



SOUTH BURNETT

REGIONAL COUNCIL

MINUTES

**Ordinary Council Meeting
Wednesday, 19 June 2024**

Order Of Business

| | | |
|-----------|--|----------|
| 1 | Opening | 4 |
| 2 | Leave of Absence / Apologies | 4 |
| 3 | Prayers | 4 |
| 4 | Acknowledgement of Traditional Owners | 4 |
| 5 | Declaration of Interest | 4 |
| 6 | Deputations/Petitions | 5 |
| 6.1 | Deputation - Ballogie Community | 5 |
| 6.2 | Deputation/PETITION – Music Festivals - Kathryn Hayes | 5 |
| 7 | Confirmation of Minutes of Previous Meeting | 5 |
| 7.1 | Minutes of the Special Council Meeting held on 4 June 2024..... | 5 |
| 7.2 | Minutes of the Council Meeting held on 15 May 2024 | 6 |
| 8 | Notices of Motion | 6 |
| | Nil | |
| | COUNCILLOR DIVISIONAL UPDATES | 6 |
| 9 | Business Outstanding | 6 |
| 9.1 | Business Outstanding Table for Ordinary Council Meeting..... | 6 |
| 9.1.1 | Question on Notice - MCU21/0017 – Expansion of existing piggery and associated infrastructure at 536 and 592 Morgans Road Windera..... | 6 |
| 9.1.1 | Media Release - Council Staff at Hivesville Fun Day | 7 |
| 10 | Executive Services | 7 |
| 10.1 | Council Nominate the 2025 Special Holiday | 7 |
| 10.2 | In-Kind Support - Baconfest 2024 | 7 |
| 10.2.1 | Grants and Donations Policy Workshop | 8 |
| 10.2.2 | Question on Notice - BaconFest..... | 9 |
| 11 | Finance & Corporate | 9 |
| 11.1 | Adoption of the South Burnett Regional Council Water Restrictions Policy - Strategic015..... | 9 |
| 11.2 | Adoption of the South Burnett Regional Council Contact with a Lobbyist Policy - Statutory049 | 10 |
| 11.3 | Adoption of the South Burnett Regional Council Related Party Disclosure Policy - Statutory057 | 10 |
| 11.4 | Adoption of the South Burnett Regional Council Procurement Policy - Statutory007..... | 10 |
| 11.5 | Monthly Financial Information..... | 11 |
| 11.6 | Register of Fees and Charges Schedule for 2024/2025 | 11 |
| 11.7 | Quote SBRCQ 2023/24-16 - Replace Tractor 4007..... | 11 |
| 11.8 | Quote SBRCQ 2023/24-15 - Replace Grader 1509..... | 12 |
| 11.9 | Contractual Arrangements Entered in to over \$200,000 (EX GST)..... | 12 |

| | | |
|-----------|---|-----------|
| 12 | Infrastructure | 13 |
| 12.1 | 2024 - 27 Works for Queensland (W4Q) Program..... | 13 |
| 13 | Liveability | 13 |
| 13.1 | Negotiated Decision Report for Combined Application for Material Change (Function Facility and Food & Drink Outlet) and Reconfiguration of a Lot (Access Easement) at 20 Fork Hill Drive and 80 & 89 Waterview Drive MOFFATDALE (and described as Lot 1 on RP903441, Lot 131 on SP221464 & Lot 94 on SP210658). Applicant: Dusty Joe's Pty Lyd C/- JDBA Certifiers..... | 13 |
| 13.2 | Trustee Lease - Booie Hall and Recreation Reserve Association Inc..... | 23 |
| 13.3 | Licence to Occupy - Curtain Call..... | 24 |
| 13.4 | Adoption of RADF Round 2 2024 grant applications | 24 |
| 13.5 | Waiving of Building and Plumbing Application Fees - South Burnett Saints AFL.... | 25 |
| 13.6 | Protecting the Great Barrier Reef - Community Stewardship Program Round 1 | 25 |
| 13.7 | Minutes of the Arts, Culture and Heritage Advisory Committee | 26 |
| 13.8 | List of Correspondence pending completion of assessment report..... | 26 |
| 13.8.1 | Question on Notice - RAL23/0034 – Reconfiguration of a Lot – Subdivision (1 Lot into 2 Lots) at Haager Drive MOFFATDALE | 27 |
| 13.8.2 | Question on Notice - RAL23/0023 and RAL24/001 | 27 |
| 13.9 | Delegated Authority Reports (28 November 2023 to 10 June 2024)..... | 27 |
| 14 | Questions on Notice | 27 |
| 14.1 | Question on Notice - Murgon Landfill | 27 |
| 15 | Information Section | 28 |
| | Nil | |
| 16 | Confidential Section | 28 |
| 16.1 | South Burnett Community Hospital Foundation Limited - Constitutional Amendments..... | 30 |
| 16.2 | South Burnett Community Hospital Foundation Limited Board Meeting Minutes - 30 April 2024..... | 31 |
| 16.3 | Waste Strategy and Management - Waste Disposal Options | 32 |
| 16.3.1 | Waste Investigation..... | 33 |
| 16.4 | Customer phone-calls, after-hours calls and lone-worker monitoring..... | 33 |
| 16.5 | Coolabunia Clearing facility and Saleyards Cattle and Horse Tick Inspection Contract Arrangements | 33 |
| 17 | Closure of Meeting..... | 34 |

**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY
ON WEDNESDAY, 19 JUNE 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), James D'Arcy (Manager Infrastructure Planning), Leo Jensen (Acting Manager Environment & Planning), David Hursthouse (Coordinator Development Services), Mal Nearmy (Coordinator Waste Management), Rebecca Bayntun (Manager Corporate, Governance & Strategy), Rebecca Humphrey (Manager People & Culture), Jess Kerr (Principal Advisor People & Culture), Lynelle Paterson (Coordinator Executive Services), Helen Floyd (Executive Assistant)

1 OPENING

The Mayor declared the meeting open at 9.02am and welcomed all attendees.

2 LEAVE OF ABSENCE / APOLOGIES

Nil

3 PRAYERS

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

4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

5 DECLARATION OF INTEREST

I, Cr Linda Little inform this meeting that I have a declarable conflict of interest in relation to **Item 10.2 – In-Kind Support – Baconfest 2024**.

This declarable conflict of interest arises because I am on the Baconfest Committee.

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 Jane Erkens inform this meeting that I have a declarable conflict of interest in relation to **Item 11.8 Quote SBRCQ-2023/24-15 Replace Grader 1509**.

This declarable conflict of interest arises due to a family member being an employee of Council.

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 in relation to **Item 11.8 Quote SBRCQ-2023/24-15 Replace Grader 1509.**

This declarable conflict of interest arises due to a family member being an employee of Council.

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 prescribed conflict of interest in relation **Item 11.9 - Contractual arrangements entered into over \$200,000 (ex Gst).**

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.

6 DEPUTATIONS/PETITIONS

6.1 DEPUTATION - BALLOGIE COMMUNITY

Representatives from the Ballogie Community Association Inc presented a development proposal to lease and develop Lot 50 CP868342 Wondai/Chinchilla Road Ballogie for the purpose of community sport, social and recreational gathering.

6.2 DEPUTATION/PETITION – MUSIC FESTIVALS - KATHRYN HAYES

RESOLUTION 2024/347

Moved: Mayor Kathy Duff
 Seconded: Cr Danita Potter

That the Petition relating to all night music festivals being held at 1200 Stonelands Road Stonelands be received and referred to the Chief Executive Officer to determine the appropriate action and a report be brought back 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

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 4 JUNE 2024

RESOLUTION 2024/348

Moved: Cr Ros Heit
 Seconded: Cr Deb Dennien

That the Minutes of the Special Council Meeting held on 4 June 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 COUNCIL MEETING HELD ON 15 MAY 2024

RESOLUTION 2024/349

Moved: Cr Linda Little
 Seconded: Cr Ros Heit

That the Minutes of the Council Meeting held on 15 May 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

COUNCILLOR DIVISIONAL UPDATES

All Councillors provided a divisional update.

9 BUSINESS OUTSTANDING

9.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

RESOLUTION 2024/350

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 - MCU21/0017 – EXPANSION OF EXISTING PIGGERY AND ASSOCIATED INFRASTRUCTURE AT 536 AND 592 MORGANS ROAD WINDERA

Question on notice from Cr Potter:

Have the upgrades to the road commenced yet?

9.1.1 MEDIA RELEASE - COUNCIL STAFF AT HIVESVILLE FUN DAY

RESOLVED 2024/351

Media release to advise residents that Council Staff will be in attendance at the Hivesville Fun Day.

10 EXECUTIVE SERVICES**10.1 COUNCIL NOMINATE THE 2025 SPECIAL HOLIDAY**

RESOLUTION 2024/352

Moved: Cr Heath Sander

Seconded: Cr Deb Dennien

That South Burnett Regional Council progress the Monday of the 2025 Royal National Exhibition, Brisbane – Monday 11 August 2025, as the 2025 Show Holiday for the South Burnett region and further, complete the 2025 Special Holiday request form and delegate to the Chief Executive Officer to submit via email prior to Friday 12 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

Attendance

At 10.11am - Cr Linda Little having earlier informed the meeting of a declarable conflict of interest in Item 10.2 – In-Kind Support – BaconFest 2024 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 voted on.

At 10:14 am, Cr Danita Potter left the meeting.

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

10.2 IN-KIND SUPPORT - BACONFEST 2024

RESOLUTION 2024/353

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That South Burnett Regional Council approve the requested in-kind assistance to the 2024 BaconFest listed below subject to available resources including assistance with the TMP to be prepared after Community Engagement with the surrounding and affected businesses:

- Glendon Street (Council side) closed from 6am Friday 16th August 2024 – (pending approval from business owners)
 - Glendon Street (Café side) closed from 4pm Friday 16th August 2024
 - Glendon Street Circular Place and SBRC rear carparks closed from 1pm Friday 16th August 2024 – subject to business consultation. Areas where stages are to be erected to be cordoned off with witches' hats from 6am Friday 16th August 2024 (one in each carpark).
-

- Closing of Alford Street from 4pm on Friday 16th August 2024.
- Re-open Alford and Glendon Street, Lard Lane and all carparks by midnight on Sunday 18th August 2024.
- SBRC office closed from 4pm Friday 16th August 2024
- Library closed Saturday 17th August 2024
- Cleaning and beautification of the Kingaroy CBD and surrounding parks and gardens in the lead up to the weekend of Kingaroy BaconFest.
- Cleaning of restrooms in Circular Place, Forecourt and Town hall x 3 on Saturday and x 3 on Sunday (BaconFest to cover the additional cleaning for Covid requirements). Please provide cleaning contract detail to BaconFest.
- Two x 10 cubic metre skip bin for cardboard to be delivered AM Friday 16th August 2024
- 40 x 240litre wheelie bins to be delivered AM Friday 16th August 2024. (BaconFest to hire an additional 60 x 240litre wheelie bins from JJ Richards) in bin drop off area.
- Garbage truck pick up at 1PM on Saturday 17th August 2024
- Garbage truck pick up at 6AM on Sunday 18th August 2024
- Garbage truck pick up at 6AM on Monday 19th August 2024
- Removal of the skip bin at 6 AM on Monday 19th August 2024
- Removal of the 40 x 240litre wheelie bins at 6 AM on Monday 19th August 2024
- Approval to put 'bacon signage' on 8 power poles (supported by Ergon Energy) from Thursday 1st to Tuesday 20th August 2024.
- Public notice for noise associated with the helicopter scenic rides – conducted on the land in Alford Street owned by PCA during Saturday 17th and Sunday 18th August 2024.
- Use of the Variable Message Sign for road closures and assistance with the design of the parking map.
- TMP
- 2 x Solar Lights for entrances

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

Against: Nil

CARRIED 6/0

Attendance

At 10:21 am, Cr Linda Little returned to the meeting.

10.2.1 GRANTS AND DONATIONS POLICY WORKSHOP

RESOLUTION 2024/354

Moved: Mayor Kathy Duff

Seconded: Cr Jane Erkens

That Council hold a workshop early in the next financial year to review our Grants and Donations Policy in particular our signature events.

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

Against: Nil

CARRIED 7/0

10.2.2 QUESTION ON NOTICE - BACONFEST

Question on notice from Cr Heit:

How much did we spend on BaconFest this year?

ADJOURN MORNING TEA

RESOLUTION 2024/355

Moved: Cr Danita Potter
 Seconded: Cr Heath Sander

That the meeting adjourn for morning tea.

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 2024/356

Moved: Cr Ros Heit
 Seconded: Cr Linda Little

That the meeting resume at 11.19AM and as Mayor Duff was not present, Deputy Mayor Potter assumed the Chair.

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

Against: Nil

CARRIED 6/0

11 FINANCE & CORPORATE

11.1 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL WATER RESTRICTIONS POLICY - STRATEGIC015

RESOLUTION 2024/357

Moved: Cr Jane Erkens
 Seconded: Cr Deb Dennien

That the South Burnett Regional Council Water Restrictions Policy – Strategic015 be adopted as presented.

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

Against: Nil

CARRIED 6/0

11.2 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL CONTACT WITH A LOBBYIST POLICY - STATUTORY049

RESOLUTION 2024/358

Moved: Cr Ros Heit
Seconded: Cr Linda Little

That the South Burnett Regional Council Contact with a Lobbyist Policy – Statutory049 be adopted as presented.

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

Against: Nil

CARRIED 6/0

11.3 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL RELATED PARTY DISCLOSURE POLICY - STATUTORY057

RESOLUTION 2024/359

Moved: Cr Deb Dennien
Seconded: Cr Jane Erkens

That the South Burnett Regional Council Related Party Disclosure Policy – Statutory057 be adopted as presented.

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

Against: Nil

CARRIED 6/0

11.4 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL PROCUREMENT POLICY - STATUTORY007

RESOLUTION 2024/360

Moved: Cr Jane Erkens
Seconded: Cr Linda Little

That the South Burnett Regional Council Procurement Policy – Statutory007 be adopted as presented.

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

Against: Nil

CARRIED 6/0

11.5 MONTHLY FINANCIAL INFORMATION

RESOLUTION 2024/361

Moved: Cr Heath Sander

Seconded: Cr Deb Dennien

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

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

Against: Nil

CARRIED 6/0**Attendance**

At 11.33am Rebecca Bayntun (Manager Corporate, Governance & Strategy) entered the meeting.

11.6 REGISTER OF FEES AND CHARGES SCHEDULE FOR 2024/2025

RESOLUTION 2024/362

Moved: Cr Ros Heit

Seconded: Cr Linda Little

That pursuant to Section 97(2) of the *Local Government Act 2009* the Register of Fees and Charges for the 2024/2025 year be adopted and are to take effect from 1 July 2024 as amended with Proston Railway Building - \$10 per hour with the local discount to remain.

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

Against: Nil

CARRIED 6/0

11.7 QUOTE SBRCQ 2023/24-16 - REPLACE TRACTOR 4007

RESOLUTION 2024/363

Moved: Cr Deb Dennien

Seconded: Cr Heath Sander

That Council purchase from Sengs Sales and Service, one (1) Massey Ferguson 7S 145 for \$212,175 excluding GST. The expected delivery date is approximately 4 weeks, this can change depending on units available at the time of order.

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

Against: Nil

CARRIED 6/0

Attendance

At 11.46am Cr Jane Erkens and Cr Heath Sander having earlier informed the meeting of a declarable conflict of interest in Item 11.8 - Quote SBRCQ 2023/24-15 – Replace Grader 1509 and their 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 11.47am David Hursthouse (Coordinator Development Services) entered the meeting.

11.8 QUOTE SBRCQ 2023/24-15 - REPLACE GRADER 1509

RESOLUTION 2024/364

Moved: Cr Deb Dennien

Seconded: Cr Ros Heit

That Council purchase from RDO Equipment, one (1) John Deere JD 670GP for \$724,909 excluding GST. The expected delivery date is approximately 6 weeks, noting this can change depending on units available at the time of order.

In Favour: Crs Linda Little, Danita Potter, Deb Dennien and Ros Heit

Against: Nil

CARRIED 4/0

Attendance

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

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

RESOLUTION 2024/365

Moved: Cr Ros Heit

Seconded: Cr Linda Little

That this report be received for information.

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

Against: Nil

CARRIED 5/0

Attendance

At 11:56 am, Cr Heath Sander returned to the meeting.

At 11.56 am Leo Jensen (Acting Manager Environment & Planning) entered the meeting.

12 INFRASTRUCTURE

12.1 2024 - 27 WORKS FOR QUEENSLAND (W4Q) PROGRAM

RESOLUTION 2024/366

Moved: Cr Deb Dennien

Seconded: Cr Linda Little

That Council endorse the submission of a list of nominated projects under the 2024-27 Works for Queensland Program for assessment by the Department of State Development, Infrastructure, Local Government and Planning under the following categories:

| Row Labels | Sum of Value |
|--|---------------------|
| <i>Liveability Infrastructure Community Facilities</i> | \$ 1,100,000 |
| <i>Liveability Infrastructure Parks</i> | \$ 1,555,303 |
| <i>Organisational Excellence</i> | \$ 420,000 |
| <i>Transport Infrastructure Drainage</i> | \$ 1,012,214 |
| <i>Transport Infrastructure Kerb & Medians</i> | \$ 1,517,169 |
| <i>Transport Infrastructure Roads</i> | \$ 2,045,314 |
| <i>WWW Infrastructure</i> | \$ 790,000 |
| Grand Total | \$ 8,440,000 |

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

Against: Nil

CARRIED 6/0

Attendance

At 12.19pm Wendy Kruger (Executive Assistant) entered the meeting.

At 12.19pm Wendy Kruger (Executive Assistant) and Rebecca Bayntun (Manager Corporate, Governance & Strategy) left the meeting.

13 LIVEABILITY

13.1 NEGOTIATED DECISION REPORT FOR COMBINED APPLICATION FOR MATERIAL CHANGE (FUNCTION FACILITY AND FOOD & DRINK OUTLET) AND RECONFIGURATION OF A LOT (ACCESS EASEMENT) AT 20 FORK HILL DRIVE AND 80 & 89 WATERVIEW DRIVE MOFFATDALE (AND DESCRIBED AS LOT 1 ON RP903441, LOT 131 ON SP221464 & LOT 94 ON SP210658). APPLICANT: DUSTY JOE'S PTY LYD C/- JDBA CERTIFIERS

RESOLUTION 2024/367

Moved: Cr Deb Dennien

Seconded: Cr Linda Little

That Council resolves to:

1. Approve the Negotiated Decision Notice as amended (ENG21 and ENG22) for a Material Change of Use for Function Facility and Food & Drink Outlet – development permit and Reconfiguring a Lot for Access Easement – Development Permit at 20 Fork Hill Drive and 80

& 89 Waterview Drive MOFFATDALE (and described as Lot 1 on RP903441, Lot 131 on SP221464 and Lot 94 on SP210658) subject to the amended conditions package.

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

| Plan 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 – Café | 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.

- GEN7. The approved development must comply with noise emissions prescribed under the ***Environmental Protection Act 1994*** and applicable (subordinate) legislation at all times ensuring that:
- a) All relevant activities remain within obligated limits and do not produce '*unreasonable noise*' as defined by the act.
 - b) Noise emitted does not exceed any prescribed sound pressure level, and/or background levels (or any other matter deemed relevant to the emission of unwanted sound) as associated with applicable day, evening, or night time criteria under the act.
 - c) Nearby sensitive uses are not exposed to *unreasonable noise* from the approved development that is either a direct or indirect consequence of all onsite activity.

APPROVED USE

- GEN8. 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 DRAWINGS

- GEN9. 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

- GEN10. **Hours of operations shall remain consistent with associated ongoing operations including ancillary/associated uses (6am to 12am (midnight)) and pursuant to the Environmental Protection Act 1994.**
- GEN11. 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.

COMPLIANCE TIMING AND COSTS

GEN12. 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

GEN13. 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.

GEN14. 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 at Chainage 560, through to the Dusty Hill Winery gated access at Chainage 900, 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) to support cul-de-sac movements prior to the gated access.

Timing: Completed within 18 months of the approval taking effect.

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

ENG22. The applicant is to make submission for a temporary road closure from Chainage 900 of Waterview Drive through to the southern end of the gazetted road reserve to the Department of Natural Resources for the purpose of private access to the facility. The application is to be submitted to the Department with no objection from Council within 2 months of this decision notice being issued.

ELECTRICITY AND TELECOMMUNICATION

ENG23. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG24. 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.

ENG25. 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.

UNREASONABLE NOISE

ADV6. In the event noise related complaints are received, Council may undertake further investigations and require demonstration that noise emitted from this approved development complies with ‘*Noise regulation under the Environmental Protection Act 1994*’ and hence may require commission (as owners expense) of a Noise impact Assessment Report that:

- Establishes and maintains the rights and interests of activities associated with this approved development.
- Protects ongoing rights and interests of other nearby properties.
- Sets a reasonable expectation (for Noise) for all interested parties.

ADV7. It is recommended that the applicant retain a noise complaints log documenting at least the following:

- i. Date and time of complaint.
- ii. The complainant.
- iii. Matter to be dealt with.
- iv. Identification of noise source.
- v. Actions taken to remediate, and information provided to complainant.
- vi. Conclusions and outcomes.

APPEAL RIGHTS

ADV8. 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:

| Plan No. | Rev. | 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).

VEHICLE ACCESS

ENG7. 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

ENG8. Design and construct the driveway with a dust suppressive gravel.

EROSION AND SEDIMENT CONTROL – GENERAL

ENG9. 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.

ENG10. 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

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.

FILLING & EXCAVATION

ADV2. 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

ADV3. 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

ADV4. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

ADV5. 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

ADV6. 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 Jane Erkens, Linda Little, Danita Potter, Deb Dennien, Heath Sander and Ros Heit

Against: Nil

CARRIED 6/0

Attendance

At 12.22pm Leo Jensen (Acting Manager Environment & Planning) and David Hursthouse (Coordinator Development Services) left the meeting.

13.2 TRUSTEE LEASE - BOOIE HALL AND RECREATION RESERVE ASSOCIATION INC

RESOLUTION 2024/368

Moved: Cr Jane Erkens
 Seconded: Cr Deb Dennien

That South Burnett Regional Council:

1. In accordance with *section 236(1)(b)(ii)* of the *Local Government Regulation 2012* applies to dispose of a valuable non-current asset by way of entering a trustee lease for Lot 129 on SP115387 to the Booie Hall & Recreation Reserve Association Inc. for a term of 10 years.
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 trustee lease with the Booie Hall & Recreation Reserve Association Inc. on terms and conditions the Chief Executive Officer reasonably considers satisfactory to Council.

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

Against: Nil

CARRIED 6/0

13.3 LICENCE TO OCCUPY - CURTAIN CALL

RESOLUTION 2024/369

Moved: Cr Jane Erkens

Seconded: Cr Ros Heit

That the matter lay on the table.

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

Against: Nil

CARRIED 6/0

Attendance

At 12.30pm James D’Arcy (Manager Infrastructure Planning) left the meeting.

At 12.30pm Leo Jensen (Acting Manager Environment & Planning) returned to the meeting.

13.4 ADOPTION OF RADF ROUND 2 2024 GRANT APPLICATIONS

RESOLUTION 2024/370

Moved: Cr Jane Erkens

Seconded: Cr Linda Little

That the following recommendations for RADF Round 2 2024 grant approvals be adopted by Council:

| No. | App ID | Applicant | Division | Project | Amount requested | Decision/ comments | Amount of funding approved |
|-----|----------|-----------------------------------|----------|--|------------------|---|----------------------------|
| 1 | RADF11R2 | SB CTC | 3 | Mural Project – Kingaroy Youth Park | \$3,000.00 | Approved | \$3,000.00 |
| 2 | RADF13R2 | Wondai Woodworkers Inc | 5 | Wood & Resin Workshop | \$500.00 | Not Approved Application did not meet guidelines | None |
| 3 | RADF1R2 | Noosa Film Academy Pty Ltd | 3 | Youth Screenplay & Acting for Screen Production Workshop | \$3,000.00 | Approved | \$3,000.00 |
| 4 | RADF2R2 | The Mobile Jewellery Tutor | 2 | Silversmithing Beginners workshops – Blackbutt & Surrounds | \$3,000.00 | Not Approved Application did not meet guidelines | None |
| 5 | RADF4R2 | Kingaroy State School P& C Assoc. | 3 | Textiles Workshop -0 Fabric Bookmark | \$2,909.00 | Approved Note: materials to remain | \$2,909.00 |

| | | | | | | | |
|--|---------|--|---|------------------------|------------|---|--------------------|
| | | | | | | property of the school | |
| 6. | RADF5R2 | Mrs Ruth Ellington (artist application) | 6 | The Imagination Studio | \$3,000.00 | Approved | \$3,000.00 |
| 7 | RADF6R2 | Mr Tristan Pantarotto (Artist application) | 2 | WISP | \$3,000.00 | Not Approved Application did not meet guidelines | None |
| Total grant approval allocation | | | | | | | \$11,909.00 |

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

Against: Nil

CARRIED 6/0

Attendance

At 12:31 pm, Mayor Kathy Duff returned to the meeting and resumed the Chair

13.5 WAIVING OF BUILDING AND PLUMBING APPLICATION FEES - SOUTH BURNETT SAINTS AFL

RESOLUTION 2024/371

Moved: Cr Ros Heit

Seconded: Cr Danita Potter

That South Burnett Regional Council waives 50% of the building and plumbing application fees as per the Consideration of Applications for reduction in Council’s Fees and Charges – Building, Plumbing and Planning Applications Policy – Strategic017 and contributes the remaining 50% as in-kind support from the community grant process.

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

Against: Nil

CARRIED 7/0

13.6 PROTECTING THE GREAT BARRIER REEF - COMMUNITY STEWARDSHIP PROGRAM ROUND 1

RESOLUTION 2024/372

Moved: Cr Heath Sander

Seconded: Cr Deb Dennien

That South Burnett Regional Council apply for the Community Stewardship Grant Programme:

1. To assist landholders to target weed control in riparian areas, wetlands and ecosystems to care for the Great Barrier Reef; and

2. Build long term community stewardship and enhance commitment to protect and care for the reef.

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

Against: Nil

CARRIED 7/0

13.7 MINUTES OF THE ARTS, CULTURE AND HERITAGE ADVISORY COMMITTEE

RESOLUTION 2024/373

Moved: Cr Danita Potter

Seconded: Cr Deb Dennien

That the minutes of the South Burnett Regional Council; Arts, Culture and Heritage Advisory Committee meetings listed below be received and noted:

1. Meeting Minutes November 2023
2. Meeting Minutes February 2024
3. Meeting draft minutes April 18, 2024

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

Against: Nil

CARRIED 7/0

13.8 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT

RESOLUTION 2024/374

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That the List of correspondence pending completion of assessment report as of 10 June 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

13.8.1 QUESTION ON NOTICE - RAL23/0034 – RECONFIGURATION OF A LOT – SUBDIVISION (1 LOT INTO 2 LOTS) AT HAAGER DRIVE MOFFATDALE

Question on Notice from Councillor Sander:

Councillor Sander requested more information on RAL23/0034 – Reconfiguration of a Lot – Subdivision (1 Lot into 2 Lots) at Haager Drive Moffatdale

13.8.2 QUESTION ON NOTICE - RAL23/0023 AND RAL24/001

Question on Notice from Councillor Heit:

Councillor Heit requested more information on

- RAL23/0023 – Reconfiguration of a Lot – Subdivision (5 Lots into 25 Lots), New Road and Drainage Easements at 70, 84 & 104 Crumpton Drive Blackbutt North and
- RAL24/0001 – Reconfiguration of a Lot – Subdivision (1 Lot into 31 Lots) at 22-30 Bridget Carroll Road Kingaroy

13.9 DELEGATED AUTHORITY REPORTS (28 NOVEMBER 2023 TO 10 JUNE 2024)

RESOLUTION 2024/375

Moved: Cr Heath Sander

Seconded: Cr Ros Heit

That the Delegated Authority report be received.

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

Against: Nil

CARRIED 7/0

14 QUESTIONS ON NOTICE

14.1 QUESTION ON NOTICE - MURGON LANDFILL

RESOLUTION 2024/376

Moved: Mayor Kathy Duff

Seconded: Cr Heath Sander

That the response to the question regarding Murgon Landfill raised by Mayor Duff 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

MOTION

RESOLUTION 2024/377

Moved: Cr Ros Heit

Seconded: Cr Heath Sander

That meeting adjourn for lunch at 12.48pm.

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

Against: Nil

CARRIED 7/0

15 INFORMATION SECTION

Nil

RESUME MEETING

RESOLUTION 2024/378

Moved: Cr Ros Heit

Seconded: Cr Linda Little

That the meeting resume at 1.39pm

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

Against: Nil

CARRIED 6/0

At the resumption of the meeting Mayor Duff was not present and Deputy Mayor Potter assumed the Chair.

Leo Jensen (Acting Manager Environment & Planning) and Mal Nearmy (Coordinator Waste Management) were in attendance at the resumption of the meeting.

16 CONFIDENTIAL SECTION

RESOLUTION 2024/379

Moved: Cr Heath Sander

Seconded: Cr Deb Dennien

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*:

16.1 South Burnett Community Hospital Foundation Limited - Constitutional Amendments

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

16.2 South Burnett Community Hospital Foundation Limited Board Meeting Minutes - 30 April 2024

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.

16.3 Waste Strategy and Management - Waste Disposal Options

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.

16.4 Customer phone-calls, after-hours calls and lone-worker monitoring

This matter is considered to be confidential under Section 254J - b and 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 industrial matters affecting employees and 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.

16.5 Coolabunia Clearing facility and Saleyards Cattle and Horse Tick Inspection Contract Arrangements

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

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

Against: Nil

CARRIED 6/0

Attendance

At 1.44pm Susan Jarvis (General Manager Finance & Corporate) entered the meeting.

At 1.54pm Rebecca Bayntun (Manager Corporate, Governance & Strategy) entered the meeting.

At 1:55 pm, Cr Jane Erkens left the meeting.

At 1:58 pm, Mayor Kathy Duff returned to the meeting and resumed the Chair.

At 2.01pm, Wendy Kruger (Executive Assistant), Rebecca Humphrey (Manager People & Culture) and Jess Kerr (Principal Advisor People & Culture) entered the meeting.

At 2.01pm, Wendy Kruger (Executive Assistant) left the meeting.

At 2.05pm Jess Kerr (Principal Advisor People & Culture) left the meeting.

At 2.07pm Jess Kerr (Principal Advisor People & Culture) returned to the meeting.

At 2.16pm Aaron Meehan (General Manager Infrastructure) left the meeting.

At 2.17pm Aaron Meehan (General Manager Infrastructure) returned to the meeting.

At 2.24pm Rebecca Bayntun (Manager Corporate, Governance & Strategy) left the meeting.

At 2.27pm Rebecca Humphrey (Manager People & Culture) left the meeting.

At 2.27pm Rebecca Humphrey (Manager People & Culture) returned to the meeting.

At 2.28pm Rebecca Bayntun (Manager Corporate, Governance & Strategy) returned to the meeting.

At 2.28pm Jess Kerr (Principal Advisor People & Culture) left the meeting.

RESOLUTION 2024/380

Moved: Cr Danita Potter

Seconded: Cr Deb Dennien

That Council moves out of Closed Council into Open Council.

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

Against: Nil

CARRIED 6/0

**16.1 SOUTH BURNETT COMMUNITY HOSPITAL FOUNDATION LIMITED -
CONSTITUTIONAL AMENDMENTS**

RESOLUTION 2024/381

Moved: Cr Linda Little

Seconded: Cr Heath Sander

South Burnett Regional Council resolves that:

1. Council, the sole member of the South Burnett Community Hospital Foundation Limited A.C.N. 099 686 647 (**the Company**), approves amending the constitution of the Company, as required by the Company’s constitution Rule 3.8(2), as follows:
 - (a) Rule 1.2 (Definitions), ‘Business’ definition—to omit paragraph (1), to amend paragraph (2) to refer to raising funds for the hospital located in the Region, and to renumber the remaining paragraphs;
 - (b) Rules 4.1(1) and (2) (Appointment, Removal and Retirement of Directors)—to increase the maximum number of directors from 9 to 11;
 - (c) Rule 5.2(1) (Secretaries)—to omit the requirements that the company secretary “shall be a Director who is an employee of the Council”; and
 - (d) to make any associated consequential amendments that arise out of the foregoing amendments.
2. The Chief Executive Officer is authorised to give to the Company’s company secretary a copy of this resolution as its written approval to the constitution being amended, as required by the Company’s constitution Rule 3.8(2).

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

Against: Nil

CARRIED 6/0

RESOLUTION 2024/382

Moved: Cr Linda Little

Seconded: Cr Ros Heit

That South Burnett Regional Council resolves that:

1. Council, the sole member of the South Burnett Community Hospital Foundation Limited A.C.N. 099 686 647 (the **Company**), votes in favour of passing the following member special resolutions, without a Company general meeting pursuant to *Corporations Act* section 249B:
 - (1) the Company modify its Constitution as follows:
 - (a) in Rule 1.2 (Definitions), ‘Business’ definition—
 - (i) omit paragraph (1); and
 - (ii) in paragraph (2), after the words ‘for the hospital’, insert ‘located in the Region’; and
 - (iii) renumber paragraphs (2) and (3) as paragraphs (1) and (2);
 - (b) in Rules 4.1(1) and (2) (Appointment, Removal and Retirement of Directors)—omit the number ‘9’ and replace with the number ‘11’;
 - (c) in Rule 5.2(1) (Secretaries)—omit “, who shall be a Director who is an employee of the Council”; and
 - (2) the Company adopt the consolidated modified Constitution attached to this resolution.
2. The Chief Executive Officer is authorised as Council’s delegate under *Local Government Act 2009* sections 236 and 257 to sign a record of the member special resolutions without a Company general meeting for the purpose of giving it to the Company to record the resolution in the Company’s minutes book.

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

Against: Nil

CARRIED 6/0

16.2 SOUTH BURNETT COMMUNITY HOSPITAL FOUNDATION LIMITED BOARD MEETING MINUTES - 30 APRIL 2024

RESOLUTION 2024/383

Moved: Cr Linda Little

Seconded: Cr Danita Potter

That the report on South Burnett Community 30 April 2024 be received for information.

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

Against: Nil

CARRIED 6/0

RESOLUTION 2024/384

Moved: Cr Linda Little

Seconded: Cr Deb Dennien

That South Burnett Regional Council note and receive the resignation of Helen Roth from the Board.

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

Against: Nil

CARRIED 6/0

RESOLUTION 2024/385

Moved: Cr Danita Potter

Seconded: Cr Linda Little

That the following nominations submitted be accepted as new Board Members of the South Burnett Community Hospital Foundation Ltd:

- a) Dr Lachlan Boyce;
- b) Margie Hams;
- c) Matthew Kenny;
- d) Nina Temperton;
- e) Paul Laurentiussen;
- f) Rowena Dionysius.

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

Against: Cr Heath Sander

CARRIED 5/1

Attendance

At 2.42pm Aaron Meehan (General Manager Infrastructure) left the meeting.

At 2.44pm Aaron Meehan (General Manager Infrastructure) returned to the meeting.

16.3 WASTE STRATEGY AND MANAGEMENT - WASTE DISPOSAL OPTIONS

RESOLUTION 2024/386

Moved: Cr Danita Potter

Seconded: Cr Linda Little

That South Burnett Regional Council resolves to:

1. Note the content of this report.
2. Support operational changes across the waste management (landfill) portfolio as recommended in this report to assist in transitioning Council to compliance with its Environmental Authority (EPPR00445213)
3. Endorse Council officers' ongoing engagement with the Department of Environment, Science, and Innovation (DESI), about ongoing compliance issues associated with Council's waste management operations.
4. Consider allocating a capital project budget of \$750,000 in the 2024/25FY to urgently undertake the necessary investigations and approval preparation for the expansion of the Kingaroy waste operation (landfill) as the region's future regional landfill facility.
5. Authorise the CEO (or delegate) to inform DESI of the outcomes of this report to assist with managing ongoing compliance issues associated with Council's waste management operations.
6. Investigate transport options to take waste out of the region.

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

Against: Nil

CARRIED 6/0

16.3.1 WASTE INVESTIGATION

RESOLUTION 2024/387

Moved: Cr Heath Sander

Seconded: Cr Deb Dennien

That Council investigate new ways of handling current volumes of waste to reduce the impact on landfills by sending a deputation to the new plant at Sunshine Coast to inspect the operations of the plant.

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

Against: Nil

CARRIED 6/0

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

RESOLUTION 2024/388

Moved: Mayor Kathy Duff

Seconded: Cr Ros Heit

That the matter lay on the table.

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

Against: Nil

CARRIED 6/0

16.5 COOLABUNIA CLEARING FACILITY AND SALEYARDS CATTLE AND HORSE TICK INSPECTION CONTRACT ARRANGEMENTS

RESOLUTION 2024/389

Moved: Cr Heath Sander

Seconded: Cr Deb Dennien

That South Burnett Regional Council in accordance with section 235(a) of the *Local Government Regulation 2012* offer a short-term contract as it is satisfied that there is only 1 supplier who is reasonably available to provide the services.

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

Against: Nil

CARRIED 6/0

17 CLOSURE OF MEETING

The Meeting closed at 2.54pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 July 2024.

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CHAIRPERSON