SOUTH BURNETT REGIONAL COUNCIL

AGENDA

Liveability, Governance and Finance Standing Committee Meeting

Wednesday, 10 May 2023

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

Date: **Wednesday, 10 May 2023**

Time: **9:00am**

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

Mark Pitt PSM

Chief Executive Officer

Order Of Business

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 DEPUTATIONS/PETITIONS

5.1 DEPUTATION - JON HOLDEN - PROPOSED ROLLOUT OF 5G MICROWAVE FREQUENCIES

File Number: **10-05-2023**

Author: **Executive Assistant**

Authoriser: **General Manager Infrastructure**

PRECIS

Deputation by Jon Holden.

SUMMARY

Jon Holden will be attending at 9:00am to discuss the Health and Safety regarding the proposed rollout of the 5G microwave frequencies in the South Burnett region.

BACKGROUND

Nil

ATTACHMENTS

1. Deputation - Jon Holden ⇩

South Burnett Regional Council

18 APR 2023
KINGAROY OFFICE
Int: E.S

27 APR 2023
Directorate- Corporate Services

Request to Address Council

To allow members of the public an opportunity to address Council on matters of concern, the Council has decided to set aside a maximum of 15 minutes at the start of each General Meeting, for this purpose. The matter must be one of public interest related to local government and it is to be a submission to Council. Council will not enter into a question and answer session.

Rules have been adopted so that the session will run smoothly, to the maximum benefit of all concerned.

The rules are:-

1. The session is for a maximum of 15 minutes, with a maximum of three speakers per session. It is advisable to notify the Chief Executive Officer beforehand of the wish to address Council, as the first to indicate will receive first priority and so on.

2. The right of any individual to address Council during the public session is at the absolute discretion of the Council.

3. The session is under the control of the person chairing the meeting. A person making a submission must cease talking if and when required by the Chair.

4. A person addressing the Council must stand and act and speak with decorum and frame any remarks in respectful and courteous language.

5. The Chair may require a person to cease making the submission if an address or comment is irrelevant, offensive or unduly long.

Please note that unless specifically requested by the Chair, a person may not address the Council from the public gallery other than at the public session and in accordance with the rules referred to above.

Name of Person/s Addressing Council: JON. HOLDEN

Contact Phone Numbers: [redacted]

Postal Address: [redacted]

KINGAROY

Please attach a detailed statement outlining the reasons why you are requesting to address Council.

By signing below you are acknowledging that you have read and understood the conditions outlined in this document.

Applicant Signature: [redacted]

Office use only:

Approved by Mayor: [redacted]

Approved by Chief Executive Officer: [redacted]

Kimberley Donohue

18th April 2023

Jon. Holden
[redacted]

REQUEST TO ADDRESS COUNCIL

I, Jon. Holden, of 37 Sonaree Drive Kingaroy, respectfully request a hearing by the elected members of the South Burnett Regional Council on matters of Health and Safety regarding the proposed rollout of the 5G microwave frequencies in this region.

I wish to address the Councillors on this most important issue as I believe it will affect the health and wellbeing of all residents living within the 'RF smog' emitted from this technology.

What have I got to say that is new or relevant to the decision-making process that has anything to do with Council?

Well, it so happens that I worked as a Telstra employee for over twenty years, many of which were spent in the Radio Design section of the Network Design and Construction (NDC) department. I know what the telecommunications industry says is safe and what guidelines they use to determine their standards. But can we believe what they say? Is there a conflict of interest between the regulator and the industry that they are meant to regulate?

I invite the Councillors to hear my story. Hear what it was that caused me to swap from being an ardent supporter of RF communications (particularly 5G) to someone who now opposes this now proven dangerous radio frequency band.

I appreciate that Councillors are elected representatives of our Local Government and as such need to be informed in all matters that could have a negative impact upon our community. It is with this rationale in mind that I put myself forward as someone who could speak on behalf of the residents in our community who desire health and wellbeing – not just those who are well informed, but also those who are ill-advised or uninformed of the dangers of RF radiation. (See attached article as referenced below.)

Sincerely,

[redacted]

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9576312/pdf/12940_2022_Article_900.pdf

International Commission on the Biological Effects of Electromagnetic Fields (ICBE-EMF)
Environmental Health (2022) 21:92
https://doi.org/10.1186/s12940-022-00900-9

Environmental Health

COMMENT Open Access

Scientific evidence invalidates health assumptions underlying the FCC and ICNIRP exposure limit determinations for radiofrequency radiation: implications for 5G

International Commission on the Biological Effects of Electromagnetic Fields (ICBE-EMF)*

Abstract

In the late-1990s, the FCC and ICNIRP adopted radiofrequency radiation (RFR) exposure limits to protect the public and workers from adverse effects of RFR. These limits were based on results from behavioral studies conducted in the 1980s involving 40–60-minute exposures in 5 monkeys and 8 rats, and then applying arbitrary safety factors to an apparent threshold specific absorption rate (SAR) of 4 W/kg. The limits were also based on two major assumptions: any biological effects were due to excessive tissue heating and no effects would occur below the putative threshold SAR, as well as twelve assumptions that were not specified by either the FCC or ICNIRP. In this paper, we show how the past 25 years of extensive research on RFR demonstrates that the assumptions underlying the FCC's and ICNIRP's exposure limits are invalid and continue to present a public health harm. Adverse effects observed at exposures below the assumed threshold SAR include non-thermal induction of reactive oxygen species, DNA damage, cardiomyopathy, carcinogenicity, sperm damage, and neurological effects, including electromagnetic hypersensitivity. Also, multiple human studies have found statistically significant associations between RFR exposure and increased brain and thyroid cancer risk. Yet, in 2020, and in light of the body of evidence reviewed in this article, the FCC and ICNIRP reaffirmed the same limits that were established in the 1990s. Consequently, these exposure limits, which are based on false suppositions, do not adequately protect workers, children, hypersensitive individuals, and the general population from short-term or long-term RFR exposures. Thus, urgently needed are health protective exposure limits for humans and the environment. These limits must be based on scientific evidence rather than on erroneous assumptions, especially given the increasing worldwide exposures of people and the environment to RFR, including novel forms of radiation from 5G telecommunications for which there are no adequate health effects studies.

Keywords: Federal Communications Commission (FCC), International commission on non-ionizing radiation protection (ICNIRP), Radiofrequency radiation (RFR), Exposure limits, Exposure assessment, Radiation health effects, Reactive oxygen species (ROS), DNA damage, 5G, Scientific integrity, Cell phone*, Mobile phone*

Introduction

In establishing exposure limits for toxic or carcinogenic agents, regulatory agencies generally set standards that take into account uncertainties of health risks for the general population [1] and for susceptible subgroups such as children [2]. That approach has not been applied in the same way to the setting of exposure limits for

*The terms cell phone and mobile phone are used interchangeably in this commentary; cell phone is the term used in the United States, while mobile phone is the term used in most of Europe.

*Correspondence: ron.melnick@gmail.comTucson, USA

[1]Tucson, USA

radiofrequency radiation (RFR) (frequency range: 3 kHz to 300 GHz). Moreover, assumptions underlying the current RFR exposure limits are flawed; hence, the limits that are currently applied do not adequately protect human and environmental health. This issue is discussed in greater detail under Assumption #9.

The Federal Communications Commission's (FCC) limits for maximum permissible exposure to RF electromagnetic fields (EMF) [3] were established in 1996 [4], and currently include many recommendations from the International Commission on Non-Ionizing Radiation Protection [5]. These exposure limits were expected to protect against adverse health effects in humans that might occur from short-term (i.e., acute) exposures to RFR and have been maintained by the FCC for the past 26 years. The exposure limits that were established by the FCC in 1996 relied on criteria recommended by the National Council on Radiation Protection & Measurements (NCRP) [6] and the Institute of Electrical and Electronics Engineers (ANSI/IEEE) [7, 8]. The limits were "based on a determination that potentially harmful biological effects can occur at a SAR (specific absorption rate) level of 4.0 W/kg as averaged over the whole-body." The SAR is a measure of the rate of RF energy absorbed per unit mass.

The threshold for a behavioral response and for acute thermal damage in sensitive tissues was considered to be an exposure that produced a whole-body SAR greater than 4 W/kg. In parallel with the development of the FCC's RFR exposure limits, ICNIRP's guidelines for limiting exposure to RF-EMF were also based on behavioral studies conducted in rats and monkeys in the 1980s [9].

The harmful effects that served as the basis for the exposure criteria were changes in behavior observed in small numbers of rats and monkeys when exposed to RFR for up to 60 minutes to power densities at which the whole-body SAR was approximately 4 W/kg or higher [10, 11]. Those studies were conducted in the early 1980s (1980 and 1984, respectively) by investigators of the US Navy Department. Consequently, 4 W/kg was identified as the threshold SAR for adverse health effects induced by RFR. In food-deprived monkeys that were exposed to three different frequencies (225 MHz, 1.3 GHz, and 5.8 GHz) during 60-min sessions, lever-pressing response rates for the delivery of food pellets were reduced compared to sham exposure sessions. The threshold SAR for this decreased response was reported to range from 3.2 to 8.4 W/kg [11]. Similarly, in food-deprived rats exposed to 40-min sessions at 1.28 or 5.62 GHz radiation, the threshold SAR for a decrease in response rate was reported to range from approximately 3.8 to 4.9 W/kg [10]. In experimental studies in which monkeys were exposed in an anechoic chamber for 4 hours to 1.29 GHz radiation at various power densities, an increase in mean body temperature of 0.7 °C was associated with a whole-body SAR of 4 W/kg [12]. Behavior disruption associated with an increase in body temperature of approximately 1.0 °C was assumed to be the most sensitive measure of harmful effects from RF-EMF exposure.

After establishing 4 W/kg as the threshold dose for acute harmful effects, both the FCC [3, 4] and ICNIRP [5, 9] set exposure limits for controlled occupational exposures to 0.4 W/kg SAR averaged over the whole body (based on applying a 10-fold safety/uncertainty factor). For the general population, the FCC's and ICNIRP's exposure limits were set at 0.08 W/kg SAR averaged over the whole body (by applying an additional 5-fold safety/uncertainty factor) for frequencies between 3 MHz and 3 GHz. The exposure limits established by the FCC and ICNIRP do not account for any impact of differing signal characteristics, such as carrier wave modulations or pulsing of the signal. Whole-body exposures for the general population are based simply on power levels averaged over 30-minute periods [3, 5].

Based on SAR distributions from whole-body exposures in which local (i.e., partial body) SARs were estimated to be 10 to 20 times the average value, local exposure limits were set 20 times higher than the average whole-body exposure limit [4–7]. For occupational exposures, local peak exposure limits were permitted up to 8 W/kg averaged over any 1-g cube of tissue [4] or 10 W/kg averaged over any 10 g of contiguous tissue [9] by the FCC and ICNIRP, respectively. For the general population, local peak SARs for partial-body exposures were not to exceed 1.6 W/kg averaged over any 1 g of cube-shaped tissue [3], or not to exceed 2.0 W/kg averaged over any 10 g of cube-shaped tissue [5]. Higher limit values are permissible for extremities. Extremities include the hands, wrists, feet, ankles, and pinnae (the external part of the ear), despite the close proximity of the ear to the brain. These adjustments were made long before the widespread use of wireless communication devices in which the emitting antenna is typically held close to local body organs such as the brain. The NCRP document [6] acknowledges that exposures could be greater than the recommended safety limit values when people are in close proximity to emitters of RFR.

The setting of exposure limits for the prevention of excessive tissue heating was based on the following assumptions: 1) electromagnetic waves at frequencies used in wireless communications do not have sufficient energy to break chemical bonds or ionize molecules [13]; 2) RFR could not damage DNA; and 3) tissue heating was the only possible biological effect of nonionizing radiation [5, 9, 14–16]. For potential environmental and human health issues that are not addressed in the

A) Effects of RF radiation at exposures below the putative threshold SAR of 4 W/kg

Assumption 1) There is a threshold exposure for any adverse health effect caused by RF radiation; in the frequency range of 100 kHz to 6 GHz it is a whole-body exposure that exceeds an SAR of 4 W/kg. Any biological effect of RF radiation above the threshold exposure is due to tissue heating.

Assumption 2) RF radiation is incapable of causing DNA damage other than by heating; there is no mechanism for non-thermal DNA damage.

Assumption 3) Two to seven exposures to RF radiation for up to one hour duration are sufficient to exclude adverse effects for any duration of exposure including chronic exposures.

Assumption 4) No additional effects would occur from RF radiation with co-exposure to other environmental agents.

B) Factors affecting dosimetry

Assumption 5) Health effects are dependent only on the SAR value; carrier wave modulations, frequency, or pulsing do not matter except as they influence the SAR.

C) Human brain cancer risk

Assumption 6) The multiple human studies that find associations between exposure to cell phone RF radiation and increases in brain cancer risk are flawed because of biases in the published case-control studies, and because brain cancer rates have remained steady since the time that use of wireless communication devices became widespread.

D) Individual variations in exposure and sensitivity to RF-EMF

Assumption 7) There are no differences among individuals, including children, in the absorption of RF-EMF and susceptibility to this radiation.

Assumption 8) There are no differences among individuals in their sensitivity to RF radiation-induced health effects.

E) Applied safety factors for EMF-RF workers and the general population

Assumption 9) A 50-fold safety factor for whole body exposure to RF radiation is adequate for protecting the general population to any health risks from RF radiation.

Assumption 10) A 10-fold safety factor for whole body exposure to RF radiation is adequate for protecting workers to any health risks from RF radiation.

Assumption 11) Exposure of any gram of cube-shaped tissue up to 1.6 W/kg, or 10 grams of cube-shaped tissue up to 2 W/kg, (duration not specified) will not increase the risk of that tissue to any toxic or carcinogenic effects in the general population.

Assumption 12) Exposure of any gram of cube-shaped tissue up to 8 W/kg, or 10 grams of cube-shaped tissue up to 10 W/kg, (duration not specified) will not increase the risk of that tissue to any toxic or carcinogenic effects in workers.

F) Environmental exposure to RF radiation

Assumption 13) There is no concern for environmental effects of RF radiation or for effects on wildlife or household pets.

G) 5G (5th generation wireless)

Assumption 14) No health effects data are needed for exposures to 5G; safety is assumed because penetration is limited to the skin ("minimal body penetration").

Fig. 1 Assumptions Underlying the FCC/ICNIRP Exposure Limits for RF Radiation

setting of exposure limits (for example effects of chronic exposures, or effects of co-exposure of skin to RFR and other environmental agents, such as would occur with 5G exposure in combination with sunlight), the implicit assumption is that such effects do not matter, or that the arbitrarily selected safety/uncertainty factor is sufficient to deal with those concerns. In any case, it is expected that underlying assumptions applied to health risk assessments would be clearly described [1].

Exposure limits for RF radiation are based on numerous assumptions; however, research studies published over the past 25 years show that most of those assumptions are not supported by scientific evidence. In the NCRP report [6], the authors noted that when further understanding of biological effects of RF radiation becomes available, exposure guidelines will need to be evaluated and possibly revised. The ANSI/IEEE document [7] also notes that effects of chronic exposure or evidence of non-thermal interactions could result in revising exposure standards. Unfortunately, these recommendations were never implemented. Assumptions of safety from exposures that could adversely affect human or environmental health should be tested and validated *before* widespread exposures occur, not afterwards, by agencies responsible for protecting public health.

In this paper, we highlight studies that demonstrate the fallacy of inherent assumptions in the FCC/ICNIRP guidelines for RF radiation exposure limits, and we find that the limits fail to protect human and environmental health. Fourteen assumptions that underlie the RFR exposure limits established in the 1990s and reaffirmed in 2020 by the FCC [4, 5] and ICNIRP [5, 9] are addressed in this paper and are shown in Fig. 1.

Assumptions underlying exposure limits for RF radiation and the scientific evidence demonstrating that these assumptions are not valid

A. Effects of RF radiation at exposures below the putative threshold SAR of 4 W/kg

Assumption 1) *There is a threshold exposure for any adverse health effect caused by RF radiation; in the*

frequency range of 100 kHz to 6 GHz it is a whole-body exposure that exceeds an SAR of 4 W/kg. Any biological effect of RF radiation above the threshold exposure is due to tissue heating.

Cardiomyopathy and carcinogenicity

In response to a request from the Food and Drug Administration's (FDA) Center for Devices and Radiological Health [17], the National Toxicology Program (NTP) conducted toxicity and carcinogenicity studies of cell phone (CDMA- or GSM-modulated) radiation in rats and mice exposed to RFR at frequencies of 900 MHz and 1800 MHz, respectively [18, 19]. Exposures to RFR for up to 2 years occurred in reverberation chambers over 18 hours/day on a continuous cycle of 10 minutes on and 10 minutes off. In rats, the whole-body SAR levels during the 10-minute on cycles were 0, 1.5, 3, or 6 W/kg.

The major histopathological findings from the NTP study in male rats [18] included dose-related increases in cardiomyopathy, increased incidence of cancers and preneoplastic lesions in the heart (schwannoma and Schwann cell hyperplasia) and brain (glioma and glial cell hyperplasia), increases in prostate gland tumors and hyperplasias, significant increases in adrenal gland tumors, and significant increases in the overall incidence of benign or malignant neoplasms in all organs in the 3 W/kg groups. The incidence of cardiomyopathy was also increased in GSM-exposed female rats, and significant increases in DNA damage were found in rats and mice [18, 19]. Similarly, an earlier study by Chou et al. [20] found a significant (3.6-fold) increase in the incidence of primary malignant neoplasms in male rats exposed to 2450 MHz pulsed RFR for 25 months (21.5 hr./day) at an SAR that ranged from 0.15 to 0.4 W/kg.

A 3-day external peer-review of the NTP studies confirmed there was "clear evidence of carcinogenic activity" in male rats for heart schwannomas, and "some evidence of carcinogenic activity" for brain gliomas and adrenal gland tumors with exposure to either GSM- or CDMA-modulated RF radiation [21]. In addition, a lifetime study by the Ramazzini Institute reported a significant increase in heart schwannomas in male rats exposed 19 hour/day to 1800 MHz GSM-modulated RFR at a field strength of 50 V/m, equivalent to a whole-body SAR of 0.1 W/kg [22]. The incidence of heart Schwann cell hyperplasia was also increased in that exposure group. These findings are consistent with results from the NTP study and demonstrate that the proliferative effect of modulated RFR in heart Schwann cells is a reproducible finding that can occur at doses far below the assumed whole-body threshold SAR of 4 W/kg.

ICNIRP [23] dismissed the evidence of carcinogenicity for RFR that was provided in the studies by the NTP [18] and the Ramazzini Institute [22] based on their earlier critique of those studies [24]. However, that critique demonstrated an unfortunate lack of understanding together with a misrepresentation of the design, conduct, and interpretation of experimental carcinogenicity studies in animal models [25], as well as a lack of appreciation for the remarkable concordance between the tumor responses observed in experimental animals with those identified in cancer epidemiology studies of mobile phone users described under Assumption #6.

Neither heating effects nor thermal stress was likely causal of the adverse health effects observed in the NTP [18] study, since there was no tissue damage observed in a 28-day study at the same SARs, there was no significant effect on body weight during the 2-year study, and there were no exposure-related clinical observations that would indicate thermal or metabolic stress. Furthermore, a preliminary thermal pilot study demonstrated that body temperatures did not increase by more than 1^{O} C at the exposure levels used in the chronic studies [26], and there is no evidence that a small change in body temperature associated with the RFR exposures in the NTP study can cause the types of carcinogenic effects that were observed. The similar findings of GSM-modulated RFR on Schwann cells by the Ramazzini Institute [22] at much lower whole-body SARs confirm these effects to be independent of tissue heating.

Neurological effects

Though the FCC and ICNIRP exposure limits are based on a putative threshold dose of 4 W/kg due to behavioral disruption observed at higher doses in rats and monkeys [10, 11] numerous studies have shown consistent and reproducible deficits in spatial learning and memory in laboratory animals exposed to RF radiation at SARs below 4 W/kg. Examples of study exposures that demonstrated these neurological effects included 900 MHz GSM at 0.41–0.98 W/kg, 2 hr./day for 4 days in mice [27]; 900 MHz GSM at 0.52–1.08 W/kg, 2 hr./day for 1 month in rats [28]; 900 MHz GSM at 1.15 W/kg, 1 hr./day for 28 days in rats [29]; 900 MHz pulsed RFR at 0.3–0.9 W/kg for 6 hr./day in rats from conception to birth and tested at 30 days of age [30]; 900 MHz GSM and 1966 MHz UMTS at 0.4 W/kg for 6 months in rats [31]; and 900 MHz continuous wave EMF at 0.016 W/kg 3 hr./day for 28 days in rats [32]. The studies cited above are not the only studies showing these effects, but they clearly demonstrate that exposure to RFR at an SAR of 4 W/kg is not a threshold dose for neurological effects in rodents. The effects of RF radiation on spatial learning and memory indicate

the hippocampus as a target site of these exposures. For a more complete listing of neurological effects of RFR reported between 2007 and 2017 see Lai [33].

In addition, many studies have reported changes in brain electrical activities in human subjects, measured by electroencephalography (EEG), including sleep disturbance from single exposures to cell phone RF radiation. This is not surprising since the nervous system transmits messages based on electrical signals generated by nerve cells. Decreased β-trace protein, which is a key enzyme in the synthesis of a sleep-promoting neurohormone, has been seen in young adults with high-cumulative amounts of hours of mobile phone use [34]. Another frequently reported effect of RF radiation is increased blood-brain barrier permeability in rats at SARs much lower than 4 W/kg, e.g. [32, 35–41]. Oxidative stress induced in the brain of animals exposed to RF-EMF has been associated with observed neurological effects [42]. Although many studies did not observe significant changes in neurological effects in humans and several studies did not observe increased permeability in the blood-brain barrier in animal models [33], differences in EMF frequency, modulation, duration of exposure, and direction of incident waves to the exposed subject, as well as difference in dielectric properties and the size and shape of the exposed subject likely account for differences in observed effects [43, 44].

Sperm damage

The effect of non-ionizing microwave radiation on the testis (testicular degeneration in mice) was first reported 60 years ago [45]. Since then, and with the rapid increase in use of RF-EMF emitting devices, numerous studies have investigated testicular effects of RFR and potential associations with male infertility [46–50]. Human and animal studies have shown that the testis is one of the most sensitive organs to RF-EMF exposures, and that keeping a mobile phone in trouser pockets in talk mode can affect fertility parameters e.g., sperm motility, sperm count, sperm morphology, and apoptosis [48, 51]. Meta-analyses of published epidemiologic studies on the impact of mobile phone radiation on sperm quality in adult men have found significant decreases in sperm motility, sperm viability and/or sperm concentrations that were associated with mobile phone usage [52–55]. Several physical factors associated with exposure conditions can affect the outcome of human studies, including depth of energy penetration, duration of call, type of transmission technology, distance of the device to the body or testis, and power density with defined SAR. For example, Zilberlicht et al. [56] observed higher rates of abnormal sperm concentrations among men who held their phones less than 50 cm from their groin.

The effects of RFR on reproductive parameters in humans are consistent with results from experimental studies in animals and in vitro studies. For example, exposure of human semen to 850 MHz radiation from mobile phones for 1 hour at an SAR of 1.46 W/kg caused a significant decrease in sperm viability that was associated with an increase in reactive oxygen species (ROS) [50] or an increase in sperm DNA fragmentation [57]. Exposure of isolated human spermatozoa to 1.8 GHz RF-EMF significantly reduced sperm motility and induced ROS generation at an SAR of 1.0 W/kg, and significantly increased oxidative DNA damage and DNA fragmentation at an SAR of 2.8 W/kg [58].

Some examples of effects of RFR on male fertility factors in studies with experimental animals at SARs below 4 W/kg include: a decrease in sperm count and an increase in ROS in rats exposed to mobile phone frequencies 2 hr./day, for 35 days (SAR = 0.9 W/kg) [59]; increases in oxidative stress, 8-hydroxy-deoxyguanosine (8-OHdG), and DNA strand breaks in the testes of rats exposed to 900 MHz (SAR = 0.166 W/kg), 1800 MHz (0.166 W/kg), or 2100 MHz (0.174 W/kg) 2 hr./day for 6 months [60]; an increase in ROS, a decrease in sperm count, and altered sperm morphology in rats exposed to 900 MHz 3G mobile phone radiation (SAR = 0.26 W/kg) 2 hr./day for 45 days [61]; decreased sperm quality in rats in which local exposure of the scrotum to 2575–2635 MHz 4G smartphone time division LTE radiation occurred for 1 min over 10 min intervals 6 hr./day for 150 days [62]; impaired testicular development at 35 days of age in male offspring of pregnant rats that were exposed to 2.45 GHz RFR (SAR = 1.75 W/kg) 2 hr./day throughout pregnancy [63]; decreased sperm motility in mice exposed to 905 MHz RFR (SAR = 2.2 W/kg) 12 hr./day for 5 weeks, and increased ROS formation and DNA fragmentation after 1 week of exposure [64]. Although negative studies have also been reported, it is important to remember that the outcome of experimental studies can be affected by differences in exposure conditions, including the frequency, modulation, polarization, stray electromagnetic fields, local SAR, duration of exposure, and analytical methods [43, 44].

Although the mechanism of testicular effects from exposure to non-thermal levels of RFR is not fully known, numerous studies in rats and mice, and in human sperm have found associations between negative effects on fertility parameters and increases in ROS and/or DNA damage [48, 51, 57, 58, 60, 61, 64–68]. Thus, the adverse effects of RFR on sperm quality are likely due in large part to induced generation of ROS.

Assumption 2) *RF radiation is incapable of causing DNA damage other than by heating; there is no mechanism for non-thermal DNA damage.*

In 2009, ICNIRP [16] claimed that "low energy photons of RF radiation are too weak to affect ionization or cause significant damage to biological molecules such as DNA, under ordinary circumstances." However, DNA damage and other genotoxic effects have been observed in numerous studies of low intensity RFR in animal models and in humans. For example, the NTP study found statistically significant increases in DNA damage in brain cells of exposed rats and mice compared to sham controls [18, 19, 69], and Akdag et al. [70] found statistically significant increases in DNA damage in hair cells in the ear canal among 30 to 60 year-old men who used mobile phones for 10 years for 0–30 min/day, 30–60 min/day, or greater than 60/min/day compared to people who did not use mobile phones. In the latter study, the extent of DNA damage increased with increasing daily exposure duration. In a review of published studies on genetic effects of ELF- and RF-EMF, Lai [71] listed more than 150 studies in which non-thermal exposures to RFR produced increases in DNA damage, chromosome aberrations, or micronuclei formation.

In addition, it is well established that DNA damage can also be caused by indirect processes, such as by the generation of reactive oxygen species (ROS), and numerous studies have demonstrated DNA damage at exposures below the putative threshold SAR of 4 W/kg. More than 120 published studies have demonstrated oxidative effects associated with exposure to low intensity RFR (Additional file 1: Appendix 1). An analysis of experimental studies on molecular effects of low intensity RF radiation (RFR) in biological systems found that the majority (93 of 100 studies) demonstrated the induction of oxidative effects [72]. More recent studies (from 2017) revealed that all 30 relevant publications (100%) detected significant oxidative effects under low intensity RFR exposures, and most of these studies used modulated RFR from wireless communication devices.

Increased production of ROS in living cells may be caused by weak magnetic fields altering recombination rates of short-lived radical pairs generated by normal metabolic processes leading to changes in free radical concentrations [73], or by low intensity extremely low frequency (ELF) EMFs resulting in alterations in voltage-gated ion channels in cell membranes causing changes in cation flow across membranes [74]. These mechanisms apply to both ELF-EMFs and to RFR modulated by pulsed fields at extremely low frequencies. Other biophysical mechanisms by which non-thermal RF-EMF can cause biological effects through interactions with normal cellular processes have been described [75].

Increasing NADH oxidase activity is another mechanism by which RFR can increase ROS production. NADH oxidases, which are membrane-associated enzymes that catalyze one-electron reduction of oxygen to superoxide radical using NADH as the electron donor, have been identified as primary mediators of RFR interactions in cellular systems [76]. A significant (3-fold) increase in the activity of NADH oxidase was measured in purified plasma membranes from HeLa cells exposed to 875 MHz for 5 or 10 min at a power density of 200 $\mu W/cm^2$. This exposure intensity is significantly lower than the ICNIRP [5] safety limit.

The major source of ROS in living cells is the mitochondrial electron transport chain, where leakage of electrons generates superoxide radicals due to the partial reduction of oxygen [77]. A dose-dependent effect of 1.8 GHz modulated RFR exposure (SAR = 0.15 and 1.5 W/kg) on mitochondrial ROS production was detected in mouse spermatogonial germ cells [65]. Exposure of quail embryos to extremely low intensity modulated RFR (GSM 900 or 1800 MHz, 0.25 or 0.32 $\mu W/cm^2$) during the initial days of embryogenesis resulted in a robust overproduction of superoxide radical and nitrogen oxide in mitochondria of embryonic cells [78, 79]. Thus, multiple mechanisms for the increased production of ROS by low intensity RF radiation have been demonstrated.

Numerous studies have been published on mutagenic effects of low intensity RF-EMFs, especially studies that identified increases in levels of a specific marker of oxidative DNA damage and a risk factor for cancer, 8-hydroxy-2′-deoxyguanosine (8-OHdG) [58, 60, 78–84]. For example, the level of 8-OHdG in human spermatozoa was increased significantly after in vitro exposure for 16 hr. to 1.8 GHz at a power level of 2.8 W/kg and correlated with levels of ROS generation [58]. Likewise, exposure of quail embryos *in ovo* to GSM-modulated 900 MHz of 0.25 $\mu W/cm^2$ for 1.5, 5, or 10 days was sufficient to produce a significant, two-threefold, increase in 8-OHdG levels in embryonic cells [79]. Umbilical cord blood and placenta tissue samples obtained after delivery from women who used mobile phones during pregnancy had significantly higher levels of oxidative stress parameters, including 8-OHdG and malondialdehyde, compared to cord blood and placental tissue from women who did not use mobile phones during pregnancy [85]. In addition, DNA damage, analyzed by the comet assay, was increased significantly in cord blood lymphocytes obtained from women who used mobile phones during pregnancy compared to cord blood lymphocytes obtained from women who did not use mobile phones.

As low intensity RF radiation does not have sufficient energy to ionize DNA molecules, and as increased production of ROS in living cells due to RF-EMF exposures has been reliably documented, an indirect effect of this type of radiation is the formation of oxidative damage to DNA. The most aggressive form of ROS that can cause oxidative DNA damage is the hydroxyl radical; this reactive oxygen species can be generated from superoxide radical and hydrogen peroxide [86], which may be produced in living cells exposed to low intensity RF radiation. Ultraviolet radiation (UVR, encompassing UVA, UVB, and UVC), which is classified by IARC as "carcinogenic to humans"), can also cause indirect DNA damage by generating ROS [87]. Thus, both RFR and UVR, which can similarly induce oxidative DNA damage, can increase cancer risk by a similar mechanism.

Increased production of ROS and depletion of antioxidant capacity in living cells exposed to low intensity RF radiation can result in oxidative DNA damage. Induction of oxidative stress, which is a key characteristic of many human carcinogens [88], including UVR and asbestos, can also lead to genotoxicity and carcinogenicity of non-ionizing RF radiation without causing direct DNA damage.

> **Assumption 3**) *Two to seven exposures to RF radiation for up to 1 hour duration are sufficient to exclude adverse effects for any duration of exposure including chronic exposures.*

The behavioral studies in 8 male rats and 5 male monkeys that served as the basis for the exposure limits to RF radiation adopted by the FCC and ICNIRP involved 2 to 7 exposure sessions of 40-minute duration for rats [10] and 3 exposure sessions of 60-minute duration for monkeys at each power density [11]. Additional support for the threshold SAR of 4 W/kg in the frequency range of 100 kHz to 6 GHz came from behavioral studies conducted in rats and monkeys by D'Andrea et al. [89, 90]. However, D'Andrea et al. [91, 92] also reported that exposure of rats to continuous wave 2450 MHz RFR for 14 or 16 weeks caused significant differences in behavioral activity between sham-exposed rats and RFR-exposed rats at mean SARs of 0.7 W/kg and at 1.23 W/kg, indicating that 4 W/kg is not a threshold SAR with extended exposure durations. Since that time many studies have shown that responses to non-thermal RFR depend on both exposure intensity and exposure duration [93]. Importantly, the same response was observed with lower exposure intensity but prolonged exposure duration as at higher exposure intensity and shorter duration [94].

Recognizing that the exposure limits do not address potential health effects after long-term exposures to RF radiation emitted from wireless devices that people are experiencing, the FDA [17] nominated RF radiation to the NTP for chronic toxicology and carcinogenicity studies out of concern that "existing exposure guidelines are based on protection from acute injury from thermal effects of RFR exposure, and may not be protective against any non-thermal effects of chronic exposures." Adverse health effects noted in Assumption #1, including cardiomyopathy, carcinogenicity, sperm damage, and neurological effects, as well as the human epidemiology studies to be described in Assumption #6, occurred with much longer exposures to RF radiation than the exposure durations used in the acute studies in rats [10] and monkeys [11]. Consequently, the acute behavioral exposure studies that served as the basis for exposure limits to RF radiation established by the FCC and ICNIRP are inadequate to identify and characterize adverse effects of RF radiation after longer exposure durations. Neither the exposure limits established in the 1990s by the FCC [4] or by ICNIRP [9], nor those reaffirmed more recently by these groups [3, 5] address health risks associated with long-term exposure to RF radiation.

> **Assumption 4**) *No additional effects would occur from RF radiation with co-exposure to other environmental agents.*

The current FCC/ICNIRP exposure limits do not take into consideration interactive effects of RF radiation with other environmental agents even though such effects have been documented. Interactions of RF radiation with other agents may result in antagonistic or synergistic effects, i.e., effects that are greater than the sum of each agent alone.

In the International Agency for Research on Cancer (IARC) evaluation of the carcinogenicity of RF-EMF [44], the expert working group noted that 4 of 6 co-carcinogenesis studies available at that time showed increased responses with exposure to RF-EMF. One of those studies reported co-carcinogenic effects of UMTS-modulated RF radiation at 4.8 W/m^2 in the liver and lung of mice that had been treated with the carcinogen ethylnitrosourea (ENU) in utero [95]; the incidence of liver and lung cancers were increased in mice exposed to ENU plus RF radiation compared to cage controls, sham controls and ENU alone. After the IARC evaluation, Lerchl et al. [96] replicated the experimental design of Tillmann et al. [95] by exposing mice to RF-EMF at whole-body SAR levels of 0 (sham), 0.04, 0.4, and 2 W/kg. Significant increases in lung adenomas and/or liver carcinomas were observed at all exposure levels. Lerchl et al. [96] concluded that their "findings are a very clear indication that tumor-promoting effects

of life-long RF-EMF exposure may occur at levels supposedly too low to cause thermal effects." Thus, the reproducibility of the tumor-promoting effects of RFR at non-thermal exposure levels has been demonstrated.

Other examples of reported synergistic effects include the following study results. Synergistic effects on damage to human lymphocytes were observed with co-exposure to RFR (1.8 GHz RFR, SAR 3 W/kg) and 2 different mutagens, namely, mitomycin C or 4-nitroquinoline-1-oxide [97], or with co-exposure to ultralight (UVC) light [98]. A synergistic effect was found on DNA damage in human blood cells exposed to 2450 MHz radiation (5 mW/cm^2) and then exposed to mitomycin C [99]. A potentiation effect on DNA damage was observed in cultured mammalian cells exposed to CDMA-modulated 835 MHz RF-EMF (SAR = 4 W/kg) and the clastogens cyclophosphamide or 4-nitroquinoline-1-oxide [100]. Gene expression was altered in neuronal and glial cells of rats pre-treated with lipopolysaccharide, a neuroinflammatory agent, and then exposed to 1800 MHz GSM modulated radiation (SAR = 3.22 W/kg) for 2 hr. [101]. In rats pre-treated with picrotoxin, a chemical that induces seizures, exposure to pulse-modulated 900 MHz GSM-modulated RF radiation of mobile phones increased regional changes in brain activity and c-Fos expression [102, 103].

Exposure limits based on exposure to only RF radiation will result in an underestimation of the true risk and inadequate protection of human health under conditions in which co-exposures to other toxic agents lead to synergistic adverse effects [104].

B. Factors affecting dosimetry

Assumption 5) *Health effects are dependent only on the time-averaged SAR value; carrier wave modulations, frequency, or pulsing do not matter except as they influence the SAR.*

The FCC's and ICNIRP's exposure limits to RFR are based on SARs for frequencies up to 6 GHz and on power densities for frequencies between 6 GHz and 300 GHz averaged over 6-minute or 30-minute intervals for local areas and whole-body exposures [3, 5]. However, time-averaged dosimetry does not capture the unique characteristics of modulated or pulsed RFR. For example, GSM modulation may involve as many as 8 voice channels with a duration of 0.577 msec for each channel. Thus, the exposure from GSM modulation can be 8-times higher during each time slot pulse compared to exposure to a continuous wave at equivalent time-averaged SARs. Also, as noted under assumption #14, repetitive pulses of data in bursts with short exposures to 5G can cause localized temperature spikes in the skin [105]. The impact of pulsed radiation on biological activities at the molecular or cellular levels is not taken into consideration with time-averaged dosimetry.

Another issue not addressed by time-averaged dosimetry is the importance of low frequency modulations on biological systems. As discussed under assumption #2, increased production of ROS in living cells and DNA damage have been demonstrated with exposure to low frequency modulations of radiofrequency carrier waves [106]. Exposure limits based on time-averaged SAR dosimetry or power density, without consideration of the impact of amplitude or frequency modulations, do not adequately address potential health effects of real-world exposures to RFR. There is ample evidence that various effects of RFR exposure depend on carrier wave modulations, frequency, or pulsing [43, 107, 108]. In contrast to ICNIRP/FCC, the IARC monograph on RFR carcinogenicity noted that RFR effects may be influenced by such exposure characteristics as duration of exposure, carrier frequency, type of modulation, polarization, exposure intermittence, and background electromagnetic fields [44].

C. Human brain tumor risk

Assumption 6) *The multiple human studies that find associations between exposure to cell phone RF radiation and increases in brain tumor risk are flawed because of biases in the published case-control studies, and because brain cancer rates have remained steady since the time that use of wireless communication devices became widespread.*

Although claims have been made that "current limits for cell phones are acceptable for protecting the public health" because "even with frequent daily use by the vast majority of adults, we have not seen an increase in events like brain tumors" [109], the SEER (Surveillance, Epidemiology, and End Results Program) database shows an annual decrease of 0.3% for all brain tumors, but an increase of 0.3% per year for glioblastoma in the US between 2000 and 2018 (https://seer.cancer.gov/explorer/). Most concerning was that the annual increase for glioblastoma was 2.7% per year for people under 20 years of age. In addition, Zada et al. [110] reported that the incidence of glioblastoma multiforme (GBM) in the frontal lobe, temporal lobe, and cerebellum increased in the US between 1992 and 2006, and Philips et al. [111] likewise reported a statistically significant increasing incidence of GBM in the frontal and temporal lobes of the brain in the UK during 1995–2015. In Sweden, rates of brain tumors in the Swedish National Inpatient Register and the Swedish Cancer Register increased from 1998 to

2015 [112]. In addition, it should be realized that cumulative exposure, side-of-head use, and latency for tumor formation from RFR are not fully captured in national cancer registries. Thus, the claim that trends in brain cancer incidence rates have not increased since mobile phones were introduced is both wrong and misleading. The specificity of effect needs to be factored into such trend analyses.

Case-control studies, using sound scientific methods, have consistently found increased risks with long-term, heavy mobile phone use for brain tumors of the glioma type and acoustic neuroma. This association was evaluated at IARC in 2011 by 30 expert participants who concluded that radiofrequency (RF) radiation is a "possible" human carcinogen [44]. In contrast, the much-cited Danish cohort study on 'mobile phone users' [113] was disregarded by IARC due to serious methodological shortcomings in the study design, including exposure misclassifications [44, 114].

Results of meta-analyses of glioma risk and acoustic neuroma from Swedish case-control studies conducted by Hardell and coworkers [115, 116], the 13-nation Interphone study [117], and the French study by Coureau et al. [118] are shown in Table 1 as odds ratios (OR) with 95% confidence intervals. For glioma on any location in the head, a statistically significant increase of nearly two-fold was found, while for ipsilateral mobile phone use (tumor and phone use on the same side of the head) the risk was increased by 2.5-fold. These ORs are based on the groups in each study with the highest category of cumulative call time, which were ≥ 1640 hr. in the Interphone study [117, 119] and the Swedish studies [115, 116], and ≥ 896 hr. in the study by Coureau et al. [118]. Decreased survival among glioma cases, especially astrocytoma grade IV, was associated with long-term and high cumulative use of wireless phones [120]. Increased risk for the mutant type of *p53* gene expression in the peripheral zone of astrocytoma grade IV was associated with use of mobile phones for ≥3 hours a day. Increase in this mutation was significantly correlated with shorter overall survival time [121].

For acoustic neuroma, risk was significantly increased with cumulative exposure and ipsilateral use by 2.7-fold. A random effects model, which was based on a test for heterogeneity, was used for the meta-analyses of these published studies. Tumor volume of acoustic neuroma increased per 100 hr. of cumulative use of wireless phones in the Swedish study and years of latency, indicating tumor promotion [115].

Other case-control studies of mobile phone use also reported increased risk of acoustic neuroma [122–124]. Those studies were not included in the meta-analysis because data on cumulative mobile phone use with numbers of cases and controls were not given or there were other shortcomings. It is also noteworthy that tumor risks were increased in subsets of the Interphone study; for example, there was nearly a 2-fold increase in the risk of acoustic neuroma for ≥10 y and ipsilateral use among the North European countries that participated in the Interphone study [125].

Claims have been made that associations between increases in brain cancer risk and exposure to cell phone RF radiation in the published case-control studies may be attributable to recall and/or selection biases [5, 109]. However, a re-analysis of the Canadian data that was included in the Interphone study showed that there was no effect on the risk of glioma after adjustments were made for selection and recall biases [126]. Odds ratios (OR) for glioma were increased significantly and to a similar extent when comparing the highest quartile of use to those who were not regular users whether or not adjustments for biases were made. In addition, Hardell

Table 1 Odds ratios (OR) with 95% confidence interval (CI) for glioma and acoustic neuroma in case-control studies in the highest category for cumulative mobile phone use in hours[a]

	Glioma				Acoustic neuroma			
	All		Ipsilateral		All		Ipsilateral	
	OR	95% CI	OR	95% CI	OR	95% CI	OR	95% CI
Interphone [117, 119] Cumulative use ≥1640 hr	1.40	1.03–1.89	1.96	1.22–3.16	1.32	0.88–1.97	2.33	1.23–4.40
Coureau et al. [118] Cum use ≥896 hr	2.89	1.41–5.93	2.11	0.73–6.08				
Hardell et al. [115, 116] Cumulative use ≥1640 hr	2.13	1.61–2.82	3.11	2.18–4.44	2.40	1.39–4.16	3.18	1.65–6.12
Meta-analysis longest cumulative use	**1.90**	**1.31–2.76**	**2.54**	**1.83–3.52**	**1.73**	**0.96–3.09**	**2.71**	**1.72–4.28**

[a] Note Hardell et al. [115, 116] also assessed use of cordless phones

and Carlberg [116] showed that the risk for glioma with mobile phone use was increased significantly even when compared to the risk for meningioma. Because risk of meningioma was not increased significantly, this tumor response could not be attributed to recall bias. Clearly, selection and recall biases do not explain the elevated brain tumor risk associated with the use of mobile phones. Thus, epidemiological evidence contradicts the opinions of the FCC and ICNIRP on brain tumor risk from RF radiation.

It should also be noted that the thyroid gland is a target organ for RFR from smartphones. A case-control study on mobile phone use suggested an increased risk for thyroid microcarcinoma associated with long-term cell phone use [127]. Peripheral lymphocyte DNA obtained from cases and controls was used to study genotype-environment interactions. The study showed that several genetic variants based on single nucleotide polymorphisms (SNPs) increased the risk of thyroid cancer with mobile phone use [128]. Increasing incidence of thyroid cancer in the Nordic countries, especially over the last two decades, has also been reported [129, 130]. In addition, a recent case-control study found significant increases in breast cancer risk among Taiwanese women based on their use of smartphones and distance between the breast and placement of their smartphone [131].

D. Individual variations in exposure and sensitivity to RF-EMF

Assumption 7) *There are no differences among individuals, including children, in the absorption of RF-EMF and susceptibility to this radiation.*

Differences between children and adults regarding the absorption of radiofrequency electromagnetic fields when mobile phones are operated close to the head have been demonstrated and widely documented [132–137]. The main factors accounting for these dissimilar absorption rates include differences in anatomy, tissue dielectric properties, and physiology. Through finite-difference time-domain (FDTD) simulations, employing detailed computational anthropomorphic models, it is possible to find differences relating to anatomy and to dimensions of the head.

Since EMF penetration into human tissues can be in the order of a few centimeters, depending on the wavelength, the inner tissues in the brain clearly will receive a significantly higher dose in the smaller heads of children compared to adults, despite the total absorption and the peak spatial SAR (psSAR) calculated across the whole head varying by smaller amounts [132, 133, 138]. Fernández et al. [136] estimated that the cell phone radiation psSAR in the hippocampus was 30-fold higher in children compared to adults, while the psSAR in the eyes was 5-fold higher in children; these differences were due largely to closer proximity to the cell phone antennas. The thinner dimensions of children's skulls also contribute to this difference [135], resulting in a psSAR around 2-fold higher in children's brains [134–137, 139] compared to adults.

Additionally, tissues of young mammals have higher conductivity and electrical permittivity than those of mature animals [140]. This also contributes to greater EMF penetration and absorption, resulting in further increases in the psSAR. The psSAR in the skull bone marrow of children was estimated to increase by 10-fold due to higher conductivity in this tissue [137]. Distance between the mobile device and the body tissues is important in characterizing tissue dosimetry. The National Agency ANFR of France recently released cell phone SAR test data for 450 cell phones. Ten gram psSARs increased by 10–30% for each millimeter of proximal placement of the cell phone to the planar body phantom (http://data.anfr.fr/explore/dataset/das-telephonie-mobile/?disjunctive.marque&disjunctive.modele&sort=marque).

Finally, it is important to note that simulations of tissue dosimetry consider only the physical parameters of the tissues; they do not consider biological processes occurring in living tissues. While children are growing, developing organs and multi-organ systems are more susceptible to adverse effects of environmental agents; finite-difference time-domain (FDTD) simulations do not address differences in organ or system susceptibility for exposures occurring during child development.

Assumption 8) *There are no differences among individuals in their sensitivity to RF radiation-induced health effects.*

All life is "electrosensitive" to some degree as physiological processes are dependent on both subtle and substantial electromagnetic interactions at every level, from the molecular to the systemic. Responses to multiple types of electromagnetic exposure reveal that there is a far broader range of EMF sensitivity than previously assumed, and subgroups of extremely hypersensitive subjects exist [141–151]. Given the adverse health effects noted in Assumption #1, including cardiomyopathy, carcinogenicity and neurological effects, the acute, conscious symptoms manifesting in some individuals should not be unexpected. The term currently and most frequently used within the medical profession to describe those who are acutely, symptomatically sensitive to non-ionizing radiation exposures is Electromagnetic Hypersensitivity (EHS).

EHS is a multisystem, physical response characterized by awareness and/or symptoms triggered by EMF exposures. Common symptoms include (but are not limited to) headaches, dizziness, sleep disturbance, heart palpitations, tinnitus, skin rashes, visual disturbance, sensory disturbance, and mood disturbance [152, 153]. These symptoms are reported in response to even extremely low intensity (orders of magnitude below current safety levels) EMFs of multiple types (in terms of frequency, intensity and waveforms). Commonly noticed triggers of frequent and persistent EHS symptoms are pulse-modulated RF emissions, modulated at extremely low frequencies. Common triggering sources include mobile phones, DECT cordless landlines, Wi-Fi/Bluetooth-enabled computers, Wi-Fi routers, smart meters, base station antennas, and household electrical items. EMF avoidance/mitigation is found to be the most effective way to reduce symptoms [154].

Guidelines for EHS diagnosis and management have also been peer-reviewed and concur that the mainstay of medical management is avoidance of anthropogenic electromagnetic fields [152, 155, 156]. Case histories detailing clinical presentations, EMF measurements and mitigation are also published [157], and biomarkers including elevated markers of oxidative stress, inflammatory markers and changes in cerebral blood flow continue to be explored [152].

EHS has been proven to be a physical response under blinded conditions [145, 151, 158, 159] and, in addition to these studies, acute EMF-induced changes in cognition, behavior, and physiology reactions have been observed in studies involving animals [27, 30, 160–172]; plus further references under Assumption 13), which cannot be biased by media-cultivated fears. These studies provide further evidence which invalidates the nocebo response (physical symptoms induced by fear) as causal regarding symptoms.

It should not be expected that all provocation studies will reliably demonstrate adverse reactions; however, suggestions that the nocebo response may cause EHS symptoms were claimed from provocation studies which failed to show a relationship between the EMF exposure and the reported symptoms [173]. The failures of these studies are explainable given the very poor methodology in the majority of them. There were failures to account for a multitude of essential factors that must be tailored to the individual, such as variable symptom onset and offset, the necessity for adequate washout periods, specificity of trigger frequencies and intensities, requirement for complete EMF hygiene during sham exposures, requirement for life-like exposures (e.g., pulse-modulated information-carrying waves), etc. For example, it has been shown that various frequency channels from GSM/UMTS mobile phones affect the same human cells differently [174–177]. Similarly, EHS has been shown to be frequency dependent [151]. As noted above, meaningful provocation studies need to take into consideration multiple physical parameters of exposure, including frequency, modulation, duration of exposure, and time after exposure [155]; however, most provocation studies that have failed to establish causative connection between RFR exposure and EHS symptoms [173] used only one or two conditions with short-term exposures.

There are many issues with the nocebo response as a cause of EHS, not least of which is also the absence of the required temporal link. For the nocebo response to be the cause of EHS, awareness and concern of negative health impacts from EMFs must precede symptoms. But, in the majority of EHS persons this is not the case [178]. As public risk communication improves, this will no longer be verifiable; however, this has been importantly observed at the only point in time when it could have been – prior to generalized awareness of health detriments from non-ionizing radiation (NIR).

While recognizing that some vulnerable groups may be more susceptible to effects of NIR exposure, ICNIRP [179] acknowledged that their guidelines may not safely accommodate these sensitive subgroups:

> *"Different groups in a population may have differences in their ability to tolerate a particular NIR [Non-Ionizing Radiation] exposure. For example, children, the elderly, and some chronically ill people might have a lower tolerance for one or more forms of NIR exposure than the rest of the population. Under such circumstances, it may be useful or necessary to develop separate guideline levels for different groups within the general population, but it may be more effective to adjust the guidelines for the general population to include such groups. Some guidelines may still not provide adequate protection for certain sensitive individuals nor for normal individuals exposed concomitantly to other agents, which may exacerbate the effect of the NIR exposure, an example being individuals with photosensitivity".*

In 2020, ICNIRP [23] also noted that biological effects are not easily discernible from adverse health effects, and that their guidelines:

> *"...are not intended to protect against biological effects as such (when compensatory mechanisms are overwhelmed or exhausted), unless there is also an associated adverse health effect. However, it is not always easy to draw a clear distinction between biological and adverse health effects, and indeed this can vary depending on individual susceptibility*

to specific situations. An example is sensory effects from nonionizing radiation exposures under certain circumstances, such as a tingling sensation resulting from peripheral nerve stimulation by electric or magnetic fields; magnetophosphenes (light flickering sensations in the periphery of the visual field) resulting from stimulation of the retina by electric fields induced by exposure to low-frequency magnetic fields; and microwave hearing resulting from thermoelastic waves due to expansion of soft tissues in the head which travel via bone conduction to the inner ear. Such perceptions may sometimes lead to discomfort and annoyance. ICNIRP does not consider discomfort and annoyance to be adverse health effects by themselves, but, in some cases, annoyance may lead to adverse health effects by compromising well-being. The exposure circumstances under which discomfort and annoyance occur vary between individuals".

Trivializing "discomfort" which is the pre-cursor to pain is not in keeping with WHO recommendations quoted by the same ICNIRP [23] document: "Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."

Discomfort is a sign that an organism is experiencing something which is compromising optimal health and although in some cases this can be trivial and reversible, in other cases it may not be reversed. There is an extremely broad range of both pain tolerance and also of pain perception among humans, and to achieve meaningful preventative health care, "discomfort" must be taken seriously and mitigated whenever possible. This is especially true in this case where symptoms such as headaches are being reported in response to mobile phone exposures at the same time as increased brain tumor risk is noted from those same exposures (see Assumption 6).

In reality, people with EHS are reporting far more serious health disruption than "discomfort" or "annoyance" and in some cases these symptoms are disabling [180, 181]. Increasingly, EHS is being recognized as a disability by national courts in France, Sweden, and Spain, which amplifies the requirement for safety guidelines that are deliberately accommodating to this more susceptible group [180].

E. Applied safety factors for RF-EMF-RF workers and the general population

Assumption 9) *A 50-fold safety factor for whole body exposure to RF radiation is adequate for protecting the general population to any health risks from RF radiation.*

Public health agencies in the US and worldwide apply multiple uncertainty factors to health effects data to establish exposure levels that are considered safe for the great majority of exposed populations [182–184]. Although guidelines for the use of uncertainty factors were developed for chemicals, they are also pertinent to other toxic agents, such as RFR. The uncertainty factors needed for toxic effects of RFR based on studies that demonstrate a no-observed-adverse-effect level (NOAEL) in experimental animals include:

1) Animal-to-human extrapolation. When data are based on studies in experimental animals, a factor of 3–10 is applied (for potential species differences in tissue dosimetry and response) unless there are convincing data demonstrating equivalent sensitivity in animals and humans. However, there is no evidence showing that humans are equally or less sensitive to RFR than animals that were used in studies from which exposure limits were established by the FCC and ICNIRP.
2) Adjustment for human variability. A second factor of 10 is used to account for interindividual variability in susceptibility (for instance, due to differences in age, sex, genetic variation, pre-existing diseases) to the toxic agent among the general population. It has been recognized that a factor of 10 for human variability is likely inadequate for sensitive subpopulations and may require an additional adjustment.
3) Extrapolation from short-term studies to lifetime exposure. An additional factor of 10 is applied for short-term studies, such as those used to establish exposure limits to RF radiation, to provide lifetime protection from chronic exposure. This is of particular importance considering the remarkably short periods over which RFR toxicity was originally assessed [10, 11].
4) Database insufficiencies. Finally, an uncertainty factor of 3-to-10 is applied for database inadequacy, i.e., for incomplete characterization of an agent's toxicity. The behavioral studies [10, 11] that were used to establish the FCC and ICNIRP exposure limits to RFR do not provide a full characterization of the effects of this type of radiation nor did they identify the most sensitive adverse effect of RFR exposures.

Basing exposure limits to RFR on the behavioral studies in rats and monkeys [10, 11, 90, 91] would require the application of a composite uncertainty factor of about 900 to 10,000 to be consistent with approaches used by public health agencies to establish protective exposure limits for workers and the general population. Based on the size of the needed uncertainty/safety factor, the

data sets used by the FCC and ICNIRP are clearly inadequate to establish RF exposure limits with reasonable confidence. The arbitrarily selected safety factors of 10 for workers and 50 for the general population by the FCC and ICNIRP are woefully inadequate for protecting exposed populations.

When uncertainty/safety factors are applied to a misrepresented threshold exposure value for adverse effects, the resulting level does not provide assurance of health protection for the general population exposed to that agent. Studies cited above [18, 22, 91, 92, 96] show that the whole-body SAR of 4 W/kg is not a threshold level for adverse effects caused by RFR. In a recent quantitative analysis of various adverse health effects from the NTP study, Uche and Naidenko [185] showed that the permissible whole-body SAR of 0.08 W/kg (based on a 50-fold reduction of the assumed threshold SAR of 4 W/kg) was 20–40-fold higher than health protective SAR values derived by benchmark dose modelling of NTP data for cardiomyopathy (following application of 10-fold safety factors for interspecies and intraspecies variability). The approaches used by these authors are consistent with methodologies recommended by the US Environmental Protection Agency for quantifying health risks for toxic and carcinogenic environmental agents [1, 182]. Thus, a 50-fold reduction of the assumed threshold whole-body SAR of 4 W/kg is inadequate to protect the health of the general population from exposure to RF radiation.

> **Assumption 10)** *A 10-fold safety factor for whole body exposure to RF radiation is adequate for protecting workers to any health risks from RF radiation.*

When RFR exposure limits were implemented in 1997, the rationale given for the difference in safety factors for the general population (50-fold) and for workers (10-fold) was "based on the exposure periods of the two populations, rounded to one digit (40 work hours per week/168 hours per week = ~0.2)" [6]. In addition to differences in exposure periods between workers and the general population, ICNIRP rationalizes the appropriateness of the lower safety factor for workers because "occupationally-exposed individuals can be considered a more homogeneous group than the general population," they are, "in general, relatively healthy adults within a limited age range," and "occupationally-exposed individuals should be operating under controlled conditions and be informed about the risks associated with non-ionizing radiation exposure for their specific situation and how to reduce these risks" [23]. In contrast, "the general public are, in most cases, unaware of their exposure to non-ionizing radiation and, without education, cannot reasonably be expected to take precautions to minimize or avoid any adverse effects of exposure."

The assumption that workers are trained in understanding health risks associated with exposure to RFR and in mitigating those risks to the greatest possible degree is not correct because neither the FCC nor the ICNIRP guidelines recognize any health effects from RFR at SARs below 4 W/kg, and the exposure limits authorized by the FCC and ICNIRP do not consider health effects from long-term exposures [3, 5]. The only health effect addressed by the FCC and ICNIRP is tissue damage due to excessive heating from acute exposures. Thus, the 10-fold reduction from the threshold whole-body SAR calculated from acute behavioral studies in rats and monkeys is inadequate for protecting the health of workers exposed long-term to RFR (see comments under assumption #9). There are no data demonstrating the adequacy of this arbitrarily chosen safety/uncertainty factor for occupationally-exposed workers, while on the contrary, excess cancer risks have been associated with exposure to RFR workers who operate radar and communication systems in military and occupational settings [186].

> **Assumption 11)** *Exposure of any gram of cube-shaped tissue up to 1.6 W/kg, or 10 g of cube-shaped tissue up to 2 W/kg, (duration not specified) will not increase the risk of that tissue to any toxic or carcinogenic effects in the general population.*

Tissue dosimetry was analysed in the NTP study of cell phone RF radiation in rats and mice [187]. In rats, whole body exposures during the 10-minute on cycles were 1.5, 3.0, or 6.0 W/kg, and the brain and heart SARs varied from the whole-body SARs by about 7% to under 2-fold for the brain and heart, respectively. A quantitative risk assessment of the NTP tumor incidence data is needed to evaluate organ-specific cancer risk. The FDA [19] nomination to the NTP recognized the need for "large well-planned animal experiments .... to provide the basis to assess the risk to human health of wireless communications devices." However, more than 3 years after an external peer-review of the NTP studies found "clear evidence of carcinogenic activity," the FDA [109] has continued to downplay the importance of these findings and avoid conducting a quantitative risk assessment of the tumor data that they (the FDA) originally requested. In contrast to the FDA, Uche and Naidenko [185] analysed the NTP data on cardiomyopathy by a benchmark dose approach and found that the 10% extra risk level for this effect was in the range of a whole-body SAR of 0.2 to 0.4 W/kg. Thus, there is an increased risk (greater than 10%) of developing cardiomyopathy at local tissue SARs below 1.6 or 2.0 W/kg.

The peak spatial specific absorption rate (psSAR), as used by ICNIRP and the FCC, is an inadequate dosimetric of RF radiation at frequencies above 1 GHz. The psSAR is calculated by averaging fixed cubic volumes containing a given amount of mass, and assumes a homogeneous material with a given mass density. The ICNIRP recommendation is to average cubic volumes containing 10 g of tissue (10 g-psSAR), while the FCC recommendation is to average cubic volumes containing 1 g of tissue (1 g-psSAR). Current recommendations limit the use of psSAR to frequencies up to 6 GHz [3, 5].

An evaluation of the utility of using psSAR as a dosimetric parameter at different frequencies ranging from 100 MHz to 26 GHz and with cube sizes ranging from 10 mg to 10 g is shown in Additional file 2: Appendix 2. For the smaller cubes and lower frequencies, averaging in the cube does not underestimate the maximum value on the cube surface, but at higher frequencies the psSAR averaged on larger cubes can be several-fold lower than the psSAR averaged on smaller cubes. For example, at 2.45 GHz, averaging over a 10-g cube underestimates by 4 dB (approximately 2.5-fold) the psSAR averaged in smaller cubes, while for 5.8 GHz, averaging over a 10-g cube underestimates the psSAR by 12 dB (approximately 16-fold) compared with averaging in a 10-mg cube, and by 6 dB (approximately 4-fold) compared with averaging over a 1-g cube. When the frequency is increased, the underestimation of the psSAR averaged in larger cubes (e.g. 10 g or 1 g) compared to smaller cubes (e.g. 100 mg and 10 mg) becomes more pronounced. Considering the 10-g cube, the difference between the psSAR for 5.8 GHz EMF compared to 0.9 GHz EMF is around 7 dB (or approximately 5-fold underestimation). These large differences are due to reduced penetration of EMFs at higher frequencies. Therefore, the ICNIRP's 10 g-psSAR and FCC's 1 g-psSAR recommendations do not provide reliable dosimetric parameters to evaluate EMF absorption above 1 GHz.

The SAR averaging over a 10-g cube is also flawed for assessing carcinogenicity because it is too large a volume to focus on stem cells and their important role in carcinogenesis. Human stem cells were more sensitive to RFR exposures from GSM and UMTS mobile phones than lymphocytes and fibroblasts [175]. Instead of a random distribution of targets for carcinogenesis, localized distribution of SAR in smaller volumes is needed to more accurately characterize relationships between SAR and tumor induction. From the point of view of stem cell organization, the volume of SAR determinations may be especially important for setting safety limits for children, because most stem cells and their niches are spatially and temporally transient during brain development [188].

Assumption 12) *Exposure of any gram of cube-shaped tissue up to 8 W/kg, or 10 g of cube-shaped tissue up to 10 W/kg, (duration not specified) will not increase the risk of that tissue to any toxic or carcinogenic effects in workers.*

Based on the analyses of tissue dosimetry in the NTP study [187], organ-specific toxic and carcinogenic effects were observed in rats at local tissue SARs that were much lower than 8 or 10 W/kg [18]. The tissue dosimetry in the NTP study and the inadequacy of the local SAR as specified by ICNIRP and the FCC is described in assumption #9.

F. Environmental exposure to RF radiation

Assumption 13) *There is no concern for environmental effects of RF radiation or for effects on wildlife or household pets.*

While background levels of RF-EMF are increasing in the environment, including rural remote areas [189], neither the FCC nor the ICNIRP take into consideration effects of this radiation on wildlife. The constant movement of most wildlife species in and out of varying artificial EMF can result in high exposures near communication structures, especially for flying species such as birds and insects. There is a substantial amount of scientific literature on the disrupting effects of RFR on wildlife (e.g., [190–206]).

Many nonhuman species use Earth's geomagnetic fields for activities such as orientation and seasonal migration, food finding, mating, nest and den building [190]. For example, migratory bird species [191, 192], honeybees [193], bats [194], fish [195–197], and numerous other species sense Earth's magnetic fields with specialized sensory receptors. Mechanisms likely involved in magneto-reception include magnetic induction of weak electric signals in specialized sensory receptors [198], magneto-mechanical interactions with the iron-based crystal magnetite [194], and/or free-radical interactions with cryptochrome photoreceptors [191, 192]. Each of these sensing processes shows extreme sensitivity to low intensity changes in electromagnetic fields. For a fuller description of the mechanisms by which non-human species use magneto-reception to perform essential life activities see Levitt et al. [190].

The following studies represent a few of the many examples of the disrupting effects of low-level exposures to RF-EMF on magneto-reception and the natural behavior of wildlife. Oscillating magnetic fields have been reported to disrupt the ability of migratory birds to orient and navigate in Earth's geomagnetic field [199–202].

Garden warblers became disoriented by exposure to a weak oscillating magnetic field of 1.403 MHz at an intensity as low as 2–3 nT [200]. The orientation of European robins that use Earth's magnetic field for compass orientation was completely disrupted by exposure to electromagnetic noise in the frequency range of 50 kHz to 5 MHz or a broadband noise-modulated ELF covering the range ~ 2 kHz to ~ 9 MHz [199, 201]. RFR in the low MHz range (7.0 MHz of 480 nT or 1.315 MHz of 15 nT) has been shown to disable the magneto-reception avian compass as long as the exposure was present [202].

In addition to effects on migratory birds, Landler et al. [203] found that exposure to a low-level magnetic field (1.43 MHz at an intensity of 30–52 nT) disrupted the natural orientation of juvenile turtles hatched on land. GSM-modulated 900 MHz RF radiation caused ants to lose their visual and olfactory memory for finding food [166]. Navigational abilities of trout were reduced when reared under conditions in which magnetic fields were spatially distorted [204].

Activities of honeybees are also disrupted by exposure to RF radiation. GSM-modulated cell phone radiation (900 MHz) caused a reduction in egg laying by queen bees and depletion of beehive pollen and honey counts [205]. GSM-modulated cell phone radiation (900 MHz) reduced hatching and altered pupal development of honey queen bee larvae [206].

The lack of consideration of chronic low-level RF radiation exposure on wildlife could result in dangerously disruptive effects on fragile ecosystems and on the behavior and survival of species that have long existed in Earth's natural environment.

G. 5G (5th generation wireless)

Assumption 14) *No health effects data are needed for exposures to 5G; safety is assumed because penetration is limited to the skin ("minimal body penetration").*

Fifth generation (5G) wireless communication systems are being deployed worldwide to provide higher data transfer rates with shorter lag times between massive numbers of connected wireless devices. To provide faster transfer of large amounts of data (up to 20 gigabits per second peak data rates), the frequency range for 5G includes millimeter waves (30 to 300 GHz), in addition to carrier frequencies as low as 600 MHz. Extremely high frequency millimeter waves (MMW) that transmit large amounts of data to user devices are directed into narrow beams by line-of-sight transmission with beamforming antennas. Because millimeter waves do not penetrate solid structures such as building materials, hills, foliage, etc., and travel only short distances (a few hundred meters), denser networks of base-stations with massive Multiple Input/Multiple Output (MIMO) transmitters and receivers in millions of small cell towers are being installed on structures such as utility poles. These features can lead to much closer proximity between humans and radiation-emitting antennas, and thereby change individual peak and average exposures to RFR.

For a 5G frequency of 26 GHz, EMF absorption is very superficial, which means that for typical human skin, more than 86% of the incident power is absorbed within the first millimeter. The skin penetration depth was computed as 1 mm based on the electrical conductivity of the skin and its electrical permittivity [5, 207]. This is expected to bring the SAR in this tissue well above the recommended limits ([208], and Additional file 2: Appendix 2). This is also expected to be harmful to very small species, such as birds and other small animals (e.g., insects) [209]. It is often claimed that because of its shallow penetration, exposure to high frequency 5G radiation is safe, and that the only effect is tissue heating [210]. However, this view ignores the deeper penetration of the ELF components of modulated RF signals, which are rated on the basis of heat alone, as well as the effects of short bursts of heat from pulsed signals [211, 212]. Within the first 1 mm of skin, cells divide to renew the stratum corneum (a consideration for skin cancer), and nerve endings in the dermis are situated within 0.6 mm (eyelids) to 3 mm (feet) of the surface (a consideration for neurological effects). Ultraviolet light, which exerts its action at a penetration depth of less than 0.1 mm [213, 214] is a recognized cause of skin cancer [87].

The higher the frequency of electromagnetic waves, the shorter the wavelength and the shallower the penetration of energy into exposed people or animals. For example, penetration depth in the human body is about 8 mm at 6 GHz and 0.92 mm at 30 GHz [5]. Because of the minimal depth of energy absorption at frequencies above 6 GHz, the FCC and ICNIRP have based exposure limits on power density instead of on SAR levels. The FCC [3] proposed a general localized power density exposure limit of 4 mW/cm^2 averaged over 1 cm^2 and not to exceed 30 minutes for 5G services up to 3000 GHz for the general population, claiming that this exposure is consistent with the peak spatial-average SAR of 1.6 W/kg averaged over any 1 g of tissue at 6 GHz. ICNIRP's [5] exposure limits for 5G are an absorbed power density of 200 W/m^2 (0.2 W/cm^2) averaged over 4 cm^2 and a 6-minute interval for frequencies up to 30 GHz, and 400 W/m^2 (0.4 mW/cm^2) averaged over 1 cm^2 and a 6-minute interval for frequencies of 30 GHz to 300 GHz.

Because of its minimal penetration, exposure to 5G radiation results in higher energy intensity on the skin and other directly-exposed body parts, such as the eye

cornea or lens. However, the skin, which is the largest organ in the human body, provides important functions such as acting as a protective physical and immunological barrier against mechanical injury, infection by pathogenic microorganisms, and entry of toxic substances. In addition, skin cancers, including basal cell carcinomas and squamous cell carcinomas, are the most prevalent human cancers, while melanomas are highly metastatic and increasing in prevalence. Although the high incidence of skin cancers are largely attributed to exposure to ultraviolet light, no studies have been reported on the effects of 5G radiation on (i) the skin's ability to provide protection from pathogenic microorganisms, (ii) the possible exacerbation of other skin diseases, (iii) promotion of sunlight-induced skin cancers, or (iv) initiation of skin cancer by itself. Information is also lacking on the effects of 5G radiation on nervous and immune systems which are also exposed even by the shallower penetration of MMW.

Another important factor is the maximum bandwidth with 5G radiation, which is up to 100 MHz in the frequency range of 450 MHz to 6 GHz, and up to 400 MHz in the ranges from 24 GHz to 52 GHz, compared to previous types of mobile communication where bandwidth is limited to 20 MHz. Because many studies indicated frequency-dependent, non-thermal RF effects from mobile communication RFR [43, 177] and for MMW effects [215, 216], the possibility of effective frequency windows for biological effects would increase with the increased bandwidth of 5G radiation.

Another consideration for effects of 5G exposures on human health is that radiation pulses created by extremely fast data transmission rates have the potential to generate bursts of energy that can travel much deeper than predicted by conventional models [217, 218]. Neufeld and Kuster [105] showed that repetitive pulses of data in bursts with short exposures to 5G can cause localized temperature spikes in the skin leading to permanent tissue damage even when the average power density values were within ICNIRP's acceptable safety limits. The authors urged the setting of new thermal safety standards to address the kind of health risks possible with 5G technology:

> *"The FIFTH generation of wireless communication technology (5G) promises to facilitate transmission at data rates up to a factor of 100 times higher than 4G. For that purpose, higher frequencies (including millimetre-wave bands), broadband modulation schemes, and thus faster signals with steeper rise and fall times will be employed, potentially in combination with pulsed operation for time domain multiple access...The thresholds for frequencies above 10 MHz set in current exposure guidelines (ICNIRP 1998, IEEE 2005, 2010) are intended to limit tissue heating. However, short pulses can lead to important temperature oscillations, which may be further exacerbated at high frequencies (>10 GHz, fundamental to 5G), where the shallow penetration depth leads to intense surface heating and a steep, rapid rise in temperature..."*

Areas of uncertainty and health concerns with 5G radiation include potential increase in skin cancer rates with (or possibly without) co-exposure to sunlight, exacerbation of skin diseases, greater susceptibility to pathogenic microorganisms, corneal damage or early development of cataracts, testicular effects, and possible resonant-enhanced absorption due to skin structures [219]. One of the complex technical challenges in relation to human exposure to 5G millimeter waves is that the unpredictable propagation patterns that could result in unacceptable levels of human exposure to electromagnetic radiation are not well understood [220]. Although MMW are almost completely absorbed within 1–2 mm in biologically-equivalent tissues, their effects may penetrate deeper in a live human body possibly by affecting signal transduction pathways. Thus, there are too many uncertainties with exposure to 5G to support an assumption of safety without adequate health effects data. There are no adequate studies on health effects from short-term or long-term exposures to 5G radiation in animal models or in humans.

Discussion

To develop health-based exposure limits for toxic and carcinogenic substances, regulatory agencies typically rely on available scientific evidence about the agent under review. In the mid- and late-1990s when the FCC [4] and the ICNIRP [9] initially established exposure limits for RFR, the prevailing assumptions were that any adverse effects from exposure to RFR were due to excessive heating because non-ionizing radiation did not have sufficient energy to break chemical bonds or damage DNA. However, non-thermal effects of RFR are demonstrated from studies that find different effects with exposure to continuous waves versus pulsed or modulated waves at the same frequency and the same SAR or power density, e.g., [221–226], and from studies that show adverse effects at very low exposure intensities, e.g., [78, 96].

Acute exposure studies conducted in rats and monkeys in the 1980s [10, 11] suggested that an SAR of 4 W/kg could be a threshold dose for behavioral effects. Because this SAR was associated with an approximate increase in body temperature of 1 °C, it was again assumed that no adverse health effects would occur if increases in core

body temperature were less than 1 °C. From this putative threshold dose a "safety factor" of 10 was applied for occupational exposures and an additional factor of 5 (50x total) was applied for the general population, resulting in exposure limits in which the whole-body SAR was less than 0.4 W/kg for workers and 0.08 W/kg for the general population. However, realizing that local parts of the body could receive doses of RFR that were 10 to 20 times higher than the whole-body SARs, local peak exposure limits were set by the FCC at SARs 20-times higher than the whole-body SARs, i.e., 8 W/kg averaged over any 1-g of tissue for localized exposures for workers and 1.6 W/kg averaged over any 1-g for the general population [3, 4]. ICNIRP opted for partial body exposures that would not exceed 2.0 W/kg averaged over any 10 g of cube-shaped tissue for the general population [5, 9]. To rationalize the smaller safety factor for workers (10-fold) versus the general population (50-fold), one claim made by ICNIRP [24] is that workers are informed about risks associated with non-ionizing radiation exposure and how to reduce these risks, whereas "the general public are, in most cases, unaware of their exposure to non-ionizing radiation and, without education, cannot reasonably be expected to take precautions to minimize or avoid any adverse effects of exposure." From a public health perspective, the FCC and ICNIRP should make the public aware of their exposures to RFR and promote precautionary measures to minimize potential adverse effects, especially for children and pregnant women. Eight practical recommendations by the International EMF Scientist Appeal aimed at protecting and educating the public about potential adverse health effects from exposures to non-ionizing EMFs [227] are shown in Table 2.

The acute behavioral studies that provide the basis for the FCC's and ICNIRP's exposure limits lacked any information on potential effects of RF radiation that can occur after longer durations of exposure, and they did not address effects of carrier wave modulations used in wireless communications. Research on RFR conducted over the past 25 years has produced thousands of scientific papers, with many demonstrating that acute behavioral studies are inadequate for developing health protective exposure limits for humans and wildlife, and that inherent assumptions underlying the FCC's and ICNIRP's exposure limits are not valid. First, 4 W/kg is not a threshold SAR for health effects caused by RFR exposures; experimental studies at lower doses and for longer durations of exposure demonstrated cardiomyopathy, carcinogenicity, DNA damage, neurological effects, increased permeability of the blood brain barrier, and sperm damage (see Assumptions 1–3). Multiple robust epidemiologic studies on cell phone radiation have found increased risks for brain tumors (Assumption 6), and these are supported by clear evidence of carcinogenicity of the same cell types (glial cell and Schwann cell) from animal studies. Even studies conducted by D'Andrea et al. [89, 90] before the limits were adopted found behavioral disruption in rats exposed to RFR for 14 or 16 weeks at mean SARs of 0.7 W/kg and at 1.23 W/kg. A combination of exposure duration and exposure intensity would be more appropriate for setting safety standards for exposure to RFR from mobile communication systems including mobile phones, base stations, and WiFi.

More than 120 studies have demonstrated oxidative effects associated with exposure to low intensity RFR (Additional file 1: Appendix 1). DNA damage that has been reported in studies of RFR was most likely caused by induction of oxidative stress, which is a key characteristic of human carcinogens [88], rather than by direct ionization (Assumption 2). The generation of reactive oxygen species has also been linked to DNA damage and the carcinogenicity of UVA radiation [87] and asbestos [228]. Despite the enormous amount of scientific evidence of low-dose effects of RFR, the IEEE [229] maintains that behavioral disruption is still the most sensitive and reproducible effect of RFR. It is this opinion that contributed to the FCC [3] and ICNIRP [5] reaffirming their previous exposure limits to RFR.

Table 2 Precautionary Measures Recommended by the International EMF Scientist Appeal

1) Priority should be given to protect children and pregnant women
2) Guidelines and regulatory standards should be strengthened
3) Manufacturers should be encouraged to develop safer technologies
4) The public should be fully informed about the potential health risks from electromagnetic energy and taught harm reduction strategies
5) Medical professionals need to be educated about the biological effects of electromagnetic energy and be provided training on treatment of patients with electromagnetic sensitivity
6) Governments need to fund training and research on electromagnetic fields and health that is independent of industry
7) The media should disclose experts' financial relationships with industry when citing their opinions regarding health and safety aspects of EMF-emitting technologies
8) Radiation-free areas need to be established, especially for individuals with EHS

Other concerns about the current exposure limits for RFR are that they do not consider potential synergistic effects due to co-exposure to other toxic or carcinogenic agents, the impact of pulsed radiation or frequency modulations, multiple frequencies, differences in levels of absorption or of susceptibility by children, or differences among individuals in their sensitivity to RFR (see Assumptions 4, 5, 7, 8). Currently, children's cumulative exposures are much higher than previous generations and they continue to increase [230]. ICNIRP [23, 179] acknowledged that their guidelines do not accommodate sensitive subgroups and admit to difficulties separating "biological effects" from "health effects." Neurological symptoms, some of which are acknowledged by ICNIRP and currently being experienced by persons with EHS, are most certainly non-thermal "health effects" that need to be mitigated by providing environments with reduced exposures to anthropogenic EMF for hypersensitive individuals.

The debilitating effects and restrictions suffered by adults and children with EHS constitutes a contravention of the 2010 Equalities Act, Human Rights Act and other ethical and legal frameworks. Failure to respond and appropriately safeguard this group is already causing preventable morbidity, mortality and economic deficit due to lost workdays, compensations for health damages and increased healthcare costs. Conversely, accommodating this group by, as suggested by ICNIRP [179], acting to 'adjust the guidelines for the general population to include such groups' would not only lessen the negative impacts for people with EHS, but would also improve public health more broadly, given the other NIR-related health concerns that are highlighted in this paper.

Basing local tissue exposure limits on 1-g [3] or 10-g [5] cubes substantially underestimates the peak spatial SAR compared to basing local tissue exposure limits on smaller cubes (e.g., 100 mg or 10 mg), and therefore are not reliable dosimetric parameters to evaluate EMF absorption at frequencies above 1 GHz (Assumptions 11, 12). The volumes specified by the FCC and ICNIRP for local tissue SAR limits are too large to focus on stem cells which are important targets for carcinogenesis. To reduce health risks from exposures to RFR, limits for localized distribution of the SAR should be based on 100 mg, or preferably 10 mg cubes.

Another important deficiency raised in this paper is that neither the FCC nor ICNIRP addresses concerns for environmental effects of RFR on wildlife, even though there is extensive literature demonstrating the disrupting effects of RFR on wildlife behavior (Assumption 13).

The arbitrarily selected uncertainty/safety factors applied to the putative threshold SAR for RFR are woefully inadequate for protecting public health (Assumptions 9, 10). Based on the way the US Environmental Protection Agency, the International Council for Harmonization, and the National Institute for Occupational Safety and Health (US NIOSH) apply uncertainty/safety factors to a no-observed-adverse-effect level (NOAEL) in experimental animals [182–184], the safety factor for RFR would be at least 900 to 10,000, which is 18 to 200 times larger than the safety factor recommended by the FCC and ICNIRP for the general population. This large safety factor is based on adjustments for human variability, lifetime exposure from short-term studies, and database insufficiencies that include incomplete characterization of the toxicity of RFR. Clearly, the acute behavioral studies that served as the basis for the current exposure limits for RFR are not suitable for characterizing human health risks associated with long-term exposure to this type of radiation. The NCRP report from 1986 [6] and the ANSI/IEEE document from 1992 [7] recognized that when future studies on biological effects of RFR become available including effects of chronic exposures or evidence of non-thermal interactions there will be a need to evaluate and possibly revise exposure standards. When the FCC [3] and ICNIRP [5] reaffirmed their exposure limits from the 1990s, they dismissed the scientific evidence that invalidated the assumptions that underlie the basis for those exposure limits. An independent re-evaluation of RFR exposure limits based on the scientific knowledge gained over the past 25 years is needed and is long overdue. This evaluation should be performed by scientists and medical doctors who have no conflicting interests and who have expertise in RF-EMF exposure and dosimetry, toxicology, epidemiology, clinical assessment, and risk assessment. Special precautions should be taken to ensure that interpretations of health effects data and the setting of exposure limits for RFR are not influenced by the military or the telecommunications industry. In the meantime, manufacturers should be obliged to develop safer technologies [227].

Finally, we note our concern about the worldwide deployment of 5G communication networks for faster transfer of large amounts of data, but with no adequate health effects studies demonstrating the safety of high frequency millimeter waves. Because of limitations of the penetration and distance of travel of millimeter waves, dense networks of base stations are being mounted on structures such as utility poles in highly populated cities. Also, because the absorption of EMF at frequencies above 6 GHz is minimal, ICNIRP [5] has specified absorbed power density (S_{ab}) as the dosimetric parameter for "heating effects" at the higher frequencies. S_{ab} is a function of the incident power density (S_{inc}) and the input reflection coefficient (Γ). In near field scenarios, the S_{inc} does not have a singular value; this is largely due

to the heterogeneous nature of human body tissues and their relevant parameters (such as the permittivity, equivalent conductivity, mass density), which vary in different body regions and with frequency. Therefore, unless a powerful EMF simulation method together with realistic human models are used, the S_{inc} and the reflection coefficient values would be difficult to accurately estimate, making the resulting S_{ab} unreliable.

The assumption that 5G is safe at the power density limits recommended by ICNIRP (50 W/m^2 and 10 W/m^2 averaged over 6 min for occupational and 30 min for public exposures, respectively) because of its minimal penetration into the body does not justify the dismissal of the need for health effects studies prior to implementing 5G networks. The new communication networks will result in exposures to a form of radiation that has not been previously experienced by the public at large (Assumption 14). The implementation of 5G technology without adequate health effects information raises many questions, such as: Will exposure to 5G radiation: (i) compromise the skin's ability to provide protection from pathogenic microorganisms? (ii) will it exacerbate the development of skin diseases? (iii) will it increase the risk of sunlight-induced skin cancers? (iv) will it increase the risk of damage to the lens or cornea? (v) will it increase the risk of testicular damage? (vi) will it exert deeper tissue effects either indirectly following effects on superficial structures or more directly due to deeper penetration of the ELF components of modulated RF signals? (vii) will it adversely affect wildlife populations? Answers to these questions and others that are relevant to human and wildlife health should be provided *before* widespread exposures to 5G radiation occur, not afterwards. Based on lessons that should have been learned from studies on RFR at frequencies below 6 GHz, we should no longer rely on the untested assumption that current or future wireless technology, including 5G, is safe without adequate testing. To do otherwise is not in the best interest of either public or environmental health.

Abbreviations

ANSI: American National Standards Institute; CDMA: Code-division multiple access; dB: Decibel; DECT: Digital enhanced cordless technology; EHS: Electromagnetic hypersensitivity; ELF: Extremely low frequency; EMF: Electromagnetic field; FCC: Federal Communications Commission; FDA: Food and Drug Administration; GHz: Gigahertz; GBM: Glioblastoma multiforme brain cancer; GSM: Global system for mobile communication; IARC: International Agency for Research on Cancer; ICNIRP: International Commission on Non-Ionizing Radiation Protection; IEEE: Institute of Electrical and Electronics Engineers; LTE: Long Term Evolution (4G); MMW: Millimeter wave; NCRP: National Council on Radiation Protection and Measurements; NIR: Non-ionizing radiation; nT: Nanotesla; NTP: National Toxicology Program; 8-OHdG: 8-hydroxy-2'deoxyguanosine; psSAR: Peak spatial specific absorption rate; RFR: Radiofrequency radiation; ROS: Reactive oxygen species; SAR: Specific absorption rate; UMTS: Universal mobile telecommunications service (3G); UVR: Ultraviolet radiation; 5G: 5th generation wireless.

Supplementary Information

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Additional file 1: Appendix 1 Table 1. Studies demonstrating increased oxidative DNA damage and other indicators of oxidative stress at SAR < 4 W/kg.

Additional file 2: Appendix 2. On the Inadequacy of the psSAR Dosimetric Parameter at Frequencies above 1 GHz. **Table 1.** Electric permittivity and electric conductivity of the gray matter. **Figure 1.** A block of gray matter radiated by different frequencies. The highlighted cubes are of 10 g, 1 g, 100 mg and 10 mg. **Fig. 2.** A block of gray matter radiated by different frequencies. The highlighted cubes are of 10 g, 1 g, 100 mg and 10 mg. **Fig. 3.** Electric field intensity averaged in each cube for different frequencies: in the left axis, the electric field is in dB and in the right axis the electric field is in V/m normalized to 100 V/m.

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Suleyman Dasdag: Biophysics Department, Istanbul Medeniyet University, Medical School, Turkey
Claudio Fernandez: Division of Electrical and Electronics Engineering, Federal Institute of Rio Grande do Sul (IFRS). Canoas, Brazil
Lennart Hardell: Department of Oncology, Orebro University Hospital, Sweden (retired), The Environment and Cancer Research Foundation, Orebro, Sweden
Paul Heroux: Epidemiology, Biostatistics and Occupational Health, Faculty of Medicine, McGill University, Canada
Elizabeth Kelley: ICBE-EMF and International EMF Scientist Appeal, and Electromagnetic Safety Alliance, Arizona, USA
Kavindra Kesari: Department of Applied Physics, School of Science, Aalto, University, Espoo, Finland
Don Maisch: EMFacts Consultancy; The Oceanic Radiofrequency, Scientific Advisory Association; Tasmania, Australia
Erica Mallery-Blythe: Physicians' Health Initiative for Radiation and Environment; British Society of Ecological Medicine; Oceania Radiofrequency Scientific Advisory Association, UK
Ronald L. Melnick: National Toxicology Program, National Institute of Environmental Health Sciences (retired), Ron Melnick Consulting LLC, Logan, Utah, USA
Anthony Miller: Dalla Lana School of Public Health (Professor Emeritus), University of Toronto, Ontario, Canada
Joel M. Moskowitz: School of Public Health, University of California, Berkeley, California, USA
Wenjun Sun: School of Public Health, Zhejiang University School of Medicine; Hangzhou, China
Igor Yakymenko: National University of Food Technology, Kyiv Medical University, Ukraine

Authors' contributions

IB, AD, CF, LH, PH, KK, DM, EMB, RLM, and IY drafted the initial sections of this manuscript: by IB (factors affecting dosimetry), AD and CF (absorption in children versus adults, peak spatial specific absorption rate), LH (human brain cancer risk), KK (sperm damage), DM and DM (5G), EMB (electromagnetic hypersensitivity), RLM (cardiomyopathy, carcinogenicity, neurologic effects, safety factors), and IY (oxidative stress and DNA damage). IY prepared Appendix 1, and AD and CF prepared Appendix 2. The authors who drafted sections of the manuscript, as well as CB, KC, SD, EK, AM, JMM, and WS reviewed multiple manuscript drafts and made revisions. All authors reviewed and approved the final manuscript.

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Publisher's Note

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 MINUTES OF THE LIVEABILITY, GOVERNANCE AND FINANCE STANDING COMMITTEE MEETING HELD ON 12 APRIL 2023

File Number: **10-05-2023**

Author: **Executive Assistant**

Authoriser: **General Manager Infrastructure**

OFFICER'S RECOMMENDATION

That the Minutes of the Liveability, Governance and Finance Standing Committee Meeting held on 12 April 2023 be received.

ATTACHMENTS

1. Minutes of the Liveability, Governance and Finance Standing Committee Meeting held on 12 April 2023

SOUTH BURNETT
REGIONAL COUNCIL

MINUTES

Liveability, Governance and Finance Standing Committee Meeting

Wednesday, 12 April 2023

Order Of Business

MINUTES OF SOUTH BURNETT REGIONAL COUNCIL
LIVEABILITY, GOVERNANCE AND FINANCE STANDING COMMITTEE MEETING
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY
ON WEDNESDAY, 12 APRIL 2023 AT 9:00AM

PRESENT: **Councillors:**

Cr Brett Otto (Mayor), 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), Aaron Meehan (General Manager Infrastructure), Peter O'May (General Manager Liveability), Susan Jarvis (General Manager Finance & Corporate), Kerri Anderson (Manager Finance & Sustainability, Darryl Brooks (Manager Environment & Planning), Jennifer Pointon (Manager Community & Lifestyle), Rebecca Humphrey (Manager People & Culture), David Hursthouse (Coordinator Development Services), Rebecca Bayntun (Manager Corporate, Governance & Strategy), Margie Hams (Coordinator Community Development), Leisa Wilson (Grants Officer), Louise Reidy (Strategic Procurement Coordinator), Karen Searle (Coordinator Corporate), (Kimberley Donohue (Executive Assistant).

1 OPENING

Cr Schumacher opened the meeting and welcomed all attendees.

2 LEAVE OF ABSENCE / APOLOGIES

Nil.

3 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

4 DECLARATION OF INTEREST

I, Cr Kirstie Schumacher inform this meeting that I have a declarable conflict of interest in relation to Item **19.2 - Planning & Environment Court Appeals.**

The nature of my interest is as follows:

This declarable conflict of interest arises due to a close personal relationship whereby my sister lives in close proximity to the proposed tower and I currently housesit at property only a few kilometres away.

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 Scott Henschen inform this meeting that I have a declarable conflict of interest in relation to Item **19.2 - Planning & Environment Court Appeals.**

The nature of my interest is as follows:

This declarable conflict of interest arises due to a close personal relationship with my brother in living in close proximity to the proposed tower.

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 in relation to Item **19.2 - Planning & Environment Court Appeals.**

The nature of my interest is as follows:

This declarable conflict of interest arises due to a close personal relationship whereby my husband is a member of the pistol club which is in close proximity to the proposed tower.

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

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 MINUTES OF THE LIVEABILITY, GOVERNANCE AND FINANCE STANDING COMMITTEE MEETING HELD ON 8 MARCH 2023

COMMITTEE RESOLUTION 2023/165

Moved: Cr Scott Henschen
Seconded: Cr Danita Potter

That the Minutes of the Liveability, Governance and Finance Standing Committee Meeting held on 8 March 2023 be received.

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

Against: Nil

CARRIED 7/0

Attendance:
At 9.06am, Strategic Procurement Coordinator Louise Reidy entered the meeting.
At 9:07am, Coordinator Corporate Karen Searle entered the meeting.
At 9:14am, Manager Finance & Sustainability Kerri Anderson entered the meeting via teams.

6 NOTICES OF MOTION

6.1 GIFTING OF MOWER TO BOONDOOMA MUSEUM & HERITAGE ASSOCIATION INC.

COMMITTEE RECOMMENDATION

Moved: Cr Brett Otto
Seconded: Cr Scott Henschen

The Committee recommends to Council that:

1. Council gifts the following item of plant and equipment to the Gifting of Mower to Boondooma Museum & Heritage Association Inc. as part of the plant and replacement fleet replacement program in 2023/2024:

   Mower 4512 – 2018 Grass Hopper 430D Zero Turn

   - 72" Deck
   - 29.1 Hp
   - Based in Parks Murgon/Wondai
2. Council completes the required maintenance on the mower to ensure it is in workable and safe condition prior to transfer.

COMMITTEE RESOLUTION 2023/166

Moved: Cr Gavin Jones
Seconded: Cr Danita Potter

That item 6.1 lay on the table until the June Liveability, Governance and Finance Standing Committee Meeting.

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

Against: Cr Kirstie Schumacher

CARRIED 6/1

6.1.1 SUPPORT - APPLYING FOR SUITABLE FUNDING OPTIONS

COMMITTEE RESOLUTION 2023/167

Moved: Cr Jane Erkens
Seconded: Cr Kathy Duff

That the Committee recommends to Council that;

Council write a letter offering the support of our grant writer for the group to submit a grant to suitable funding opportunities to assist them in the purchase of suitable equipment to mow their grounds.

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

Against: Nil

CARRIED 7/0

6.2 NOTICE OF MOTION - 2023 NATIONAL GENERAL ASSEMBLY ADVOCACY

COMMITTEE RESOLUTION 2023/168

Moved: Cr Kirstie Schumacher
Seconded: Cr Scott Henschen

The Committee recommends to Council:

That as part of the attendance to the Australian Local Government Association National Assembly in June 2023 that briefing meetings to advocate for water reliability including the 25-year Economic Roadmap and investment in communications infrastructure through the Better Connectivity Plan for Regional and Rural Australia be requested with:

- The Hon Tanya Plibersek MP, Minister for the Environment and Water
- Senator The Hon. Murray Watt, Minister for Agriculture, Fisheries and Forestry & Minister for Emergency Management
- The Hon. David Littleproud, Leader of the Nationals & Shadow Minister for Agriculture
- Senator The Hon. Perin Davey, Shadow Minister for Agriculture
- The Hon. Michelle Rowland, Minister for Communications
- The Hon. Kristy McBain MP, Minister for Regional Development, Local Government and Territories
- Federal Member for Flynn, Colin Boyce MP
- **Llew O'Brien MP,** Federal Member for Wide Bay

Advocacy for mental health and wellbeing of South Burnett residents:

- The Hon Mark Butler MP
- The Hon Emma McBride MP

Advocacy for housing needs and outcomes for the South Burnett:

- The Hon Julie Collins MP, Minister for Housing, Homelessness and Small Business

Advocacy for the Country University Centre in the South Burnett:

- Senator the Hon Anthony Chisholm, Assistant Minister for Education and Regional Development

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

Against: Nil

CARRIED 7/0

MOTION

COMMITTEE RESOLUTION 2023/169

Moved: Cr Gavin Jones
Seconded: Cr Danita Potter

That report 8.1 - South Burnett Regional Council Acceptable Request Guidelines Policy – Statutory004 be addressed next on the agenda.

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

Against: Nil

CARRIED 7/0

Attendance:
At 10:02am, Manager Finance & Sustainability Kerri Anderson left the meeting via teams.
At 10:06am, Manager Finance & Sustainability Kerri Anderson returned to the meeting via teams.

8.1 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL ACCEPTABLE REQUEST GUIDELINES POLICY - STATUTORY004

COMMITTEE RESOLUTION 2023/170

Moved: Cr Gavin Jones
Seconded: Cr Jane Erkens

That the Committee recommends to Council:

That the South Burnett Regional Council Acceptable Request Guidelines Policy – Statutory004 be adopted as amended with the insertion of the Manager's positions in the table in 3.1.1 and the afterhours on call.

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

Against: Nil

CARRIED 7/0

8.1.1 QUESTION ON NOTICE - LEGAL ADVICE

Question on Notice received from Cr Kirstie Schumacher:

What has been the actutal expenditure to date for seeking legal advice compared to the budgeted amount for this financial year and can a summary of what legal advice has been sought be brought back to a future standing committee meeting?

8.1.2 QUESTION ON NOTICE – COUNILLOR REQUEST FOR INFORMATION

Question on Notice received from Cr Kirstie Schumacher:

How many requests for information have been received and do we track the time and/or the expenditure on these requests?

Attendance:
At 10:19am, Cr Danita Potter left the meeting.
At 10:21am, Cr Danita Potter returned to the meeting.
At 10:26am, Manager Environment & Planning Darryl Brooks entered the meeting.
At 10:26am, Coordinator Development Services David Hursthouse entered the meeting.

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

COMMITTEE RESOLUTION 2023/171

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 & Paralympics Portfolio Report to Council be received.

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

Against: Nil

CARRIED 7/0

7.1.1 WBBROC REACTIVATION

COMMITTEE RESOLUTION 2023/172

Moved: Cr Brett Otto
Seconded: Cr Kirstie Schumacher

That the Committee recommends to Council that:

Council delegates to the Chief Executive Officer authority to engage with WBBROC as to proactive engagement and dialogue in reframing and reactiviation the WBBROC as a matter of strategic priority.

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

Against: Nil

CARRIED 7/0

MOTION

COMMITTEE RESOLUTION 2023/173

Moved: Cr Kirstie Schumacher
Seconded: Cr Scott Henschen

That the confidential section 19 be addressed next in the agenda following morning tea.

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

Against: Nil

CARRIED 7/0

ADJOURN MORNING TEA

COMMITTEE RESOLUTION 2023/174

Moved: Cr Scott Henschen
Seconded: Cr Gavin Jones

That the meeting adjourn for morning tea.

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

Against: Nil

CARRIED 7/0

RESUME MEETING

COMMITTEE RESOLUTION 2023/175

Moved: Cr Kirstie Schumacher
Seconded: Cr Scott Henschen

That the meeting resume at 10:58am.

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

Against: Nil

CARRIED 7/0

Attendance:
At the resumption of the meeting Manager People & Culture Rebecca Humphrey was present at the meeting.

19 CONFIDENTIAL SECTION

COMMITTEE RESOLUTION 2023/176

Moved: Cr Danita Potter
Seconded: Cr Kathy Duff

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*:

19.2 Planning & Environment Court Appeals

This matter is considered to be confidential under Section 254J - e 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 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.

19.1 Performance Review Chief Executive Officer - 2023

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.

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

Against: Nil

CARRIED 7/0

Attendance:
At 11:00am, Cr Kirstie Schumacher left the meeting having earlier informed the meeting of a declarable conflict of interest in **Item 19.2**, and her decision to voluntarily not participate in the decision on this matter, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and the Mayor took the chair.

At 11:00am, Cr Danita Potter left the meeting having earlier informed the meeting of a declarable conflict of interest in **Item 19.2**, and her decision to voluntarily not participate in the decision on this matter, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed.

At 11:01am, Cr Scott Henschen left the meeting having earlier informed the meeting of a declarable conflict of interest in **Item 19.2**, and her decision to voluntarily not participate in the decision on this matter, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed.

At 11:23am, Manager Environment and Planning Darryl Brooks left the meeting.
At 11:23am, Coordinator Development Services David Hursthouse left the meeting.
At 11:24 am, Cr Danita Potter returned to the meeting.
At 11:24 am, Cr Kirstie Schumacher returned to the meeting and resumed the chair.
At 11:24 am, Cr Scott Henschen returned to the meeting.
At 11:42 am, Cr Danita Potter left the meeting.
At 11:44 am, Cr Danita Potter returned to the meeting.

COMMITTEE RESOLUTION 2023/177

Moved: Cr Kirstie Schumacher
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, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 7/0

Attendance:
At 11:50am, General Manager Finance & Corporate Susan Jarvis left the meeting.
At 11:54am, General Manager Finance & Corprate Susan Jarvis returned to the meeting.

At 12:16 pm, Cr Kirstie Schumacher left the meeting having earlier informed the meeting of a declarable conflict of interest in **Item 19.2**, and her decision to voluntarily not participate in the decision on this matter, left the place at which the meeting was held, including any area for the public and stayed away while the matter was voted on and the Mayor Otto took the chair.

At 12:16 pm, Cr Danita Potter left the meeting having earlier informed the meeting of a declarable conflict of interest in **Item 19.2**, and her decision to voluntarily not participate in the decision on this matter, left the place at which the meeting was held, including any area for the public and stayed away while the matter was voted on.

At 12:16 pm, Cr Scott Henschen left the meeting having earlier informed the meeting of a declarable conflict of interest in **Item 19.2**, and her decision to voluntarily not participate in the decision on this matter, left the place at which the meeting was held, including any area for the public and stayed away while the matter was voted on.

19.2 PLANNING & ENVIRONMENT COURT APPEALS

COMMITTEE RESOLUTION 2023/178

Moved: Cr Kathy Duff
Seconded: Cr Jane Erkens

That Council note the report for information.

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

Against: Nil

CARRIED 4/0

19.2.1 MCU21/0001 (79 & 81 HALY STREET, WONDAI)

COMMITTEE RESOLUTION 2023/179

Moved: Cr Kathy Duff
Seconded: Cr Gavin Jones

That the Committee recommend to Council that:

Council delegate authority to the Chief Executive Officer to mediate and resolve Planning & Environment Court Appeal *2922/22 VB 1884 Pty Ltd v South Burnett Regional Council* in relation to MCU21/0001 (79 & 81 Haly Street, Wondai - Service Station and ancillary food and drink outlet and shop) on behalf of Council.

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

Against: Nil

CARRIED 4/0

Attendance:
At 12:17pm, Cr Danita Potter returned to the meeting.
At 12:17pm, Cr Kirstie Schumacher returned to the meeting and resumed the chair.
At 12:18pm, Cr Scott Henschen returned to the meeting.

19.1 PERFORMANCE REVIEW CHIEF EXECUTIVE OFFICER - 2023

COMMITTEE RESOLUTION 2023/180

Moved: Cr Danita Potter
Seconded: Cr Kathy Duff

That the Committee recommends to Council:

That Council:

1. Receives the report on the Chief Executive Annual Performance Review; and
2. Authorise the Mayor and Deputy Mayor to progress the review with Windsor Group as per the original proposal attached to this report.
3. That Council engage an independent facilitator with the full Council and CEO to establish KPI's for 23/24 financial year to be adopted at the June Ordinary Meeting.

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

Against: Nil

CARRIED 7/0

Attendance:
At 12:20pm, Coordinator Corporate Karen Searle returned to the meeting.
At 12:22pm, Strategic Procurement Coordinator Lousie Reidy returned to the meeting.

7.2 LOCAL GOVERNMENT REMUNERATION COMMISSION COUNCIL CATEGORY REVIEW

COMMITTEE RESOLUTION 2023/181

Moved: Cr Danita Potter
Seconded: Cr Scott Henschen

That the report be received for information and that a report be brought to a future Liveability, Governance & Finance Standing Committee Meeting as part of the review process specifically in relation to the appropriate category applying to the South Burnett Regional Council.

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

Against: Nil

CARRIED 7/0

Attendance:
At 12:24pm, Manager Financial Sustainability Kerri Anderson left the meeting via teams.
At 12:25pm, Cr Brett Otto left the meeting.
At 12:33pm, Manager People & Culture Rebecca Humphrey left the meeting.
At 12:40pm, Cr Gavin Jones left the meeting.
At 12:40pm, Manager Community & Lifestyle Jennifer Pointon entered the meeting.
At 12:42pm, Cr Gavin Jones returned to the meeting.
At 12:42pm, Manager Community & Lifestyle Jennifer Pointon left the meeting.

8 CORPORATE GOVERNANCE & STRATEGY

8.2 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL GUIDELINES FOR COUNCILLORS RECEIVING CUSTOMER REQUESTS AND COMPLAINTS POLICY - STATUTORY072

COMMITTEE RECOMMENDATION

Moved: Cr Scott Henschen
Seconded: Cr Jane Erkens

That the Committee recommends to Council:

That the South Burnett Regional Council Guidelines for Councillors Receiving Customer Requests and Complaints Policy – Statutory072 be adopted as amended.

MOTION – ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL GUIDELINES FOR COUNCILLORS RECEIVING CUSTOMER REQUESTS AND COMPLAINTS POLICY

COMMITTEE RESOLUTION 2023/182

Moved: Cr Kathy Duff
Seconded: Cr Gavin Jones

That item 8.2 lay on the table until the May Liveability, Governance and Finance Standing Committee Meeting.

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

Against: Cr Danita Potter

CARRIED 5/1

8.3 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL DEFENCE SERVICE POLICY - STATUTORY013

COMMITTEE RESOLUTION 2023/183

Moved: Cr Danita Potter
Seconded: Cr Kathy Duff

That the Committee recommends to Council:

That the South Burnett Regional Council Defence Service Policy – Statutory013 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

8.4 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL WORKPLACE HEALTH AND SAFETY POLICY - STATUTORY015

COMMITTEE RESOLUTION 2023/184

Moved: Cr Kathy Duff
Seconded: Cr Danita Potter

That the Committee recommends to Council:

That the South Burnett Regional Council Workplace Health and Safety Policy – Statutory015 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

Attendance:
At 12:56pm, Manager Coporate, Governance & Strategy Rebecca Bayntun entered the meeting.
At 12:57pm, Cr Danita Potter left the meeting.
At 12:57pm, General Manager Infrastructure Aaron Meehan left the meeting.
At 12:58pm, Cr Danita Potter returned to the meeting.
At 1:00pm, General Manager Infrastructure Aaron Meehan returned to the meeting.

8.5 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL UNREASONABLE CUSTOMER CONDUCT POLICY - STRATEGIC033

COMMITTEE RESOLUTION 2023/185

Moved: Cr Danita Potter
Seconded: Cr Jane Erkens

That the Committee recommends to Council:

That the South Burnett Regional Council Unreasonable Customer Conduct Policy – Strategic033 be adopted as presented.

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

Against: Cr Kathy Duff

CARRIED 5/1

8.6 CONFIRMING COUNCILS ATTENDANCE AT LOCAL GOVERNMENT ASSOCIATION QUEENSLAND (LGAQ) ANNUAL CONFERENCE 2023, LGAQ BUSH COUNCILS CONVENTION 2023 AND LGAQ QUEENSLAND DISASTER MANAGEMENT CONFERENCE 2023

COMMITTEE RESOLUTION 2023/186

Moved: Cr Gavin Jones
Seconded: Cr Scott Henschen

That the Committee recommends to Council:

1. That Cr Potter attend the LGAQ Queensland Disaster Management Conference 2023.
2. That Crs Potter, Erkens, Henschen, Jones, Schumacher and Otto attend the LGAQ biennial Bush Councils Convention 2023.
3. That Mayor Otto and Cr Jones attend the Annual LGAQ Annual Conference 2023 as delegates and Cr Erkens as the reserve and the following as observers Cr Schumacher, Cr Henschen and Cr Potter.

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

Against: Nil

CARRIED 6/0

ADJOURN LUNCH

COMMITTEE RESOLUTION 2023/187

Moved: Cr Scott Henschen
Seconded: Cr Gavin Jones

That the meeting adjourn for lunch and resume at 2pm.

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

Against: Nil

CARRIED 6/0

RESUME MEETING

COMMITTEE RESOLUTION 2023/188

Moved: Cr Kirstie Schumacher
Seconded: Cr Danita Potter

That the meeting resume at 2.01pm.

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

Against: Nil

CARRIED 5/0

Attendance:
At the resumption of the meeting Manager Community & Lifestyle Jennifer Pointon was present.
At the resumption of the meeting General Manager Infrastructure was not present.
At the resumption of the meeting Cr Scott Henschen was not present.

9 FINANCE & SUSTAINABILITY

9.1 LOCAL GOVERNMENT MUTUAL SERVICES - MEMBER UPDATE

COMMITTEE RESOLUTION 2023/189

Moved: Cr Danita Potter
Seconded: Cr Jane Erkens

That the Local Government Mutual Services – Member Update be received for information.

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

Against: Nil

CARRIED 5/0

Attendance:
At 2:03pm, General Manager Infrastructure Aaron Meehan returned to the meeting.
At 2:05pm, Cr Scott Henschen returned to the meeting.

9.2 ELECTRICITY SAVINGS - TARIFF REVIEW

COMMITTEE RESOLUTION 2023/190

Moved: Cr Gavin Jones
Seconded: Cr Danita Potter

That Council receive for information the potential savings from a change in Tariff for the site.

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

Against: Nil

CARRIED 6/0

9.2.1 QUESTION ON NOTICE - SOLAR PANELS NANANGO VISITOR INFORMATION CENTRE

Question on Notice received from Cr Jane Erkens:

Has there been any savings with the solar panels being on the Nanango Visitor Information Centre?

Attendance:
At 2:15pm, General Manager Infrastructure Aaron Meehan left the meeting.

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

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

COMMITTEE RESOLUTION 2023/191

Moved: Cr Danita Potter
Seconded: Cr Scott Henschen

That Cr Potter's Community Development, Arts & Heritage and Library Services Portfolio Report to Council 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

10.2 COMMUNITY AND LIFESTYLE OPERATIONAL UPDATE

COMMITTEE RESOLUTION 2023/192

Moved: Cr Scott Henschen
Seconded: Cr Danita Potter

That the Community and Lifestyle Operational Update be received.

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

Against: Nil

CARRIED 6/0

Attendance:
At 2:18pm, Coordinator Community Development Margie Hams entered the meeting.
At 2:18pm, Community Grants Officer Leisa Wilson entered the meeting.

10.3 REQUEST TO APPOINT PROXY MEMBERS TO THE ART, CULTURE AND HERITAGE ADVISORY COMMITTEE.

COMMITTEE RESOLUTION 2023/193

Moved: Cr Danita Potter
Seconded: Cr Jane Erkens

That the Committee recommend to Council:

That they appoint the following individuals as proxy members of the Arts, Culture and Heritage Advisory Committee in accordance with the Arts, Culture and Heritage Terms of Reference:

1. South Burnett Community Orchestra – Susan Mollenhauer
2. South Burnett Arts Inc. – Dafyd Martindale
3. Wondai Art Gallery – Maureen Addenbrooke
4. South Burnett Musical Comedy Society – Andrew Schloss
5. Blackbutt Art Gallery Inc. – Trish Jacobson

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

Against: Nil

CARRIED 6/0

Attendance:
At 2:23pm, General Manager Infrastructure Aaron Meehan returned to the meeting.

10.4 BLACK SUMMER BUSHFIRE GRANTS - PROJECT LIST

COMMITTEE RESOLUTION 2023/194

Moved: Cr Kathy Duff
Seconded: Cr Danita Potter

That the Committee accepts the report for information.

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

Against: Nil

CARRIED 6/0

Attendance:
At 2:35pm, Manager Environment & Planning Darryl Brooks returned to the meeting.
At 2:35pm, Coordinator Development Services David Hursthouse returned to the meeting.

11 COMMUNITY DEVELOPMENT (HEALTH, YOUTH, SENIOR CITIZENS)

11.1 FACADE IMPROVEMENT PROGRAM - QUICK ROUND

COMMITTEE RESOLUTION 2023/195

Moved: Cr Danita Potter
Seconded: Cr Scott Henschen

That the Committee recommends to Council:

That in accordance with the approved grant budget and grant guidelines that:

Remaining funds of $95,000 be allocated for the delivery of the South Burnett Region Façade Improvement Quick Round, open to all businesses in all towns in the South Burnett holding street frontage, are open to the public and have signage visible from the street.

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

Against: Nil

CARRIED 6/0

Attendance:
At 2:37pm, Coordinator Community Development Margie Hams left the meeting.
At 2:37pm, Community Grants Officer Leisa Wilson left the meeting.

11.2 LEASE - BURNETT INLAND ECONOMIC DEVELOPMENT ORGANISATION (BIEDO)

COMMITTEE RESOLUTION 2023/196

Moved: Cr Kathy Duff
Seconded: Cr Danita Potter

That the Committee recommends to Council:

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 Lease to the valuable non-current asset which is the land comprising part of Lot 2 on CP M55124, to the Burnett Inland Economic Development Organisation (BIEDO), community organisations, other than by way of tender or auction, for a the remaining term of the current lease between Council, Burnett Inland Economic Development Organisation (BIEDO).
2. South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the Lease between Council, Burnett Inland Economic Development Organisation (BIEDO) on terms and conditions the Chief Executive Officer reasonably considers are satisfactory to Council.
3. 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 of unused shelving stored at the Old Council Office, 80 Gore Street, Murgon by way of gifting to the Burnett Inland Economic Development Organisation (BIEDO).

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

Against: Nil

CARRIED 6/0

12 PROPERTY & FACILITY MANAGEMENT

12.1 NEW COMPRESSOR FOR ENGINES AT SOUTH BURNETT ENERGY CENTRE NANANGO

COMMITTEE RESOLUTION 2023/197

Moved: Cr Jane Erkens
Seconded: Cr Gavin Jones

That the Committee recommends to Council that:

(i) The compressor for running the historical engines in the South Burnett Energy Centre, Nanango is replaced in the 22/23 financial year

(ii) The replacement of compressor is funded from the Building Capital – Condition Assessment Restricted Cash.

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

Against: Nil

CARRIED 6/0

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

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

COMMITTEE RESOLUTION 2023/198

Moved: Cr Jane Erkens
Seconded: Cr Kathy Duff

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

14 TOURISM & VISITOR INFORMATION CENTRES

14.1 TOURISM MONTHY UPDATE

COMMITTEE RESOLUTION 2023/199

Moved: Cr Gavin Jones
Seconded: Cr Danita Potter

That the Committee receive the report for information.

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

Against: Nil

CARRIED 6/0

Attendance:
At 2:49pm, Manager Community & Lifestyle Jennifer Pointon left the meeting.
At 2:50pm, General Manager Infrastructure Aaron Meehan left the meeting.
At 2:55pm, General Manager Infrastructure Aaron Meehan returned to the meeting.

15 PORTFOLIO - REGIONAL DEVELOPMENT, DEVELOPMENT SERVICES, COMMUNITY & SOCIAL HOUSING

15.1 REGIONAL DEVELOPMENT, DEVELOPMENT SERVICES AND COMMUNITY & SOCIAL HOUSING PORTFOLIO REPORT

COMMITTEE RESOLUTION 2023/200

Moved: Cr Kirstie Schumacher
Seconded: Cr Kathy Duff

That Cr Schumacher's Regional Development, Development Services and Community & Social Housing Portfolio Report to Council 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

16 REGIONAL DEVELOPMENT (INDUSTRY, AGRICULTURE, WATER SECURITY, ENERGY AND CIRCULAR ECONOMY)

16.1 REGIONAL DEVELOPMENT ADVISORY COMMITTEE MEETING 2ND MARCH 2023

COMMITTEE RESOLUTION 2023/201

Moved: Cr Kirstie Schumacher
Seconded: Cr Danita Potter

That the Regional Development Advisory Committee Minutes dated 2 March 2023 be received.

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

Against: Nil

CARRIED 6/0

Attendance:
At 3:03pm, Manager Environment & Planning Darryl Brooks left the meeting.

16.2 MATERIAL CHANGE OF USE FOR THE USE SHORT TERM ACCOMMODATION 84M2 GFA (WITHING A SECONDARY DWELLING) AT 17 FORK HILL DRIVE, MOFFATDALE (AND DESCRIBED AS LOT 22 ON SP221464). APPLICANT: LUSSO RETREATS PTY LTD C/- ONF SURVEYORS

COMMITTEE RESOLUTION 2023/202

Moved: Cr Jane Erkens
Seconded: Cr Danita Potter

That the report be received for information and note the CEO's delegation to approve.

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

Against: Nil

CARRIED 6/0

Attendance:
At 3:10pm, Manager Environment & Planning Darryl Brooks returned to the meeting.

17 DEVELOPMENT SERVICES - (PLANNING, BUILDING, PLUMBING)

17.1 PLANNING AND LAND MANAGEMENT OPERATIONAL UPDATE

COMMITTEE RESOLUTION 2023/203

Moved: Cr Danita Potter
Seconded: Cr Scott Henschen

That the Planning and Land Management Operational update 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

17.2 DELEGATED AUTHORITY REPORTS (1 MARCH 2023 TO 31 MARCH 2023)

COMMITTEE RESOLUTION 2023/204

Moved: Cr Gavin Jones
Seconded: Cr Jane Erkens

That the Delegated Authority report be received.

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

Against: Nil

CARRIED 6/0

17.3 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT

COMMITTEE RESOLUTION 2023/205

Moved: Cr Scott Henschen
Seconded: Cr Kathy Duff

That the List of correspondence pending completion of assessment report as of 3 April 2023 be received.

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

Against: Nil

CARRIED 6/0

Attendance:
At 3:16pm, Manager Environment & Planning Darryl Brooks left the meeting.
At 3:16pm, Coordinator Development Services David Hursthouse left the meeting.

18 QUESTIONS ON NOTICE

18.1 DIVISIONAL SPEND MEDIA/COMM STRATEGY

COMMITTEE RESOLUTION 2023/206

Moved: Cr Danita Potter
Seconded: Cr Kathy Duff

That the response to the question regarding Divisional Spend Media/Comms Strategy raised by Mayor Otto be received and noted.

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

Against: Nil

CARRIED 6/0

18.2 PROCUREMENT POLICY

COMMITTEE RESOLUTION 2023/207

Moved: Cr Kathy Duff
Seconded: Cr Kirstie Schumacher

That the response to the question regarding the Procurement Policy raised by Councillor Kathy Duff be received and noted.

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

Against: Nil

CARRIED 6/0

18.2.1 PROCUREMENT POLICY

COMMITTEE RECOMMENDATION

Moved: Cr Kathy Duff
Seconded: Cr Kirstie Schumacher

That the Committee recommends to Council that:

Council amends its Procurement Policy to require that all Local Buy contracts over $200,000 must be approved by Council before being awarded the contract.

MOTION – PROCUREMENT POLICY

COMMITTEE RESOLUTION 2023/208

Moved: Cr Kathy Duff
Seconded: Cr Kirstie Schumacher

That the matter lay on the table until such time as the Procurement Policy is brought back for review.

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

Against: Cr Danita Potter

CARRIED 5/1

20 CLOSURE OF MEETING

The Meeting closed at 3.32pm.

The minutes of this meeting were confirmed at the Liveability, Governance and Finance Standing Committee Meeting held on 10 May 2023.

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CHAIRPERSON

7 NOTICES OF MOTION

7.1 NOTICE OF MOTION - REGIONAL ECONOMIC FUTURES FUND

File Number: 10-05-2023

I, Councillor Kirstie Schumacher, give notice that at the next Liveability, Governance and Finance Standing Committee Meeting of Council to be held on 10 May 2023, I intend to move the following motion:

MOTION

That the Committee recommends to Council:

- Council endorses the attached South Burnett Just Transition briefing paper requesting $9.35M (in the first instance) from the Regional Economic Futures Fund to enable Council to project manage and progress the following proposed scope of works with KBR:

Activity	Cost estimate
Demand and viability assessment of the Boondooma to Tarong Pipeline	$0.6 million
Gordonbrook Dam Detailed Business Case	$2.5 million
Blackbutt irrigation Detailed Business Case	$2.5 million
Gordonbrook Dam targeted environmental assessments	$0.5 million
Blackbutt irrigation targeted environmental assessments	$0.5 million
Gordonbrook EIS terms of reference	$0.25 million
Procurement, project management, oversight, contract management and governance.	$1.0 million
Contingency (10%)	$1.5 million
Total	**$9.35 million**
FURTHER PROJECTS: ***Awaiting funding announcement***	
The Barlil Weir project has been submitted by SunWater to the National Water Infrastructure Development Fund – if the project is not funded, the following funds will also be sort to continue the Barlil Weir project:	
Barlil Weir Detailed Business Case	$6 million
Barlil Weir targeted environmental assessments	$0.5 million
Barlil Weir EIS terms of reference	$0.25 million
TOTAL	**$6.75 million**

- That arrangements be made to meet in person and present a copy of this briefing paper to the Premier of Queensland, Annastacia Palaszczuk MP, Deputy Premier Hon Dr Steven Miles MP, Minister for State Development, Infrastructure, Local Government and Planning and Mick de Brenni MP, Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement.

RATIONALE

South Burnett Regional Council has been taken an active role in developing a plan and working with local stakeholders for over five years now to improve the region's water security and grow our agricultural outputs. Our plans are well developed and are built on the Queensland Government endorsed business case approach. The purpose of this advocacy is to enable Council carriage to continue this locally led process being that Council has the knowledge, professionalism and governance systems to manage the next stage of the progress the work undertaken to date. To maintain momentum, we would welcome the opportunity to work with state government to discuss the following proposed scope of works further and refine our thinking to ensure value for money and shovel ready outcomes for the region.

Based on the information contained in the attached briefing paper, the anticipated budget for the demand assessment and shovel readiness activities will be as follows:

Activity	Cost estimate
Demand and viability assessment of the Boondooma to Tarong Pipeline	$0.6 million
Gordonbrook Dam Detailed Business Case	$2.5 million
Blackbutt irrigation Detailed Business Case	$2.5 million
Gordonbrook Dam targeted environmental assessments	$0.5 million
Blackbutt irrigation targeted environmental assessments	$0.5 million
Gordonbrook EIS terms of reference	$0.25 million
Procurement, project management, oversight, contract management and governance.	$1.0 million
Contingency (10%)	$1.5 million
Total	**$9.35 million**
FURTHER PROJECTS: ***Awaiting funding announcement***	
The Barlil Weir project has been submitted by SunWater to the National Water Infrastructure Development Fund – if the project is not funded, the following funds will be sort to continue the Barlil Weir project:	
Barlil Weir Detailed Business Case	$6 million
Barlil Weir targeted environmental assessments	$0.5 million
Barlil Weir EIS terms of reference	$0.25 million
TOTAL	**$6.75 million**

KBR have indicated is possible to have three completed business cases, and the targeted environmental assessments, completed within 12 months.

We have sought to benchmark these activities against other recently commissioned similar projects.

The demand and viability assessment for the Boondooma pipeline is similar to the investigations that the council has already undertaken for Barlil Weir, Gordonbrook Dam and Blackbutt. These investigations included a demand assessment and then a viability assessment of specific proposals. The Boondooma investigation has a similar scope and magnitude. Council funded this investigation through a Commonwealth grant and the total fee was approximately $600,000.

The Government is undertaking three regional water assessments, at a cost of $3.6 million each. The demand assessment only is approximately $550,000 for three areas.

Accordingly, we consider that providing a budget of $600,000 is reasonable.

A number of detailed business cases have been undertaken under the NWGA funding program. Therefore, the effort and cost is well understood. These are large bodies of work, and the State Department of Water considers that between 5,000 and 10,000 hours is required to deliver a detailed business case in a manner that is consistent with the requirements of the Queensland Government, Queensland Treasury, and Infrastructure Australia.

Accordingly, for three DBCs, it could be expected to cost take 15,000 to 30,000 hours. In addition to this effort, should a project be need additional geotechnical or environmental investigations, this can add substantially to the cost. This is common for water storages and pipelines.

As a benchmark, other single DBCs were provided with the following level of funding:

Detailed Business Case	Scope of project	Funding provided
Burdekin to Bowen pipeline	To investigate a pipeline only project to take water from the Burdekin River to Bowen. Includes some pre-construction activities.	$5 million
Hughenden Irrigation Project	To investigate an off stream storage and pipeline network. Includes some pre-construction activities	$10 million
Water for the Lockyer	To investigate a pipeline only project to supply 34,000 ML to irrigators in the Lockyer Valley	$1.4 million
Emu Swamp Dam	To investigate the construction of a 12,000 ML dam and distribution network.	$3.5 million
Cooranga Weir	A very similar weir in the neighbouring region has sought funding for a detailed business case. Funding is yet to be approved.	$7.7 million

The economic road map recommend a number of actions over the next 25 years. The total cost of these actions was estimated to be $300 million, which is more that the total current REFF funding. However, there is enormous value in continuing with the momentum of the road map and undertaking the final suite of planning and detailed business cases that would enable these water projects to be built.

There are two broad steps to undertake:

1. Demand assessment along the pipeline
2. Getting shovel ready.

By endorsing this motion, Council agrees and considers that the next steps are:

- Meet with state government to discuss this proposal and continue to brief the relevant departments on findings of the economic roadmap.
- Provide briefings to the relevant DGs and Ministers.

LINK TO CORPORATE PLAN:

IN7 - Develop a secure and reliable urban and rural water supply system through increased allocations, upgraded and renewed infrastructure and pricing models

GR4 - Support and advocate for the development of an expanded and diversified agricultural economy, which may include, for example regenerative agriculture and centre for rural excellence and innovation.

GR12 - Progress the 25 year Economic Roadmap as a priority project further to the National Water Infrastructure Development Fund (NWIDF) Water Feasibility Study.

GR13 - Advocate for and support the options short list as identified in the National Water Infrastructure Development Fund (NWIDF) Water Feasibility Study - North and South Burnett Options Analysis.

GR14 - Support our community and key stakeholders to build a plan for our region's eventual coal transition.

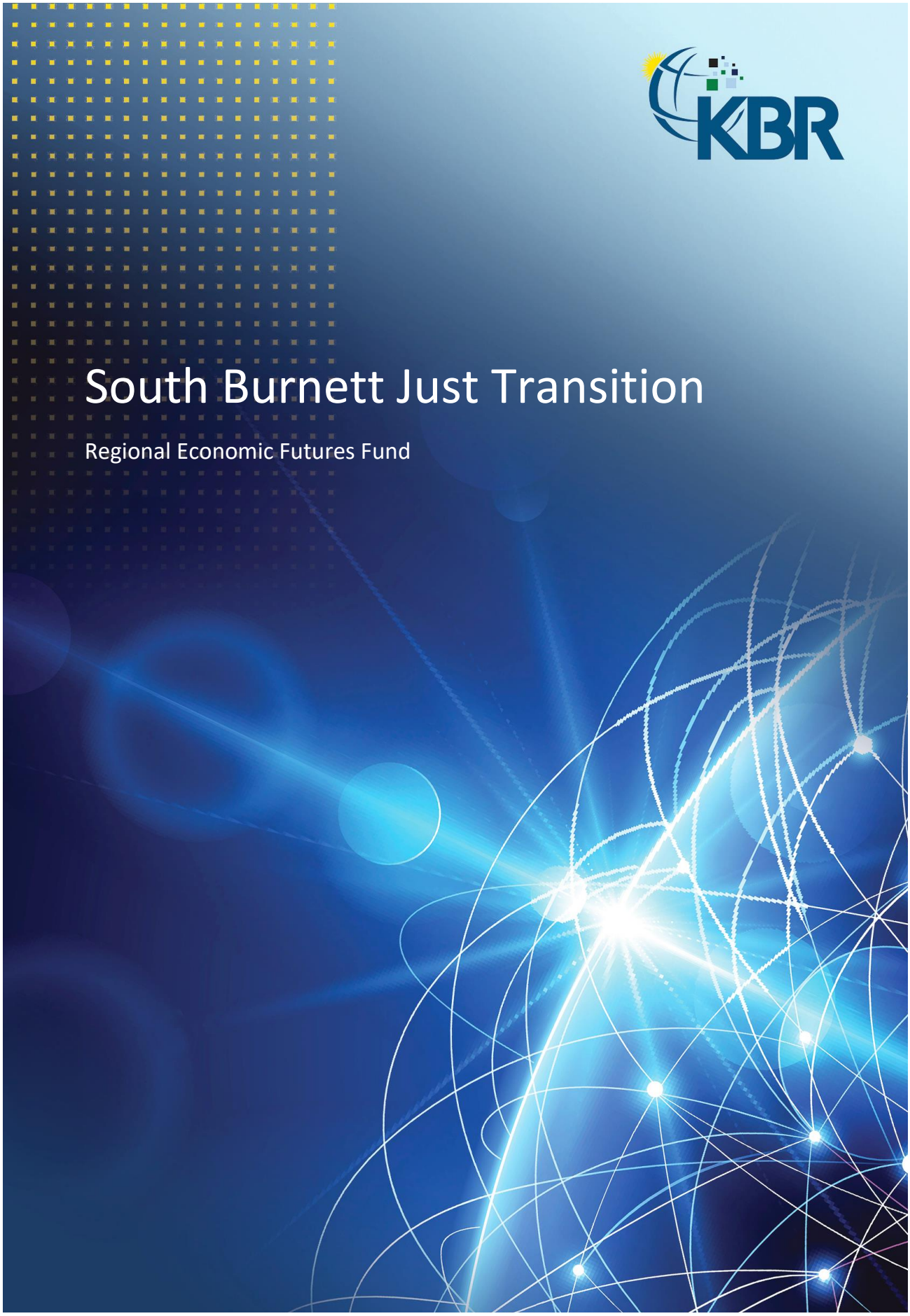
I commend this Notice of Motion to Council.

ATTACHMENTS

1. v3 Regional Economic Futures Fund Application - 10 April 2023 ⇩

South Burnett Just Transition

Regional Economic Futures Fund



Regional Economic Futures Fund

South Burnett Just Transition

Regional Economic Futures Fund

Appendix Choose an item. –

Regional Economic Futures Fund

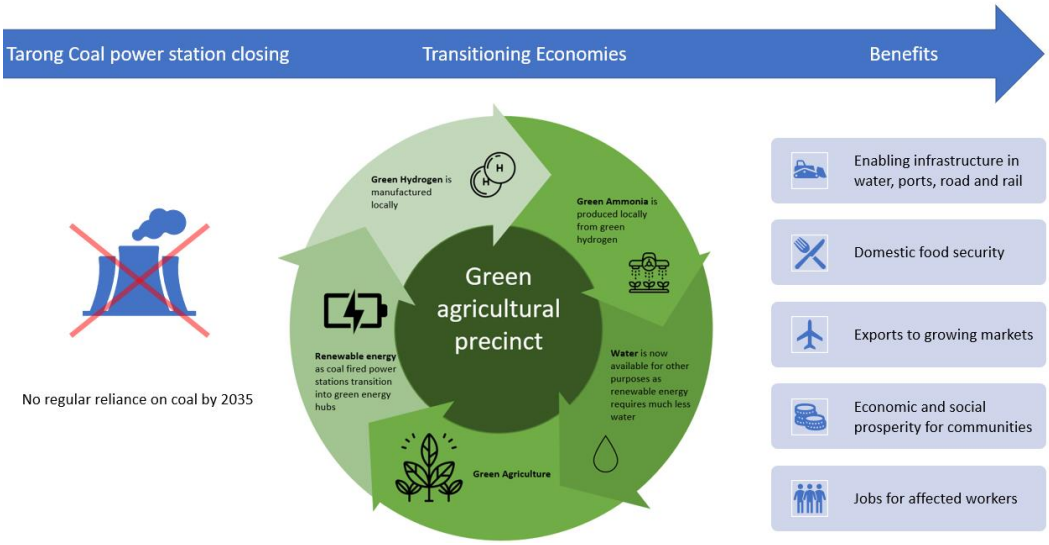
The Queensland Energy and Jobs plan set out the Government's plan to transition to a clean energy future. This will have large impacts on regional communities that currently rely on coal fired power generation for employment and local prosperity.

However, the Premier has pledged not to leave regional workers or communities behind, and to work with communities to develop regional economic futures strategies for regions with existing coal plants.

Specifically, the Queensland Government is establishing a new $200 million Regional Economic Futures Fund (REFF) to support economic and community development initiatives. The Government has committed to working with communities during 2023 to outline the approach for delivering this fund.

The South Burnett Regional Council has been proactively investigating approaches to ensure ongoing regional prosperity through the energy transition. We have developed a 25-year roadmap that will fully respond to the employment and social challenges while the Tarong power station transitions from a coal-fired power station to a green energy hub.

Importantly, our plan is to develop a green agricultural precinct that will assist Queensland and Australia to reach our collective climate goals, through the development of a green agricultural precinct that will employ net zero initiatives.



The economic road map sets out a pathway for the decade long transition for the South Burnett region. The funding for this transition will come from multiple sources, and we believe that the REFF can be critical support and funder for the transition. The purposes, goals and approach of the economic roadmap closely aligns with the REFF, and South Burnett can become a great example of Government support in regional Queensland.

The balance of this paper set out the key aspects of the economic road map, and proposes some early next steps, for discussion.

1.1 ROAD MAP TOWARDS A STRONG REGIONAL ECONOMY

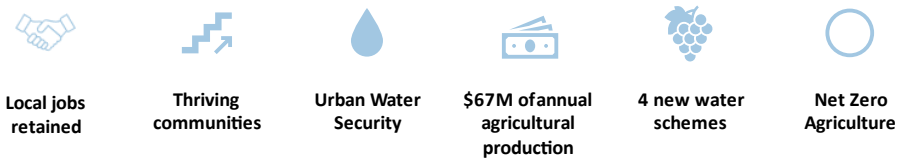
The South Burnett region has great agricultural potential. There is an opportunity to foster and grow this potential while supporting Queensland's transition to a cleaner-energy state. The economic road map describes how to support the economy, and provide jobs, while the region transitions from coal fired power generation to become a renewable energy hub.

This Economic Road Map will create 732 jobs and $111 million of additional annual agricultural production.

This Economic Road Map represents the best way for the South Burnett to transition to a new, green economy. As the Queensland Energy Plan delivers energy security, this road map will deliver food security for a growing South East Queensland population and local employment for transitioning workers.

South Burnett has substantial opportunity to become an agricultural powerhouse, feeding locals and establishing new export markets. The region has the right soil, favourable climate, growing markets and generations of farming expertise. The only limitation is water availability.

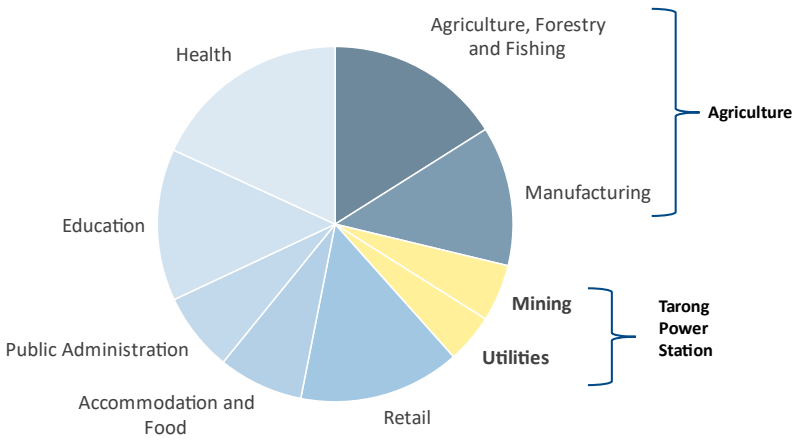
However, by using only one third of the water stored in Boondooma Dam that is currently used in the coal-fired power station, and $300 million of additional investment, four new water schemes could be developed. This commitment will result in a new agricultural powerhouse.



1.2 THE FUTURE OF THE SOUTH BURNETT

Currently, approximately 30% of jobs are in agricultural production and food processing. A further 9% of employment is provided by Tarong Power Station and the associated Meandu mine.

Figure 0.1 South Burnett employment



1.3 TARONG POWER STATION

The state-owned Tarong Power Station is scheduled to transition to a clean energy hub to provide critical system strength, storage, and firming services rather than coal-fired generation by 2035. Governments around the world have committed to decreasing carbon dioxide emissions. In Australia, the government recently renewed its commitment to the Paris Agreement, pledging a reduction of emissions by 43% by 2030, and to net zero emissions by 2050.[1] In order to achieve this goal, across Australia almost all coal power stations are being phased out over the next 20 years.

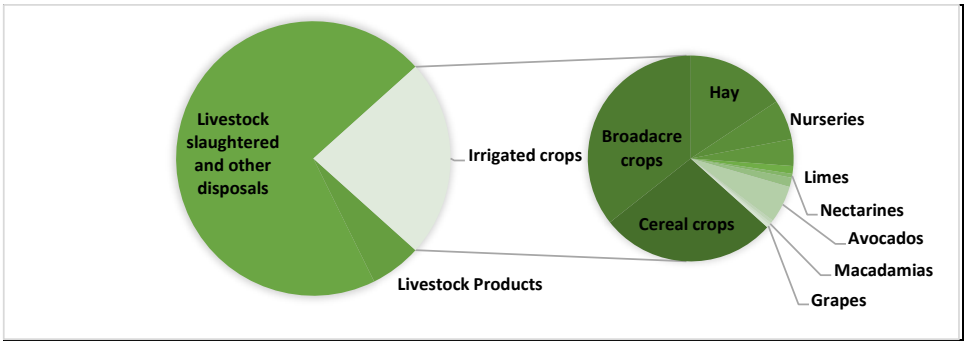
Tarong Power Station and the Meandu mine employ 732 people. The transition and closure of these assets will result is a substantial decline in employment, population and regional prosperity.

As direct jobs are lost, a further 545 local indirect jobs would be lost, leading to a total loss of population between 2,000 and 3,500. While it is understood some employees at the sites are of retirement age, the loss of employment opportunities for future generations and the indirect impacts to small business who supply goods and services to these sites are significant risks that Council would like to work with government to mitigate.

1.4 JOB-CREATING WATER INFRASTRUTURE

The Tarong Power Station has access to 30,000 ML of water from Boondooma Dam. Once the power station transitions to an energy hub, it is proposed to use the surplus water to create employment. The South Burnett has an abundance of excellent soil, growing conditions and generations of farming experience. The region already produces $360 million of agricultural production, with emerging export opportunities through the existing transport infrastructure.

Figure 0.2 Agricultural output in the South Burnett



While other industries could potentially support the transition to a clean future, agriculture is a proven job creator. By contrast, renewal energy projects create relatively few jobs. For example, the State Government has committed $776 million to the Tarong West Wind Farm to construct 150 turbines. This investment will create 15 direct ongoing jobs. By contrast, investing in water projects and agriculture, will create substantially more jobs for substantially less money.

This investigation has confirmed the viability of specific agricultural proposals that will employ locals and provide local food security and increase export opportunities. These proposals will replace the jobs lost and add $100 million to local agricultural production.

This report outlines the initial proposals to develop irrigation schemes in the South Burnett. These schemes were identified through a comprehensive Options Analysis conducted in 2020.

[1] (Department of Industry, 2022)

These three schemes include:

- Build Barlil Weir: creates 3,000 ML of 90% reliable water.
- Convert Gordonbrook into an irrigation scheme to provide 1,800 ML
- Build the Blackbutt irrigation network to supply 2,000 ML

Table 0.1 Summary of new irrigation schemes

	Barlil Weir	Gordonbrook Dam	Blackbutt irrigation	Total
Total benefits ($M)	24.0	33.6	34.4	92
Total costs ($M)	12.9	28.8	24.2	65.9
Net present value ($M)	11.1	4.8	10.2	26.1
New ongoing jobs	24	154	116	294
Water from Boondooma	0	540	2,020	2,560
Benefit–cost ratio (BCR)	**1.86**	**1.17**	**1.42**	**1.40**

The water projects identified will create almost 300 jobs. In addition to these projects, the remaining jobs can be created through building further irrigation infrastructure supplied by the existing Boondooma Pipeline supporting irrigation of high value agriculture utilising 8,000 ML of existing high priority allocation.

Further investigation is required to determine the exact location of these additional water projects. However, given the amount of highly productive soil near the existing pipeline, it is envisaged that a number of small spurs could be added to create supply nodes.

The next phase of the investigation is to identify the exact location of these projects, and confirm project viability.

1.5 TAKING THE NEXT STEPS WITH REFF

The economic road map recommend a number of actions over the next 25 years. The total cost of these actions was estimated to be $300 million, which is more that the total current REFF funding. However, there is enormous value in continuing with the momentum of the road map and undertaking the final suite of planning and detailed business cases that would enable these water projects to be built.

There are two broad steps to undertake:

1. Demand assessment along the pipeline
2. Getting shovel ready.

1.5.1 Demand Assessment along the pipeline and early viability assessment

Demand assessments have already been completed for Barlil Weir, Gordonbrook Dam and Blackbutt. These assessments concluded that there was a viable level of demand, at a reasonable price. Based on the established demand, it has been independently recommended that these projects be investigated and progressed further.

By contrast, the project to provide water to irrigators along the existing Boondooma to Tarong pipeline has only been considered at a strategic level. There are suitable soil, climate and growing conditions to support high value agriculture. Before more detailed investigations are done, it is essential that the market be tested to ensure that there is strong demand and willingness to pay for water.

The water demand process will be undertaken in accordance with the Queensland Government guidelines. It also must involve direct engagement with existing local famers, value-adding industries, existing farmers in the boarder area and investment funds who are interested in water projects. The process will include:

- Immersion in the area to meet with local farmers, and industry groups. This allows a direct understanding of the needs of potential irrigators and how water constrained they are.
- Initial willingness to pay assessment, based on a combination of crop net margin analysis, farm margin analysis and direct interviews with potential customers. This will allow for a price and product range to be developed.
- Developing an Expression of Interest form and then running the process to ensure that potential irrigators are involved. This will involve:
    - Workshops and meeting to inform potential irrigators of the opportunity
    - Distributing, receiving and collating the EOI
    - Developing a database with the customer demand, which includes potential use, volume, desired reliability, price, location, etc
- Map potential demand and develop a viable distribution network, or series of viable networks. Along the course of the pipeline, it is likely that demand nodes emerge.
- Each demand node should be separately investigated to determine which are viable, and which have the highest priority
- Develop strategic designs, and cost estimates to allow for ranking and prioritisation of each demand node. Combine this with crop types, soil types, willingness to pay.
- Conclude whether there are opportunities to deliver water through the existing pipeline to new customers.

Once this process is undertaken, the next steps would be to undertake more detailed work to confirm viability. However, before this is done, it is essential that demand is tested. Without customer demand, there is no point in other specific investigations.

1.5.2 Getting shovel ready - Detailed Business Cases

The Department of State Development oversees the business case framework. Before a project is committed to, a detailed business case should be undertaken to confirm each aspect of the project and its viability.

It is proposed that a detailed business case be conducted for each of Barlil Weir, Gordonbrook Dam and Blackbutt irrigation scheme projects. This will involve a multidisciplinary assessment of each project and effectively manage the investment risk for each project through targeted studies and recommendations. Some preliminary work on these projects has been assessed as part of SunWaters recent Bundaberg and Burnett Regional Water Assessment (BBRWA) process.

It is proposed we use this information, as well as the preliminary assessments undertaken in the South Burnett's 25 year economic roadmap as a foundation for the detailed business cases. The assessments for each project will include economic, financial, engineering, sustainability, public interest, risk, and multiple other critical assessments. The outcome will be a robust and effective recommendation on whether the project should proceed and the implementation plan to take the project from the business case through to completion.

1.5.3 Environmental Impact Statement – Terms of Reference

The proposed projects – Barlil Weir, Gordonbrook Dam and Blackbutt irrigation – will have an impact on the natural environment in the South Burnett region. The previous studies in the region, including the economic roadmap, recommended that further environmental impact assessments be conducted in relation to all three projects. The outcome of these assessments may be that one or more of the projects is suitable for coordinated process status and requires a for environmental impact statement (EIS) under *State Development and Public Works Organisation Act* 1971.

It is recommended that a set of targeted environmental assessments be undertaken for each of the three projects to inform the decisions regarding the environmental status of the projects and project areas.

Based on those assessments, a term of reference (TOR) for an EIS will potentially be required for one or more of the projects. It is expected that a TOR will be required for at least Barlil Weir, and Gordonbrook Dam.

1.6 COST AND TIMING

We have developed indictive costs and timings. This may change as a result of discussions with the Department. However, for transparency, the costs are set out below. We have sought to benchmark these activities against other recently commissioned similar projects.

The demand and viability assessment for the Boondooma pipeline is similar to the investigations that the council has already undertaken for Barlil Weir, Gordonbrook Dam and Blackbutt. These investigations included a demand assessment and then a viability assessment of specific proposals. The Boondooma investigation has a similar scope and magnitude. Council funded this investigation through a Commonwealth grant and the total fee was approximately $600,000.

The Government is undertaking three regional water assessments, at a cost of $3.6 million each. The demand assessment only is approximately $550,000 for three areas.

Accordingly, we consider that providing a budget of $600,000 is reasonable.

A number of detailed business cases have been undertaken under the NWGA funding program. Therefore, the effort and cost is well understood. These are large bodies of work, and the State Department of Water considers that between 5,000 and 10,000 hours is required to deliver a detailed business case in a manner that is consistent with the requirements of the Queensland Government, Queensland Treasury, and Infrastructure Australia.

Accordingly, for three DBCs, it could be expected to cost take 15,000 to 30,000 hours. In addition to this effort, should a project be need additional geotechnical or environmental investigations, this can add substantially to the cost. This is common for water storages and pipelines.

As a benchmark, other single DBCs were provided with the following level of funding:

Detailed Business Case	Scope of project	Funding provided
Burdekin to Bowen pipeline	To investigate a pipeline only project to take water from the Burdekin River to Bowen. Includes some pre-construction activities.	$5 million
Hughenden Irrigation Project	To investigate an off stream storage and pipeline network. Includes some pre-construction activities	$10 million
Water for the Lockyer	To investigate a pipeline only project to supply 34,000 ML to irrigators in the Lockyer Valley	$1.4 million

Appendix Choose an item. –

Detailed Business Case	Scope of project	Funding provided
Emu Swamp Dam	To investigate the construction of a 12,000 ML dam and distribution network.	$3.5 million
Cooranga Weir	A very similar weir in the neighbouring region has sought funding for a detailed business case. Funding is yet to be approved.	$7.7 million

Based on the information above, the anticipated budget for the demand assessment and shovel readiness activities will be as follows:

Activity	Cost estimate
Demand and viability assessment of the Boondooma to Tarong Pipeline	$0.6 million
Gordonbrook Dam Detailed Business Case	$2.5 million
Blackbutt irrigation Detailed Business Case	$2.5 million
Gordonbrook Dam targeted environmental assessments	$0.5 million
Blackbutt irrigation targeted environmental assessments	$0.5 million
Gordonbrook EIS terms of reference	$0.25 million
Procurement, project management, oversight, contract management and governance.	$1.0 million
Contingency (10%)	$1.5 million
Total	**$9.35 million**
FURTHER PROJECTS: *Awaiting funding announcement*	
The Barlil Weir project has been submitted by SunWater to the National Water Infrastructure Development Fund – if the project is not funded, the following funds will be sort to continue the Barlil Weir project:	
Barlil Weir Detailed Business Case	$6 million
Barlil Weir targeted environmental assessments	$0.5 million
Barlil Weir EIS terms of reference	$0.25 million
TOTAL	**$6.75 million**

We have set out the possible timing for the first 12 months of activities. It is possible to have three completed business cases, and the targeted environmental assessments, completed within 12 months. This would require the appointment of an experienced team, with substantial resource capacity.

Activity	Indicative timing
Funding committed and work begins	May 2023
Council to prepare tendering documentation	June 2020
Market response to tender and assessment	July 2023
Lead contractor commences detailed business case and targeted environmental assessments	August 2023
Completion of Detailed Business Case in accordance with Building Queensland / Infrastructure Australia requirements, geotechnical investigations and detailed design	March 2024
Completion of targeted environmental assessments	March 2024
Preparation of an EIS Terms of Reference	May 2024

1.7 ROLE OF COUNCIL – STRONG GOVERNNANCE

The council has been taking an active role in developing a plan and working with local stakeholders for five years plus. Our plans are well developed and are built on the Queensland Government endorsed business case approach.

We would ultimately like for the carriage of this process to be locally led, through an organisation separate to council. However, we consider that this first step should be undertaken by council, until this group can be established. We would welcome one of the activities to be development of this body. However, until it is established, council has the professionalism and governance systems to manage the next stage of the process. To maintain momentum, and a seamless handover, this should occur once the next tranche of activities is underway.

1.8 NEXT STEPS

We would welcome the opportunity to discuss further and refine our thinking. We consider that the next steps are:

- Meet to discuss this proposal. We would appreciate the opportunity to brief the department on findings of the economic roadmap.
- Support the department to provide briefings the DGs and Ministers.
- Agree on a scope and milestones to ensure value for money.

7.2 NOTICE OF MOTION - MURGON WATER TOWER MURAL

File Number: 10-05-2023

I, Councillor Brett Otto, give notice that at the next Liveability, Governance and Finance Standing Committee Meeting of Council to be held on 10 May 2023, I intend to move the following motion:

MOTION

That the Committee recommends to Council:

That Council engage with the Murgon community, the Murgon Business and Development Association and Stanwell Corporation as to options for the design, painting and funding of a mural on the council water tower on the Bunya Highway at the western town entry.

RATIONALE

The tower is ideally suited to a mural that would complement the murals at Nanango, Kingaroy and Blackbutt.

The attached Mural is at Augathella.

CORPORATE PLAN

EC4 Develop and implement a regionally themed Arts, Culture and Heritage Strategic Plan incorporating all of our communities.

I commend this Notice of Motion to Council.

ATTACHMENTS

1. Augathella Mural

7.3 NOTICE OF MOTION - GARDEN BED - CORNER OF MACKENZIE & BRAMSTON STREETS, WONDAI

File Number: 04-05-2023

I, Councillor Brett Otto, give notice that at the next Liveability, Governance & Finance Meeting of Council to be held on 10 May 2023, I intend to move the following motion:

MOTION

The Committee recommends to Council:

That council remove the current shrubs and plants within the garden bed at the intersection of MacKenzie and Bramston streets, Wondai and plant appropriate low plants and flowers.

RATIONALE

The community has raised this issue on a number of occasions.

Ongoing customer requests have been submitted.

The current shrubs create a visibility issue when turning right out of Bramston street.

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) shrubs and flower planting programme.

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil

7.4 NOTICE OF MOTION - PLANTER BOXES IN WONDAI

File Number: 10-05-2023

I, Councillor Kathy Duff, give notice that at the next Liveability, Governance and Finance Standing Committee Meeting of Council to be held on 10 May 2023, I intend to move the following motion:

MOTION

That the Committee recommends to Council that:

- Council relocates the planter box from the front of the closed plumbing works in Wondai to the front of the chemist shop at 64 McKenzie St, Wondai;
- Council plants flowers in the planter boxes to add colour to the CBD area;
- Council approaches the business owners in Wondai that have planter boxes outside their shops and ask if they would agree to water and maintain the plants.

RATIONALE

A resident Wondai has been asking for over a year if the planter box in front of the old plumbing works in Wondai could be moved to in front of their shop. Heather said that if Council moves the box to the footpath outside their shop and puts the plants in it then they will weed and water the box and maintain it. The resident suggested that all businesses with planter boxes be asked to do the same. They are confident that this can be achieved.

CORPORATE PLAN

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

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil

7.5 NOTICE OF MOTION - PREPARATIONS FOR NANANGO'S 175TH CELEBRATIONS

File Number: 10-05-2023

I, Councillor Kathy Duff, give notice that at the next Liveability, Governance and Finance Standing Committee Meeting of Council to be held on 10 May 2023, I intend to move the following motion:

MOTION

That the Committee recommends to Council that:

- Council pressure clean the CBD Nanango footpaths, clean around the bins and do an extra special job with the parks and gardens in preparation and prior to the main event of the 10th of June 2023.
- Council provide a marquee to sell merchandise and that we ask staff if there is anyone who would like to volunteer to sell memorabilia for the committee.
- Council provide a full bin service for the day in consultation with the committee
- Council put some planter boxes with bright flowers in the streets to add some colour to enhance the streets for the celebration as requested over a number of years.

RATIONALE

I attended a recent meeting of NATDA where they were talking about the celebration and as Parks and Gardens Portfolio Holder I was asked to follow up on these issues to ensure that the town looks as good as it can for the 175th celebrations.

CORPORATE PLAN

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

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil

7.6 NOTICE OF MOTION - DUMP POINT FOR WONDAI SHOWGROUNDS

File Number: 10-05-2023

I, Councillor Kathy Duff, give notice that at the next Liveability, Governance and Finance Standing Committee Meeting of Council to be held on 10 May 2023, I intend to move the following motion:

MOTION

That the Committee recommends to Council that:

Council work with the Wondai Showground Management Committee to design and cost a Dump Point for the Showgrounds including liaising with the CMCA for a possible subsidy.

Council consider any additional cost above the subsidy in the 2023/2024 budget.

RATIONALE

I attended a meeting of the Wondai Showground Management Committee and was asked if Council could work with their committee to position and fund a Dump Point on the grounds. They are receiving numerous requests from travellers to provide a Dump Point. The caravans and motor homes are a major source of income for the committee and a Dump Point would make it more inviting and attractive to the travellers.

CORPORATE PLAN

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

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil

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

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

File Number: **10-05-2023**

Author: **Mayor**

Authoriser: **General Manager Infrastructure**

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:

Council participated in Privacy Awareness Week ('PAW') – 'Privacy 101: Back to basics' from 1-7 May 2023. Being part of the Queensland public sector, Council has a responsibility to uphold privacy rights and protect and respect information. The PAW week launch took place on 2 May 2023 with information security expert Mr Troy Hunt, CEO of 'Have I been Pawned', followed by a panel discussion with industry experts. The livestream can be accessed at oic.qld.gov.au/PAW2023.

The Customer Service team continue to triage customer counter and telephone enquiries in accordance with the guidelines as set out in the Customer Service Charter. The Blackbutt Office which includes QGAP and Services Australia functions have processed 1,859 transactions this financial year and issued 205 new number plates to customers.

Corporate and Governance staff attended the quarterly Governance Village Exchange webinar coordinated by LGMA. The webinars are attended by Governance, Corporate and other staff from the majority of Council's in Queensland. The main topic during the session was Body Worn Cameras. Discussions took place on what policies and procedures each Council has in place (if any) regarding BWC.

Communications/Media:

In April 2023, the Media and Communications team progressed the following:

- Media Releases x 38
- Media enquiries (via the Media email) x 14
- Social Media:
    - Facebook: x 109 Posts

  - Instagram: x 52 Posts
  - LinkedIn: x 2 Posts
  - Twitter: x 9 Posts
- Printed advertising x 4
- Graphic design x 70

A list of all media release/enquiries and statistics for April 2023 is available as an attachment to this report.

People and Culture:

Following the nominal expiration of the Field and Officers Agreements 2020, Council commenced a bargaining period with relevant unions and staff. On Tuesday 2 May 2023, the proposed Officers and Field agreements were successfully voted in favour for by Council staff. Applications will now be lodged with the Queensland Industrial Relations Commission to certify the agreements. In addition, refresher training was held supervisors and managers in Workplace Health and Safety Act due diligence.

Finance & Sustainability:

At the end of April 2023, Council held $57.94 million in cash and cash equivalents with $47.66 million invested with the Queensland Treasury Corporation (QTC).

Water meter readings have commenced and some water meters are being replaced under the water meter replacement program.

Rates pensioner verification will take place this month via data matching with Centrelink. Pensioners with unmatched data will be advised via post.

ICT & Business Systems:

Business systems have partnered with the rates team to work through and progress a number of process improvements and efficiency items identified as part of the rates review. The objective is to improve the time taken to complete everyday business task and improve the accuracy of the data.

Additionally asset bookings, the first of many improvements discovered through the Plant and Fleet review has moved into the testing phase. An identified fault where a user could request to double book a vehicle which would create a duplicate entry has now been resolved. Business systems will continue to work with the Plant and Fleet team to further progress a range of improvement items.

BACKGROUND

Nil

ATTACHMENTS

1. April 2023 Monthly Media Report ⇩

Media Releases – April 2023: 38

1. 325. Media Release - 22-03-2023 - Approval granted for the 500th Community Housing Development
2. 326. Media Release - 03-04-2023 - Coffee, Cake and Chat in Nanango
3. 327. Media Release - 03-04-2023 - Mental Health First Aid Training
4. 328. Public Notice 05-04-2023 - Wondai CBD Streetscape Community Consultations
5. 329. Public Notice 05-04-2023 - Upcoming Maintenance on Brisbane Valley Rail Trail
6. 330. Public Notice - 05-04-2023 - School Transport Infrastructure Program Funding Announcement
7. 331. Public Notice - 06-04-2023 - SBRCQ 22 23-113 Invitation to Offer - Management & Operation of the Proston Swimming Pool
8. 332. Public Notice - 06-04-2023 - SBRCQ 22 23-114 Invitation to Offer - Management & Operation of Blackbutt Swimming Pool
9. 333. Public Notice - 06-04-2023 - SBRC 22 23-16 Request for Tender - Management & Operation of Murgon Swimming Pool
10. 334. Public Notice 11-04-2023 - Pre-Qualified Panel Refresh of Tenders for Trade Services, Electrical Works, Pest Management and Civil Works
11. 335. Public Notice - 11-04-2023 - Temporary Closure of Taabinga Cemetery
12. 336. Public Notice 11-04-2023 - Water Meter Replacement Program – Kingaroy and Wondai
13. 337. Public Notice -12-04-2023 - Notification of Road Works
14. 338. Public Notice - 12-04-2023 - Temporary Closure - Borchert's Hill Road Murgon
15. 339. Public Notice 12-04-2023 - Water Meter Reading Program
16. 340. Public Notice - 12-04-2023 - SBRCQ 22 23-82 Supply and Delivery of One (1) 4-Wheel Drive Wide Area Mower with a 3.0m – 3.5m Deck
17. 341. Public Notice - 12-04-2023 - SBRCQ 22 23-115 Invitation to Offer - Clean Out Wedge Pit - Liquid Waste SBRC Nanango Depot
18. 342. Public Notice 12-04-2023 - ANZAC Day Commemoration Services 2023
19. 343. Public Notice 12-04-2023 - Taabinga Cemetery to Reopen to the Public
20. 344. Public Notice 13-04-2023 - SBRC 2223-13 Request for Tender - Management Services for Boondooma Dam Caravan & Recreation Park
21. 345. Public Notice - 13-04-2023 - SBRC 22 23-14 Request for Tender - Management Services for Bjelke Petersen Dam Caravan & Recreation Park
22. 346. Public Notice 13-04-2023 - Mental Health First Aid Training
23. 347. Public Notice 14-04-2023 - Notice of Budget Committee Meetings
24. 348. Public Notice 17-04-2023 - South Burnett Express – Rail Trail Relay
25. 349. Media Release -18-04-2023 - Council Commences 2023 Planned Burn Season
26. 350. Public Notice 19-04-2023 - New shelters for Lions Park Kingaroy
27. 351. Public Notice 19-04-2023 - Finishing touches to QEII Park Refurbishment
28. 352. Public Notice - 20-04-2023 - UPDATED - SBRC 22 23-10 Request for Tender - Waste and Recyclables Collection Services
29. 353. Public Notice 24-04-2023 - Hub in the Pub
30. 354. Public Notice 24-04-2023 - Wondai Industrial Estate – Community Consultation
31. 355. Public Notice 24-04-2023 - Potential Discoloured Water in Kingaroy and Blackbutt
32. 356. Public Notice 24-04-2023 - Notice of Works - George Street Carpark Kingaroy
33. 357. Public Notice 27-04-2023 - Council thanks all involved in ANZAC Day Services
34. 358. Public Notice - 27-04-2023 Privacy Awareness Week 2023 - Privacy 101; Back to Basics
35. 359. Public Notice - 27-04-23 - Registrations now open for the Festival of the Dams 2023!
36. 360. Media Release - 28-04-2023 - Opera Queensland to tour Lady Sings the Maroons at Kingaroy Town Hall

37. 361. Public Notice 28-04-2023 - Truck wash at Coolabunia Saleyards temporarily unavailable
38. 362. Public Notice 28-04-2023 - Construction to commence at Coolabunia Saleyards Complex

Media Releases 22-23						
2022	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
	47	42	34	33	33	31
2023	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**
	28	43	34	38		

Media enquiries (received to the 'Media' email, excludes phone and other emails): 14

1. 03-04-2023 – News Corp – Council's switch to cashless waste facilities
2. 04-04-2023 – News Corp – SBRC social housing announcement enquiry
3. 04-04-2023 – Channel 7 – Housing project enquiry
4. 04-04-2023 – ABC Wide Bay – Requesting information regarding Queensland Youth Week 11-17 April
5. 05-04-2023 – ABC – Requesting interview regarding end of cash payments at tips in the region
6. 05-04-2023 – Burnett Today - Glyphosate spraying on roadsides
7. 05-04-2023 – Burnett Today – Wheelchair access at Kingaroy Art Gallery
8. 11-04-2023 – Burnett News – Requesting information on Cemetery closure
9. 12-04-2023 – News Corp – Requesting information on Cemetery closure
10. 13-04-2023 – News Corp – Requesting Council's plans to upgrade lighting on Lamb Street Murgon
11. 17-04-2023 – South Burnett Online – Requesting update on legal proceedings with Aquatec Maxcon
12. 20-04-23 – Burnett Today – Additional KTP funding
13. 26-04-23 – News Corp – Seeking information on Council's unreasonable customer Conduct Policy
14. 26-04-23 – South Burnett Online – Requesting information on Round 6 funding for Building Our Regions

Media Enquiries 22-23						
2022	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
	23	8	8	9	6	11
2023	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**
	9	13	12	14		

Social media: South Burnett Regional Council

Facebook
@southburnettregion: 109 posts (-19.3%)
Most engaged post:
10-04-23 – Did the Easter Bunny visit you last week? - 6,152 reached,
49 reactions, 4 comments, 10 shares

Followers: 10,015 (+29 from March 2023)
Page reach: 24,769 (-32.3% from March 2023)

Instagram: 52 posts (-13.3%)
Most engaged post:
26-04-2023 – Denim Day – Staff and Councillors photo – Boil Water Alert – 414 reached, 18 likes, 1 share, 0 comment

Followers: 1164 (+8 from March 2023)
Page reach: 1095 (-6.5% from March 2023)

LinkedIn: 2 posts

Most engaged post: 27-04-23 – Join our Team - 556 Impressions, 5 Reactions, 33 Clicks, 0 Comments

Website clicks: 49 (-41% from March 2023)

Page visits: 99 (-44.1% from March 2023)

Followers: 2317 (+13 from March 2023)

Twitter: 9 posts (+80% from March 2023)

Top Tweet:

18-04-2023 – ANZAC Day Commemoration Services - 82 impressions, 1 profile click, 0 retweet, 1 Likes

Tweet impressions: 551 (+ 13.8% from March 2023)

Profile visits: 1,059 (+18.2% from March 2023)

Followers: 485 (+2 followers from March 2023)

Social media posts – all platforms						
2022	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
	Facebook: 77 Instagram: 59	Facebook: 106 Instagram: 79	Facebook: 65 Instagram: 49	Facebook: 114 Instagram: 91	Facebook: 102 Instagram: 77	Facebook: 73 Instagram: 44
2023	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**
	Facebook: 95 Instagram: 52 LinkedIn: - Twitter: -	Facebook 109 Instagram: 69 LinkedIn: - Twitter: -	Facebook: 135 Instagram: 64 LinkedIn: 0 Twitter: 5	Facebook: 109 Instagram: 52 LinkedIn: 2 Twitter: 9	Facebook: Instagram: LinkedIn: Twitter:	Facebook: Instagram: LinkedIn: Twitter:

Enews

- Council progressed 1 Enews during April

Printed advertising

- Council progressed two full page ads (Page 4) in the South Burnett Today published on 7 April and 20 April, Council also progressed a full page ANZAC Day services and road closure ad.
- Council progressed one Murgon Moments ad in April for South Burnett Libraries

Radio advertising

- Radio advertising was progressed for the month of April.

Graphic design – April 2023

- Website Banners x 2
- Social media graphics – Public Notices and Canva Designs x 62
- Signs – 1 x Commercial Vehicles Entering Landfill
- DL Brochure – 1 x Commercial Vehicles Entering Landfill
- Murgon ANZAC Day Programme
- Certificate for Mick Purser's 100th Birthday
- Updated Media Release flowchart
- Community Meeting Flyer

8.2 ATTENDANCE - LGAQ BIENNIAL BUSH COUNCIL'S CONFERENCE 2023

File Number: **10-05-2023**

Author: **Executive Assistant**

Authoriser: **General Manager Infrastructure**

PRECIS

Cr Schumacher attendance at the LGAQ Bush Council's Conference 2023.

SUMMARY

Since the resolution passed at the Ordinary Meeting of Council on 26 April 2023, Cr Schumacher has since been invited to be a guest speaker on one of the panels at the LGAW 2023 Bush Council's Conference in Goondiwindi – 25- 27 July 2023.

OFFICER'S RECOMMENDATION

That Cr Schumacher attend the LGAQ biennial Bush Councils Convention 2023 and accept the invitation to be a guest speaker as part of a panel.

BACKGROUND

Previous resolution passed at the Ordinary Meeting of Council held 26 April 2023.

ATTACHMENTS

Nil

9 CORPORATE GOVERNANCE & STRATEGY

9.1 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL TECHNOLOGY PUBLIC ACCESS POLICY - STRATEGIC019

File Number: **10-05-23**

Author: **General Manager Finance and Corporate**

Authoriser: **General Manager Infrastructure**

PRECIS

Adoption of the South Burnett Regional Council Technology Public Access Policy – Strategic019.

SUMMARY

South Burnett Regional Council ('Council') has developed this policy to establish guidelines for the management and implementation of technology for South Burnett Libraries. This policy references the Queensland Public Library Standards and Guidelines.

OFFICER'S RECOMMENDATION

That the Committee recommends to Council:

That the South Burnett Regional Council Technology Public Access Policy – Strategic019 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 South Burnett Regional Council Technology Public Access Policy – Strategic019 was reviewed by Manager Community & Lifestyle, supported by Corporate, Governance & Strategy.

The Draft South Burnett Regional Council Technology Public Access Policy – Strategic019 was then presented at the Executive Leadership Team Meeting held on 18 April 2023 for endorsement to the Liveability, Governance and Finance Standing Committee.

The Draft South Burnett Regional Council Technology Public Access Policy – Strategic019 was then discussed and reviewed by the relevant General Manager/Manager and Portfolio Councillor at a Portfolio Councillor Meeting held on 24 April 2023.

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)

Copyright Act 1968 (Cth)

Queensland Library Standards and Guidelines

Human Rights Act 2019 (Qld)

> *Section 4(b)* of the *Human Rights Act 2019* requires public entities to act and make decisions in a way 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

Customers who utilise South Burnett Libraries public access devices and internet release and discharge Council from any liability which might arise from the use of these services. This includes any liability in relation to defamatory or offensive material, breach of copyright, personal information data breaches and exploitation of personal financial data which may occur as a result of use.

ATTACHMENTS

1. South Burnett Regional Council Technology Public Access Policy - Strategic019 ⇩

POLICY CATEGORY - NUMBER: Strategic019
POLICY OWNER: Community & Lifestyle

ECM ID: 1042275
ADOPTED:

Technology Public Access 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.**

Table of Contents

1. POLICY STATEMENT

South Burnett Regional Council ('Council') has developed this policy to establish guidelines for the management and implementation of technology for South Burnett Libraries. This policy references the Queensland Public Library Standards and Guidelines.

2. SCOPE

This policy applies to Council representatives and South Burnett Libraries customers.

3. GENERAL INFORMATION

~~Accessing South Burnett Libraries technology resources implies acceptance of the terms and conditions stated in this policy.~~ Customers who utilise South Burnett Libraries public access devices and internet release and discharge Council from any liability which might arise from the use of these services. This includes any liability in relation to defamatory or offensive material, breach of copyright, personal information data breaches and exploitation of personal financial data ~~or any breach of copyright~~ which may occur as a result of use. Customers are responsible for their own security and protection of data when using public access networks.

~~Users should be aware that the d~~Downloading of illegal information from the internet will be reported to the Queensland Police Service.

3.1. Content

~~Council has preventative measures in place on public access services to exclude content that is illegal or malicious. These measures do not limit the comprehensiveness of internet searching for reasonable research and communication purposes for either staff or public users.~~

~~South Burnett Libraries cannot guarantee the quality of information on the Internet. It is the responsibility of the user to determine the validity, quality and relevance of the information accessed.~~

Downloading from some sites may require software applications that are not installed on South Burnett Libraries public access devices. Sites that require additional software applications are prohibited from being installed on South Burnett Libraries public access computers without permission from the Chief Executive Officer ('CEO').

Websites and services on the internet are not always secure, and customers must be careful when submitting personal details or other information that could be misused.

It is the responsibility of the ~~user~~ customer to log out of any sites that require a username and password after each booking. Customers have the option to restart the public access computer after

their session is complete.

~~Users are encouraged to visit https://beconnected.esafety.gov.au/ for more information about staying safe online.~~

3.2. Copyright

~~Much of the m~~Material (e.g., software) available on the internet is protected under copyright ownership. ~~Users~~ Customers must not breach copyright in material available on the internet. A copyright owner is entitled to take legal action against a user who infringes ~~his or her~~ copyright. Unless otherwise permitted by the *Copyright Act 1968*, unauthorised copying of a work in which copyright subsists (including digital copying) may infringe the copyright in that work.

3.3. Access

South Burnett Libraries provide free internet access at all branches during library opening hours.

South Burnett Libraries are not responsible for restricting available content or supervising internet use. ~~Some material available on the internet is unsuitable for minors~~ If a ~~user~~ customer is under the age of 18 years, supervision or restriction of a child's access to the internet is the responsibility of the parent/guardian/carer. ~~South Burnett Libraries public access network has firewalls and other security measures in place to minimise the risk of unsuitable material.~~

3.4. Public Access Computer Bookings

To maximise availability ~~and to ensure fair access~~ for ~~all~~ customers, internet portal vouchers will be issued in accordance with the following ~~the following~~ guidelines ~~for booking public access computers apply:~~

- public access computers can be booked for up to one (1) hour with a maximum usage threshold of two (2) hours per day;
- only a maximum of one (1) booking per day;
- bookings can be made for one (1) session only in advance;
- bookings may be made in person or by telephone at a South Burnett Libraries branch;
- ~~bookings can be made on a walk in basis;~~
- ~~bookings may be extended if the computer is available;~~
- arriving any later than 10 minutes for a booking may result in it being cancelled unless prior arrangements are made;
- a maximum of two (2) ~~people~~ customers may use the same computer per booking;
- ~~users~~ customers will be notified where possible if the equipment is unavailable for use;
- ~~users~~ customers must vacate their workstation when their booking is finished;
- ~~users~~ customers must supply their own headphones if needed;
- it is the customer's responsibility to ensure all documents are saved prior to the end of each booking;
- extra time may be approved at the discretion of the CEO; and
- Council reserves the right to limit the length or amount of public access computer use and can withhold or limit service at any time without cause. ~~bookings can be made for one (1) session only in advance;~~

3.5. Access to Public Wi-Fi

Internet portal vouchers will be issued in accordance with the following guidelines:

- vouchers are provided for up to one (1) hour and may be issued to a maximum of two (2) hours per day; and
- customers who require longer than one hour must book in advance. Extra time may be approved at the discretion of the CEO.

3.6. Council representative assistance

Council representative ~~South Burnett Libraries staff~~ will provide basic technology assistance on an ad-hoc basis for a maximum of 10 minutes per day. Council representatives ~~Staff~~ are prohibited from setting up personal accounts or profiles online on the behalf of customers. ~~Aids and guides are available for loan. For customers wanting to further their digital literacy skills, each branch offers tech help sessions that cover a range of topics. More information about these sessions is available on the South Burnett Libraries website or customers can enquire at a library branch.~~

3.7. Public conduct

Any equipment malfunction should be reported to Council representatives ~~South Burnett Libraries staff~~ immediately. ~~Users~~ Customers should not attempt to repair hardware or alter software settings.

Unacceptable conduct may lead to the suspension of South Burnett Libraries privileges. Unacceptable behaviour includes:

- destruction of or damage to South Burnett Libraries equipment or software;
- licence infringement;
- attempting to modify or gain access to files, password or data belonging to others;
- display of offensive or inappropriate material;
- unauthorised monitoring of electronic communications;
- intentional unauthorised infringement of copyright;
- harassment, slandering or libelling of others;
- failure to respond to and/or comply with ~~South Burnett Libraries staff~~ a Council representative's directions;
- ~~use of mobile phones in public areas and at computer workstations. Users~~ customers are ~~encouraged~~ to take their private calls away from other customers using the public space areas; and
- attempting to change any system settings or update any of South Burnett Libraries internet computer applications.

If a decision is made to suspend privileges including use of the public access devices and/or internet, notice will be given in writing to the ~~user~~ customer and/or their guardian.

3.8. External Equipment

All external storage devices used on South Burnett Libraries public access devices will be scanned for security threats.

3.9. Printing

~~Users~~ Customers ~~are reminded that they~~ are responsible for payment for all printing generated during their bookings.

4. DEFINITIONS

CEO means Chief Executive Officer.

Council means South Burnett Regional Council.

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

South Burnett Libraries means all library facilities located within and operated by the South Burnett Regional Council.

5. LEGISLATIVE REFERENCE

Copyright Act 1968 (Cth)

Queensland Public Library Standards and Guidelines

6. RELATED DOCUMENTS

~~South Burnett Regional Council Schedule of Fees and Charges~~

7. NEXT REVIEW

As prescribed by legislation or May 2025

8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	Development of policy	19 September 2012	1042275
2	Review of policy	27 April 2022	1042276

Mark Pitt PSM
CHIEF EXECUTIVE OFFICER

Date:

9.2 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL REVENUE POLICY 2023/2024 - STATUTORY005

File Number: **10-05-23**

Author: **General Manager Finance and Corporate**

Authoriser: **General Manager Infrastructure**

PRECIS

Adoption of the South Burnett Regional Council Revenue Policy 2023/2024 – Statutory005.

SUMMARY

South Burnett Regional Council ('Council') intends to achieve an equitable distribution of the cost of its operations between different groups of ratepayers. In seeking to achieve this equitable distribution, Council's view is that every ratepayer should contribute at least at a basic level to the cost of operations of the Council.

OFFICER'S RECOMMENDATION

That the Committee recommends to Council:

That the South Burnett Regional Council Revenue Policy 2023/2024 – Statutory005 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 South Burnett Regional Council Revenue Policy 2023/2024 – Statutory005 was reviewed by General Manager Finance & Corporate, Manager Finance & Sustainability, supported by Corporate, Governance & Strategy.

The Draft South Burnett Regional Council Revenue Policy 2023/2024 – Statutory005 was then presented at the Executive Leadership Team Meeting held on 18 April 2023 for endorsement to the Budget Committee.

The Draft South Burnett Regional Council Technology Public Access Policy – Strategic019 was then presented to the Budget Committee Meeting held on 21 April 2023 for endorsement to the General Council Meeting.

The Draft South Burnett Regional Council Revenue Policy 2023/2024 – Statutory005 was then presented to the General Council Meeting held on 26 April 2023 for adoption where a resolution was raised that item 10.6 - South Burnett Regional Council Revenue Policy 2023/2024 – Statutory005 be considered to be repealed and consideration given to the adoption of an amended policy at the May Ordinary Meeting of Council.

The Draft South Burnett Regional Council Revenue Policy 2023/2024 – Statutory005 was then presented to the Executive Leadership Team Meeting held on 2 May 2023.

An amendment has been made in clause 3.3. Concessions of Rates and Charges. This amendment is directly quoted from *Section 120(1)(b)* under *Part 10* of the *Local Government Regulation 2012.*

This amendment will be incorporated into South Burnett Regional Council's Revenue Statement 2023/2024 which is adopted by resolution annually in line with South Burnett Regional Council's Budget.

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)

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 a way 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

This policy applies to all Council representatives. A Revenue Policy forms part of Council's budget each year. The *Local Government Regulation 2012* ('Regulation') identifies the matters that a local government must include in its Revenue Policy.

ATTACHMENTS

1. South Burnett Regional Council Revenue Policy 2023/2024 - Statutory005

POLICY CATEGORY - NUMBER: Statutory005
POLICY OWNER: Finance & Sustainability

ECM ID: 2864939
ADOPTED:

Revenue Policy 2023/2024

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**.

Table of Contents

1. POLICY STATEMENT

South Burnett Regional Council ('Council') intends to achieve an equitable distribution of the cost of its operations between different groups of ratepayers. In seeking to achieve this equitable distribution, Council's view is that every ratepayer should contribute at least at a basic level to the cost of operations of the Council.

2. SCOPE

This policy applies to all Council representatives. A Revenue Policy forms part of Council's budget each year. The *Local Government Regulation 2012* ('Regulation') identifies the matters that a local government must include in its Revenue Policy.

In essence, a Revenue Policy is a statement outlining the strategic policy position of Council in relation to revenue measures to be adopted in the budget.

3. GENERAL INFORMATION

Council will also have regard to the measures required to stimulate the local and national economy and, particularly where the Council is in competition with private sector providers of goods and services, will price according to generally accepted market principles. These principles ensure the Council does not put private sector providers at a disadvantage because its businesses are publicly owned.

Council will ensure that the rates and charges made are sufficient to cover the cost of its operations and that it is able to continue to provide services to the community at a level consistent with the growth and development of the area.

In general, Council will be guided by the "user-pays" principle in setting rates and charges. In doing so, the intention is to minimise the impact of rating on the local economy, so that the cost of a Council service is incurred by the user of that service wherever possible. It is acknowledged, however, that individual consumers of a commodity or service cannot always be separately identified. For this reason, there is a need for specific user charges to be supplemented by other general revenue sources.

When considering these matters, Council will generally benchmark any variations in charges from year to year against the general movement in prices that occur in other sectors of the community as measured by indexes such as Roadwork Input Cost Index, the Consumer Price Index, Council Cost Index (calculated by the Local Government Association of Queensland) and their components. While taking these movements into consideration Council needs to ensure that the rates and charges made

are sufficient to cover the cost of its operations and that it is able to continue to provide services to the community at a level consistent with the growth and development of the area.

For Council Business Units that have adopted the code of competitive conduct, prices will be set according to full cost pricing principles including the achievement of an appropriate return on Council's investment.

3.1. Levying of Rates and Charges

Rates and charges are determined after due consideration of the following:

- Council's legislative obligations;
- the needs and expectations of the general community as determined by formal and informal consultation and survey processes;
- the cost of maintaining existing facilities and necessary services;
- the need for additional facilities and services; and
- equity by ensuring the fair and consistent application of lawful rating and charging principles, without bias, taking account of all relevant considerations, and disregarding irrelevancies such as the perceived personal wealth of individual ratepayers or ratepayer classes.

In levying rates and charges, Council will apply the principles of:

- making clear what is the Council's and each ratepayers responsibility to the rating system;
- making the levying process, granting discount and any refund of rates and charges as simple and efficient to administer as possible;
- timing the levy rate notices to take into account the financial cycle to which the ratepayers are accustomed or may adapt to; and
- flexibility by providing payment arrangements to ratepayers with a demonstrated lower capacity to pay, along with a wide array of payment options.

Council will also have regard to the principles of:

- transparency of process;
- simplicity and efficient administration; and
- flexibility to take account of changes in the local economy, extraordinary circumstances and impacts that different industries may have on Council's infrastructure.

3.1.1. General Rates

General Rates revenue provides essential whole of community services not funded through subsidies, grants, contributions or donations received from other entities, or not provided for by other levies or charges. Council will consider all full cost recovery options before calculating the general rate.

Council is required to raise an amount of revenue it sees as being appropriate to maintain assets and provide services to the Region as a whole. In deciding how that revenue is raised, Council has formed the opinion that the differential general rating scheme provides the most equitable basis for the distribution of the general rate burden.

In formulating the differential general rating scheme Council has considered equity by implementing distribution of the general rate based on the land use. Where necessary a particular class of land use is further 'subdivided' on a geographic basis.

The Unimproved Valuation/Site Value for each property is the basis for determining the amount of the general rate levied. Council recognises that significant valuation fluctuations may have an adverse effect on customers. Council considers that this impact should be smoothed so that the impact in any one year is reduced. Council may achieve this by establishing new differential rating categories, averaging the valuation in accordance with *Sections 74* to *76* of the Regulation or by limiting rate increases in accordance with *Section 116* of the Regulation.

3.1.2. Separate or Special Rates

Where appropriate, Council will fund certain services and facilities by means of separate or special rate or charge in accordance with Part 6 and Part 8 of the Regulation. Council will levy special rates and charges on certain properties that are considered to be specially benefited by the provision of specific services, facilities or activities.

Special rates are based on the Unimproved Valuation/Site Value of the land and special charges are a flat charge per property, where this is considered to provide a more equitable basis for the sharing of the cost.

3.1.3. Other Charges

In general, Council will be guided by the principle of user pays where it can easily identify the cost associated with supplying a particular service. In particular Council may use this principle for water supply, sewerage, refuse collection, et cetera. Provided however that where Council considers that moving to full cost recovery for a particular service may cause undue hardship Council will "phase in" the full cost recovery over a period of time.

3.2. Recovery of Rates and Charges

Council will exercise its rate recovery powers in order to reduce the overall rate burden on ratepayers. It will be guided by the principles of:

- **Transparency** – by making clear the obligations of ratepayers and the processes used by Council in assisting them meet their financial obligations;
- **Simplicity** – by making the processes used to recover outstanding rates and charges clear, simple to administer and cost effective;
- **Capacity to Pay** – by determining appropriate arrangements for different sectors of the community;
- **Equity** – by providing the same treatment for ratepayers with similar circumstances; and
- **Flexibility** – by responding where necessary to changes in the local economy.

3.3. Concessions for Rates and Charges

Statutory provision exists for the Council to rebate or postpone rates in certain circumstances. These provisions are detailed in *Part 10* of the Regulation.

In considering the application of concessions, Council will be guided by the principles of:

- **Equity** – by having regard to the different levels of capacity to pay within the local community;
- **Consistency** – by applying the same treatment for ratepayers with similar circumstances;
- **Transparency** – by making clear the requirements necessary to receive concessions; and
- **Flexibility** – by allowing Council to respond to local economic issues.

The predominant purpose for which Council grants concessions is to:

- assist pensioners (who are on very limited incomes), in meeting their obligations to pay Council's rates and charges;
- assist various Religious Organisations, Community Groups and Sporting Organisations who provide a public service or community benefit throughout the region in meeting their obligations to pay Council's rates and charges. The organisation or group must be an entity whose objects do not include making a profit and provides assistance or encouragement for arts or cultural development and must demonstrate how it will directly benefit the residents of the South Burnett region;
- assist ratepayers who have experienced high water charges due to undetected water leaks in meeting their obligations to pay Council's rates and charges;
- assist developers that are required to provide reticulated water and wastewater to a subdivision in meeting their obligations to pay Council's rates and charges; and

- assist ratepayers who are receiving home haemodialysis in meeting their obligations to pay Council's rates and charges.

3.4. Cost Recovery Fees

Section 97 of the Act allows Council to set cost recovery fees. The Council recognises the validity of fully imposing the user pays principle for its cost recovery fees, unless the imposition of the fee is contrary to its express social, environmental and other corporate goals. This is considered to be the most equitable and effective revenue approach and is founded on the basis the Region's rating base cannot subsidise the specific users or clients of Council's regulatory products and services.

However, in setting its cost recovery fees, Council will be cognizant of the requirement that such a fee must not be more than the cost to Council of providing the service or taking action to which the fee applies.

3.5. Commercial Charges

Sections 9 (Powers of local governments generally) and *262* (Powers in support of responsibilities) of the Act provide the Council, as a legal entity, with powers to charge for services and facilities it supplies other than a service or facility for which a cost recovery fee may be fixed.

Such commercial charges are for transactions where the Council is prepared to provide a service and the other party to the transaction can choose whether or not to avail itself of the service.

The nature, level and standard of the entitlement, facility or service is considered by the Council in the setting of commercial charges. Central to deliberations on these matters is the Council's community service obligation and the principle of social equity. The Council may set such a charge with the aim of achieving a profit from the service or facility provided.

The principle of "user pays" is considered where the provision of a service, entitlement or facility may be in direct competition with private enterprise.

3.6. Funding of Physical and Social Infrastructure Costs

Council requires developers to pay reasonable and relevant contributions towards the cost of infrastructure required to support the development. Specific charges are detailed in "Adopted Infrastructure Charges" resolution adopted by Council.

These charges are based on normal anticipated growth rates. Where a new development is of sufficient magnitude to accelerate the growth rate of a specific community within the region, it may be necessary to bring forward social infrastructure projects. Where this occurs, Council expects developers to meet sufficient costs so that the availability of facilities is not adversely affected and so that existing ratepayers are not burdened with the cost of providing the additional infrastructure.

4. DEFINITIONS

Annual Budget means, for a local government, its annual budget under *Chapter 5, Part 2, Division 3* of the Act.

Business Unit, means, of a local government, a part of the local government that conducts a business activity of the local government.

Code of Competitive Conduct means referenced within *Section 47* of the Act.

Concession for rates or charges means a concession granted under *Chapter 4*, *Part 10* of the Regulation.

Cost-Recovery Fee means as referenced in *Section 97(2)* of the Act.

Differential General Rates means as referenced within *Section 80(2)* of the Regulation.

Full Cost Pricing, of a significant business activity, as referenced within *Section 44(3)* of the Act.

Local Government Principles means the principles expressed in the form of outcomes set out in *Section 4(2)* of the Act.

Pensioner means a person who is the holder of a pensioner concession card issued by the department of the Commonwealth responsible for administering the *Social Security Act 1991* or the *Veterans' Entitlements Act 1986*.

Ratepayer means a person who is liable to pay rates or charges.

5. LEGISLATIVE REFERENCE

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

6. RELATED DOCUMENTS

South Burnett Regional Council Investment Policy 2023/2024 – Statutory009

South Burnett Regional Council Debt Policy 2023/2024 – Statutory010

South Burnett Regional Council Rate Collection Policy – Statutory041

South Burnett Regional Council Revenue Statement

South Burnett Regional Council Financial Hardship Policy – Statutory012

7. NEXT REVIEW

As prescribed by legislation – May 2024

8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	Development of policy	13 August 2008	407991
2	Review of policy	26 June 2009	528733
3	Review of policy	9 June 2010	897521
4	Review of policy	29 June 2011	1271695
5	Review of policy	11 July 2012	1291872
6	Review of policy	12 June 2013	1185927
7	Review of policy	21 May 2014	1590733
8	Review of policy	3 June 2015	1888898
9	Review of policy	18 May 2016	1944679
10	Review of policy	17 May 2017	2701011
11	Review of policy	21 February 2018	2836653
12	Review of policy	20 March 2019	2578183
13	Review of policy	29 March 2020	2682123
14	Review of policy	28 April 2021	2786416
15	Review of policy	25 May 2022	2864939
16	Review of policy		

Mark Pitt PSM
CHIEF EXECUTIVE OFFICER

Date:

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

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

File Number: **10-05-2023**

Author: **Councillor**

Authoriser: **General Manager Infrastructure**

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.

OFFICER'S RECOMMENDATION

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

Black Summer Bush Fire

South Burnett Façade Improvement Program

A third round and final round for the South Burnett Façade Improvement Program has been announced and will open on Monday 15 May – Friday 9th June. This quick round will be open for all businesses in the South Burnett Regional Council area to apply.

Information sessions will be held in Proston, Wooroolin, Kingaroy and Murgon ahead of the round opening. Information for these sessions can be found on Council's website.

2023 South Burnett Regional Youth Council

The 2023 South Burnett Regional Youth Council have now competed their Youth Leadership Summit with Wil Massara from Youth Leadership Academy Australia facilitating. This was a fantastic weekend bringing these dynamic young people together to make plans for their year ahead. Some of the ideas put forward included a Youth Expo to be held later this year and the addition of an arts competition to coincide with this year's Pig Jam Battle of the Bands and Music Festival.

Community Health & Wellbeing Morning Tea

The Community Development Team have been busy working with the Griffith University Longlook Medical Students to present a health and wellbeing workshop and free health checks across the South Burnett Region. Local residents who have attended these events have had the opportunity to meet our budding doctors and enjoy a free morning tea.

South Burnett Suicide Prevention Working Group Inc.

The SBSPWG Inc have been busy with Hope Reins over the Easter Weekend and now with planning their upcoming events. Our AGM will be on Wednesday 17th May and the first of our Depressed Cake Shops will be held in Nanango on Thursday morning 8th June just before their 175th Celebrations.

South Burnett Partnerships for Kids

We have now completed all the 'How Children are Faring in the South Burnett' community sessions and although the attendance was not huge it was great to have such a wonderful group of people give up their time to attend and to put their thoughts and ideas forward. A report will be presented to Council at the May Community Engagement Day, and we can hopefully work together to plan our way forward to benefit all of the South Burnett.

South Burnett Partnerships for Kids are in the process of organising this years Under 8's Day which will be held at Memorial Park during the school holidays on Thursday the 29th June. We have some exciting things planned for the day.

Library Services:

Anzac Day Presentation with Barry Krosch and Dr Les Henning
On Friday the 21 April 2023, local identities Barry Krosch and Dr Les Henning presented an Anzac Day information session at the Kingaroy Library. Both Barry and Les are very passionate about communicating the history of our serving soldiers as well as the important role that Kingaroy has played in ensuring the Anzac Day services continue. They spoke about the processes involved in the Order of Service and the background of the game Two Up that is a very popular part of Anzac Day celebrations across the nation. Barry also displayed some medals and other pieces of memorabilia that are very dear to his heart. This event was very well received with 14 attendees enjoying the oral history of Anzac Day services along with a delicious locally made Anzac biscuit.

South Burnett Libraries Out and About
During the school holidays, library staff attended a number of outreach events across the region hosted by local community organisations. The Centacare Easter Fun Day in Kingaroy and CTC Small Town Skills Days at Kumbia and Proston provided great opportunities to promote the services offered at our local libraries. It is estimated that library staff interacted with close to 300 attendees across the 3 events, with many stopping to take part in the free craft activity provided by the library.

Proston Library School Holiday Craft Activity
23 children and adults attended the Easter basket craft activity at the Proston Library on 6 April 2023. The children were extremely enthusiastic and everyone in attendance enjoyed the treasure hunt held after the craft was complete.

Local Stories - The History of the Ambulance Service with Mike England
Community members are invited to join Mike England as he presents the next instalment of South Burnett Libraries' local stories series, "The History of Ambulance Services in the South Burnett and Elsewhere" on Friday 19 May from 10.00am.

Mike is a former paramedic who has written a book about the history of the Yarraman Ambulance Service. He is keen to discuss the research he has undertaken into paramedic services, both nationally, and locally. Please phone (07) 4189 9256 to reserve your spot or pop in and see one of the friendly staff at your local library branch.

South Burnett Libraries Collection Maintenance
Library staff regularly carry out collection maintenance in each branch, with old or tired items deleted from the system to make room for new items that are added to the collection each week. This process keeps the shelves looking fresh and appealing for library customers. Items deleted from the collection are offered for sale at the Kingaroy Library, sent to St John's to be sold at their annual Book-O-Rama event or donated to local schools and aged care facilities. Community groups interested in receiving discarded collection items are encouraged to contact library staff at the Kingaroy Library.

National Simultaneous Storytime
South Burnett Libraries will once again celebrate National Simultaneous Storytime on 24 May 2023 with children from local kindies and schools visiting our libraries to join in the fun. Read at 11.00am across Australia, this year's book "The speedy sloth" by Rebecca Young tells the tale of a Spike the

sloth, who is determined to run despite people telling him he can't! Library staff can't wait to read this story at the same time as millions of others on the day.

Medieval Party 2023 - A Celebration of The Kingdom of Libraria

Save the Date! The Medieval Party will be back in July 2023!
Library staff are currently planning the next Medieval party, with families invited to come along dressed in their best medieval attire to take part in a morning of fun and games! This year's party will run from 10am-12 noon on Saturday 1 July 2023.

First 5 Forever Flourishing at South Burnett Libraries

South Burnett Libraries regular First 5 Forever programs continue to attract great attendance across the region, with Rhyme Time, Story Time and Stay & Play sessions providing families the opportunity to talk, play, sing and read at their local library. For the month of April over 175 people attended the sessions in Kingaroy alone. It is hoped that the introduction of a new after-school story time at Kingaroy will provide another opportunity for families in the local area to access these fantastic – and free – programs.

BACKGROUND

Nil

ATTACHMENTS

Nil

10.2 COMMUNITY AND LIFESTYLE OPERATIONAL UPDATE

File Number: **10-05-2023**

Author: **Manager Community & Lifestyle**

Authoriser: **General Manager Infrastructure**

PRECIS

Liveability – Community and Lifestyle Operational Update

SUMMARY

Liveability – Community and Lifestyle Operational Update

OFFICER'S RECOMMENDATION

That the Community and Lifestyle Operational Update be received.

BACKGROUND

Nil

ATTACHMENTS

1. **Operational Report - Leasing - May 2023** ⇩
2. **Community Development Report - April 2023** ⇩
3. **South Burnett Libraries - April 2023** ⇩
4. **Operational Update** ⇩

LEASING

Item	Description	Actions
Kilkivan to Kingaroy Rail Trail	Request to licence the section from Murgon to Kingaroy	Briefing provided to CEO.
Wondai Sports Ground – Wondai Proston Wolves Rugby League Club Inc.	Licence Area E on Lot 156 on FY80991 - Community and Recreational Asset Recovery and Resilience Program 2022	Executed Tripartite Deed of Access & Works Agreement.
Old Nanango Landfill – South Burnett Fun Flyers Association Inc.	Request to Licence – Lot 354 on FY2456	Report provided to May Liveability, Governance and Finance Standing Committee.
Proston Showground Reserve	Investigate and realign boundaries to support future growth and development of the site in conjunction with Proston community groups	Advice provided from Planning & Development for potential RAL or Boundary Realignment. Suggested to engage a professional consultant to progress the project further.
Proston Show Society	Request to lease caravan park	On hold whilst boundary realignment is being undertaken.
Farmland – Kingaroy Aerodrome	Farmland offered for Lease	Scope of tender amended and applicated requested to resubmit by 4 May 2023. Report will be prepared for May Ordinary Meeting with outcome.
Wondai Aerodrome – Site 13 or 15	Request to lease one (1) vacant site	Valuer engaged to undertake valuation of vacant sites 13 & 15.
Blackbutt Water Tower – SES Radio Equipment	Request from Queensland Police Service for lease of radio equipment	Awaiting response from applicant.
Kingaroy Soaring Club – Kingaroy Aerodrome	Request to lease new area for new accommodation/amenities	Inspection undertaken to assess current Lease Area 3 – Bunkhouse and Van Park. Internal request to provide condition assessment and estimates for Bunkhouse.
Area 2 & 4 Kingaroy Aerodrome – Kingaroy Soaring Club	Request for consent to install solar	This request is on hold until assessment is undertaken of Area 3.
Kingaroy Men's Shed – Kingaroy Aerodrome	Request to repaint the external building on Lease Area J	Internal request to test paint and provide quote for external painting of the building on Lease Area J.
Burnett Inland Economic Development Organisation (BIEDO) – 80 Gore Street, Murgon	Request to lease additional office space	Lease Agreement prepared for signing.

62 – 64 Lamb Street, Murgon – Lease A & B	Request to Amend Lease	Report provided to May Liveability, Governance and Finance Standing Committee.
Lots 1, 10, 11 & 12 on CP K8452 – Leased Land	Request for views from the Department of Resources	Internal views and comments requested responses due 5 May 2023.
Lot 1 on CP FY2977 – Reserve	Request for views from the Department of Resources	Response letter sent 24 April 2023.

Community Development

2022/2024 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	Social Recovery and Resilience Investment Stream	The Community Development Team have been working with the Griffith University Longlook Medical Students to provide a free health and wellness presentation which includes a free mini health check with a free morning tea. The last event will be held in Murgon on Tuesday 9th May 2023.
		The Community Development Team have organised four Mud Women and Mochaccino workshops to coincide with the Domestic Violence Awareness Month of May. These free events aim at celebrating women coming together to mould clay and enjoy good music, food and free coffee. These four events will be held ▪ Saturday 20 May - Kingaroy ▪ Sunday 21 May – Nanango ▪ Saturday 27 May – Proston ▪ Sunday 28 May – Wondai
	Economic Recovery and Investment Stream	South Burnett Façade Improvement Program. ▪ A third and final round has been announced and will open on Monday 15th May – Friday 9th June 2023. ▪ This quick round will be open for all businesses in the South Burnett Council Area to apply ▪ Grant Information sessions will be held in Proston, Wooroolin, Kingaroy and Nanango. South Burnett Investment Prospectus ▪ The first South Burnett Investment Prospectus workshop was held on Thursday 13th April 2023. ▪ Dr Tom Keenan was commissioned to independently facilitate this workshop

		Hub in a Pub ▪ The second Hub in a Pub event held 27th April 2023 ▪ 45 people registered to attend this event ▪ Keynote speaker Rebecca Guest, CEO The Fold Media. Regional Development Advisory Workshop will be held on Thursday 4th May. ▪ Dr Tom Keenan has been commissioned to independently facilitate this workshop. ▪ This workshop will focus on the identified enabler - South Burnett region has appropriate infrastructure to support industry, investment, and liability. South Burnett Business Linkup Breakfast will be held; ▪ Friday 12th May 2023. ▪ Our keynote speaker for the event is newly appointed Commissioner for Small Business Ms Dominique Lamb. ▪ Our special guest speaker is Mr Mark Bouris founder of 'Wizard Home Loans' and current Executive Chairman of Yellow Brick Road.
Operational Plan Projects		
Project Name	Description	Status
OPL/20 Arts, Culture and Heritage Committee	Committee to develop an Arts, Culture & Heritage Strategic Plan	▪ The next Arts, Culture and Heritage Committee meeting will be held 11 May 2023. ▪ Members will review the RADF policy and guidelines. ▪ Dates will be set for the committee's community engagement.
OPL/22Ringsfield House Advisory Committee	Committee to develop a Ringsfield House Strategic Plan and provide recommendations to Council.	▪ All positions for the Ringsfield House Advisory Committee have now been filled. ▪ The next Ringsfield House Advisory Committee meeting will be held in May (date to be confirmed)
OPL/24 Reconciliation Action Plan (RAP)	Develop a Reconciliation Action Plan (RAP) for the	▪ An expression of interest to join the Reconciliation Action Plan (RAP) working group will be

	South Burnett Regional Council	issued to all staff by Wednesday 31st May 2023.
OPL/29 South Burnett Regional Youth Council	Advocate for and facilitate wellbeing events across the region.	▪ The 2023 Youth Council members attended the two-day Youth Leadership Summit facilitated by Youth Leadership Academy Australia. ▪ Projects identified at this summit that the Youth Council would like to complete this year include a Communication Campaign, a Youth Expo and the addition of an art competition to the Pig Jam Battle of the Bands and music festival.

SOUTH BURNETT LIBRARIES 2022-2023 Statistics Year to Date | Updated 02.05.2023		
Visitors	**133,339**	
Loans & Renewals	102,869	
New Memberships	1,086	
JP Visitation (Kingaroy)	2,183	
Meeting Room Bookings (hrs)	718	
PROGRAM TOTALS		
FOR 0-5 EARLY CHILDHOOD		
	Attendance	**Sessions**
Total on site	2947	266
Outreach (F5F off site)	608	11
FOR CHILDREN 6-12		
Total on site	1155	104
Outreach OFF SITE	152	2
FOR YOUNG ADULTS 13-17		
Total on site	24	6
ADULT PROGRAMMING		
Total on site	1190	223
DIGITAL LITERACY		
Total on site	1124.5	465
CULTURAL CELEBRATION		
Total on site	126	23

LIVEABILITY – COMMUNITY AND LIFESTYLE OPERATIONAL UPDATE

Jennifer Pointon
Manager Community & Lifestyle

Cemetery Update

Stats Item	Monthly		Year to Date Cumulative	
	2022/23	2021/22	2022/23	2021/22
	01/04/23 – 30/04/23	01/04/22- 30/04/22	01/07/22– 30/04/23	01/07/21- 30/04/22
Cemeteries	Burial/Ashes/ Exhumations	Burial/Ashes/ Exhumations	Total	Total
Blackbutt	0	1	8	6
Booie	0	1	0	3
Kumbia	0	0	4	2
Memerambi	0	2	2	2
Mondure/Wheatlands	0	0	0	0
Murgon	1	3	18	22
Nanango	2	5	28	24
Proston	0	0	7	3
Taabinga	10	2	58	43
Tingoora	0	0	2	0
Wondai	2	1	26	24
Total	**15**	**15**	**153**	**129**

Dams Update

Stats Item	Monthly		Year to Date Cumulative			
	2022/23		2022/23		2021/22	
	03/04/23-30/04/23		01/07/22–30/04/23		01/07/21-30/04/22	
Dams Accommodation Numbers	Boondooma Dam	BP Dam	Boondooma Dam	BP Dam	Boondooma Dam	BP Dam
Cabins	150	253	1471	2454	1343	2417
Bunkhouse	33	N/A	542	N/A	316	N/A
Powered Sites	322	856	2840	6662	2428	5804
Unpowered Camping	1710	1517	7974	5083	7494	4064
Contractor / Conference Room	N/A	47	N/A	260	N/A	182
Total	**2215**	**2673**	**12827**	**14459**	**11581**	**12467**

Saleyards Update

Stats Item	Monthly 03/04/23-30/04/23	This month last year	Year to date Cumulative 01/07/22– 30/04/23
Coolabunia Saleyards			
Dipping (Agent & Private)	1829	1203	9392
Inspection (Private)	602	257	3821
Consignment / Transit (Private)	575	198	2972
Weighed (Agent & Private)	1402	92	5871
Sold (Agent)	1343	984	6295
Spray	5	3	10
Nanango Dip Yard			
Cattle Dipped	0	66	105

Customer Requests

Category	Monthly 03/04/23-30/04/23	Year to Date Cumulative 01/07/22 – 30/04/23	Year to Date Cumulative 01/07/21 – 30/04/22
Airports	12	89	28
Cemetery	11	104	116
Dams	4	32	21
Saleyards	2	8	0
Total	**29**	**233**	**165**

11 COMMUNITY DEVELOPMENT (HEALTH, YOUTH, SENIOR CITIZENS)

11.1 LICENCE TO OCCUPY - SOUTH BURNETT FUN FLYERS ASSOCIATION INC.

File Number: **10-May-2023**

Author: **Lease Officer**

Authoriser: **General Manager Infrastructure**

PRECIS

South Burnett Fun Flyers Association Inc. a newly incorporated association has requested to licence Lot 354 on Crown Plan FY2456 for recreational flying of model aircraft / drones.

SUMMARY

The South Burnett Fun Flyers Association Inc. (SBFF) have requested to licence the old Nanango Landfill site located on Lot 354 on Crown Plan FY 2456 to develop a small landing strip for take-off and landing of their model aircraft (drones). The old landfill is on the Contaminated Land Register and is a non-active gas monitoring site, the SBFF have agreed to the conditions and restrictions associated with the licence for this land. The proposal is for a Deed of Licence to Occupy for twelve (12) months to trial the land to ensure safety and suitability with minimal costs to the SBFF.

OFFICER'S RECOMMENDATION

That the Committee recommend 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 Deed of Licence to Occupy to the valuable non-current asset which is the land comprising of Lot 354 on CP FY2456, to the South Burnett Fun Flyers Association Inc. for a twelve (12) month trail term.
2. South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the Deed of Licence to Occupy between Council and South Burnett Fun Flyers Association Inc. on terms and conditions the Chief Executive Officer reasonably considers are satisfactory to Council.

FINANCIAL AND RESOURCE IMPLICATIONS

Rent for the Licence to Occupy will be a concessional rate applied to all community and not for profit groups of $75.00 per year (excluding GST). South Burnett Fun Flyers Association Inc. will be responsible for the maintenance of the land including mowing.

LINK TO CORPORATE/OPERATIONAL PLAN

OPL/23 Explore partnership opportunities to support local volunteer groups

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

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Internal views have been sort by Environment and Planning including Waste Management. The South Burnett Fun Flyers Association Inc. have reviewed and agreed to the term and conditions of the Draft Deed of Licence to Occupy.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

The proposed use of the land is inconsistent with the purpose of the reserve, as such a Trustee Lease cannot be entered unless Council undertakes a Land Management Plan with approval from the Department of Resources in accordance with the *Land Act 1994* and *Land Regulation 2020*.

The old Nanango Landfill is listed on the State Government's Land Contamination Register and has non-active gas monitoring on site, conditions, and restriction for use of the land have been included in accordance with the *Environmental Protection Act 1994*.

The Association must follow all rules and regulations for flying model aircraft / drones under the *Civil Aviation Act 1988, Civil Aviation Safety Regulations 1998, Part 101 of the Civil Aviation Safety Regulations 1998 (CASR), Part 101 Manual of Standards (MOS)* and any other legislation introduced by the Australian Government Civil Aviation Safety Authority.

An offer of a low impact Deed of Licence to Occupy to a community group is in accordance with *s236 Local Government Regulation 2012*.

POLICY/LOCAL LAW DELEGATION IMPLICATIONS

Offering the licence agreement area is in accordance with Council's Property Lease Policy and Disposal of Assets Policy and *Local Government Regulations 2012 section 236 (1)(b)(ii).*

ASSET MANAGEMENT IMPLICATIONS

SBFF will be responsible for the maintenance of the land including mowing. Conditions of the Licence Agreement restricts removal of trees, soil or undertaking any earthworks on the licence area. Parking on the licence area is permissible, however development of a carpark is prohibited. The Licence to Occupy will be issued for twelve (12) months as a trial, a review will be undertaken towards the end of Licence period to ensure safety and suitability of the land.

REPORT

Property details: Finlay Road, Nanango

RPD: Lot 354 on CP FY2456

Tenure: Reserve for Local Government (Refuse Disposal)

Lease Area: 6.62 (ha)

Rental: $75.00 per annum

Proposed lease commencement: 1 June 2023

Expiry date: 31 May 2024

The South Burnett Fun Flyers approached Council to lease the old Nanango Landfill site in January 2023. The South Burnett Fun Flyers had broken away from disbanded Nanango & District Aeromodellers Inc. The South Burnett Fun Flyers are a recreational group that fly model aircraft and drones, the Fun Flyers has approximately ten (10) members with electronic model aircraft.

Advice was provided to the Association that the land is a Reserve for Local Government (Refuge Disposal) and is listed on the State Government's Contaminated Land Register with non-active gas monitoring. Due to the non-consistent use of the reserve and concerns on the site it was suggested that for the Association to enter a lease or licence land at the Nanango Aerodrome Landing Area (ALA) which is within 800 meters of the site.

The South Burnett Fun Flyers Association was incorporated in March 2023. The Association approached Council seeking to enter a low impact Deed of Licence to Occupy over the land. The Association are seeking to mow a section of approximately the size of a cricket pitch for take-off and landing of their model aircraft.

The Deed of Licence to Occupy will issued for twelve (12) months and includes the following conditions:

1. Not to remove from the Licence Area any sand, gravel, soil or timber, nor undertake any earthworks without the prior written consent of Council. If approval is granted, SBFF acknowledges and agrees to any costs associated with a disposal permit to remove, treat and dispose of contaminated land including the waste levy rate per tonne for disposal of contaminated soil.
2. Model aircraft/drones are flown during daylight hours and not before 8:00am or after 5:00pm to minimise impact on residential areas.
3. Model aircraft/drones are not to be operated over the Nanango Racecourse, Nanango Waste Facility or Licence Area of the Recreational Archery Club in Lot 351 on Crown Plan FY21 during any events or during hours of operation.
4. Model aircraft/drones are not operated during periods of cloud cover or over residential areas or roads.
5. Parking vehicles on the Licence Area will be permissible, however development of a carpark is prohibited.
6. No food preparation will be supported on the Licence Area.

ATTACHMENTS

1. Aerial Map – Licence Area of Lot 354 on CP FY2456 ⇩

SOUTH BURNETT REGIONAL COUNCIL	South Burnett Regional Council does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that SBRC shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.	Licence Area Lot 354 on CP FY2456	26/04/2023 1:4980	N

12 PORTFOLIO - TOURISM & VISITOR INFORMATION CENTRES, SPORT & RECREATION AND COMMERCIAL ENTERPRISES

12.1 TOURISM & VIC'S, SPORT & RECREATION AND COMMERCIAL ENTERPRISES PORTFOLIO REPORT

File Number: **10-05-2023**

Author: **Cr Jane Erkens**

Authoriser: **General Manager Infrastructure**

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.

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:

South Burnett Visitor Information Centres:

The Volunteers at the Kingaroy VIC were eager to showcase Easter with displays and hampers using local product from our suppliers. These displays are changed for each special holiday season which the volunteers are always enthusiastic and passionate about.

One of our volunteers at the Kingaroy VIC stood out during the month with his multi-lingual ability serving and discussing the local venues and products with a group of visitors.

Visitors to our VIC's do not always complete a Visitor Survey form but from the completed April surveys our **age demographics** are as follows:

Kingaroy – 28.57% (41-65)
71.43% (>65)

Nanango – 100% (41-65)

Wondai – 4% (26-40)
323% (41-65)
64% (>65)

Murgon There are no age demographics for this location

Through the PCYC in Murgon we were given the opportunity to increase our volunteer base across our South Burnett venues. We have registered to have a stall/display which will be held at the Murgon Town Hall. Even though our registration was in April the event will not take place until May.

We have been fortunate to have 3 new volunteers during the month. One for the Kingaroy Heritage Museum, one for Wondai VIC and one for Wondai Heritage Museum

Famil – We have not had a Famil for April but are having one in May and taking our wonderful volunteers to the Mary Valley Rattler in Gympie. As we move forward through the year, we will be having our Forum in July which will have speakers from some of our largest companies in the South

Burnett. This will be followed by a Famil in September and another in November/December to finish off the year.

Commercial Enterprises

Saleyards:
Coolabunia Saleyards has been a hive of activity in April with the Annual Weaner Show & Sale conducted by agents Aussie Land & Livestock & Grant Daniel Long. Over 1300 head were offered by local vendors to a firm market which saw the yards at full capacity. The livestock system upgrade "Outcross" has now been used for the last two sales and is a huge improvement on the old system with most bugs being ironed out. Council Commercial Enterprise Staff have been working with Agents and Outcross support to make the program more efficient for both agents, vendors, buyers, and Council.
The capital works project to replace a section of the old wooden yards with new steel cattle yards commenced on the 1 May and is expected to be completed by the 23 May dependant on weather. This project once completed will enhance the look and safety of this section of Coolabunia Saleyard Complex.

Dams:
The tenders for Dam Managers for both Boondooma & Bjelke-Petersen were released in April and close on the 5 May 2023. Council has received quiet a lot of interest to date in these much sort after positions.
Both Dams experienced a high number of occupancies over the Easter period and long weekend periods.
The carports have started to be erected at Bjelke-Petersen Dam and this project should be completed by the end of May.

The Festival of the Dams fishing competition first round will be held at Bjelke-Petersen Dam on the weekend of the 20-21 of May conducted by Fishing Freshwater.

The 3 fishing sessions will commence on Saturday 20 May 6am and finish at 11am Sunday 21st May 2023 the tournament has 5 categories
1) Total NUMBER of legal fish- most fish wins
2) Biggest Bass
3) Biggest Golden Perch
4) Biggest 6 fish, total combined length of your biggest six Golden Perch or Australian Bass
5) Random draw from Teams entered that have not won any of the other prize categories

Entries (available online at https://www.facebook.com/fishingfreshwater1) close 20 May unless filled prior. Winners will be announced Sunday during presentation after the event.

A Day at The Dam Music Festival preparation is well underway for 28 October 2023, with headline artist the "Wolfe Brothers" been confirmed. Watch this space for more information regarding tickets etc and announcements of other artists including local talent.

Aerodromes:
The capital works program is progressing at the Kingaroy Aerodrome with the final stage being scheduled in mid-May. It is expected that the lights will be commissioned and serviced by the end of May.

BACKGROUND

Nil

ATTACHMENTS

Nil

12.2 TOURISM MONTHLY UPDATE

File Number: **10/05/2023**

Author: **Tourism Service Officer**

Authoriser: **General Manager Infrastructure**

PRECIS

Tourism update for the month of April 2023

SUMMARY

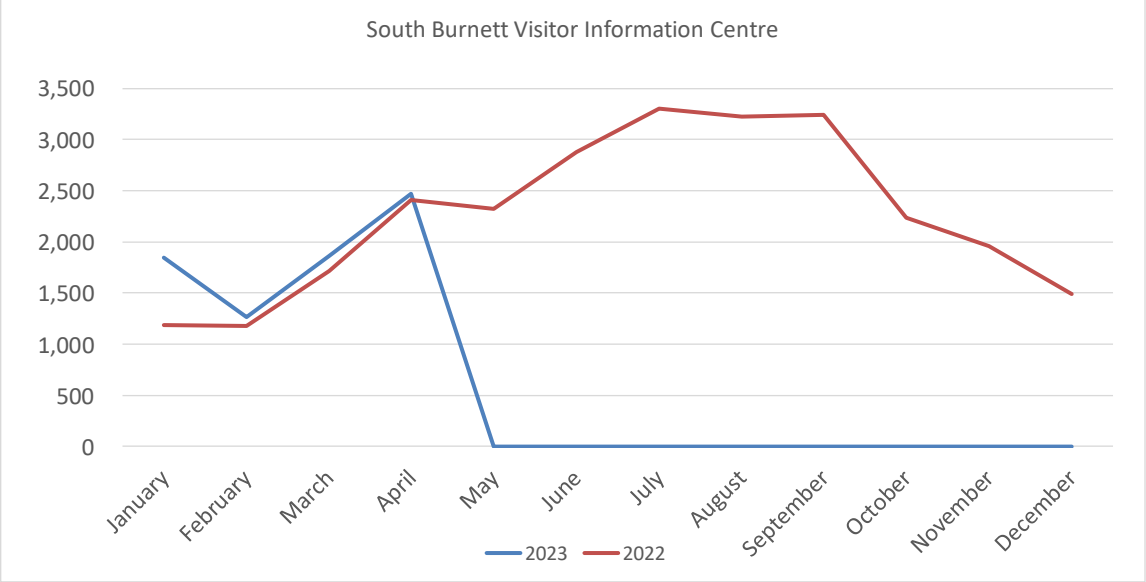
This report provides a statistical overview on the South Burnett Region Council's Tourism section for the month of April 2023.

OFFICER'S RECOMMENDATION

That the Committee receive the report for information.

BACKGROUND

South Burnett Visitor Information Centre (VIC) Network



Monthly Statistics

Visitor Information Centres – Monthly Statistics 2021-2022						
2022	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
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 - $4238 M - $259 N - $717 W - $2578	K - $8321 M - $289 N - $1312 W - $2160
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 – 708 M – 203 N – 247 W – 462	K – 483 M – 160 N – 410 W – 434

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 – 4 M – 0 N – 2 W – 2	K – 0 M – 0 N – 0 W – 1
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 – 78 M – 26 N – 37 W – 34	K – 126 M – 30 N – 41 W – 35
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 – 493 M – 107 N – 185 W – 164	K – 739 M – 120 N – 225 W – 166
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 – 30 M – 24 N – 26 W – 30	K – 25 M – 21 N – 26 W – 28
2023	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**
Sales	K - $4166 M - $225 N - $805 W - $2351	K - $2826 M - $5 N - $897 W - $1980	K - $4684 M - $277 N - $2091 W - $2324	K - $4757 M - $?? N - $1431 W - $2251	K - $ M - $ N - $ W - $	K - $ M - $ N - $ W - $
Visitor Numbers	K – 692 M – 139 N – 332 W – 359	K – 511 M – 0 N – 244 W – 281	K – 743 M – 147 N – 384 W – 422	K – 1103 M – ??? N – 507 W – 610	K – M – N – W –	K – M – N – W –
Coach Tours	K – 0 M – 0 N – 0 W – 0	K – 1 M – 0 N – 0 W – 0	K – 0 M – 0 N – 0 W – 0	K – 0 M – 0 N – 0 W – 0	K – M – 0 N – W –	K – M – 0 N – W –
Volunteer Numbers	K – 115 M – 27 N – 34 W – 30	K – 110 M – 39 N – 45 W – 33	K – 157 M – 30 N – 28 W – 44	K – 131 M – 22 N – 32 W – 47	K – M – N – W –	K – M – N – W –
Volunteer Hours	K – 671 M – 107 N – 195 W – 151	K – 676 M – 156 N – 229 W – 169	K – 884 M – 121 N – 171 W – 253	K – 735.5 M – 76 N – 167.1 W – 266.6	K – M – N – W –	K – M – N – W –
Days Open	K – 24 M – 18 N – 21 W – 22	K – 28 M – 22 N – 27 W – 28	K – 31 M – 18 N – 25 W – 30	K – 28 M – 18 N – 28 W – 28	K – M – N – W –	K – M – N – W –

ATTACHMENTS

Nil

13 PORTFOLIO - REGIONAL DEVELOPMENT, DEVELOPMENT SERVICES, COMMUNITY & SOCIAL HOUSING

13.1 REGIONAL DEVELOPMENT, DEVELOPMENT SERVICES AND COMMUNITY & SOCIAL HOUSING PORTFOLIO REPORT

File Number: **10-05-2023**

Author: **Councillor**

Authoriser: **General Manager Infrastructure**

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.

Officer's Recommendation

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

Regional Development

As May is *Queensland Small Business Month (QSBM)* celebrating our small businesses and the vital contribution they make to Queensland's economy and to our communities across the state, it is an opportune time to reflect on Council's involvement with small businesses.

During Small Business Month last year, Council made a commitment to small businesses in our community signing the Small Business Friendly Program Charter.

The Charter outlines the following commitments:

We agree to be small business friendly and make the following commitments:

- *We will actively communicate and engage with small businesses*
- *We will raise the profile and capability of small businesses*
- *We will promote and showcase small businesses*
- *We will develop and promote place-based programs for small businesses*
- *We will simplify administration and regulation for small business (red tape reduction)*
- *We will ensure fair procurement and prompt payment terms for small businesses*
- *We will support small business resilience and recovery*
- *We will measure and report on our performance*

Reflecting on Council's operations over the past twelve months I am pleased to acknowledge some of the following activities, events and networking opportunities that Council delivered supporting the Charter including:

- ✓ Attendance at monthly Chamber meetings, Nanango, Kingaroy, Wondai and Murgon
- ✓ Regular updates on our website and Facebook page of upcoming events
- ✓ Appointment of Local Business Resilience Officer

- ✓ Appointment of a Grants Officer
- ✓ Two Hub in the Pub events with the last event recently held 27 April, these events will continue to be held each quarter
- ✓ South Burnett Façade Improvement Grants across the region
- ✓ Façade Improvement Information sessions for each round held in various towns across the South Burnett
- ✓ Ongoing Regional Development Action Plan workshops
- ✓ The South Burnett Business Linkup Breakfast this Friday 12th May 2023
- ✓ Commencement of an Investment Prospectus
- ✓ The South Burnett Façade Improvement Grant – Round 3 to open on the 15th of May 2023
- ✓ Local providers have been used for all events where possible
- ✓ Continuation of Council's Developer Incentive Scheme

Whilst only a snapshot and not exclusive, I acknowledge a busy year behind us and with many projects ongoing and more in development, Council is looking forward to working closely with our small business community into the future.

Development Services

Building
From the period 1/04/2023 to 30/04/2023, The Building Team received 50 customer requests. 31 building applications were received as follows:

- Council – 17 Applications; and
- Private Certified – 14 Lodgements.

The number of building applications projected to be received by Council this financial year is 404. This projected figure compares to 441 for the previous financial year and 364 applications for the 2019/2020 financial year.

The number of Private Certification applications projected to be received by Council this financial year is 241. This projected figure compares to 257 for the previous financial year and 195 applications for the 2019/2020 financial year.

Planning
From the period 1/04/2023 to 30/04/2023, the Planning Team received 74 customer requests and held 2 pre-lodgement meetings. 10 planning applications were received as follows:

- Material Change of Use (MCU) – 2 applications;
- Reconfiguration of a Lot (RAL) – 4 applications;
- Operational Work (OPW) – 2 applications;
- Plan of Sealing (POS) – 1 application; and
- 1 application received for the Development Incentive Scheme.

The number of planning applications projected to be received by Council this financial year is 118. The projected figure compares to 109 for the previous financial year and 64 applications for the 2019/2020 financial year.

Plumbing
From 1/04/2023 to 30/04/2023, the Plumbing Team received 7 customer requests. 18 plumbing and drainage applications were received as follows:

- Class 1/10a – Domestic No Sewer – 11 applications;
- Class 1/10a – Domestic Sewer – 1 application; and
- Class 2-9 – Other Building (Commercial) – 6 Applications.

The number of plumbing applications projected to be received by Council this financial year is 230. This projected figure compares to 299 for the previous financial year and 247 applications for the 2019/2020 financial year.

Major Planning Scheme Amendment
The Department of State Development, Infrastructure, Local Government and Planning (the Department) issued a Notice to pause a timeframe for 20 business days under the Minister's Guidelines and Rules (MGR). The purpose of this pause is to provide time for the assessment of the revised version of the proposed major amendment (i.e., version 2.1) submitted to the Department on 22 March 2023. The timeframe restarted on 5 May 2023.

Resourcing
With the Senior Planning Officer being on extended leave and the vacant Planning Officer position still to be filled, there is a heavy reliance on utilising consultants to provide the planning service at this time.

Legal Matters
The Planning team has 2 current appeals in progress, the details of which are as follows:

2922/22 VB 1884 Pty Ltd -V- South Burnett Regional Council
This is an appeal against Council's decision to issue a development approval for a Preliminary Approval for MCU Service Station (Service Station including ancillary food and drink outlet & shop) at 81 Haley Street, Wondai.

The most recent action in the matter is that a Court Order was issued requiring the parties to attend a Without Prejudice Conference by 19 May 2023. The appeal will then be reviewed by the Court on 2 June 2023.

828/23 Amplitel Pty Ltd -V- South Burnett Regional Council
This is an appeal against Council's decision to refuse a development application for a Development Permit for a Material Change of Use (Telecommunications Facility) at Redman's Road, Kingaroy.

The most recent action in the matter is that Council's Solicitor filed a Notice of Entry of Appearance in the Planning and Environment Court on 30 March 2023.

ATTACHMENTS

Nil

13.2 PLANNING AND LAND MANAGEMENT OPERATIONAL UPDATE

File Number: **10-05-2023**

Author: **Manager Environment and Planning**

Authoriser: **General Manager Infrastructure**

PRECIS

Planning and Land Management Operational Update.

SUMMARY

Planning and Land Management Operational Update.

OFFICER'S RECOMMENDATION

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

ATTACHMENTS

1. PLANNING AND LAND MANAGEMENT OPERATIONAL REPORT ⇩

LIVEABILITY – PLANNING & LAND MANAGEMENT OPERATIONAL UPDATE

Darryl Brooks
Manager Environment & Planning

Private Certification YTD Report on Subcategories
Period 01-Jul-2022 to 30-Apr-2023

Application Type	Total
AltPoolFnc	0
BudgetAcc	0
CAP	0
Class1&10a	23
Class1&10b	2
Class10a	86
Class10a&b	1
Class10b	3
Class1a	68
Class1b	1
Class2	0
Class3	0
Class4	0
Class5	1
Class6	4
Class7	2
Class8	0
Class9	1
Class9a	0
Class9b	1
Class9c	0
FarmShed	1
IssChgClas	1
Remove	3
Restump	0
RetainWall	0
SACouncilP	0
SAStatePro	0
SignSatDsh	0
SpecStruct	0
SwimPool	3
TempStruct	0
Total	201

Planning Applications YTD Report on Subcategories
Period 01-Jul-2022 to 30-Apr-2023

Application Type	Total
QEXC	0
QMCU	28
QOPW	15
QPOS	25
QRAL	27
QSPS	0
LLTempHome	3
Total	98

Plumbing Applications YTD Report on Subcategories
Period 01-Jul-2022 to 30-Apr-2023

Application Type	Total
DomNoSewer	126
DomSewer	33
OtherBuild	32
Total	191

Building Applications YTD Report on Subcategories
Period 01-Jul-2022 to 30-Apr-2023

Application Type	Total
AltPoolFnc	0
BldMatters	0
BudgetAcc	0
CAP_Bld	1
Class1&10a	8
Class1&10b	0
Class10a	163
Class10a&b	0
Class1a	71
Class1b	1
Class2	0
Class3	0
Class4	0
Class5	2
Class6	6
Class7	8
Class8	5
Class9	1
DesignSite	31
DwellReloc	17
FarmShed	2
FireSafety	0
IssChgClas	0
Remove	5
ReRoof	1
ResService	0
Restump	1
RetainWall	0
SACouncilP	0
SAStatePro	0
SignSatDsh	1
SpecStruct	0
SwimPool	13
TempStruct	0
Total	337

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
Comparison of Development Applications 2019/2020, 2020/2021, 2021/2022 and 2022/2023													
Period 01-Jul-2022 to 30-Apr-2023													
Planning Applications													
2019/2020	3	8	8	10	6	3	1	3	5	5	6	6	**64**
2020/2021	8	3	9	2	4	9	1	1	6	5	10	4	**62**
2021/2022	11	6	8	11	4	4	3	13	12	10	15	12	**109**
2022/2023	17	4	18	7	10	8	0	12	12	10	0	0	**98**
Building Applications													
2019/2020	38	51	35	33	32	6	38	35	20	20	23	33	**364**
2020/2021	37	34	41	42	44	27	37	55	43	39	48	42	**489**
2021/2022	40	41	44	43	36	24	36	37	34	28	43	35	**441**
2022/2023	42	46	37	34	42	29	25	30	32	20	0	0	**337**
Private Certification Applications													
2019/2020	24	16	12	25	17	21	11	15	8	18	14	14	**195**
2020/2021	18	15	59	31	24	10	14	28	28	17	21	18	**283**
2021/2022	32	21	21	15	22	17	14	27	24	17	22	25	**257**
2022/2023	22	30	17	16	29	13	11	27	15	21	0	0	**201**
Plumbing Applications													
2019/2020	32	20	21	21	21	15	24	14	24	11	19	26	**248**
2020/2021	23	26	17	43	30	23	22	30	31	21	27	14	**307**
2021/2022	27	34	30	30	22	17	19	19	24	27	28	22	**299**
2022/2023	14	23	20	13	25	15	14	30	19	18	0	0	**191**

13.3 TRANSMISSION LINE RELOCATION - MEANDU MINE

File Number: **10-05-2023**

Author: **Manager Environment and Planning**

Authoriser: **General Manager Infrastructure**

PRECIS

Relocation of Transmission Line – Meandu Mine

SUMMARY

The Environmental Assessment Report (EAR) has been released for the relocation of the Tarong to Middle Ridge transmission line associated with the expansion of the Meandu Mine.

OFFICER'S RECOMMENDATION

That the report be received for information.

BACKGROUND

Stanwell Corporation have engaged Powerlink to relocate a 4.6-kilometre section of the existing Tarong to Middle Ridge high voltage (275kV) transmission line. The transmission lines need to be relocated because of the proposed expansion of mining activities (within the existing surface rights area) which would encroach underneath the existing transmission lines.

The relocation of the transmission lines will encroach into the Yarraman State Forest and will straddle the boundary between South Burnett and Toowoomba Regional Council.

An Environmental Assessment Report (EAR) has now been developed for the project and is now available for review and submission by all stakeholders. Submissions close on 29 May 2023.

The EAR contains details of the proposed project and as assessment of its environmental, social, and economic aspects.

Council Officers have reviewed the EAR with a draft response currently being reviewed internally. Responses have been provided regarding accommodation, community engagement program, air quality and acoustic impacts, vegetation clearing and impact on Fauna and Flora, biosecurity and traffic impacts.

Further information on this project is contained in the attachments.

ATTACHMENTS

1. **CC-Brochure-2022-Network Development Process- February** ⇩
2. **Meandu Mine Line Relocation Project Newsletter April** ⇩

Network Development Process

Version 6 - February 2022

About this brochure

This brochure provides an outline of our landholder engagement and planning approval process. We undertake extensive consultation with affected landholders and other stakeholders to ensure we have considered all relevant matters in determining the most appropriate location for our proposed infrastructure.

Alternative approval pathways may be followed (for example development application) where a customer assumes responsibility for the planning and development of transmission infrastructure.

Landholder engagement and planning approval process

Much like obtaining approval to build a house, we seek town planning and environmental approvals prior to constructing new electricity infrastructure. Given the nature of this infrastructure, we typically seek approvals at the State and Federal Government level.

The landholder engagement and planning approval steps that we follow for large projects are outlined below and incorporate the Ministerial Infrastructure Designation process in the Queensland Government's *Planning Act 2016*.

Our Landholder Relations team will take you through the process and are happy to assist with any queries you may have as things progress.

Powerlink activity

Ministerial Infrastructure Designation Process

STEP 1
Introduce the project to landholders and other stakeholders

Opportunity for landholders and other stakeholders to provide preliminary input

We contact potentially affected landholders and other stakeholders to provide an overview of the project. Matters discussed typically include:

- project needs
- timeframes
- approval requirements and processes
- management of property impacts
- construction activities
- operation and maintenance
- land acquisition and compensation process.

STEP 2
Understand and incorporate landholder and other stakeholder requirements

Opportunity for landholders and other stakeholders to provide continual input

Our team works closely with potentially affected landholders and other stakeholders to understand and address matters of importance to them.

STEP 3
Initial field assessments

With landholder approval, we undertake initial on-ground assessments to understand environmental, social, physical and economic aspects of the proposed project.

STEP 4
Corridor and/or Site Selection Report

Opportunity for landholders and other stakeholders to provide formal comment

Information gathered from Steps 1-3 forms the basis of the Draft Corridor Selection or Site Selection Report.

A Draft Corridor Selection Report outlines the assessments undertaken so far and compares potential transmission line corridors. From this analysis, a study corridor is recommended within which the transmission line will potentially be located. The study corridor can be several kilometres wide to allow flexibility in the final location of the transmission line based on ongoing engagement and further detailed studies.

A Draft Site Selection Report examines and compares potential substation locations. This report recommends an area that can be further reviewed and refined during additional engagement and investigations.

Landholders and other stakeholders are provided with a copy of the Draft Corridor Selection Report and/or Draft Site Selection Report and are invited to make comment on the suitability of its findings. All submissions are considered by us and further consultation may be undertaken with submitters to better understand and address any matters raised.

The Corridor/Site Selection Report is then finalised and released to landholders and other stakeholders. It is also available on our website.

Network Development Process

Powerlink activity

Ministerial Infrastructure Designation Process

STEP 5
Seek Minister's consideration on Infrastructure Designation

The engagement undertaken through the previous steps are a precursor to Powerlink seeking planning approval via Infrastructure Designation process. Powerlink writes to Queensland Government's Planning Minister seeking endorsement to lodge an infrastructure designation proposal. This step does not approve the project, but does endorse infrastructure designation as the approval pathway for the project.

STEP 6
Prepare Environmental Assessment Report

Studies which examine the environmental, social, physical and economic aspects of the study corridor are prepared, and together these factors are considered to identify a draft alignment for the proposed transmission line and/or draft location for a substation, which on balance, has the lowest overall impact. This material is submitted to the Planning Minister and forms Powerlink's Ministerial Infrastructure Designation Proposal.

STEP 7
Consultation

Opportunity for landholders and other stakeholders to provide formal comment

Formal consultation on the Environmental Assessment Report is undertaken by the Planning Minister by writing to landholders and local government inviting submissions. Simultaneously, Powerlink undertakes public consultation for a minimum period of 20 business days.

STEP 8
Consideration of submissions and changes.

Opportunity for landholders and other stakeholders to provide formal comment

Powerlink prepares a summary addressing matters raised in the consultation process and outlines what (if any) changes have been made to the proposal.

If a change is made to the proposed infrastructure (that is considered to warrant further consultation), either as a consequence of a submission made during consultation or another circumstance, further consultation may apply to the proposal.

STEP 9
State Government Assessment and Approval

The State Government assesses the Environmental Assessment Report and submissions. All submissions are considered. If the State Government decides to approve the project, the decision is published in the Queensland Government Gazette. Relevant local governments, directly affected landholders and Powerlink are notified.

Powerlink activity

STEP 10
Easement acquisition

It is our standard practice to negotiate with landholders regarding compensation to acquire the land and easements required for new transmission infrastructure.

These negotiations generally commence once the environmental assessment has been finalised, but may commence earlier in the process in some instances. If negotiations reach a mutually acceptable outcome, formal documentation will be signed and compensation will be paid.

Depending on the individual circumstances and to ensure the timely delivery of the project, prior to negotiations concluding, Powerlink may also begin the relevant legislative process to resume the land necessary for the project.

STEP 11
Construction

We are committed to ongoing communication and engagement with landholders and other stakeholders throughout the construction phase.

We contact landholders to provide details about proposed construction works, confirm access arrangements and property-specific issues, and discuss planning to reduce impacts.

STEP 12
Operation and maintenance

Access for maintenance activities is undertaken in accordance with agreed property specific requirements.

Powerlink will continue to engage with stakeholders and landholders around maintenance and operational works over the lifespan of the infrastructure.

Contact Us

Further information about Powerlink and our projects can be downloaded from www.powerlink.com.au

General Enquiries FREECALL 1800 635 369 (during business hours) and ask for Property Services
In case of emergency FREECALL 1800 353 031 (24 hours, 7 days a week)

Email Property@powerlink.com.au

www.powerlink.com.au |

Powerlink QUEENSLAND

SAFE FOR LIFE
Everyone. Everywhere. Everyday.

Meandu Mine Transmission Line Relocation Project

Environmental Assessment Report release

APRIL 2023

About Powerlink

Powerlink is a leading provider of electricity transmission services, delivering safe, cost effective and reliable network solutions. Our transmission network extends 1,700 kilometres from north of Cairns to the New South Wales border. Our purpose is to connect Queenslanders to a world-class energy future, providing electricity to more than five million Queenslanders and 238,000 businesses.

Since mid-2022, Powerlink has been engaging with landholders, the community, Traditional Owners and other stakeholders on a project to relocate a short section of our existing Tarong to Middle Ridge transmission line, to safely accommodate future proposed mining activities at Stanwell Corporation Limited's Meandu Mine. This transmission line plays an important role in safely and efficiently transporting electricity generated at the Tarong power stations to the South West Queensland area.

About the King 2 East (K2E) Project

Meandu Mine is an open-cut coal mine in the South Burnett, owned by Stanwell and operated by BUMA Australia, under strict safety and environmental conditions. Located in the South Burnett, the mine supplies black thermal coal to the adjacent Tarong power stations.

The Tarong power stations, which are among the youngest and most reliable generators in the National Electricity Market, will continue to provide a secure supply of electricity as the market transitions towards a lower carbon future. The proposed K2E Project will extend the current Meandu Mine by approximately 187 hectares (a seven per cent increase), within the existing mining lease. For more information, visit www.stanwell.com/meandu-mine-king-2-east-project.

Stanwell intends to conduct mining within the current surface rights area located underneath this transmission line and is also currently seeking approval to increase the surface rights area of the mine, known as the King 2 East (K2E) project.

Acknowledgement

Powerlink acknowledges the Traditional Owners and their custodianship of the lands and waters of Queensland and in particular, the lands on which we operate. We pay our respect to their Ancestors, Elders and knowledge holders and recognise their deep history and ongoing connection to Country.

Key points

- **As part of the Ministerial Infrastructure Designation approvals process under the *Planning Act 2016* to confirm the most appropriate location for this relocated section of transmission line, Powerlink has prepared an Environmental Assessment Report (EAR). This report has been submitted to the Queensland Government Planning Minister for planning approval and has now been publicly released for review and comment.**
- The EAR identifies the preferred alignment for the short section (4.6km) of relocated transmission line. Following engagement with Stanwell and other affected landholders, the preferred alignment is directly to the east of Stanwell's proposed K2E project. This minimises impacts on surrounding landholders and the wider community, and ensures the long-term suitability of transmission infrastructure in the area.
- **Submissions on the EAR are welcome by close of business on Monday 29 May 2023.**
- No final decisions on the transmission line's location will be made until all required approvals have been achieved.
- We thank all directly affected landholders and Traditional Owners for their ongoing assistance and involvement in meetings to progress the project. We will continue to keep stakeholders informed.

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FOR FURTHER INFORMATION: FREECALL 1800 635 369 | www.powerlink.com.au

About the EAR

The EAR was prepared by environmental specialists and involved ongoing engagement with directly affected landholders and other stakeholders, and environmental and technical assessments including on-ground cadastral and Cultural Heritage surveys, tower surveys and pegging.

The preferred alignment for the relocated section of transmission line is identified in the EAR and is located within the recommended corridor outlined in the Final Corridor Selection Report, published in January 2023.

Following continued collaboration with Stanwell regarding their intended future mining activities, Powerlink is proposing to locate the replacement transmission line section immediately east of the proposed K2E boundary. This ensures the replacement line is as short as possible and minimises impacts to the surrounding area. The preferred alignment maximises the State Forest and industrial land uses in the region, with the relocated section of line proposed to traverse around 3.4km of State Forest and the remaining 1.2km in land owned by Stanwell.

The proposed corridor is located several kilometres away from the nearest rural residential properties. This section of line is also largely obscured by State Forest, which minimises visual amenity impacts.

The EAR identifies the potential environmental, economic and social impacts of the project, and how those impacts can be mitigated or managed, across the whole lifecycle of the infrastructure where possible.

The report is a public document and can be accessed in several ways:

- downloading from Powerlink's website: www.powerlink.com.au/meandu
- downloading from the Department of State Development, Infrastructure, Local Government and Planning's (DSDILGP) website: www.statedevelopment.qld.gov.au/mid-consultations (visit the 'Requests open for consultation' tab towards the bottom of this webpage and search for 'Meandu Mine')
- accessing a USB or hard copy by emailing Powerlink at projects@powerlink.com.au or phoning 1800 635 369.

Making a submission on the EAR

Formal submissions on the EAR are now invited and must be received in writing by the Planning Minister by close of business on 29 May 2023 via DSDILGP. Submissions can be lodged in several ways:

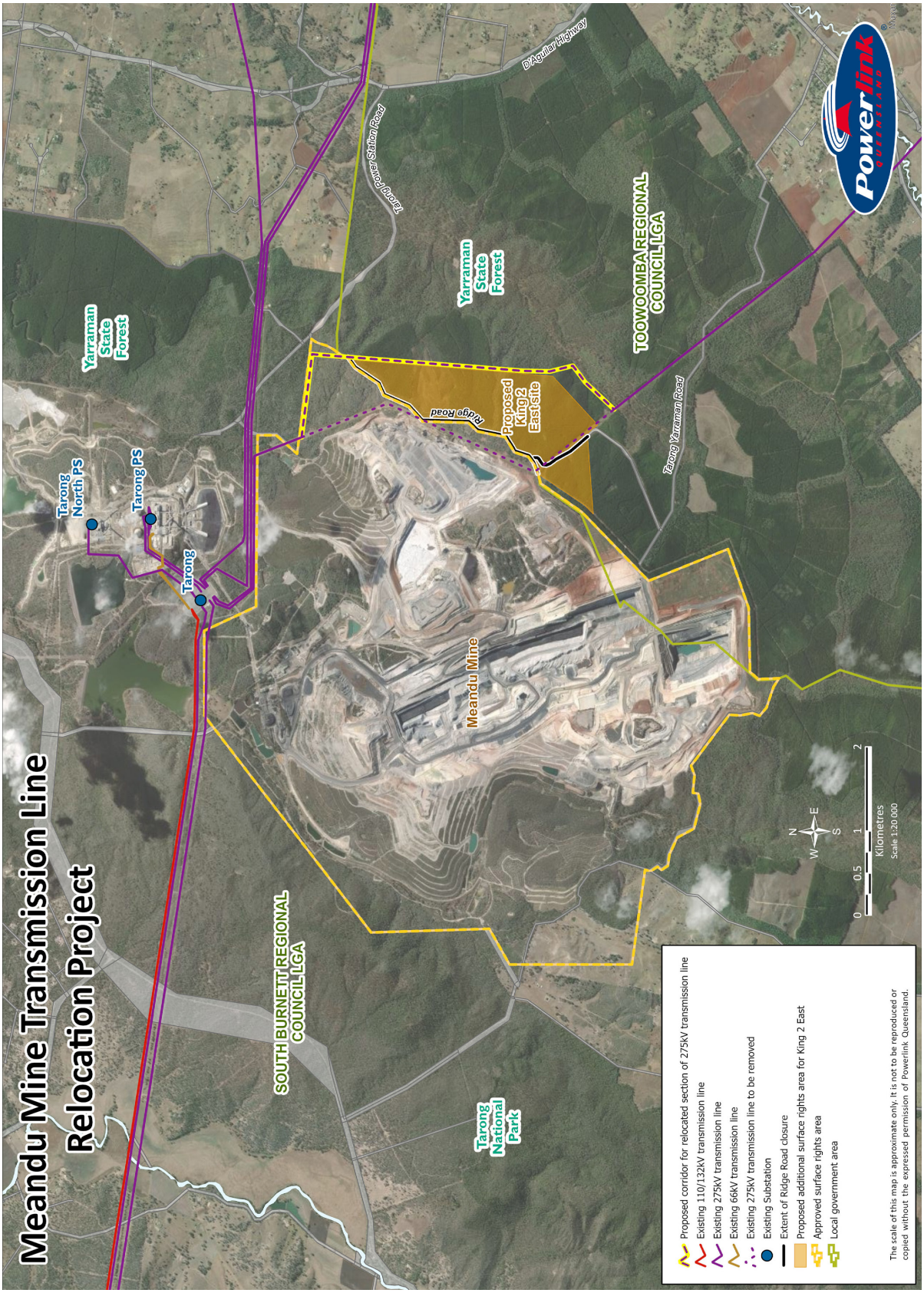
- online: www.statedevelopment.qld.gov.au/mid-consultations
- email: infrastructuredesignation@dsdilgp.qld.gov.au
- post: PO Box 15009, City East, QLD, 4002.

For further information on the submission process, you can contact the Ministerial Infrastructure Designation team within the department on 1300 967 433 or at infrastructuredesignation@dsdilgp.qld.gov.au.

Stakeholders are welcome to make a submission on any of the topics in the EAR. As a guide, the adjacent table lists topics often raised during engagement and where to find information on these in the report.

Topic	Related sections of the EAR
Biosecurity	Section 4.9
Bushfire risk	Section 4.15
Community and stakeholder consultation	Section 3
Cultural Heritage	Section 4.12
Biodiversity and flora/fauna	Sections 4.7 and 4.8
Electric and magnetic fields	Section 4.14
Transport and traffic	Section 4.13
Visual amenity	Section 4.11

FOR FURTHER INFORMATION: **FREECALL 1800 635 369**



www.powerlink.com.au

Next steps

Planning approval is required before a decision will be made about the final alignment for the proposed transmission line.

Current activity:

- Formal consultation on the EAR is being undertaken by the Planning Minister. Powerlink is also inviting submissions from anyone with an interest in the project.
- We are working directly with Traditional Owners in the project area to seek feedback and input on project planning, Cultural Heritage management and the EAR.
- We are continuing to engage with directly affected landholders to provide information on the planning approval process and seek their further input.

Upcoming activities:

- The Planning Minister will review all submissions received on the EAR and provide Powerlink with information about matters raised. Powerlink will review this information, undertake any required additional investigations and respond by outlining any changes made.
- The Planning Minister will assess the EAR and consider all submissions. If approval is granted, the decision will be published in the Queensland Government Gazette and notification will be provided to directly affected landholders, relevant local governments and Powerlink.
- Initial construction crew mobilisation and preliminary site preparation works are planned to commence in late April 2023. We will engage with landholders, the community and other stakeholders regarding full construction works to provide further information on how impacts will be minimised or managed.

We thank all directly affected landholders, including the Traditional Owners, for their ongoing assistance and involvement in meetings to progress the project. We will continue to keep landholders, the community and other stakeholders informed.

Further information

For more information on the Meandu Mine Transmission Line Relocation Project, please contact:

Brian Gover
Property Project Manager
Powerlink
Ph: 07 3860 2235
Email: brian.gover@powerlink.com.au

FREECALL: 1800 635 369
(business hours)

projects@powerlink.com.au

www.powerlink.com.au/meandu

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13.4 TELECOMMUNICATION TOWERS

File Number: **10/05/2023**

Author: **Manager Environment and Planning**

Authoriser: **General Manager Infrastructure**

PRECIS

Several questions have been posed regarding telecommunication towers.

SUMMARY

A request has been received to provide a report to Council which address several questions in relation to telecommunication towers in the South Burnett.

OFFICER'S RECOMMENDATION

That the report be received for information.

BACKGROUND

The following information has been prepared in response to a number of items raised from the community in relation to telecommunication towers and 5G technology.

Do Council take independent studies when Council looking at Telstra/telco activities and work, and how do they know they are independent?

Council does not take independent studies in relation to proposed telecommunication facilities. This is not within Council's jurisdiction as it is a federal government jurisdiction. All deployment of public mobile telecommunications service infrastructure in Australia, which includes wireless base stations, small cells and antennas, must be carried out according to the Federal Industry Code C564:2020 Mobile Phone Base Station Deployment (the Code) 1. The Code requires the supply of certain information as part of the consultative process with the local community and local government authority through a development application process if triggered. Experts who prepare the reports are representatives of independent companies and are not employees of the telecommunications providers.

An electromagnetic energy or EME report is part of this process and is produced by an expert according to a methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 2. It provides objective estimates of the maximum levels of EME from a wireless base station or small cell for both existing and proposed upgrades to telecommunications systems at the site.

The ARPANSA RF Standard provides limits of exposure which must be complied with by all radio installations, including wireless base stations and small cells. The limits for EME exposure given in the ARPANSA Standard are intended to provide protection for people of all ages and medical conditions when exposed 24 hours per day, 7 days per week.

If the potential level of exposure is below the limits stated by ARPANSA, the level of exposure is considered acceptable.

ARPANSA is responsible for determining the limits and Council ensures that a proponent demonstrates that the limits will not be exceeded through the assessment of a development application (if triggered).

Concern was raised about the use of land and if something then came onto that land that caused a risk (i.e., 5G transmission)

Council does have jurisdiction to assess development applications for Telecommunications Facilities where the Planning Scheme makes such development assessable. This would generally relate to new installations which involve a change of land use for example, rural land use to telecommunications facility. Council will assess potential visual amenity impacts, access and the like. This excludes minor facilities as defined by the federal government.

As mentioned above, exposure limits for EME are regulated at the federal level and all deployment of public mobile telecommunications service infrastructure in Australia, which includes wireless base stations, small cells and antennas, must be carried out according to the federal Industry Code C564:2020 Mobile Phone Base Station Deployment (the Code) 1. The Code requires the supply of certain information as part of the consultative process with the local community and local government authority through a development application process if triggered. Experts who prepare the reports are representatives of independent companies and are not employees of the telecommunications providers.

Council would have to carefully consider whether it wished to purport to regulate exposure limits. These have been appropriately regulated by the federal government for many years through an agency with specific expertise in this field. The federal government has ensured a consistent approach across the nation in relation to acceptable exposure limits. To permit individual local governments to purport to regulate exposure limits, which is not something within their area of jurisdiction or arguably expertise, would not be prudent and would lead to difficulties in defending decisions based on arbitrary measures adopted by local governments, which may not be supported in evidence.

What's the possibility of declaring the South Burnett a 5G free zone?

On face value, it would appear that Council's does not have the legal ability to declare 5G free zones, but this may require legal advice.

Council has a legislative responsibility to accept, assess and decide development applications as submitted to Council. Council's assessment must be merit based on each application and based on the relevant legislative framework (Planning and other relevant legislation and standards).

It is believed that Council does however have an advocacy role in the provision of or resistance to this technology to the community.

Noting access to effective telecommunications facilities and connectivity is essential to regional communities, Council would have to consider whether it wishes to seek to exercise prerogative over the type of telecommunications technology provided to its community which currently sits within the ambit and expertise of the federal government.

Council has in its Corporate Plan 2021-2026 under Growing our Region's Economy and Prosperity the following action:

- *GR10 – Advocate for enhanced regional digital connectivity and black spots.*

To declare the South Burnett a 5G free zone, would conflict with Council's own Corporate Plan.

With regards to telecommunications "low impact facilities", we strongly believe that once a notification has been issued by a carrier / telecommunications provider to Council ("letter sent to the General Manager"), that Council as per their general environmental duty, also has a responsibility to notify the public about the planned installation of either an upgrade to an existing telecommunications facility or the installation of a small cell, in the interests of full disclosure and transparency to the community, and in particular those residing in close proximity to the facility. This could be done by way of newspaper advertisement, a letterbox mailout and more effectively and possibly preferably, a public notice issued via Council's Facebook page.

What is the regulated approval process for upgrade of Telstra Towers to 5G

Low Impact Facilities under the *Telecommunications (Low-impact Facilities) Determination 2018* pursuant to the *Telecommunications Act 1997*, are governed by federal government legislation. Council has no jurisdiction over Low-impact Facilities. As Council is not responsible for regulating the installation of these facilities it is not considered that Council has responsibility for notifying the public about the planned installation of them.

If there is a belief that the general public should be notified of the proposed installation of Low-impact Facilities, then it is recommended that the contact be made with the Federal Government to advocate amendments to the *Telecommunications Act 1997* to require the Telco proposing to install the Low-impact Facility to notify the public. The notice to Council regarding the 5G upgrade at Reservoir Street is in **attachment 1**.

Surveillance Cameras in Kingaroy CBD and on LED Street Lights

Council has installed a CCTV system in the Kingaroy CBD, Kingaroy forecourt, rail trail, George Street Carpark (in process), River Road Park, and Memorial Park. The majority of systems are connected to Council's network and in the process of being connected to the Queensland Police network. Officers are not aware of surveillance cameras being attached to LED street lights in residential areas.

Council Policy Position

Whilst the above summary provides responses to certain questions raised at a recent meeting of concerned residents, it is noted that several matters raised at the meeting relate to Council's policy position and future direction in relation to 5G technology. No response or comments have been provided on these matters given the policy direction and guidance rests with Council. A summary of issues raised at the recent meeting of concerned residents is attached for Council's consideration.

In regard to organising a public information forum, it would be recommended that concerned groups make contact with the Australian Government and regulatory bodies that provide government advice on 5G.

ATTACHMENTS

1. **Attachment 1 - Telstra - Kingaroy - Resident letter - Intended Actions - South Burnette Regional Council** ⇩
2. **Attachment 2 - Reservoir St Tower public meeting – 15th March 2023** ⇩

28 April 2023

Att: Planning team
South Burnette Regional Council

Sent by email to info@sbrc.qld.gov.au

Re: Upgrade works at an existing mobile phone base station facility at 30 Reservoir Street, Kingaroy QLD 4610.

To Whom It May Concern,

Notification of the proposed works at 30 Reservoir St, Kingaroy QLD (RFNSA 4610001) was conducted in accordance with the applicable Industry Code – Mobile Phone Base Station Deployment Code C564:2020.

The Council and extended public notification process was completed on 30 March 2023.

Telstra acknowledges that we are unable to satisfy all members of the community, however after consideration of the notification process Telstra has decided to proceed with the installation of the proposed 5G upgrade works, with construction commencing in May or early June 2023. These dates are approximate only and may be subject to change.

Further, a copy of this letter has been published on the website at www.rfnsa.com.au/4610001/ and has been provided to the persons who have taken an interest of the proposal.

Kind regards,

Ash Mathulla

Ash Mathulla
[redacted]

Street public meeting held 15th March, and if you could give us an update on the key issues as noted below, with feedback sought on the sections in bold, thankyou.

Councilors in attendance: Brett Otto, Peter O'May and Kathy Duff - thankyou again for taking the time out of your busy schedules to hear from concerned residents, and to clarify Council's position on high and low impact facilities. We also thank the Burnett Today journalist for being present and giving this story local media coverage.

Here is a short summary of the meeting:

- [redacted] talked about the history and background of 5G, and offered the book "5G Hidden Dangers" to Council for staff to read. Please return to [redacted]

- [redacted] question – **do Council take independent studies when Council look at Telstra/telco activities and work, and how do they know they are independent? – This is a council planning team matter so I will ask the CEO to advise you on this one.**

- Peter O'May talked about the two development applications, ie. change of land use etc for new structures, and consultation process under the Planning Act. Reservoir tower already has land use rights due to prior approval, and just requires notification.

- [redacted] asked about the use of land and if something then came onto that land that caused a risk – Peter responded that Council can't override federal legislation which regulates the industry, Council hands are tied, they have no jurisdiction, it's a federal issue. David Littleproud is the Federal Member and we are encouraged to contact Mr Littleproud as it is a federal Govt issue. Brett said ALGA wrote to Federal Govt in approx. 2019 asking to consider changes to the legislation to allow Councils to have a say, but the Federal Govt didn't act on that. There were, however, sufficient Councils who were concerned they were being bypassed, and this is a concern that Mayors and Councils across Australia have. **Brett will put this to Council to see if there's something they can do on this to help represent the voices of the community. – have put in a request to have a report brought to the 12 April committee meeting, will let you know once advised if this will be available at this time.**

- [redacted] question – what's the possibility of declaring the South Burnett a 5G free zone? **Brett will take this to Council if that's the will of the people, but Council as a whole need to vote and make this decision, and then would need to take it to the community for consideration. As above - have put in a request to have a report brought to the 12 April committee meeting, will let you know once advised if this will be available at this time.**

- Further, in regards to 5G moratorium, **Brett said every year Councils have an opportunity to put forward a motion at the Council National Conference in Canberra, and there could be the opportunity for the Local Govt Association of Australia to take an issue to the federal Govt, however, we have missed this year's meeting scheduled for July, but Council can put forward a motion at next year's meeting where all Councils can take a**

vote which is then taken to the Federal Govt. Brett said Council has a community engagement policy that defines how decisions are made, and as a request from the community to consider a 5G moratorium is put to Council as to how to proceed, what consultation with the community should occur etc as part of the decision-making process, ie. public meetings, info flyers, run a poll etc. The majority of Council members are required to move the motion, it may even be a national thing, more research required as to how to proceed at local Govt level. Peter suggested this process may be at least a six month process, and would require budget requirements for independent scientific reports/advice etc, it is a big decision. He said that Council have campaigned for years to actively get black spot communications, so to now turn that around, community consultation would need to be quite thorough. **As above - have put in a request to have a report brought to the 12 April committee meeting, will let you know once advised if this will be available at this time.**

- [redacted] said that 'active antennas' could be placed on your roof that seeks the signal, you don't need 5G.

- [redacted] asked about the streetlights and sensors on lights and posts, the cabling installed under the roads, footpaths etc in the CBD and the possible collection of data, and general concerns about surveillance and surveillance infrastructure. Peter said fibre optic cabling (dark fibre) has been installed and said Kingaroy is to become a smart city, with the intention to improve internet capacity and to facilitate internet-based business and to conduct telehealth. CCTV cameras are installed around the town hall for crime prevention. Sensors only to activate dark and light on street lights, but no other surveillance/sensors are in place for other purposes.

- **Brett to put to Council meeting and ask about the purpose of the conduit under the CBD and streets, any surveillance equipment in the Kingaroy area, specifically the streetlights, and in residential areas, if so where is it etc. so that we can hear from the people who did the design work, and so it gets brought out in the public. This was also included in my meeting report request, will let you know.**

- [redacted] question - is Council prepared to hold a town hall with experts that claim 5G is safe vs those experts who say it's not. **Brett said this could be put to Council for consideration. This was also included in my meeting report request, will let you know as to who is the responsible body what is the appropriate process.**

- Unacceptable "community consultation" with respect to "low impact facilities", ie. minimum is done: sign placed on fence of facility and a letter sent to the "General Manager" of SBRC. No further communication or engagement to residents in the area by the carrier or by Council. Peter said the communication required by the regulator is vague, very open and unclear. Brett recommended to contact the Federal Member to put concerns to (see below).

- **We are incredibly appreciative to Brett for emailing David Littleproud's office the very evening of this public meeting, 15th March, and are awaiting further advice from David Littleproud's office/Telstra, as to an extension of time for proper community consultation/engagement in regards to community concerns.**

Thankyou

[redacted]

on behalf of concerned residents

14 DEVELOPMENT SERVICES - (PLANNING, BUILDING, PLUMBING)

14.1 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT

File Number: **10-05-2023**

Author: **Administration Officer**

Authoriser: **General Manager Infrastructure**

PRECIS

List of correspondence pending completion of assessment report.

SUMMARY

Reports pending completion of assessment as of 31 April 2023.

OFFICER'S RECOMMENDATION

That the List of correspondence pending completion of assessment report as of 31 April 2023 be received.

REPORT

Reconfiguration of a lot (RAL) applications

1. RAL22/0011 – Easement associated with MCU22/0004 at 79 Zerners Road MURGON
2. RAL22/0028 – Reconfiguration of a lot – Subdivision (1 Lot into 2 Lots) at 1304 Wattlegrove Road, WATTLEGROVE
3. RAL22/0042 – Reconfiguration of a lot – Subdivision (1 Lot into 10 Lots) at 14503 D'Aguilar Highway, NANANGO
4. RAL23/0002 – Reconfiguration of a lot – Boundary Realignment at 858 Memerambi Gordonbrook Road GORDONBROOK
5. RAL23/0003 – Reconfiguration of a lot – Access Easement at Knight Street KINGAROY
6. RAL23/0004 – Reconfiguration of a lot – Combined Application Subdivision (1 Lot into 31 Lots) and associated Operational Work at Kelvyn Street KINGAROY (not properly made)
7. RAL23/0005 – Reconfiguration of a lot – Subdivision (1 Lot into 3 Lots) at 43 Brett Road BLACKBUTT SOUTH
8. RAL23/0006 – Reconfiguration of a lot – Subdivision (1 Lot into 2 Lots) at 46 Kingaroy Burrandowan Road TAABINGA
9. RAL23/0007 – Reconfiguration of a lot – Boundary Realignment at Weens Road KINGAROY (not properly made)
10. RAL23/0008 – Reconfiguring a lot – Easement (associated with MCU23/0008) at 20 Fork Hill Drive KINGAROY (not properly made)

Material Change of Use (MCU) Applications

1. 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)

2. 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

3. MCU22/0004 – Extractive Industry and Easement at 79 Zerners Road MURGON

4. MCU22/0009 – Intensive Animal Industry at 97 Schloss Road CUSHNIE

5. MCU22/0011 – Motorsport and Ancillary Facilities and Caretakers' Residence and ERA (63) for Sewerage Treatment at Lewis Duff Road BALLOGIE

6. MCU22/0018 – Agricultural supplies store and Special Industry (Manufacturing fertiliser) and concurrent ERA 7 (Chemical Manufacturing) at 107 River Road KINGAROY

7. MCU22/0034 – Major Utility Infrastructure – Solar Farm at Bowman Road BLACKBUTT

8. MCU23/0002 – Material Change of Use – Three (3) Additional Short-Term Accommodation Units at 5 Evelyn Street KINGAROY

9. MCU23/0003 – Material Change of Use – Warehouse (Self-Storage Facility) at 41-43 Pring Street WONDAI

10. MCU23/0005 – Material Change of Use – Warehouse at Bunya Highway KINGAROY

11. MCU23/0006 – Material Change of Use – Dual Occupancy at 27B Kingaroy Street KINGAROY

12. MCU23/0007 – Minor Change to Existing Approval – Material Change of Use (Increase to Number of Units and Associated Layout Changes) at 95 Markwell Street KINGAROY

13. MCU23/0008 – Material Change of Use – Food & Drink Outlet and Function Facility (associated with RAL23/0008) at 20 Fork Hill Drive MOFFATDALE (not properly made)

Operational Works (OPW) Applications

1. OPW23/0002 – Roadworks at 79 Tim Dwyer Road EAST NANANGO
2. OPW23/0005 – Filling or excavation at 468 Proston Boondooma Road ROSTON
3. OPW23/0006 – Operational work associated with RAL23/0004 at Kelvyn Street KINGAROY (not properly made)
4. OPW23/0007 – Roadwork, stormwater, drainage work and earthworks at Oliver Road KINGAROY

ATTACHMENTS

Nil

14.2 DELEGATED AUTHORITY REPORTS (1 APRIL 2023 TO 31 APRIL 2023)

File Number: **10-05-2023**

Author: **Coordinator Development Services**

Authoriser: **General Manager Infrastructure**

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 April 2023 until the 31 April 2023.

OFFICER'S RECOMMENDATION

That the Delegated Authority report be received.

BACKGROUND

N/A

ATTACHMENTS

1. **MCU22/0022 - Material Change of Use for the Use Short Term Accommodation 84m2 GFA (within a Secondary Dwelling) at 17 Fork Hill Drive MOFFATDALE** ⇩
2. **MCU22/0035 - Minor Change to Existing Development Approval (MCU21/0007) of Material Change of Use (Food & Drink Outlet) at 50 King Street NANANGO** ⇩
3. **OPW23/0003 - Operational Works (Earthworks, Stormwater and Access) at 1 Rogers Drive KINGAROY** ⇩
4. **RAL22/0030 - Change Representations for Reconfiguration of a Lot (1 Lot into 7 Lots in Two Stages) at 31 Heights Road GLAN DEVON** ⇩

16.2 MATERIAL CHANGE OF USE FOR THE USE SHORT TERM ACCOMMODATION 84M2 GFA (WITHING A SECONDARY DWELLING) AT 17 FORK HILL DRIVE, MOFFATDALE (AND DESCRIBED AS LOT 22 ON SP221464). APPLICANT: LUSSO RETREATS PTY LTD C/- ONF SURVEYORS

	SIGNATURE	DATE
MANAGER	Coordinator development services [redacted]	19/04/23
GM		
CEO	[redacted]	19.04.2023

File Number: MCU22/0022

Author: Coordinator Development Services

Authoriser: Chief Executive Officer

PRECIS

Material Change of Use for the Use Short Term Accommodation 84m² GFA (within a Secondary Dwelling) at 17 Fork Hill Drive, Moffatdale (and described as Lot 22 on SP 221464). Applicant: Lusso Retreats Pty Ltd C/- ONF Surveyors

- This is an Impact assessable development application for a Development Permit for a Material Change of use for a Short Term Accommodation located within a proposed Secondary Dwelling.
- Council officers have identified that a Short Term Accommodation use had commenced in the existing Shed on the property, but have not undertaken any compliance action despite not forming part of the application.
- The applicant argues support for the use on the basis that it will be for tourism accommodation, without reference to how this may affect existing accommodation business locally, or how the introduction of non-residential uses into a distinct residential precinct in Moffatdale will change the nature and character of the residential setting on an ad-hoc basis.
- The applicant did not provide sufficient planning grounds to justify introduction of Short Term Accommodation as a standalone use on the site. The South Burnett Regional Council Planning Scheme (SBRC) 2017 requires this part of Moffatdale to retain a predominant Rural Residential Use.
- The current policies setting strongly supports diversification of existing rural and agri-business to include types of short-term accommodation options that have a nexus with primary production, that will strengthen existing and ongoing economic development regionally, in a consolidated and well-planned manner. While this proposal fails to sufficiently demonstrate a nexus for a standalone Short Term Accommodation use, it is considered that sufficient grounds exist for the premises to retain a use of the site for 'shorter stays' and the like as generally stated in section 2 of the town planning report lodged in support of the application.
- It is therefore feasible that a short stay arrangement can exist where retained as ancillary to a primary residential use (Dwelling House) of the premises.
- On this basis the proposed Secondary Dwelling identified in the application is considered appropriate for the use as generally stated in section 2 of the town planning report lodged in support of the application.

SUMMARY

- This is an Impact assessable development application for a Development Permit for a Material Change of use pursuant to the SBRC Planning Scheme 2017.
- The application is for the use of a proposed Secondary Dwelling (84m² GFA) on site for the purposes of Short-Term Accommodation, but not the existing shed (60m² GFA) which is currently being used for the purpose of Short Tern Accommodation.
- It is noted that the applicant's response to information request dated 11 October 2022 advised that the applicant wishes to include the existing shed in the application addition to the proposed Dwelling House and proposed Secondary Dwelling.
  However, it is not considered that this response constituted a change to the development application pursuant to the Planning Act 2016, as the applicant failed to follow appropriate procedure to seek the change. There was no commentary stating that the applicant was purporting to include the 'shed' as an additional Short Term Accommodation facility change to the development application pursuant to the Planning Act 2016, or whether if it was a change whether and on what basis it constituted a 'minor' or 'other' change. Nor were any plans or details for the use of the 'shed' submitted. The nature of a proposed change may have impacted upon the assessment process.
  It is also considered that the public notification material also did not indicate the proposed use of the 'shed' as additional Short Term Accommodation. The only elevations and floor plans for Short Term Accommodation were the 'secondary dwelling' which is consistent with the development application as initially lodged.

On that basis this application has been assessed on the basis that the application only seeks Short Term Accommodation approval for the proposed Secondary Dwelling and not the existing 'shed'.

- The subject site is in a rural residential precinct of Moffatdale characterised by rural residential character living.
- An information request was issued 4 October 2022. The applicant did not respond with any surrounding business or needs analysis or impact review of the project locally on the residential locality and its character.
- Public notification occurred from 20 October 2022 for a period of 15 business days in accordance with the *Planning Act 2016*. No submissions were received by Council. However, the applicant provided letters of support that are not formal submissions as they were received outside the public notification period.
- The application has been assessed and conditions are recommended to ensure compliance (refer to Attachment A – Statement of Reasons)
- Refer to Attachment B – Infrastructure Charges Notice.

OFFICER'S RECOMMENDATION

The application for Short Term Accommodation 84m^2 GFA (within a Secondary Dwelling) is approved subject to the following conditions:

GENERAL

GEN1. Maintain access at all times as shown on the approved plan as amended in red:

Drawing Title	Prepared By	Ref. No.	Rev.	Date
Site Plan	McLaren Design	A303	Amended in red	3/04/2023
Proposed Floor Plan	McLaren Design	A304	F	28/06/2022
Elevations	McLaren Design	A305	F	28/06/2022
Sections	McLaren Design	A305	F	28/06/2022

GEN2. The currency period for this development approval for a Material Change of Use is six (6) years after the development approval starts to have affect. The development approval with lapse unless.

PLANNING – MCU

PLAN1. At all times, short term accommodation, must be provided within only the secondary dwelling identified and must be operated generally for the purposes of a short stays only – being that a resident or caretaker remains a concurrent occupation of a dwelling house whilst guests stay within the identified structure (residential use of the dwelling house is to remain within reasonable scope of a household).

(a) The short-term accommodation use applies only to the secondary dwelling identified on site as shown on the approved plan.

Guideline: this condition is imposed to ensure a residential use of the premises is maintained at all times and short-term accommodation is a secondary and subordinate use of the premises in the Rural Residential Zone. Any greater use of the site by commercial short term accommodation activities will require alternate building standards and certifications to apply and demonstration of fire safety and accessibility standards for a commercial premises and not a residential dwelling.

(b) The short-term accommodation is to operate in accordance with the following definition at all times:

The Planning Regulations 2017 (Sch. 24) define 'short term accommodation' to mean: "(i) providing accommodation of less than 3 consecutive months to tourists or travellers; or (ii) a manager's residence, office or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i)."

PLAN2. Prior to commencement of the use and to be maintained, the short-term accommodation building must be connected to power and certification provided by a licensed installer, that the on-site sewerage system can serve the maximum number of persons on site and is in accordance with conditions PLAN3 and PLAN4.

PLAN3. Prior to commencement of the use, submit for Council approval, a revised plan of layout demonstrating:

a) That the on-site wastewater system is located outside of the Covenant Area on site; and
b) The location of 'existing' and 'proposed' buildings, decks, driveway, on-site parking spaces, domestic sewerage treatment and dispersal areas.

PLAN4. Prior to commencement of the use and within 3 months of this development permit approval date, provide a Statutory Declaration, signed by the owner and operator of the short-term accommodation use (for Council records), stating that the premises will not be operated or used as a *'Party House'*, defined as follows:

Premises use to provide, for a fee, accommodation or facilities for guests where:
a) *Guests regularly use all or part of the premises for parties (buck parties, hen parties, raves, or wedding receptions, for example); and*
b) *The accommodation or facilities are provided for a period of less than 10 days; and*
c) *The owner of the premises does not occupy the premises during that period.*

PLAN5. Outdoor lighting must be provided to assist guests but not cause a nuisance for a neighbouring dwelling.

PLAN6. Prior to commencement of the use, provide and maintain, a waste bin storage area for the short-term accommodation that is screened from view from neighbouring dwellings.

PLAN7. Prior to commencement of the use, submit evidence to Council for record, of the installation of a professionally made, weather-proof sign erected on the property street frontage, that is clearly legible, and which must be maintained which:

a) Is approximately 0.3 square meter sign face area;
b) Displays the name of the property manager and their all-hours phone number; and
c) The name of the short-term accommodation business.

PLAN8. Maintain records demonstrating that bookings and short stays occur only within the secondary dwelling. Records must be made available to Council immediately upon Council's request.

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 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. 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

ENG8. Provide on-site water storage for the development with a minimum capacity of 45kl for the secondary dwelling.

ON-SITE WASTEWATER DISPOSAL

ENG9. Connect the development to an on-site wastewater disposal system, and upgrade where necessary, in accordance with the AS1547:2012 *On-site domestic wastewater management* and the Queensland Plumbing and Wastewater Code - 2019.

ENG10. Obtain a Development Permit for Plumbing Works for the on-site sewerage treatment system (if necessary).

PARKING

ENG11. Design and construct all driveway and parking areas to provide a dust suppressive gravel.

ENG12. Provide a minimum of one (1) car parking space for the Short-Term Accommodation use within the Secondary dwelling.

VEHICLE ACCESS

ENG13. Construct a residential crossover between the property boundary and the edge of the Fork Hill Dr pavement, having a minimum width of 4 metres, generally in accordance with Council's Standard Drawing No. 00049. Note that no culvert under the access is required.

ENG14. 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).

ELECTRICITY AND TELECOMMUNICATION

ENG15. Connect the development to electricity and telecommunication services.

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 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 filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

ADV2. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards to Appeal Rights.

ADV3. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

ADV4. Council is offering a reduction 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.

ADV5. This Material Change of Use development approval does not permit building works or operational works (requiring further assessment). It is incumbent upon the applicant to determine which other permits will be required.

ADV6. The approved development should adopt all necessary recommendations outlined in the BPAD 'Bush Fire Risk Assessment and Bushfire Management Plan' dated April 2022.

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 schemes, 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 where the approved use retains a residential use as the primary use on the site.

ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

REPORT

1. APPLICATION DETAILS

Site address	17 Fork Hill Drive	
Real property description	Lot 22 on SP221464	
Easements or encumbrances on title	**COVENANT W No 713039915** (1008m2) **The covenant prohibits the use of the Covenant Area** for Residential Purposes. It is a 'buffer area' and the Covenantor must not, by act or omission, use or permit the use of the Covenant Area for any purpose involving the clearing of Protected Vegetation unless: a) The Covenantor first has the Covenantee's approval and does or allows the clearing and replacement of Protected Vegetation consistently within the approval; or b) The clearing is necessary for the Covenantor to comply with a Law. c) The use of the Covenant Area must be consistent with the conservation and protection of Vegetation. d) The Covenantee must, regularly and whenever needed remove and environmental weed or pest that occurs on the Covenant Area. The proposal includes a plan for on-site wastewater treatment entirely within the Covenant area which will conflict with the terms of Covenant 3.5 and 3.6 conditions are imposed for it to be relocated.	
Area of Site	4220m^2	
Current Use	Shed (60m^2 GFA)	
Environmental Management Register or Contaminated Land Register	NIL	
Applicant's name	Lusso Retreats Pty Ltd C/- ONF Surveyors	
Zone	Rural Residential Zone	
Applicable Overlays	• Water Catchment (Water Resources Catchment) • Important Agricultural Area (Agricultural Land Classification B)	
Proposed use as defined	Short Term Accommodation	
Details of proposal	Material Change of Use (MCU's)	
	▪ Gross Floor Area (GFA)	84m^2
	▪ Building height	Single Storey
	▪ Access	Via residential access to Fork Hill Drive
	▪ Number of car parks	4 (incl. two informal spaces as part of the proposed secondary dwelling).
	▪ Servicing	An on-site effluent disposal report is included with the application demonstrating a secondary treatment plan and underground disposal of treated water can be accommodated on site. The effluent disposal is proposed within the area of Covenant W.
Application type	Aspects of	Type of Approval Requested

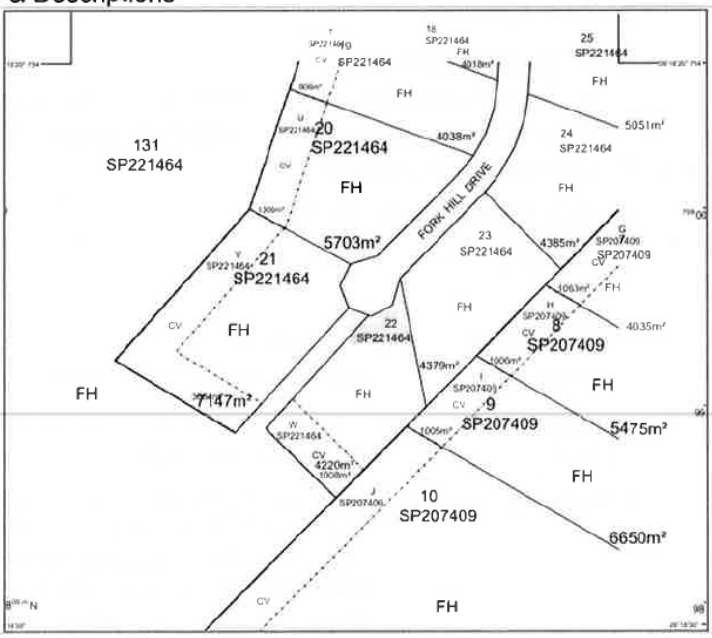
	Development	Preliminary Approval	Development Permit
	Material Change of Use (MCU)		X
	Reconfiguration of a Lot (RAL)		
	Building Work (BW)		
	Operational Work (OPW)		
Level of Assessment	Impact Assessment		
Pre-lodgement / Consultation history	NIL		
Key planning issues e.g. vegetation, waterway corridors, overland flow	- Conflict with Covenant W terms (must be revised with subsequent submission) - Planning land use – the short term accommodation use cannot be a 'stand alone' use on the site and is therefore required to be ancillary to the permanent residential use at all times.		
Referral agencies	Agency	Concurrence/ Advice	
	NA	NA	
Public notification	Yes – 15 business days		
Planning Regulation 2017	Part E of the Planning Regulation applies only to the extent relevant to the proposal.		

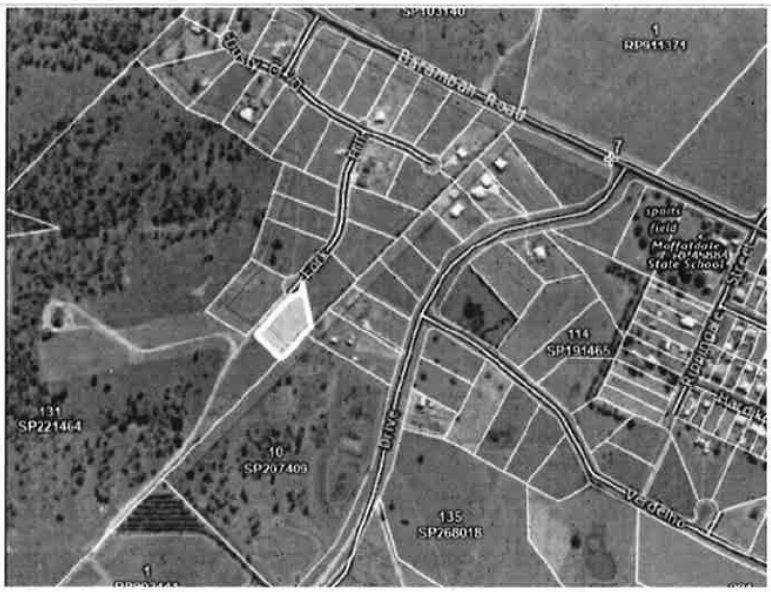
2. THE SITE

This section of the report provides a description of the site, details about the existing use and notable characteristics of the site, the standard of servicing, and the form of development in the immediately locality.

2.1. SITE DESCRIPTION & EXISTING USE

Table 1 – Maps & Descriptions

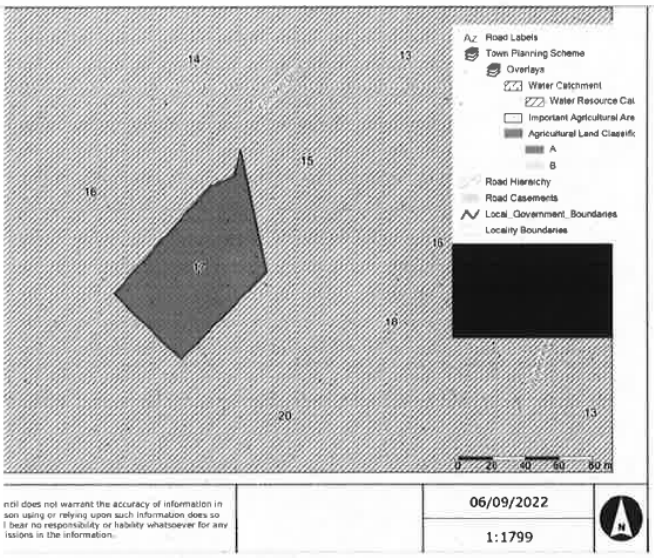
Site	


Gregory Creek
Bassingthorpe Road
Lot 1
sports field
Moffatdale State School
114
SP191465
131
SP221464
10
SP207409
135
SP268018
DTMR
Verdelho

Zoning


Town Planning Scheme
Zoning
Zoning Level 1
Centre
Community Facilities
Emerging Communities
Environmental Manage...
Extractive Industry
General Residential
Industry
Nil
Recreation and Open Sp...
Rural
Rural Residential
Specialised Centre
Township

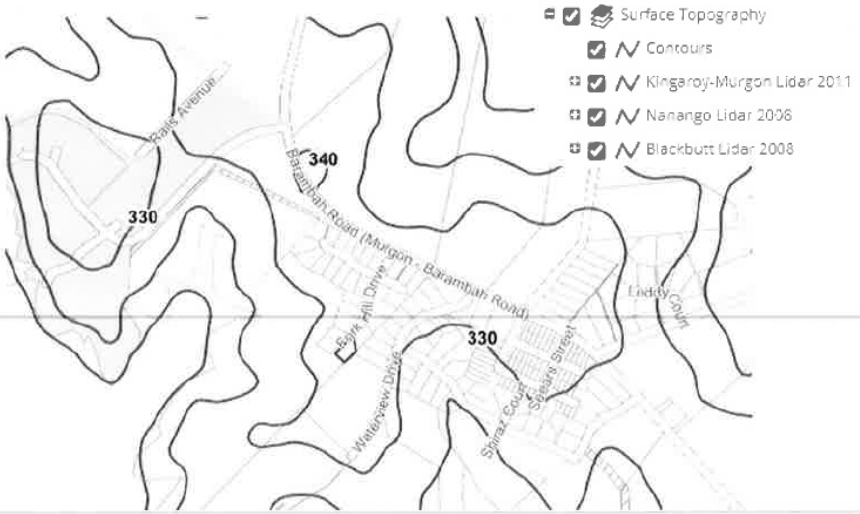
Overlays



Services

No reticulated Services

Topography



2.2. DEVELOPMENT HISTORY OF THE SITE

Conflict with Terms of Easement W applicable to the subject site

An on-site effluent disposal reports is included with this application demonstrating that an advanced secondary treatment system is proposed to service the development. The plan of the treatment system is extracted here –

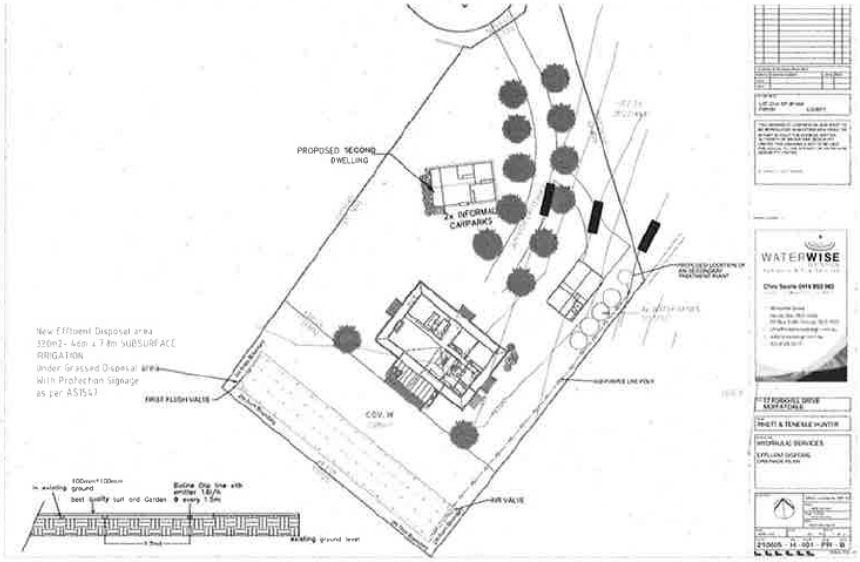


Image – extract from applicant wastewater assessment report

The on-site effluent disposal area under a grassed disposal area conflicts with the Purpose and Use of covenant W and such installation and use could limit the achievement with the conservation and protection of vegetation in the covenant area.

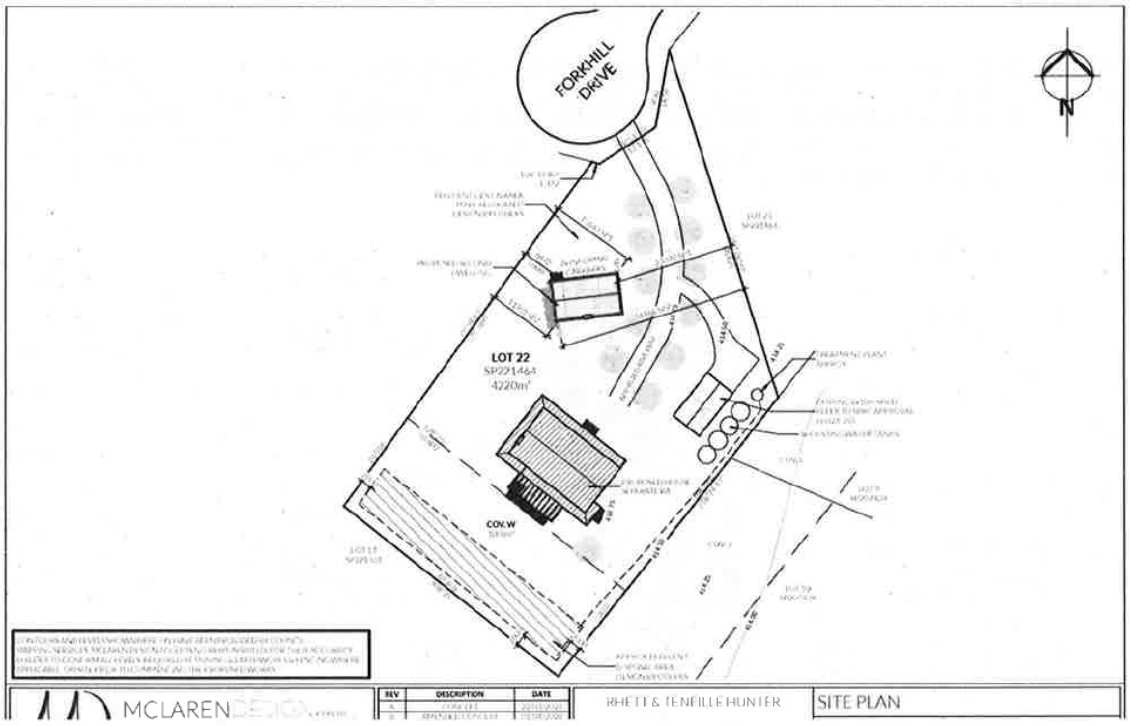
The applicant has failed to do any checks or balances regarding the limitations of the Covenant. Accordingly, the wastewater treatment systems location will need to be relocated, as specified in the conditions package.

3. PROPOSAL DETAILS

The proposal plans as set out in Attachment A to this planning report and the development proposal is described below.

3.1. SUMMARY DETAILS

Gross Floor Area	84m^2
Building height	Single storey (existing shed structures)
Number of parking spaces	Two (2) informal spaces as part of the proposed secondary dwelling. Two (2) other spaces are provided elsewhere onsite
Setbacks	6.4m existing setback to proposed secondary dwelling from the western boundary – no landscape screening or buffering proposed
Access	Via residential driveway from Fork Hill Drive
Materials	Existing structure



***Plan**- supplied by applicant for the Secondary dwelling application. No new plans or documents have been prepared by the applicant for this Short Term Accommodation application demonstrating use areas or proposed upgrades.*

4. ASSESSMENT OF ASSESSMENT BENCHMARKS

4.1. FRAMEWORK FOR 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.

4.2. IMPACT ASSESSMENT

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.

4.3. PLANNING REGULATION 2017

The Planning Regulation 2017 forms the mechanism by which the provisions of the Act are administered. In particular the Regulation has the ability to regulate and prohibit development and determines the assessment manager and the matters that trigger State interests.

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	NIL – there are no benchmarks relevant to the assessment of this application.
WBB Regional Plan Designation	Wide Bay Burnett Regional Plan 2011 – RLRPA The Wide Bay Burnett Regional Plan 2011, currently being reviewed, identifies the township of Kingaroy as one of the key inland towns for the Wide Bay Burnett region, and together with Bundaberg, Gympie, Hervey Bay and Maryborough, is intended to provide a range of higher order services and functions for the urban communities and to support the region's rural activities. More particularly, the Regional Plan identifies Kingaroy as a Major Regional Activity Centre within the South Burnett Regional Council area.

Adopted Economic Support Instrument	Under section 68E of the Planning Regulation 2017 that on 24 February 2021, South Burnett Regional Council adopted an economic support instrument. The instrument is in effect until 31st December 2023.

	Economic support provisions 4.1. The instrument applies the following provisions in accordance with section 68D(1) of the *Planning Regulation 2017*: 4.1.1. Part 8B, Division 3 – Development that requires code assessment; 4.1.2. Schedule 6, Part 2, Section 7A – Particular material change of use involving an existing building, and 4.1.3. Schedule 6, Part 2, Section 7B – Material change of use for home-based business in particular zones. The adopted instrument does not change the categories of development and assessment in the Planning Scheme v1.4

4.4. STATE PLANNING POLICY

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 must be carried out against the assessment benchmarks stated in Part E of the State Planning Policy to the extent Part E is not appropriately integrated into the planning scheme.

In accordance with section (8)(4)(a) of the Act, the State Planning Policy applies to the extent of any inconsistency with the Planning Scheme.

State Planning Policy Part E	
Liveable communities and housing	No applicable assessment benchmarks.
Economic growth • Agriculture. • Development and construction. • Mining and extractive resources. • Tourism.	The following state interest assessment benchmarks have been considered as relevant matters in the assessment of this impact application. The applicant has not addressed these items following information request hence why it is determined that the proposal must be conditioned to retain a primarily residential use (with short-term accommodation component). **State interest – development and construction** (2) Appropriate infrastructure required to support all land uses is planned for and provided. (3) Land uses are consistent with the purpose of the zone – this interest is assessed under the zone code. **State interest – tourism** (2) Existing and potential opportunities, localities or areas appropriate for tourism development are identified and protected. (3) The delivery of sustainable tourism development is facilitated where it: (a) Is complementary to and compatible with other land uses, including sensitive land uses (b) Promotes the protection or enhancement of the character, landscape and visual amenity, and the economic, social, cultural and environmental values of the natural and built assets associated with the tourism development. (4) Appropriate infrastructure to support and enable tourism development is planned for. The application does not address above policy requirements hence on the basis the assessment could only conclude that standalone Short Term Accommodation (as associated with

	tourism) could lead to inconsistent/ad hoc tourist related development in the current circumstances.
Planning for the environment and heritage. • Biodiversity. • Coastal environment. • Cultural heritage. • Water quality	No applicable assessment benchmarks.
Safety and resilience to hazards • Emissions and hazardous activities. • Natural hazards, risk, and resilience.	No applicable assessment benchmarks.
Infrastructure • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports.	The proposal is considered to accord with the SPP 2017 were retaining a predominant residential use of the premises.

4.1. DEVELOPMENT CODE ASSESSMENTS

Rural Residential Zone Code	Benchmarks	Responses
	Part 6.2.14.2 (1)	The development will retain residential use of the premises as recommended.
	Part 6.2.14.2 (2)	A dwelling house will be retained on the site.
	Part 6.2.14.2 (2)	The development is conditioned to include suitable source of portable water and onsite sewerage treatment system.
	Part 6.4.14.2 (2)	The development is conditioned to submit revised drawings removing inappropriate development out of existing covenant areas intended of use as a buffer.
	Part 6.4.14.2 (2)	Non-residential component of the approval (short term accommodation) is recommended to be conditioned to mitigate inappropriate impacts and is an appropriate scale.
	Part 6.2.14.3 Section 1	Existing buildings are to be reutilised for the development (residential in primary dwelling, short term accommodation in secondary dwelling). The structures are of a low scale and retain appropriate boundary clearances.
		Obtrusive lighting is recommended to be conditioned to be consistent with applicable Australian standards.
		The development is recommended to be conditioned to submit revised drawings removing inappropriate development out of existing covenant areas intended of use as a buffer.
		The development is recommended to be conditioned to provide water/sewer/and utilities commensurate with the intended use approved.
	Benchmarks	Responses

Services and Works Code	Part 8.4.2	The development is recommended to be conditioned appropriately to provide all necessary Services and Infrastructure at a scale commensurate with that expected within the Rural Residential Zone.

OTHER RELEVANT MATTERS

The consideration of other relevant matters applies to the assessment and decision-making process for this impact assessable development application. The below summarises the matters considered by the planning assessment.

Applicant submitted reports	Development Assessment Application Report
Assessment considerations of merits	Impact assessment under the Planning Act 2017 is an 'unbounded' assessment, meaning relevant matters other than those prescribed can also be considered, and weighing and balancing 'inside the box' as well as with factors 'outside the box' can take place in reaching a decision. The below outlines the planning assessment of the merits of the application presented.
Council Planning Assessment considered information on other relevant matters from the following sources	• Regional Development Australia – Wide Bay Burnett • South Burnett Agricultural Strategy • Wide Bay Burnett Food and Agribusiness Strategy • Draft Wide Bay Burnett Regional Plan • Development record searches of approved surrounding development and businesses providing accommodation in the Moffatdale region for assessment of business/tourism and short-term accommodation context to ascertain a need for ad-hoc development in a residential zone. • The rural zone code is considered another relevant matter as are strategic outcomes relating to rural development outcomes as they contain specific provisions and policy setting encouraging tourism development in consolidated formats around Moffatdale where a nexus exists with viticulture and primary production. • The draft planning scheme provisions for Moffatdale strengthen the development of tourism opportunities in rural settings where it provides diversification opportunities for primary production, impacts are managed, and development is achieved in consolidated and managed well planned locations.

PLANNING DISCUSSION

Important to the assessment of this application is the local context and review of the rural residential precinct in context of the surrounding tourism/ accommodation operating businesses as the applicant purports no impacts without any justification or analysis.

Based on the assessment undertaken in this report it is determined that a nexus for accommodation activity does exist for rural residential land near viticulture and primary production facilities. Accordingly due consideration can be given for 'limited' short term accommodation on sites that retain a high degree of co-location provided the residential use intended in the zone is maintained.

In this instance, assessment has established this development has a nexus with the adjoining winery, and that impacts arising from this co-location are either reasonable, existing or can be appropriately mitigated via conditions. Given the absence of further justification for standalone Short Term Accommodation, residential accommodation must be maintained.

5. CONSULTATION

Referral Agencies

State Assessment and Referral Agency	The application does not require referral to any referral agencies prescribed under schedule 10.
Other	NIL

Council Referrals

INTERNAL REFERRAL SPECIALIST	*REFERRAL / RESPONSE*
Development Engineer	Provided engineering conditions relating to stormwater, water supply, wastewater, parking & vehicle access, electricity & telecommunications, as well as assets.
Infrastructure Charges Unit	Council adopted the LGIP on the 24 June 2019 which commenced on 1 July 2019. The types of developments that may trigger the issuing of an infrastructure charges notice are: • Reconfiguring a Lot; • Making a material change; • Carrying out building work. Refer to Attachment C for the Infrastructure Charges Notice.

Public Notification

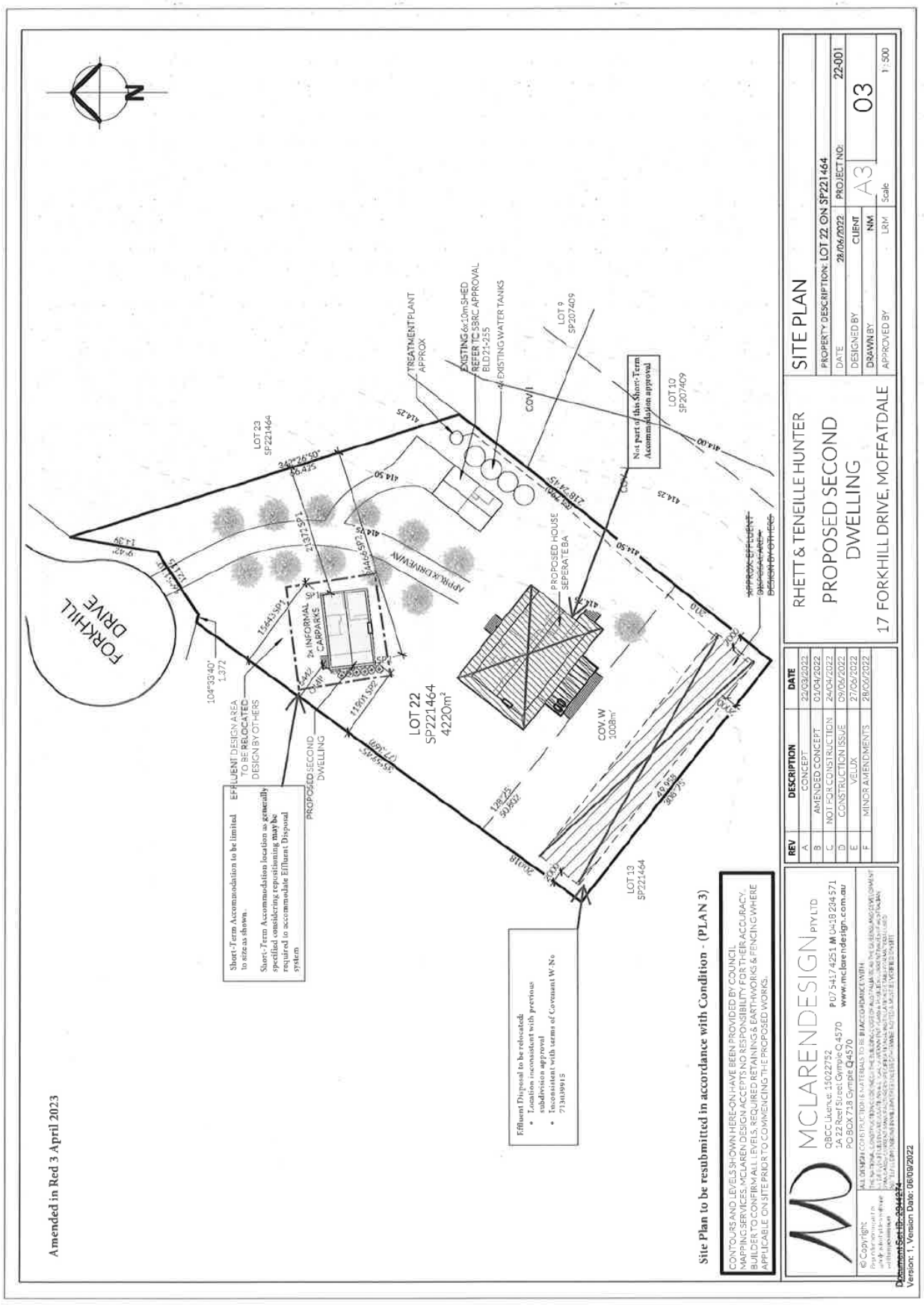
Date Notification Commenced	20 October 2022
Date Notification Completed	11 November 2022
Date notice of compliance received	14 November 2022

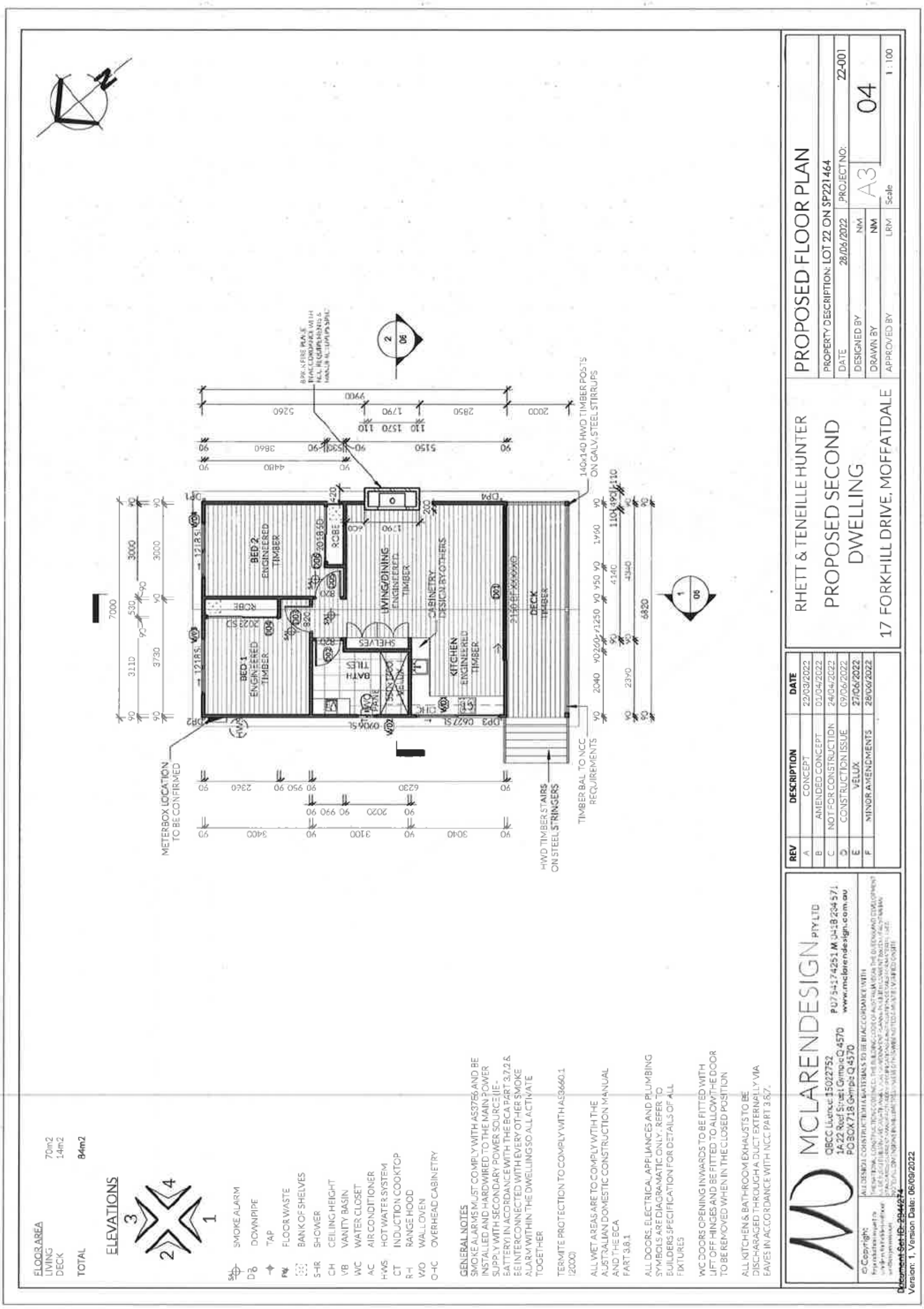
6. RECOMMENDATION

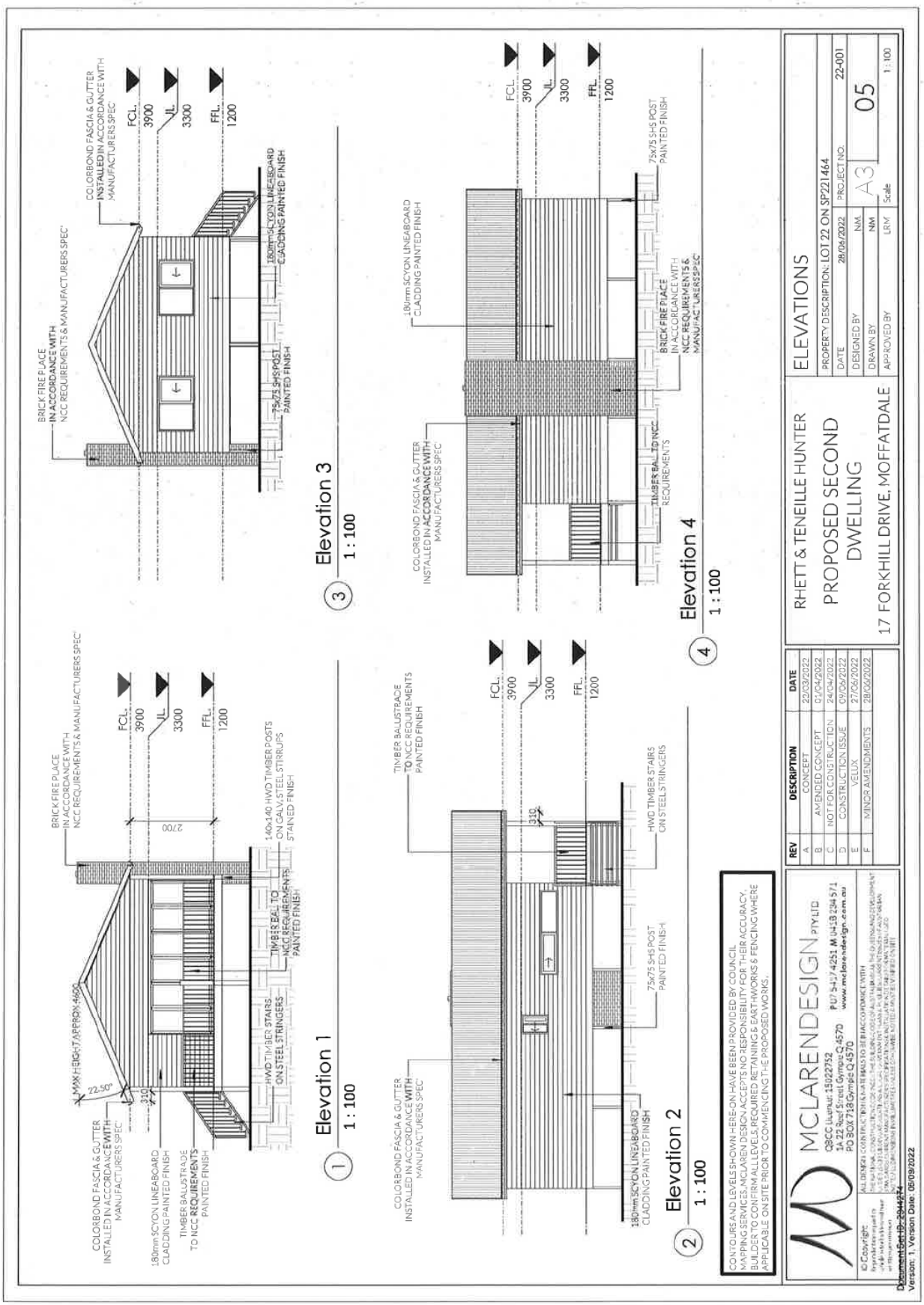
The application for Development Permit for Material Change of Use for Short Term Accommodation 84m^2 GFA (within a Secondary Dwelling) on land at 17 Fork Hill Drive MOFFATDALE and formally described as Lot 22 on SP221464 is recommended for approval on the grounds outlined in the Officers Recommendations at the beginning of this report.

ATTACHMENTS

1. **Attachment A - Approved Plans for Amendment**
2. **Attachment B - Statement of Reasons**
3. **Attachment C - Infrastructure Charges Notice**


Amended in Red 3 April 2023
Site Plan to be resubmitted in accordance with Condition - (PLAN 3)
CONTOURS AND LEVELS SHOWN HEREON HAVE BEEN PROVIDED BY COUNCIL MAPPING SERVICES. MCLAREN DESIGN ACCEPTS NO RESPONSIBILITY FOR THEIR ACCURACY. BUILDER TO CONFIRM ALL LEVELS. REQUIRED RETAINING & EARTHWORKS & PENCING WHERE APPLICABLE ON SITE PRIOR TO COMMENCING THE PROPOSED WORKS.
Effluent Disposal to be relocated:
• Location inconsistent with previous subdivision approval
• Inconsistent with terms of Covenant W No 713039915
MCLAREN DESIGN PTY LTD
QBCC Licence 15022752
14-22 Reef Street Currumbin Q 4570
PO BOX 718 Currumbin Q 4570
P 07 5417 4251 M 0418 234 571
www.mclarendesign.com.au
© Copyright
ALL DIMENSIONS, CONSTRUCTION & MATERIALS TO BE IN ACCORDANCE WITH
REV DESCRIPTION DATE
A CONCEPT 22/03/2022
B AMENDED CONCEPT 01/04/2022
C NOT FOR CONSTRUCTION 24/04/2022
D CONSTRUCTION ISSUE 09/06/2022
E VELUX 27/06/2022
F MINOR AMENDMENTS 28/07/2022
RHETT & TENEILLE HUNTER
PROPOSED SECOND DWELLING
17 FORKHILL DRIVE, MOFFATDALE
SITE PLAN
PROPERTY DESCRIPTION: LOT 22 ON SP221464
DATE 28/04/2022
PROJECT NO: 22-001
DESIGNED BY CLIENT
DRAWN BY NM
APPROVED BY LRM
A3
Scale 1 : 500
03
FORKHILL DRIVE
LOT 22
SP221464
4220m²
LOT 23
SP221464
LOT 9
SP207409
LOT 10
SP207409
LOT 13
SP221464
PROPOSED SECOND DWELLING
PROPOSED HOUSE SEPERATE BA
2 x INFORMAL CARPARKS
APPROX DRIVEWAY
TREATMENT PLANT APPROX
EXISTING 6x10m SHED REFER TC 5BRC APPROVAL BLD21-255
4x EXISTING WATER TANKS
COV
COV W 1008m²
Not part of this Short-Term Accommodation approval
EFFLUENT DESIGN AREA TO BE RELOCATED DESIGN BY OTHERS
APPROX EFFLUENT DISPOSAL AREA DESIGN BY OTHERS
Short-Term Accommodation to be limited to areas as shown.
Short-Term Accommodation location as generally specified considering repositioning may be required to accommodate Effluent Disposal system
414.25
414.50
414.00
218.24m
104°33'40"
1.372
Document Set ID: 3944574
Version: 1, Version Date: 06/09/2022


PROPOSED FLOOR PLAN
PROPERTY DESCRIPTION: LOT 22 ON SP221464
DATE 28/06/2022
PROJECT NO: 22-001
DESIGNED BY NM
DRAWN BY NM
APPROVED BY LRM
A3
04
Scale 1 : 100
RHETT & TENEILLE HUNTER
PROPOSED SECOND DWELLING
17 FORKHILL DRIVE, MOFFATDALE
REV DESCRIPTION DATE
A CONCEPT 22/03/2022
B AMENDED CONCEPT 01/04/2022
C NOT FOR CONSTRUCTION 24/04/2022
D CONSTRUCTION ISSUE 09/06/2022
E VELUX 27/06/2022
F MINOR AMENDMENTS 28/06/2022
MCLARENDESIGN PTY LTD
QBCC Licence 15022752
1A 22 Reef Street Gympie Q 4570
PO BOX 718 Gympie Q 4570
P 07 5417 4251 M 0418 234 571
www.mclarendesign.com.au
© Copyright
Document Set ID: 2944274
Version: 1, Version Date: 06/09/2022
FLOOR AREA
LIVING 70m2
DECK 14m2
TOTAL 84m2
ELEVATIONS
SAL SMOKE ALARM
DP DOWNPIPE
TAP
FW FLOOR WASTE
BANK OF SHELVES
SHR SHOWER
CH CEILING HEIGHT
VB VANITY BASIN
WC WATER CLOSET
AC AIR CONDITIONER
HWS HOT WATER SYSTEM
CT INDUCTION COOKTOP
R-H RANGE HOOD
WO WALL OVEN
O-HC OVERHEAD CABINETRY
GENERAL NOTES
SMOKE ALARMS MUST COMPLY WITH AS3786 AND BE INSTALLED AND HARDWIRED TO THE MAIN POWER SUPPLY WITH SECONDARY POWER SOURCE (IE- BATTERY) IN ACCORDANCE WITH THE BCA PART 3.7.2 & BE INTERCONNECTED WITH EVERY OTHER SMOKE ALARM WITHIN THE DWELLING SO ALL ACTIVATE TOGETHER
TERMITE PROTECTION TO COMPLY WITH AS3660.1 (2000)
ALL WET AREAS ARE TO COMPLY WITH THE AUSTRALIAN DOMESTIC CONSTRUCTION MANUAL AND THE BCA PART 3.8.1
ALL DOORS, ELECTRICAL, APPLIANCES AND PLUMBING SYMBOLS ARE DIAGRAMATIC ONLY. REFER TO BUILDERS SPECIFICATION FOR DETAILS OF ALL FIXTURES
WC DOORS OPENING INWARDS TO BE FITTED WITH LIFT OFF HINGES AND BE FITTED TO ALLOW THE DOOR TO BE REMOVED WHEN IN THE CLOSED POSITION
ALL KITCHEN & BATHROOM EXHAUSTS TO BE DISCHARAGED THROUGH A DUCT EXTERNALLY VIA EAVES IN ACCORDANCE WITH NCC PART 3.6.7.
BED 1 ENGINEERED TIMBER
BED 2 ENGINEERED TIMBER
ROBE
LIVING/DINING ENGINEERED TIMBER
KITCHEN ENGINEERED TIMBER
CABINETRY DESIGN BY OTHERS
BATH TILES
SHELVES
DECK TIMBER
METERBOX LOCATION TO BE CONFIRMED
HWD TIMBER STAIRS ON STEEL STRINGERS
TIMBER BAL TO NCC REQUIREMENTS
140x140 HWD TIMBER POSTS ON GALV. STEEL STIRRUPS
9900
7000


Elevation 1
1 : 100
Elevation 2
1 : 100
Elevation 3
1 : 100
Elevation 4
1 : 100
BRICK FIRE PLACE IN ACCORDANCE WITH NCC REQUIREMENTS & MANUFACTURERS SPEC
COLORBOND FASCIA & GUTTER INSTALLED IN ACCORDANCE WITH MANUFACTURERS SPEC
180mm SCYON LINEABOARD CLADDING PAINTED FINISH
TIMBER BALUSTRADE TO NCC REQUIREMENTS PAINTED FINISH
140x140 HWD TIMBER POSTS ON GALV.STEEL STIRRUPS STAINED FINISH
HWD TIMBER STAIRS ON STEEL STRINGERS
75x75 SHS POST PAINTED FINISH
FCL. 3900
UL 3300
FFL. 1200
2700
310
MAX HEIGHT APPROX 4450
22.50°
CONTOURS AND LEVELS SHOWN HERE-ON HAVE BEEN PROVIDED BY COUNCIL MAPPING SERVICES. MCLAREN DESIGN ACCEPTS NO RESPONSIBILITY FOR THEIR ACCURACY. BUILDER TO CONFIRM ALL LEVELS REQUIRED RETAINING & EARTHWORKS & FENCING WHERE APPLICABLE ON SITE PRIOR TO COMMENCING THE PROPOSED WORKS.
REV DESCRIPTION DATE
A CONCEPT 22/03/2022
B AMENDED CONCEPT 01/04/2022
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E VELUX 21/08/2022
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17 FORKHILL DRIVE, MOFFATDALE
ELEVATIONS
PROPERTY DESCRIPTION: LOT 22 ON SP221464
DATE 28/04/2022
PROJECT NO. 22-001
DESIGNED BY NM
DRAWN BY NM
APPROVED BY LRM
A3
Scale 1 : 100
05
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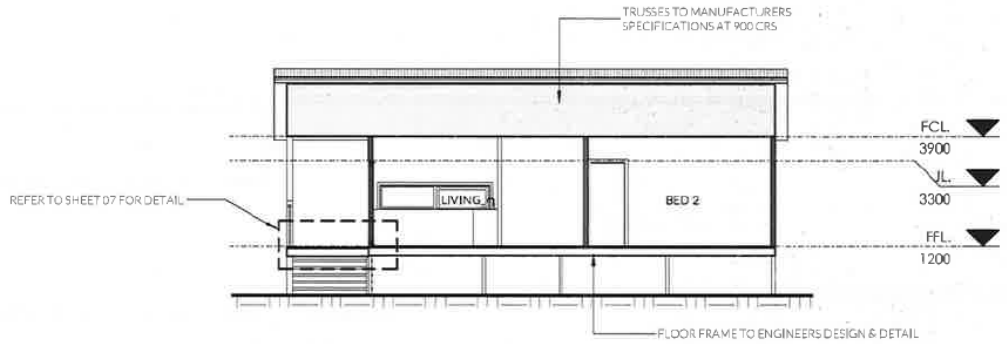
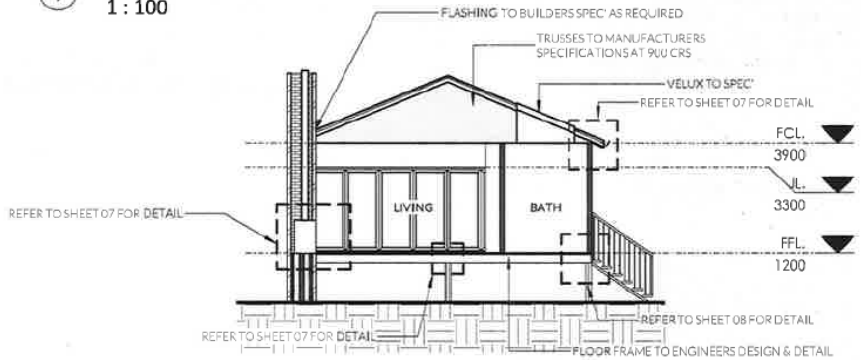
Document Set ID: 3944574
Version: 1, Version Date: 06/09/2022



1 Section 1
1 : 100



2 Section 2
1 : 100

CONTOURS AND LEVELS SHOWN HERE-ON HAVE BEEN PROVIDED BY COUNCIL MAPPING SERVICES. MCLAREN DESIGN ACCEPTS NO RESPONSIBILITY FOR THEIR ACCURACY, BUILDER TO CONFIRM ALL LEVELS, REQUIRED RETAINING & EARTHWORKS & FENCING WHERE APPLICABLE ON SITE PRIOR TO COMMENCING THE PROPOSED WORKS.

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REV	DESCRIPTION	DATE
A	CONCEPT	22/03/2022
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F	MINOR AMENDMENTS	28/06/2022

RHETT & TENEILLE HUNTER

PROPOSED SECOND DWELLING

17 FORKHILL DRIVE, MOFFATDALE

SECTIONS

PROPERTY DESCRIPTION: LOT 22 ON SP221464

DATE	28/06/2022	PROJECT NO:	22-001
DESIGNED BY	NM	A3	06
DRAWN BY	NM		
APPROVED BY	LRM	Scale	1 : 100

NOTICE ABOUT DECISION – STATEMENT OF REASONS

The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016

Applicant:	Lusso Retreats Pty Ltd C/- ONF Surveyors
Proposal:	Material Change of Use – Secondary Dwelling for Short Term Accommodation
Street Address:	17 Fork Hill, Moffatdale
RP Description:	Lot 22 on SP221464
Assessment Type:	Impact Assessable
Number of Submissions	No submissions were received by Council

On 29 March 2023 the above development was recommended for:

☒ Approval

1. Reasons for the Decision

The reasons for this decision are:

- The proposal complies with the Rural Residential Zone requirements by maintaining a residential use as the site's primary use.
- Reasonable & relevant conditions can be imposed to ensure ongoing compliance with South Burnett Planning Scheme 2017 requirements.
- Reasonable & relevant conditions can be imposed to ensure no conflicts with ongoing aspects of previous subdivision approval.

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

- The Planning Act 2016
- Development Assessment Rules
- Rural Residential Zone Code
- Services & Works Code

3. Compliance with Benchmarks

The development was assessed against all 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.

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT:	Lusso Retreats Pty Ltd **C/-** O'Reilly Nunn Favier - ONF Surveyors PO Box 896 KINGAROY QLD 4610	
APPLICATION:	Use of secondary dwelling for short term accommodation.	
DATE:	29/03/2023	
FILE REFERENCE:	MCU22/0022	
AMOUNT OF THE LEVIED CHARGE: *(Details of how these charges were calculated are shown overleaf)*	**$1,578.00**	**Total**
	$0.00	Water Supply Network
	$0.00	Sewerage Network
	$861.00	Transport Network
	$717.00	Parks and Land for Community Facilities Network
	$0.00	Stormwater Network
AUTOMATIC INCREASE OF LEVIED CHARGE:	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.	
LAND TO WHICH CHARGE APPLIES:	Lot 22 SP221464	
SITE ADDRESS:	17 Forkhill Dr, Moffatdale	
PAYABLE TO:	**South Burnett Regional Council**	
WHEN PAYABLE: *(In accordance with the timing stated in Section 122 of the Planning Act 2016)*	Material Change of Use – When the change happens.	
OFFSET OR REFUND:	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
Not Applicable	-	-	$0.00	-	$0.00

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
Accommodation (Short Term)	2	Bedrooms	$861.00	CR Table 2.1	$861.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
			$0.00		$0.00

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Accommodation (Short Term)	2	Bedrooms	$717.00	CR Table 2.1	$717.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
			$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
Accommodation (Short Term)	$0.00	$0.00	$861.00	$717.00	$0.00	$1,578.00
Total	**$0.00**	**$0.00**	**$861.00**	**$717.00**	**$0.00**	**$1,578.00**

** 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

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the *Planning Act 2016* to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 and Schedule 1 of the *Planning Act 2016* a person may appeal an Infrastructure Charges Notice. Attached is an extract from the *Planning Act 2016* that details your appeal rights.
Automatic Increase Provision of charge rate ($)	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[1]. 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. 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.
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the *Planning Act* 2016 are GST exempt.
Making a Payment	This Infrastructure Charges Notice cannot be used to pay your infrastructure charges. 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. An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au

[1] 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.

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

Delegated Authority Date: 27 January 2023

S81 CHANGE TO AN EXISTING DEVELOPMENT APPROVAL (MCU21/0007) OF MATERIAL CHANGE OF USE FOR A FOOD AND DRINK OUTLET AT 50 KING STREET, NANANGO (AND DESCRIBED AS LOT 138 ON N231). APPLICANT: D & A PRIOR

	SIGNATURE	DATE
MANAGER	[redacted]	29/3/23
GM		3/4/23
CEO		4.4.23.

File Number: **MCU22/0035**

Author: **Senior Planning Officer**

Authoriser: **Chief Executive Officer**

PRECIS

S81 Minor Change to an existing Development Approval (MCU21/0007) of Material Change of Use for a Food and Drink Outlet at 50 King Street, NANANGO (and described as Lot 138 on N231).

SUMMARY

- Change to include a screened bin area on the northern side of the approved food and drink outlet to comply with trade waste requirements and conditions 8, 9 and 10 of this development permit.
- Application for Material Change of Use – Development Permit (Food & drink outlet);
  - 12sqm shipping container for Takeaway coffee.
- Subject site included within the Low impact industry zone under the South Burnett Regional Council Planning Scheme;
- Food & drink outlet is code assessable (less than 100sqm in gross floor area) against the relevant benchmarks:
  - Low impact industry zone code; and
  - Services and works code.
- The property is currently vacant and affected by Flood hazard overlay;
- Referral to SARA as per Planning Regulation – Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (refer to Attachment A);
- Statement of Reasons (Attachment B);
- Infrastructure Charges Notice (Attachment C); and
- 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 Food & Drink Outlet – Takeaway Coffee from Shipping Container (less than 100sqm in gross floor area) at 50 King Street, Nanango (and described as Lot 138 on N231), subject to reasonable and relevant 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.	Rev.
Site Plan – Proposed Food & Drink Outlet	Amended by Council	11005.01A	A

Amendment: Permitted road access location as amended in red by the Department of Transport and Main Roads on 29 September 2021.

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; and
- Development Permit for Plumbing and Drainage Work.

Nb. This Approval does not include assessment under the Building Act and does not permit building work to occur.

GEN3. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

APROVED USE – FOOD & DRINK OUTLET

GEN4. On Lot 138 on N231, and within the areas shown on the approved plan of layout, the approved development is a Material Change of Use for a Food & Drink Outlet as defined and limited as follows:

Premises used for–

(a) Preparing and selling food and drink for consumption **off the premises** i.e. there is no formal seating or other on-site consumption area approved for this takeaway food business (shipping container format). The use approved does not include the sale of liquor at any time. ~~(Takeaway Coffee from Shipping Container) on Lot 138 on N231, as shown on the approved plans and does not imply approval for other similar uses i.e., serving of food and/or sit-down area for customers.~~

MAINTENANCE

GEN5. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.

GEN6. Maintain the site in a clean and orderly state at all times.

GEN7. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

GEN8. Any graffiti must be removed within 48hrs of its detection at the landowner's expense.

BUILDING FAÇADE

MCU1. External details of the building, façade treatment and external materials, colours and finishes must be consistent colours sympathetic to the surrounds of the property.

LANDSCAPING/FENCING

MCU2. A minimum of 2m wide landscaping to be provided along the street frontage (excluding vehicle manoeuvring areas).

MCU3. A minimum of 1m wide landscaping to be provided along the side and rear property boundaries. Appropriate plantings to be considered where nearby infrastructure exists i.e., electricity and water and sewerage networks.

MCU4. The site is to be landscaped with a mix of large trees and spreading groundcovers prior to the use commencing. A detailed landscaping plan prepared in accordance with South Burnett Regional Council Planting Guidelines - Helping South Burnett Residents Select Appropriate Plants is to be submitted to Council for compliance assessment prior to any work commencing on site.

MCU5. Fencing, landscaping and letterboxes are not to impede sight lines for vehicles exiting the site.

LIGHTING

MCU6. The applicant is to ensure all artificial illumination is to be designed and installed so as not to cause a nuisance to occupants of nearby premises and any passing traffic. Direct security and flood lighting away from adjacent premises to minimise the protrusion of light outside the street.

HOURS OF OPERATION OF THE DEVELOPMENT

MCU7. Hours of operation of the approved development is restricted between 6am and 5pm.

REFUSE STORAGE COLLECTION

MCU8. Provision must be made for the storage and removal of refuse in accordance with the *Waste Reduction and Recycling Regulation 2011*.

MCU9. 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.

MCU10. Refuse bin areas are to be provided for the washing out of the refuse bins and in connection with this:

a. all tap outlets must be fitted with backflow prevention devices;
b. the floor areas are to be drained to sewer; and
c. area are to be covered and drainage designed such that water not associated with the washing out process (e.g., rainfall) does not enter the sewer.

MECHANICAL PLANT/SCREENING OF MECHANICAL PLANT

MCU11. Mechanical plant (air conditioning, refrigeration equipment and pumps) must comply with the *Environment Protection Act 1994*.

MCU12. Install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the façade of the building.

ENGINEERING WORKS

ENG1. Compete 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 or public heath 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 alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG7. Design and construct stormwater drainage incorporating measures to prevent any solid matter and floatable oils being carried into existing stormwater system.

ENG8. 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.

LAWFUL POINT OF DISCHARGE

ENG9. 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).

FLOODING – GENERAL

ENG10. All control panels of critical services built at a minimum 300mm above the defined flood level.

ENG11. The shipping container, including the structural footing system and connections, shall be designed and constructed to withstand the ARI100 flood event, or in event of a flood event, the shipping container shall be removed from site.

WATER SUPPLY

ENG12. Connect the development to Council's reticulated water supply system via a single connection.

SEWERAGE

ENG13. Connect the development to Council's existing reticulated sewerage system via a single connection.

PARKING AND ACCESS – GENERAL

ENG14. Design and construct all driveway and parking areas with a minimum of 100mm of compacted dust suppressive gravel.

ENG15. Provide a minimum of 1 car spaces plus a minimum of 1 person with disability (PWD) car parking spaces.

ENG16. Design and construct all PWD car parking spaces in accordance with AS2890.6.

ENG17. Provide vehicular bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

ENG18. 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.

PARKING AND ACCESS – SERVICING

ENG19. Ensure loading and unloading operation are conducted wholly within the site, and vehicles enter and exit the site in a forward direction.

ELECTRICITY AND TELECOMMUNICATION

ENG20. Connect the development to electricity supply.

EROSION AND SEDIMENT CONTROL – GENERAL

ENG21. 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.

ENG22. 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 NOTE

ADV1. This approval extends only to the sale of take away coffee, and any other preparation of food or beverage is subject to a further application.

CONCURRENCE AGENCY RESPONSE

ADV2. SARA has imposed conditions on the development permit as attached.

DEVELOPER INCENTIVE

ADV3. 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.

INTRASTRUCTURE CHARGES

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

HERITAGE

ADV5. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural 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.

APPEAL RIGHTS

ADV6. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

MATERIAL CHANGE OF USE – CURRENCY PERIOD

ADV7. 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.

WHEN APPROVAL STARTS TO HAVE EFFECT

ADV8. This development approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

WHEN APPROVAL LAPSES

ADV9. This development approval will lapse in accordance with the provisions contained within Sections 85 and 88 of the *Planning Act 2016*, unless other stated elsewhere within this development approval.

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 schemes, process, customer service and other initiatives.

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Refer to CONSULTATION in this report.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

No implications identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

No implications can be identified.

ASSET MANAGEMENT IMPLICATIONS

No implications can be identified.

APPROVED PLAN (MINOR CHANGE AS AMENDED IN RED)

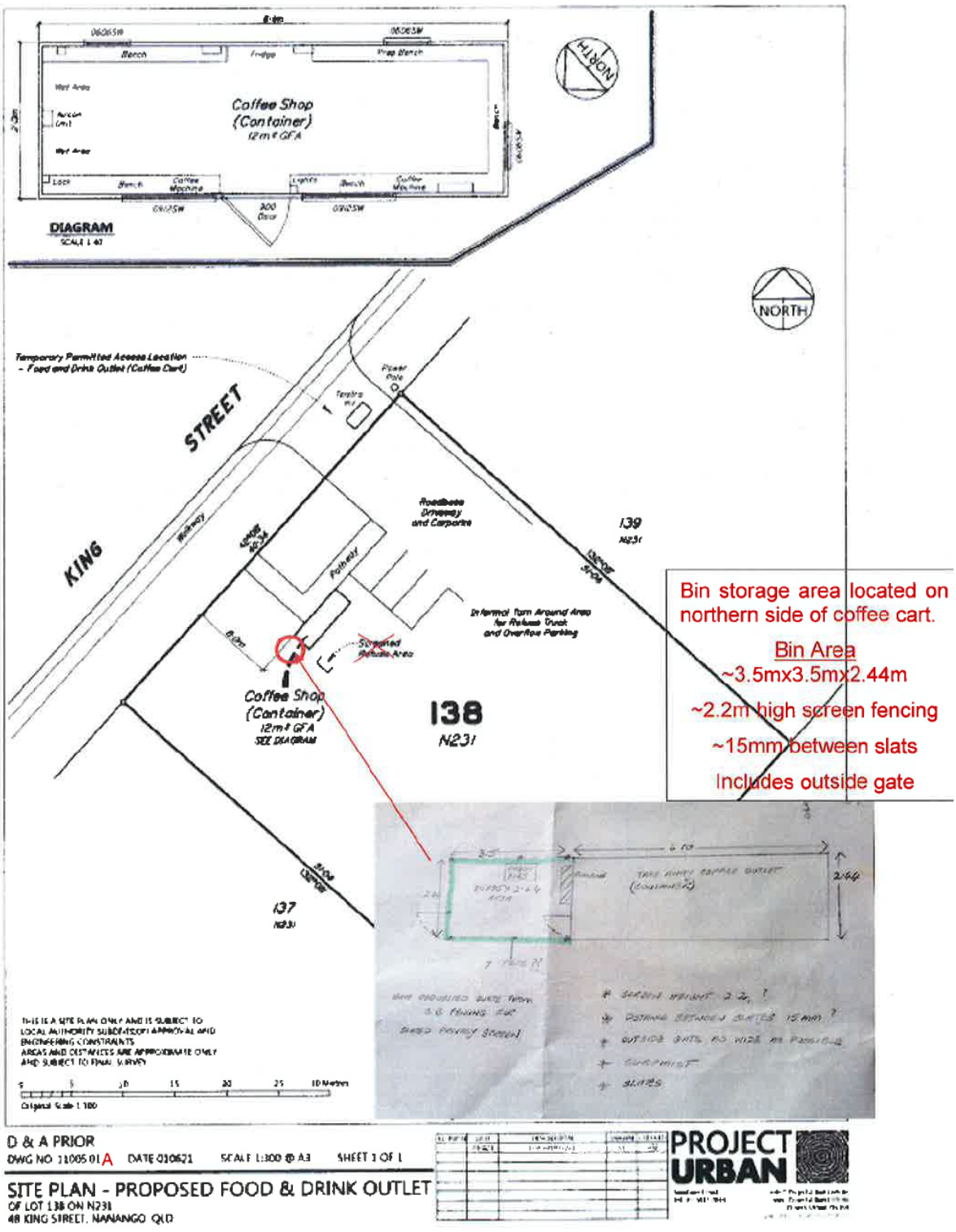

Figure 1 - Provided by applicant (proposed access location not approved by TMR) as amended by Council for Minor Change MCU22/0035

Report

APPLICATION SUMMARY	
Applicant:	Ann Prior & Dennis Prior
Property Address:	50 King Street Nanango
Real Property Description:	Lot 138 on N231
Assessment Type:	S81 Minor Change Planning Act 2016
Number of Submissions:	N/A (development previously subject to code assessment)
State Referral Agencies:	N/A SARA – referral response 20 October 2021 remains applicable to this change application decision
Referred Internal Specialists:	Senior Environmental Health Officer

The following table describes the key development parameters for the proposal:

Proposed Development:	Minor change to include an attached screened bin storage area and washdown bay in accordance with conditions of development approval (#9) and food license requirements for trade waste.

Site Details:

Area of Land:	2,023sqm	
Existing Land Use:	Vacant Land	
Road Frontage:	King Street	
Road/s	**Road Hierarchy**	
King Street	State controlled road	
Easements:	N/A	
Significant Site Features:	Vacant Land	
Topography:	Low lying and falls in a south-easterly direction	
Surrounding Land Uses:	**Land Use**	**Zone/Precinct**
North-West	Service Station	Low Impact Industry
North	Dwelling houses and Vacant car yard	Low Impact Industry
South-West	Vacant land	Low Impact Industry
South	Caravan Park	Low Impact Industry
East	Car yard	Low Impact Industry
Services:	All available	

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.

Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.4
Strategic Framework Land Use:	Urban
Zone:	Low Impact Industry
Precinct:	N/A
Assessment Benchmarks:	Low Impact Industry Services and Works Code

Background / Site History:

APPLICATION NO.	***DECISION AND DATE***
MCU21/0007	Approved in full subject to conditions on 19 November 2021

Existing Approved Development MCU21/0007	
Proposed Development:	Food and drink outlet in a converted shipping container (Take-away coffee shop less than 100sqm in gross floor area)
Variations Sought:	Nil
Area to be used:	12sqm for shipping container with ancillary on-site parking and screened refuse area
Impervious Area:	12sqm for shipping container Carparking area to consist of road base
Site Cover:	0.50%
Car Parking Spaces:	Applicant proposed 3 informal parking spaces onsite Planning scheme requires only 1 space per 15sqm of gross floor area (gfa) equating to 1 space plus area for a small rigid vehicle (SRV)
Conditions relevant to this minor change are 8, 9 and 10	MCU8. Provision must be made for the storage and removal of refuse in accordance with the *Waste Reduction and Recycling Regulation 2011*. MCU9. 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. MCU10. Refuse bin areas are to be provided for the washing out of the refuse bins and in connection with this: (a) All tap outlets must be fitted with backflow prevention devices; (b) The floor area are to be drained to sewer; and (c) Areas are to be covered and drainage designed such that water not associated with the washing out process (e.g. rainfall) does not enter the sewer

INTRODUCTION

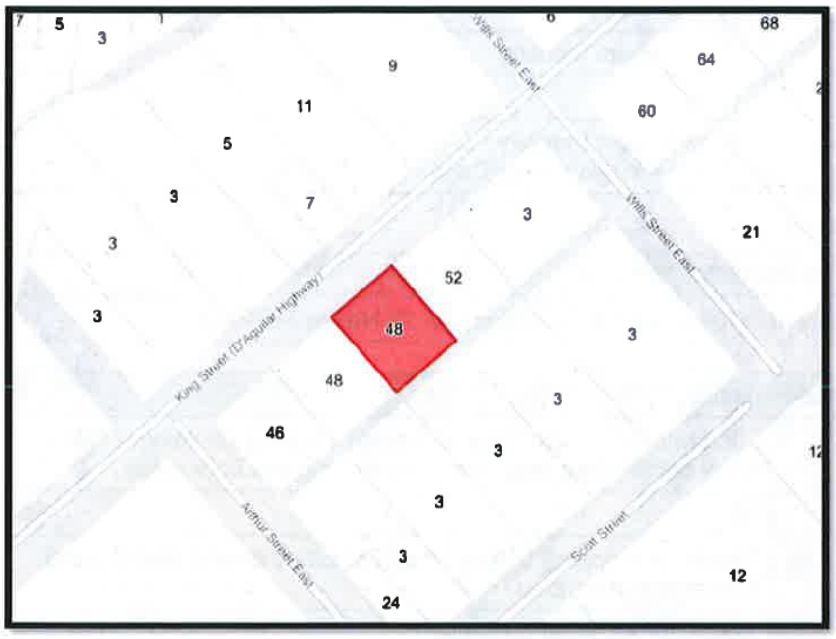

Figure 1 - Locality Plan (Source: IntraMaps)

Figure 2 - Aerial Plan (Source: IntraMaps)

ASSESSMENT

Framework for Assessment

Minor change criteria under the *Planning Act 2016*

A Minor Change is defined in the *Planning Act 2016*. The following tables provide an assessment against this definition.

Table 1. Assessment against Minor Change definition (*Planning Act 2016*, Schedule 2)

MINOR CHANGE CRITERIA	COMPLIES	ASSESSMENT
A **minor change**, for a development approval, means a change that would not—		
(i) result in a substantially different development; or	✓	The proposed change does not create or result in a substantially different development. See table 2 below. The change includes an extension that is for a required bin washdown area in accordance with conditions 7, 8 and 9 of this approval.
if a development application for the development, including the change, were made when the change application is made would not cause–		
(A) the inclusion of prohibited development in the application; or	✓	The proposed change will not result in prohibited development.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	✓	There were no other referral agencies for the original application and the proposed changes do not result in additional referrals.
(C) referral to extra referral agencies, other than to the chief executive; or	✓	The proposed changes does not require the application to be referred to extra referral agencies.
(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or	✓	Not applicable
(E) public notification if public notification not required for the development application.	✓	The proposed changes do not change the level of assessment (Code assessment)

The *Development Assessment Rules 2017 (Schedule 1)* provide guiding criteria in relation to 'substantially different development'. The proposed change is assessed against these criteria in **Table 2.**

Table 2. Assessment against Substantially Different Development Criteria (Development Assessment Rules 2017)

SUBSTANTIALLY DIFFERENT DEVELOPMENT CRITERIA	COMPLIES	RESPONSE
A change may be considered to result in a substantially different development if the proposed change:		
(a) involves a new use	✓	There are no additional uses proposed.
(b) results in the application applying to a new parcel of land	✓	The proposed change does not apply to a new parcel of land.
(c) dramatically changes the built form in terms of scale, bulk and appearance	✓	There is no change to the approved subdivision layout, site access or services.
(d) changes the ability of the proposal to operate as intended	✓	The changes do not affect the approved land uses granted under permits. The change allows the use to comply with conditions 7, 8 and 9 of the development permit.
(e) removes a component that is integral to the operation of the development	✓	The change proposed does not involve the removal of any critical components of the development. Access and services to the approval with the changes remain the same.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site	✓	The proposed change to the approval does not change the ultimate traffic or transport arrangements.
(g) introduces new impacts or increases the severity of known impacts	✓	There are no new impacts or increased impacts raised by the change to the internal or external environment.
(h) removes an incentive or offset component that would have balanced a negative impact of the development	✓	There were no incentives or offsets as part of the original decision and there is no change because of this application.
(i) impacts on infrastructure provision.	✓	There will be no change or impacts on infrastructure provision because of this Minor Change application.

Changes to the conditions of approval

The changes to condition 4 are recommended for approval as follows to permit the preparation and sale of takeaway food from the café. This is not considered to be of any planning consequence and simply clarifies the use of the premises.

GEN4. On Lot 138 on N231, and within the areas shown on the approved plan of layout, the approved development is a Material Change of Use for a Food & Drink Outlet as follows:

Premises used for–

(a) Preparing and selling food and drink for consumption **off the premises** i.e. there is no formal seating or other on-site consumption area approved for this takeaway food business (shipping container format). The use approved does not include the sale of liquor at any time.

CONSULTATION:

Referral Agencies

SARA – provided conditions relating to stormwater and permitted road access (refer to Attachment A) as applicable to the original decision and are not amended as part of this change application.

Other Referrals

INTERNAL REFERRAL SPECIALIST	***REFERRAL / RESPONSE***
Development Engineer	N/A
Infrastructure Charges Unit	Apply to the original decision and are not reissued or amended as part of this change application.

CONCLUSION:

The above assessment demonstrates that the proposed changes can be considered a minor change to the approval under the *Planning Act 2016.* The changes do not result in a substantially different development and does result in external impacts.

RECOMMENDATION

The proposed S81 Minor Change to an existing Development Approval (MCU21/0007) of Material Change of Use for a Food and Drink Outlet for minor extensions to include a bin storage area, at 50 King Street, NANANGO and described as Lot 138 on N231, is recommended for approval subject to the conditions contained herein and the plan amended in red.

There are no necessary changes to any of the conditions of approval. There are no changes to ICNs that remain applicable to the development.

The previously issued SARA concurrence agency response remains applicable and is attached to this change decision (Attachment A)

ATTACHMENTS

1. **Attachment A - Previously Issued SARA Concurrence Agency Resonse**
2. **Attachement B - Statement of Reasons**

RA29-N

Queensland Government

Our reference: 2106-23309 SRA
Your reference: 22/6/2021

20 October 2021

The Chief Executive Officer
South Burnett Regional Council
PO Box 336
KINGAROY QLD 4610
info@southburnett.qld.gov.au

Attention: Ms Sam Dunstan

Dear Ms Dunstan

Changed referral agency response—with conditions
(Given under section 28 of the Development Assessment Rules)

On 20 October 2021 the SARA received representations from the applicant requesting the SARA change its referral agency response. The SARA has considered the representations and now provides this changed referral agency response which replaces the response dated 17 August 2021.

Applicant details

Applicant name:	Ann Prior
Applicant contact details:	88 Gwynne Street WYNNUM WEST QLD 4178 newor_k@hotmail.com

Location details

Street address:	50 King Street, NANANGO
Real property description:	Lot 138 on N231
Local government area:	South Burnett Regional Council

Application details

Development Permit	Food and Drink Outlet (less than 100m² Code Assessable)

Referral triggers
The development application was referred to the SARA under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4.1 Material change of use of premises near a State transport corridor

Wide Bay Burnett regional office
Level 1, 7 Takalvan Street, Bundaberg
PO Box 979, Bundaberg QLD 4670