



SOUTH BURNETT

REGIONAL COUNCIL

MINUTES

**Ordinary Council Meeting
Wednesday, 30 June 2021**

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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, 30 JUNE 2021 AT 9.00AM**

PRESENT: Councillors:

Cr Brett Otto (Mayor), Cr Gavin Jones (Deputy Mayor), Cr Kathy Duff, Cr Roz Frohloff, Cr Danita Potter, Cr Kirstie Schumacher, Cr Scott Henschen

Council Officers:

Mark Pitt (Chief Executive Officer), Susan Jarvis (General Manager Finance & Corporate), Peter O'May (General Manager Community), Aaron Meehan (General Manager Infrastructure), Tracey Wilson (Coordinator Executive Services), Lynelle Paterson (Executive Assistant)

1 OPENING

The Mayor declared the meeting open and welcomed all attendees

2 LEAVE OF ABSENCE / APOLOGIES

Nil

3 PRAYERS

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

4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

5 DECLARATION OF INTEREST

I, Cr Kirstie Schumacher inform this meeting that I have a declarable conflict of interest in relation to **Item 14.1 - Upgrades to Bathroom at South Burnett Aquatic Centre - Nanango** – The nature of my interest is as follows:

This declarable conflict of interest arises because my sister in-law and business partner works as a swimming instructor for Summer Country Aquatics at the South Burnett Aquatic Centre.

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 Kirstie Schumacher inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the *Local Government Act 2009*) in **Item 13.2 - Electric Vehicle Charging Station**.

This declarable conflict of interest arises as my family business holds a contract of supply for services.

This matter was resolved at the Infrastructure Standing Committee on 2 June 2021 – Resolution Number 2021/88.

I, Cr Kirstie Schumacher inform this meeting that I have a declarable conflict of interest in relation to **Item 16.1 - Notice to Rescind a Council Resolution - South Burnett Regional Council Lease Amendment with South Burnett Community Hospital Foundation Limited**. The nature of my interest is as follows:

This declarable conflict of interest arises because I am a member of the South Burnett Community Hospital Board.

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, Mayor Brett Otto inform this meeting that I have a declarable conflict of interest in relation to **Item 13.2 - Electric Vehicle Charging Station**. The nature of my interest is as follows:

This declarable conflict of interest arises because I am the director of a company, BOA Qld Pty Ltd, which operates the business of Otto Accountants at premises which utilize the Alford Street Carpark.

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

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 MINUTES OF THE COUNCIL MEETING HELD ON 26 MAY 2021

RESOLUTION 2021/402

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That the Minutes of the Council Meeting held on 26 May 2021 be received and the recommendations therein be adopted.

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

Against: Nil

CARRIED 7/0

8 BUSINESS OUTSTANDING

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

RESOLUTION 2021/403

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

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

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

Against: Nil

CARRIED 7/0

8.1.1 WONDAL ROUNDABOUT

RESOLVED 2021/404

Update on the Wondai Roundabout regarding design works and consultation to be presented to the July Infrastructure Standing Committee Meeting.

8.1.2 LOCAL LAW REVIEW

RESOLVED 2021/405

Report back to first quarter budget review with a cost estimate for the Local Law Review.

9 PORTFOLIO - CORPORATE SERVICES, PEOPLE & CULTURE, COMMUNICATIONS/MEDIA, FINANCE & ICT

9.1 ACTING CHIEF EXECUTIVE OFFICER

RESOLUTION 2021/406

Moved: Cr Scott Henschen
 Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council approves the Chief Executive Officer Leave from 1 July 2021 to 20 July 2021 and appoints General Manager Finance & Corporate as Acting Chief Executive Officer.

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

Against: Nil

CARRIED 7/0

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

RESOLUTION 2021/407

Moved: Cr Roz Frohloff
 Seconded: Cr Gavin Jones

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

Committee	Date	Time	Location
Infrastructure Standing Committee	Wednesday 7 July 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Special Meeting Budget	Wednesday 14 July 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Community Standing Committee	Wednesday 14 July 2021	At the conclusion of the	Warren Truss Chamber Glendon Street Kingaroy

		Budget Meeting	
Executive and Finance & Corporate Standing Committee	Wednesday 21 July 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 28 July 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Infrastructure Standing Committee	Wednesday 11 August 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Community Standing Committee	Wednesday 11 August 2021	1.30pm	Warren Truss Chamber Glendon Street Kingaroy
Executive and Finance & Corporate Standing Committee	Wednesday 18 August 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 25 August 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Infrastructure Standing Committee	Wednesday 1 September 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Community Standing Committee	Wednesday 8 September 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Executive and Finance & Corporate Standing Committee	Wednesday 15 September 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 22 September 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Infrastructure Standing Committee	Wednesday 6 October 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Community Standing Committee	Wednesday 13 October 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Executive and Finance & Corporate Standing Committee	Wednesday 13 October 2021	1.30pm	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 20 October 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Infrastructure Standing Committee	Wednesday 3 November 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Community Standing Committee	Wednesday 10 November 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Executive and Finance & Corporate Standing Committee	Wednesday 17 November 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 24 November 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Infrastructure Standing Committee	Wednesday 1 December 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy

Community Standing Committee	Wednesday 8 December 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Executive and Finance & Corporate Standing Committee	Wednesday 8 December 2021	1.30pm	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 15 December 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy

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

Against: Nil

CARRIED 7/0

9.3 LGAQ 125TH ANNUAL CONFERENCE: MOTION REQUEST

RESOLUTION 2021/408

Moved: Cr Gavin Jones

Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council resolves to submit the following resolutions to the 2021 Local Government Association Queensland (LGAQ) 125th Annual Conference:

- (a) That the LGAQ call on the State and Federal Governments to review the Road Maintenance Performance contracts with Councils with a view to increasing the amounts provided to Council.
- (b) That the LGAQ calls upon the State Government to maintain an ongoing commitment past the current financial year to the State Waste Levy Annual Prepayment.
- (c) That the LGAQ call on the State and Federal Governments to review the regulatory approvals process in terms of renewable energy projects and a coordinated approach to ensure social and economic benefits are delivered in asset communities.
- (d) That the LGAQ reaffirms its call on the Queensland State Government to review the collection of roadside grazing permit fees by Drought Declared Local Authorities Road side grazing permits allowing individual Councils to make the decision by resolution in relation to the collection of any Local or State Government fees.

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

Against: Nil

CARRIED 7/0

9.4 COUNCIL NOMINATE THE 2022 SPECIAL HOLIDAY

RESOLUTION 2021/409

Moved: Cr Kathy Duff
Seconded: Cr Roz Frohloff

That South Burnett Regional Council progress the Monday of the 2022 Royal National Exhibition, Brisbane – Monday 8 August 2022, as the 2022 Show Holiday for the South Burnett region and further, complete the 2022 Special Holiday request form and delegate to the Chief Executive Officer to submit via email prior to Friday 30 July 2021.

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

Against: Nil

CARRIED 7/0

9.5 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL RECOGNITION OF SERVICE POLICY - STRATEGIC012

RESOLUTION 2021/410

Moved: Cr Kirstie Schumacher
Seconded: Cr Danita Potter

That the South Burnett Regional Council Recognition of Service Policy – Strategic012 be adopted as presented.

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

Against: Nil

CARRIED 7/0

9.6 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL LEARNING AND DEVELOPMENT POLICY - STRATEGIC013

RESOLUTION 2021/411

Moved: Cr Kathy Duff
Seconded: Cr Scott Henschen

That the South Burnett Regional Council Learning and Development Policy - Strategic013 be adopted as presented.

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

Against: Nil

CARRIED 7/0

9.7 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL PUBLIC INTEREST DISCLOSURE POLICY - STATUTORY046

RESOLUTION 2021/412

Moved: Cr Roz Frohloff
Seconded: Cr Danita Potter

That the South Burnett Regional Council Public Interest Disclosure Policy – Statutory046 be adopted as presented.

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

Against: Nil

CARRIED 7/0

9.8 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL DEBT POLICY 2021/2022 - STATUTORY010

RESOLUTION 2021/413

Moved: Cr Danita Potter
Seconded: Cr Gavin Jones

That the South Burnett Regional Council Debt Policy 2021/2022 – Statutory010 be adopted as presented.

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

Against: Nil

CARRIED 7/0

9.9 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL LEAVE WITHOUT PAY POLICY - STATUTORY034

RESOLUTION 2021/414

Moved: Cr Roz Frohloff
Seconded: Cr Gavin Jones

That the South Burnett Regional Council Leave Without Pay Policy – Statutory034 be adopted as presented.

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

Against: Nil

CARRIED 7/0

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

RESOLUTION 2021/415

Moved: Cr Roz Frohloff
Seconded: Cr Danita Potter

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

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

Against: Nil

CARRIED 7/0

9.11 RATE EXEMPTIONS AND REMISSIONS - ADDITIONS TO APPROVED LIST - PROPERTY NUMBERS 208170, 252190, 109980 & 229980

RESOLUTION 2021/416

Moved: Cr Kathy Duff
Seconded: Cr Scott Henschen

That South Burnett Regional Council agree to provide a rate remission for Property Number 208170, 252190 & 109980 and amend the existing rate remission for Property Number 229980 commencing from 1 July 2021 at a total cost to Council of \$9,369.82.

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

Against: Nil

CARRIED 7/0

9.12 REQUEST FOR DEFERRAL OF SALE OF LAND FOR OVERDUE RATES - PROPERTY NUMBER 217700

RESOLUTION 2021/417

Moved: Cr Kathy Duff
Seconded: Cr Danita Potter

That:

- South Burnett Regional Council defer Sale of Land for Overdue Rates action for a period of six (6) months on the condition that the applicant seek financial advice in relation to his personal circumstances;
- The applicant contacts Council by 31 December 2021 with a suitable payment arrangement that pays the outstanding balance and future rates balances off within three (3) years; and
- Interest will be waived for the six (6) month period.

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

Against: Nil

CARRIED 7/0

9.13 REQUEST TO DEFER SALE OF LAND FOR OVERDUE RATES ACTION FOR A PERIOD OF 12 MONTHS FOR PROPERTY NUMBERS - 259260, 259270, 259850, 259240, 259340, 260140, 259200, 269090

RESOLUTION 2021/418

Moved: Cr Danita Potter

Seconded: Cr Gavin Jones

That South Burnett Regional Council accede to the request to defer for 12 months the Sale of Land for Overdue Rates action for Property Number 259260, 259270, 259850, 259240, 259340, 260140, 259200, 269090.

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

Against: Nil

CARRIED 7/0

9.14 REQUEST FOR EXTENDED PAYMENT TERMS - PROPERTY NUMBER 259250

RESOLUTION 2021/419

Moved: Cr Scott Henschen

Seconded: Cr Roz Frohloff

That South Burnett Regional Council does not accede to the request to waive interest charges, as the request is outside the approved Financial Hardship Policy guidelines, and

That Council approve the special payment arrangement as detailed below:

1. Approve a payment arrangement application for Property Number 259250 for the amount of the 6 monthly rates (other than the Memerambi Special Charges) to be paid in full when it falls due, plus an additional annual minimum amount of \$1,300.00 to be paid in any form or timeframe that the applicant is able;
2. These Payments are to continue indefinitely, until the rate arrears are cleared and rates are up to date.
3. Interest will continue to be charged on overdue rates, even if the agreed payments are maintained;
4. If the agreed payments are not maintained, Sale of Land for Overdue Rates proceedings will commence;
5. This Payment Plan will be reviewed 30 June 2022; or at other times if Council is advised that the applicant's circumstances have changed significantly;
6. This Payment Plan will expire upon payment in full of all outstanding rates and charges;
7. The Chief Executive Officer (General Manager Finance and Corporate) be authorised to negotiate a suitable payment plan should the applicant reject or vary the payment plan discussed above.

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

Against: Nil

CARRIED 7/0

9.15 REQUEST FOR EXTENDED PAYMENT TERMS - PROPERTY NUMBER 258970

RESOLUTION 2021/420

Moved: Cr Scott Henschen

Seconded: Cr Danita Potter

That South Burnett Regional Council does not accede to the request to waive interest charges, as the request is outside the approved Financial Hardship Policy guidelines, and

That Council approve the special payment arrangement as detailed below.

1. Approve the proposed payment arrangement for Property Number 258970 for \$100.00 per fortnight; increasing \$20.00 per fortnight from 1 July each year;
2. Interest will continue to be charged on overdue rates, even if the agreed payments are maintained;
3. If the agreed payments are not maintained, Sale of Land for Overdue Rates proceedings will commence;
4. This Payment Plan will be reviewed 30 June 2022; or at other times if Council is advised that the applicant's circumstances have changed significantly;
5. This Payment Plan will expire upon payment in full of all outstanding rates and charges;
6. The Chief Executive Officer (General Manager Finance and Corporate) be authorised to negotiate a suitable payment plan should the applicant reject or vary the payment plan discussed above.

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

Against: Nil

CARRIED 7/0

9.16 REQUEST FOR EXTENDED PAYMENT TERMS - PROPERTY NUMBER 258890

RESOLUTION 2021/421

Moved: Cr Roz Frohloff

Seconded: Cr Gavin Jones

That South Burnett Regional Council does not accede to the request to waive interest charges, as the request is outside the approved Financial Hardship Policy guidelines, and

That Council approve the special payment arrangement as detailed below:

1. Approve the proposed payment arrangement application for Property Number 258890 for the amount of \$200.00 per fortnight commencing from 16 May 2021, with additional payments to be made whenever possible;
2. Interest will continue to be charged on overdue rates, even if the agreed payments are maintained;
3. If the agreed payments are not maintained, Sale of Land for Overdue Rates proceedings will commence;
4. This Payment Plan will be reviewed 30 June 2022; or at other times if Council is advised that the applicant's circumstances have changed significantly;
5. This Payment Plan will expire upon payment in full of all outstanding rates and charges;

6. The Chief Executive Officer (General Manager Finance and Corporate) be authorised to negotiate a suitable payment plan should the applicant reject or vary the payment plan discussed above.

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

Against: Nil

CARRIED 7/0

9.17 REQUEST FOR EXTENDED PAYMENT TERMS - PROPERTY NUMBER 128850

RESOLUTION 2021/422

Moved: Cr Scott Henschen

Seconded: Cr Gavin Jones

That South Burnett Regional Council agree to defer Sale of Land for Overdue Rates action and approve the payment arrangement for Property Number 128850 being;

- Immediately suspend Sale of Land for Overdue Rates action for Property Number 128850;
- Accept the offer to enter into a payment arrangement for Property Number 128850 for \$300.00 per week commencing 1 July 2021 with interest to be charged on overdue rates;
- This Payment Plan will be reviewed 31 December 2021; or at other times if Council is advised that the applicant's circumstances have changed significantly;
- This Payment Plan will expire upon payment in full of all outstanding rates and charges; and
- The Chief Executive Officer (General Manager Finance and Corporate) be authorised to negotiate a suitable payment plan should the applicant reject or vary the payment plan discussed above;
- Failure to maintain payments in accordance with the approved payment arrangement will result in the commencement of Sale of Land for Overdue Rates action.

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

Against: Nil

CARRIED 7/0

9.18 REQUEST FOR EXTENDED PAYMENT TERMS - PROPERTY NUMBER 165670

RESOLUTION 2021/423

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That South Burnett Regional Council accede to the request to defer for 12 months the Sale of Land for Overdue Rates action and approve the special payment arrangement for Property Number 165670 being;

- Immediately suspend Sale of Land for Overdue Rates action for Property Number 165670;
- Accept the offer to enter into a payment arrangement for Property Number 165670 for \$360.00 per fortnight commencing 8 June 2021 with interest to be charged on overdue rates;

-
- This Payment Plan will be reviewed 31 December 2021; or at other times if Council is advised that the applicant's circumstances have changed significantly;
 - This Payment Plan will expire upon payment in full of all outstanding rates and charges; and
 - The Chief Executive Officer (General Manager Finance and Corporate) be authorised to negotiate a suitable payment plan should the applicant reject or vary the payment plan discussed above;
 - Failure to maintain payments in accordance with the approved payment arrangement will result in the commencement of Sale of Land for Overdue Rates action.

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

Against: Nil

CARRIED 7/0

9.19 REQUEST FOR EXTENDED PAYMENT TERMS - PROPERTY NUMBER 149990

RESOLUTION 2021/424

Moved: Cr Scott Henschen

Seconded: Cr Roz Frohloff

That South Burnett Regional Council does not accede to the request to waive interest charges, as the request is outside the approved Financial Hardship Policy guidelines, and

That Council approve the special payment arrangement as detailed below:

1. Request that the owner enter into a payment arrangement for Property Number 149990 for \$80.00 per week initially;
2. Payments should increase to \$90.00 per week from 1 January 2022 and increase to \$100.00 per week from 1 January 2023. Payments of \$100.00 per week are to continue until the rate arrears are cleared and rates are up to date.
3. Interest will continue to be charged on overdue rates, even if the agreed payments are maintained;
4. If the agreed payments are not maintained, Sale of Land for Overdue Rates proceedings will commence;
5. This Payment Plan will be reviewed 30 June 2022; or at other times if Council is advised that the applicant's circumstances have changed significantly;
6. This Payment Plan will expire upon payment in full of all outstanding rates and charges;
7. The Chief Executive Officer (General Manager Finance and Corporate) be authorised to negotiate a suitable payment plan should the applicant reject or vary the payment plan discussed above.

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

Against: Nil

CARRIED 7/0

9.20 REQUEST TO WAIVE RATES DEBT RECOVERY LEGAL COSTS, INTEREST AND REINSTATE DISALLOWED DISCOUNT - PROPERTY 163300

RESOLUTION 2021/425

Moved: Cr Kirstie Schumacher
Seconded: Cr Gavin Jones

That Council accede to the request to waive the legal costs of \$633.49, and agrees to write off interest charges of \$27.70 and reinstate disallowed discount of \$103.66 for property number 163300.

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

Against: Nil

CARRIED 7/0

9.21 REQUEST TO WAIVE THE INTEREST CHARGES ON RATES OWING - ASSESSMENT 10111-11000-000

RESOLUTION 2021/426

Moved: Cr Kirstie Schumacher
Seconded: Cr Danita Potter

Council does not accede to the request to waive the interest charges on rates owing for Assessment Number 10111-11000-000; and

1. Immediately suspend Sale of Land for Overdue Rates action for Assessment Number 10111-11000-000;
2. Accept the offer to enter into a payment arrangement for Assessment Number 10111-11000-000 for \$6,950.00 per month commencing 1 July 2021, with interest still to be charged on overdue rates;
3. This Payment Plan will be reviewed 31 December 2021; or at other times if Council is advised that the applicant's circumstances have changed significantly;
4. This Payment Plan will expire upon payment in full of all outstanding rates and charges; and
5. The Chief Executive Officer (General Manager Finance and Corporate) be authorised to negotiate a suitable payment plan should the applicant reject or vary the payment plan discussed above;
6. Failure to maintain payments in accordance with the approved payment arrangement will result in the immediate commencement of Sale of Land for Overdue Rates action.

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

Against: Nil

CARRIED 7/0

9.22 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER UNDER THE ENVIRONMENTAL PROTECTION REGULATION 2019

RESOLUTION 2021/427

Moved: Cr Roz Frohloff
Seconded: Cr Danita Potter

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

1. delegate the exercise of the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Appendix, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instrument of Delegation.
2. repeal all prior resolutions delegating the same powers to the Chief Executive Officer.

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

Against: Nil

CARRIED 7/0

9.22.1 QUESTION ON NOTICE - GREAT BARRIER REEF CATCHMENT

Question on notice from Cr Schumacher:

What is Council's role in relation to the Great Barrier Reef Catchment and regulations. Report to be brought back.

9.23 MONTHLY FINANCIAL REPORT AND FOURTH QUARTER BUDGET REVISION

RESOLUTION 2021/428

Moved: Cr Roz Frohloff
Seconded: Cr Danita Potter

1. That the Monthly Financial Report including Capital Works and Works for Queensland (W4Q4) as at 31 May 2021 be received and noted.
2. That in accordance with Section 170(3) of the *Local Government Regulation 2012* the revised 2020/2021 operational budget be adopted.
3. That in accordance with Section 170(3) of the *Local Government Regulation 2012* the revised 2020/2021 capital budget be adopted.

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

Against: Nil

CARRIED 7/0

10 PORTFOLIO – ROADS & DRAINAGE

10.1 GUIDELINES FOR CLEANING OF FOOTPATHS WITHIN CBD AREAS

RESOLUTION 2021/429

Moved: Cr Kathy Duff

Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council:

1. Adopt the footpath cleaning guidelines; and
2. Write to all CBD businesses to promote the guidelines.

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

Against: Nil

CARRIED 7/0

10.2 BLACKBUTT CBD STREETSCAPE

RESOLUTION 2021/430

Moved: Cr Gavin Jones

Seconded: Cr Kirstie Schumacher

That Council approve the Blackbutt CBD Streetscape Plan design as per the attachments including the layout per Stage 1 of the Master Plan and footpath detail surfacing of Flagstone Terracotta.

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

Against: Nil

CARRIED 7/0

10.3 WONDAI INDUSTRIAL ESTATE

RESOLUTION 2021/431

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That Council approve the proposed configuration as per Attachment 1 and B-Double gazette the Wondai Industrial Estate comprising of Old Dip Road, Bunya Avenue, North Street, Burrows Street, Cranitch Street and Kemp Street to cater for 26 meter B-Double operations.

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

Against: Nil

CARRIED 7/0

**10.4 KINGAROY TRANSFORMATION COUNCIL COMMUNITY REFERENCE GROUP
UPDATED TERMS OF REFERENCE**

RESOLUTION 2021/432

Moved: Cr Brett Otto
Seconded: Cr Kirstie Schumacher

That Council appoint the Chief Executive Officer as Chair of the Kingaroy Transformation Project Council Community Reference Group and adopt the updated terms of reference for the Kingaroy Transformation Council Community Reference Group.

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

Against: Nil

CARRIED 7/0

11 PORTFOLIO – COMMUNITY, ARTS, HERITAGE, SPORT & RECREATION**11.1 IN-KIND SUPPORT - BACONFEST 2021**

RESOLUTION 2021/433

Moved: Cr Danita Potter
Seconded: Cr Kirstie Schumacher

That Council approve the requested in-kind assistance to the 2021 Baconfest.

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

Against: Nil

CARRIED 7/0

**12 PORTFOLIO – RURAL SERVICES, NATURAL RESOURCE MANAGEMENT,
PLANNING & COMPLIANCE SERVICES****12.1 SYSTEMATIC INSPECTION PROGRAM ANIMAL MANAGEMENT (CATS AND DOGS)
ACT 2008**

RESOLUTION 2021/434

Moved: Cr Scott Henschen
Seconded: Cr Danita Potter

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, both within and without the designated town areas.

The Systematic Inspection Program will be conducted between the hours of 8.00am and 5.00pm on weekdays and/or Saturdays, commencing on Monday 26 July 2021 and concluding on Friday 22 January 2022.

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

Against: Nil

CARRIED 7/0

12.2 MATERIAL CHANGE OF USE - SERVICE STATION AND ANCILLARY SHOP AT 4 SCOTT STREET, WONDAI (LOTS 808, 809 & 810 ON W5357) APPLICANT: SJS FUELS PTY LTD C/- PROJECT URBAN

RESOLUTION 2021/435

Moved: Cr Kirstie Schumacher

Seconded: Cr Kathy Duff

That Council approve the Material change of use – Service station and ancillary shop located at 4 Scott Street, Wondai (and described as Lots 808, 809, 810 on W5357) subject to the following conditions:

GENERAL

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

Drawing Title	Prepared by	Reference/ Drawing no.	Revision	Date
Landscape concept plan	Project Urban	/	B	14 January 2021
Perspective View	Ashanti	/	/	23 March 2021
Site Plan	Ashanti	1	/	23 March 2021
Part Floor Plan	Ashanti	2	/	23 March 2021
Part Floor Plan	Ashanti	3	/	23 March 2021
Dimension Plan	Ashanti	4	/	23 March 2021
Elevation (1) (2) (3)	Ashanti	5	/	23 March 2021

Approved Documents listed:-

Author	Document Title	Reference no.	Revision	Date
QGE	Exterior Lighting Design Report	883-002- RPT 001	/	15 February 2021
ATP Consulting Engineers	Noise Impact Assessment	ATP201020	2 Issue 3	March 2021
ASK Acoustic & Air Quality	Air Quality Assessment	217401.0010.R01V03	3	24 March 2021
Contour	Engineering Report	2594-ENG01(B)	B	20 January 2021

GEN2. The development herein approved may not start until the following development permits have been issued and complied with as required:

-
- Development Permit for Building works;
 - Development Permit for Plumbing and drainage works;
 - Development Permit for Operational works.

APPROVED USE

GEN3. The Development Permit is for a Service station including Service station shop of 300sqm and does not imply approval for a separate segregated food outlet or ownership or any other buildings or structures indicated on the Approval Plan. Separate approval may be required for structures/works not specifically approved in this application.

HOURS OF OPERATION

GEN4. The approved use on the premises is permitted to operate 24 hours a day, seven (7) days a week.

COMPLIANCE WITH CONDITIONS

GEN5. Unless otherwise stated all conditions shall be completed prior to commencement of the use.

LANDSCAPING

MCU1. Landscaping is to be provided along all property boundaries in accordance with the submitted Site Plan and Landscape Concept Plans as listed in GEN1 (excluding vehicle manoeuvring areas).

All landscaped works must be established by a qualified person and maintained in accordance with the conditions of this Development Approval for the life of the development, and in a manner that ensures healthy, sustained and vigorous plant growth. All plant material must be allowed to grow to the full form and be refurbished when its life expectancy is reached.

REFUSE STORAGE COLLECTION

MCU2. Provision must be made for the storage and removal of refuse in accordance with the *Waste Reduction and Recycling Regulation 2011*.

MCU3. Any areas that are dedicated for the collection and/or storage of solid waste on the premises are to be:

- a) level;
- b) provided with impervious hard stand and drained; and
- c) if facing either the street frontage or adjoining properties, screened by a 1.8m high fence around the full perimeter.

MCU4. Refuse bin areas are to be provided for the washing out of the refuse bins and in connection with this:

- a) all tap outlets must be fitted with backflow prevention devices;
- b) the floor areas are to be drained to sewer; and
- c) areas are to be covered and drainage designed such that water not associated with the washing out process (e.g. rainfall) does not enter the sewer.

FENCING

MCU5. A 1.8m high acoustic fence to be constructed on the north-eastern and south-eastern sides of the delivery bay atop the 1.5m high retaining wall. The top of the 1.8m high acoustic fence must be 3.3m above the finish surface level of the delivery bay and meet the ATP Consulting Engineers recommendations of the Noise Impact Assessment Report No ATP21020-R-NIA-03 Dated March 2021.

-
- MCU6. A 2m high acoustic fence to be constructed along the north-eastern property boundary and meet the ATP Consulting Engineers recommendations of the Noise Impact Assessment Report No ATP21020-R-NIA-03 Dated March 2021.

LIGHTING

- MCU7. Design all external lighting in accordance with AS4282-1997 "*Control of the Obtrusive Effects of Outdoor Lighting*" and meet the QGE recommendations of the Exterior Lighting Design Report 883-002 RPT 001 Dated 15 February 2021.

Artificial illumination is not to cause a nuisance to occupants of nearby premises and any passing traffic. Direct security and flood lighting away from adjacent premises to minimise the protrusion of light outside the street.

ADVERTISING SIGN

- MCU8. Advertisement devices are designed and located in accordance with the submitted proposed site plans and elevations.

NOISE ATTENUATION

- MCU9. Noise management mitigation measures recommended in the Noise Impact Assessment Report prepared by ATP Consulting Engineers Report Dated March 2021 must be implemented by the operator of the proposal.
- MCU10. Any tyre inflation device installed on site must have the beeper on silent between the hours of 6:00pm to 7:00am or a visual alarm (eg. flashing light) instead of an audible beeper.

AMALGAMATION

- MCU11. Prior to the commencement of the use, the applicant must amalgamate the subject lots (Lots 808, 809 & 810 on W5357) into one allotment and submit evidence of such to Council.

Timing: Prior to commencement of the use

ENVIRONMENTAL HEALTH

- MCU12. All mechanical plant and equipment must be appropriately located and/or acoustically screened to ensure compliance with noise criteria at the nearest noise sensitive places, as specified in the Noise Impact Assessment March 2021.
- MCU13. When requested by Council, nuisance monitoring must be undertaken and recorded over a period of three (3) months, to investigate any genuine compliance of nuisance caused by noise, light or odour. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

AIR QUALITY

- MCU14. Air quality management mitigation measures recommended in the Air Quality Assessment prepared by ASK Acoustic & Air Quality Dated 24 March 2021 must be implemented by the operator of the proposal.

UNDERGROUND TANKS

- EH1. Prior to the commencement of the use, underground tanks shall be checked to ensure compliance in accordance with the following:
- (i) Tanks are to have an overfill protection valve installed in the drop tube of the tank. The overfill prevention valve shall be calibrated to prevent the tank from being filled in excess of 95% of its capacity.
 - (ii) Tanks are to be fitted with an automatic flow limiting device which reduces the flow rate into the tank by 98% when the normal fill level of the tank has been attained.

- (iii) Tanks are to be made of fibre-reinforced thermosetting resin (fibreglass) that is compatible with the product.
- (iv) Tanks are to be double-walled with an interstitial space.

Timing: Prior to commencement of the use

Prior to the commencement of the use, submit to Council certification by a suitably qualified person that the underground tanks have been checked for compliance to ensure they are in compliance with the Australian Standards for Underground Tank Installation.

PIPEWORK

EH2. Prior to the commencement of the use, Pipework shall be constructed and installed in accordance with the following:

- (i) Pipework is to be made of non-corrodible materials as defined by *clause 1.4.37 of AS 4897 The design, installation and operation of underground petroleum storage systems*.
- (ii) Product piping is to be double-walled with an interstitial space.
- (iii) Each tank fill point is to be clearly labelled and identified in accordance with *AS 4977 Petroleum products - Pipeline, road tanker compartment and underground tank identification*.
- (iv) Each tank fill point is to be fitted with a camlock type or other liquid-tight connection.
- (v) Each tank fill point is to be provided with spill containment of at least 15 litre capacity per spill point.
- (vi) All fill and vapour recovery points are to be earthed in accordance with *AS 1020 The control of undesirable static electricity* and *AS 3000 Electrical installations*.

Timing: Prior to commencement of the use

Prior to the commencement of the use, submit to Council certification by a suitably qualified person that the pipework has been constructed and installed in accordance with the above requirements.

LEAK DETECTION FOR UNDERGROUND TANKS

EH3. Prior to the commencement of the use:

- (i) Establish a leak monitoring system that is rated to detect a release of 0.76 litres/hour (or a release of 18 L/day), with greater than 95% confidence (and less than 5% false positive).

Timing: Prior to commencement of the use

Prior to the commencement of the use, submit to Council certification from a suitably qualified person that the leak detection system complies with the relevant Australian Standards for leak detection.

LEAK DETECTION FOR PIPEWORK

EH4. Prior to the commencement of the use:

- (i) Install line leak detection for pressure piping that is rated to detect a release of 0.76 litres/hour (or a release of 18 L/day), with greater than 95% confidence (and less than 5% false positive).

Timing: Prior to commencement of the use

Prior to the commencement of the use, submit to Council certification from a suitably qualified person that the leak detection system was installed and was verified as meeting the above leak detection performance standard.

FUEL DISPENSING AREAS

- EH5. Prior to the commencement of the use, Fuel dispensing areas shall be constructed and installed in accordance with the following:
- (i) All ground surfaces within the fuel dispensing area are to be constructed of impermeable materials such as waterproofed, reinforced concrete that is free of gaps and/or cracks. Impermeable, hydrocarbon resistant jointing material is to be used between treated concrete slabs.
 - (ii) The fuel dispensing area is to be clearly demarcated from the uncovered forecourt area, access roads, general parking bays and all other areas to clearly delineate the higher contamination risk area from lower risk areas.
 - (iii) A canopy shall be installed over fuel dispensing areas. The canopy shall at least cover the demarcated fuel dispensing area. An appropriately sized Spel Purceptor shall be installed to accommodate any rainfall up to an ARI 10 storm event, of 5 minute to 2 hour duration, that may blow into the demarcated fuel dispensing area.
 - (iv) A liquid-tight dispenser sump is to be installed under each dispensing unit. It is to be designed to house all pipework joints and fittings and to collect and contain any leak.
 - (v) Signage indicating 'flows to stormwater treatment system' is to be provided at all drainage inlets within the fuel dispensing area.
 - (vi) The fuel dispensing area is to be graded and drained to an independently certified stormwater treatment system. The system shall be installed in accordance with the approved site-based stormwater quality management plan.

Timing: Prior to commencement of the use

Prior to the commencement of the use, submit to Council certification by a suitably qualified person that the fuel dispensing area has been constructed and installed in accordance with the above requirements.

UNCOVERED FORECOURT AREA

- EH6. Prior to the commencement of the use, uncovered forecourt areas must be constructed and installed in accordance with the following:
- (i) All ground surfaces of the uncovered forecourt area are to be constructed to provide a sealed surface, free of gaps or cracks.
 - (ii) Signage indicating 'flows to stormwater treatment system' is to be provided at all drainage inlets in the uncovered forecourt area.
 - (iii) The uncovered forecourt area is to be graded and drained to an independently certified stormwater treatment system listed on Council's Register for Certified Hydrocarbon Separators. The system shall be installed in accordance with the approved site-based stormwater quality management plan.

Timing: Prior to commencement of the use

Prior to the commencement of the use, submit to Council certification by a suitably qualified person that the uncovered forecourt area has been installed and constructed in accordance with the above requirements.

ROAD TANKER DELIVERY

- EH7. Prior to the commencement of the use, the road tanker delivery area shall be located within the containment area of the fuel dispensing area.

STAGE 1 VAPOUR RECOVERY

- EH8. Prior to the commencement of the use, construct and install stage 1 vapour recovery for underground systems storing motor spirit/petrol that has:
- (i) vapour return lines that return all vapour displaced from the storage tank to the delivery tanker.
 - (ii) a design that prevents the mixing of product in piping common to more than one tank.
 - (iii) vapour-tight couplings on the vapour line that close automatically when disconnected.
 - (iv) incompatible liquid and vapour couplings.
 - (vi) the vapour recovery point located within 2 metres of the respective fill point.

Timing: Prior to commencement of the use

Prior to the commencement of the use, submit to Council certification by a suitably qualified person that stage 1 vapour recovery equipment has been constructed and installed in accordance with the above requirements.

ENGINEERING WORKS

- ENG1. Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, roadworks, and access crossover.
- ENG2. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.
- ENG3. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.
- ENG4. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.
- ENG5. 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

- ENG6. 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.
- ENG7. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

- ENG8. Submit to Council for endorsement, a Construction and Nuisance Management Plan for approved development works for the site. The Plan is to cover where applicable, the following:
- a) air quality management;
 - b) noise and vibration management;
 - c) storm water quality management;

-
- d) erosion and sediment management;
 - e) vegetation management;
 - f) waste management;
 - g) complaint management;
 - h) community awareness;
 - i) preparation of site work plans;
 - j) workers' car parking arrangements; and
 - k) traffic control during works.

Timing: Prior to commencement of works

- ENG9. Implement the approved Construction Management Plan at all times during construction of the development.
- ENG10. Ensure a legible copy of the approved Construction Management Plan is available on-site at all times during construction and earthworks.

STORMWATER MANAGEMENT

- ENG11. Provide stormwater management generally in accordance with the approved Conceptual Site Based Stormwater Management Plan prepared by Contour, Revision A, dated 24/11/2020, subject to detailed design and except as altered by conditions of this development approval.
- ENG12. Design and construct stormwater drainage to ensure that the development will achieve "no nuisance" as described in the Queensland Urban Drainage Manual (QUDM) to all downstream properties including road reserves, drainage features, waterways, and the like for design storms up to ARI100.
- ENG13. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG14. Design and construct stormwater drainage that provides:
- a) for stormwater infrastructure to be included in easements where the infrastructure is located in downstream properties; and
 - b) upgrades of the downstream stormwater infrastructure required to convey design flows unless it has been demonstrated to Council that existing infrastructure has the capacity to cater for the post development conditions.
- ENG15. Design and construct stormwater drainage incorporating measures to prevent any solid matter and floatable oils being carried into existing stormwater system.
- ENG16. Stormwater from sealed areas at risk of contamination is required to be piped to the Spel Purceptor (or equivalent) prior to discharge from the site.
- ENG17. Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.
- ENG18. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

LAWFUL POINT OF DISCHARGE

- ENG19. 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

- ENG20. Connect the development to Council's reticulated water supply system via a single connection.

SEWERAGE

- ENG21. 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.
- ENG22. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
- ENG23. 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).
- ENG24. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes. Saw cuts shall be placed 1.5m either side of any Council sewer to facilitate future replacement and/or maintenance.
- ENG25. 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.
- ENG26. 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.

TRADE WASTE DISPOSAL (WASH DOWN BAY/COMMERCIAL KITCHEN)

- ENG27. Connect the commercial kitchen] to Council's sewer reticulation. Obtain a Plumbing Approval from Council and the relevant inspections are to be undertaken prior to connection to the sewer.

PARKING AND ACCESS - GENERAL

- ENG28. 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.
- ENG29. Design and construct all sealed areas with concrete, asphalt or a two-coat bitumen seal.
- ENG30. Provide a minimum of eight (8) car parking spaces including a minimum of one (1) person with disability (PWD) car parking spaces.
- ENG31. Design & construct all PWD car parking spaces in accordance with AS2890.6.
- ENG32. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
- ENG33. 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.
- ENG34. Provide longitudinal gradient and crossfall for all driveways to comply with the requirements of AS2890.1.

PARKING AND ACCESS - SERVICING

- ENG35. Design along the route to and from all loading bay facilities and the external road network, all access driveways, circulation driveways, parking aisles and the like with a layout that accommodates the turning movements of a Heavy Rigid Vehicle, and ensure that all vehicles are able to enter and exit the site in a forward direction.
- ENG36. Ensure all loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.
- ENG37. Install 2 (two) R2-4 Regulatory Signs (no Entry) at the exit location, erected 1 (one) metre offset from the driveway and facing the opposite direction to the one-way flow, in accordance with Manual for Uniform Traffic Control Devices (MUTCD).

VEHICLE ACCESS

- ENG38. Construct a commercial standard crossover between the property boundary and the edge of the Scott Street road pavement, having a minimum width to accommodate the manoeuvring of a B-Double, generally in accordance with Council's Standard Drawing IPWEAQ Std Dwg RS-051, Rev F. Ensure that crossover splay is designed to accommodate turning movements of a B-Double.
- ENG39. The profile of the accesses shall maintain the levels, grade, and crossfall of the existing footpath.
- ENG40. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).
- ENG41. No access is permitted to/from Ivory Street, or Edward Street at all times.

REDUNDANT CROSSOVERS

- ENG42. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath to Council's standard/to the standard immediately adjacent along the frontage of the site.

ROADWORKS AND PEDESTRIAN SAFETY

- ENG43. Install signage for all works on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.
- ENG44. 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.
- ENG45. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY AND TELECOMMUNICATION

- ENG46. Connect the development to electricity and telecommunication services.

EARTHWORKS - GENERAL

- ENG47. Earthworks involving cut or fill more than 1m, or more than nett quantity of material greater than 50m³, requires an Operational Work application.
- ENG48. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EARTHWORKS - RETAINING STRUCTURES AND BATTERS

- ENG49. Ensure retaining walls and earthworks batters designs do not adversely affect adjoining properties or services within the vicinity.
- ENG50. Ensure batters do not exceed a maximum slope of 25% (1 in 4).
- ENG51. Contain any batters wholly within the proposed development site. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).
- ENG52. Design and construct all retaining walls and associated footings in accordance with AS4678 Earth Retaining Structures and without encroachment onto adjoining properties or public land.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG53. 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.

ENG54. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ADVICE

ADV1. Section 85 (1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.

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

ADV3. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 30 June 2022. Eligible development under this scheme is required to be completed by 30 June 2022.

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

ADV4. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. 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.

ADV5. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

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

Against: Nil

CARRIED 7/0

13 PORTFOLIO – LOCAL DISASTER MANAGEMENT, WATER & WASTEWATER, WASTE MANAGEMENT

13.1 ON SELL OF REMAINING WATER ALLOCATION FROM BP DAM

RESOLUTION 2021/436

Moved: Cr Kirstie Schumacher

Seconded: Cr Kathy Duff

That Council do not progress the on-sell of remaining water allocation due to:

1. The additional costs to have allocation assessed and transferred with Sunwater;
2. Potential broker fees associated with tendering on the open market;
3. Timelines and resources involved in undertaking the necessary assessments near the end of the water year;
4. Water allocation are considered an asset in Council, as such any transfer will need to be provided for under an open public tender process; and

-
5. On-selling unused allocation may impact Councils water security profile during severe drought periods.

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

Against: Nil

CARRIED 7/0

Attendance:

At 10:15 am, Mayor Otto, having earlier informed the meeting of a declarable conflict of interest in Item 13.2, 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.

The Deputy Mayor assumed the Chair.

13.2 ELECTRIC VEHICLE CHARGING STATION

RESOLUTION 2021/437

Moved: Cr Roz Frohloff

Seconded: Cr Danita Potter

That Council note the report and accept the proponents offer to contribute to the installation of an electric car charging station in the South Burnett.

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

Against: Nil

CARRIED 6/0

Attendance:

At 10:20 am, Councillor Schumacher, having earlier informed the meeting of a declarable conflict of interest in Item 14.1, 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 10:20 am, Cr Brett Otto returned to the meeting and resumed the Chair.

14 PORTFOLIO – RURAL RESILIENCE, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT, INDIGENOUS AFFAIRS

14.1 UPGRADES TO BATHROOM AT SOUTH BURNETT AQUATIC CENTRE - NANANGO

RESOLUTION 2021/438

Moved: Cr Roz Frohloff

Seconded: Cr Danita Potter

That South Burnett Regional Council award Tender SBRCQ – 20/21-122 to Campbell Construction Co. for the South Burnett Aquatic Centre Bathroom Upgrades as per their tender price.

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

Against: Nil

CARRIED 6/0

MOTION

RESOLUTION 2021/439

Moved: Cr Brett Otto
Seconded: Cr Gavin Jones

That Item 16.1 be brought forward and discussed.

CARRIED 6/0

16.1 NOTICE TO RESCIND A COUNCIL RESOLUTION - SOUTH BURNETT REGIONAL COUNCIL LEASE AMENDMENT WITH SOUTH BURNETT COMMUNITY HOSPITAL FOUNDATION LIMITED

RESOLUTION 2021/440

Moved: Cr Danita Potter
Seconded: Cr Gavin Jones

1. South Burnett Regional Council resolves to repeal the following resolution from the general meeting held on 26 May 2021, namely:

Resolution No. 2021/371:

Motion: Moved: Cr Scott Henschen Seconded: Cr Danita Potter

“That the following amendments be made to the existing Lease held between South Burnett Regional Council (Lessor) and South Burnett Community Hospital Foundation Limited (Lessee)

1. In Item 6 of the Form 7, the Expiry Date is amended to 30/06/2022.
2. In Part 1 (Reference Particulars), in Item E, the duration is amended to 20 years, 3 months and 16 days.
3. In Part 1 (Reference Particulars). In Item 3, the Expiry Date is amended to 30 June 2022.”

CARRIED: 6/0

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

Against: Nil

CARRIED 6/0

RESOLUTION 2021/441

Moved: Cr Danita Potter
Seconded: Cr Roz Frohloff

2. South Burnett Regional Council resolves that the exception in *Local Government Regulation 2012* section 236(1)(b)(ii) applies to Council for the disposal by way of grant of a lease of the valuable non-current asset which is the land comprising the whole of Lot 4 on SP146001, Lot 5 on SP146001 and Lot 2 on RP7925 to South Bank Medical Group Limited A.C.N. 614 558 235 (**SBMG**), a community organisation, other than by tender or auction, for a term of 12 months commencing on 19 July 2021, on a peppercorn rent, on terms to be agreed between Council and SBMG.
-

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

Against: Nil

CARRIED 6/0

RESOLUTION 2021/442

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

3. South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the lease between Council and SBMG, on terms and conditions the Chief Executive Officer reasonably considers are satisfactory to Council.

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

Against: Nil

CARRIED 6/0

Attendance:

At 10:31 am, Cr Kirstie Schumacher returned to the meeting.

14.2 LEASE - 62-64 LAMB STREET MURGON

RESOLUTION 2021/443

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That South Burnett Regional Council vary the existing lease to Commonwealth Bank of Australia, for the lease of the shop space, part A and B of Lot 1 on CP M55124, 62-64 Lamb Street, Murgon with the following terms:

1. Commencement date - 1 December 2021
2. Term 1 year
3. Options 3 x 1 years
4. Rental Review by CPI to be conducted at each option
5. Commonwealth Bank of Australia to prepare the variation document
6. Accept the special condition that the lease variation is subject to Commonwealth Bank of Australia Board approval

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

Against: Nil

CARRIED 7/0

14.3 MURGON ANZAC DAY COMMEMORATIVE COMMITTEE

RESOLUTION 2021/444

Moved: Cr Roz Frohloff
Seconded: Cr Danita Potter

That Kathy Duff be nominated as a suitably qualified person to chair the Murgon Anzac Day Commemorative Committee and further, the CEO provide a response to the Murgon RSL Sub Branch regarding the nomination.

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

Against: Nil

CARRIED 7/0

14.4 MANAGEMENT MODEL ANALYSIS FOR RINGSFIELD HOUSE

RESOLUTION 2021/445

Moved: Cr Kirstie Schumacher
Seconded: Cr Roz Frohloff

That the Management Model Analysis for Ringsfield House be lifted from the Table.

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

Against: Nil

CARRIED 7/0

COMMITTEE RECOMMENDATION

Moved: Cr Roz Frohloff
Seconded: Cr Kirstie Schumacher

That the Committee recommends to Council:

1. That an advisory group with the attached Terms of Reference be adopted.
 2. That the Advisory Group consist of the following structure:
 - Chairperson
 - Booking and Event co-ordinator
 - Gardening advisor
 - Marketing and Tourist advisor
 - Volunteer Manager/ Museum Curator
 - Social Services/Community Development advisor
 - 2 x Councillor
 3. The Advisory Group are to:
 - Develop a strategic plan that incorporates a business plan, landscape plan and event plan and schedule
 - Reopen the facility for community use
 - Provide quarterly updates to the Portfolio Councillor
-

-
4. The Advisory Group to conclude its duties by 30 June 2023
-

AMENDMENT

MOTION

Moved: Cr Kirstie Schumacher
Seconded: Cr Roz Frohloff

That Council adopts the recommended model of an Advisory Committee; and

1. That Council adopt the Terms of Reference
2. That the Advisory Committee consist of the following structure:
 - Chairperson
 - Booking and Event co-ordinator
 - Gardening advisor
 - Marketing and Tourist advisor
 - Volunteer Manager
 - Museum Curator
 - Social Services/Community Development advisor
 - 2 x Councillor
3. The Advisory Committee are to:
 - Develop a strategic plan that incorporates a business plan, landscape plan and event plan and provide recommendations to Council
 - Encourage community use and hire of the facility Provide quarterly updates to the Portfolio Councillor
4. The Advisory Committee is to be reviewed at 30 June 2022 and is to conclude its duties by 30 June 2023

The Amendment became the Resolution.

RESOLUTION 2021/446

Moved: Cr Kirstie Schumacher
Seconded: Cr Roz Frohloff

That Council adopts the recommended model of an Advisory Committee; and

1. That Council adopt the Terms of Reference
2. That the Advisory Committee consist of the following structure:
 - Chairperson
 - Booking and Event co-ordinator
 - Gardening advisor
 - Marketing and Tourist advisor
 - Volunteer Manager
 - Museum Curator
 - Social Services/Community Development advisor
 - 2 x Councillor
3. The Advisory Committee are to:
 - Develop a strategic plan that incorporates a business plan, landscape plan and event plan and provide recommendations to Council

- Encourage community use and hire of the facility Provide quarterly updates to the Portfolio Councillor

4. The Advisory Committee is to be reviewed at 30 June 2022 and is to conclude its duties by 30 June 2023

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

Against: Nil

CARRIED 7/0

15 PORTFOLIO - REGIONAL DEVELOPMENT

Nil

16 NOTICES OF MOTION

16.1 NOTICE TO RESCIND A COUNCIL RESOLUTION - SOUTH BURNETT REGIONAL COUNCIL LEASE AMENDMENT WITH SOUTH BURNETT COMMUNITY HOSPITAL FOUNDATION LIMITED

This matter was dealt with after Item 14.1

17 INFORMATION SECTION

17.1 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT

RESOLUTION 2021/447

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That the List of Correspondence pending completion of Assessment Report be received.

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

Against: Nil

CARRIED 7/0

17.2 DELEGATED AUTHORITY REPORTS

RESOLUTION 2021/448

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That the Delegated Authority report be received.

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

Against: Nil

CARRIED 7/0

18 CONFIDENTIAL SECTION

RESOLUTION 2021/449

Moved: Cr Roz Frohloff

Seconded: Cr Gavin Jones

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*:

18.1 Lease agreement between SB Care and South Burnett Regional Council

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

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

Against: Nil

CARRIED 7/0**Attendance:**

At 11:05 am, Cr Danita Potter left the meeting.

At 11:08 am, Cr Danita Potter returned to the meeting.

RESOLUTION 2021/450

Moved: Cr Brett Otto

Seconded: Cr Kirstie Schumacher

That Council moves out of Closed Council into Open Council.

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

Against: Nil

CARRIED 7/0

18.1 LEASE AGREEMENT BETWEEN SB CARE AND SOUTH BURNETT REGIONAL COUNCIL

RESOLUTION 2021/451

Moved: Cr Roz Frohloff
Seconded: Cr Danita Potter

That the matter lay on the table until the July General Meeting

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

Against: Nil

CARRIED 7/0

19 CLOSURE OF MEETING

The Meeting closed at 11.12am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 July 2021

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CHAIRPERSON