



SOUTH BURNETT

REGIONAL COUNCIL

MINUTES

**Ordinary Council Meeting
Wednesday, 24 April 2024**

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**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY
ON WEDNESDAY, 24 APRIL 2024 AT 9.00AM**

PRESENT:**Councillors:**

Mayor Kathy Duff, Cr Jane Erkens, Cr Linda Little, Cr Danita Potter, Cr Deb Dennien, Cr Heath Sander, Cr Ros Heit

Council Officers:

Mark Pitt (Chief Executive Officer), Susan Jarvis (General Manager Finance & Corporate), Aaron Meehan (General Manager Infrastructure), Leanne Petersen (Acting General Manager Liveability), Kerri Anderson (Manager Finance & Sustainability), Debra Moore (Manager Community & Lifestyle), Adam Branch (Manager Water & Wastewater), Leo Jensen (Acting Manager Environment & Planning), Justin Crick (Engineering Contractor), David Hursthouse (Coordinator Development Services), Lynelle Paterson (Coordinator Executive Services), Matthew Taylor (Planning Consultant) (via teams).

1 OPENING

The Mayor declared the meeting open and welcomed all attendees

2 LEAVE OF ABSENCE / APOLOGIES

Nil

3 PRAYERS

A representative of the Kingaroy District Ministers Association, Pastor Lyle Slinger, offered prayers for Council and for the conduct of the Council meeting.

4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

5 DECLARATION OF INTEREST

I, Cr Heath Sander inform this meeting that I have a prescribed conflict of interest in relation to item **10.13 - Contractual arrangements entered into over \$200,000 (ex Gst)** – The nature of my interest is as follows;

This declarable conflict of interest arises because I also sit on the list of contracts with Council with my wife managing Bjelke-Petersen and Boondooma Dams.

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 Heath Sander inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in item **17.3 - Combined application for Material Change of Use (Function facility and Food & drink outlet) and Reconfiguring a Lot (Access Easement) at 20 Fork Hill Drive, Moffatdale (and described as Lot 131 on SP221464). Applicant: Dusty Joe's Pty Ltd C/- JDBA Certifiers.** The nature of my interest is as follows:

This declarable conflict of interest arises because I manage the Bjelke Petersen Dam with my wife which is in close proximity to the application.

I wish to participate in the decision in relation to this matter. I acknowledge that eligible Councillors must now determine, pursuant to section 150ES of the Local Government Act 2009, where I:

- May participate in the decision about the matter, including by voting on the matter; or
- Must leave the meeting, including any area set aside for the public, and stay away from the meeting while the eligible Councillors discuss and vote on the matter.

Attendance:

At 9.12am, Cr Heath Sander left the meeting.

DECLARATION OF INTEREST - STAY IN MEETING

RESOLUTION 2024/306

Moved: Mayor Kathy Duff

Seconded: Cr Jane Erkens

That Council resolve that Cr Heath Sander has a declarable conflict of interest in the matter and notwithstanding the conflict, Cr Sander may participate in the matter, discuss and vote upon it.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien and Ros Heit

Against: Nil

CARRIED 6/0

Attendance:

At 9.13am, Cr Heath Sander returned to the meeting.

Cr Heit and Cr Dennien advised that in relation to **15.2 - Request to Apply for the Play Our Way Program** they were both members of the Go Getta Girls Club, however were not on the executive committee and it was noted by the meeting they did not have a declarable conflict of interest.

6 DEPUTATIONS/PETITIONS

All Councillors delivered opening comments

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 MINUTES OF THE COUNCIL MEETING HELD ON 6 MARCH 2024

RESOLUTION 2024/307

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That the Minutes of the Council Meeting held on 6 March 2024 be received and the recommendations therein be adopted.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 4 APRIL 2024

RESOLUTION 2024/308

Moved: Cr Ros Heit
Seconded: Cr Linda Little

That the Minutes of the Special Council Meeting held on 4 April 2024 be received and the recommendations therein be adopted.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

8 NOTICES OF MOTION

Nil

9 BUSINESS OUTSTANDING**9.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

RESOLUTION 2024/309

Moved: Cr Jane Erkens
Seconded: Cr Danita Potter

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

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

9.1.1 QUESTION ON NOTICE - SES GRANT APPLICATION

Cr Danita Potter requested an update on the SES Grant Application.

9.1.2 QUESTION ON NOTICE - MURGON GAYNDAH ROAD

Cr Heath Sander requested an update on the Question on Notice from the Council Meeting on 6 March 2024 - Can you please clarify why the Murgon Gayndah Road has been referred to RMPC and not TMR?

9.1.3 QUESTION ON NOTICE - BUSINESS OUTSTANDING TABLE

Cr Ros Heit asked if the Business Outstanding Table could be subdivided into which General Manager is responsible for the outstanding items.

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

10.1 NOTICE TO REPEAL SOUTH BURNETT REGIONAL COUNCIL - COUNCILLOR PORTFOLIO REPRESENTATIVE POLICY - STATUTORY003

RESOLUTION 2024/310

Moved: Mayor Kathy Duff
 Seconded: Cr Jane Erkens

That the South Burnett Regional Council – Councillor Portfolio Representative Policy – Statutory003 be repealed.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.1.1 PORTFOLIO SYSTEM

RESOLUTION 2024/311

Moved: Cr Jane Erkens
 Seconded: Cr Danita Potter

That Council revisit the portfolio system in April 2025 and that Council hold a workshop with Donna Nielsen from Peak Services in July 2024.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.2 NOTICE TO REPEAL SOUTH BURNETT REGIONAL COUNCIL - INFRASTRUCTURE, ENVIRONMENT AND COMPLIANCE STANDING COMMITTEE TERMS OF REFERENCE - STATUTORY066.

RESOLUTION 2024/312

Moved: Cr Danita Potter
 Seconded: Cr Deb Dennien

That the South Burnett Regional Council – Infrastructure, Environment and Compliance Standing Committee Terms of Reference – Statutory066 be repealed.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.3 NOTICE TO REPEAL SOUTH BURNETT REGIONAL COUNCIL - LIVEABILITY, GOVERNANCE AND FINANCE STANDING COMMITTEE TERMS OF REFERENCE - STATUTORY067

RESOLUTION 2024/313

Moved: Cr Heath Sander

Seconded: Cr Ros Heit

That the South Burnett Regional Council – Liveability, Governance and Finance Standing Committee Terms of Reference – Statutory067 be repealed.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.4 NOTICE TO REPEAL SOUTH BURNETT REGIONAL COUNCIL - COUNCIL COMMUNITY REFERENCE GROUP TERM OF REFERENCE - STRATEGIC010

RESOLUTION 2024/314

Moved: Cr Danita Potter

Seconded: Cr Ros Heit

That the South Burnett Regional Council Community Reference Group Terms of Reference – Strategic010 be repealed.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.5 BUDGET PARAMETERS AND TIMELINES

RESOLUTION 2024/315

Moved: Mayor Kathy Duff

Seconded: Cr Deb Dennien

That South Burnett Regional Council

1. note for information the Budget Parameters and Timelines report for the 2024-2025 annual budget; and
2. note that the report will give guidance for the development of an initial draft budget, noting that Councillors will review and develop the budget in accordance with legislative framework and that the final draft budget will be formally adopted on 10 July 2024.
3. Staff be asked to model on a 0% up to 3% general rate rise
4. Council investigate alternative revenue sources and savings.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.6 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL REVENUE POLICY 2024/2025 - STATUTORY005

RESOLUTION 2024/316

Moved: Cr Jane Erkens

Seconded: Cr Heath Sander

That the South Burnett Regional Council Revenue Policy 2024/2025 – Statutory005 be adopted as presented.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.7 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL INVESTMENT POLICY 2024/2025 - STATUTORY009

RESOLUTION 2024/317

Moved: Cr Heath Sander

Seconded: Cr Linda Little

That the South Burnett Regional Council Investment Policy 2024/2025 – Statutory009 be adopted as presented.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.8 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL CODE OF COMPETITIVE NEUTRALITY COMPLAINTS POLICY – STATUTORY006.

RESOLUTION 2024/318

Moved: Cr Linda Little

Seconded: Cr Ros Heit

That the South Burnett Regional Council Code of Competitive Neutrality Complaints Policy – Statutory006 be adopted as presented.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.9 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL MEDIA RELATIONS POLICY - STRATEGIC001

RESOLUTION 2024/319

Moved: Cr Ros Heit
Seconded: Cr Linda Little

That

1. The South Burnett Regional Council Media Relations Policy – Strategic001 be adopted as presented; and
2. The South Burnett Council endorse the administrative amendments to policies reflecting the removal of the portfolio system.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.10 SOUTH BURNETT REGIONAL COUNCIL OPERATIONAL PLAN 2023/2024 3RD QUARTER REVIEW

RESOLUTION 2024/320

Moved: Cr Danita Potter
Seconded: Cr Linda Little

That the South Burnett Regional Council Operational Plan 2023/2024 3rd Quarter Review be adopted as presented.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.11 THIRD QUARTER BUDGET REVISION

RESOLUTION 2024/321

Moved: Cr Danita Potter
Seconded: Cr Jane Erkens

1. That in accordance with Section 170(3) of the *Local Government Regulation 2012* the revised 2023/2024 operational budget be adopted.
2. That in accordance with Section 170(3) of the *Local Government Regulation 2012* the revised 2023/2024 capital budget be adopted.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

ADJOURN MORNING TEA

RESOLUTION 2024/322

Moved: Cr Linda Little

Seconded: Cr Heath Sander

That the meeting adjourn for morning tea and a citizenship ceremony.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0**Citizenship Ceremony**

During the adjournment a citizenship ceremony was held.

RESUME MEETING

RESOLUTION 2024/323

Moved: Cr Ros Heit

Seconded: Cr Jane Erkens

That the meeting resume at 11.39am

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.12 MONTHLY FINANCIAL INFORMATION

RESOLUTION 2024/324

Moved: Cr Deb Dennien

Seconded: Cr Linda Little

That the monthly Financial Report including Capital Works and Works for Queensland (W4Q4) as at 31st March 2024 be received and noted.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0**Attendance:**At 11.47am Cr Heath Sander having earlier informed the meeting of a declarable conflict of interest in **Item 10.13 – Contractual arrangements entered in to ver \$200,000 (ex GST)** and his 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 voted on.

At 11:52 am, Cr Jane Erkens left the meeting.

At 11:54 am, Cr Jane Erkens returned to the meeting.

10.13 CONTRACTUAL ARRANGEMENTS ENTERED IN TO OVER \$200,000 (EX GST)

RESOLUTION 2024/325

Moved: Cr Danita Potter

Seconded: Cr Deb Dennien

That this report be received for information.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien and Ros Heit

Against: Nil

CARRIED 6/0

Attendance:

At 12:00 pm, Cr Heath Sander returned to the meeting.

10.14 CONFIRMING COUNCILS ATTENDANCE ALGA NATIONAL GENERAL ASSEMBLY 2-5 JULY 2024

RESOLUTION 2024/326

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That Mayor Kathy Duff, Cr Linda Little and Cr Ros Heit from South Burnett Regional Council attend the ALGA National General Assembly and Australian Council of Local Government 2024 with Council meeting the normal cost of attendance.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.15 CONFIRMING ATTENDANCE AT THE LGAQ CIVIC LEADERS SUMMIT 21-22 MAY 2024 - GOLD COAST

RESOLUTION 2024/327

Moved: Mayor Kathy Duff

Seconded: Cr Ros Heit

That the report be received for information.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.16 BRISBANE VALLEY HERITAGE TRAILS INC (BVHTS) STONEHOUSE 150TH CELEBRATION

RESOLUTION 2024/328

Moved: Mayor Kathy Duff
Seconded: Cr Deb Dennien

That Cr Linda Little attend the Stonehouse 150th celebration as the South Burnett Regional Council representative and submit items into the time capsule.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

10.17 CUSTOMER PHONE-CALLS, AFTER-HOURS CALLS AND LONE-WORKER MONITORING

RESOLUTION 2024/329

Moved: Mayor Kathy Duff
Seconded: Cr Linda Little

That South Burnett Regional Council:

1. note the ongoing investigation of options for Council's phone call system and options available for local call placement;
2. review the provision of out-of-hours phone services, and lone-worker monitoring; and
3. with recommendations to be brought back to the Ordinary Council Meeting in May 2024.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

Attendance:

At 12.21pm, Manager Community & Lifestyle Debra Moore entered the meeting

11 PORTFOLIO - INFRASTRUCTURE PLANNING, WORKS (CONSTRUCTION & MAINTENANCE), WATER & WASTEWATER, PLANT & FLEET

11.1 ANALYSIS OPTIONS FOR WATER IMPROVEMENTS

RESOLUTION 2024/330

Moved: Mayor Kathy Duff

Seconded: Cr Ros Heit

That South Burnett Regional Council:

1. Budget \$100,000 in the 24/25 Water and Wastewater Operational budget to commence a Water Quality Options Assessment and seek a matching co-contribution from the Queensland Government; and
2. Budget \$100,000 in the 24/25 Water and Wastewater Operational budget to air scour the Kingaroy reticulation network to reduce biofilm in water mains.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

Attendance:

At 12.29pm Manager Water & Wastewater Adam Branch left the meeting

11.2 CAIRNS STREET & APPIN STREET WEST, NANANGO - BLACKSPOT PROJECT

RESOLUTION 2024/331

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That South Burnett Regional Council investigate pavement rehabilitation options for the Cairns/Appin Street intersection as part of its 2024/25 design program and reapply for additional funding in a future Blackspot program.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

12 PORTFOLIO - COMMUNITY DEVELOPMENT, ARTS & HERITAGE AND LIBRARY SERVICES**12.1 REGIONAL ARTS DEVELOPMENT FUND - FUNDING APPLICATION**

RESOLUTION 2024/332

Moved: Cr Danita Potter

Seconded: Cr Heath Sander

That South Burnett Regional Council

1. Submit an application to the Regional Arts Development Fund
2. Approve the submission for a maximum amount of \$42,000

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0**Attendance:**

At 12.43pm, Coordinator Development Services David Hursthouse entered the meeting

13 PORTFOLIO - NATURAL RESOURCE MANAGEMENT, RURAL SERVICES, AGRICULTURAL INNOVATION, COMPLIANCE AND ENVIRONMENTAL HEALTH**13.1 SYSTEMATIC INSPECTION PROGRAM**

RESOLUTION 2024/333

Moved: Cr Jane Erkens

Seconded: Cr Deb Dennien

That South Burnett Regional Council approve a Systematic Inspection Program for properties within the South Burnett Regional Council's jurisdiction in accordance with section 113 of the *Animal Management (Cats and Dogs) Act 2008* to monitor compliance with the requirements of the *Animal Management (Cats and Dogs) Act 2008*, more specifically the requirement to register dogs.

The properties to be included in the Systematic Inspection Program are potentially all properties within the South Burnett area.

The Systematic Inspection Program be conducted between the hours of 8.00am and 5.00pm Monday to Friday, commencing on Monday 29 April 2024 and concluding on Friday 28 June 2024.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

14 PORTFOLIO - DISASTER MANAGEMENT, WASTE AND RECYCLING MANAGEMENT

Nil

Attendance:

At 12.45pm, Engineering Contractor Justin Crick entered the meeting

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

15.1 KINGAROY BUILDING/FACILITIES SUPPLY OF SERVICES CONTRACT

RESOLUTION 2024/334

Moved: Cr Jane Erkens
 Seconded: Cr Danita Potter

That South Burnett Regional Council call for tender for the cleaning of Council buildings and facilities in Kingaroy.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

Attendance:

At 12.47pm, Acting Manager Environment & Planning Leo Jensen entered the meeting

15.2 REQUEST TO APPLY FOR THE PLAY OUR WAY PROGRAM

RESOLUTION 2024/335

Moved: Cr Linda Little
 Seconded: Cr Ros Heit

That South Burnett Regional Council endorse the application for funding under the Play Our Way Program

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

15.3 BLACKBUTT COMMUNITY PARKLANDS AND SENSORY GARDEN - INSTALLATION OF NEW SHADE SHELTER AND TABLE SETTINGS

RESOLUTION 2024/336

Moved: Cr Linda Little
Seconded: Cr Deb Dennien

That South Burnett Regional Council proceeds with the installation of a new shelter and table settings funded through the grant funding that was received from the Blackbutt District Community Organisation Inc.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

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

Nil

Attendance:

At 12.51pm General Manager Aaron Meehan left the meeting

At 12.54pm General Manager Aaron Meehan returned to the meeting

17 PORTFOLIO - REGIONAL DEVELOPMENT, DEVELOPMENT SERVICES, COMMUNITY & SOCIAL HOUSING**17.1 PROPOSED MAJOR AMENDMENT TO THE SOUTH BURNETT REGIONAL PLANNING SCHEME**

RESOLUTION 2024/337

Moved: Cr Ros Heit
Seconded: Cr Danita Potter

That South Burnett Regional Council:

1. endorse the Consultation Report (Attachment A) which provides a summary of consultation activities undertaken, compliance with consultation requirements, matters raised in submissions received and changes to be made to the publicly consulted version of the proposed planning scheme in response to submissions;
2. endorse the revised version of the proposed South Burnett Regional Council Planning Scheme, including mapping (Attachment B);
3. determine, in accordance with Schedule 2 of the Minister's Guidelines and Rules, that the proposed South Burnett Regional Council Planning Scheme (Attachment B), is not significantly different from the publicly consulted version for the reasons in the Significantly Different Statement (Attachment C);
4. authorise the Chief Executive Officer to publish the Consultation Report on Council's website and respond to each submitter by providing a copy of the endorsed Consultation Report; and

-
5. give notice to the Planning Minister, in accordance with part 21.1 of the Minister's Guidelines and Rules, and request approval to adopt the proposed planning scheme.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

17.1.1 LAND USE INVESTIGATION

RESOLUTION 2024/338

Moved: Cr Jane Erkens

Seconded: Cr Linda Little

That:

1. Council undertake a project which includes a land use investigation to assess:
 - a. the availability of land within the South Burnett region that may be suitable to incorporate into an expansion of the RR1 precinct to allow further subdivision of rural residential lifestyle lots into one-acre (4,000m²) and/or two-acre (8,000m²) lots (smaller rural residential lots); and
 - b. the suitability and viability of, and options to facilitate the land identified in (a) above, to be able to be developed into smaller rural residential lots.
2. A report outlining the outcomes and recommendations of the investigation referred to in 1. above be presented to Council.
3. Council list this project for consideration during its 2024/25 FY budget deliberations with an allocation of up to \$25,000 (ex GST).

Reasons for Recommendation

Council wishes to facilitate increased options for smaller lifestyle lots throughout the South Burnett region, to allow existing residents to age in place without having to relocate from their existing property or the region.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

17.2 COUNCIL RESOLUTION TO COMMENCE REVIEW OF THE LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP)

RESOLUTION 2024/339

Moved: Cr Danita Potter

Seconded: Cr Deb Dennien

That this report be received and that South Burnett Regional Council:

1. Resolve to commence a review of the Local Government Infrastructure Plan (LGIP) in accordance with Chapter 5, Part 5 of the Minister's Guidelines and Rules (MGR), as required by Section 25(3) of the Planning Act 2016.
2. Consider the necessary budget allocation to undertake the LGIP review process in the 2024/25 financial year budget deliberations.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0**Attendance:**

At 1.12pm Cr Heath Sander left the meeting

At 1.12pm General Manager Aaron Meehan left the meeting

At 1.13pm Chief Executive Officer Mark Pitt left the meeting

At 1.14pm Chief Executive Officer Mark Pitt returned to the meeting

At 1.14pm Cr Heath Sander returned to the meeting

At 1.14pm General Manager Aaron Meehan returned to the meeting

ADJOURNMENT

RESOLUTION 2024/340

Moved: Cr Jane Erkens

Seconded: Cr Deb Dennien

That the meeting adjourn for 10 minutes.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

RESUME MEETING

RESOLUTION 2024/341

Moved: Cr Ros Heit
 Seconded: Cr Danita Potter

That the meeting resume at 1.25pm.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

Attendance:

At the resumption of the meeting Planning Consultant Matthew Taylor was present via teams
 At the resumption of the meeting Manager Community & Lifestyle Debra Moore was not present
 At 1.34pm Kerri Anderson left the meeting.
 At 1.39pm Kerri Anderson returned to the meeting.

17.3 COMBINED APPLICATION FOR MATERIAL CHANGE OF USE (FUNCTION FACILITY AND FOOD & DRINK OUTLET) AND RECONFIGURING A LOT (ACCESS EASEMENT) AT 20 FORK HILL DRIVE, MOFFATDALE (AND DESCRIBED AS LOT 131 ON SP221464). APPLICANT: DUSTY JOE'S PTY LTD C/- JDBA CERTIFIERS

RESOLUTION 2024/342

Moved: Cr Deb Dennien
 Seconded: Cr Linda Little

That Council approve the Material Change of Use – Function Facility and Food & Drink Outlet – development permit and Reconfiguring a Lot – Access easement – development permit at 20 Fork Hill Drive and 80 & 89 Waterview Drive, Moffatdale QLD 4605 (and described as Lot 1 on RP903441, Lot 131 on SP221464 and Lot 94 on SP210658) subject to conditions.

MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT

GENERAL

GEN1. The development must be completed and maintained in accordance with the approved plans and documents and conditions to this development approval:

APPROVED PLANS

Drawing No.	Issue	Sheet Name	Date	Prepared By
DA00	B	Coversheet – Perspective – Restaurant	29/05/2023	McLaren Design
DA01	B	Survey	29/05/2023	McLaren Design
DA02	B	Master Plan	29/05/2023	McLaren Design
DARD 04	B	Restaurant Floor Plan	29/05/2023	McLaren Design
DARD 05	B	Restaurant Mezzanine Floor Plan	29/05/2024	McLaren Design

DARD 06	B	Restaurant Dimension Plan	29/05/2023	McLaren Design
DARD 08	B	Restaurant Elevations	29/05/2023	McLaren Design
DARD 09	B	Elevations – Cellar Door & Tasting Room	29/05/2023	McLaren Design
DACP 00	B	Coversheet - Cooperage	06/12/2021	McLaren Design
DACP 01	B	Cooperage Floor Plan	06/12/2021	McLaren Design
DACP 02	B	Cooperage Elevations	06/12/2021	McLaren Design
DACP 03	B	Cooperage Elevations	06/12/2021	McLaren Design
DACH 00	B	Chapel Perspective	06/12/2021	McLaren Design
DACH 01	B	Chapel Floor Plan	06/12/2021	McLaren Design
DACH 02	B	Chapel Elevations	06/12/2021	McLaren Design
DACH 03	B	Chapel Elevations	06/12/2021	McLaren Design
DACF 00	B	Coversheet - Cafe	06/12/2021	McLaren Design
DACF 01	B	Café Floor Plan	06/12/2021	McLaren Design
DACF 02	B	Café Cellar Plan	06/12/2021	McLaren Design
DACF 03	B	Café Elevations	06/12/2021	McLaren Design
DACF 04	B	Café Elevations	06/12/2021	McLaren Design

- GEN2. All works including the repair or relocation of services (Telstra/lighting) are to be completed at no cost to Council.
- GEN3. The applicant is required to maintain the site in a clean and orderly state at all times.
- GEN4. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.
- GEN5. Undertake appropriate measures to ensure that dust does not cause a nuisance to occupiers of adjacent properties.
- GEN6. Provide documentary evidence of measures to be undertaken to manage fugitive dust emissions resulting from the development.

Timing: at all times/to be maintained.

APPROVED USE

- GEN7. The approved development is a material change of use for *'Food and Drink Outlet'* and *'Function Facility'* only, as shown on the approved plans referred to in this decision and does not imply approval for any other use.

ADDITIONAL REPORTING

GEN8. The applicant is to submit to Council an acoustic assessment that considers all onsite activities associated with development as referred in this approval only. The acoustic assessment is to be prepared by a suitably qualified professional in accordance with relevant laws, standards of practice, and reflect all primary/consequential activities inclusive of (**but not limited to**):

- Outdoor areas including, dining areas, formal and informal gathering spaces.
- Indoor areas including, dining areas, gathering spaces, accommodation, and amenities.
- Use of high volume/amplified music and or sound.
- Use of carpark and bus set down areas, and subsequent vehicle movements into and out of the premises.
- Site servicing including waste collection, and delivery vehicles.
- Use of trafficable areas.

Timing: Prior to issue of a development permit for Building Work.

GEN9. The applicant is to submit to Council an acoustic assessment that provides a set of recommendations including acoustic treatments to control onsite and offsite noise emissions associated with development referred to in this approval. The acoustic assessment is to be prepared by a suitably qualified professional in accordance with relevant laws, standards of practice and where relevant make recommendations including (**but not limited to**):

- Construction materials.
- Noise barriers (if determined as relevant).
- Coatings & dampeners for trafficable surfaces.
- Mechanical plant.
- Hours of operation.

Timing: Prior to issue of a development permit for Building Work.

ADDITIONAL DRAWINGS

GEN10. Prepare a landscape concept demonstrating appropriate landscape treatments in and around each of the structures referred to in approved drawings at condition GEN1 of this development permit.

Note: landscape treatments are not required for the entire site (only areas where work is approved).

HOURS OF OPERATION

GEN11. Hours of operation shall be limited from **6am to 6pm Monday to Saturday**, and **10am to 6pm Sundays** (inclusive of servicing) unless otherwise amended by recommendations in an acoustic assessment report.

GEN12. Operation of refuse collection vehicles, service vehicles, and other related commercial vehicles (excluding emergency vehicles) must only occur between 7am & 7pm Monday to Saturday unless:

- otherwise amended by recommendations in an acoustic assessment report, or
- where currently operating in accordance with existing approval conditions and not varied as a consequence of this approval.

AMPLIFIED SOUND

GEN13. There shall be no amplified sound (i.e. music, microphones or the like) installed within approved development as shown in condition GEN1 of this development permit, unless otherwise amended by recommendations in an acoustic assessment report submitted to Council.

COMPLIANCE TIMING AND COSTS

GEN14. All conditions of the approval shall be complied with before the approval occurs (prior to commencement of the use) and while the use continues unless otherwise specified within these conditions.

MAINTENANCE

GEN15. The development (including landscaping, parking, driveways, and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.

GEN16. Maintain the site in a clean and orderly state at all times.

PLANNING

MCU1. Carry out the development in accordance with approved drawings as referred to in this development permit.

MCU2. Maintain existing any existing development on site in accordance with previous approvals unless otherwise varied as a consequence of this development permit.

MCU3. Where relevant existing landscape features associated with previous approvals shall be varied as a consequence of this development permit.

MCU4. Amend services as necessary to accommodate development associated with this approval whilst ensuring all existing uses maintain operations in accordance with applicable laws and/or standards as required.

BUILDING HEIGHT

MCU5. The maximum building height is to be in accordance with approved elevations referred to in condition GEN1 of this development permit.

MCU6. Submit to Council certification from a registered Surveyor confirming that overall height is in accordance with the approved elevations referred to in condition GEN1 of this development permit.

Timing: Prior to issue of certificate of Classification/final Inspection Certificate, or prior to commencement of the use (whichever comes first).

EXTERNAL ARCHITECTURAL DETAILS

MCU7. External details of the building façade treatment and external materials, colours and must be consistent with the approved drawings referred to in condition GEN1 of this development permit.

SECURITY LIGHTING

MCU8. Install and maintain a suitable system of security lighting to operate from dusk till dawn within all areas where the public may gain access, including carparking areas, building entrances, and vegetated areas.

MCU9. Design of all external lighting in accordance with AS 4282-1997 '*Control of obtrusive effects of outdoor lighting*', ensuring that light spillage does not cause nuisance to sensitive uses.

LANDSCAPING

MCU10. Construct landscaping in accordance with the prepared landscape concept plan, the relevant council standards, best trade practise, and the following conditions:

- If the extent or configuration of landscaped areas has been marginally amended from the plan, then adjust plant numbers to ensure full coverage.

-
- Provide a 3-tier landscape structure to all landscape areas i.e. trees shrubs and ground covers.
 - Maximise opportunities for stormwater infiltration into landscaped areas (where available).
 - Maintain the landscape works generally in accordance with the detailed plans and to industry standards.

REFUSE STORAGE COLLECTION

- MCU11. Any areas that are dedicated for the collection and/or storage of solid waste on the premises are to be:
- a) level.
 - coated with an impervious hard stand surface.
 - fitted with appropriate washdown and drainage connections, and
 - screened.

ELECTRICITY/TELECOMMUNICATIONS

- MCU12. The development is to be supplied with reticulated electricity and telecommunications services.

VISUAL AMENITY & REFLECTIVITY

- MCU13. Façade treatments must not cause nuisance from glare and/or inappropriate reflectivity.
- MCU14. Provide written confirmation from an appropriately qualified professional that construction materials do not generate unreasonable glare, or reflectivity.

CAR PARKING

- MCU15. Car parking within the premises must be maintained exclusively for the use of this development.

CONTAMINATED LAND

- MCU16. Undertake all necessary searches (at no cost to Council) and confirm that areas to be developed as part of this approval are not subject to contamination.

Timing: Prior to issue of a development permit for Building Work.

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 damage 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.
- ENG8. 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).

WATER SUPPLY

- ENG9. Provide a suitable water supply for the development, and monitor water quality to ensure compliance with Australian Drinking Water Guidelines - current edition 2011 and EnHealth Guidance of use of Rainwater standards for potable water.

ON-SITE WASTEWATER DISPOSAL

- ENG10. Connect the development to an on-site wastewater disposal system, in accordance with the AS1547:2012 On-site domestic wastewater management and the Queensland Plumbing and Wastewater Code - 2019.
- ENG11. Obtain a Development Permit for Plumbing Works for the on-site sewerage treatment system.

Note: Any on-site effluent disposal system servicing more than 21 Equivalent Persons (EP) requires an Environmentally Relevant Activity (ERA) 63 which, depending on the treatment and discharge method, may require a separate Material Change of Use approval.

PARKING AND ACCESS – GENERAL

- ENG12. Design and construct all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.
- ENG13. Provide adequate manoeuvring, loading, and parking areas for all service vehicles (buses, delivery vehicles etc).
- ENG14. Design and construct all driveway, manoeuvring, and parking areas with a dust suppressive gravel.
- ENG15. Provide the following minimum number car parking spaces:

Building	Parking
Building 2	65 carparks, 2 PWD carparks, 2 bus parks
Building 3	90 carparks
Building 4	30, PWD carparking required by National Construction Code
Building 5	30, PWD carparking required by National Construction Code

- ENG16. Design & construct all PWD car parking spaces in accordance with AS2890.6.

- ENG17. Provide vehicle 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.
- ENG19. Maintain dust suppression treatment to all unsealed internal roadways, and vehicle manoeuvring areas to not have an adverse impact on adjoining properties.

VEHICLE ACCESS

- ENG20. Design and construct vehicle turnout to Lot 1 RP903441 generally in accordance with Council's Standard Drawing No. 00049 Rev B. The access shall be bitumen sealed.

Comment: This condition refers to the access for the proposed easement to access Lot 131 SP221464. Please note that the access may not require a culvert if the access is constructed at a suitable grade.

ROADWORKS

- ENG21. At no cost to Council, upgrade the unsealed section of Waterview Drive from the end of the existing bitumen seal, through to the Dusty Hill Winery access, with a 6.5m wide Double/Double bitumen seal on an 8m gravel formation to Council standards. The upgrade shall include any additional pavement required and any ancillary works (e.g. culverts).

Timing: Prior to commencement of use.

Comment: Any road upgrade shall be carried out under an Operational Work permit with plans prepared by a Registered Professional Engineer Queensland.

ELECTRICITY AND TELECOMMUNICATION

- ENG22. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG23. 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.
- ENG24. 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

MATERIAL CHANGE OF USE – CURRENCY PERIOD

- ADV1. Section 85 (1)(a) of the Planning Act provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.

HERITAGE

- ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may, therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to

ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

PREVIOUS APPROVALS.

ADV3. Where seeking to exercise this material change of use development permit it must be carried out in accordance with plans and conditions imposed noting that previous designs applied to the site (pursuant to previous approvals) are not relevant or justifiable under this permit.

DEVELOPMENT COMPLIANCE

ADV4. Development must not be amended from those plans approved unless otherwise agreed as a result of a change request pursuant to the Planning Act 2016, changes that are not approved (and constructed) may constitute a development offence pursuant to the Planning Act 2016, triggering compliance action.

ADV5. All conditions imposed must be complied with as attached to this decision package, conditions that are not complied with may constitute a development offence pursuant to the Planning Act 2016, triggering compliance action.

APPEAL RIGHTS

ADV6. Attached for your information is a copy of Chapter 6 of the Planning Act as regards to Appeal Rights.

RECONFIGURING A LOT – DEVELOPMENT PERMIT

APPROVED PLANS

GEN1. The development must be completed and maintained in accordance with the approved plans and documents and conditions to this development approval:

Drawing No.		Issue	Date	Prepared By
DAEMT 01	B	Proposed Easement Plan	06/12/2021	McLaren Design

GEN2. All conditions of this approval are to be satisfied prior to Council endorsing the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

A fee will be charged, with payment required prior to Council's approval of the associated documentation requiring assessment.

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.

GEN4. Prior to sealing the Plan of Survey, the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18, Section 69 of the *Planning Act Regulation 2017*.

Timing: – As indicated.

GEN5. Prior to the sealing of the Plan of Survey the applicant is to provide a certificate signed by a licensed surveyor stating that after the completion of all works associated with the reconfiguration, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the Plan of Survey.

Timing: – As indicated.

- GEN6. The currency period for this development approval for reconfiguring a lot is four (4) years after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

VALUATION FEES

- RAL1. Payment of Department of Natural Resources, Mines and Energy valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$156.00 (3 x \$52.00); however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

EARTHWORKS

- RAL2. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

ENGINEERING WORKS

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.
- ENG2. Be responsible for any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

- ENG3. 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.
- ENG4. 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

- ENG5. 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.
- ENG6. 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).
- ENG7. 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).

VEHICLE ACCESS

- ENG8. Design and construct vehicle turnout to Lot 1 RP903441 generally in accordance with Council's Standard Drawing No. 00049 Rev B. The access shall be bitumen sealed.

Comment: This condition refers to the access for the proposed easement to access Lot 131 SP221464. Please note that the access may not require a culvert if the access is constructed at a suitable grade.

ACCESS

ENG9. Design and construct the driveway with a dust suppressive gravel.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG10. 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.

ENG11. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

ADVICE**HERITAGE**

ADV7. 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.

FILLING & EXCAVATION

ADV1. It is the developer/owner's responsibility to ensure that any subsequent earthworks required as a consequence of this approval and/or ongoing operations complies with all aspects of Council's planning scheme either directly or indirectly.

INFRASTRUCTURE CHARGES

ADV2. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*. See attached Infrastructure Charges Notice

APPEAL RIGHTS

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

ADV4. Construction Noise and Dust Emissions Pursuant to the *Environmental Protection Act 1994*, all development involving the emission of noise and dust from building and/or construction activities, must ensure that the emissions are in accordance with the requirements of the Act.

RECONFIGURING A LOT – CURRENCY PERIOD

ADV5. Section 85 (1)(a) of the *Planning Act* provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien and Ros Heit

Against: Cr Heath Sander

CARRIED 6/1

Attendance:

At 1.46pm Planning Consultant Matthew Taylor left the meeting

17.4 MATERIAL CHANGE OF USE FOR A BULK LANDSCAPE SUPPLIES AT 100 RIVER ROAD, KINGAROY (AND DESCRIBED AS LOT 72 ON RP7915) APPLICANT JOHNSON MANAGEMENT (AUST) PTY LTD C/- ONF SURVEYORS.

RESOLUTION 2024/343

Moved: Cr Danita Potter
 Seconded: Cr Ros Heit

That Council approve the Development Permit for Material Change of Use for Bulk Landscape Supplies at 100 River Road, Kingaroy (Lot 72 on RP7915) – Applicant – Johnson Management (Aust) Pty Ltd C/- ONF Surveyors, subject to conditions and recommendations contained herein.

GENERAL

GEN1. The development must be completed generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval.

Drawing Title	Prepared By	Ref No.	Rev.	Date
Proposed Shed	Designer Planning	A000	2C	23-05-2023
Proposed Site Plan Amendment to Proposed Site Plan required: Remove all references to existing building/s that are not part of the Bulk Landscape Supplies Development Permit from the Proposed Site Plan	Designer Planning	A001	2C	23-05-2023
Proposed Floor Plan & Mezzanine Floor Level	Designer Planning	A002	2C	23-05-2023
Front & Left-side Elevations	Designer Planning	A003	2C	23-05-2023
Rear & Right-side Elevations	Designer Planning	A004	2C	23-05-2023
19m SEMI – Trailer Swept Path	ATC Consulting Engineers & Project Managers	B-101	A	21/12/2023

REFERENCED DOCUMENTS

Drawing Title	Prepared By	Date
Preliminary Stormwater Management Report	ATC Consulting Engineers & Project Managers	December 2023

GEN2. The approved hours of operation are Monday to Saturday 7am to 5pm, and Sundays and Public Holidays 8am to 4pm. The site must be secured outside of these hours with no access available.

GEN3. 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
 - Permit for Plumbing and Drainage Works.

GEN4. The applicant shall submit a landscape plan for approval prior to any work commencing for the buffer, indicating the following:

- The extent of the buffer;
- The location and spacing of proposed and any existing trees and shrubs;
- A list of tree and shrub species to be planted; and
- Details about how the vegetated buffer will be maintained.

Note: The submitted landscape plan for the vegetation buffer must include the tree selection and how the plantings are placed, irrigated and post planting care in accordance with Council's Branching Out Guide. Please provide the above details referencing suitable plant species, planting and establishment process from the aforementioned document.

Prior to the commencement of the use, a suitably qualified Landscape Architect/Designer shall provide written confirmation that the planted vegetation buffer complies with Council's Branching Out Guide and the provided landscaping plan.

GEN5. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

APPROVED USE

GEN6. The approved development is a Material Change of Use for Bulk Landscape Supplies, as shown on the approved plans and does not imply approval for other similar uses.

COMPLIANCE, TIMING AND COSTS

GEN7. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.

GEN8. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

MAINTENANCE

GEN9. 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.

GEN10. Maintain the site in a clean and orderly state at all times.

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.

-
- ENG4. Submit to Council, certification from a suitably qualified Engineer (RPEQ) that the works have been undertaken in accordance with the Approved Plans and specifications and to Council's requirements, prior to commencement of the use.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

- ENG5. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG6. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

- ENG7. Provide stormwater management generally in accordance with the Preliminary Stormwater Management Plan prepared by ATC Consulting Engineers & Project Managers, dated December 2023, subject to detailed design and except as altered by conditions of this development approval.
- ENG8. Design and construct stormwater drainage to ensure that the development will achieve "no nuisance" as described in the Queensland Urban Drainage Manual (QUDM) to all adjacent and downstream properties including road reserves and the like for design storms up to ARI100.
- ENG9. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG10. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

WATER SUPPLY

- ENG11. Connect the development to Council's reticulated water supply system via a single connection.

SEWERAGE

- ENG12. Connect the development to Council's reticulated sewerage system via a single connection. The connection must be designed in accordance with Council's standards and be approved by Council's Utility Services Section.

Comment: Connection to Council's sewer network may require an extension to the network in order to service the site. Council's Infrastructure Department shall be consulted for the requirements for a connection.

- ENG13. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
- ENG14. Do not build works within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
- ENG15. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.
- ENG16. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site is provided for future maintenance/upgrade purposes.

ENG17. The above minimum clearances to Council's sewer infrastructure do not preclude the need for works to proposed structures to prevent loading to the sewer system.

PARKING AND ACCESS – GENERAL

ENG18. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.

ENG19. Design and construct all driveway and parking areas to provide a dust suppressive gravel.

ENG20. Provide a minimum of 21 car parking spaces including a minimum of 1 person with disability (PWD) car parking space.

ENG21. 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.

ENG22. Provide longitudinal gradient and crossfall for all driveways to comply with the requirements of AS2890.1.

ENG23. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.

PARKING AND ACCESS – SERVICING m

ENG24. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

ENG25. Erect signage in accordance with ATC Engineers & Projects Managers drawing B-101 A, "19m Semi-Trailer Swept Path".

VEHICLE ACCESS

ENG26. Construct commercial crossovers between the property boundary and the edge of the River Road, road pavement in accordance with IPWEAQ Std Dwg RS-051, Rev F. The crossovers shall be constructed in accordance with ATC Engineers & Projects Managers drawing B-101 A, "19m Semi-Trailer Swept Path". Ensure that crossover splay is designed to accommodate turning movements of an Articulated Vehicle.

ENG27. 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).

ENG28. The western crossover shall have culverts installed to match the culverts at the existing eastern access.

ROADWORKS AND PEDESTRIAN SAFETY

ENG29. Install signage for all works on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.

ENG30. Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction of the works.

ENG31. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY AND TELECOMMUNICATION

ENG32. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG33. 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.
- ENG34. 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.
- ENG35. Permanent erosion and sediment control measures shall be implemented to prevent sediment from entering the creek/waterway to the west of the site.
- ENG36. Implement an onsite management measure to prevent dirt/silt being carried onto River Road by exiting vehicles, e.g. Shaker grid, wheel wash. Maintain the system to ensure it is adequately operating at all times.

STANDARD ADVICE

- ADV1. Section 85(1)(b) of the *Planning Act 2016* provides that, if this approval is not acted upon within a period of six (6) years the approval will lapse.
- ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.
- ADV3. Attached for your information is a copy of Chapter 6 of the Planning Act 2016 as regards Appeal Rights.
- ADV4. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.
- ADV5. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2025. Eligible development under this scheme is required to be completed by 31 December 2025.

For further information or application form please refer to the rules and procedures available on Council's website.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

17.5 EXTENSION OF CURRENCY PERIOD UNDER SECTION 86 OF THE PLANNING ACT 2016 TO A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (EXTRACTIVE INDUSTRY (GRAVEL QUARRY)) - 79 TIM DWYER ROAD, EAST NANANGO (AND DESCRIBED AS LOT 169 ON CSH697) - APPLICANT: DAVID CASSIDY C/- SWEP CONSULTING

RESOLUTION 2024/344

Moved: Cr Jane Erkens

Seconded: Cr Linda Little

That Council approves the request to extend the currency period pursuant to s86 of the *Planning Act 2016* by three (3) additional years from the 21 February 2024 until 21 February 2027.

The currency period for this development approval is extended by an additional three (3) years from 21 February 2024 (Refer to Section 85 “Lapsing of approval at end of currency period” of the *Planning Act 2016*.) Nb. The applicant has benefitted from three automatic extensions that were declared in response to the Covid-19 pandemic (for a combined total of two (2) years).

ADV9. Any further extension to the currency period beyond 21 February 2027 is unlikely to be supported due to the length of time and the introduction of new planning instruments including changes to the State Planning Policies and the Regional Plan. A resubmission of the development application is recommended if the applicant seeks to extend the currency period past nine (9) years.

All other conditions of development approval are to be retained as per Council’s Decision Notice dated 21 February 2018 (MCUI2017/0001).

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

Attendance:

At 1.52pm Acting Manager Planning & Environment Leo Jensen left the meeting.

At 1.52pm Coordinator Development Services David Hursthouse left the meeting.

ADJOURN - LUNCH

RESOLUTION 2024/345

Moved: Cr Linda Little

Seconded: Cr Deb Dennien

That the meeting adjourn for lunch.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

RESUME MEETING

RESOLUTION 2024/346

Moved: Cr Danita Potter

Seconded: Cr Deb Dennien

That the meeting resume at 2.37pm.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0**Attendance:**

At the resumption of the meeting Manager Community & Lifestyle Debra Moore was present.

18 QUESTIONS ON NOTICE

Nil

19 INFORMATION SECTION

Nil

20 CONFIDENTIAL SECTION

RESOLUTION 2024/347

Moved: Cr Ros Heit

Seconded: Cr Heath Sander

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:**20.1 Amendment to Lease - Lease A & B, 62-64 Lamb Street, Murgon**

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

20.2 Expression of Interest 1 Pound Street, Kingaroy

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

20.3 Invitation to Offer - Tingoora Chelmsford Road

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

20.4 Application to waive legal fees, Interest & Allow Discount on Assessment 10321-00000-000

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

20.5 Pensioner Concession - Assessment 11393-41000-000

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

20.6 Application for concession - Assessment 20572-00000-000

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

20.7 Rating of Coopers Gap Windfarm Leases

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

Attendance:

At 2.57pm Aaron Meehan left the meeting.

At 2.59pm Aaron Meehan returned to the meeting.

At 3.20pm Cr Danita Potter left the meeting

At 3.23pm Cr Danita Potter returned to the meeting.

At 3.26pm General Manager Aaron Meehan left the meeting

At 3.28pm General Manager Aaron Meehan returned to the meeting

RESOLUTION 2024/348

Moved: Cr Danita Potter

Seconded: Cr Ros Heit

That Council moves out of Closed Council into Open Council.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

Attendance

At 3.43pm General Manager Aaron Meehan left the meeting

20.1 AMENDMENT TO LEASE - LEASE A & B, 62-64 LAMB STREET, MURGON

RESOLUTION 2024/349

Moved: Cr Ros Heit
Seconded: Cr Linda Little

That South Burnett Regional Council

1. Resolves that the exception in *Local Government Regulation 2012 section 236 (1)(b)(iii)* applies for an amendment to the current lease between Council and the Commonwealth Bank of Australia for the retail shop space, part A and B of Lot 1 on CP M55124, 62-64 Lamb Street, Murgon, to;
 - (a) Extend the current term of the lease for an additional three (3) years to 30 December 2027; and
 - (b) Retain all other existing terms of the lease and authorise the Chief Executive Officer to negotiate the annual CPI increases.
2. Pursuant to *Section 257(1)(b) of the Local Government Act 2009*, South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the lease amendment on terms and conditions the Chief Executive Officer reasonably considers are satisfactory to Council.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

20.2 EXPRESSION OF INTEREST 1 POUND STREET, KINGAROY

RESOLUTION 2024/350

Moved: Cr Danita Potter
Seconded: Cr Deb Dennien

That South Burnett Regional Council resolve to approve the shortlisting of the compliant expression of interest Submission 4 to proceed to tender to divest of 1 Pound Street, Kingaroy (Lot 13 on RP814986) in accordance with the *Local Government Regulation 2012 - S228 subsection 7 (b)*.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

Attendance:

At 3.45pm General Manager Aaron Meehan returned to the meeting

20.3 INVITATION TO OFFER - TINGOORA CHELMSFORD ROAD

RESOLUTION 2024/351

Moved: Cr Ros Heit
Seconded: Cr Linda Little

That South Burnett Regional Council:

1. Accept the offer from Brown Contractors (G & R Brown and Sons Pty Ltd) for the sum of \$1,283,673.38 (Ex GST) for contract SBRCQ 2324-89 Tingoora Chelmsford Remediation-Phase 1; and
2. Council delegate to the Chief Executive Officer to negotiate the contract.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

20.4 APPLICATION TO WAIVE LEGAL FEES, INTEREST & ALLOW DISCOUNT ON ASSESSMENT 10321-00000-000

RESOLUTION 2024/352

Moved: Cr Danita Potter

Seconded: Cr Linda Little

1. That South Burnett Regional Council agree to waive \$2,539.94 on assessment 10321-00000-000 which is made up of \$1,637.33 in legal fees, \$186.02 in interest charges and \$716.59 in discount not allowed.
2. That South Burnett Regional Council reimburse the outstanding application fee of \$4077 for MCU23/0017.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

20.5 PENSIONER CONCESSION - ASSESSMENT 11393-41000-000

RESOLUTION 2024/353

Moved: Mayor Kathy Duff

Seconded: Cr Jane Erkens

That South Burnett Regional Council approves to backdate to the start of ownership of the property, an adjustment to the Council component of the pensioner concession on assessment 11393-41000-000.

In Favour: Crs Kathy Duff, Jane Erkens, Danita Potter, Deb Dennien and Heath Sander

Against: Crs Linda Little and Ros Heit

CARRIED 5/2

20.6 APPLICATION FOR CONCESSION - ASSESSMENT 20572-00000-000

RESOLUTION 2024/354

Moved: Cr Jane Erkens
Seconded: Cr Ros Heit

That South Burnett Regional Council approve a rate remission for the Heritage Nanango Community Funding Ltd on property located at L9 N2358 (assessment 20572-00000-000) under the charitable organisations category as they meet the criteria of the policy.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

20.7 RATING OF COOPERS GAP WINDFARM LEASES

RESOLUTION 2024/355

Moved: Cr Linda Little
Seconded: Cr Deb Dennien

That the report on the Coopers Gap Windfarm leases be received for information.

In Favour: Crs Kathy Duff, Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 7/0

21 CLOSURE OF MEETING

The Meeting closed at 3.52pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 May 2024.

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CHAIRPERSON