



SOUTH BURNETT

REGIONAL COUNCIL

MINUTES

**Ordinary Council Meeting
Wednesday, 26 October 2022**

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**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY
ON WEDNESDAY, 26 OCTOBER 2022 AT 9.00AM**

PRESENT:**Councillors:**

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

Council Officers:

Mark Pitt (Chief Executive Officer), Susan Jarvis (General Manager Finance & Corporate), Leanne Petersen (Acting General Manager Liveability), Aaron Meehan (General Manager Infrastructure), Joanne Newbery (Communications Officer), Kristy Champney (Executive Assistant Infrastructure), Kimberley Donohue (Executive Assistant), Warren Wernecke (Acting Manager ICT and Fleet), Kerri Anderson (Manager of Finance & Sustainability), Michael Lisle (Acting Manager Planning & Environment), Josie Bambling (Planning Officer), Sam Dunstan (Senior Planning Officer), Darryl Brooks (Manager Planning & Environment), Rebecca Bayntun (Acting Manager Facilities & Parks), Kimberley Donohue (Executive Assistant)

1 OPENING**MOTION**

RESOLUTION 2022/188

Moved: Cr Scott Henschen

Seconded: Cr Jane Erkens

That Cr Potter chair the meeting until Deputy Mayor Jones enters the meeting.

In Favour: Crs Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 5/0

The Deputy Chair Cr Potter declared the meeting open and welcomed all attendees.

2 LEAVE OF ABSENCE / APOLOGIES**APOLOGY**

RESOLUTION 2022/189

Moved: Cr Jane Erkens

Seconded: Cr Kathy Duff

That the apology received from Mayor Otto be accepted and leave of absence granted.

In Favour: Crs Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 5/0

3 PRAYERS

A representative of the Seventh-day Adventist Church, Leathan Fitzpatrick offered prayers for Council and for the conduct of the Council meeting.

4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

5 DECLARATION OF INTEREST

I, Cr Danita Potter inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the *Local Government Act 2009*) in agenda **Item 10.2 – School Transport Infrastructure Program**. The nature of my interest is as follows:

This declarable conflict of interest arises as I am a member of the Kingaroy State High School P&C Committee and hold the role of an executive member as Vice Chair.

I propose to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

I, Cr Danita Potter inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the *Local Government Act 2009*) in agenda **Item 15.1 Council Support 2022 RACQ LifeFlight Gala**. The nature of my interest is as follows:

This declarable conflict of interest arises as I am one of the organisers for the event.

I propose to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Attendance:

At 9:34am, Acting Manager Planning and Environment Michael Lisle left the meeting.

At 9:36am, Acting Manager Planning and Environment Michael Lisle returned to the meeting.

6 DEPUTATIONS/PETITIONS

6.1 DEPUTATION - JIM GLEESON & SERA ROHAN - PROPOSED SOLAR FARM - BOWMAN ROAD TAROMEIO

Jim Gleeson and Sera Rohan addressed the Council to present a deputation on the proposed Solar Farm at Bowman Road Taromeo.

MOTION

RESOLUTION 2022/190

Moved: Cr Kirstie Schumacher
Seconded: Cr Kathy Duff

That a meeting be scheduled in November with Plan C and Australian Solar Enterprises to discuss Council expectations and our community values when working in and engaging with our community over the short, medium and long term of the proposed solar project.

In Favour: Crs Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 5/0

Attendance:

At 9:40am, Senior Planning Officer Sam Dunstan left the meeting.

At 9:40am, Planning Officer Josie Bambling left the meeting.

At 9:43am, Communications Officer Joanne Newbery left the meeting.

At 9:43am, Manager Infrastructure Planning James D'Arcy entered the meeting.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 MINUTES OF THE COUNCIL MEETING HELD ON 28 SEPTEMBER 2022**

RESOLUTION 2022/191

Moved: Cr Scott Henschen
Seconded: Cr Kathy Duff

That the Minutes of the Council Meeting held on 28 September 2022 be received and the recommendations therein be adopted.

In Favour: Crs Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 5/0

Attendance:

At 9:41 am, Cr Gavin Jones entered the meeting.

7.2 MINUTES OF THE CORPORATE RISK & AUDIT ADVISORY COMMITTEE MEETING HELD ON 6 OCTOBER 2022

RESOLUTION 2022/192

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That the Minutes of the Corporate Risk & Audit Advisory Committee Meeting held on 6 October 2022 be received and the recommendations therein be noted.

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

Against: Nil

CARRIED 6/0**8 BUSINESS OUTSTANDING****8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

RESOLUTION 2022/193

Moved: Cr Kathy Duff

Seconded: Cr Kirstie Schumacher

That the Business Outstanding table for the Ordinary Council Meeting be received for information.

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

Against: Nil

CARRIED 6/0**9 NOTICES OF MOTION****SUSPENSION OF STANDING ORDERS**

RESOLUTION 2022/194

Moved: Cr Kathy Duff

Seconded: Cr Kirstie Schumacher

A motion was moved that Council suspend standing orders for 30 minutes to be able to discuss item 9.1.

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

Against: Nil

CARRIED 6/0

9.1 NOTICE OF MOTION - REPORT ON THE BREAKDOWN OF EXPENDITURE BY DIVISION AND CATEGORY OF % OF TOTAL GENERAL REVENUE

RESOLUTION 2022/195

Moved: Cr Kirstie Schumacher
Seconded: Cr Jane Erkens

That a report be prepared and brought back to a February Liveability, Governance and Finance Standing Committee Meeting detailing:

- The financial contribution and percentage of total general revenue Council received from every town and village in the South Burnett since 2013/2014 to what has been budgeted for in 22/23 along with the number of constituents in each division.
- The financial spend and percentage of Council's capital budget (including grant funds) spent across all asset classes and departments in each division since 2013/2014 to what has been budgeted for 22/23.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher and Scott Henschen

Against: Cr Kathy Duff

CARRIED 5/1

RESUMPTION OF STANDING ORDERS

RESOLUTION 2022/196

Moved: Cr Kirstie Schumacher
Seconded: Cr Danita Potter

A motion was moved that Council resume standing orders.

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

Against: Nil

CARRIED 6/0

10 PORTFOLIO - INFRASTRUCTURE PLANNING, WORKS (CONSTRUCTION & MAINTENANCE)

10.1 NOTICE OF MOTION - WONDAI AND MURGON DRAINAGE

RESOLUTION 2022/197

Moved: Cr Kathy Duff
Seconded: Cr Danita Potter

That South Burnett Regional Council investigate and consult with the adjacent land holders with regards to the appropriate measures to treat the waterways at Dingo Creek, Wondai and in front of the Murgon Dairy Heritage Museum at the Murgon Gayndah Road with the intent of mitigating any potential flood damage due to predicted weather patterns and the report detailing the environmental considerations and funding mechanisms be brought back to the December Infrastructure Standing Committee Meeting.

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

Against: Nil

CARRIED 6/0

Attendance:

At 10:17 am, Cr Danita Potter left the meeting.

10.2 SCHOOL TRANSPORT INFRASTRUCTURE PROGRAM

RESOLUTION 2022/198

Moved: Cr Kathy Duff

Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council submit funding applications for the following sites near schools:

1. Murgon School Crossing Upgrades;
2. St Mary's Catholic College Footpath;
3. Murgon State High School Parking Upgrades;
4. Murgon State High School Footpath;
5. Markwell Street Bus Interchange, Kingaroy; and
6. William/Toomey/Avoca Street Intersection & Parking Upgrades.

And that the above projects also be considered for LRCI funding.

In Favour: Crs Gavin Jones, Jane Erkens, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 5/0

Attendance:

At 10:20 am, Cr Danita Potter returned to the meeting.

MOTION

RESOLUTION 2022/199

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That the meeting be adjourned to conduct the Australian Citizenship Ceremony.

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

Against: Nil

CARRIED 6/0

RESUME MEETING

RESOLUTION 2022/200

Moved: Cr Gavin Jones
Seconded: Cr Kirstie Schumacher

That the meeting resume at 11:30am.

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

Against: Nil

CARRIED 6/0

Attendance:

At 11:26am, Acting General Manager Liveability Leanne Petersen entered the meeting.

At 11:26am. Acting General Manager Liveability Leanne Petersen left the meeting.

At 11:26am, Manager Community & Lifestyle Jennifer Pointon entered the meeting.

At 11:27am, Acting General Manager Liveability Leanne Petersen left the meeting.

At 11:27am, Acting General Manager Liveability Leanne Petersen entered the meeting.

At 11:35am, Manager Community & Lifestyle Jennifer Pointon left the meeting.

10.3 KINGAROY ALFRESCO DINING

MOTION

Moved: Cr Kirstie Schumacher
Seconded: Cr Scott Henschen

That South Burnett Regional Council:

1. Delegate to the Chief Executive Officer to negotiate agreements with the proponents of the Club Hotel Kingaroy and the Commercial Hotel Kingaroy for the occupancy of the adjacent alfresco structures with an annual fee of \$500 to be reviewed annually, and;
 2. Call for expressions of interests from adjacent hospitality businesses for the occupancy of the four (4) alfresco structures in Kingaroy Street for a period of two (2) years or otherwise nominated with an annual fee of \$250 to be implemented upon uptake of the second year option.
-

AMENDMENT

Moved: Cr Jane Erkens
Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council:

1. Delegate to the Chief Executive Officer to negotiate agreements with the proponents of the Club Hotel Kingaroy and the Commercial Hotel Kingaroy for the occupancy of the adjacent alfresco structures with an annual fee of \$1,000 to be reviewed annually, and;
2. Call for expressions of interests from adjacent hospitality businesses for the occupancy of the four (4) alfresco structures in Kingaroy Street for a period of one (1) year with no fee for the first six (6) months and thereafter a fee of \$500 annually.
3. With Fees and Charges to be reviewed after the first 12 months.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher and Scott Henschen

Against: Cr Kathy Duff

CARRIED 5/1

The amendment became the resolution.

RESOLUTION 2022/201

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That South Burnett Regional Council:

1. Delegate to the Chief Executive Officer to negotiate agreements with the proponents of the Club Hotel Kingaroy and the Commercial Hotel Kingaroy for the occupancy of the adjacent alfresco structures with an annual fee of \$1,000 to be reviewed annually, and;
2. Call for expressions of interests from adjacent hospitality businesses for the occupancy of the four (4) alfresco structures in Kingaroy Street for a period of one (1) year with no fee for the first six (6) months and thereafter a fee of \$500 annually.
3. With Fees and Charges to be reviewed after the first 12 months

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher and Scott Henschen

Against: Cr Kathy Duff

CARRIED 5/1

Cr Kathy Duff foreshadowed the following motion:

1. That the proposed negotiations for leasing out the Alfresco Dining areas be put on hold until such time as a proper community consultation process has been undertaken including direct consultation with all Kingaroy CBD business owners and opportunities for feedback from the broader community.
2. The outcomes from the consultation and feedback is then used to inform Council's decision making on future use and management of the Alfresco Dining areas.

Foreshadowed motion lapsed.

11 PORTFOLIO - WATER & WASTEWATER**11.1 PROSTON RURAL NON POTABLE WATER SUPPLY SCHEME**

RESOLUTION 2022/202

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

The draft Non Potable Water fact sheet be included on Council's website and possible inclusion with rates notice for the schemes of Proston Rural, Kumbia and Wooroolin.

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

Against: Nil

CARRIED 6/0**12 PORTFOLIO - DISASTER MANAGEMENT**

Nil

13 PORTFOLIO - REGIONAL DEVELOPMENT (INDUSTRY, AGRICULTURE, WATER SECURITY, ENERGY AND CIRCULAR ECONOMY)

Nil

14 PORTFOLIO - CORPORATE GOVERNANCE & STRATEGY, PEOPLE & CULTURE, COMMUNICATIONS & MEDIA, FINANCE & SUSTAINABILITY, ICT & BUSINESS SYSTEMS, COMMUNITY REPRESENTATION & ADVOCACY AND 2032 OLYMPICS

14.1 ADOPTION OF COUNCIL'S ANNUAL REPORT 2021/2022

RESOLUTION 2022/203

Moved: Cr Kathy Duff
 Seconded: Cr Danita Potter

That South Burnett Regional Council adopt the South Burnett Regional Council 2021/2022 Annual Report for the period 1 July 2021 to 30 June 2022.

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

Against: Nil

CARRIED 6/0

Attendance:

At 11:46am, Acting Coordinator Plant and Fleet Brandon Orchard entered the meeting.
 At 11:46am, Acting Manager Planning and Environment Michael Lisle left the meeting.
 At 11:47am, Acting Manager Planning and Environment Michael Lisle entered the meeting.
 At 11:47am. Senior Planning Office Sam Dunstan entered the meeting.

14.2 MEETING DATES FOR THE ORDINARY MEETINGS OF COUNCIL'S STANDING COMMITTEES, GENERAL MEETINGS AND BUDGET MEETING

RESOLUTION 2022/204

Moved: Cr Danita Potter
 Seconded: Cr Jane Erkens

That South Burnett Regional Council adopt the dates, times, and locations for ordinary meetings of Council's Standing Committees, General Meetings as follows:

Committee	Date	Time	Location
Infrastructure, Environment and Compliance Standing Committee	Wednesday 2 November 2022	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Liveability, Governance and Finance Standing Committee Meeting	Wednesday 9 November 2022	9.00am	Warren Truss Chamber Glendon Street Kingaroy

Budget Committee Meeting	Wednesday 16 November 2022	9.00am	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 23 November 2022	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Infrastructure, Environment and Compliance Standing Committee	Wednesday 30 November 2022	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Liveability, Governance and Finance Standing Committee Meeting	Wednesday 7 December 2022	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Budget Committee Meeting	Monday 12 December 2022	9.00am	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 14 December 2022	9.00am	Warren Truss Chamber Glendon Street Kingaroy

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

Against: Nil

CARRIED 6/0

14.3 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER UNDER THE HEAVY VEHICLE NATIONAL LAW (QLD)

RESOLUTION 2022/205

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That pursuant to *Section 257 of the Local Government Act 2009* South Burnett Regional Council:

1. Delegate the exercise of the powers contained in Schedule 1 of the Instrument of Delegation *Heavy Vehicle National Law (Qld)* to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the Instrument of Delegation.
2. Repeal all prior resolutions delegating the same powers to the Chief Executive Officer.

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

Against: Nil

CARRIED 6/0

14.4 ANNUAL OPERATIONAL PLAN 2022/2023 IMPLEMENTATION PROGRESS REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2022

RESOLUTION 2022/206

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That the South Burnett Regional Council Annual Operational Plan 2022/2023 ('Plan') Implementation Progress Report for the period 1 July 2022 to 30 September 2022 be adopted as presented.

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

Against: Nil

CARRIED 6/0

14.4.1 ROADSIDE SLASHING

Question on Notice received from Cr Kathy Duff:

Will there be money in the budget to conduct roadside slashing prior to christmas?

14.5 MONTHLY FINANCIAL INFORMATION AND FIRST QUARTER BUDGET REVISION

RESOLUTION 2022/207

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

1. That the monthly Financial Report including Capital Works and Works for Queensland (W4Q4) as at 30th September 2022 be received and noted.
2. That in accordance with Section 170(3) of the *Local Government Regulation 2012* the revised 2022/2023 operational budget be adopted.
3. That in accordance with Section 170(3) of the *Local Government Regulation 2012* the revised 2022/2023 capital budget including continued projects from 2021/2022 be adopted

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

Against: Nil

CARRIED 6/0

14.6 QUOTE SBRCQ 22/23-08 - REPLACEMENT OF TWO (2) WATER TRUCKS TO REPLACE PLANT NO. 2009 AND 2010.

RESOLUTION 2022/208

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That South Burnett Regional Council purchase from Daimler Trucks Sunshine Coast, two (2) Fuso FV74HK with Metal X Engineering Water Truck bodies for \$486,657.36 excluding GST.

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

Against: Nil

CARRIED 6/0

Attendance:

At 12:02 pm, Cr Danita Potter left the meeting.

15 PORTFOLIO - COMMUNITY DEVELOPMENT, ARTS & HERITAGE, LIBRARY SERVICES AND WASTE & RECYCLING MANAGEMENT**15.1 COUNCIL SUPPORT 2022 RACQ LIFEFLIGHT GALA**

RESOLUTION 2022/209

Moved: Cr Scott Henschen

Seconded: Cr Jane Erkens

That the South Burnett Regional Council support the RACQ Life Flight Gala Dinner on Saturday November 5th 2022 by way of Hall Hire, insurance and advertising on our Facebook and Instagram pages and Website.

In Favour: Crs Gavin Jones, Jane Erkens, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 5/0

Attendance:

At 12:05 pm, Cr Danita Potter returned to the meeting.

15.2 RINGSFIELD HOUSE ADVISORY COMMITTEE

RESOLUTION 2022/210

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That South Burnett Regional Council endorse the following appointments to the Ringsfield House Advisory Committee:

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 Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

16 PORTFOLIO - DEVELOPMENT SERVICES, COMMUNITY & SOCIAL HOUSING**16.1 KINGAROY RSL AND POUND STREET**

RESOLUTION 2022/211

Moved: Cr Kirstie Schumacher

Seconded: Cr Kathy Duff

That a report be brought to the December Liveability, Governance and Finance Standing Committee Meeting as to the following:

1. An overview of the land needs of the Kingaroy RSL Sub-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.
4. That Council request the Kingaroy RSL Sub Branch provide a written feasibility report that includes their project scope, anticipated costings, funding model, project timeframe and building specifications for Council's consideration.

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

Against: Nil

CARRIED 6/0

Attendance:

At 12:22pm, Aciting Coordinator Plant and Fleet Brandon Orchard left the meeting.

16.2 MATERIAL CHANGE OF USE - SERVICE STATION AT 81 HALY STREET, WONDAI - LOT 3 ON RP6088 AND LOT 411 ON W53510 - APPLICANT: VB 1884 PTY LTD C/- VIVA PROPERTY GROUP PTY LTD - MCU21/0001

RESOLUTION 2022/212

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That South Burnett Regional Council approve the development subject to a Preliminary Approval ONLY the Material change of use - Preliminary Approval - (Service Station including ancillary Food & drink outlet and Shop) - Lot 3 on RP6088 and Lot 411 on W53510 - Applicant: Applicant: VB 1884 Pty Ltd – MCU21/0001 subject to the following conditions:

GENERAL

GEN1. Submit amended proposal plans and supporting documents as required by the conditions of this preliminary approval - particularly amended plans that outline the requirements and details of conditions under the heading ‘**ENVIRONMENT**’ within this package.

The revised plans and documents must be submitted generally accordance with the preliminary approved plans and documents and any amendments arising through conditions to this development approval:

Drawing Title	Prepared by	Reference no.	Revision	Date
Acoustic Impact Assessment	SEGroup	220421D02		17 May 22
Site Plan (amended in red)	Verve Group			
Elevations (Amended in red)				
Floor Plan (Amended in red)				
Air Quality and Odour Assessment	SEGroup	211209D03		18 May 2022

ENVIRONMENT – Submit Revised Plans and Details to address the following conditions of this Preliminary Approval.

GEN2. i) Submit revised proposal plans including detailed design of the required acoustic barrier along the south-western boundary that is to extend 36m along the dividing boundary alignment, as outlined in the submitted Acoustic report prepared by SEGroup (Document Ref 220421D02). The plans to be provided to Council as delegate, must be accompanied by advice from a suitably qualified person that the construction can be RPEQ certified and meet the required building code requirements of the Building Act 1975 and any other relevant engineering or standards, including, but not limited to, fire rating requirements.

ii) Submit supporting material, for assessment, demonstrating impacts on adjoining residential amenity from the proposed 4.0m high acoustic barrier, via detailed section plans, material palette and design drawings of the structure. Plans must include the acoustic barrier in context with the adjoining dwelling house and its habitable spaces and windows. An amenity impact assessment statement is to be provided by a suitably qualified person with regards to overshadowing, overbearing impacts and any impacts on the amenity of the existing residential environment in terms of access to breezes, natural light and ventilation.

iii) The acoustic barrier cannot extend within the area of the road reserve. Provide a supporting statement from SEGroup that any adjustment to the overall length of the acoustic barrier remains compliant with the acoustic standards measured and assessed within the approved report.

Notes/ Guidance for condition compliance:

*It is noted that the acoustic barrier **cannot be a dividing fence** and must be wholly constructed within the subject land. Impacts of construction will need to be addressed with regards to the access driveway and vehicle movement safety and sight lines.*

The submitted engineering drawings indicate a retaining wall in the location of the proposed acoustic barrier. Any retaining and barrier construction is to be shown on the same plan set and the combined height shall not be more than 4.0m unless otherwise altered and supported by a statement of compliance with Acoustic assessment benchmarks, by SEGroup.

The material details of the acoustic barrier must be specified, as well as any ongoing maintenance needs/requirements, particularly from the residential side of the acoustic barrier.

The acoustic barrier requirement is as per the submitted Acoustic Assessment report prepared by SEGroup. Any alterations to this barrier must be accompanied by a statement prepared by SEGroup that any alterations will remain compliant with the measured and assessed acoustic standards.

- GEN3.** On-site operational procedures are to be implemented that do not permit refuse servicing in nighttime and early morning hours. Refuse collection shall be implemented and managed during daytime only, in accordance with the SEGroup Acoustic Report, to mitigate noise impacts on adjoining residential amenity, and are to be maintained at all times.
- GEN4.** Install and construct a fully enclosed and roofed bin store with tap, connected to sewer for washdown purposes, in the location shown in the approved Acoustic Report prepared by SEGroup. The Bin store shall not be constructed along any adjoining residential boundary. The structure shall not result in stormwater ponding or discharge onto adjoining neighboring properties. Refuse collection shall occur from the fueling forecourt area (See Figure 9, Acoustic Report prepared by SEGroup).
- GEN5.** Install a screening dividing boundary fence around the full perimeter of the premises that is 2.0m height and constructed of timber, unless otherwise agreed upon with adjoining neighbors and is to be always maintained, prior to commencement of the use and to be maintained. This is not the proposed acoustic fence/barrier and is separate from any acoustic barrier unless otherwise specified in amended proposal plans and reports.

Note: *There will be no access/gates or otherwise allowing vehicle access between the subject land and adjoining premises.*

- GEN6.** Install screen planting along the full length of the rear boundary within the site, in a minimum 1.0m wide planting area (the dimension of planting shall be separate from the dimension required for stormwater swale). Screen planting shall be a combination of ground covers and screen trees that will grow to a mature height of 3.0m or greater to provide a visual buffer to residential properties adjoining the site.
At the time of planting, mature or semi-mature plants shall be installed to ensure the landscape strip is well established at the time of the use commencing. The landscape planting area shall include irrigation and is to be always maintained.
- GEN7.** The proposed illuminated signage facing adjoining residential property is not approved as part of this development and no illuminated signage shall be installed that faces or fronts a residential dwelling house receiving environment.

Guidance: Illuminated signage directly impacting a residential environment has not been supported by any associated impacts reporting as part of this application to warrant any inclusion of illuminated signage in the development decision.

- GEN 8.** New or replacement air conditioning and mechanical plant has not been identified in the application material and is not part of the submitted Acoustic report prepared by SEGroup.

New or replacement exhaust fans, air conditioning and refrigeration plant must be selected to comply with the nominated noise level goals, refer to the night goals from Table 3.v of the Approved acoustic Report prepared by SEGroup.

There shall be no unscreened air conditioning or mechanical equipment. Submit revised plans and a letter of compliance with details of the required air conditioning and mechanical equipment in accordance with the report requirements by SEGroup and this condition.

- GEN9.** Install grill and or metal plate noise dampening measures on site prior to commencement of use and to be maintained at all times.
- GEN10.** Install signage and speed limiting devices, subject to further approval, limiting on site speed limits to less than 10km/hr. Prior to commencement of use and to be maintained.
- GEN11.** Submit a revised site plan showing safe pedestrian movement from the fueling forecourt into the service station building via directional line marking or signage. The pedestrian movement areas are to be maintained in accordance with approved plans at all times.
- GEN12.** Install signage in accordance with the recommendations of the approved Acoustic Report prepared by SEGroup that there shall be "no standing on site for any refrigerated transports at any time." Prior to commencement of the use and to be maintained.
- GEN 13.** Provide materials and finishes to the driveway and external carparking surfaces that reduce the noise and visual impact of these areas. One or a combination of the following must be used:
- Rough uncoated coloured aggregate; and/or
 - Rough uncoated concrete pavers.
- GEN15.** The service station is required to implement Vapour Recovery stage 1 and stage 2.
- GEN16.** Uncovered forecourt areas must be constructed and maintained in accordance with the following:
- (i) All ground surfaces of the uncovered forecourt area liable to contamination from vehicular activities are to be constructed of impermeable materials, free of gaps or cracks. Suitable materials include asphalt, reinforced concrete or equivalent.
 - (ii) Signage indicating 'flows to stormwater treatment system' is to be provided for drainage inlets in the uncovered forecourt area. Signage is to be painted or otherwise indicated around the drain inlets.
 - (iii) The uncovered forecourt area is to be graded and drained to an approved stormwater quality treatment device. Prior to the commencement of the use and then to be maintained
 - (iv) Bulk tanker fuel deliveries are to be carried out in an area within the uncovered forecourt area and / or fuel dispensing area that is graded and drained to a proprietary device (capable of containing a minimum volume of 9000 litres) that supports hydrocarbon removal.
 - (v) Submit Certification Submit to Council certification by a suitably qualified person that the uncovered forecourt area has been installed and constructed in accordance with the above requirements.
- GEN17.** Proprietary Stormwater Treatment Device - Design and Performance Criteria - Certification Provide certification to Council from an RPEQ that the development includes the installation of a proprietary stormwater treatment device used to capture and treat runoff from fuel

dispensing areas, uncovered forecourt areas and road tanker delivery standing areas is in accordance with the following:

- (i) Is designed to achieve the following stormwater quality discharge criteria:
- <5ppm (mg/L) Total Petroleum Hydrocarbons (TPH);
 - ≥80% reduction in Total Suspended Solids (TSS); and
 - ≥90% reduction in gross pollutants.

- (ii) Incorporates the following design features:

A spill containment function having sufficient capacity to hold a volume equivalent to at least that of the largest tanker compartment likely to be delivering fuel to the site (common tanker compartment size is 8kL).

Fail-safe design so that in the event of failure of any part of the system, power failure or where the spill compartment or hydrocarbon chamber reaches capacity, no petroleum product shall be released beyond the property in excess of the stormwater quality discharge criteria of (i);

total runoff from fuel dispensing areas, uncovered forecourt areas and road tanker delivery standing areas shall be treated - no stormwater bypass function shall be incorporated; and the device is to be designed to meet the defined discharge criteria during a storm up to the 3-month ARI-6-minute design rainfall event without surcharging or backing up the drainage system.

The applicant shall provide certification to Council from an RPEQ that the proprietary stormwater treatment system used to treat stormwater from fuel dispensing areas, uncovered forecourt areas and road tanker delivery areas has been installed in accordance with condition above and achieves the stormwater quality discharge criteria as above.

USE LIMITATIONS

GEN18. No separate Food and Drink Outlet or Shop use development permit, is approved as part of this preliminary approval *for a Service Station*. The application decision is limited to a **Service Station use only**.

Note: *This condition does not regulate existing use of existing buildings on the subject land.*

GEN19. The hours of operation for the Service Station Use are limited to between 6am - 10pm, 7 days/week upon resolution of the acoustic barrier and treatment in the conditions herein.

ADVICE

ADV1. This approval is a Preliminary Approval permit only and does not permit development to occur until a Development Permit is obtained from Council under the *Planning Act 2016*. This preliminary approval has a currency of two (2) years.

ADV2. All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

ADV3. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

ADV4. Infrastructure charges are not levied under this Preliminary Approval.

ADV5. 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.

ADV6. Referral agency response with conditions is provided in Attachment A Doc ref. 2101-20758 SRA

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

Against: Nil

CARRIED 6/0

ADJOURN LUNCH

RESOLUTION 2022/213

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That the meeting adjourn for Lunch.

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

Against: Nil

CARRIED 6/0

RESUME MEETING

RESOLUTION 2022/214

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That the meeting resume at 1.33pm

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

Against: Nil

CARRIED 6/0

Attendance:

At 1.33pm, General Manager Infrastructure Aaron Meehan left the meeting.

16.3 RECONFIGURING A LOT – 1 LOT INTO 20 LOTS - LOT 200 ON SP249902 - APPLICANT: AM HEDGE & BS HEDGE – RAL22/0013

RESOLUTION 2022/215

Moved: Cr Kirstie Schumacher

Seconded: Cr Kathy Duff

That Council approve the Reconfiguring a lot – development permit (1 lot into 20 lots) - Lot 200 SP249902 - Applicant: AM & BS Hedge – RAL22/0013 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	Reference no.	Revision	Date
Contour and Detail survey- Sheet 1	ONF Surveyors	9924-D1	A	14/12/2021

FAUNA AND VEGETATION MANAGEMENT (WORKS ADJOINING COUNCIL LAND AND DRAINAGE CORRIDOR)

GEN2. Engage a licensed Fauna Spotter Catcher (qualified by the relevant Queensland State Government Authority) to manage the protection and relocation of any fauna prior to and during vegetation feature clearing. The licensed Fauna Spotter Catcher must be present on site during all clearing operations to monitor works and to respond to any fauna situations that may arise.

GEN3. Identify, retain and protect the existing street trees on adjoining council land at all times unless otherwise agreed in writing by Council.

Install tree protection measures in accordance with Australian Standard - AS4970 Retention of Trees on Development Site. There must be no excavation, filling or storage of materials or plant within the drip line of the tree(s) on adjoining land and similarly no works or excavation, filling or storage may occur on adjoining Council land.

Timing: Prior to site / operational / building work occurring.

Maintain protection measures while development is occurring and remove protection measures prior to commencement of the use.

Timing: While to site / operational / building work is occurring.

INFORMATION SIGNAGE – RESIDENTIAL NEIGHBOURHOOD DISTURBING WORKS

GEN4. Erect an "Information Sign" on the subject property in accordance with Council's general requirements for signage and in accordance with the requirements outlined below:

- a) The sign should provide a brief description of the development proposed;
- b) The sign is to list the name, postal and/or email address and a contact telephone number for the following parties (where relevant) that are undertaking work on the site: Developer; Project Coordinator; Architect/Building Designer; Builder; Civil Engineer; Civil Contractor/s; and Landscape Architect;
- c) The lettering on the sign is to be at least 25 millimetres in height, be of regular weight and in sentence case;
- d) The sign is to be a minimum size of 1,200 millimetres by 900 millimetres;

-
- e) The maximum area of the sign is to be 2.0m²;
 - f) The sign is to be positioned as follows: located centrally along each road frontage of the site; located on or within 1.5 metres of the road frontage; mounted at least 300 millimetres above ground level; and clearly visible from the street for a pedestrian;
 - g) The sign is to contain no commercial or corporate advertising other than the name, logo or slogan of the parties outlined in part (b) of this condition;
 - h) The sign is to be non- illuminated; and
 - i) Both the sign and the supporting structure are to be made of weatherproof material and to be properly maintained at all times;

Timing: Prior to site works commencing and then to be maintained until completion of the development for all stages.

PERMIT TO WORK ON COUNCIL ROADS

GEN5. 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

GEN6. 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

GEN7. Prior to sealing the Plan of Survey 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*.

VALUATION FEES

GEN8. Payment of Department of Natural Resources, Mines and Energy valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$1,000.00 (20 x \$50.00); however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

SURVEY MARKS

RAL1. Prior to the sealing of the Plan of Survey the applicant is to provide a certificate signed by a licensed surveyor stating that after the completion of all works associated with the reconfiguration, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the Plan of Survey

ENGINEERING WORKS

ENG1. Submit to Council, an Operational Work application for all works that will become Council infrastructure and for earthworks, stormwater, and erosion and sediment control.

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 Council's endorsement of the Survey Plan unless stated otherwise.

- ENG3. Undertake Engineering designs and construction in accordance with the Planning Scheme, relevant Australian Standards, IPWEQ Standard Drawings, WBBROC Regional Standards Manual and relevant design manuals.
- ENG4. 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

- 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 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 the approved development works for the site. The Plan is to cover, but not be limited to 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 work plans;
 - 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. 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 of ARI2, ARI5, ARI10, ARI20, ARI50 and ARI100.
- 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 stormwater drainage that provides one drainage outlet (approved metal kerb adaptor) in the kerb and channel for each lot along its road frontage where roofwater drainage is to be directed to the road pavement.

- ENG13. 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).
- ENG14. 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

- ENG15. Connect all lots in the development to Council's reticulated water supply system.
- ENG16. Design the system to provide fire flows required by WSAA Guidelines.
- ENG17. Design and construct all works in accordance with Council's requirements as set out in the WBBROC Design and Construction Code", WSAA Guidelines and relevant development standards used by Council.

WATER – EXTENSION

- ENG18. Design and construct a 100mm diameter water main extension from Fairway Drive to service the whole of the proposed development.
- Timing: Prior to sealing of the survey plan.
- ENG19. Install fire hydrant valves to ensure that all allotments are within a distance of 40 metres of the nearest hydrant.
- ENG20. Provide isolation valves, hydrant markers and RPMs in accordance with the WBBROC Design and Construction Code and Council's standards.
- ENG21. Design and construct all works in accordance with Council's requirements as set out in the WBBROC Design and Construction Code and relevant development standards used by Council.

SEWERAGE

- ENG22. Connect all lots to Council's reticulated sewerage system. The connection must be designed in accordance with Council's standards and be approved by Council's Utility Services Section.
- ENG23. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
- ENG24. Do not build works within 1.5 metres from the centre of any existing sewer pipe work or within the Zone of Influence, whichever is the greater (measured horizontally).
- ENG25. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.
- ENG26. 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.
- ENG27. 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.

SEWER EXTENSION

- ENG28. Design and construct a 150mm diameter sewer main extension to service the whole of the proposed development. The sewerage network extension shall also:

-
- a. provide house connections to each proposed lot;
 - b. be done in accordance with a development approval for Operational Work.

Timing: Prior to sealing of the survey plan.

- ENG29. Submit to Council, the written consent from the property owner where such works require entry onto adjoining land prior to Council's approval of Operational Work.
- ENG30. Design and construct all works in accordance with Council's requirements as set out in the "EDROC Regional Standards Manual", WBBROC Design and Construction Code and relevant development standards used by Council.
- ENG31. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
- ENG32. Design all works in consultation with Council prior to submission of detailed engineering drawings or Operational Work applications.

ROADWORKS

- ENG33. Design and construct the Proposed Road and Player Street on the approved plan of development as an Access Street, in accordance with relevant Austroads' Standards, and Council's Planning Scheme and more specifically, include the following.

Timing: Prior to sealing of the survey plan.

ROADWORKS - SIGNAGE

- ENG34. Install at an appropriate location, a "Player Street" street sign at the intersection of Fairway Drive and Player Street.
- ENG35. Install at an appropriate location, a street sign/s for the new proposed road if required.

PEDESTRIAN FOOTPATH/SHARED PATH

- ENG36. Construct a 1.5 metre wide footpath along the eastern side of the Proposed Road, and the southern side of Player Street including kerb ramps.

STREET SIGNS AND LINE MARKING

- ENG37. Obtain written approval from Council for any works involving the removal or relocation of existing Council traffic signs prior to commencement of works.
- ENG38. Install and/or relocate any street signs and/or line marking in accordance with the Manual of Uniform Traffic Control Device (MUTCD). Install new or relocated signage using the V-Lok installation system.
- ENG39. Provide all new signage with Class 1 retro-reflective material in accordance with Australian Standard 1743 - Road Signs - Specification.

ROADWORKS AND PEDESTRIAN SAFETY

- ENG40. Install signage for all works on or near roadways in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".
- ENG41. Submit to Council, an application for any road or lane closures and ensure all conditions of that approval are complied with during construction of the works.
- ENG42. Maintain safe pedestrian access along Council's footpaths at all times.

TELECOMMUNICATION

- ENG43. Design and provide underground telecommunications to all lots within the development.

ENG44. Remove all redundant telecommunication connections and reinstate the land.

ELECTRICITY

ENG45. Design and provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.

ENG46. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

ENG47. Remove all redundant electrical connections and reinstate the land.

ENG48. Submit electrical plans for Council's review prior to Council's endorsement of the Survey Plan. Be responsible to check and ensure that electrical drawings do not conflict with the civil engineering design.

ENG49. Relocate the existing overhead power line to Council's sewer pump station, out of any of the proposed lot boundaries. Any changes to the power supply arrangement, or required power outages to the pump station shall be approved by Council Water & Wastewater Department. All costs related to the changes to the electrical supply shall be at the developers cost.

STREET LIGHTING

ENG50. Design and install street lighting to all streets within the development in accordance with AS/NZS1158 and the road classifications contained within this approval. The lighting standard shall be to PR6. Submit to Council, street light design plans showing the proposed public lighting system for Council's endorsement.

ENG51. Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the lighting design plans as required by the previous condition. Submit to Council, written confirmation from an electricity provider that an agreement has been made to provide a public lighting system.

ENG52. Ensure that any new street light poles required on external streets are of a consistent standard (ie steel poles) to street light poles within the immediate vicinity of the development.

ENG53. Install street lighting in all road reserves on the same side of the road that accommodates any footpath.

EARTHWORKS - GENERAL

ENG54. Earthworks per site involving cut or fill greater than 1 metre in height and quantity of material greater than 50m³, or earthworks involving cut or fill less than 1 metre in height and quantity of material greater than 100m³ requires an Operational Work application.

ENG55. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

ENG56. Supervise bulk earthworks to Level 1 or 2 and have a frequency of field density testing in accordance with Table 8.1 of AS3798.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG57. 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.

ENG58. 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. Section 85(1)(b) 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. All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

ADV3. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

ADV4. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

ADV5. 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.

ADV6. Construction Noise and Dust Emissions Pursuant to the Environmental Protection Act 1994, all development involving the emission of noise and dust from building and/or construction activities, must ensure that the emissions are in accordance with the requirements of the Act.

ADV7. Damage to Trees on Adjoining Lots Please note that any damage caused to vegetation on adjoining lots as a result of exercising this development approval may result in civil action.

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

Against: Nil

CARRIED 6/0

Attendance:

At 1:38pm, Acting Manager Facilities and Parks eneted the meeting.

At 1:39pm, Manager Community and Lifestyle entered the meeting.

16.4 REZONING - 1-5 BANKSIA DRIVE KINGAROY**OFFICER’S RECOMMENDATION**

That South Burnett Regional Council: -

- 1) 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); and

-
- 2) Undertakes a further review of commercial/retail parking requirements during the public consultation period of the amendment of the South Burnett Regional Planning Scheme.
-

MOTION

RESOLUTION 2022/216

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That the matter be laid on the table until the formal public consultation process for the Major Planning Amendment has been completed to enable the applicant to provide further information on the rezoning of 1-5 Banksia Drive..

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

Against: Cr Kirstie Schumacher

CARRIED 5/1

17 PORTFOLIO - NATURAL RESOURCE MANAGEMENT, COMPLIANCE AND ENVIRONMENTAL HEALTH

Nil

18 PORTFOLIO - RURAL RESILIENCE AND DISASTER RECOVERY, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT AND FIRST NATIONS AFFAIRS

Attendance:

At 1:40pm, General Manager Infrastructure Aaron Meehan entered the meeting.

18.1 MURGON PASTORAL, AGRICULTURAL & HORTICULTURAL SOCIETY INC. - TRANSFER OWNERSHIP OF ASSET

RESOLUTION 2022/217

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That South Burnett Regional Council:

1. That for the purposes of the Local Government Regulation 2012, section 236(2), Council decides, by resolution, that the exception in the Regulation section 236(1)(b) applies to Council in the disposal of the Building Assets as identified as the old cattle stalls on Lease Area C within Lot 7 on SP217287, other than by tender or auction, to the community organisation, Murgon Pastoral Agricultural and Horticultural Society Inc, because:
 - (a) it is in the public interest to dispose of the Assets without a tender or auction to the community organisation, Murgon Pastoral Agricultural and Horticultural Society Inc; and
 - (b) the disposal is otherwise in accordance with the sound contracting principles.

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

Against: Nil

CARRIED 6/0

18.2 FINALISATION OF DESIGN PLANS FOR QEII PARK MURGON

RESOLUTION 2022/218

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That South Burnett Regional 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 30th June 2023.

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

Against: Nil

CARRIED 6/0

18.3 BOTANICAL GARDEN ADVISORY GROUP

RESOLUTION 2022/219

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That South Burnett Regional 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 Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

MOTION

RESOLUTION 2022/220

Moved: Cr Gavin Jones
Seconded: Cr Scott Henschen

That the meeting adjourn at 2.05pm for the BIEDO presentation.

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

Against: Nil

CARRIED 6/0

RESUME MEETING

RESOLUTION 2022/221

Moved: Cr Gavin Jones
Seconded: Cr Jane Erkens

That the meeting resume at 3.47pm

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

Against: Nil

CARRIED 6/0

18.4 PROSTON RAILWAY PARK - SCULPTURE UPDATE

RESOLUTION 2022/222

Moved: Cr Kathy Duff
Seconded: Cr Jane Erkens

That South Burnett Regional Council note that:

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

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

Against: Nil

CARRIED 6/0

Attendance:

At 3:52pm, Manager Environment and Planning Darryl Brooks left the meeting.

At 3:52pm, Acting Manager Environment and Planning Michael Lisle left the meeting.

18.5 CLEARING OF VEGETATION - KAPERINICK'S PARK - BOAT MOUNTAIN

RESOLUTION 2022/223

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That South Burnett Regional Council:

1. Investigate the vegetation mapping requirements and potential safety issues and bring a report back the February Liveability, Governance and Finance Standing Committee Meeting. The report is to include written consent from the private landholder to clear vegetation and indemnify Council against works completed; and
2. To include options regarding the vegetation currently obstructing the viewing area from Kapernick's Park, Boat Mountain

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher and Kathy Duff

Against: Cr Scott Henschen

CARRIED 5/1

18.6 POTENTIAL CHRISTMAS DECORATIONS/FLAGS - NANANGO

MOTION

Moved: Cr Jane Erkens

Seconded: Cr Scott Henschen

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.

MOTION

RESOLUTION 2022/224

Moved: Cr Jane Erkens

Seconded: Cr Scott Henschen

That item 18.6 lay on the table and be brought back to the December Liveability, Governance and Finance Standing Committee Meeting.

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

Against: Nil

CARRIED 6/0

18.7 SUPPORT FOR THE CTC SAFER COMMUNITIES PROGRAM

RESOLUTION 2022/225

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council:

1. 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 Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0**19 PORTFOLIO - TOURISM & VISITOR INFORMATION CENTRES, SPORT & RECREATION AND COMMERCIAL ENTERPRISES****19.1 GRANT APPLICATION - FLEXIBLE FUNDING GRANTS**

RESOLUTION 2022/226

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That South Burnett Regional Council endorse the development and submission of an application to the Flexible Funding Grants Initiative to deliver a community wellbeing event at Bjelke- Petersen Dam.

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

Against: Nil

CARRIED 6/0**20 INFORMATION SECTION**

Nil

21 QUESTIONS ON NOTICE

Nil

22 PORTFOLIO – RURAL SERVICES, NATURAL RESOURCE MANAGEMENT, PLANNING & COMPLIANCE SERVICES

Nil

23 CONFIDENTIAL SECTION

RESOLUTION 2022/227

Moved: Cr Gavin Jones
Seconded: Cr Scott Henschen

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*:

23.1 Minor request for Tender No. SBRC 22/23_05 - Kingaroy Lighting Upgrade

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.

23.2 Council Land Investigations - Earthworks Prior to Divestment

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.

23.3 Financial Hardship Rates Application – Assessment Number 13984-00000-000

This matter is considered to be confidential under Section 254J - d 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 rating concessions.

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

Against: Nil

CARRIED 6/0

RESOLUTION 2022/228

Moved: Cr Gavin Jones
Seconded: Cr Danita Potter

That Council moves out of Closed Council into Open Council.

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

Against: Nil

CARRIED 6/0

23.1 MINOR REQUEST FOR TENDER NO. SBRC 22/23_05 - KINGAROY LIGHTING UPGRADE

RESOLUTION 2022/229

Moved: Cr Danita Potter
Seconded: Cr Jane Erkens

That South Burnett Regional Council:

1. Award Tender No. SBRC 22/23_05- Kingaroy Lighting upgrade to Rowen Trading Pty Ltd. ATF Alan Rowen Family Trust trading as Wards Electrical and Communications. for the tendered price of \$407, 786 (exc. GST)
2. Reallocate \$30,000 from the 2022/23 capital works budget for the Wondai Aerodrome to the lighting upgrade at the Kingaroy Aerodrome and note the Wondai Aerodrome Works to the value of \$30,000 for the 2023/24 capital works budget.
3. Provide \$60,000 additional capital works funding in the second quarter review.

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

Against: Nil

CARRIED 6/0

23.2 COUNCIL LAND INVESTIGATIONS - EARTHWORKS PRIOR TO DIVESTMENT

RESOLUTION 2022/230

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That South Burnett Regional Council allocate \$25,000 from proceeds of previous land sales to undertake earthworks at 29 Jellicoe Street, Proston, to rectify overland flow prior to offering for sale on the open market.

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

Against: Nil

CARRIED 6/0

23.3 FINANCIAL HARDSHIP RATES APPLICATION – ASSESSMENT NUMBER 13984-00000-000

RESOLUTION 2022/231

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That South Burnett Regional Council agree to:

1. Write off interest charges to the value of \$47.44;
2. Suspend interest from accumulating while hardship payment arrangement is maintained;
3. Request the owner enter into a payment arrangement for Assessment Number 13984-00000-000 for \$120.00 per fortnight commencing 1 December 2022 for a period of 12 months;
4. Payments increasing to \$140.00 per fortnight from 1 December 2023 for a period of 12 months;
5. Payments increasing to \$170.00 per fortnight from 1 December 2024 for a period of 12 months;
6. Payments increasing to \$190.00 per fortnight from 1 December 2025 for a period of 12 months under normal rate arrangement conditions;

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7. Payments increasing to \$210.00 per fortnight from 1 December 2026 for a period of 12 months under normal rate arrangement conditions;
 8. No interest will be charged on overdue rates if the agreed payments are maintained;
 9. A review of this Payment Plan monthly; or at other times if Council is advised that the Applicant's circumstances have changed significantly;
 10. The expiry of this Payment Plan upon payment in full of all outstanding rates and charges; and
 11. The General Manager Finance & Corporate be authorised to negotiate a suitable payment plan should the Applicant reject or request a variance of this Payment Plan.

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

Against: Nil

CARRIED 6/0

24 CLOSURE OF MEETING

The Meeting closed at 4.35pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 November 2022.

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CHAIRPERSON