provides safe and efficient access and circulation.</p>	<p>14 car parking spaces and 1 PWD space are provided in accordance with Table 9.4.5 of the Planning Scheme.</p>
<p>Landscaping enhances visual amenity, integrates the built and natural environments, maximises water efficiency, minimises soil loss, provides shade in large, paved areas and does not adversely impact on infrastructure.</p>	<p>A condition has been added which requires a Landscape Concept Plan to be submitted to Council.</p>

<b>ACCEPTABLE OUTCOME</b>	<b>ASSESSMENT MANAGERS COMMENTS</b>
<b>SERVICES AND WORKS CODE</b>	
<b>SECTION 1 - General</b>	
<p><b>PO1</b> The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.</p>	<p>✓ The proposed development will be provided with standard services currently connected to the site. Stormwater is proposed to be discharged to existing stormwater network at the rear of the subject site. Condition added to ensure lawful point of discharge. Landscaping is proposed to complement the building façade.</p>

Delegated Authority

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<b>AO1.1</b> A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	✓ Relevant condition added to ensure compliance.
<b>PO2</b> Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	✓ No wastewater is proposed to be discharged to a waterway. Relevant conditions added to ensure compliance.
<b>AO2.1</b> A wastewater management plan prepared by a suitably qualified person and addresses : (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best-practice environmental management; and <b>AO2.2</b> Wastewater is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; or (b) minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater.	✓ This development application does not necessitate the need for a wastewater management plan.
<b>PO3</b> Construction activities avoid or minimise adverse impacts on stormwater quality.	✓ Relevant conditions imposed.
<b>AO3.1</b> An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.	✓ Relevant conditions added in relation to erosion and sediment control.
<b>PO4</b> Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.	✓ Operational activities will not result in discharges to waterways. Relevant conditions added to ensure compliance.
<b>AO4.1</b> Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.	✓ Relevant conditions added to ensure compliance.
<b>SECTION 2 - Infrastructure</b>	
<b>PO5</b> Development is provided with infrastructure which: (a) conforms with industry standards for quality; (b) is reliable and service failures are minimised; and (c) is functional and readily augmented.	✓ Complies.



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<p><b>AO5.1</b> Except in the Rural zone, all development occurs on a site with frontage to a sealed road.</p> <p>and</p> <p><b>AO5.2</b> Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>✓ Alford Street is bitumen sealed.</p> <p>✓ Conditioned to comply.</p>
<p><b>SECTION 3 – Vehicle parking</b></p>	
<p><b>PO6</b> Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.</p>	<p>✓ Complies – The proposed childcare will accommodate 54 children. Table 8.4.5 requires 1 space per 3 employees and 1 space per 5 children.</p>
<p><b>AO6.1</b> Vehicle parking spaces are provided on-site in accordance with Table 9.4.5.</p> <p>and</p> <p><b>AO6.2</b> A service bay is provided on-site for the service vehicle nominated in Table 9.4.5.</p> <p>and</p> <p><b>AO6.3</b> Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards.</p> <p>and</p> <p><b>AO6.4</b> Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>✓ The proposal includes 14 car parking spaces and 1 PWD parking space in accordance with Table 9.4.5.</p> <p>N/A</p> <p>✓ Conditioned to comply.</p> <p>✓ Complies.</p>
<p><b>SECTION 4 – Landscaping</b></p>	
<p><b>PO7</b> Landscaping is appropriate to the setting and enhances local character and amenity.</p>	<p>✓ Conditioned to comply.</p>
<p><b>AO7.1</b> Landscaping is provided in accordance with the relevant zone code provisions.</p> <p>and</p> <p><b>AO7.2</b> Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m<sup>2</sup> and is unsealed and permeable.</p> <p>and</p> <p><b>AO7.3</b> Plantings along frontages or boundaries are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>	<p>✓ The applicant will be required to Submit a Landscape Concept Plan to be approved by Council.</p>
<p><b>PO8</b> Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	<p>N/A</p>

Delegated Authority

Date:

<p><b>AO8.1</b> Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping. and <b>AO8.2</b> Species selection avoids non-invasive plants.</p>	N/A
<b>SECTION 5 – Filling and Excavation</b>	
<p><b>PO9</b> Development results in ground levels that retain: (a) access to natural light; (b) aesthetic amenity; (c) privacy; and (d) safety.</p>	✓ Conditioned to comply.
<p><b>AO9.1</b> The depth of: (a) fill is less than 2m above ground level; or (b) excavation is less than 2m below ground level. and <b>AO9.2</b> The toe of the fill, or top of the excavation is not less than 0.5m inside the site property boundary. and <b>AO9.3</b> Works do not occur on slopes over 15% in grade. and <b>AO9.4</b> Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped. and <b>AO9.5</b> Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height. and <b>AO9.6</b> Filling or excavation for the purpose or retention of water: (a) is certified by an RPEQ engineer to safely withstand the hydraulic loading; (b) directs overflow such that no scour damage or nuisance occurs on adjoining lots.</p>	✓ Operational works application required for cut and fill works. Minimal cut and fill required.
<p><b>PO10</b> Filling or excavation does not cause damage to public utilities.</p>	✓ Conditioned to comply.
<p><b>AO10.1</b> Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.</p>	✓ Condition added to ensure protection of underground water supply, sewerage, stormwater, electricity and telecommunications.
<p><b>PO11</b> Filling and excavation avoids water ponding on the premises or nearby premises</p>	✓ Conditioned to comply.

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<p>that will adversely impact on the health of the community.</p>	
<p><b>AO11.1</b> Following filling or excavation:  <b>(a)</b> the premises:                  (i) are self-draining; and,                  (ii) has a minimum slope of 0.25%; and,   <b>(b)</b> surface water flow is:                  (i) directed away from neighbouring properties; or                  (ii) discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2.</p>	<p>✓ Condition added to ensure compliance with AO11.1.</p>

**Local Categorising Instrument - Variation Approval**

Not applicable.

**Local Categorising Instrument - Temporary Local Planning Instrument**

Not applicable.

**Other Relevant Matters**

Not applicable.

Delegated Authority

Date:

**Locality Plan**



Figure 1 - Locality Plan (Source: IntraMaps)

Delegated Authority

Date:

**Aerial Plan**



Figure 2 - Aerial Image (Source: SPP Mapping)

Delegated Authority

Date:

**CONSULTATION:****Referral Agencies**

Not applicable.

**Other Referrals**

<b>INTERNAL SPECIALIST</b>	<b>REFERRAL / RESPONSE</b>
Development engineer	Council's Development Engineer provided comments in relation to Infrastructure Charges and engineering conditions.
Infrastructure Charges Unit	<p>Council adopted a LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:</p> <ol style="list-style-type: none"> <li>a) Reconfiguring a lot;</li> <li>b) Making a Material change of use;</li> <li>c) Carrying out Building Work.</li> </ol> <p>The property is within the Water supply catchment, Sewerage Network, Transport Network, Parks &amp; Land of Community facilities, and Stormwater Network and is therefore subject to relevant adopted charges.</p> <p>Refer to Infrastructure Charges Notice attached as Attachment B.</p>

**Public Notification**

Public notification was undertaken from Thursday 17<sup>th</sup> February 2022 to Thursday 10<sup>th</sup> March 2022 in accordance with the requirements of section 17 and schedule 3 of the Development Assessment Rules.

The following public notification actions were undertaken for the subject development application:

- Published a notice in Burnett Today Newspaper; and
- Placed a notice on the premises; and
- Notified the owners of all lots adjoining the premises by way of posting letters.

The Notice of Compliance was received on the 11<sup>th</sup> March 2022 and 2 properly made submissions were received by Council.

**Submission 1:**

- Objection
- "Noises, personal privacy, car marking excessive noises, speeding, spinning wheels, recommended colour bond fence 7 foot".
- Submitter is adjoining landowner

**Submission 2:**

- Objection
- Concerns in regard to:
  - Increased traffic
  - Impacts on flow of traffic as Alford Street is narrow
  - Parking on the street

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Delegated Authority

Date:

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On the 14 March 2022, the applicant provided a response to the public submissions.

Given the concern from submitters in relation to noise from the proposed land use, Council issued a Further Advice letter which included the need for a Noise Impact Assessment report. The applicant subsequently engaged a consultant to undertake noise modelling and propose mitigation measures.

The Noise Impact Assessment submitted to Council recommended a number of noise mitigation and management measures for the operation and maintenance of the proposed childcare centre to ensure that noise from the site does not cause environmental nuisance to the nearby sensitive receptors. Recommendations summarised below:

- Acoustic barrier:
  - 2.4m high cantilevered acoustic barrier surrounding the outdoor play area and 2m high acoustic barrier along the remaining boundaries.
  - The acoustic barrier can be constructed from any durable material with sufficient mass (min. 12.5kg/m<sup>2</sup>) to prevent direct noise transmission.
- General building recommendations:
  - Surface coating of trafficable areas in the carpark should be selected to minimise tyre squeal or noise.
  - Ensure any manhole or service caps in the carpark area are tightly secured to prevent rattling.
  - Gates should be self-closing with soft closure latches.
- Operational Noise Management Measures.

The development has been conditioned to construct an acoustic fence in accordance with recommendations outlined in Section 7.1 of the Noise Impact Assessment report. The development has been conditioned to implement the general building recommendations outlined in Section 7.2 of the Noise Impact Assessment report. The Childcare centre has been conditioned to operate in accordance with the operational noise management measures outlined in Section 7.3 of the Noise Impact Assessable report.

Additional conditions have been included to protect the residential amenity of the immediate area, which included:

- Mechanical plant (air conditioning, refrigeration equipment and pumps) noise levels to comply with the *Environmental Protection Act 1994*.
- Waste storage and removal must be provided in accordance the *Waste Reduction and Recycling Regulation 2011*.
- Landscaping – Commission and implement a Landscape Concept Plan.
- On-site parking – The development has been conditioned to provide 14 on-site carparking spaces and 1 PWD space (as proposed by the applicant) exceeding the vehicle parking requirements outlined in the planning scheme for a childcare centre. The applicant proposed 2 additional carparking spaces then the required amount. Provision of sufficient on-site carparking spaces will decrease the risk of on-street parking.

It is considered that the concerns raised by the submitters have been addressed through reasonable and relevant conditions.

#### **CONCLUSION:**

The proposed development has been assessed with regards to the applicable assessment benchmarks as identified within the report and the attached Statement of Reasons (refer Attachment A). Where the proposed development does not comply with the benchmarks, conditions have been imposed to ensure compliance. Where the applicant has not provided sufficient information, conditions have imposed to ensure compliance.

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**RECOMMENDATION:**

It is recommended that the development application for a Material Change of Use – Childcare Centre at 101 Alford Street, Kingaroy (and described as lot 25 on SP237285) be approved subject to reasonable and relevant conditions pursuant to Section 60 of the *Planning Act 2016*.



Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENTS**

**Nil**

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**0.0 MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (SAND QUARRY) AND ENVIRONMENTALLY RELEVANT ACTIVITY (ERA) 16 1(B) – DREDGING MATERIAL: 10,000-100,000 T/YR, ERA 16 2(A) – EXTRACTING ROCK OF OTHER MATERIAL: 5,000-100,000 T/YR AND ERA 16 3(A) – SCREENING ROCK OR OTHER MATERIAL 5,000-100,000 T/YR AT DANGORE MOUNTAIN ROAD, GORDONBROOK (AND DESCRIBED AS LOT 26 ON BO204)**

**File Number: MCU22/0002**  
**Author: Senior Planning Officer**  
**Authoriser: Chief Executive Officer**

SENIOR MANAGER <i>Plaine</i>	[REDACTED]	DATE 17/10/22
GM/ <i>Acting</i>	[REDACTED]	20/10/22
CEO ✓	[REDACTED]	21.10.2022

**PRECIS**

Material Change of Use for Extractive Industry (Sand Quarry) and Environmentally Relevant Activity (ERA) 16 1(B) – Dredging Material: 10,000-100,000 T/YR, ERA 16 2(A) – Extracting Rock of Other Material: 5,000-100,000 T/YR and ERA 16 3(A) – Screening Rock or Other Material 5,000-100,000 T/YR at Dangore Mountain Road, Gordonbrook (and described as Lot 26 on BO204)

**SUMMARY**

- Application for Material Change of Use for Extractive Industry (Sand Quarry):
  - o Sand will be extracted from former creek beds in pits approximately 200-400m long, 20-50m wide and up to 3m deep.
  - o This sand will then be transported to and graded in the stockpile area.
  - o Finally, the sand will be transported off the site for commercial use via an access track to Memerambi-Gordonbrook Road.
- Subject site is included in the Rural zone under the South Burnett Regional Council Planning Scheme.
- Extractive Industry is impact assessable against the relevant benchmarks:
  - o Strategic framework;
  - o Rural zone code;
  - o Services and works code.
- Statement of Reasons (Attachment A);
- Infrastructure charges notice (Attachment B);

Application recommended for approval subject to reasonable and relevant conditions.

**OFFICER’S RECOMMENDATION**

**PLANNING**

GEN1. The development must be completed generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval.

Drawing Title	Prepared by	Reference no.	Revision	Date
Site Plan	Michael O’Sullivan	SCA/Gor/App22002		31.01.22
Fish Habitat Buffer Zone	Michael O’Sullivan	SCA/Gor/App22004		31.01.22
Site Plan	Michael O’Sullivan	SCA/Gor/App22003		20.11.19
Detailed Site Plan	Michael O’Sullivan	SCA/Gor/App22006		31.01.22

Delegated Authority

Date:

(Processing Area)				
Site Plan	Michael O'Sullivan	SCA/Gor/App22008-A3		07.02.22
Stormwater Plan	Michael O'Sullivan	SCA/Gor/App22009 SCA/Gor/App22010		17.02.22 21.02.22
Sediment and erosion control plan	Michael O'Sullivan	SCA/Gor/App22011 SCA/Gor/App22012		21.02.22
Rehabilitation plan	Michael O'Sullivan			07.02.22
Weed management plan	Michael O'Sullivan			07.02.22
Waste management plan	Michael O'Sullivan			07.02.22
Noise Report	Glen Copelin			21.06.22

**APPROVED USE**

- GEN1. The approved development is a Material Change of Use for an Extractive Industry and is limited to the area marked as 'Extraction Area' as shown on the Approved Plans.
- GEN2. Extraction shall not exceed 100,000 tonnes per year and shall not be undertaken in an area of more than 8ha at any one time. The maximum disturbed areas at any one time is 14.78ha (inclusive of all stockpiling/processing areas and haul roads). Maximum depth of extraction is 3m.
- GEN3. The applicant shall implement the recommendations of the approved acoustic report, including:
- a) A 6m high mound shall be constructed along the northwest and northeast side of the processing and stock pile area as shown on Figure 3 of the report.
  - b) The exhaust side of the screen plant should be orientated towards the south as much as possible.
  - c) Speed shall be limited to 10km/h on the site access road.
  - d) Speed shall be limited to 20km/h on internal haul roads.
  - e) No operation of equipment or vehicles shall occur prior to 7am in the morning, other than passenger vehicles.
- GEN4. The approved hours of operation are 7:00am to 6:00pm.

**WATER STORAGE**

- GEN5. The applicant is to provide 45,000 litre on site rainwater storage facility prior to the commencement of the use.

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Delegated Authority

Date:

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### **COMPLIANCE, TIMING AND COSTS**

- GEN 6. All conditions of the approval shall be complied with before the material change of use occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.
- GEN 7. Maintain the approved development in accordance with the approved drawings and documents and any relevant subsequent approvals required by the conditions herein.
- GEN 8. Maintain the site in a clean and orderly state at all times.
- GEN 9. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

### **ENGINEERING WORKS**

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.
- ENG3. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

### **LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS**

- ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development

### **STORMWATER MANAGEMENT**

- ENG6. Provide stormwater management generally in accordance with the Stormwater Management Plan prepared by Michael O'Sullivan, Version 1.0, dated 08/02/22, subject to detailed design and except as altered by conditions of this development approval.
- ENG7. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG10. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.
- ENG11. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

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### **PARKING AND ACCESS - GENERAL**

- ENG12. Provide a minimum of three (3) car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.

### **STANDARD ADVICE**

- ADV1. Infrastructure charges are levied by way of an Infrastructure Charges Notice, issued pursuant to Section 119 of the *Planning Act 2016*.

- ADV2. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

For further information or application form please refer to the rules and procedures available on Council's website.

- ADV3. Section 85(1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.

- ADV4. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

- ADV5. Landscaping is to be established using native drought tolerant species in accordance with "Branching Out – Your Handy Guide to Tree Planting in the South Burnett".

- ADV6. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

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**FINANCIAL AND RESOURCE IMPLICATIONS**

No implication can be identified.

**LINK TO CORPORATE/OPERATIONAL PLAN**

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.

GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

**COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Refer to CONSULTATION in this report.

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

No implication identified.

**POLICY/LOCAL LAW/DELEGATION IMPLICATIONS**

No implication can be identified.

**ASSET MANAGEMENT IMPLICATIONS**

No implication can be identified.

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**PROPOSAL PLAN**

See attachment A

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**Report**

Applicant:	Second Chance (Aust) Pty Ltd t/a Mick Johnson Haulage C/- Extractive Industry Solutions
Owner:	Ewen Gervase Fullerton, Trustee Under Instrument 704815772
Property Address:	Dangore Mountain Road, Gordonbrook, QLD, 4610
Real Property Description:	Lot 26 BO204
Approvals Sought:	Development Permit for Material Change of Use for Extractive Industry (Sand Quarry) and Environmentally Relevant Activity (ERA) 16 1(B) – Dredging Material: 10,000-100,000 T/YR, ERA 16 2(A) – Extracting Rock of Other Material: 5,000- 100,000 T/YR and ERA 16 3(A) – Screening Rock or Other Material 5,000-100,000 T/YR

<b>Proposal Description:</b>	
Planning Scheme:	South Burnett Regional Planning Scheme 2017 (v1.4)
Planning Scheme Zone:	Rural Zone
Area of Land:	445.1 hectares
Existing Land Use:	Vacant
Surrounding Land Uses:	Intensive Animal Industry Facility (Piggery), Rural uses and Environmental Management and Conservation zoned land
Services:	No services
Access:	Existing access from Memerambi-Gordonbrook Road
Topography:	Gently sloping from approximately 430m at the westernmost point to 380m at the easternmost point
Application Deemed Properly Made:	3 March 2022
Confirmation Notice Issued:	17 March 2022
Information Request Issued:	30 March 2022
Information Response Received:	12 July 2022
SARA Referral Confirmation Notice:	6 April 2022
Application Process:	Impact Assessment
Public Notification:	21 July to 12 August 2022
Properly Made Submissions:	None
Public Notice Compliance:	17 August 2022

Item 0.0

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## BACKGROUND/ PROPOSAL

This report carries out an independent town planning assessment of the proposed development. The Applicant, Second Chance (Aust) Pty Ltd t/a Mick Johnson Haulage C/- Extractive Industry Solutions, seeks a Development Permit for Material Change of Use for Extractive Industry, along with the following Environmentally Relevant Activities:

- ERA 16 1(B) – Dredging Material: 10,000-100,000 T/YR;
- ERA 16 2(A) – Extracting Rock or Other Material: 5,000-100,000 T/YR; and
- ERA 16 3(A) – Screening Rock or Other Material 5,000-100,000 T/YR.

These activities are proposed over land described as Lot 26 on BO204 and is situated at Dangore Mountain Road, Gordonbrook.

## THE SITE AND EXISTING USES

The site is located at Dangore Mountain Road, Gordonbrook (refer **Figure 1 – Site Locality**). Lot 26 has an area of 445.1 hectares and is surrounded on three sites by road reserves.

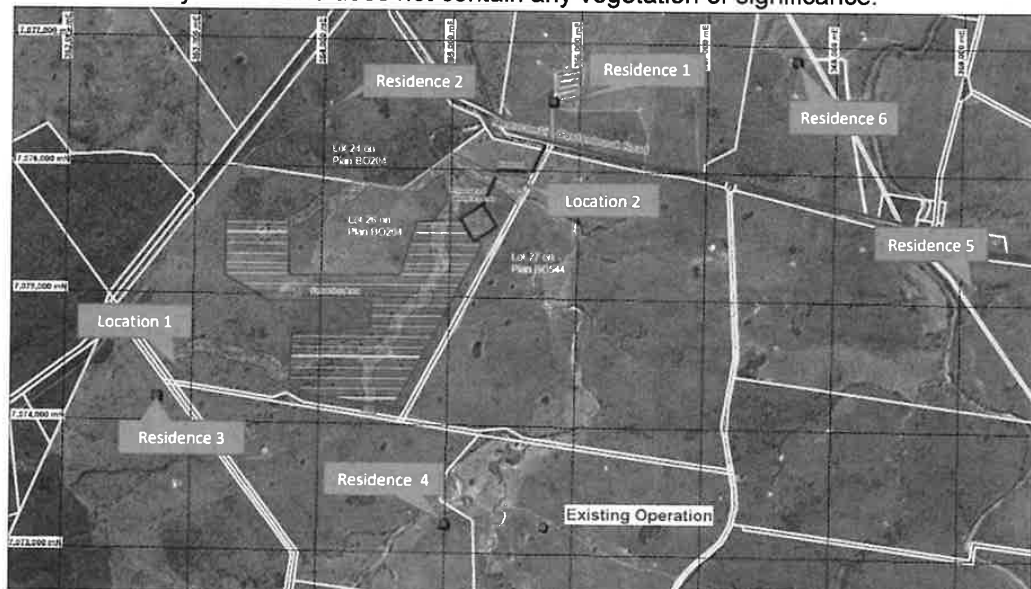
The sealed road to the north is Memerambi-Gordonbrook Road (a State controlled road), while to the west is Dangore Mountain Road, an unsealed and unmaintained road in poor condition. To the south and east are two more unconstructed roads

The site is crossed by several streams and creeks, with an order 1 and order 2 stream that both flow into Hirst Creek, which also crosses the property.

Lands surrounding the site include:

- A piggery to the north (located beside Residence 1 on **Figure 1** below);
- Environmental Management and Conservation to the north and west;
- Other rural land uses to the south and east; and
- Dwelling houses on the surrounding properties have their locations indicated on **Figure 1** below and are all at least 1km from the extraction and processing areas.

The site is currently vacant and does not contain any vegetation of significance.



**Figure 1 – Site Locality, including nearby residences (source: NV Engineers (QLD) Pty Ltd, 2022)**

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Figure 2 - Subject Site (source: QLD Globe)

## APPLICATION AND PROPOSAL DETAILS

### Application Type

The application seeks a Development Permit for a Material Change of Use for an Extractive Industry (sand quarry) use, as well as the following ERAs:

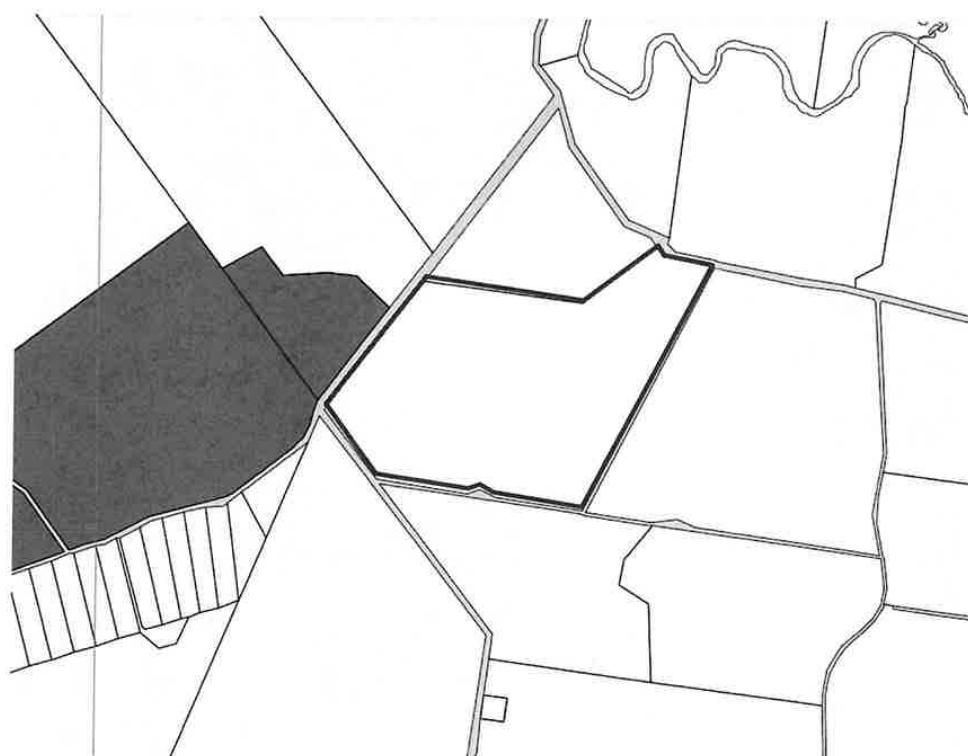
- 16 1(B) – Dredging Material: 10,000-100,000 T/YR,
- 16 2(A) – Extracting Rock of Other Material: 5,000-100,000 T/YR and
- 16 3(A) – Screening Rock or Other Material 5,000-100,000 T/YR

In response to the information request from the State Assessment and Referral Agency (SARA) the applicant sought a (minor) change to the development approval to remove ERA 16 1(B) – Dredging Material.

As identified below in **Figure 3**, the subject site is located with the Rural zone of the South Burnett Regional Council Planning Scheme 2017. Extractive Industry, where located in the Rural zone, is identified as Impact assessable development.

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**Figure 3** - Zoning and subject site (outline in red) (source: SBRC Online Mapping)

### The Proposal

The applicant seeks to develop lot 26 for Extractive Industry purposes, specifically a sand quarry. The site contains a number of existing creeks, the flows from which have led to the deposition of approximately 1.1 million extractable tons of various grades of sand. The proposal is to extract sand from alongside (but not in) the creeks, as a raw material for use in the construction industry.

Despite the application being for the entire 445.1 hectare lot, the extraction area proposed is only 144 hectares, and of this, only around 30% of that area contains extractable sand. This sand is generally found in deposits 200m to 400m long, 20m to 50m wide and up to 3m deep (3m being the maximum proposed depth of extraction).

Within this extraction area, a buffer of 50m has also been proposed along the creeks, in line with the Guidelines for fish habitat buffers zones (representing 26.4 of the 144 hectares of extraction area, shown in blue on **Figure 4**). This ensures that the existing waterways will not be adversely affected, instead focusing on extracting sand from historic creek beds.

A number of other buffers have also been allowed, including the 1000m buffer to the intensive animal industry (piggery) to the north, on the opposite side of Memerambi-Gordonbrook Road and a 100m buffer on the western boundary of the site in place due to the neighbouring State forest.

The sand will be extracted from the site then taken along internal haul roads a short distance to the processing and stockpiling area, a 200x200m square area in the north-east of the site. This location will contain the car park, any temporary structures such as amenity blocks, both processed and unprocessed materials and diversion banks and a sediment pond for stormwater management. The processing and stockpiling area is detailed in **Figure 5** below.

Only a maximum of 14.78 hectares will be disturbed at any one time. The processing area and the haul road from the processing area to the public road network will both be disturbed for the duration of the extractive industry activities on the site, totally 4.78 hectares. Two extraction areas, 4 hectares in size each, will be operational at a time, one for fine grained sand and one for medium grained sand/silty fine-grained sand/coarse sand or other specified sand. The

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temporary haul road from the pits to the processing area will take an area of 2 hectares at a maximum.

Each extraction area being excavated, and the haul road from there back to the processing area, will be temporary areas of disturbance. Each pit will be accompanied by a sediment pond and structures to direct runoff around the disturbed area, and capture runoff from within it. When an area is fully excavated, it will be rehabilitated and a new pit begun. Rehabilitation will occur between September and November and will occur prior to any new extraction occurring.

Processed sand leaving the site will be transported along another haul road, 780m in length, that joins the processing area to Memerambi-Gordonbrook Road. This haul road will cross Hirst Creek, which will have a crossing constructed in accordance with the "Accepted development requirement for operational work that is constructing or raising waterway barrier works" dated 1 October 2018.

No permanent structures are to be erected as part of this application, though some temporary structures such as mobile amenity blocks and containers may be used during operational periods. These are shown on **Figure 5** below.

The extraction would have a life expectancy of 20 to 25 years.



Figure 4 – Site Plan (source: NV Engineers (QLD) Pty Ltd, 2022)

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Figure 5 – Processing and Stockpiling Area Plan (source: NV Engineers (QLD) Pty Ltd, 2022)

### Application History

A search of Councils records has identified that there are no previous approvals registered to the site.

#### Confirmation Notice

A confirmation notice acknowledging the application was issued on 17 March 2022.

#### Amended Confirmation Notice

To ensure consistency between the Council's Confirmation Notice and the Referral Confirmation notice, (consistent with advice from SARA) Council recommended that the applicant request an amended confirmation notice to reconcile the proposal description. An Amended Confirmation Notice was issued on 11 April 2022. The primary difference between the two notices was the addition of the Environmentally Relevant Activities to the proposal description.

#### Council Information request

An information request was issued to the applicant on 30 March 2022. The information request sought (in summary):

1. A demonstration of the planning need for the proposed exploitation of extractive resources

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2. Justification for the 144ha size of the extraction area
3. Reconciliation of inconsistencies between the planning report and the stormwater and rehabilitation plans regarding the size of the disturbed area
4. Details on how long the disturbance will occur and the length of rehabilitation activities
5. Clarification of operating hours
6. Provide an Acoustic Report given the proximity to sensitive receptors

An extension to the Information Request response period was made and accepted by Council, extending the Information Request response period to 31 July 2022.

On 12 July 2022, correspondence was received by Council from the applicant in response to the matters raised within the information request.

Additional information was provided in relation to the size of the extraction area and rehabilitation plans, and an Acoustic Report was attached. In relation to the first item (planning need) the applicant stated that there was a lack of supply of clean, fine sand in the Kingaroy-Wondai Area. The response however did not include any empirical data, stating that research had been undertaken however that was confidential. Finally, inconsistencies in the proposed operating hours were left unanswered, as the applicant would prefer to operate 6am-6pm, but will accept 7am-7pm if nominated.

#### SARA Information request

The development aspects that triggered the referral and subsequent information request are detailed in section 3.5 of this report.

### **Public Notification**

Public Notification was undertaken between 21 July and 12 August 2022. A notice of compliance was received on 17 August 2022 stating that public notification had been carried out in accordance with the requirements of the Planning Act.

No submissions were received by Council.

### **Referral Agencies**

A concurrence referral to the State assessment and referral agency (SARA) was triggered by this application. The referral triggers were:

- Schedule 10, Part 5, Division 4, Table 2, Item 1 – Environmentally relevant activities;
- Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – Development impacting on state transport infrastructure; and
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a state transport corridor.

#### Referral Information Request

SARA issued an information request on 21 April 2022. The items request sought (in summary):

1. Confirmation of access arrangements
2. Size of transport vehicles to use the haul route
3. Confirmation whether the proposal will involve 'dredging'
4. Confirmation whether a mining lease is required
5. Confirmation of the maximum volume of material proposed to be extracted
6. Confirmation of the maximum disturbance area
7. Clarification of the timing/staging of the extraction process
8. Clarification on the depth to which extraction/dredging will occur
9. Confirmation that the stormwater management system will not result in harm to the receiving waters environment
10. Details on how storm events will be managed
11. Demonstrate the service catchment is consistent with the extraction/dredging area
12. Details of the proposed water release points
13. Details of the proposed rehabilitation process

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14. Details of what activities will be undertaken within the stream buffer areas
15. Demonstration that the proposed sedimentation ponds will be appropriate based on project staging
16. Confirmation of borehole status
17. Confirm the consistency of the proposed acoustic assessment aligns with the Environmental Protection (Noise) Policy 2019
18. Demonstrate that the proposal will be compliant with noise limits

#### Referral Information Request Reply

The applicant provided an Information Request Reply on 12 July 2022. This reply contained a response to each of the points raised by SARA in the Information Request, and additionally contained two supporting documents, revised versions of the Traffic Impact Assessment prepared by McMurtrie Consulting Engineers and Noise Impact Assessment prepared by NV Engineers.

These responses clarified most of the issues raised in the Information Request by providing additional detail that demonstrated compliance with the relevant State Codes. Key elements of the response include:

- detailing of the location and configuration of the site access;
- clarifying that production rates will vary from 40,000 to 80,000 tonnes per annum, depending on the local industry requirements for the year (present demand for concrete production is approximately 30,000 tonnes per annum, for comparison);
- clarification that the extraction areas and process will occur as described in section 3.2 of this report, disturbing a maximum of 14.78 hectares of the site at a time;
- detailing of stormwater management plan, and how the sediment ponds are appropriately sized and will ensure that the sediment load in any runoff will be significantly reduced such that water quality will be maintained or improved as a consequence;
- clarification that no extraction will take place within 50m of the order 1, 2 or 4 streams on the site;
- clarification that the abandoned boreholes on the site do not pose a risk of adversely impacting on the water quality of groundwater in the area; and
- a Noise Impact Assessment that concludes that the proposed activities will remain at all times compliant with the relevant acoustic quality objectives.

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**TOWN PLANNING CONTEXT**

**Table 3** provides an overview of the current town planning framework relevant to the subject site.

<b>TABLE 3 – SUMMARY OF LOCAL PLANNING INSTRUMENT</b>	
<b>State Planning Context</b>	
Regional Plan	<i>Wide Bay Burnett Regional Plan 2011</i> (the Regional Plan)
State Planning Policy	<i>State Planning Policy</i> (July 2017) (the SPP)
SARA DA Mapping	Water Resources <ul style="list-style-type: none"> <li>- Water resource planning area boundaries</li> </ul> State Transport <ul style="list-style-type: none"> <li>- State-controlled Road</li> <li>- Area within 25m of a State-controlled road</li> </ul>
Referrals	State Assessment and Referral Agency <ul style="list-style-type: none"> <li>- State-controlled Road</li> <li>- Area within 25m of a State-controlled Road</li> </ul>
Assessment Benchmarks	<ul style="list-style-type: none"> <li>- State Code 1: Development in a state-controlled road environment</li> <li>- State Code 6: Protection of state transport networks</li> <li>- State Code 22: Environmentally relevant activities</li> </ul>
<b>Local Planning Context</b>	
Planning Scheme	<i>South Burnett Regional Council Planning Scheme 2017</i> (v1.4)
Strategic Framework Designation	Rural
Zone	Rural Zone (see <b>Figure 3</b> )
Overlays	Bushfire Overlay <ul style="list-style-type: none"> <li>- Medium Potential Bushfire Intensity</li> <li>- Potential Impact Buffer</li> </ul> Flood Hazard Overlay <ul style="list-style-type: none"> <li>- Flood Hazard Area</li> </ul> Biodiversity Overlay <ul style="list-style-type: none"> <li>- High ecological value waters</li> </ul> Agricultural Overlay Map <ul style="list-style-type: none"> <li>- Important Agricultural Areas</li> <li>- Class A</li> </ul>
Defined Use	Extractive Industry
Level of Assessment	Impact Assessment
Assessment Benchmarks	Planning Scheme



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## PLANNING ASSESSMENT

In accordance with section 45 (5) of the Planning Act, impact assessment is an assessment that must be carried out—

(i) against the **assessment benchmarks in a categorising instrument** for the development; and

(ii) having regard to any matters prescribed by regulation for this subparagraph; and

(b) may be carried out against, or having regard to, **any other relevant matter**, other than a person's personal circumstances, financial or otherwise.

Examples of another relevant matter—

- a planning need
- the current relevance of the assessment benchmarks in the light of changed circumstances
- whether assessment benchmarks or other prescribed matters were based on material errors

In this instance under **section 45 (4)(a)(i) of the Planning Act**, the categorising instrument for the development is the *South Burnett Regional Council Planning Scheme 2017 (v1.4)*.

### Common Material – Technical Reports

A number of reports prepared by Extractive Industry Solutions were lodged with the application material or included as part of the response to the information requests from Council and SARA. These included the:

- Stormwater Management Plan;
- Sediment & Erosion Control Plan;
- Rehabilitation Plan;
- Weed Management Plan;
- Waste Management Plan;
- Acoustic Impact Assessment; and
- Traffic Impact Assessment.

### State and Regional Planning Instruments

The proposed development triggers assessment against a number of State Codes as a consequence of the proposed Environmentally Relevant Activity and the proximity to and use of the neighbouring state-controlled road.

The relevant State Codes are State Code 1: Development in a state-controlled road environment, State Code 6: Protection of state transport networks and State Code 22: Environmentally relevant activities.

As described earlier, in response to the information request to SARA, a minor change was made to the application to remove the ERA components.

SARA issued a concurrence agency response dated 1 September 2022 approving the proposed development subject to conditions which related to:

- Access location and standards;
- Limitations on the haul route;
- Payment of a contribution toward the maintenance of Memerambi Gordonbrook Road.
- Stormwater.

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### Wide Bay Burnett Regional Plan

The Wide Bay Burnett Regional Plan (WBBRP) designates the site in the Regional Landscape & Rural Production Area (RLRPA). The intent for the RLRPA is repeated below:

*The RLRPA identifies land with regional landscape, rural production or other non-urban values. It protects this land from inappropriate development, particularly urban or rural residential development. These areas support the lifestyle and wellbeing of the regional population, primarily located in the Urban Footprint.*

Section 3.3 of the Regional Plan relates to Mineral resources and extractive industry and identifies the following relevant Policies:

*3.3.2 Identified valuable mineral and extractive resource areas within the region are protected from development that might prevent or severely constrain current or future extraction.*

*3.3.3 The operation of extraction and processing activities does not compromise current and future resource use opportunities, regional landscape values, ecosystem function and services, or human health, and minimises its impact on primary production.*

*3.3.4 At the cessation of mineral and extractive resource activities, those former mining and extractive resource areas are rehabilitated to facilitate multiple end-uses of sites, ensuring their continuing contribution to the economic, social and environmental values of the region.*

*3.3.5 Innovative practices are encouraged, including local processing and value-adding activities for mineral and extractive resources, to maximise eco-efficiencies and further support their contribution to the region's economy.*

The proposal is consistent with the broad intent of the Regional Plan which recognises the role of extractive industry as a value adding industry in the RLRPA, where undertaken subject to the policies repeated above. It is considered that where appropriately conditioned, the proposed development is consistent with the intent and outcomes of the Regional Plan.

### South Burnett Regional Planning Scheme 2017 (v1.4)

#### Defined Use

The proposed **Extractive Industry** is defined, pursuant to the South Burnett Regional Council Planning Scheme 2017 as:

Premises used for–

- (a) *Extracting or processing extractive resources; and*
- (b) *Any related activities, including, for examples, transporting the resources to market.*

As identified earlier, an Extractive Industry in the Rural zone is Impact assessable and as such, must be assessed against the entire planning scheme.

#### Strategic Framework

Relevant sections of the Strategic Framework include the following:

Section 3.2 – Settlement Pattern

3.2.1 – Strategic Outcomes

*(1) Forecasts suggest moderate growth throughout the Region, prompting incremental increases in urban growth areas around most towns. However, possible growth influences, such as that associated with the Bowen Basin, may occasion larger growth areas.*

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*(10) The risk to life and property from bushfire, flood, landslide and man-made hazards is avoided or mitigated.*

### Section 3.3 – Rural Futures

#### 3.3.1 – Strategic Outcomes

*(3) Non-rural activities are ancillary or subsidiary to principal rural land uses to widen the economic base for rural production provided that rural production in surrounding areas is not compromised and rural character is maintained.*

*(4) Rural areas can potentially accommodate major industries, infrastructure projects, resource extraction enterprises and transport and aviation related opportunities involving land close to Kingaroy airport. However, they must be of a nature that is unable to be accommodated in towns, brings major local or regional economic benefits and respects the overriding considerations of rural character and production values, scenic values and water quality and has direct access to substantial urban areas via high quality roads.*

*(5) Extractive resources in rural areas are protected for effective and sustainable exploitation consistent with demonstrated planning need.*

##### 3.3.1.1 – Specific Outcomes

*(9) The location of major industries, infrastructure projects or resource extraction enterprises in rural areas is facilitated where the impacts are managed in keeping with community expectations and where existing and future rural resource utilisation is not compromised.*

*(11) Exploitation of mining and extractive deposits, including haul routes, is managed such that adverse environmental and amenity impacts are maintained at an acceptable level. Key Resource Areas are expected to be extracted and are identified to ensure that can occur without undue interference from incompatible land uses.*

### Section 3.4 – Strong Economy

#### 3.4.1 – Strategic Outcomes

*(1) The Region's economy is founded on strength and diversity of industry and service provision that capitalises on its location advantages and natural assets, improving the Region's employment opportunities and maximising regional economic activity.*

*(5) Economic development is enhanced by infrastructure that strengthens and develops linkages with the Southeast Queensland, the Darling Downs and the Wide Bay/Fraser Coast.*

##### 3.4.1.1 – Specific Outcomes

*(1) Natural resources and rural land uses that contribute significant economic benefits to the community are identified and protected for use when needed.*

*(8) Major industries, infrastructure projects, resource extraction enterprises or mineral resource realisation are facilitated where the impacts are managed in keeping with rural character values and community expectations and where existing and future rural resource utilisation is not compromised.*

### Section 3.5 – Natural Systems & Sustainability

#### 3.5.1 – Strategic Outcome

*(1) The values of the Region's National Parks, State Forests and all matters of State environmental significance are protected from incompatible development to avoid or otherwise minimise adverse impacts on their biodiversity values.*

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*(2) The water, land, vegetation and air resources of the Region are managed on a sustainable basis, maintaining their availability for sustainable use and facilitating their contribution to the Region's ecosystem health, liveability and prosperity.*

*(4) Overlays identify natural hazards and prescribe assessment benchmarks for avoiding and mitigating their effects on people and property.*

#### 3.5.1.1 – Specific Outcomes

*(3) New development does not necessitate clearing of significant vegetation, significant landscape modification or management practises within National Parks or State Forests to manage bushfire hazard on development sites.*

*(4) The riparian amenity and habitat of the Region's waterways and wetlands are protected from inappropriate development.*

*(9) Development avoids or mitigates risks to personal safety and property damage from natural hazards.*

### Section 3.6 - Strong Communities

#### 3.6.1 – Strategic Outcomes

*(7) Community health and safety, sensitive land use (as defined in the Regulation) and the natural environment are protected from the potential adverse impacts of hazardous air, noise and odour emissions from higher impacts uses.*

*(9) Extractive industry sites are available for re-use for other activities or revert to their natural state upon cessation of extraction.*

#### 3.6.1.1 Specific Outcomes

*(21) Extractive industry sites are rehabilitated once the resource has been exhausted.*

### Response

The strategic framework recognises the contribution that extractive industries play to both the economy and the ability for the shire to construct and maintain infrastructure. They are recognised as being appropriate in the Rural Zone where they can be appropriately separated from sensitive uses and where impacts on natural and man made matters can be avoided. The proposed extractive industry is consistent with the outcomes of the strategic framework as follows:

- It will support the construction industry in the region, providing raw materials to meet the construction/infrastructure needs of the region over the next two decades of operation.
- The development avoids acoustic amenity impacts on sensitive users, with both the extraction area and processing area being located over a kilometre from the nearest sensitive receptor ensuring that noise produced on the site will not exceed the existing background noise levels.
- The positioning of the development within the site has been appropriately considered, taking into account setbacks from the nearby State Forest and the piggery along with the waterways on the site.
- Appropriate stormwater management measures and setbacks are proposed for the waterways on the site such that no adverse impacts will be felt by the waterways as a consequence of the development.
- The proposed rehabilitation plan will be conditioned and revert the site to its natural state upon the cessation of extraction.

### **Zone Code**

(1) The purpose of the rural zone code is to—

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- (a) provide for rural uses and activities; and
- (b) provide for other uses and activities that are compatible with-
- (i) existing and future rural uses and activities; and
  - (ii) the character and environmental features of the zone; and
- (c) maintain the capacity of the land for rural uses and activities by protecting and managing significant natural resources and processes.

The relevant overall outcomes of the rural zone code are addressed below:

Outcome	Response
(a) Land that is essential to the economic viability of productive Agricultural Land Classification Class A or Class B and rural land uses within the region is conserved.	<b>Not Applicable.</b> A small portion of the northernmost part of the subject site is classed as Class A Agricultural Land. This area is outside the proposed extraction area. In addition, a large proportion of the site will be retained for ongoing or future agricultural uses.
(b) Development comprises a wide range of existing and new rural pursuits, including cropping, intensive horticulture and animal industries, animal husbandry and keeping and other compatible primary production uses.	<b>Partial Non-compliance</b> The proposed development is not for a rural pursuit, however a large proportion of the site will be retained for ongoing or future agricultural uses. The strategic framework (and other overall outcomes of the zone code) nevertheless anticipates difficult to locate uses occurring in the rural zone. The proposed use is a compatible use that will not adversely impact surrounding rural land uses, and will not compromise the long term use of the subject site for a rural use once the extractive industry use has ended and been fully rehabilitated.
(c) On farm value adding in the form of small scale agri-tourism is supported where associated with the rural use of the site.	<b>Not Applicable.</b> Farming activities are not part of the proposal.
(d) Infrastructure is provided at a standard normally expected in rural locations.	<b>Complies.</b> No connection to reticulated services is provided. A portable amenity block will be provided during extraction operations for onsite workers.
(e) Areas of land used for primary production are conserved and not unnecessarily fragmented.	<b>Complies.</b> The subject land will not be fragmented by the extractive industry use, and will be available again for primary production uses after the cessation of extractive activities. The proposed extraction is outside the part of the land identified as Class A GQAL.
(f) The viability of existing and future rural uses and activities are protected from the intrusion of incompatible uses.	<b>Complies.</b> The applicant has provided sufficient evidence to demonstrate that the proposed use will not have an unacceptable adverse impact on existing and future rural uses.
(g) Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised.	<b>Complies.</b> Extractive industry operations are both 'locked in place' (where the resource is available) and require separation from sensitive uses in urban locations. The applicant has demonstrated that impacts from

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	the proposed use have been appropriately managed (including through the use of setbacks between the proposed use and surrounding uses, including the nearby piggery, residences and State Forest and the streams on the site.
(h) Development embraces sustainable land management practices and contributes to the rural amenity and landscape of the area.	<b>Complies.</b> Through appropriate stormwater management, the proposal will not adversely impact upon the waterways on the site. The site topography will ensure that the proposal will have minimal visual impacts on rural amenity, and the noise assessment reports have determined that the proposal will not impact upon the closest sensitive uses. The rehabilitation plan will ensure that the rural amenity and landscape of the area will be maintained in the long-term.
(i) Development is reflective of and responsive to the surrounding character of the area, natural hazards and the environmental constraints of the land.	<b>Complies.</b> A range of setbacks are to be used to accommodate factors such as Hirst Creek, other on-site waterways and the nearby vegetated areas. The site will not be used during the wet season, when site access may be cut off due to flooding of Hirst Creek.
(j) Sites that are contaminated or pose a health risk from prior activities are remediated prior to being developed for sensitive land use (as defined in the Regulation).	<b>Not Applicable.</b> The proposed land use is not sensitive.
(k) Residential or other sensitive land use (as defined in the Regulation) are not intensified in the identified separation area around the Swickers Kingaroy Bacon Factory on Overlay Map 11.	<b>Not Applicable.</b> The proposed land use is not sensitive.
(l) New residential development of historic or remote residential subdivisions is inconsistent with the purpose of this zone code.	<b>Not Applicable.</b> The proposed land use is not residential.
(m) Non-rural development is appropriate only where directly associated with the rural use of the zone and does not compromise the rural use of the land.	<b>Non-compliant.</b> The proposed development is not associated with a rural use. However, it is a compatible use that will not adversely impact surrounding rural land uses, and will not compromise the long term use of the subject site for a rural use once the extractive industry use has ended and been fully rehabilitated.
(n) Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and buffered from adjacent development.	<b>Complies.</b> The Sediment & Erosion Control Plan provides the plan through which this outcome will be achieved. Most notably, the creeks will be buffered from the extraction pits.
(o) Water supply catchments are protected from activities that may endanger water quality.	<b>Complies.</b> By utilising sediment ponds and diversion banks in line with the stormwater management plan, water quality will be maintained as sediment from the extractive activities will not make its way into the waterways on the site.

The Rural zone code is addressed below:

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**6.2.13.3 Criteria for Assessment**

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<b>General</b>		
<p><b>PO1</b> Development maintains rural amenity and character.</p>	<p><b>AO1.1</b> Buildings are set back 20m from any collector or higher order road and 10m from any other road frontage.</p> <p>and</p> <p><b>AO1.2</b> The use does not cause odour, noise or air emissions in excess of the prescribed limits in the <i>Environmental Protection (Air) Policy 1997</i> or the <i>Environmental Protection (Noise) Policy 1997</i>.</p>	<p><b>Complies with AO1.1 and 1.2.</b></p> <p>The only structures that may be present on the site are temporary amenity and office blocks. These will be located several hundred metres from the property boundary.</p> <p>Furthermore, the use will not generate any odour. Noise emissions will occur, however, they will not exceed the prescribed limits and will have no adverse effects on the closest sensitive uses, as detailed in the Noise Assessment Report. The site will operate under an Environmental Authority, based on the relevant policies of the Department of Environment and Science.</p>
<p><b>PO2</b> Development does not jeopardise the rural production capacity of the zone.</p>	<p>Development resulting in lots less than the minimum size in Table 8.4.2 satisfying outcomes-</p> <p><b>AO2.1</b> The proposal is necessary for the efficient production and process of a crop grown in the area.</p> <p>or</p> <p><b>AO2.2</b> The proposal provides an alternate productive rural activity that supports regional significant industry.</p> <p>or</p> <p><b>AO2.3</b> An agricultural sustainability report prepared by a suitably qualified agronomist demonstrates that –</p> <ul style="list-style-type: none"> <li>(a) The lot is suitability sized for the proposed activity, including a dwelling house including yard; and</li> <li>(b) There is sufficient water for the proposed activity; and</li> <li>(c) The allotment is capable of being connected to reticulated electricity; and</li> <li>(d) The proposed activity is financially viable, requiring a viability</li> </ul>	<p><b>Not Applicable .</b></p> <p>Subdivision is not proposed.</p>

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	<p>assessment that includes capital costs, operational costs, sustainable yields to support a family, climate, soils and geological factors affecting crop growth, nutrients, salinity, topography, susceptibility to flooding and erosion and an assessment of market robustness (both recent and projected) and alternative practises in the event of failure.</p> <p>and <b>AO2.4</b> Development is consistent with any Soil Conservation Plan that applies to the locality, as approved by the relevant State agency.</p>	
<p><b>PO3</b> Development does not result in any degradation of the natural environment, in terms of the geotechnical, physical, hydrological and environmental characteristics of the site and its setting.</p>	<p><b>AO3.1</b> Uses and associated works are confined to existing lawfully cleared land or areas not supporting regulated vegetation.</p> <p>and <b>AO3.2</b> Uses and associated works are confined to areas outside stormwater discharge points, overland flow paths, watercourses and natural drainage features.</p> <p>and <b>AO3.3</b> Development, excluding forestry activities and permanent plantations, adjacent to National Parks or State Forests is set back a minimum of 100m from the park boundaries in the absence of any current 'Management Plans' for these areas.</p>	<p><b>Complies with AO3.1, AO3.2 and AO3.3</b></p> <p>No regulated vegetation is located on the site, and minimal clearing of Category X vegetation will be required, involving small numbers of individual trees.</p> <p>Setbacks have also been put in place to ensure that no extractive activities take place within 50m of the existing watercourses or within 100m of the State Forests on neighbouring lots.</p>
<p><b>PO4</b> Development is not exposed to risk from natural hazard relating to land slip.</p>	<p><b>AO4.1</b> Uses and associated works are confined to slopes not exceeding:</p> <ul style="list-style-type: none"> <li>(a) 15% for residential uses;</li> <li>(b) 10% for treated effluent disposal areas;</li> <li>(c) 6% for non-residential uses.</li> </ul>	<p><b>Complies with AO4.1.</b></p> <p>The average slope in the activity areas is 4.5%, while the target sand deposits are generally located in areas where the slope is less than 3.5%.</p>
<p><b>PO5</b> Development is adequately serviced.</p>	<p><b>AO5.1</b> A 45kl water tank is provided for consumption purposes.</p> <p>and</p>	<p><b>Complies with PO5.</b></p> <p>The mobile office and amenities unit will be provided with a 45kl water tank.</p>

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	<p><b>AO5.2</b> On-site sewage treatment is provided.</p> <p>and</p> <p><b>AO5.3</b> Each dwelling is provided with a service line connection to the electricity supply and telecommunications networks.</p>	<p>The site will be operational for approximately 4 months per annum, with an amenity unit transported to the site during these periods that will be serviced by a suitably registered and experienced contractor. With no permanent dwellings on the site, the site will be powered by a generator. These services will be conditioned.</p>
<p><b>PO6</b> Development is located and designed to ensure that land uses are not exposed to:</p> <p>(a) Areas that pose a health risk from previous activities; and</p> <p>(b) Unacceptable levels of contaminants.</p>	<p><b>AO6.1</b> Development does not occur:</p> <p>(a) In areas that pose a health risk from previous activities; and</p> <p>(b) On sites listed on the Contaminated Land Register or Environmental Management Register.</p> <p>or</p> <p><b>AO6.2</b> Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</p>	<p><b>Complies with AO6.1.</b></p> <p>The site has previously been used for grazing, posing no health risks. The site does not appear on the Contaminated Land Register or Environmental Management Register.</p>
<b>Section 2 Where in the vicinity of an existing intensive animal industry</b>		
<p><b>PO7</b> Non-rural development does not compromise the integrity and operations of intensive animal industries.</p>	<p><b>AO7.1</b> Non-rural development does not result in an increase in the number of people living or working within 1km from an existing or approved intensive animal industry facility.</p>	<p><b>Complies with AO7.1.</b></p> <p>The nearby piggery, located opposite the site on Lot 25 on BO204, is located approximately 1.2km from the stockpile and processing area.</p>
<b>Section 3 Caretaker's accommodation</b>		
<p><b>PO8 – PO9 Not Applicable.</b></p> <p>The proposed development is not for a caretaker's accommodation.</p>		
<b>Section 4 Home based business</b>		
<p><b>PO10-13 Not Applicable.</b></p> <p>The proposed development does not include a home based business.</p>		
<b>Section 5 Secondary dwelling</b>		
<p><b>PO14 Not Applicable.</b></p> <p>The proposed development does not include a secondary dwelling.</p>		
<b>Section 6 For development affected by one or more overlays</b>		
<b>Agricultural land overlay</b>		

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<p><b>PO15</b> The productive capacity and utility of agricultural land for rural activities is maintained.</p>	<p><b>AO15.1</b>The proposal is not located on agricultural land as identified on SPP Interactive Mapping (Plan Making).</p> <p>or</p> <p><b>AO15.2</b>The proposal is necessary for the efficient production and processing of a crop grown in the area.</p> <p>or</p> <p><b>AO15.3</b>The proposal provides an alternate productive rural activity that supports regionally significant industry.</p> <p>or</p> <p><b>AO15.4</b>An agricultural sustainability report prepared by a suitably qualified agronomist demonstrates that –</p> <ul style="list-style-type: none"> <li>(a) The lot is suitably sized for the proposed activity. Including a dwelling house including a yard; and</li> <li>(b) There is sufficient water for the proposed activity; and</li> <li>(c) The allotments is capable of being connected to reticulated electricity; and</li> <li>(d) The proposed activity is financially viable, requiring a viability assessment that includes capital costs, operational costs, sustainable yields to support a family, climate, soils and geological factors affecting crop growth, nutrients, salinity, topography, susceptibility to flooding and erosion and an assessment of market robustness (both recent and projected) and alternative practises in the event of failure.</li> </ul> <p>and</p> <p><b>AO15.5</b>Development is consistent with any Soil Conversation Plan that applies to the locality, as approved by the relevant State agency.</p>	<p><b>Complies with PO15.</b></p> <p>Approximately one third of the site is identified as “Important Agricultural Areas” under the SPP Interactive Mapping and Overlay Map 8.1. However, the area subject to extraction is not covered by any areas zoned as “Class A” or “Class B” agricultural land.</p> <p>The conditioning of the rehabilitation plan will ensure that each extraction pit will be returned to productive agricultural land once extraction is finished.</p>
<p><b>Airport environs overlay</b></p>		

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<p><b>PO16 – PO17 Not Applicable.</b> The proposal site is not located in within the Airport environs overlay.</p>		
<p><b>Biodiversity overlay</b></p>		
<p><b>PO18</b> Areas of environmental significance, including biodiversity values, are identified, protected and enhanced.</p>	<p><b>AO18.1</b> Uses and associated works are confined to areas not identified on Overlay Map 05. or <b>AO18.2</b> Development is compatible with the environmental values of the area. or <b>AO18.3</b> Where development within an area identified on Overlay Map 05 is unavoidable, measures recommended by a suitably qualified ecologist are incorporated to protect and retain the environmental values and underlying ecosystem processes within or adjacent to the development site to the greatest extent practical.</p>	<p><b>Complies with AO18.1.</b> The feature of the site identified on the Biodiversity Overlay is the waterway crossing the northern section. A 50m vegetated buffer will be maintained to all waterways.</p>
<p><b>PO19</b> Biodiversity values of identified areas of environmental significance are protected from the impacts of development.</p>	<p><b>AO19.1</b> Development adjacent to Protected Areas identified on Overlay Map 05 is set back a minimum of 100m from the park boundaries in the absence of any current 'Management Plans' for these areas.</p>	<p><b>Complies with AO19.1.</b> A 100m buffer will be maintained along the western side of Lot 26 on Plan BO204.</p>
<p><b>PO20</b> There are no significant adverse effects on water quality, ecological and biodiversity values.</p>	<p><b>AO20.1</b> Uses and associated works are confined to areas outside overland flow paths and natural drainage features.  <b>AO20.2</b> All buildings, on-site effluent disposal, external activities or storage areas are located 100m from the top of the bank of a river, creek, stream or wetland identified on Overlay Map 05.  <b>AO20.3</b> The Waterway Corridors identified on Overlay Map 05 are maintained in a natural state.</p>	<p><b>Complies with PO20.</b> A range of measures will be used to ensure no adverse impacts are felt by the waterways on site. The Stormwater Management Plan uses sediment ponds and diversion banks to prevent water quality being adversely impacted by sediments during rainfall events. 50m buffer zones are also used to ensure that the present ecological values of the waterways are not impacted by the proposed use. Additionally, in the places where the waterways on site must be interfered with for access purposes, the crossings will be constructed in an appropriate manner to avoid adverse impacts on the waterways.</p>

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<b>Bushfire hazard overlay</b>		
<p><b>PO21</b> Development is not placed at unacceptable risk from bushfire, does not increase the extent or severity of bushfire and maintains the safety of people and property from bushfire.</p>	<p><b>AO21.1</b> Development does not occur in areas mapped as Very High or High Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making).</p> <p>or</p> <p><b>AO21.2</b> A written assessment by a suitably experienced or qualified person confirms that the site is of Low Potential Bushfire Hazard.</p> <p>or</p> <p><b>AO21.3</b> For areas mapped as Medium Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making), bushfire risk is mitigated through a Bushfire Management Plan incorporating:</p> <ul style="list-style-type: none"> <li>(a) Lot design and the siting of buildings and uses so:                             <ul style="list-style-type: none"> <li>(i) High intensity uses are located on the least bushfire prone areas on the site and activities least susceptible to fire are sited closest to the bushfire hazard; and</li> <li>(ii) Efficient emergency access is optimised; and</li> <li>(iii) Bushfire risk is effectively minimised having regard to aspect, elevation, slope and vegetation.</li> </ul> </li> <li>(b) Including firebreaks that provide adequate:                             <ul style="list-style-type: none"> <li>(i) Setbacks between buildings/structures and hazardous vegetation; and</li> <li>(ii) Access for fire fighting or other emergency vehicles; and</li> </ul> </li> <li>(c) Road access for fire-fighting appliances and firebreaks are provided through a perimeter road that separates the use from areas of bushfire hazard and that road has</li> </ul>	<p><b>Complies with AO21.1.</b></p> <p>The site has no mapped Very High or High Potential Bushfire Intensity Areas. The only bushfire mapping within the development area is a small area of Medium Potential Bushfire Intensity Area, which reflects vegetation that will be cleared.</p> <p>Additionally, a 20-metre clear buffer zone will be maintained around all extraction sites and the stockpiling and processing area in accordance with the provisions of the State Planning Policy.</p> <p>The site will operate under a Bushfire Management Plan designed to protect employees and machinery operating at the site. This will be conditioned.</p>

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	<p>a minimum cleared width of 20 metres; and</p> <p>(d) Where a reticulated water supply is not available and development involves buildings with a gross floor area greater than 50m<sup>2</sup>, one tank within 100m of each residential building that has:</p> <p>(i) Fire brigade tank fittings; and</p> <p>(ii) 25,000 litres dedicated for firefighting purposes.</p>	
<p><b>PO22</b> Community infrastructure in any area mapped as Very High to Medium (Potential Intensity) Areas are able to function effectively during and immediately after bushfire events.</p>	<p><b>AO22.1</b>No outcome specified.</p>	<p><b>Not Applicable.</b></p> <p>The site is no community infrastructure proposed.</p>
<p><b>PO23</b> Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.</p>	<p><b>AO23.1</b>No hazardous materials, manufactured or stored in bulk, are on land mapped as Very High to Medium (Potential Intensity) Areas.</p>	<p><b>Complies with AO23.1.</b></p> <p>No hazardous materials are manufactured or stored on the site.</p> <p>As described in the response to AO21.1, the existing Medium Potential Bushfire Intensity Area will be cleared, and a 20-metre buffer will be maintained around all operational parts of the site.</p>
<p><b>PO24</b> Major risks to safety or property and to the wellbeing of occupants in areas mapped as Very High to Medium (Potential Intensity) Areas is minimised through appropriate siting, servicing and managing of residential premises.</p>	<p><b>AO24.1</b>New dwellings on land mapped as Very High to Medium (Potential Intensity) Areas are located:</p> <p>(a) Centrally within existing cleared areas on a lot which allows a regular shaped area (with a minimum dimension of 50m) of 5,000m<sup>2</sup> to be identified that:</p> <p>(i) Is free of highly combustible vegetated areas; and</p> <p>(ii) Is on southerly to easterly facing slopes not exceeding 15% gradient; or</p> <p>(iii) On flat lands at the base of north to western facing slopes</p>	<p><b>Not Applicable.</b></p> <p>No residential dwellings are proposed.</p>

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	not exceeding 15% gradient. (b) A fire protection buffer is established around the complete perimeter of the dwelling unit within a lot of a minimum width of 50m.	
<b>Extractive industry overlay</b>		
<b>PO25 – PO27 Not Applicable.</b>		
<b>The proposal site is not located in within the Extractive resources overlay.</b>		

**Services and Works Code**

Infrastructure and services for the proposed development will be ‘fit for purpose’. In relation to the requirements of the Services and Works Code it is noted that the proposed development:

- Will not be connected to reticulated service networks, with temporary amenity blocks to be used for onsite workers.
- Will incorporate a stormwater management plan to avoid adverse stormwater impacts.
- Will have the haul roads onsite, including the bridge across Hirst Creek, constructed to the relevant standards.

**KEY ISSUES**

A range of issues were raised by Council and SARA in their respective Information Requests, and responses have been provided by the applicant. Three significant issues raised by the requests were in relation to the timing and extent of sand extraction and rehabilitation, potential noise impacts on nearby rural residences and stormwater impacts on the site waterways. These are discussed further below:

Timing of Extraction and Rehabilitation

Council and SARA sought additional information about the timing of both the extraction and rehabilitation activities proposed on the site and whether they would be undertaken appropriately to restore the lot for future agricultural use.

The applicant advised that following initial works on the access haul road and stockpiling and processing area are complete, site operations will form a consistent pattern of extraction then rehabilitation repeated throughout the projected 25-to-30-year lifespan of the use.

The site is estimated to produce 60,000 tonnes of sand per annum, based on an average over a 5-year period (with fluctuations between 40,000 tonnes and 100,000 tonnes per year). Notwithstanding the annual tonnages, the site is expected to produce this quantity of material over an approximately 30-day period each year within the drier months of the year (April to November). This sand will be extracted from two pits at a time, one specifically for fine grained sand and the other for other types of sand (coarse, medium grained, etc).

Once a pit is exhausted, or has reached 4 hectares in size, extraction at that pit will be halted and rehabilitation begun. It is anticipated that any single pit will remain operational for between 2 and 4 years. Rehabilitation will take place in the months before the wet season, maximising the chance for vegetation planted as part of the process to successfully grow. In particular, topsoil (removed during the extraction process and stored in the stockpile area) placement “will occur during September to November when seed germination and plant growth is most active and the likelihood of severe weather events is low”. Sediment ponds will be used to control the release of stormwater and reduce the amount of sediment reaching the on-site waterways.

Monitoring of the rehabilitation work will continue throughout the lifespan of the project. Initially, inspections will occur after any rainfall event greater than 24.0 millimetres, on November 1<sup>st</sup>

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(beginning of the wet season) and March 1<sup>st</sup> (end of the wet season). If no issues are identified in these initial inspections across the first year, the inspections will shift to occurring on an annual basis, on approximately November 1<sup>st</sup> each year. If issues are identified in the first year, the more rigorous inspection timeframes will be maintained until a year-long period occurs with no issues identified. Any issues identified will have remedial action undertaken within one month. Less than 50% groundcover of vegetation within 12 months will be considered non-compliant and remedial work will be undertaken.

Once the rehabilitation work is complete (and monitoring has begun), a new extraction pit will be started. This may not occur for several months, as the site will not operate during the wet season. This cycle of excavating an extraction pit then rehabilitating it before starting on a new extraction pit will continue for the whole lifespan of the project.

Once extraction operations are complete on the entire site, the rehabilitation works will continue to be monitored. In particular, the vegetation and water quality will be the primary aspects monitored, and the stormwater management system will require maintenance and cleaning out until the sediment load and erosion at the site is such that there is minor amounts of sediment captured in the system each year. This will continue until the water within the stormwater management system is of similar quality to the surrounding runoff. Once this has been achieved, the Department of Environment and Heritage Protection will cancel the Environmental Authority for the site.

#### Noise

A Noise Impact Assessment report prepared by NV Engineers was submitted by the applicant in response to both Council and SARA's inquiries regarding noise and nearby sensitive uses. The report's analysis was based on worst case scenarios where extraction was occurring in the northern- and southern-most areas of the extraction area, the closest points to residences that machinery will be operated on the site.

The scenarios modelled for the assessment report found that the proposed extractive activities would be fully compliant with the Acoustic Quality Objectives prescribed by the *Environmental Protection (Noise) Policy* for all 6 nearby residences identified in **Figure 6** below. However, in certain circumstances, the Background Creep Consideration requirement may be exceeded. This may occur when the site is operating at high capacity and the wind direction places a residence downwind of the activities. The residences that may have background noise levels impacted in this way are:

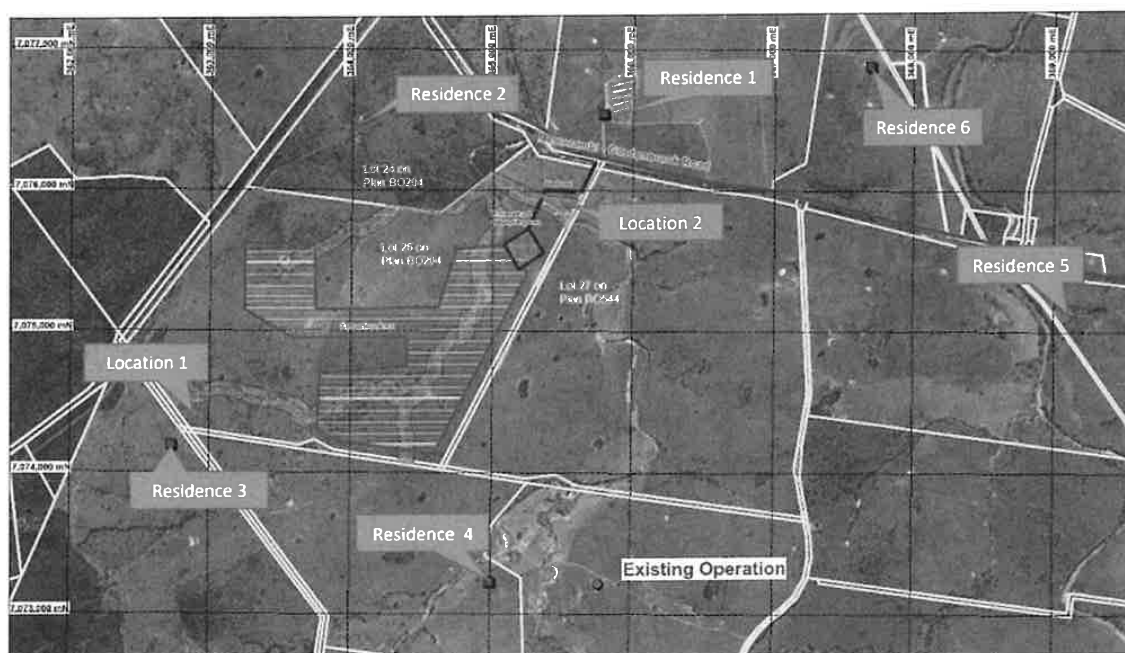
- Residences 1, 2 and 3 when extractive activities are occurring in the northern extent of the extraction area;
- Residences 1, 2 and 4 when extractive activities are occurring in the southern extent of the extraction area; and
- Residences 1 and 2 when processing material and restocking from an extraction site in either the northern or southern extent of the extraction area.

While the extraction pits will move around the site over the duration of its operation, the stockpiling and processing area will be a more permanent fixture and consequently is well-positioned to have noise mitigation measures put in place. These measures include:

- A 6m high mound along the northwest and northeast sides of the area;
- Directing the exhaust of the screening plant to the south as much as possible;
- Speed limits of 10 and 20km/h on the site access road and internal haul road respectively; and
- No equipment or machinery will operate on the site before 7am, except for passenger vehicles.

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**Figure 6 – Nearby Sensitive Residences (source: NV Engineers (QLD) Pty Ltd, 2022)**

### Stormwater

The sediment load in the general area is high due to the weathered granite in the area. The proposed stormwater management involves sediment ponds for use on the extraction pits and the processing/stockpile area.

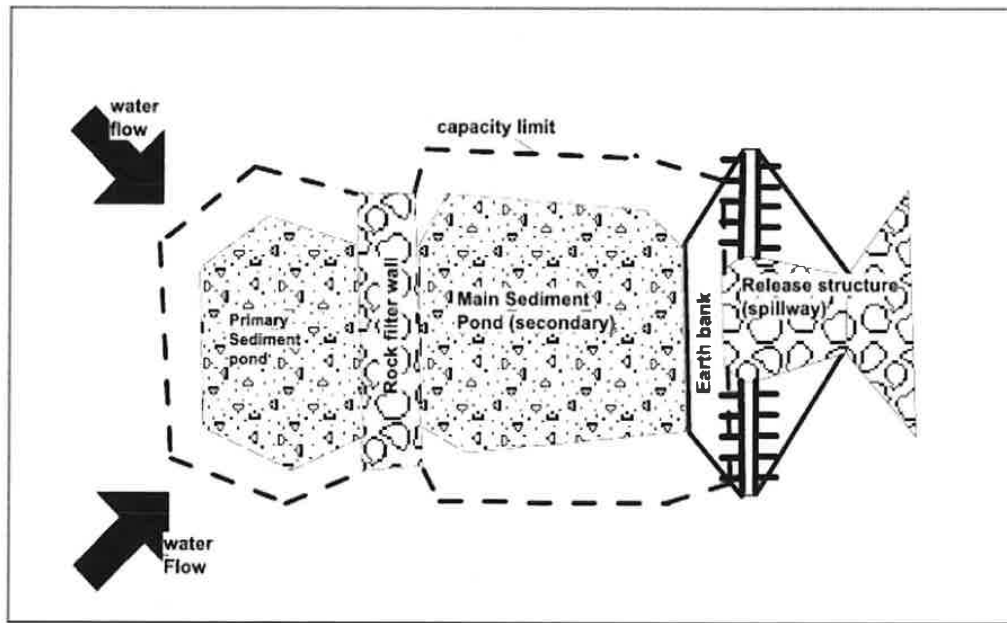
All stormwater management structures will be retained for the duration of the rehabilitation process for each extraction site. Once rehabilitation is complete, there will no longer be any requirements to keep the system fully operational.

The sediment ponds will be built by beginning each extraction pit from the lowest point, and the first part of the pit that is extracted will form the sediment pond.



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**Figure 7 – Sediment Pond Design** (source: Extractive Industry Solutions, 2022)

Furthermore, to prevent water from outside the immediate excavation area infiltrating the pit and sediment pond(s), diversion banks will be constructed around each pit before excavation commences. An example of what a steeper extraction area with appropriate stormwater management systems in place, using two sediment ponds due to topography, is shown below in **Figure 8**. This example is to be the approximate location of Extraction Area 2, as detailed in Table 12.1.1 of the IR Reply to SARA.



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**Figure 8** – Example Stormwater Management System for an Extraction Area (source: NV Engineers (QLD) Pty Ltd, 2022)

Release structures will be used to ensure releases can occur without damaging the stormwater management system as a whole, and the released water will cross a buffer zone of at least 50m of vegetation (generally grassed) before reaching order 1 or 2 streams (these minimum 50m buffers are shown in blue in **Figures 6, 8 and 9** above and below). This strategy will ensure that the majority of sediment from all events is captured within the sediment ponds, and any water that must be released due to the size of the event will contain less sediment than water from the surrounding area, ensuring that the development does not have any adverse impacts on water quality.

In any rainfall events where a release will occur, it is anticipated that the site will not be accessible as it is on the far side of Hirst Creek. Consequently, maintaining the stormwater structures at all times will be required to ensure that water quality in the area is never adversely affected. Furthermore, no chemicals or petrochemicals will be stored in extraction areas, ensuring that no spills or leakage can occur. If damage is sustained by the stormwater management systems, repairs will be initiated as soon as ground conditions allow the operation of heavy machinery to prevent uncontrolled releases reoccurring. Inspections to check for both damage and maintenance needs are to occur after each weather event where rainfall exceeds 24mm, at the cessation of activities at the start of the wet season and when work commences after the wet season. An inspection checklist has been provided as Appendix A of the Stormwater Management Plan.

A sediment pond and diversion banks will be similarly used on a more permanent basis in the processing and stockpiling area. The location of the sediment pond, diversion banks and direction of runoff flow are shown below on **Figure 8**, which shows how any water that lands within the area will only be able to leave via the sediment pond. Water captured in the sediment pond will be used for dust suppression on the haul roads.



**Figure 9** – Processing & Stockpiling Area Stormwater Management Plan (source: NV Engineers (QLD) Pty Ltd, 2022)

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## **CONSULTATION**

### ***Public notification***

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The application was subject to impact assessment and was publicly notified in accordance with the requirements of the Act. No submissions were received by Council.

## **RECOMMENDATION**

Based on an assessment of the matters Council (as Assessment Manager) must and may have regard to under section 45(5) of the Planning Act 2016 (the Planning Act), we are satisfied that the application should be approved subject to the conditions outlined herein.

### Grounds to Support the Development

The proposed extractive industry use is supported by the relevant provisions of the Strategic Framework and is supported on the following grounds:

The proposal is for extractive industry to support the construction industry in the region, providing raw materials to meet the planning needs of the region over the next two decades of operation.

Where complying with the approved acoustic report, the development avoids acoustic amenity impacts on sensitive users, with both the extraction area and processing area being located over a kilometre from the nearest sensitive receptor ensuring that noise produced on the site will not exceed the existing background noise levels.

The positioning of the development within the site has been appropriately considered, taking into account setbacks from the nearby State Forest and the piggery along with the waterways onsite.

Appropriate stormwater management measures and setbacks are proposed for the waterways on the site such that no adverse impacts will be felt by the waterways as a consequence of the development.

The proposed rehabilitation plan will be conditioned and revert the site to its natural state upon the cessation of extraction.

## **Attachments**

### **ADMINISTRATION**

All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.

Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland. Any concurrence agency conditions will apply in addition to these standard conditions.

The following plans are Approved plans for the development:

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**Approved Plans**

	<b>Drawing Title</b>	<b>Prepared by</b>	<b>Reference no.</b>	<b>Revision</b>	<b>Date</b>
<b>1</b>	<b>Site Plan</b>	<b>Michael O'Sullivan</b>	<b>SCA/Gor/App22002</b>		<b>31.01.22</b>
<b>2</b>	<b>Fish Habitat Buffer Zone</b>	<b>Michael O'Sullivan</b>	<b>SCA/Gor/App22004</b>		<b>31.01.22</b>
<b>3</b>	<b>Site Plan</b>	<b>Michael O'Sullivan</b>	<b>SCA/Gor/App22003</b>		<b>20.11.19</b>
<b>4</b>	<b>Detailed Site Plan (Processing Area)</b>	<b>Michael O'Sullivan</b>	<b>SCA/Gor/App22006</b>		<b>31.01.22</b>
<b>5</b>	<b>Site Plan</b>	<b>Michael O'Sullivan</b>	<b>SCA/Gor/App22008-A3</b>		<b>07.02.22</b>

A copy of the Approved Plans is attached – See Attachment A.

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#### **ATTACHMENTS**

- 1. Attachment A - Approved Plans**
- 2. Attachment B - Rehabilitation Plan**
- 3. Attachment C - Waste Management**
- 4. Attachment D - Weed Management Plan**
- 5. Attachment E - Noise Impact Assessment Report**
- 6. Attachment F - Infrastructure Charges Notice**
- 7. Attachmnet G - Referral Agency Response**

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**OPERATIONAL WORKS APPLICATION FOR KINGAROY BARKERS CREEK ROAD, KINGAROY (LOTS 4 & 5 ON SP219361 AND LOT 228 ON FTZ237463) - APPLICANT/ OWNER: METKA EGN AUSTRALIA PTY LTD C/- ENVIRONMENTAL RESOURCES MANAGEMENT AUSTRALIA PTY LTD**

**File Number:** OPW22/0004  
**Author:** Engineering Contractor, Planning & Land Management  
**Authoriser:** Chief Executive Officer

MANAGER	[Redacted]	14/9/22
CEO	[Redacted]	16/9/22
		16.09.2022

**PRECIS**

Development Application for Operational Work – Earthworks and Stormwater for the construction of a Solar Farm at Kingaroy-Barkers Creek Road, Kingaroy – Lot 4 & 5 SP219361 and Lot 228 FTZ237463 – OPW22/0004.

This report considers the proposed development, provides an assessment of the merits of the proposal and makes a recommendation to decide the development application.

**SUMMARY**

- Application for Operational Work for Earthworks and Stormwater at Kingaroy Barkers Creek Rd, Kingaroy – Lot 4 & 5 on SP219361, associated with the construction of the Kingaroy Solar Farm;
- An Operational Work application is required to satisfy the Conditions of Approval for Planning & Environment Court Judgement No. 4374 of 2019 dated 23 January 2020 (Council Ref MCU17/0008);
- The proposed Operational Work is approved with conditions.
- These conditions are seen to be in accordance with South Burnett Regional Council Planning Scheme 2017, development guidelines and best practices.

**OFFICER'S RECOMMENDATION**

It is recommended that Council approve the development application for Operational Work for Earthworks and Stormwater on land described as Lot 4 & 5 SP219361 and Lot 228 FTZ237463 and situated at Kingaroy-Barkers Creek Road, Kingaroy, subject to the following conditions:

**GENERAL**

- ENG 1 Compliance with the plans and specifications submitted with Development Application OPW22/0004 approval conditions, all Council Planning Scheme Policies and Planning and Environment Court Judgement No. 4374 of 2019 dated 23 January 2020 (Council Ref: MCU17/0008).
- ENG 2 This approval extends to Engineering works for Earthworks and Stormwater, as detailed, and is conditional upon a set of "Issued for Construction" drawings, amended if required by the conditions of this approval, being submitted to Council for endorsement, prior to pre-start meeting.
- ENG 3 Undertake all approved works and works required by conditions of this development approval at no cost to Council.
- ENG 4 Submit to Council for approval, an Inspection and Test Plan certified by a suitably qualified Engineer (RPEQ – Civil) prior to commencement of any work and prior to any pre-start meeting.

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- ENG 5 Pay to Council, inspection fees based on Council's Fees and Charges current at the time of commencement of works and based on the estimated project cost as estimated or accepted by Council prior to the pre-start meeting.
- ENG 6 Ensure that supervision of all construction works are carried out by a suitably qualified and experienced Engineer (RPEQ).
- ENG 7 Adhere to the following hours of construction unless otherwise approved in writing by Council:

Monday to Saturday:	6.30am to 6.00pm	Work permitted
Monday to Sunday:	6.00pm to 6.30am	No work permitted
Sunday and Public Holidays:		No work permitted

Do not conduct work or business that causes audible noise from or on the site outside the above hours.

- ENG 8 Be responsible to carry out Work Health and Safety legislative requirements.
- ENG 9 Ensure all work sites are maintained in a clean, orderly state at all times.
- ENG 10 Manage all waste in accordance with the relevant legislation and regulations and dispose of regulated waste at a licensed facility of South Burnett Regional Council by a licensed regulated waste disposal contractor.
- ENG 11 Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG 12 Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development, immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of works associated with the development.
- ENG 13 Submit to Council, a Certification from a suitably qualified Engineer (RPEQ) that the works have been undertaken in accordance with the approved plans and specifications and to Council's requirements, prior to commencement of the use.
- ENG 14 Works are to be constructed generally in accordance with the specification requirements outlined in Aus-Spec #1 and the IPWEAQ Standard Drawings unless otherwise approved by South Burnett Regional Council.

#### ROADWORKS

- ENG 15 Provide temporary signage and traffic control for construction in dedicated road reserves in accordance with Part 3 (Works on Roads) of Manual of Uniform Traffic Control Devices (MUTCD) - Department of Transport and Main Roads.
- ENG 16 Submit to Council for approval, a Traffic Management Plan prior to commencement of any works involving closing of Council roads or working on or adjacent to existing roads.
- ENG 17 The Traffic Management Plan and Work Method Statements in accordance with the *Work Health and Safety Act 2011* requirements shall be maintained on-site at all times.

#### FLOODING AND STORMWATER

- ENG 18 Flooding and Stormwater management shall be in accordance with *Flood Assessment – Kingaroy Solar Farm* prepared by Cardno dated 27 July 2022.

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ENG 19 Ensure that earthworks and fill on the subject land do not lead to ponding of stormwater or actionable nuisance, and drain freely to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual.

ENG 20 Stormwater discharge from detention basins shall not result in the creation of nuisance, or increase/ exacerbate erosion on adjoining properties.

#### **DEVELOPMENT WORKS**

ENG 21 Maintain erosion and sedimentation controls at all times during the course of the project and the ensuing operation of the solar farm. Council Officers will inspect and assess the sediment and erosion control measures and temporary fencing implemented, and any alterations and/or supplementary works required must be incorporated.

ENG 22 Implement measures to prevent site vehicles tracking sediment and other pollutants from the site onto adjoining streets during the course of the project, and to prevent dust nuisance during construction and the ensuing defects liability period.

ENG 23 Be responsible for protecting nearby property owners from dust pollution arising from construction and maintenance of the works required by this approval and comply with any lawful instructions from the Assessment Manager if, in his opinion, a dust nuisance exists.

ENG 24 Waste material as a result of demolition work and excavation work must not be used as fill as described within the *Waste Reduction and Recycling Act 2011*.

#### **EARTHWORKS**

ENG 25 Supervise bulk earthworks to Level 1 or Level 2 as applicable, and have a frequency of field density testing carried out in accordance with Table 8.1 of AS3798.

ENG 26 Contain cut or fill batters wholly within the subject land. Do not place fill on adjacent properties without providing Council with written permission from the respective property owner(s).

ENG 27 Do not store plant or material on adjoining lands without written permission from the respective property owner(s).

ENG 28 Do not use contaminated material as fill on the site. Undertake any filling using inert materials only, with a maximum particle size of 75mm.

ENG 29 Ensure open drains and fill platforms are constructed with a longitudinal grade on no less than 0.1%.

ENG 30 Submit to Council, the following for approval in the event it is proposed to import material to or export material from the site, prior to commencement of the work:

- (a) details of the location of any material to be sourced for fill including the volume of fill to be moved from any particular source site;
- (b) details of the final location for any material to be exported from the site from excavations including the volume to be moved to any particular site; and
- (c) the proposed haulage route(s) and truck sizes for carting of the material.

Note: Further Development Applications may be required to be submitted to and approved by Council for sites proposed to import material from or export material to, or conditions may be applied to any sites endorsed in accordance with this condition, eg submit a Traffic Management Plan to Council for acceptance, or rehabilitation of the site. Any required approvals are to be in place prior to commencement of the work.

This approval does not extend to any material proposed to be imported to or exported from the site:



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- (d) other than from or to site(s) that have a current Development Approval enabling them to export/accept any material; or
- (e) the material is being exported to and accepted at a licensed Council refuse facility.

**CONSTRUCTION AND NUISANCE MANAGEMENT PLAN**

ENG 31 Prior to pre-start meeting, submit to Council for endorsement, a Construction and Nuisance Management Plan for the approved development works for the site. The Plan is to cover, but not be limited to the following:

- (i) air quality management;
- (ii) noise and vibration management;
- (iii) storm water quality management;
- (iv) erosion and sediment management;
- (v) waste management;
- (vi) complaint management;
- (vii) community awareness;
- (viii) preparation of site work plans;
- (ix) workers' car parking arrangements; and
- (x) traffic control during works.

ENG 32 Implement the approved Construction and Nuisance Management Plan at all times during construction of the development.

ENG 33 Ensure a legible copy of the approved Construction and Nuisance Management Plan is available on site at all times during construction and earthworks.

**INSPECTIONS AND TESTING**

ENG 34 Submit to Council the pre-start meeting agenda at the confirmation of a date and time for the meeting.

ENG 35 Provide Council with a minimum of two clear working days notice to undertake compulsory inspections and meetings at the following stages:

- (a) Pre-start meeting with Council, Contractor, Supervising Engineer and developer;
- (b) at the point of completion of all works.

ENG 36 Submit to Council, all inspection and test data in its entirety prepared by the applicant, Engineer, Principal Contractor or by Subcontractors in relation to the Operational Work or as described in the application prior to commencement of the use. Undertake any further inspection, testing or analysis required, due to failure of work to meet specifications or where the testing previously provided is considered insufficient on behalf of the Principal Contractor by a NATA accredited entity (where applicable).

ENG 37 Uncover all works covered prior to inspection to allow inspection by Council at Council's sole discretion.

ENG 38 Allow Council to enter a work site to which this approval relates and undertake testing or analysis of any part of the construction, and Council is not liable for the rectification of or compensation for any damage caused in the testing or analysis process. Should work be found to be not constructed to specification or of poor quality, any reasonable instruction given by Council Officers must be considered to be a condition of approval and undertaken by the Principal Contractor.

ENG 39 Where complete or incomplete works under this approval adversely affect adjoining properties, Council land, roads or other infrastructure, Council requires by notice, works to be completed.

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ENG 40 Undertake any works for the safety or health of the community or protection of infrastructure where Council deems it necessary.

#### AS CONSTRUCTED INFORMATION

ENG 41 Submit to Council within 10 working days of completion of the operational work, suitable "As Constructed" drawings in hard copy and AutoCAD format and on GDA Zone 56 coordinates. The "As Constructed" drawings or data capture methods as required by Council must be certified by a Registered Professional Engineer of Queensland (RPEQ) on every drawing and shall be to an appropriate electronic format and standard as required by Council's Infrastructure Services General Manager.

ENG 42 Provide "As Constructed" data for the following elements, where applicable:

- (a) stormwater management features.

*The approval is subject to construction being undertaken in accordance with the Approved Plans prepared by Cardno as listed below:*

Drawing Number	Rev	Plan Description	Date
80221016-007-CI-1004	D	SOLAR TRACKER LAYOUT PLAN	3/12/2021
80221016-007-CI-1031	D	BULK EARTHWORKS LAYOUT PLAN SHEET 1	3/12/2021
80221016-007-CI-1032	D	BULK EARTHWORKS LAYOUT PLAN SHEET 2	3/12/2021
80221016-007-CI-1033	D	BULK EARTHWORKS LAYOUT PLAN SHEET 3	3/12/2021
80221016-007-CI-1034	D	BULK EARTHWORKS LAYOUT PLAN SHEET 4	3/12/2021
80221016-007-CI-1035	D	BULK EARTHWORKS LAYOUT PLAN SHEET 5	3/12/2021
80221016-007-CI-1036	D	BULK EARTHWORKS LAYOUT PLAN SHEET 6	3/12/2021
80221016-007-CI-1037	D	BULK EARTHWORKS LAYOUT PLAN SHEET 7	3/12/2021
80221016-007-CI-1040	A	EROSION AND SEDIMENT CONTROL NOTES	3/12/2021
80221016-007-CI-1041	A	EROSION AND SEDIMENT CONTROL PHASING	3/12/2021
80221016-007-CI-1045	A	EROSION AND SEDIMENT CONTROL LAYOUT PLAN	3/12/2021
80221016-007-CI-1100	B	ROADWORKS AND DRAINAGE NOTES, DETAILS AND TYPICAL SECTION	3/12/2021
80221016-007-CI-1101	D	ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 1	3/12/2021
80221016-007-CI-1102	D	ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 2	3/12/2021
80221016-007-CI-1103	D	ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 3	3/12/2021
80221016-007-CI-1104	D	ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 4	3/12/2021
80221016-007-CI-1105	D	ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 5	3/12/2021
80221016-007-CI-1106	D	ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 6	3/12/2021
80221016-007-CI-1107	D	ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 7	3/12/2021
80221016-007-CI-1108	D	ROADWORKS AND DRAINAGE OVERALL LAYOUT PLAN	3/12/2021
80221016-007-CI-1300	-	STORMWATER DRAINAGE OVERALL LAYOUT PLAN	-
80221016-007-CI-1301	D	STORMWATER DRAINAGE LAYOUT PLAN SHEET 1	3/12/2021
80221016-007-CI-1302	D	STORMWATER DRAINAGE LAYOUT PLAN SHEET 2	3/12/2021
80221016-007-CI-1303	D	STORMWATER DRAINAGE LAYOUT PLAN SHEET 3	3/12/2021
80221016-007-CI-1304	D	STORMWATER DRAINAGE LAYOUT PLAN SHEET 4	3/12/2021

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80221016-007-CI-1305	D	STORMWATER DRAINAGE LAYOUT PLAN SHEET 5	3/12/2021
80221016-007-CI-1306	D	STORMWATER DRAINAGE LAYOUT PLAN SHEET 6	3/12/2021
80221016-007-CI-1307	D	STORMWATER DRAINAGE LAYOUT PLAN SHEET 7	3/12/2021
80221016-007-CI-1311	D	STORMWATER DRAINAGE SECTIONS SHEET 1	3/12/2021
80221016-007-CI-1321	C	STORMWATER DRAINAGE DETENTION BASIN OVERALL LAYOUT PLAN	4/2/22
80221016-007-CI-1322	C	STORMWATER DRAINAGE DETENTION BASIN 1 OVERALL LAYOUT PLAN	4/2/22
80221016-007-CI-1323	C	STORMWATER DRAINAGE DETENTION BASIN 2 OVERALL LAYOUT PLAN	4/2/22
80221016-007-CI-1324	C	STORMWATER DRAINAGE DETENTION BASIN 3 OVERALL LAYOUT PLAN	4/2/22
80221016-007-CI-1325	C	STORMWATER DRAINAGE DETENTION BASIN 1 SECTIONS	4/2/22
80221016-007-CI-1326	C	STORMWATER DRAINAGE DETENTION BASIN 2 SECTIONS	4/2/22
80221016-007-CI-1327	C	STORMWATER DRAINAGE DETENTION BASIN 3 SECTIONS	4/2/22

**ADVICE NOTES**

The applicant be advised that:

- (a) Prior to commencement of the use or endorsement of the survey plan as applicable, the applicant shall contact Council to arrange a Development Compliance Inspection.
- (b) The applicant must ensure compliance with environmental conditions whether required to hold an Environmental Authority or not. These include, but are not limited to water quality, air quality, noise levels, waste waters, lighting and visual quality as a result of any activity or by-product or storage of materials within the confines of the building(s) and property boundaries.

Any amendment, alteration or addition to the development approval will require further consideration by Council in assessing any changes to the environmental conditions.

- (c) The *Aboriginal Cultural Heritage Act 2003* (ACHA) is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:
  - (i) is not negated by the issuing of this development approval;
  - (ii) applies on all land and water, including freehold land;
  - (iii) lies with the person or entity conducting an activity; and
  - (iv) if breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The applicant should contact DATSIP's Cultural Heritage Co-ordination Unit on telephone (07) 3224 2070 for further information on the responsibilities of developers under the ACHA.

- (d) The **relevant period** for the development approval (Operational Work) shall be **two (2) years** starting the day the approval is granted or takes effect. In accordance with Section 85(1)(c) of the *Planning Act 2016* (PA), the development approval for

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Operational Work lapses if the development does not substantially start within the abovementioned **relevant period**.

An applicant may request Council to extend the **relevant period** provided that such request is made in accordance with Section 86 of PA and before the development approval lapses under Section 85 of the PA.

- (e) Council is to be indemnified against any claims arising from works carried out by the applicant on Council's property.
- (f) The relevant Planning Scheme for this Development Permit is the South Burnett Regional Council Planning Scheme 2017. All references to the Planning Scheme and Schedules within these conditions refer to the above Planning Scheme.

### Conclusion

The proposed development has been assessed against the requirements of the South Burnett Regional Council Planning Scheme 2017. It is considered that the proposed development generally complies with the requirements of the Planning Scheme and as such, the applicant should be provided with a Development Permit. The Development Permit should contain the conditions detailed in the Officer's Recommendation in order to ensure that the proposal complies with the South Burnett Regional Council Planning Scheme 2017.

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**FINANCIAL AND RESOURCE IMPLICATIONS**

No implication can be identified.

**LINK TO CORPORATE/OPERATIONAL PLAN**

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.

GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

**COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Refer to CONSULTATION in this report.

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

No implication identified.

**POLICY/LOCAL LAW/DELEGATION IMPLICATIONS**

No implication can be identified.

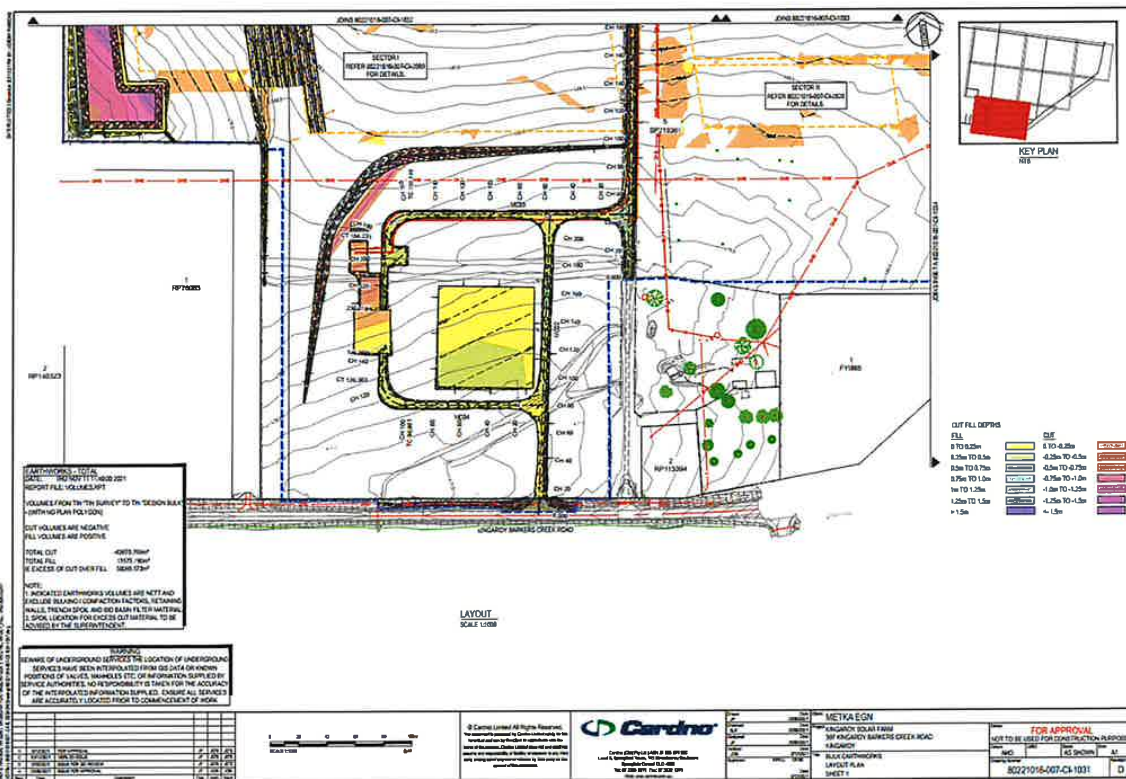
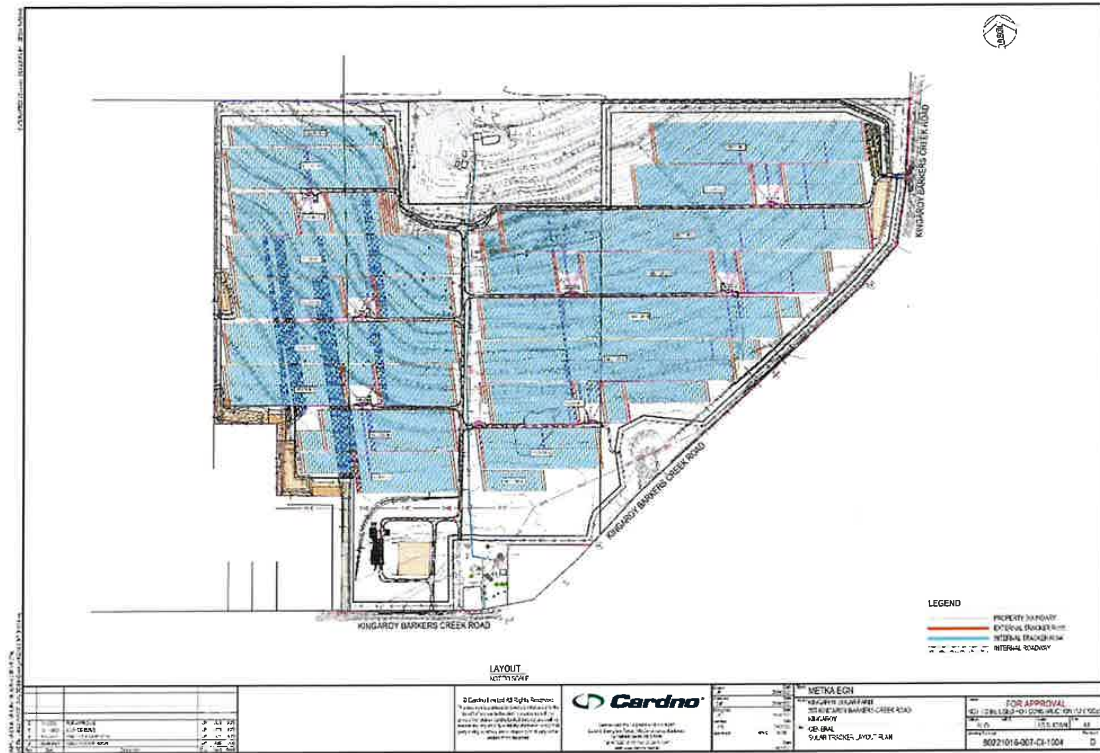
**ASSET MANAGEMENT IMPLICATIONS**

No implication can be identified.

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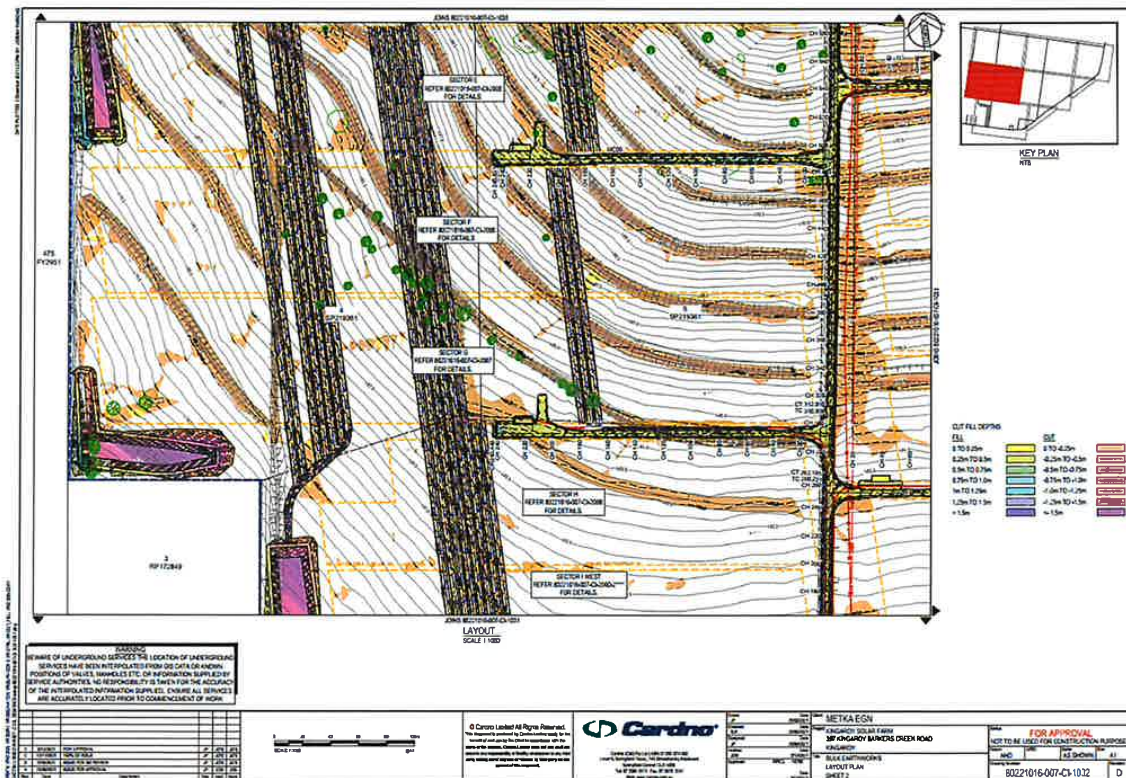
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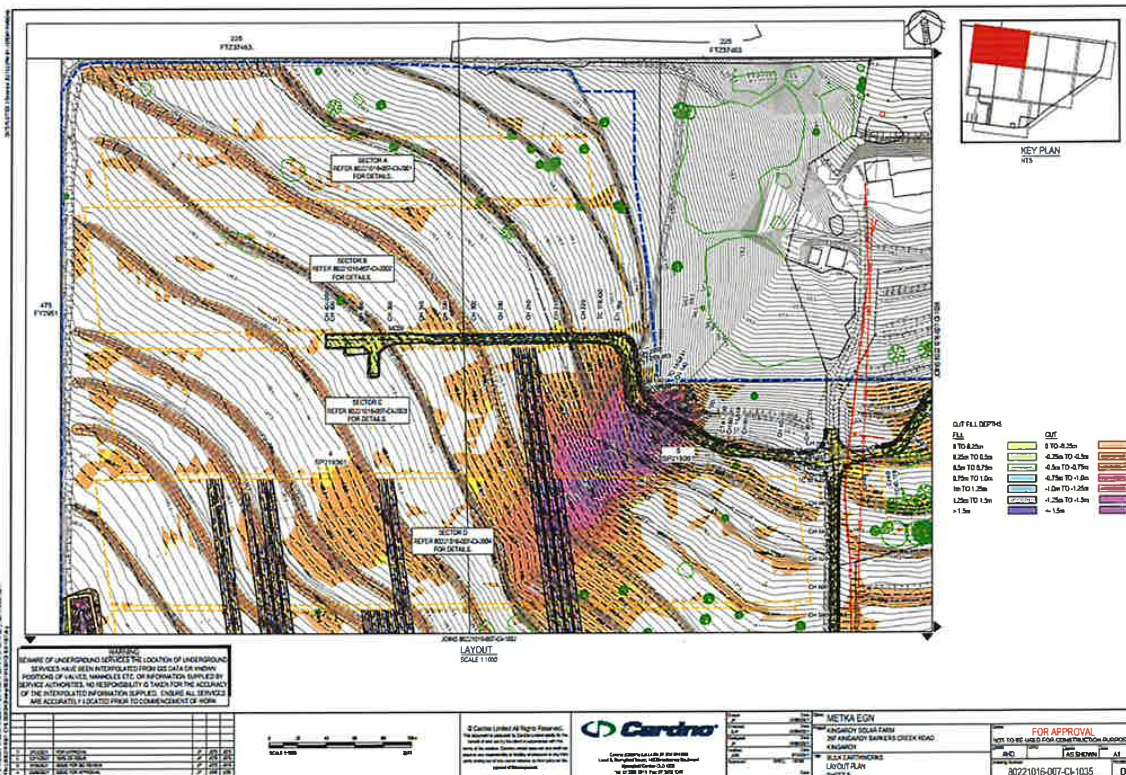
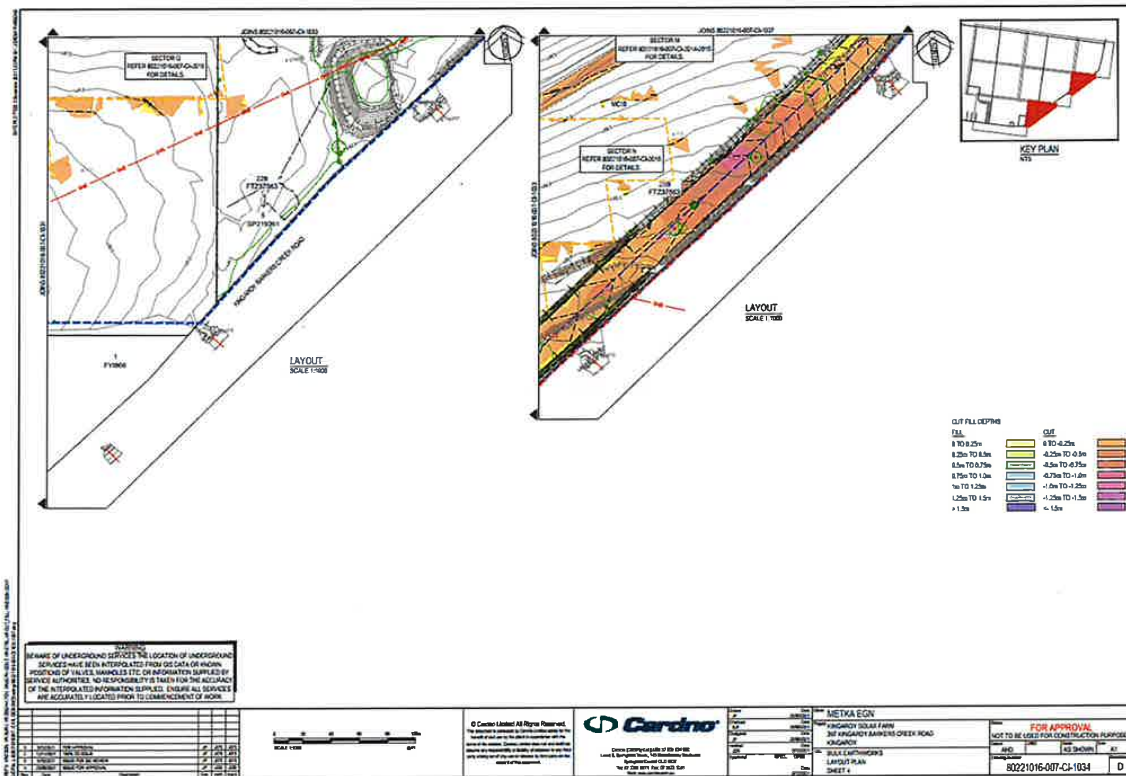
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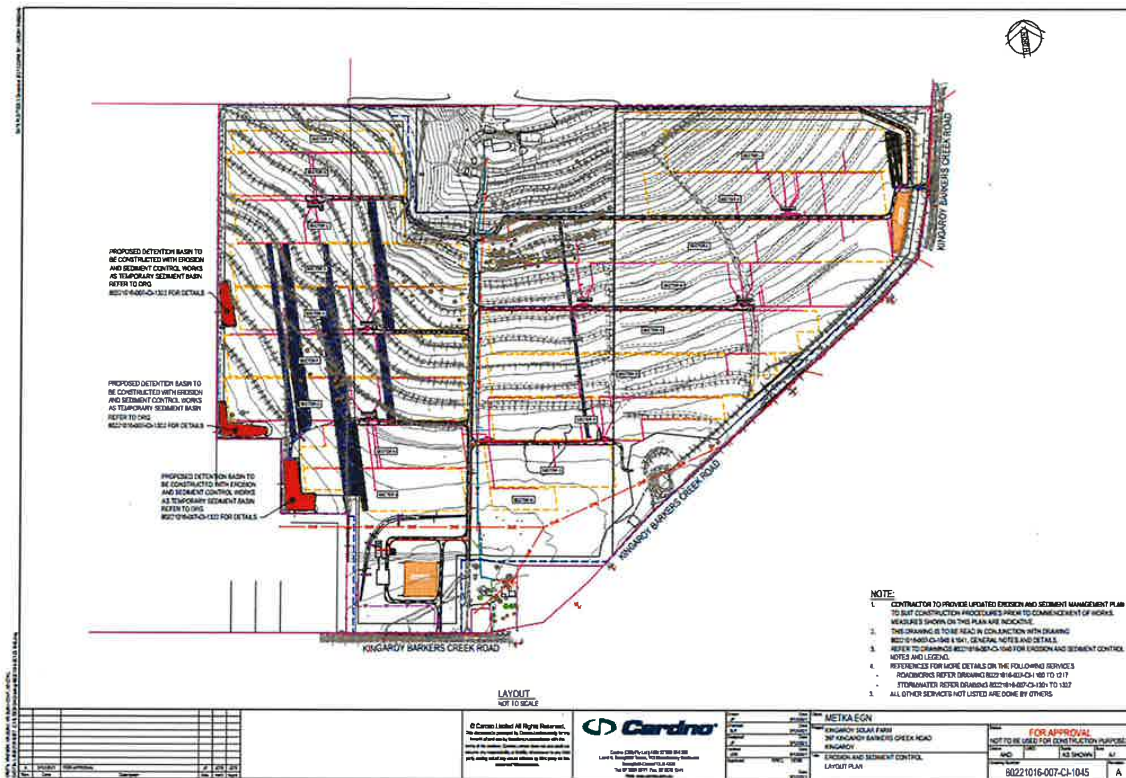






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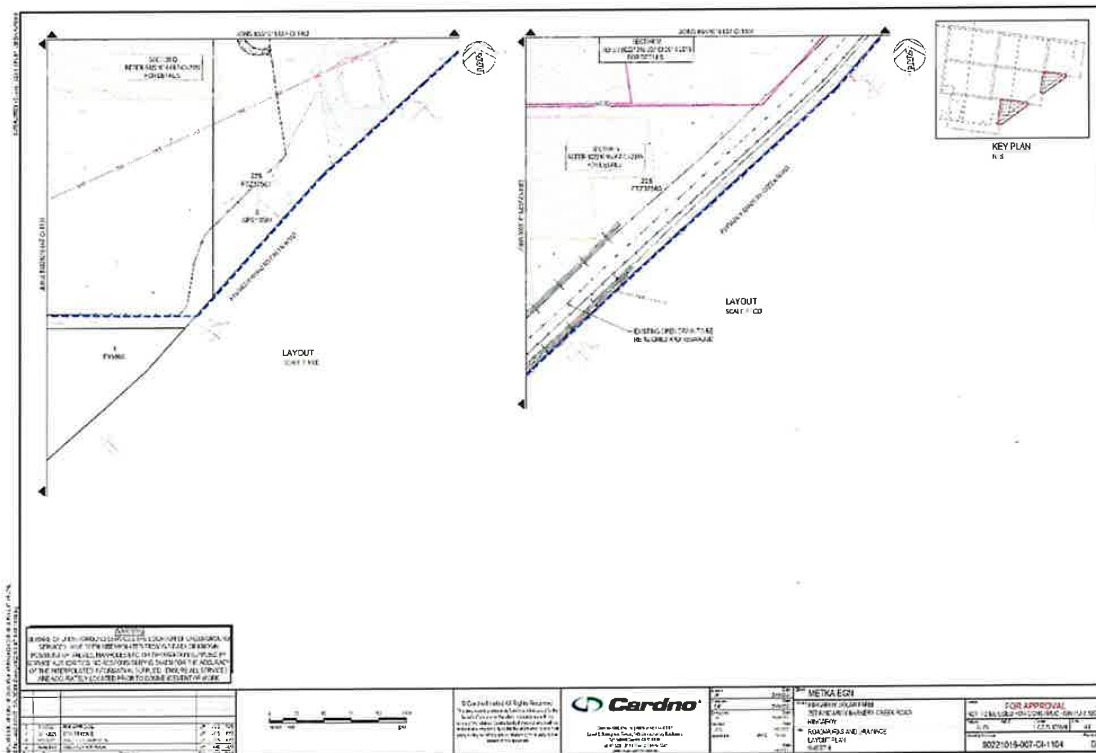
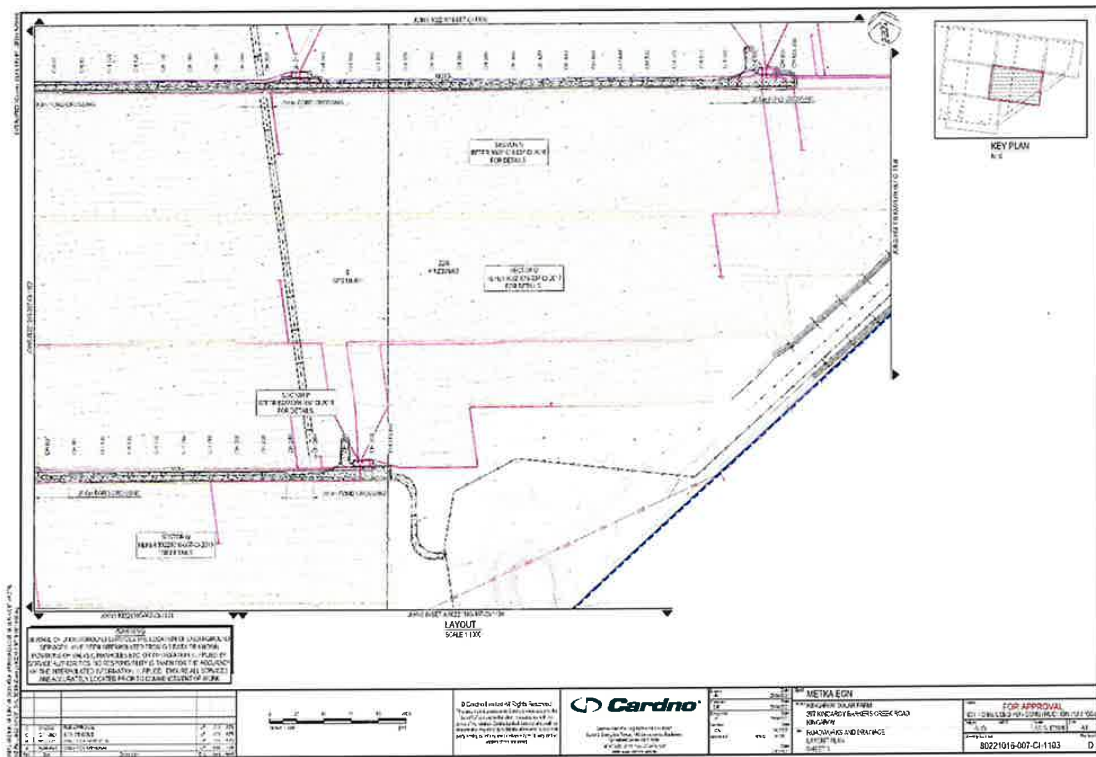






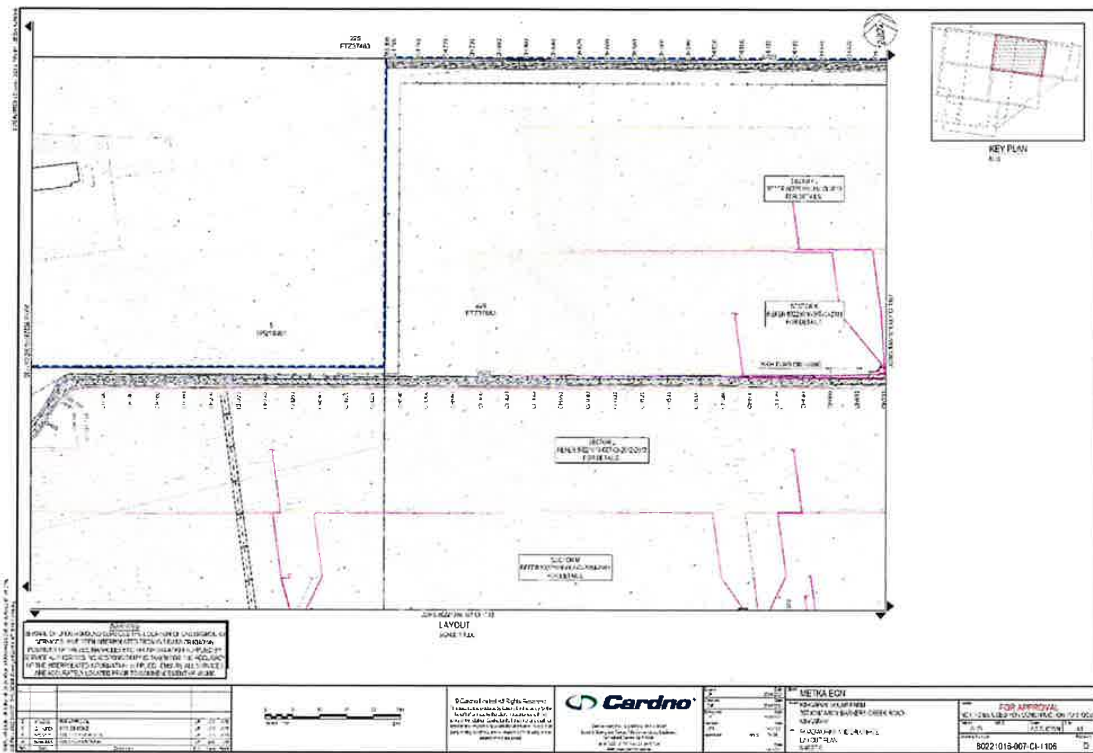
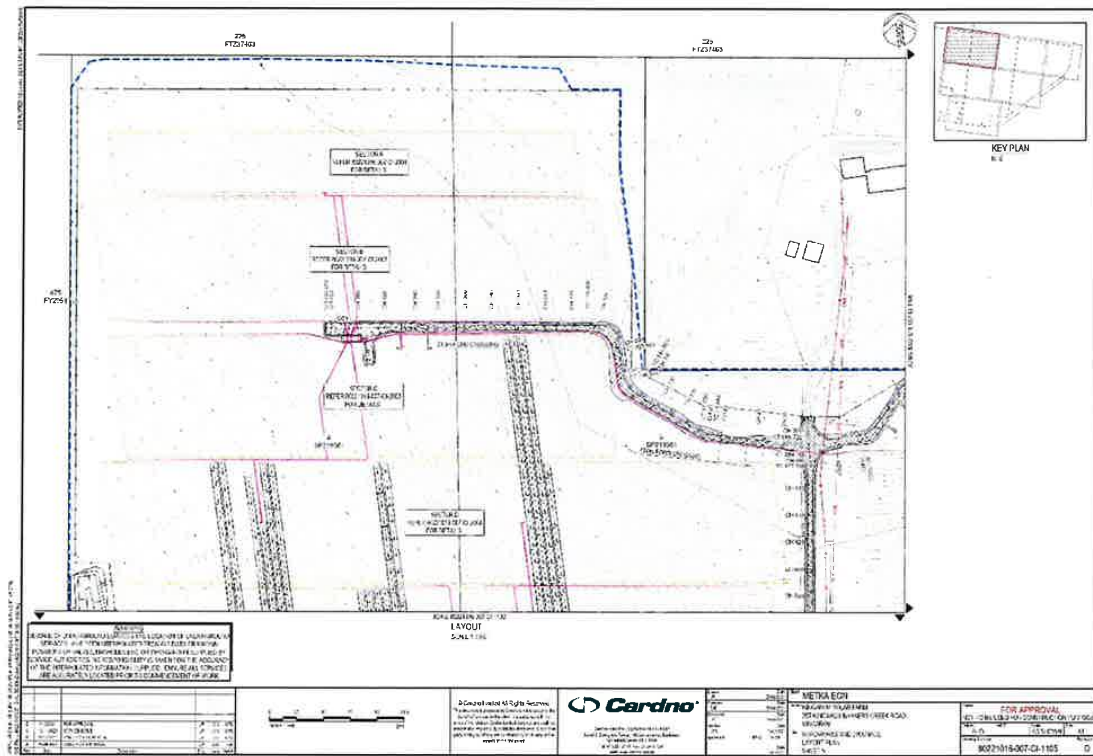
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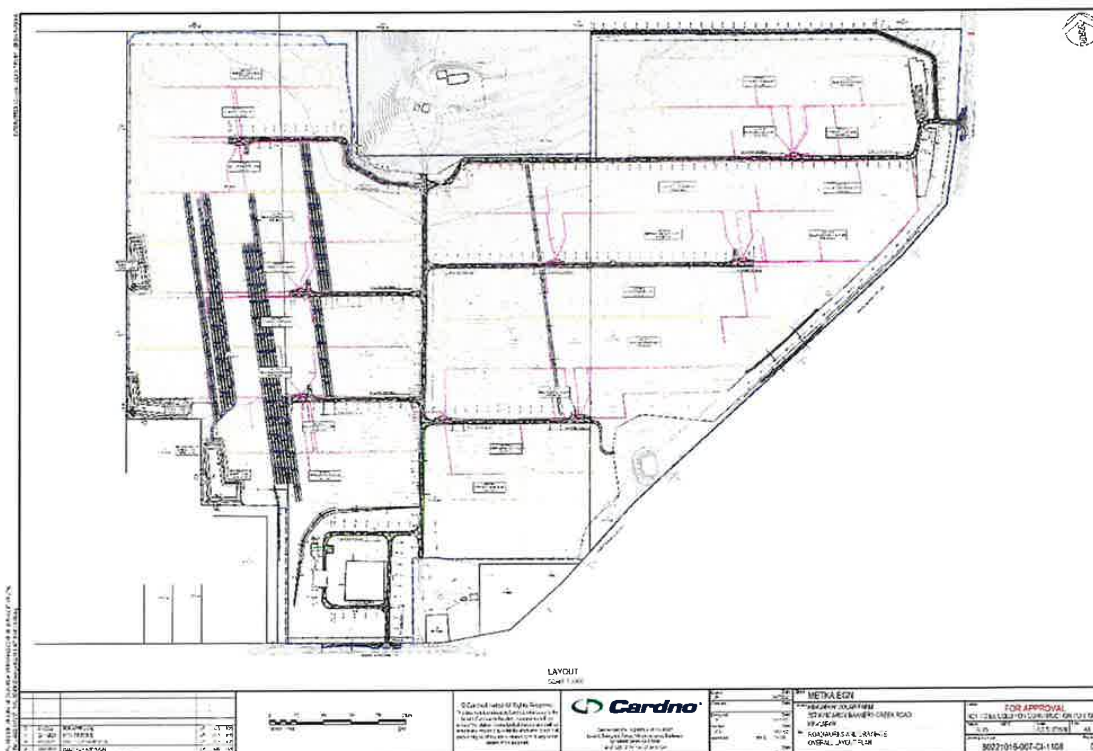
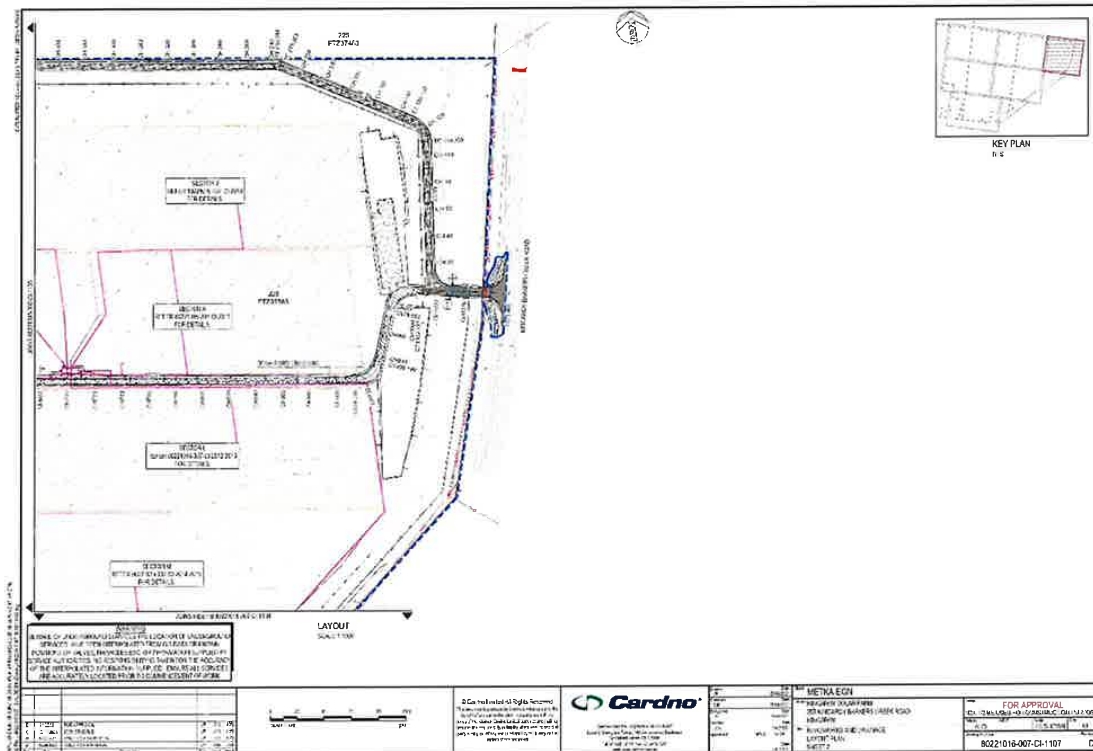
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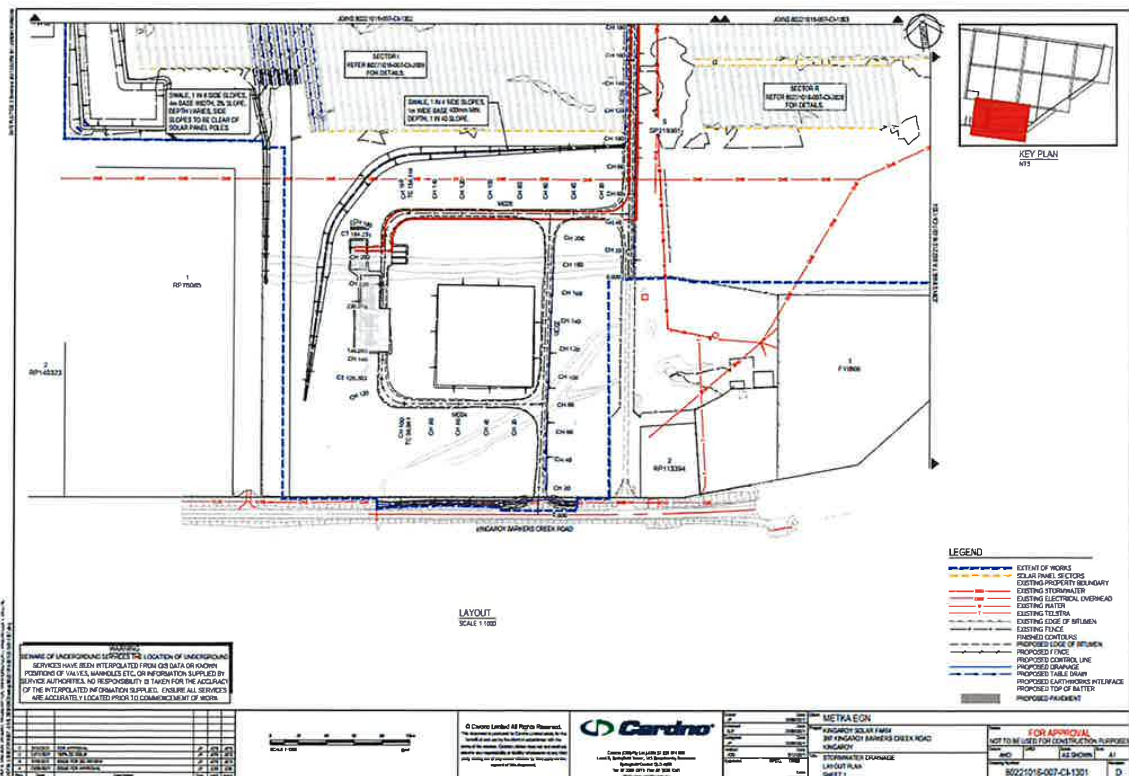
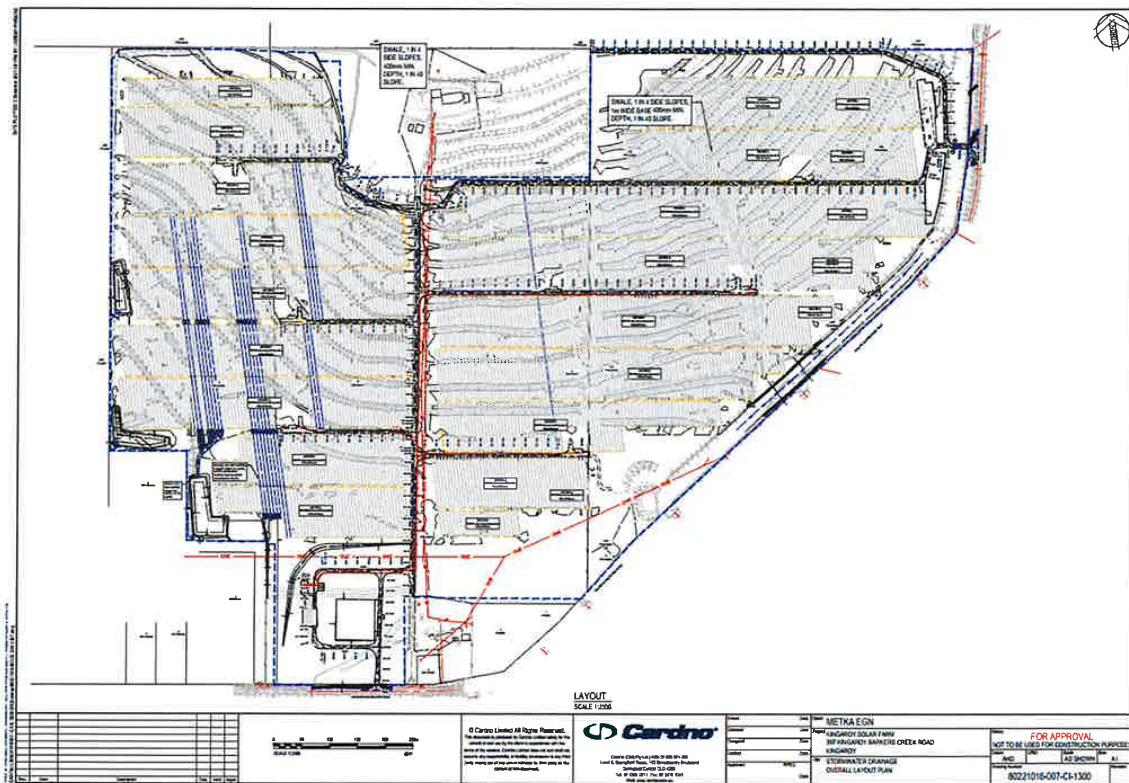
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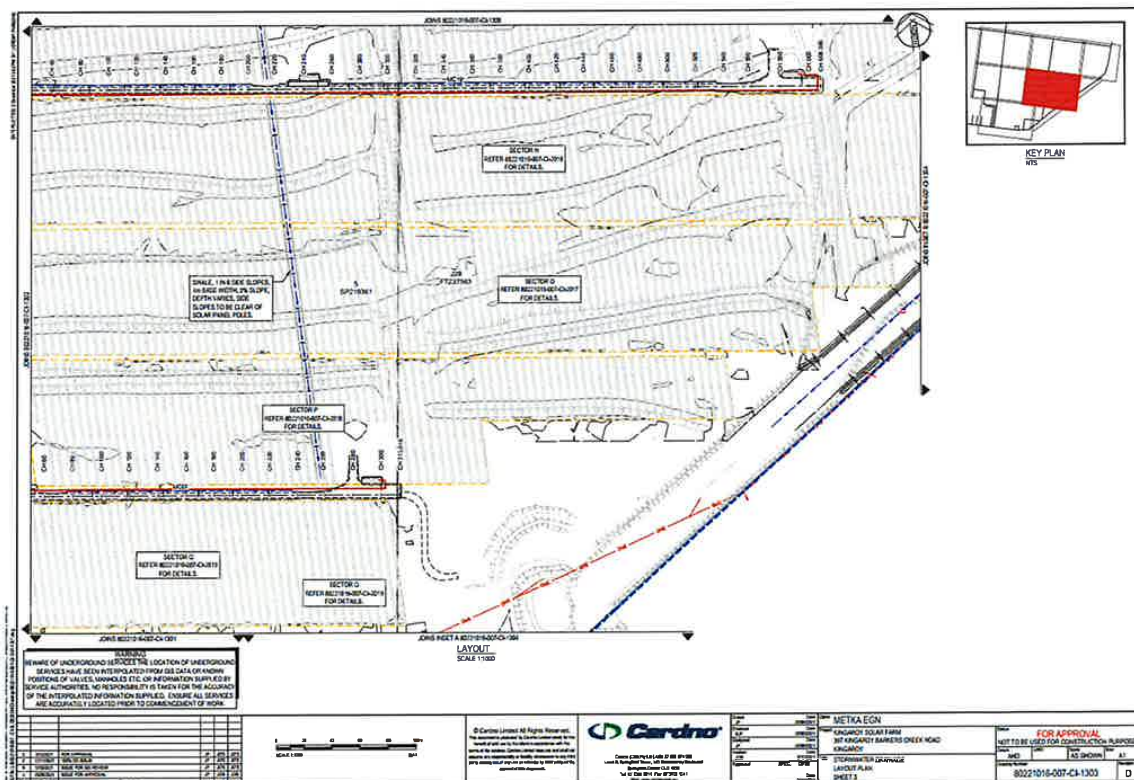
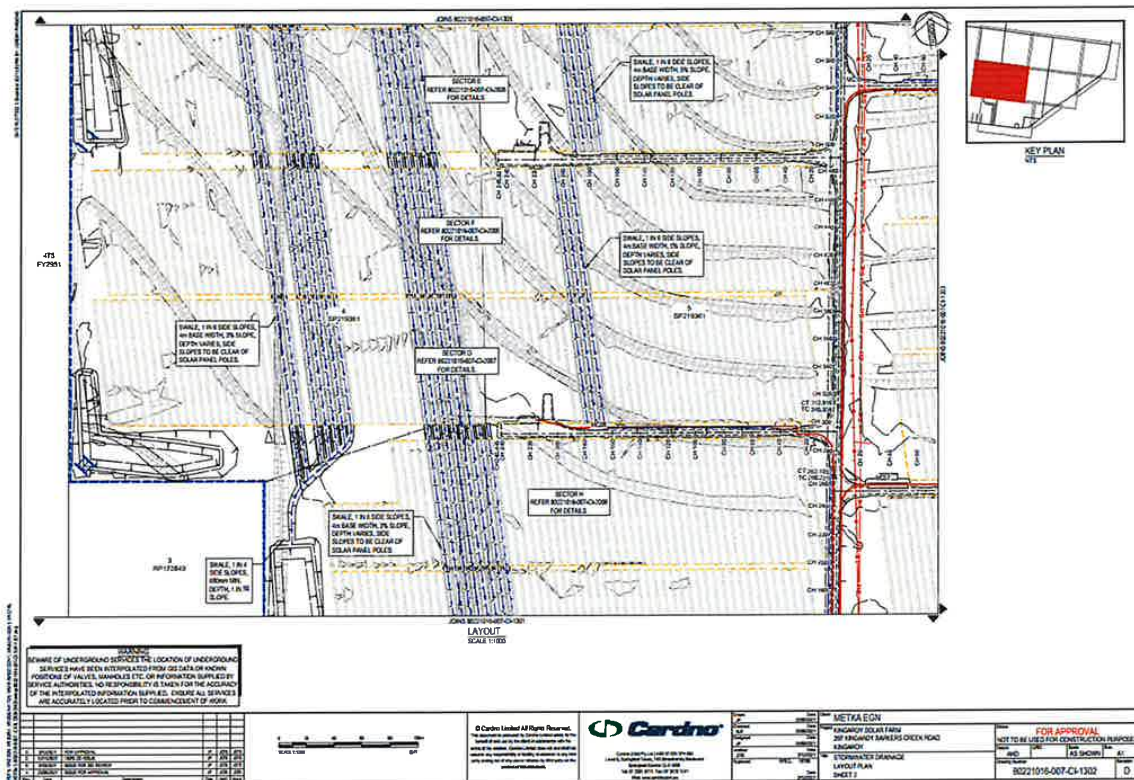


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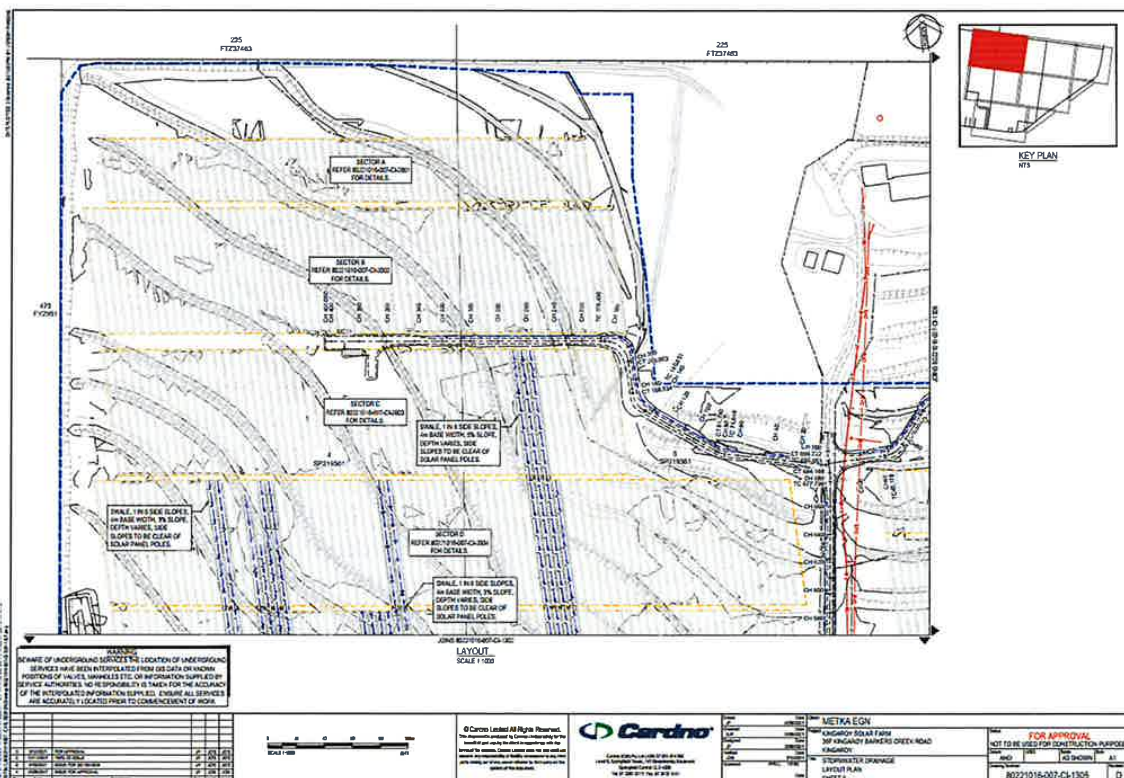
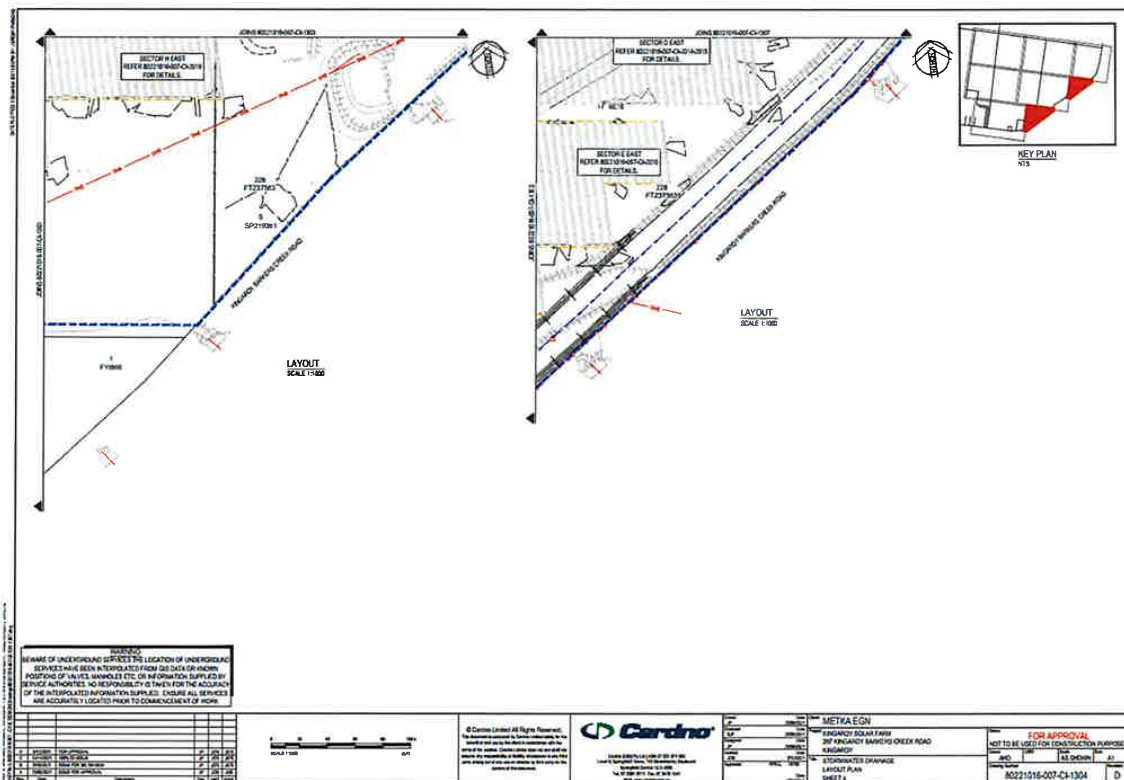
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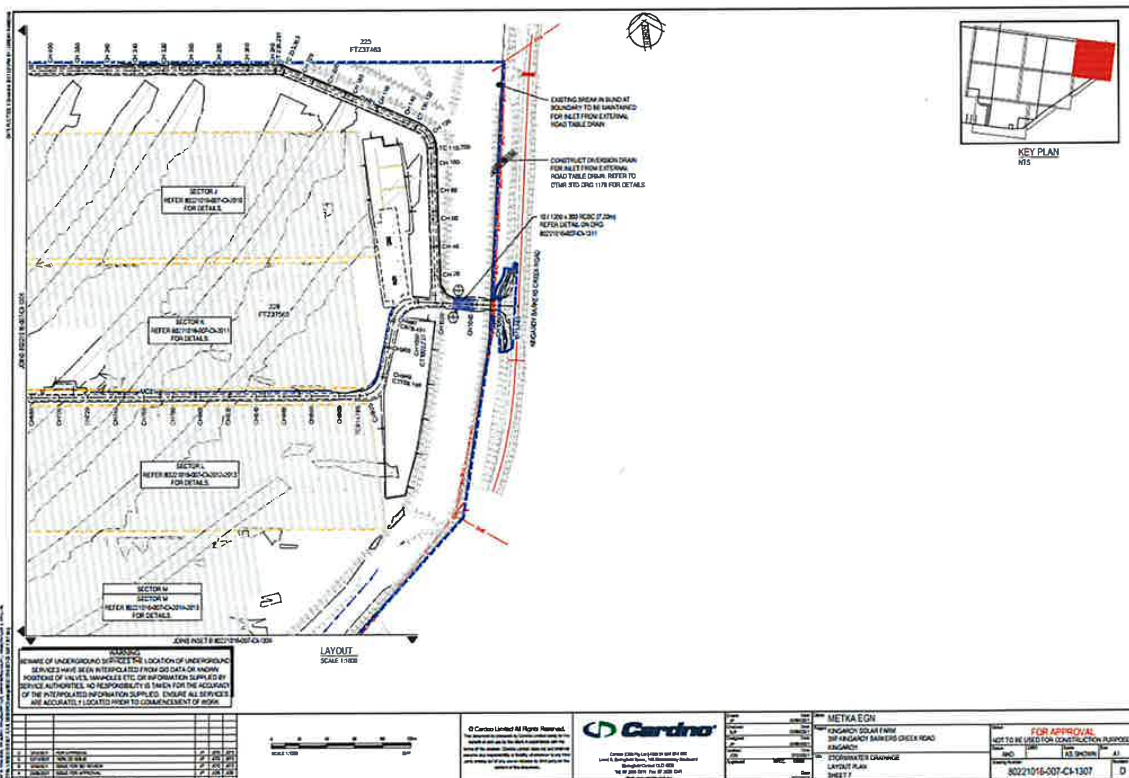
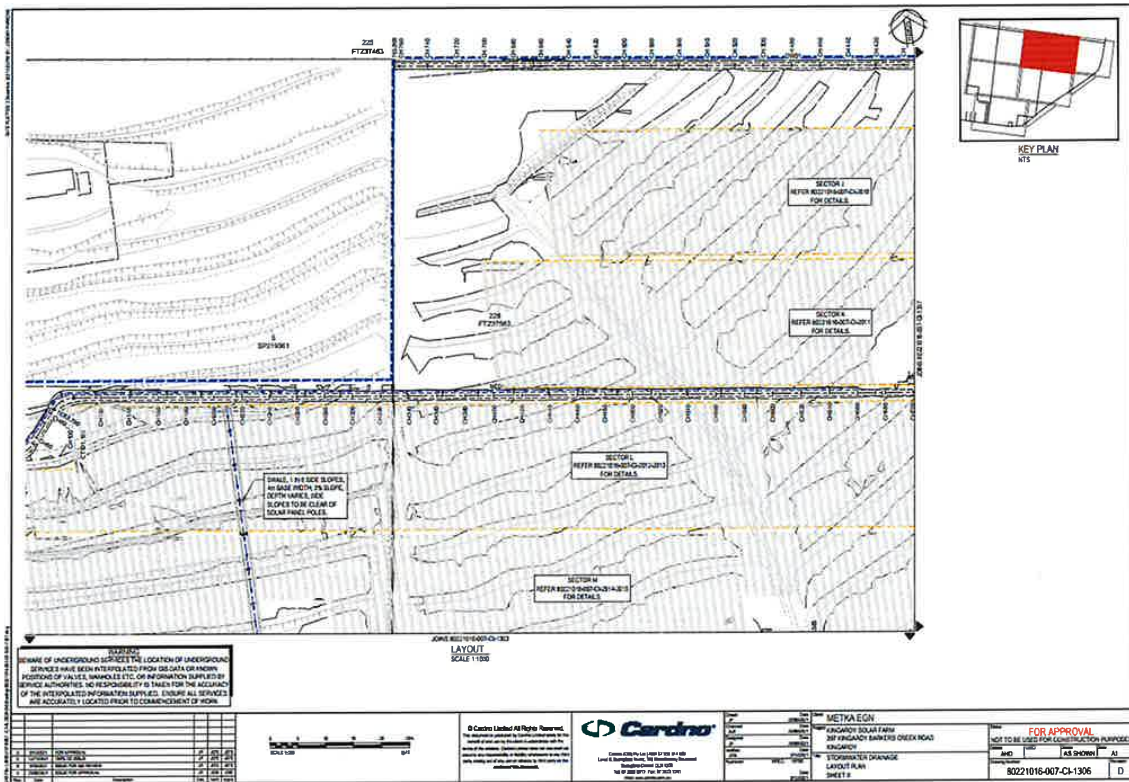


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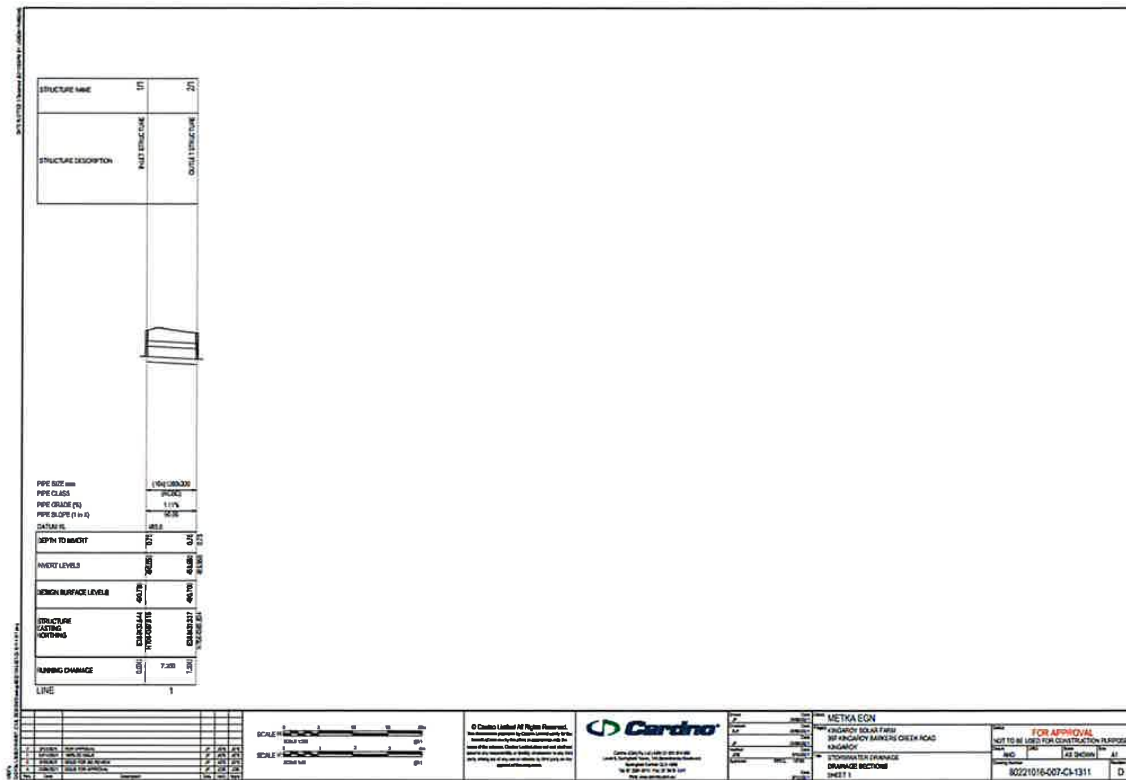


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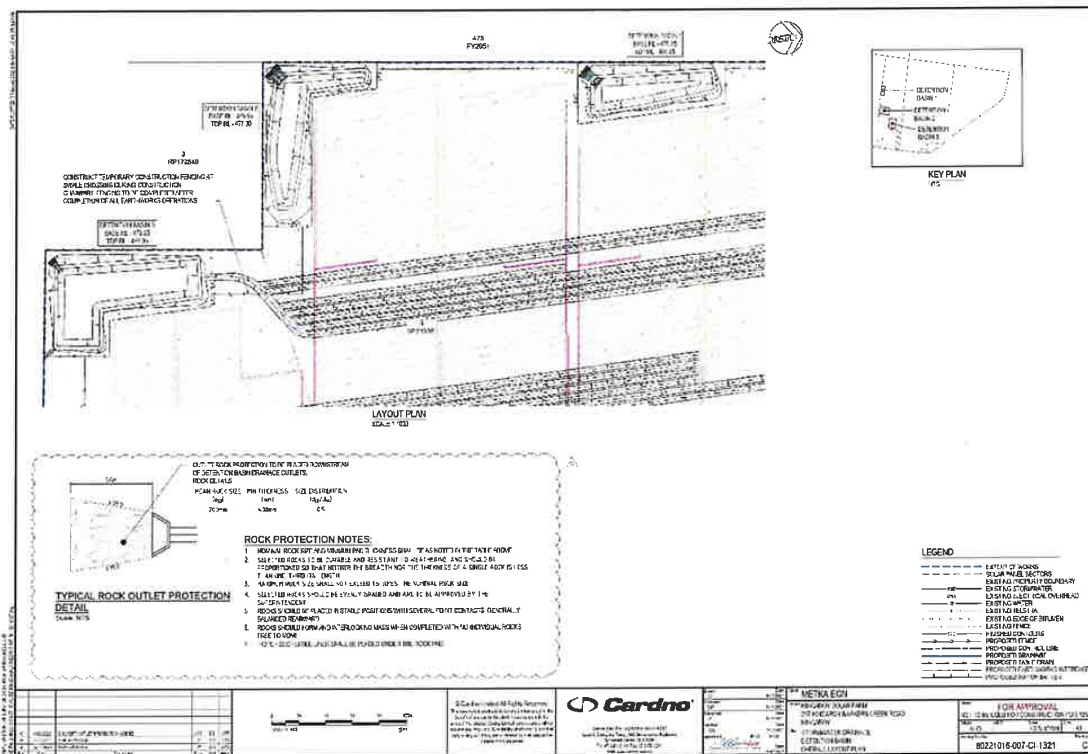
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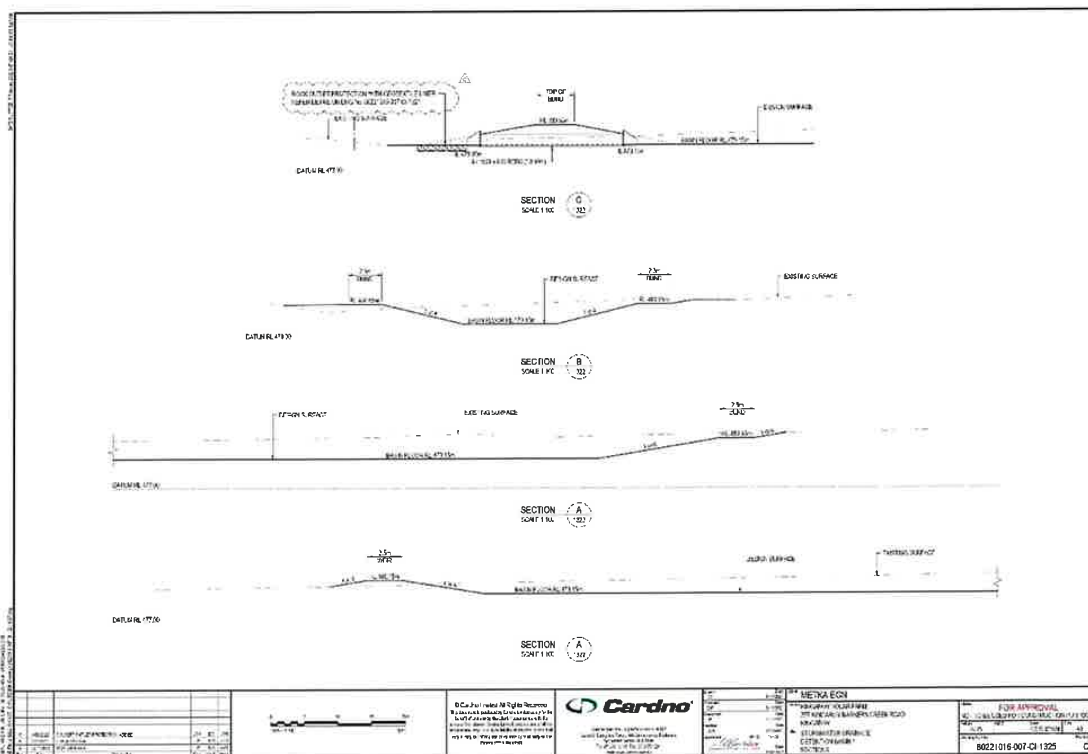
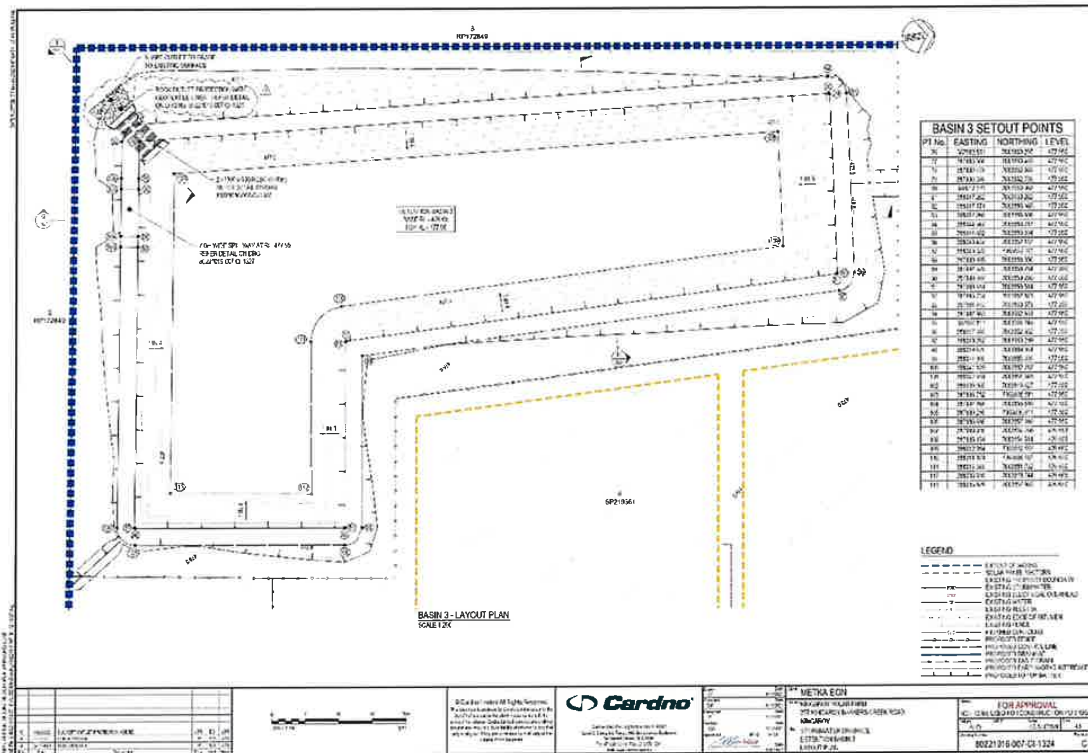
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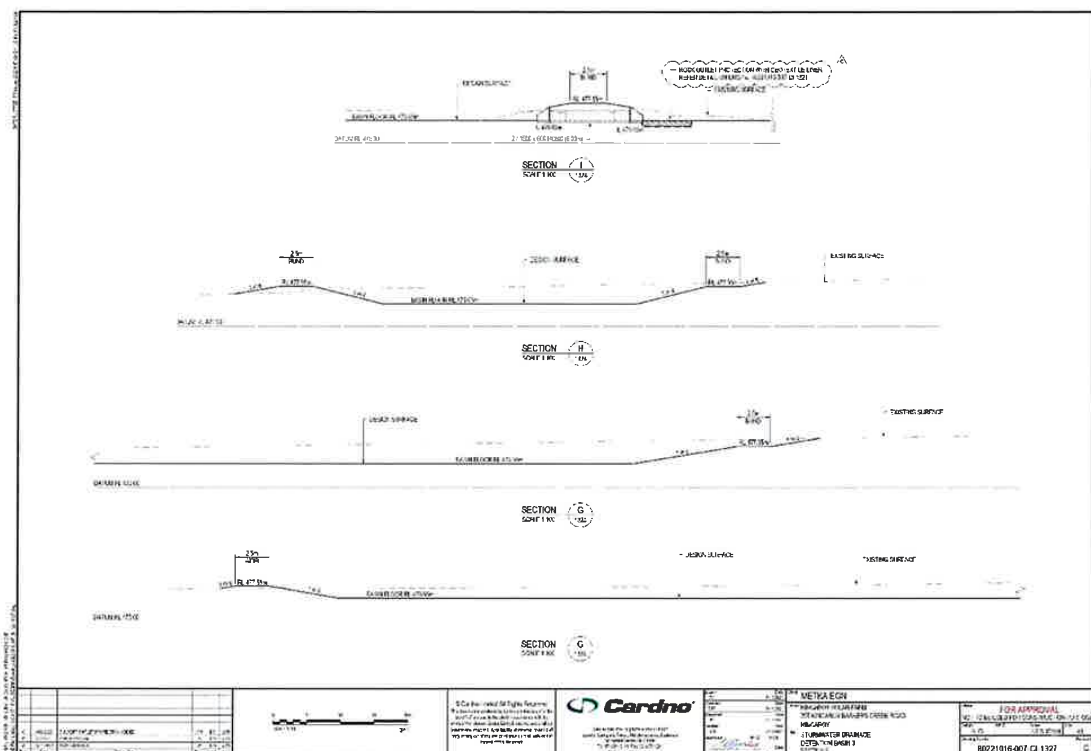
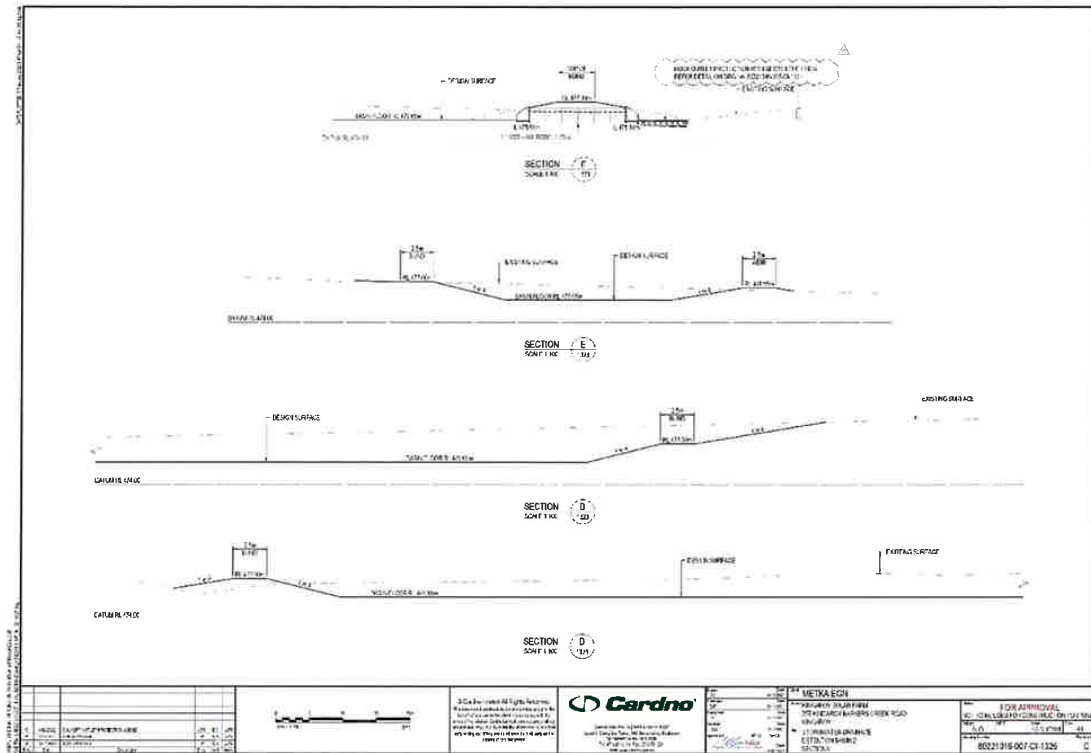
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Delegated Authority

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**REPORT**

Development Application for Operational Work – Earthworks and Sewer at 95 Youngman St, Kingaroy – Lots 4 & 5 on SP219361, and Lot 228 on FTZ237463– OPW22/0004.

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	Metka EGN Australia Pty Ltd c/- Environmental Resources Management Australia Pty Ltd
<b>Proposal:</b>	Operational Work (Earthworks & Stormwater)
<b>Properly Made Date:</b>	24/3/22
<b>Street Address:</b>	Kingaroy-Barkers Creek Rd, Kingaroy
<b>RP Description:</b>	Lots 4 & 5 on SP219361, and Lot 228 on FTZ237463
<b>Assessment Type:</b>	Code Assessable
<b>Number of Submissions:</b>	Not Applicable
<b>State Referral Agencies:</b>	Not Applicable
<b>Referred Internal Specialists:</b>	Not Applicable

<b>DEVELOPMENT PARAMETERS</b>	
<b>Number of Proposed Lots</b>	N/A
<b>Size of Proposed Lots</b>	N/A
<b>Easements</b>	Nil
<b>Covenants</b>	Nil

**SITE DETAILS:**

<b>SITE AND LOCALITY DESCRIPTION</b>		
<b>Land Area:</b>	Lot 4 SP219361 24.11 ha Lot 5 SP219361 60.96 ha Lot 228 FTZ37463 43.274 ha	
<b>Existing Use of Land:</b>	Rural	
<b>Road Frontage:</b>	Kingaroy-Barkers Ck Road	
<b>Easements</b>	Not Applicable	
<b>Significant Site Features:</b>	None Identified	
<b>Topography:</b>	Sloping in a generally southerly direction	
<b>Surrounding Land Uses:</b>	<b>Land Use</b>	<b>Zone/Precinct</b>
<b>North</b>	Rural	
<b>South</b>	Rural	
<b>East</b>	Rural	
<b>West</b>	Rural	
<b>Services:</b>	Nil	

Delegated Authority

Date:

**Background / Site History**

<b>APPLICATION NO.</b>	<b>DECISION AND DATE</b>
<b>Planning &amp; Environment Court Judgement No. 4374 of 2019</b>	Approved 23 January 2020

**Assessment Benchmarks Pertaining to the Planning Scheme**

The applicable planning scheme for the application is South Burnett Regional Council Version 1.4. The following sections relate to the provisions of the Planning Scheme.

<b>Planning Scheme:</b>	South Burnett Regional Council Planning Scheme Version 1.4
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**Assessment Benchmarks – Planning Scheme Codes**

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

<b>Performance outcomes</b>	<b>Assessment benchmarks</b>
<b>General</b>	
<b>PO1</b> The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	<b>AO1.1</b> A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.
<b>PO2</b> Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	<b>AO2.1</b> A wastewater management plan prepared by a suitably qualified person and addresses : (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best-practice environmental management; and <b>AO2.2</b> Wastewater is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; or (b) minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater.
<b>PO3</b> Construction activities avoid or minimise adverse impacts on stormwater quality.	<b>AO3.1</b> An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.
<b>PO4</b> Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.	<b>AO4.1</b> Development incorporates stormwater flow control measures to achieve the design objectives for the post-construction phase in Table 9.4.4.

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Date:

Performance outcomes	Assessment benchmarks
<ul style="list-style-type: none"> <li>• No changes to stormwater quality are expected.</li> <li>• Erosion and sediment control measures during constructing have been included in the design drawings. Contractor to provide updated Erosion &amp; Sed plans prior to commencement of works.</li> <li>• No wastewater discharge is proposed to waterways.</li> </ul>	
<b>Infrastructure</b>	
<p><b>PO5</b> Development is provided with infrastructure which:</p> <ul style="list-style-type: none"> <li>(a) conforms with industry standards for quality;</li> <li>(b) is reliable and service failures are minimised; and</li> <li>(c) is functional and readily augmented.</li> </ul>	<p><b>AO5.1</b> Except in the Rural zone, all development occurs on a site with frontage to a sealed road.</p> <p>and</p> <p><b>AO5.2</b> Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>
<ul style="list-style-type: none"> <li>• No services – Property is in the rural zone. Frontage is to a State-Controlled Rd (Kingaroy Barkers Ck Rd)</li> </ul>	
<b>Vehicle parking</b>	
<p><b>PO6</b> Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.</p>	<p><b>AO6.1</b> Vehicle parking spaces are provided on-site in accordance with Table 9.4.5.</p> <p>and</p> <p><b>AO6.2</b> A service bay is provided on-site for the service vehicle nominated in Table 9.4.5.</p> <p>and</p> <p><b>AO6.3</b> Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards.</p> <p>and</p> <p><b>AO6.4</b> Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>
<ul style="list-style-type: none"> <li>• Not applicable as part of this application</li> </ul>	
<b>Landscaping</b>	
<p><b>PO7</b> Landscaping is appropriate to the setting and enhances local character and amenity.</p>	<p><b>AO7.1</b> Landscaping is provided in accordance with the relevant zone code provisions.</p> <p>and</p> <p><b>AO7.2</b> Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m<sup>2</sup> and is unsealed and permeable.</p> <p>and</p> <p><b>AO7.3</b> Plantings along frontages or boundaries are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>

Delegated Authority

Date:

Performance outcomes	Assessment benchmarks
<p><b>PO8</b> Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	<p><b>AO8.1</b> Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping.</p> <p>and</p> <p><b>AO8.2</b> Species selection avoids non-invasive plants.</p> <p>Editor's Note. Guidance on plant selection is provided in Branching Out - Your Handy Guide to tree Planting in the South Burnett available from Council.</p>
<p>• <i>A landscaping plan is not required as part of this application</i></p>	
Filling and excavation	
<p><b>PO9</b> Development results in ground levels that retain:</p> <ul style="list-style-type: none"> <li>(a) access to natural light;</li> <li>(b) aesthetic amenity;</li> <li>(c) privacy; and</li> <li>(d) safety.</li> </ul>	<p><b>AO9.1</b> The depth of:</p> <ul style="list-style-type: none"> <li>(a) fill is less than 2m above ground level; or</li> <li>(b) excavation is less than 2m below ground level.</li> </ul> <p>and</p> <p><b>AO9.2</b> The toe of the fill, or top of the excavation is not less than 0.5m inside the site property boundary.</p> <p>and</p> <p><b>AO9.3</b> Works do not occur on slopes over 15% in grade.</p> <p>and</p> <p><b>AO9.4</b> Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped.</p> <p>and</p> <p><b>AO9.5</b> Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height.</p> <p>and</p> <p><b>AO9.6</b> Filling or excavation for the purpose or retention of water:</p> <ul style="list-style-type: none"> <li>(a) is certified by an RPEQ engineer to safely withstand the hydraulic loading;</li> <li>(b) directs overflow such that no scour damage or nuisance occurs on adjoining lots.</li> </ul>
<p><b>PO10</b> Filling or excavation does not cause damage to public utilities.</p>	<p><b>AO10.1</b> Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.</p>

Delegated Authority

Date:

Performance outcomes	Assessment benchmarks
<b>PO11</b> Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.	<b>AO11.1</b> Following filling or excavation: <ul style="list-style-type: none"> <li>(a) the premises:               <ul style="list-style-type: none"> <li>(i) are self-draining; and,</li> <li>(ii) has a minimum slope of 0.25%; and,</li> </ul> </li> <li>(b) surface water flow is:               <ul style="list-style-type: none"> <li>(i) directed away from neighbouring properties; or</li> <li>(ii) discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Majority of the works are less than 2m of filling or excavation. Only localised area that may be greater.</li> <li>• Works are greater than 0.5m from the property boundary.</li> <li>• Max slopes of drains is 1 in 4.</li> <li>• Filling and excavation, and detention basins have been certified by an RPEQ.</li> <li>• Energy dissipation at culverts outlets has been increased to double the required length.</li> <li>• No expected impacts to public utilities. Contractor to confirm prior to commencement of works.</li> <li>• No ponding of water expected.</li> </ul>	
<b>All operational work subject to an overlay</b>	
<b>Biodiversity overlay</b>	
<b>PO12</b> Development avoids, minimises or mitigates adverse impacts on areas of environmental significance.	<b>AO12.1</b> Uses and associated works are confined to areas not identified on Overlay Map 05.  or <b>AO12.2</b> Development is compatible with the environmental values of the area.  or <b>AO12.3</b> Where development within an area identified on Overlay Map 05 is unavoidable, measures recommended by a suitably qualified ecologist are incorporated to protect and retain the environmental values and underlying ecosystem processes within or adjacent to the development site to the greatest extent practical.
<b>PO13</b> Biodiversity values of identified areas of environmental significance are protected from the impacts of development	<b>AO13.1</b> Development adjacent to Protected Areas identified on Overlay Map 05 is set back a minimum of 100m from the park boundaries in the absence of any current 'Management Plans' for these areas.
<b>PO14</b> There are no significant adverse effects on water quality, ecological and biodiversity values.	<b>AO14.1</b> Uses and associated works are confined to areas outside overland flow paths and natural drainage features.  and <b>AO14.2</b> The Waterway Corridors identified on Overlay Map 05 are maintained in a natural state.
<ul style="list-style-type: none"> <li>• Not Applicable</li> </ul>	
<b>Flood hazard overlay</b>	

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<b>Performance outcomes</b>	<b>Assessment benchmarks</b>
<p><b>PO15</b> Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.</p>	<p><b>AO15.1</b> Works associated with the proposed development do not:</p> <p>(a) involve a net increase in filling greater than 50m<sup>3</sup> in the area identified on Overlay Map 03;</p> <p>(b) result in any reductions of on-site flood storage capacity and contain within the site any changes to depth / duration/velocity of flood waters; or</p> <p>(c) change flood characteristics outside the site in ways that result in:</p> <p>(i) loss of flood storage;</p> <p>(ii) loss of/changes to flow paths;</p> <p>(iii) acceleration or retardation of flows; or</p> <p>(iv) any reduction in flood warning times.</p>
<ul style="list-style-type: none"> <li>• <i>Not Applicable</i></li> </ul>	
<b>Regional infrastructure overlay</b>	
<p><b>PO16</b> Earthworks do not restrict access to and along major electricity infrastructure corridors by the electricity providers, using their normal vehicles and equipment.</p>	<p><b>AO16.1</b> Earthworks do not alter levels along the boundaries of existing easements by more than 300mm and do not result in increased inundation of electricity infrastructure.</p>
<p><b>PO17</b> There is no worsening of drainage or erosion conditions affecting the bulk supply and linear infrastructure.</p>	No outcome specified.
<ul style="list-style-type: none"> <li>• <i>Site is not near any existing easements</i></li> </ul>	
<b>Water catchments overlay</b>	
<p><b>PO18</b> There are no significant adverse effects on the water quality of the Region's drinking water supply.</p>	<p><b>AO18.1</b> Development within the Bjelke-Petersen Dam Water Resource Catchment Area and the 800m buffer to Boondooma and Gordonbrook Dams shown on Overlay Map 06 has no significant adverse effect on the quantity and availability of raw water for consumption, as determined by a suitably qualified water quality expert.</p> <p>or</p> <p><b>AO18.2</b> Development within the Cooyar Creek water supply buffer area shown on Overlay Map 06 complies with the specific outcomes and measures of the <i>Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012</i>.</p>
<ul style="list-style-type: none"> <li>• <i>Site is not within a water supply catchment</i></li> </ul>	

Delegated Authority

Date:

**Locality Plan**

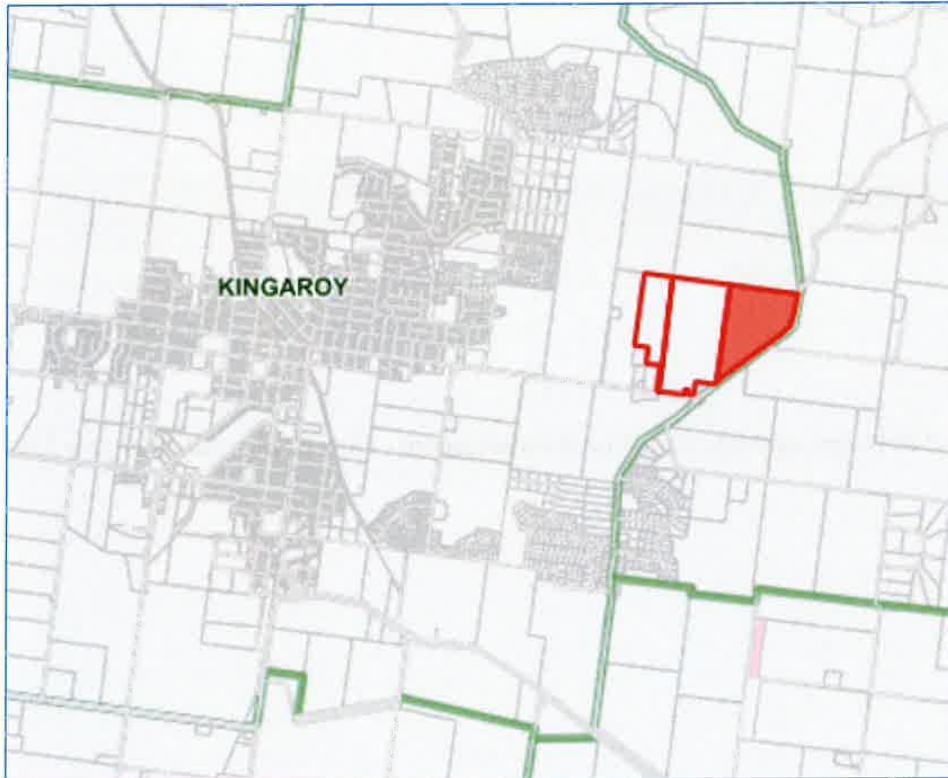


Figure 1 - Locality Plan (Source: IntraMaps)



Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**CONSULTATION:****Referral Agencies**

Not Applicable

**Other Referrals**

<b>INTERNAL SPECIALIST</b>	<b>REFERRAL</b>	<b>REFERRAL / RESPONSE</b>
Nil		N/A

## Attachments

1. **Attachment A: Kingaroy Solar Farm Flood Assessment - Final Report dated 27 July 2022**

Delegated Authority

Date: \_\_\_\_\_

**RECONFIGURATION OF A LOT (1 LOT INTO 2 LOTS) AT 23 ANITA ROAD, BLACKBUTT NORTH (LOT 55 ON RP174024) - APPLICANT: A RICH C/- ONF SURVEYORS**

**File Number:** RAL22/0015  
**Author:** Planning Officer  
**Authoriser:** Chief Executive Officer

	SIGNATURE	DATE
MANAGER	<i>[Signature]</i>	29/9/22
GM	<i>[Signature]</i>	29/9/22.
CEO	Electronic Info Council approval	29/9/22.

**PRECIS**

Reconfiguration of a lot (1 lot into 2 lots) at 23 Anita Road, Blackbutt North (Lot 55 on RP174024) - Applicant: A Rich C/- ONF Surveyors

**SUMMARY**

- The applicant seeks approval for a Development Permit for Reconfiguring a Lot – Subdivision (1 into 2 lots).
- Boundary configuration as proposed:
  - Total area of existing lot 55 is 4.255ha;
  - Proposed lot 1 is 1.5ha;
  - Proposed lot 2 is 2.74ha.
- Proposed lot 2 will include the existing house and outbuildings.
- Proposed lot 1 will be vacant with potential for a dwelling house.
- Access to existing lot 55 is via Anita Road.
- Proposed lot 2 will retain the existing access from Anita Road.
- Proposed lot 1 will gain access from Anita Road and require a new access.
- The subject site is located in the rural residential zone (RR1 Precinct) within the South Burnett Regional Council Planning Scheme.
- The proposed subdivision complies with the prescribed minimum lot dimensions for the rural residential zone RR1 precinct and is therefore subject to code assessment.
- The development application is assessed against the relevant codes of the South Burnett Regional Council Planning Scheme. Relevant codes include:
  - Reconfiguring a lot Code;
  - Rural Residential zone Code;
  - Services and Works Code.
- An Information Request was issued requesting a Bushfire Management Report (Attachment A).
- The application has been assessed and the proposal generally meets the requirements of the planning scheme and relevant codes or has been conditioned to comply (refer attachment B – Statement of Reasons);
- Infrastructure Charges Notice (refer to attachment C); and
- Application recommended for approval subject to reasonable and relevant conditions.

**OFFICER'S RECOMMENDATION**

That Council approve the development permit for a Reconfiguring a lot for a subdivision 1 into 2 lots at 23 Anita Road, Blackbutt North described as lot 55 on RP174024, subject to the following conditions.

**GENERAL**

GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

Drawing Title	Prepared by	Ref no.	Rev	Date
Proposal Subdivision	ONF Surveyors	10415P/1	A	10/08/2022

Delegated Authority

Date:

## Approved Documents:

Document Title	Prepared by	Ref no.	Rev	Date
Bushfire Management Report	Aquila NRM	BRM 229604	-	9 August 2022

- GEN2. The development must be completed within four (4) years of the development approval starting to have effect. The development approval will lapse unless the survey plan for the development required to be given to Council for approval is provided within this period.

**PERMIT TO WORK ON COUNCIL ROADS**

- GEN3. The applicant must submit a completed Permit to Work on Council Roads Application available from <http://www.southburnett.qld.gov.au> for approval by Council before commencing and works within the Council road reserve (i.e., in this case, the required property access).

**COMPLIANCE**

- GEN4. All conditions of this approval are to be satisfied prior to Council endorsing the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

A fee will be charged, with payment required prior to Council's approval of the associated documentation requiring assessment.

**OUTSTANDING FEES**

- GEN5. Prior to sealing of Survey Plan the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the *Planning Act Regulation 2017*.
- GEN6. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

**BUSHFIRE HAZARD MANAGEMENT**

- GEN7. Any future dwelling on Lot 1 must be built within the nominated Building Location Envelope identified in the Approved Bushfire Management Report and Proposed Subdivision Plan listed in GEN1.
- GEN8. The Asset Protection Zone must be maintained to a fuel-reduced standard to the extent of the building envelope in accordance with the Proposed Subdivision Plan and Section 5.2 of the Approved Bushfire Management Report listed in GEN1.
- GEN9. Each lot shall be provided with a minimum water supply of 10,000 litres in a separate on-site water tank dedicated solely to fire-fighting purposes. The water tank is provided in accordance with Section 5.7 of the Approved Bushfire Management Report and is required to be located within Asset Protection Zone prior to survey plan endorsement.

**Note:** Swimming pools, creeks and dams should not be used as a substitute for a dedicated static water supply as these sources of water are not reliable during drought conditions.

**SURVEY MARKS**

- RAL1. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correction position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

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Delegated Authority

Date:

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**ENGINEERING WORKS**

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with Planning Scheme, Council's Standards, relevant Australian Standards and relevant design manuals.
- ENG3. Be responsible for any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

**LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS**

- ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

**STORMWATER MANAGEMENT**

- ENG6. Provide overland flow paths that do not adversely alter the characteristics of the existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG7. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

**ON-SITE WASTEWATER DISPOSAL**

- ENG8. Future dwellings must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Waste Water Code.

**Timing:** Prior to the issue of the Building Approval for the future Dwelling on the proposed lots.

**VEHICLE ACCESS – PROPOSED LOT 1**

- ENG9. Design and construct a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. 00049, to access the proposed Lot 1.

**VEHICLE ACCESS – PROPOSED LOT 2**

- ENG10. Design and construct a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. 00049, to access the proposed Lot 2.
- ENG11. Design and construct all services along the full length of the access strip.
- ENG12. For the length of the access handle, construct the driveway with 100mm compacted gravel with a minimum width of 4 metres.

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Delegated Authority

Date:

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- ENG13. Construct any new crossover such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure including any stormwater gully pit, manhole, service infrastructure (eg. Power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

#### **ELECTRICITY AND TELECOMMUNICATION**

- ENG14. Provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.
- ENG15. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.
- ENG16. Provide telecommunications to all lots within the development.

#### **SERVICES – EXISTING CONNECTIONS**

- ENG16. Ensure that all services provided to the existing house on proposed Lot 77 are wholly located within the lots(s) it serves).

#### **EROSION AND SEDIMENT CONTROL - GENERAL**

- ENG16. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
- ENG17. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

#### **ADVICE**

- ADV1. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

#### **APPEAL RIGHTS**

- ADV2. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

#### **INFRASTRUCTURE CHARGES**

- ADV3. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

#### **DEVELOPMENT INCENTIVE SCHEME**

- ADV4. Council is offering a reduction infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 30 December 2022. Eligible development under this scheme is required to be completed by 30 December 2022.

For further information or application form please refer to the rules and procedures available on Council's website.

Delegated Authority

Date:

**VALUATION FEES**

ADV5. Payment of *Department of Natural Resources and Mines* valuation fee that will result from the issue of split valuations prior to Council sealing the Survey Plan. The contribution is currently assessed at \$96.00 (2 x \$48.00); however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

**TELECOMMUNICATIONS CONNECTIONS**

ADV6. Telecommunication connections can be arranged by logging onto Telstra's website (<http://www.telstra.com.au/smart-community/developers/index.htm>) and completing the 'Application for Reticulation'.

**ELECTRICITY RETICULATION SERVICES**

ADV7. Council would encourage you to discuss the development with Ergon Energy upon receipt of this approval to facilitate the timely supply of electricity to the development. Connection of electricity can take up to eight (8) months from the date of application to Ergon Energy.

**PROPERTY NOTE**

PN1. Proposed Lot 1 (original parcel Lot 55 on RP174024) is subject to an approved bushfire management plan. Future dwelling house/habitable building is to be sited in accordance within the approved location envelope of the approved bushfire management plan.

Document Title	Prepared by	Ref no.	Rev	Date
Bushfire Management Report	Aquila NRM	BRM 229604	-	9 August 2022

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Delegated Authority

Date:

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**FINANCIAL AND RESOURCE IMPLICATIONS**

No implication can be identified.

**LINK TO CORPORATE/OPERATIONAL PLAN**

Growing our Region's Economy and Prosperity

GR8 Support and advocate for appropriate growth and development with responsive planning scheme, process, customer service and other initiatives.

**COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Refer to CONSULTATION in this report.

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

No implication identified.

**POLICY/LOCAL LAW/DELEGATION IMPLICATIONS**

No implication can be identified.

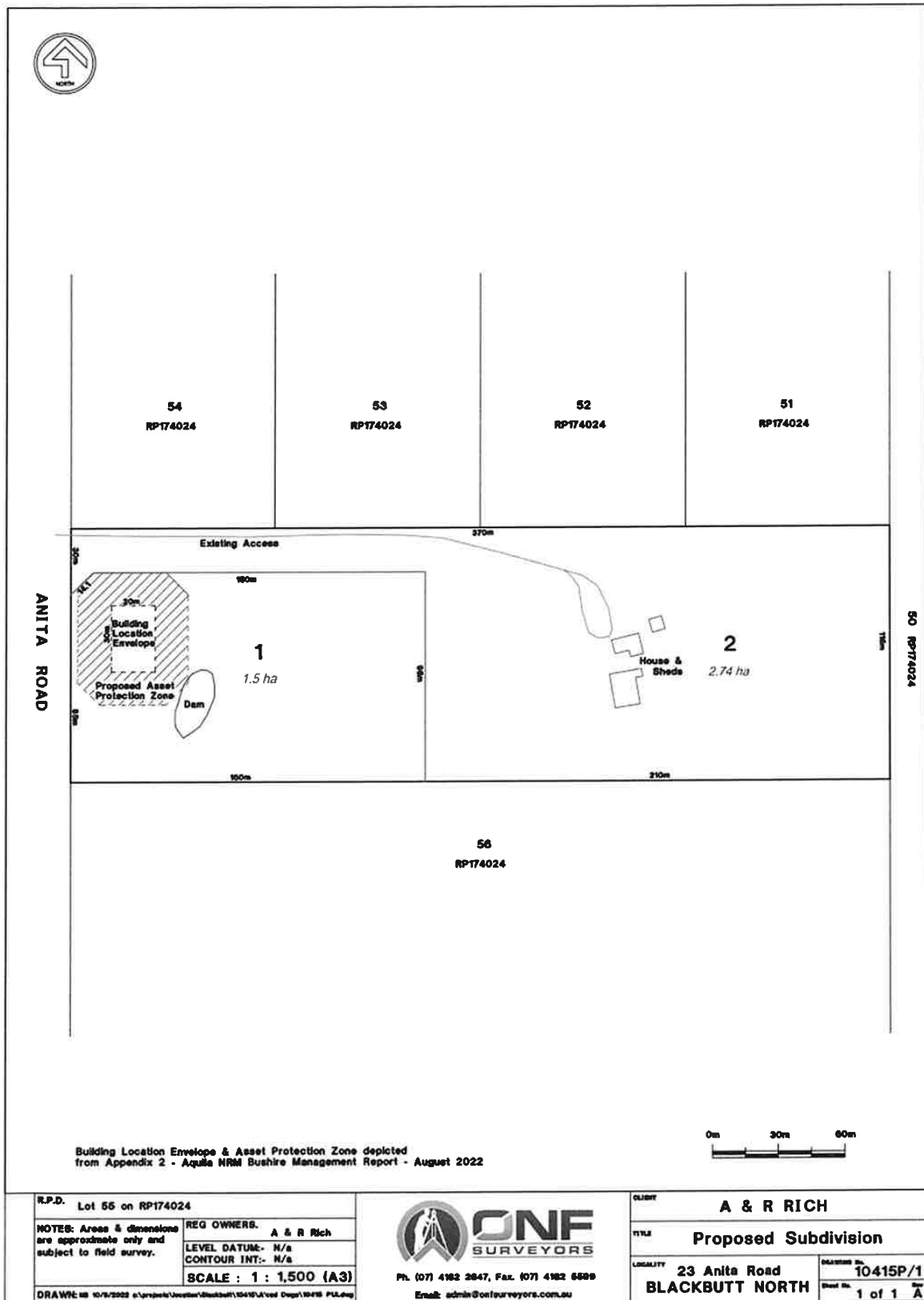
**ASSET MANAGEMENT IMPLICATIONS**

No implication can be identified.

Delegated Authority

Date:

**PROPOSAL PLAN**



R.P.D. Lot 55 on RP174024	
NOTES: Areas & dimensions are approximate only and subject to field survey. DRAWN: 10/9/2022 s:\projects\location\blackbutt\10415P\A3\red Dwg\10415 P1.dwg	REG OWNERS. A & R Rich
	LEVEL DATUM:- N/A CONTOUR INT:- N/A
	SCALE : 1 : 1,500 (A3)



Ph. (07) 4182 2847, Fax. (07) 4182 6599  
Email: admin@onfsurveyors.com.au

CLIENT <b>A &amp; R RICH</b>	
TITLE <b>Proposed Subdivision</b>	
LOCALITY <b>23 Anita Road BLACKBUTT NORTH</b>	DRAWING NO. <b>10415P/1</b> Sheet No. <b>1 of 1</b>



Delegated Authority

Date:

**REPORT**

The applicant seeks approval for a development permit for a Reconfiguration of a lot (1 lot into 2 lots).

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	A Rich C/- ONF Surveyors
<b>Proposal:</b>	Reconfiguration of a lot (1 lot into 2 lots)
<b>Properly Made Date:</b>	4 May 2022
<b>Street Address:</b>	23 Anita Road, Blackbutt North
<b>RP Description:</b>	Lot 7 on RP196032
<b>Assessment Type:</b>	Code assessable
<b>Number of Submissions:</b>	N/A
<b>State Referral Agencies:</b>	N/A
<b>Referred Internal Specialists:</b>	Development Engineer

The following table describes the key development parameters for the proposal:

	<b>DEVELOPMENT PARAMETERS</b>
<b>Number of Proposed Lots</b>	2
<b>Size of Proposed Lots</b>	Lot 1 – 1.5ha Lot 78 – 2.74ha
<b>Easements</b>	N/A
<b>Covenants</b>	N/A

**SITE DETAILS:**

<b>SITE AND LOCALITY DESCRIPTION</b>	
<b>Land Area:</b>	4.255ha
<b>Existing Use of Land:</b>	Existing dwelling house & associated outbuildings & rainwater tanks
<b>Road Frontage:</b>	Anita Road
<b>Road/s</b>	<b>Road Hierarchy</b>
Anita Road	Street
<b>Easements</b>	N/A
<b>Significant Site Features:</b>	Nil
<b>Topography:</b>	Relatively flat – slightly sloping towards rear of lot
<b>Surrounding Land Uses:</b>	<b>Land Use</b>
<b>North</b>	Rural Residential Dwellings
<b>South</b>	Rural Residential Dwellings
<b>East</b>	Rural residential Dwellings
<b>West</b>	Rural Residential Dwellings
<b>Services:</b>	Electricity, Telecommunications.

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Date: \_\_\_\_\_

**Background / Site History**

<b>APPLICATION NO.</b>	<b>DECISION AND DATE</b>
	N/A

**ASSESSMENT:****Framework for Assessment**Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- The *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

**Assessment Benchmarks Pertaining to the Planning Regulation 2017**

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Assessment Benchmarks:</b>	Nil.
<b>WBB Regional Plan Designation:</b>	N/A

**Assessment Benchmarks Pertaining to the Planning Scheme**

The applicable planning scheme for the application is South Burnett Regional Council Version 1.4. The following sections relate to the provisions of the Planning Scheme.

<b>Planning Scheme:</b>	South Burnett Regional Council Planning Scheme Version 1.4
<b>Strategic Framework Land Use Category:</b>	N/A
<b>Zone:</b>	Rural Residential
<b>Precinct:</b>	RR1
<b>Consistent/Inconsistent Use:</b>	N/A
<b>Assessment Benchmarks:</b>	<ul style="list-style-type: none"> <li>• Reconfiguring a lot Code</li> <li>• Services and works Code</li> <li>• Rural residential zone Code</li> </ul>

Assessment Benchmarks – Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

<b>ACCEPTABLE OUTCOME</b>	<b>ASSESSMENT MANAGERS COMMENTS</b>
<b>RURAL RESIDENTIAL ZONE CODE</b>	
<b>SECTION 1 - General</b>	

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<b>PO1</b> Buildings and structures must complement the semi-rural character of nearby development and protects residential amenity.	
<p><b>AO1.1</b> Site cover does not exceed 10%. and <b>AO1.2</b> Buildings and structures are not higher than 8.5m above ground level. and <b>AO1.3</b> Buildings have a minimum set back of: (a) 10m to the road frontage; (b) 6m to a side or rear boundary. and <b>AO1.4</b> The maximum length of any façade without articulation or change of materials is 15m. and <b>AO1.5</b> On-site storage areas visible from outside the site are screened by a 1.8m high fence along intervening boundaries. and <b>AO1.6</b> Outdoor lighting is designed, installed and maintained in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.</p>	<p>✓ No new buildings or structures are proposed as a part of this application. Proposed lot 2 is of sufficient size to accommodate the existing dwelling and outbuildings. Proposed lot 1 is of sufficient size for a future dwelling to comply with the AO1.1 to AO1.6. The proposed layout maintains the rural residential character and is not expected to impact on the surrounding amenity.</p>
<b>PO2</b> Development minimises the potential for reverse amenity impacts for adjoining existing non-residential activities.	
<p><b>AO2.1</b> A well-maintained vegetative buffer is provided on the residential land between the residential development and adjacent existing non-residential use.</p>	<p><b>N/A</b> – The subject site is surrounded by residential properties and therefore does not necessitate the need for a vegetation buffer.</p>
<b>PO3</b> Dwellings are to be adequately serviced.	
<p><b>AO3.1</b> Where in a reticulated water supply area, development is to be connected to the supply network. or <b>AO3.2</b> Where reticulated water supply is not available, a 45kl water tank is provided for each dwelling for consumption purposes and an additional 22.5kl water storage located no more than 10m from the main dwelling is available for fire fighting purposes. and <b>AO3.3</b> The provision of on-site sewage treatment conforms to the requirements of the Queensland Plumbing and Wastewater Code.</p>	<p><b>N/A</b></p> <p>✓ Conditioned to comply.</p> <p>✓ Proposed lots are sufficient size to have on-site sewerage treatment for a future dwelling.</p>

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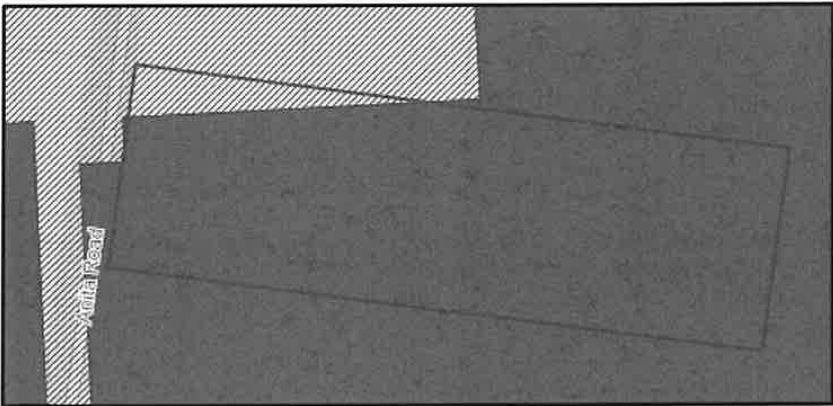
<p>and  <b>AO3.4</b> Each dwelling is provided with a service line connection to the electricity supply and telecommunications networks.                  and  <b>AO3.5</b> Stormwater discharge must be to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners.                  and  <b>AO3.6</b> Development has direct access to a sealed road.</p>	<ul style="list-style-type: none"> <li>✓ The existing dwelling is connected to electricity. Proposed lot 1 will be conditioned to comply.</li> <li>✓ Conditioned to comply.</li> <li>✓ Proposed lot 1 &amp; 2 will gain access from Anita Road which is bitumen sealed.</li> </ul>
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**PO4** Development is located and designed to ensure that land uses are not exposed to: (a) Areas that pose a health risk from previous activities; and (b) Unacceptable levels of contaminants.

<p><b>AO4.1</b> Development does not occur:                  (a) In areas that pose a health risk from previous activities; and                  (b) On sites listed on the Contaminated Land Register or Environmental Management Register.                  or  <b>AO4.2</b> Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</p>	<ul style="list-style-type: none"> <li>✓ The subject site is not identified on the CLR or EMR.</li> </ul>
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**Section 5 – For development affected by one or more overlays**

**Bushfire hazard overlay**



- Bushfire Hazard Zone
- ✓ ■ Very High Potential Bushfire Intensity
- ✓ ■ High Potential Bushfire Intensity
- ✓ ■ Medium Potential Bushfire Intensity
- ✓ ▨ Potential Impact Buffer

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<p><b>PO15</b> Development is not placed at unacceptable risk from bushfire, does not increase the extent or severity of bushfire and maintains the safety of people and property from bushfire.</p>	
<p><b>AO15.1</b> Development does not occur in areas mapped as Very High or High Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making). or <b>AO15.2</b> A written assessment by a suitably experienced or qualified person confirms that the site is of Low Potential Bushfire Hazard. or <b>AO15.3</b> For areas mapped as Medium Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making), bushfire risk is mitigated through a Bushfire Management Plan incorporating: (a) Lot design and the siting of buildings and uses so: (i) high intensity uses are located on the least bushfire prone area on the site and activities least susceptible to fire are sited closest to the bushfire hazard; and (ii) efficient emergency access is optimised; and (iii) bushfire risk is effectively minimised having regard to aspect, elevation, slope and vegetation. (b) Including firebreaks that provide adequate: (i) setbacks between buildings/ structures and hazardous vegetation; and (ii) access for fire fighting or other emergency vehicles; and (c) Road access for fire-fighting appliances and firebreaks are provided through a perimeter road that separates the use from areas of bushfire hazard and that road has a minimum cleared width of 20 metres; And (d) Where a reticulated water supply is not available and development involves buildings with a gross floor area greater than 50m<sup>2</sup>, one tank within 100m of each residential building that has: (i) fire brigade tank fittings; and (ii) 25,000 litres dedicated for fire fighting purposes.</p>	<ul style="list-style-type: none"> <li>✓ The site is identified in the very high bushfire intensity area. However, the applicant has submitted a Bushfire Management Report. The site assessment identified that the bushfire hazard is less than the levels mapped by the Queensland Government due to historical and current vegetation management practices on the site and in the surrounding landscape. The site was assessed as being subject to a Medium Potential Bushfire intensity.</li> <li>✓ The Bushfire Management Plan has made recommendation in relation to mitigation measures including building sites, construction of buildings, access and egress, vegetation management, water supply and maintenance of bushfire mitigation measures. The report has identified a building envelope and Asset Protection Zone which will be conditioned as part of this approval.</li> </ul>
<p><b>PO16</b> Community infrastructure in any area mapped as Very High to Medium (Potential Intensity) Areas are able to function effectively during and immediately after bushfire events.</p>	
<p>No outcome specified.</p>	<p>N/A</p>

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<b>PO17</b> Major risks to the safety or property and to the wellbeing of occupants in areas mapped as Very High to Medium (Potential Intensity) Areas is minimised through appropriate siting, servicing and managing of residential premises.	
<b>AO17.1</b> New dwellings on land mapped as Very High to Medium (Potential Intensity) are located: (a) Centrally within existing cleared areas on a lot which allows a regular shaped area (with a minimum dimension of 50m) of 5,000m <sup>2</sup> to be identified that: (i) is free of highly combustible vegetated areas; and (ii) is on southerly to easterly facing slopes not exceeding 15% gradient; or (iii) on flat lands at the base of north to western facing slopes not exceeding 15% gradient. (b) A fire protection buffer is established around the complete perimeter of the dwelling unit within a lot for a minimum width of 50m.	<ul style="list-style-type: none"> <li>✓ The Bushfire Management Plan submitted to Council has identified a building envelope in accordance with AO17.1 and an asset protection zone surrounding the envelope.</li> </ul>
<b>RECONFIGURING A LOT CODE</b>	
<b>SECTION 3 – All other reconfiguration</b>	
<b>PO7</b> Allotments are of sufficient size and dimensions to meet the requirements of the users and provide for servicing of the intended use.	
<b>AO7.1</b> Development provides that allotment area, dimension and shape are in accordance with the standards in Table 8.4.2. and <b>AO7.2</b> The minimum allotment size for any rear allotment shall be calculated exclusive of the area of the access corridor of the allotment. and <b>AO7.3</b> Irregularly shaped allotments are designed to allow a building area of 15m by 10m to be setback 6m from the site frontage.	<ul style="list-style-type: none"> <li>✓ The subject site is within the rural residential zone RR1 precinct whereby the minimum lot size is 4,000m<sup>2</sup>. Proposed lot 1 and 2 exceed the minimum lot size.</li> <li>✓ The rear lot has been calculated exclusive of the access corridor.</li> <li>✓ The proposed lots are a regular shape.</li> </ul>
<b>PO8</b> Lots have lawful, safe and practical access.	
<b>AO8.1</b> Access is provided via either: (a) Direct road frontage; (b) Access strip with a minimum width of 3.5m (for rear lots only); or (c) Access easement with a minimum width of 6m (where lots only have legal road frontage that does not provide, safe or practical access to the existing street network).	<ul style="list-style-type: none"> <li>✓ Proposed lot 1 has direct road frontage onto Anita Road. Proposed lot 2 will gain access onto Anita Road via an access corridor.</li> </ul>

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<p>and  <b>AO8.2</b> Newly created lots do not have direct access to sub-arterial or higher order roads.  and  <b>AO8.3</b> Except in the Rural Zone, new lots, are provided with access to a sealed road.</p>	<ul style="list-style-type: none"> <li>✓ Anita Road is identified as a Street in the road hierarchy.</li> <li>✓ Anita Road is bitumen sealed.</li> </ul>
<p><b>PO9</b> The number of rear lots is minimised having regard to the outlook, topography of the site, intended land use and general amenity of the area.</p>	
<p><b>AO9.1</b> Only one rear lot is provided behind each full street frontage regular lot.  and  <b>AO9.2</b> No more than two rear lot access strips directly adjoin each other.  and  <b>AO9.3</b> No more than two rear lots gain access from the head of a cul-de-sac.</p>	<ul style="list-style-type: none"> <li>✓ Only one rear lot is proposed.</li> <li>✓ There are no adjoining rear lots.</li> </ul> <p>N/A</p>
<p><b>PO10</b> The design and construction of new roads:  (a) Maintain safe and efficient access to the transport network;  (b) Creates integrated neighbourhoods; and  (c) Are constructed to a standard that is commensurate with the intended use of allotments.</p>	
<p><b>AO10.1</b> Intersection shall be spaced at no less than 45m from any other intersection.  and  <b>AO10.2</b> Any intersections with existing roads shall be treated with a T-intersection or a roundabout.  and  <b>AO10.3</b> The road layout indicates connections to adjoining development sites.  and  <b>AO10.4</b> Other than in the Rural or Rural Residential Zones, new streets are provided with layback kerb and channel.  or  <b>AO10.5</b> In the Rural Residential Zone, new streets are provided with concrete flush kerbs and swale drains.</p>	<p>N/A – No new roads are proposed.</p>
<p><b>PO11</b> The provision of services is resistant to inclement weather and does not degrade the character of the area.</p>	
<p><b>AO11.1</b> Where the reconfiguration involves the opening of a new road, all electricity and telecommunications services are located underground.</p>	<p>N/A – No new roads are proposed.</p>

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<b>PO12</b> Reconfiguration facilitates integration of walking and cycling networks that provide a safe and convenient environment for users having regard to appropriate gradients and distances to be travelled.	
No outcome specified.	N/A
<b>PO13</b> Public open space is provided in response to community need.	
<b>AO13.1</b> Public open space is provided in accordance with the Priority Infrastructure Plan.	N/A
<b>PO14</b> Reconfiguration into allotments less than 400m <sup>2</sup> in the Medium Density Residential zone is facilitated where design outcomes are consistent with expectations for the zone.	
<b>AO14.1</b> Reconfiguration in the Medium Density Residential zone involving allotments less than 400m <sup>2</sup> where creating allotments for individual units in an approved and completed multiple dwelling or dual occupancy.	N/A
<b>PO15</b> Reconfiguration into allotments less than 400m <sup>2</sup> in the Medium Density Residential zone is to provide for suitable living environments.	
For allotments less than 400m <sup>2</sup> – <b>AO15.1</b> All lots are orientated to within 200 of north. <b>AO15.2</b> All lots are to be sized and shaped to accommodate a 10m x 20m rectangle.	N/A
<b>Section 4 – All reconfiguring a lot subject to an overlay</b>	
<b>Bushfire hazard overlay</b>	
Discussed above - Please refer Section 5 of Rural Residential Zone Code	
<b>SERVICES AND WORKS CODE</b>	
<b>SECTION 1 - General</b>	
<b>PO1</b> The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	
<b>AO1.1</b> A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	✓ This development application does not necessitate the need for a stormwater quality management plan.
<b>PO2</b> Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	



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<p><b>AO2.1</b> A wastewater management plan prepared by a suitably qualified person and addresses :</p> <p>(a) wastewater type;</p> <p>(b) climatic conditions;</p> <p>(c) water quality objectives;</p> <p>(d) best-practice environmental management;</p> <p>and</p> <p><b>AO2.2</b> Wastewater is managed in accordance with a waste management hierarchy that:</p> <p>(a) avoids wastewater discharge to waterways; or</p> <p>(b) minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater.</p>	<p>✓ This development application does not necessitate the need for a wastewater management plan.</p>
<p><b>PO3</b> Construction activities avoid or minimise adverse impacts on stormwater quality.</p>	
<p><b>AO3.1</b> An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.</p>	<p>✓ This development application does not necessitate the need for an erosion and sediment control plan.</p>
<p><b>PO4</b> Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.</p>	
<p><b>AO4.1</b> Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.</p>	<p>✓ This development application does not necessitate the need for stormwater flow control measures. No changes to stormwater flow is proposed.</p>
<p><b>SECTION 2 - Infrastructure</b></p>	
<p><b>PO5</b> Development is provided with infrastructure which:</p> <p>(a) conforms with industry standards for quality;</p> <p>(b) is reliable and service failures are minimised; and</p> <p>(c) is functional and readily augmented.</p>	
<p><b>AO5.1</b> Except in the Rural zone, all development occurs on a site with frontage to a sealed road.</p> <p>and</p> <p><b>AO5.2</b> Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>✓ The subject site fronts Anita Road, which is bitumen, sealed.</p> <p>✓ Proposed lot 1 and 2 have been conditioned to comply with AO5.2.</p>
<p><b>SECTION 3 – Vehicle parking</b></p>	
<p><b>PO6</b> Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.</p>	

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<p><b>AO6.1</b> Vehicle parking spaces are provided on-site in accordance with Table 9.4.5. and <b>AO6.2</b> A service bay is provided on-site for the service vehicle nominated in Table 9.4.5. and <b>AO6.3</b> Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards. and <b>AO6.4</b> Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p><b>N/A</b> - This development application does not necessitate the need for vehicle parking provisions.</p>
<p><b>SECTION 4 - Landscaping</b></p>	
<p><b>PO7</b> Landscaping is appropriate to the setting and enhances local character and amenity.</p>	
<p><b>AO7.1</b> Landscaping is provided in accordance with the relevant zone code provisions. and <b>AO7.2</b> Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m2 and is unsealed and permeable. and <b>AO7.3</b> Plantings along frontages or boundaries are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>	<p>✓ This development application does not necessitate the need for landscaping.</p>
<p><b>PO8</b> Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	
<p><b>AO8.1</b> Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping. and <b>AO8.2</b> Species selection avoids non-invasive plants.</p>	<p><b>N/A</b></p>
<p><b>SECTION 5 – Filling and Excavation</b></p>	
<p><b>PO9</b> Development results in ground levels that retain: (a) access to natural light; (b) aesthetic amenity;</p>	

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(c) privacy; and (d) safety.	
<p><b>AO9.1</b> The depth of: (a) fill is less than 2m above ground level; or (b) excavation is less than 2m below ground level. and <b>AO9.2</b> The toe of the fill, or top of the excavation is not less than 0.5m inside the site property boundary. and <b>AO9.3</b> Works do not occur on slopes over 15% in grade. and <b>AO9.4</b> Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped. and <b>AO9.5</b> Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height. and <b>AO9.6</b> Filling or excavation for the purpose or retention of water: (a) is certified by an RPEQ engineer to safely withstand the hydraulic loading; (b) directs overflow such that no scour damage or nuisance occurs on adjoining lots.</p>	N/A – No cut or fill is proposed as a part of this application.
<b>PO10</b> Filling or excavation does not cause damage to public utilities.	
<p><b>AO10.1</b> Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.</p>	N/A – No cut or fill is proposed as a part of this application.
<b>PO11</b> Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.	
<p><b>AO11.1</b> Following filling or excavation: (a) the premises: (i) are self-draining; and, (ii) has a minimum slope of 0.25%; and,  (b) surface water flow is: (i) directed away from neighbouring properties; or</p>	N/A – No cut or fill is proposed as a part of this application.

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(ii) discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2.	
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**Local Categorising Instrument - Variation Approval**

Not applicable.

**Local Categorising Instrument - Temporary Local Planning Instrument**

Not applicable.

**Other Relevant Matters**

Not applicable.

Delegated Authority

Date:

**Locality Plan**



Figure 1 - Aerial Image (Source: Qld Globe)

Delegated Authority

Date:

**Aerial Plan**



Figure 2 - Locality Plan (Source: IntraMaps)

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**CONSULTATION:****Referral Agencies**

Not applicable.

**Other Referrals**

<b>INTERNAL SPECIALIST</b>	<b>REFERRAL / RESPONSE</b>
Development Engineer	Council's Development Engineer provided comments in relation to Infrastructure Charges and engineering conditions.
Infrastructure Charges Unit	<p>Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:</p> <ul style="list-style-type: none"> <li>a) Reconfiguring a lot;</li> <li>b) Making a Material Change of Use;</li> <li>c) Carrying out Building Work.</li> </ul> <p>The property is within the Transport Network, and Parks and land for Community Facilities Network mapping and is therefore subject to relevant adopted charges.</p> <p>Refer to the Infrastructure Charges Notice attached as Attachment C.</p>

**CONCLUSION:**

The proposed development has been assessed with regard to the applicable assessment benchmarks of the Rural Residential zone Code, Reconfiguring a lot Code, and the Services and works Code. The proposed development will result in an additional rural residential allotment that generally complies with the required benchmarks or can be conditioned to comply.

Bushfire risk and hazard has been addressed by the applicant through the preparation of a Bushfire Management Report by a suitably qualified person, and is included as an approved document with conditions imposed managing bushfire risk to what Council deems to be an acceptable risk.

The conditions for reconfiguring a lot always apply to the land and remain applicable to future use the sealed and titled lots.

It is recommended that the development application for Reconfiguring a lot – Subdivision 1 into 2 lots at 23 Anita Road, Blackbutt North (and described as lot 55 on RP174024) be approved subject to reasonable and relevant condition pursuant to Section 60 of the *Planning Act 2016*.

It is recommended a property notice be included on Council's records nominating the requirement for future dwelling house to be sited in accordance with the approved location envelope of the approved bushfire management plan or similar that the site is subject to an approved bushfire management plan.

Document Title	Prepared by	Ref no.	Rev	Date
Bushfire Management Report	Aquila NRM	BRM 229604	-	9 August 2022

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENTS**

- 1. Attachment A - Approved Bushfire Management Report**
- 2. Attachment B - Statement of Reasons**
- 3. Attachment C - Infrastructure Charges Notice**



## 19 QUESTIONS ON NOTICE

### 19.1 NOMINATION OF SINGLE DRIVER - INSURANCE POLICY

**File Number:** 09-Nov-2022

**Author:** Coordinator Corporate

**Authoriser:** Chief Executive Officer

The following question on notice was received from Councillor Cr Scott Henschen at the Executive and Finance & Corporate Standing Committee Meeting on 21 September 2022.

#### **Question**

Does Council have any vehicles with a single nominated driver? If not, could Council investigate the option for our insurance policy as to what implications and cost savings are.

#### **Response**

*Council does not have any vehicles with a single nominated driver.*

*Council has sought advice from its' insurers who have advised the following:*

*Council's Motor Vehicle Policy provides comprehensive coverage for Council vehicles for both loss or damage to the vehicle and legal liability, whilst being operated by an authorised driver. An 'authorised driver' is defined in the Vero Local Authority Motor Fleet Policy as 'a person controlling, driving or using your vehicle with your consent'. Council needs to ensure 'authorised persons' are correctly licensed to operate the vehicle.*

*Unlike comprehensive motor vehicle policies for individuals, which usually provide coverage to one nominated drover or more, Council's Motor Vehicle policy is designed to provide coverage for Council's fleet of vehicles.*

*There would therefore, not likely be any cost savings to nominate a single driver to a particular vehicle/s on the policy.*

#### **RECOMMENDATION**

THAT the response to the question regarding Nomination of Single Driver – Insurance Policy raised by Councillor Cr Scott Henschen be received and noted.

#### **ATTACHMENTS**

**Nil**

**19.2 RATES NOTICE & REMINDER NOTICE - FINANCIAL HARDSHIP****File Number:** 09/11/2022**Author:** Executive Assistant Finance & Corporate**Authoriser:** Chief Executive Officer

The following question on notice was received from Councillor Kirstie Schumacher.

**Question**

“Are the details of Council’s Hardship Policy included in the rates reminder notices that are issued?”

**Response**

*Council’s Rates Notice and Reminder Notice have been updated to include information regarding financial hardship, whereby encouraging ratepayers to apply for assistance by completing the Financial Hardship Rates Application which is available on Council’s website.*

*As part of process, Council’s Rates Team will direct ratepayers to apply for assistance via this process and guide them to Council’s website which offers further information to assist ratepayers.*

**RECOMMENDATION**

THAT the response to the question regarding financial hardship information being included in rates reminder notices raised by Councillor Kirstie Schumacher be received and noted.

**ATTACHMENTS****Nil**

## 20 CONFIDENTIAL SECTION

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### OFFICER'S RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

#### 20.1 Dog registration Write Off

This matter is considered to be confidential under Section 254J - c of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the local government's budget.

#### 20.2 EBA Negotiations

This matter is considered to be confidential under Section 254J - b of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees.

#### 20.3 Request to Hire Kingaroy Town Hall for Christmas Day and New Years Eve and fees be waived.

This matter is considered to be confidential under Section 254J - f of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with matters that may directly affect the health and safety of an individual or a group of individuals.

## 21 CLOSURE OF MEETING