



SOUTH BURNETT
REGIONAL COUNCIL

MINUTES

Ordinary Council Meeting
Wednesday, 27 April 2022

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**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY
ON WEDNESDAY, 27 APRIL 2022 AT 9.00AM**

PRESENT:

Councillors:

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

Council Officers:

Susan Jarvis (General Manager Finance & Corporate), Peter O'May (General Manager Community), Tim Low (Acting General Manager Infrastructure), Leanne Petersen (Manager Property), Carolyn Knudsen (Manager Corporate Services), Joanne Newbery (Communications Officer), James Darcy (Manager Infrastructure Planning), Kevin Searle (Manager Works), Michael Lisle (Acting Manager Planning and Environment), Bree Hunt (Executive Assistant)

1 OPENING

The Mayor declared the meeting open and welcomed all attendees.

2 LEAVE OF ABSENCE / APOLOGIES

Chief Executive Officer, Mark Pitt.

3 PRAYERS

A representative of Kingaroy District Ministers Association, Jordan Bennett 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 Gavin Jones inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in agenda **Item 19.2 - Regional Roads and Technical Group Forward Program**. The nature of my interest is as follows:

This declarable conflict of interest arises as I am a Director of a company that owns the Maidenwell Hotel on the interesection of Kingaroy Cooyar Road and Bunya Mountains Road. The company has had the Hotel leased out since 2016..

This matter has previously been resolved at the Infrastructure Standing Committee Meeting on 3 March 2021 – Committee Resolution Number 2021/41

I, Cr Gavin Jones inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in agenda **Item 11.2 - Update on the Project Development for Tanduringie Creek Bridge on Kingaroy Cooyar Road** The nature of my interest is as follows:

This declarable conflict of interest arises as I am a Director of a company that owns the Maidenwell Hotel on the intersection of Kingaroy Cooyar Road and Bunya Mountains Road. The company has had the Hotel leased out since 2016. The roadworks to the Tanduringie Creek Bridge to be discussed is approximately 7 km to south west from the hotel. The bridge has need for the improvement for public user safety which the full council has advocated for.

This matter was resolved at the Infrastructure Standing Committee Meeting on 6 April 2022 – Committee Resolution Number 2022/148.

In accordance with Section 150EW of the *Local Government Act 2009*, Mayor Brett Otto queried whether Cr Jones did in fact have a Declarable Conflict of Interest in **Item 19.2 - Regional Roads and Technical Group Forward Program** given today's discussion may involve budget deliberations.

Acting Chief Executive Officer advised that as the matter had been previously considered by Council, that unless further information or changes relevant to Council's previous decision exist, then Council's previous decision on the matter would stand.

Noting Section 150ET (4) of the *Local Government Act 2009*

(4) A decision about a councillor under section 150ER or 150ES for a matter applies in relation to the councillor for participating in the decision, and all subsequent decisions, about the matter.

Cr Jones confirmed no change of circumstances exist in this matter.

I, Cr Kirstie Schumacher inform this meeting that I have a declarable conflict of interest in relation to **Item 15.8 - Bunya Mountains Community Association Inc. request for support.**

The nature of my interest is as follows:

This declarable conflict of interest arises due to owning a freehold property on the Bunya Mountains and I am a member of the Bunya Mountains Community Association.

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

Cr Schumacher advised she is a member of the Kingaroy Chamber Commerce Inc. **Item 15.1 Kingaroy Chamber of Commerce and Industry Request for Extension of Lease.** It was noted by the meeting that the following matter, by themselves, is not a conflict of interest:

- being a member or patron of a community group or sporting club as long as you are not an office holder or board member.

In accordance with Section 150EW of the *Local Government Act 2009*, Mayor Brett Otto queried whether Cr Schumacher did in fact have a Declarable Conflict of Interest in **Item 19.2 - Regional Roads and Technical Group Forward Program** as she has indicated she owned a freehold property at the Bunya Mountains.

Cr Kirstie Schumacher indicated she did not stand to gain a benefit or suffer a loss in relation to the matter that is no greater than the benefit or loss that a significant proportion of persons in the local government area stand to gain or lose.

However Cr Kirstie Schumacher indicated she would voluntarily comply with this chapter in relation to the personal interests of the councillor and have the matter dealt with as a declarable conflict of interest;

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 agenda **item 19.2 Regional Roads and Technical Group Forward Program** The nature of my interest is as follows:

This declarable conflict of interest arises due to owning a freehold property on the Bunya Mountains I wish to participate in the decision in relation to this matter. I acknowledge that eligible Councillors must now determine, pursuant to section 150ES of the Local Government Act 2009, where I:

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

Attendance:

At 9:16 am, Cr Kirstie Schumacher left the meeting.

DECLARATION OF INTEREST - STAY IN MEETING

RESOLUTION 2022/462

Moved: Cr Danita Potter
 Seconded: Cr Scott Henschen

That Council resolve that Cr Schumacher has a declarable conflict of interest in the matter item 19.2 Regional Roads and Technical Group Forward Program and notwithstanding the conflict, Cr Schumacher may participate in the matter, discuss and vote upon it, accepting that Cr Schumacher has no greater benefit or loss to a significant proportion of others in the community.

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

Against: Nil

CARRIED 5/0

Attendance:

At 9:27am, Cr Kirstie Schumacher returned to the meeting.

In accordance with Section 150EW of the *Local Government Act 2009*, Cr Scott Henschen queried whether Cr Duff had a Conflict of Interest in **Item 15.1 Kingaroy Chamber of Commerce and Industry Request for Extension of Lease**. as she leases a property/office space in the area.

I, Cr Brett Otto inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in agenda **item 19.1 Kingaroy Transformation Project Cost Review** The nature of my interest is as follows:

This declarable conflict of interest arises because I am the Director of a Company which owns an accounting practice that leases a premises in the Kingaroy Central Business District.

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

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

I, Cr Brett Otto inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in agenda **Item 15.1 Kingaroy Chamber of Commerce and Industry Request for Extension of Lease**. The nature of my interest is as follows:

This declarable conflict of interest arises because I am the Director of a Company which owns an accounting practice adjoining the street leading to the said premises.

This matter was resolved at the Community Standing Committee Meeting on 13 April 2022 – Committee Resolution Number 2022/263. However Mayor, Brett Otto indicated he noted a change in circumstances in that Cr Kathy Duff does sublet a room from his firm and he would voluntarily leave the meeting and allow Council to consider the Conflict of Interest.

I, Cr Kathy Duff inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in agenda **item 19.1 Kingaroy Transformation Project Cost Review** The nature of my interest is as follows:

This declarable conflict of interest arises as I am now subletting office space in a premises in the Kingaroy Central Business District

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

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

I, Cr Kathy Duff inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in agenda item **Item 15.1 Kingaroy Chamber of Commerce and Industry Request for Extension of Lease**. The nature of my interest is as follows:

This declarable conflict of interest arises because as I am now subletting office space in a premises adjoining the street leading to the said premises

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

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

Attendance:

At 9:36am, Cr Kathy Duff left the meeting.

At 9:36am, Cr Brett Otto left the meeting.

Deputy Mayor Gavin Jones took the chair.

At 9:40am, Communications Officer Joanne Newbery left the meeting.

At 9:40am, Communications Officer Joanne Newbery returned to the meeting.

DECLARATION OF INTEREST - STAY IN MEETING

RESOLUTION 2022/463

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That Council resolve that Cr Brett Otto has a declarable conflict of interest in the matter – item 15.1 Kingaroy Chamber of Commerce and Industry Request for Extension of Lease and notwithstanding

the conflict, Cr Brett Otto may participate in the matter, discuss and vote upon it, accepting that Cr Otto has no greater benefit or loss to a significant proportion of others in the community.

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

Against: Nil

CARRIED 4/0

Attendance:

At 9:49am, Manager Corporate Services Carolyn Knudsen left the meeting.

DECLARATION OF INTEREST - STAY IN MEETING

RESOLUTION 2022/464

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That Council resolve that Cr Kathy Duff has a declarable conflict of interest in the matter – item 15.1 Kingaroy Chamber of Commerce and Industry Request for Extension of Lease and notwithstanding the conflict, Cr Kathy Duff may participate in the matter, discuss and vote upon it, accepting that Cr Duff has no greater benefit or loss to a significant proportion of others in the community.

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

Against: Nil

CARRIED 4/0

Attendance:

At 9:52am, Communications Officer Joanne Newbery left the meeting.

DECLARATION OF INTEREST - STAY IN MEETING

RESOLUTION 2022/465

Moved: Cr Scott Henschen

Seconded: Cr Danita Potter

That Council resolve that Cr Kathy Duff has a declarable conflict of interest in the matter item 19.1 Kingaroy Transformation Project Cost Review and notwithstanding the conflict, Cr Kathy Duff may participate in the matter, discuss and vote upon it, accepting that Cr Duff has no greater benefit or loss to a significant proportion of others in the community.

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

Against: Nil

CARRIED 4/0

Attendance:

At 9:54am, Communications Officer Joanne Newbery returned to the meeting.

At 9:55am, Manager Corporate Services Carolyn Knudsen returned to the meeting.

DECLARATION OF INTEREST - STAY IN MEETING

RESOLUTION 2022/466

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That Council resolve that Cr Brett Otto has a declarable conflict of interest in the matter item 19.1 Kingaroy Transformation Project Cost Review and notwithstanding the conflict, Cr Brett Otto may participate in the matter, discuss and vote upon it, accepting that Cr Brett Otto has no greater benefit or loss to a significant proportion of others in the community.

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

Against: Nil

CARRIED 4/0

Attendance:

At 9:58am, Cr Brett Otto returned to the meeting and resumed the chair.

At 9:58am, Cr Kathy Duff returned to the meeting.

I, Cr Kathy Duff inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in relation to **Item 15.4 Proston Showground - Realignment of Boundaries.**

The nature of my interest is as follows:

This declarable conflict of interest arises as I hold an executive position on the Proston Sports Reserve Advisory Committee which considers matters in relation to use and operation of the Proston Show Grounds and associated reserves.

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

At 9:59am, Moya Hayden addressed the Council and presented the petition for the Birt Road Bitumen Road Seal Construction.

6.1 PETITION - BIRT RD BITUMEN ROAD SEAL CONSTRUCTION

RESOLUTION 2022/467

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That the Petition 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 Brett Otto, Gavin Jones, Kathy Duff, Danita Potter, Kirstie Schumacher and Scott Henschen

Against: Nil

CARRIED 6/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 MINUTES OF THE COUNCIL MEETING HELD ON 23 MARCH 2022

RESOLUTION 2022/468

Moved: Cr Kathy Duff
 Seconded: Cr Gavin Jones

That the Minutes of the Council Meeting held on 23 March 2022 be received and the recommendations therein be adopted.

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

Against: Nil

CARRIED 6/0

8 BUSINESS OUTSTANDING

Attendance:

At 10:06am, Communications Officer Joanne Newbery left the meeting.
 At 10:07am, Communications Officer Joanne Newbery returned to the meeting.

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

RESOLUTION 2022/469

Moved: Cr Scott Henschen
 Seconded: Cr Danita Potter

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

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

Against: Nil

CARRIED 6/0

9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - DONATING REPLACED MOWERS TO COMMUNITY GROUPS

RESOLUTION 2022/470

Moved: Cr Kirstie Schumacher

Seconded: Cr Kathy Duff

That the mowers being replaced in the 2021-2022 budget be offered by way of donation to local community groups that are:

- An incorporated association that is a not for profit;
- Located within the South Burnett LGA;
- Provide a local community benefit,

through an expression of interest with priority given to those groups maintaining or offering to maintain a council or council-controlled land asset and with clarification that responsibility for insurance and all ongoing costs will rest with the recipients organisations taking ownership of the mowers.

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

Against: Nil

CARRIED 6/0

ADJOURN MORNING TEA

RESOLUTION 2022/471

Moved: Cr Brett Otto

Seconded: Cr Scott Henschen

That the meeting adjourn for morning tea.

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

Against: Nil

CARRIED 6/0

RESUME MEETING

RESOLUTION 2022/472

Moved: Cr Brett Otto

Seconded: Cr Danita Potter

That the meeting resume at 10:40am.

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

Against: Nil

CARRIED 6/0

Attendance:

At 10:40am, Acting Manager Planning and Environment Michael Lisle entered the meeting.

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

10.1 CONFIRMING ATTENDANCE AT THE 126TH LOCAL GOVERNMENT ASSOCIATION QUEENSLAND (LGAQ) ANNUAL CONFERENCE IN CAIRNS 17-19 OCTOBER 2022 AND LGAQ CIVIC LEADERS SUMMIT 29-30 JUNE 2022

RESOLUTION 2022/473

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

1. That Mayor Otto and Deputy Mayor Jones attend the 2022 LGAQ Conference as delegates, and the following councillors attend as observers:

Cr Henschen attend as an observer and the newly elected Division one Councillor be provided the opportunity to attend as an observer with CEO Mark Pitt in attendance.

Each councillor appointed as a delegate be allocated one vote each.

2. That Mayor Otto and Cr Schumacher attend the 2022 LGAQ Civic Leaders Summit as delegates with CEO Mark Pitt in attendance.

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

Against: Nil

CARRIED 6/0

10.2 ANNUAL OPERATIONAL PLAN 2021/2022 IMPLEMENTATION PROGRESS REPORT FOR THE PERIOD ENDING 31 MARCH 2022

RESOLUTION 2022/474

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That the South Burnett Regional Council Annual Operational Plan 2021/2022 Implementation Progress Report for the period 1 July 2021 to 31 March 2022 be adopted as presented.

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

Against: Nil

CARRIED 6/0

10.2.1 PROSTON POOL

A report to be brought back to the May Community Standing Committee Meeting detailing the application conditions and process for the Proston Pool.

10.2.2 KUMBIA CBD STREETScape

An update to be brought back to the May Infrastructure Standing Committee Meeting on the expected timeline for completion of Kumbia CBD streetscape.

10.3 ADMINISTRATIVE AMENDMENTS TO COUNCIL POLICY AND ASSOCIATED DOCUMENTS - ORGANISATION STRUCTURE CHANGE

RESOLUTION 2022/475

Moved: Cr Danita Potter
 Seconded: Cr Scott Henschen

That South Burnett Regional Council endorse administrative amendments to be made within Council's Policy Governance Framework and associated documents, reflective of the change to the organisation structure.

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

Against: Nil

CARRIED 6/0

w

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

RESOLUTION 2022/476

Moved: Cr Danita Potter
 Seconded: Cr Kathy Duff

That the South Burnett Regional Council Technology Public Access Policy – Strategic019 be adopted as presented.

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

Against: Nil

CARRIED 6/0

Attendance:

At 11:04am, Manager Works Kevin Searle entered the meeting.

10.5 MONTHLY FINANCIAL INFORMATION

RESOLUTION 2022/477

Moved: Cr Scott Henschen

Seconded: Cr Kathy Duff

That the Monthly Financial Report including Capital Works and Works for Queensland (W4Q4) as at 31st March 2022 be received and noted.

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

Against: Nil

CARRIED 6/0

10.6 SBRC 2122-12 BULK WATER TREATMENT CHEMICALS

RESOLUTION 2022/478

Moved: Cr Scott Henschen

Seconded: Cr Danita Potter

That Contract SBRC 2122-12 be adopted as presented.

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

Against: Nil

CARRIED 6/0

11 PORTFOLIO – ROADS & DRAINAGE

Attendance:

At 11:14am, Manager Infrastructure Planning James Darcy entered the meeting.

At 11:20am, Cr Danita Potter left the meeting.

At 11:21am, Cr Danita Potter returned to the meeting.

11.1 CONSIDERATION OF ACCEPTING PROPERTY ACCESS ON KINGAROY COOYAR ROAD TARONG SERVICING LOTS 3 - 7 RP178853 AS A COUNCIL ROAD ASSET

MOTION

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That South Burnett Regional Council:

1. Considers accepting the “service road” providing access to Lots 3, 4, 5, 6 and 7 RP178853 Kingaroy Cooyar Road, Tarong as a Council asset and adds the asset to Council’s Road Register;
2. Considers accepting maintenance liability of the “service road”, and provides written advice to impacted landholders; and
3. Considers any capital improvements required as part of its annual capital budget considerations

RESOLUTION 2022/479

Moved: Cr Kirstie Schumacher
 Seconded: Cr Gavin Jones

Procedural Motion

That the matter lay on the table until the Infrastructure Standing Committee Meeting on 4 May 2022.

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

Against: Crs Brett Otto and Kathy Duff

CARRIED 4/2

11.2 UPDATE ON THE PROJECT DEVELOPMENT FOR TANDURINGIE CREEK BRIDGE ON KINGAROY COOYAR ROAD

RESOLUTION 2022/480

Moved: Cr Scott Henschen
 Seconded: Cr Danita Potter

That the Mayor works with the portfolio Councillor and our Local Member to advocate to the Minister for Transports and Main Roads as to safety issues on Tanduringie Bridge with a view in the first instance to improving road safety signage and to advance to detailed design as a matter of priority in consideration of road safety issues.

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

Against: Nil

CARRIED 6/0

11.3 KINGAROY ROUNDABOUT COST BENEFIT ANALYSIS OF ROUNDABOUT UPGRADE PROGRAM

RESOLUTION 2022/481

Moved: Cr Danita Potter
 Seconded: Cr Gavin Jones

That South Burnett Regional Council notes the report provided to assist Council in making future decisions regarding roundabout and median infrastructure with a strategic focus throughout the region and consider nominating an annual allocation to progressively renew roundabout and median infrastructure as part of the 22/23 capital works deliberation.

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

Against: Nil

CARRIED 6/0

Attendance:

At 11:38am, Manager Corporate Services Carolyn Knudsen left the meeting.

At 11:40am, Michael Lisle left the meeting.

At 11:40am, Manager Corporate Services Carolyn Knudsen returned to the meeting.

11.4 OPTIONS FOR DUST SUPPRESSION ON LANIGAN ROAD GLAN DEVON

RESOLUTION 2022/482

Moved: Cr Kirstie Schumacher

Seconded: Cr Kathy Duff

That South Burnett Regional Council develop as part of its operational plan in 22/23 a dust sealing policy.

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

Against: Nil

CARRIED 6/0**Attendance:**

At 11:44am, Acting Manager Planning and Environment Michael Lisle returned to the meeting.

At 11:47am, Manager Corporate Services Carolyn Knudsen left the meeting.

At 11:52am, Manager Corporate Services Carolyn Knudsen returned to the meeting.

At 11:54am, Cr Gavin Jones left the meeting.

At 11:56am, Cr Gavin Jones returned to the meeting.

11.5 APPLICATION FOR FUNDING UNDER THE RESOURCES COMMUNITY INFRASTRUCTURE FUND - ROUND 2

RESOLUTION 2022/483

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That South Burnett Regional Council nominate the Kingaroy Mental Health and Youth Hub for funding under the Resources Community Infrastructure Fund – Round 2 – major infrastructure projects stream.

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

Against: Cr Kirstie Schumacher

CARRIED 5/1

11.6 BRIDGES RENEWAL PROGRAM

RESOLUTION 2022/484

Moved: Cr Gavin Jones

Seconded: Cr Kathy Duff

That South Burnett Regional Council submit the following project for the Bridges Renewal Program:
- Home Creek Loop Road

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

Against: Nil

CARRIED 6/0

12 PORTFOLIO – COMMUNITY, ARTS, HERITAGE, SPORT & RECREATION

12.1 HOUSING & HOMELESSNESS FORUM 22 JULY 2022

RESOLUTION 2022/485

Moved: Cr Danita Potter
 Seconded: Cr Kirstie Schumacher

That the South Burnett Regional Council support the South Burnett Housing Forum Working Group by way of Hall hire and insurance for the Housing and Homelessness Forum to be held in the Kingaroy Town Hall on Friday 22nd July 2022.

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

Against: Nil

CARRIED 6/0

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

13.1 MATERIAL CHANGE OF USE APPLICATION FOR EXPANSION OF AN EXISTING PIGGERY TO 57,000SPU AND ASSOCIATED INFRASTRUCTURE AT 536 & 592 MORGANS ROAD WINDERA AND OTHER PROPERTIES - LOT 202 SP 251979 LOT 203 SP 251979 LOT 49 MZ 555 - APPLICANT: JAMZ & CO INVESTMENTS PTY LTD - MCU21/0017

OFFICER’S RECOMMENDATION

That Council approve the Material change of use application for expansion of existing of an existing piggery to 57,000spu and associated infrastructure - Lot 202 SP 251979 Lot 203 SP 251979 Lot 49 MZ 555 - Applicant: Jamz & Co Investments Pty Ltd – MCU21/0017 subject to the following conditions:

GENERAL

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

Drawing Title	Prepared by	Reference no.	Revision	Date
Site Plan	Agricultural Development Services Australia	WPC-003	A	22/11/21
Bushfire Management Report	Range Environmental Consultants	J000738	1	10/12/21
Proposed Piggery Expansion – 592	UDP	FSA-0002-SK02	1	15/12/16

Morgans Road Winderera Concept Plan 2 Kratzmanns Rd Causeway				
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GEN2. The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.

Timing: To be maintained at all times.

GEN3. The development must be completed generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval.

GEN4. Maintain the approved development in accordance with the approved drawings and documents and any relevant subsequent approvals required by the conditions herein.

GEN5. The approved development is for an expansion of Intensive Animal Industry (Piggery) for an additional 28,500 SPU.

GEN6. Maintain outdoor lighting to comply with AS4282 – 1997 “Control of Obstructive Effects of Outdoor Lighting”. Artificial illumination is not to cause a nuisance to occupants of nearby premises and any passing traffic. Direct security and flood lighting away from adjoining residential premises.

Timing: At all times.

GEN7. No materials, equipment or structures are to be stored or placed within the area of the mapped waterways and drainage lines adjoining the development footprint at any time and in accordance with the approved site plan.

GEN8. Carry out the development in accordance with section 6 and 7 of the Bushfire Management Report with reference J000738 and dated 10/12/2021.

GEN9. Submit a Wastewater Management Plan (WMP) prepared by a suitably qualified person that addresses the following:

- Wastewater type
- Climatic conditions
- Water quality objectives
- Best-practice environmental management.

The WMP must demonstrate that the wastewater is managed in accordance with a waste management hierarchy that:

- Avoids wastewater discharge to waterways; or
- Minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater.

Timing: Prior to commencement of use.

GEN10. Provide and maintain adequate signage onsite identifying emergency evacuation routes.

FUTHER PERMITS REQUIRED

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- GEN11. 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;
 - Permit for Plumbing and Drainage Work;
 - Development Permit for Operational Works (Site Works, road widening, kerb and channel and associated drainage, landscaping, access driveways, water supply and sewerage discharge sludge collection and removal, stormwater disposal).
- GEN12. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the approved plans, subject to and modified by any conditions of this approval.

APPROVED USE

- GEN13. The approved use of the premises is for an Intensive animal industry (piggery expansion 28,500 to 57,000spu).

ADMIN

- ADM1. All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- ADM2. All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- ADM3. Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- ADM4. All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland. Any concurrence agency conditions will apply in addition to these standard conditions.

ENGINEERING WORKS

- ENG1. Submit to Council, an Operational Work application for all civil works including earthworks, roadworks and accesses.
- 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.

MAINTENANCE

- ENG6. Maintain all works that will become Council infrastructure for a period of 12 months (maintenance period) from the date of on-maintenance. Any defective works must be rectified within the maintenance period.
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ENG7. Provide Council with a maintenance bond in an acceptable form equal to 5% of the value of Council's infrastructure prior to commencement of the maintenance period.

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

ENG8. 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.

ENG9. 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

ENG10. 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.

ENG11. Implement the approved Construction Management Plan at all times during construction of the development.

ENG12. Ensure a legible copy of the approved Construction Management Plan is available on-site at all times during construction and earthworks.

STORMWATER MANAGEMENT

ENG13. Submit to Council for approval, a Stormwater Management Report (including drawings), prepared by an RPEQ, covering:

- 1) Stormwater diversion drains being suitably sized to accommodate runoff from the sheds and associated areas. Diversion drain outlets shall be clear of any Effluent Disposal Area, and shall not drain to a road reserve;
- 2) If proposed, how overland stormwater, including from upstream catchments, will be managed to avoid contamination with water from the piggery site/operations;
- 3) That all downstream properties, including road reserves will be protected from stormwater 'nuisance', from increased discharge rates, increased velocity, and concentration. Identify measures to be implemented to achieve 'no nuisance' if required.

Comment: The Stormwater information previously provided was not considered to adequately address Councils queries, and further information is sought.

ENG14. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows, or create a nuisance, on other properties.

WATER SUPPLY

ENG15. Provide a potable water supply to meet the needs of the development for staff and visitors.

ON-SITE WASTEWATER DISPOSAL

ENG16. Connect the development to an on-site wastewater disposal system, in accordance with the AS1547 and the Queensland Plumbing and Wastewater Code.

ENG17. Obtain a Development Permit for Plumbing Works for the on-site sewerage treatment system.

WASTE AND ODOUR MANAGEMENT

ENG18. Provide solid and liquid waste management in accordance with AgDSA Development Assessment Report Rev A, dated 13/9/21.

ENG19. In the event that bonafide complaints are received by Council in relation to odour emissions produced from the site, and the use is not being carried out in accordance with the conditions of this approval, including the management strategies set out in the AgDSA Development Assessment Report Rev A, dated 13/9/21 report, Council reserves the right to require the applicant to re-assess waste and odour management procedures already in place. In this instance, the applicant may be required to undertake a further assessment on waste and odour management through a third party and implement any recommendations by a date agreed by the Council.

TRADE WASTE DISPOSAL (WASH DOWN BAY)

ENG20. The business must ensure that:

- a) maintenance and cleaning of equipment (including vehicles and plant) are carried out in Wash Down Bays, or an area where contaminants cannot be released into stormwater drainage, a roadside gutter, a water course or onto unsealed ground;
- b) any spillage of contaminants is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water course; and
- c) incidental rainfall and overland flow of stormwater do not contact contaminants (for example, areas with contaminants should be roofed or protected by diversion drains).

ENG21. Spillage of all chemicals and other liquid contaminants must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

ENG22. Where regulated waste is removed from the premises, records must be kept of the following:

- a) the date, quantity and type of waste removed;
- b) the name of the waste transporter and/or disposal operator who removed the waste; and
- c) the intended treatment/disposal destination of the waste.

HAZARDOUS CHEMICAL & FUEL STORAGE

ENG23. Ensure that all hazardous chemicals are stored and handled in accordance to the Work Health and Safety Act 2011

ENG24. Diesel is to be stored and handled in accordance with Australian Standard 1940-2004 - The storage and handling of flammable and combustible liquids.

PARKING AND ACCESS - GENERAL

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- ENG25. Provide a sufficient number of carparks to meet the demands of the development.
- ENG26. Design and construct all driveway and parking areas to provide a dust suppressive gravel.
- ENG27. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.

VEHICLE ACCESS - TURNOUT

- ENG28. Design and construct vehicle turnouts in accordance with Council's Standard Drawing No. 00049 Rev B.

ROADWORKS AND PEDESTRIAN SAFETY

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

TRANSPORT ROUTE

- ENG30. All heavy vehicles traveling to/from the development shall use the following route, and vice versa:
- Kratzmanns Rd from the Murgon-Gayndah Rd to Morgans Rd;
 - Morgans Rd from the intersection with Kratzmanns Rd, through to the site access at 592 Morgans Rd, Windera.
 - Mcantee Rd between the proposed site accesses shown on AgDSA Drawing No A001.2 Rev A, and A002.1 Rev A. Using any other part of Mcantee Rd in not permitted.

B-DOUBLE ROUTE

- ENG31. No part of the Transport Route is permitted for use by B-Doubles, and shall not be used by B-Doubles, unless an approval for the route to be used by multi-combination vehicles is obtained from the National Heavy Vehicle Regulator prior to allowing access to Multi-Combination vehicles via above road section. Please refer to the following link for more information: <https://www.nhvr.gov.au/road-access/access-management/applications-and-forms>. Any future approval may be conditioned with further road upgrade requirements.

ROAD UPGRADING

- ENG32. The applicant shall undertake the following road upgrades:

- 1) Windera Ck causeway and approaches:
 - a) Widen the pavement on the approaches to the Windera Ck causeway to enable safe passing of the largest expected vehicle between Ch1.56km to Ch1.99km (approximately);
 - b) Installation of a 'Give Way' sign and line marking on the westbound approach of the causeway, ensuring that appropriate sight distance requirements are achieved;
 - c) Remove vegetation to improve sight distance as generally shown in RMA report Traffic Impacts Assessment – 592 Morgans Rd, Windera dated 23/12/2021 Figure 7-2.
 - 2) Upgrade the intersection of Morgans Rd and Kratzmanns Rd generally in accordance with RMA report Traffic Impacts Assessment – 592 Morgans Rd, Windera dated 23/12/2021 Figure 7-3. The intersection shall accommodate the turning movements of the largest expected vehicle, including pavement widening and bitumen sealing. Trees and vegetation on Morgans Rd and Kratzmann's Rd shall be removed to achieve sight distance requirements.
 - 3) The vertical curves on Morgans Road at approximately 200m, and 700 - 800m, north of the Kratzmanns Rd intersection shall be widened to a 7m bitumen seal
-

- on an 8m pavement formation (including tapers and linemarking), where Stopping Sight Distance is not available.
- 4) Vegetation on the inside of the Kratzmanns Rd intersection shall be cleared to improve sight distance.
- 5) Upgrade Mcantees Road, between the two proposed access points to McAntees Rd for Lot 202 SP251979 and Lot 49 MZ555, to the following standard:
 - a) 7m bitumen seal on an 8m pavement formation;
 - b) Upgrades to the vertical and horizontal alignment to Austroads requirements;
 - c) Widening to accommodate the manoeuvring of the largest expected vehicle where necessary.
 - d) Drainage structures, and improvements to minimise erosion risk.

Timing: Prior to Commencement of Use

ELECTRICITY AND TELECOMMUNICATION

ENG33. Connect the development to electricity and telecommunication services.

EARTHWORKS - GENERAL

- ENG34. Earthworks per site involving cut or fill with a nett quantity of material greater than 50m³, requires an Operational Work application.
- ENG35. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EARTHWORKS - RETAINING STRUCTURES AND BATTERS

- ENG36. Ensure retaining walls and earthworks batters designs do not adversely affect adjoining properties or services within the vicinity.
- ENG37. Ensure batters do not exceed a maximum slope of 25% (1 in 4).
- ENG38. 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).
- ENG39. 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.

EARTHWORKS

- ENG40. Submit to Council, detailed engineering drawings and information with the Operational Work application including, but not limited to the following:
 - a) long and cross sections of proposed cut/fill and retaining walls as applicable;
 - b) existing and proposed surface levels;
 - c) proposed drainage works to accommodate existing overland flows;
 - d) proposed haulage route(s) that will be used; and
 - e) details identifying the source/disposal site(s) for material imported/exported. The site(s) must have a current development approval enabling them to export/accept any material.
- ENG41. Obtain Council approval for the haulage truck sizes and the final haul route(s) prior to commencement of any approved works.

EROSION AND SEDIMENT CONTROL - GENERAL

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- ENG42. 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.
- ENG43. 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 a period of six (6) years, the approval will lapse.
- ADV2. The general environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance cause by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the premises during all stages of the development, including earthworks, construction and operation.
- ADV3. Where dangerous goods are stored on site, compliance with *Queensland Work Health and Safety Act 2011* is required at all times.
- ADV4. The Department of Agriculture and Fisheries issued an Environmental Authority (Permit Number: 2021-28) pursuant to the *Environmental Protection Act 1994* that takes effect once the development application is approved (See Attachment A).
- ADV5. This approval includes a concurrence agency response with conditions from the Department of State Development, Infrastructure, Local Government and Planning – Reference: 2109-24865 SRA and dated 14 December 2021.
- ADV6. All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.
- ADV7. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.
- ADV8. The *Biosecurity Act 2014* includes a general biosecurity obligation on persons to prevent or minimise the impact of biosecurity risks.
- ADV9. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.
- ADV10. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

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

RESOLUTION 2022/486

Moved: Cr Kathy Duff
Seconded: Cr Danita Potter

Procedural Motion

That the matter lay on the table.

In Favour: Crs Brett Otto, Kathy Duff, Danita Potter and Scott Henschen

Against: Cr Gavin Jones and Cr Kirstie Schumacher

CARRIED 4/2

13.2 COMMITMENT FROM QUEENSLAND GOVERNMENT FOR A FUNDED AND EFFECTIVE TREATMENT PROGRAM FOR PARTHENIUM WEED

RESOLUTION 2022/487

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That South Burnett Regional Council work with Cherbourg Council, our Local State Member of Parliament and industry stakeholder working group to actively engage with the relevant Queensland Government Minister as to the significant detriment parthenium weed is causing and will continue to cause to agriculture within our region with a view to gaining a commitment from the Queensland Government to an appropriate funded and effective treatment program in advance of Spring 2022.

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

Against: Nil

CARRIED 6/0

13.3 COMBUSTIBLE CLADDING - QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION REQUEST FOR AUTHORITY TO PROSECUTE

RESOLUTION 2022/488

Moved: Cr Danita Potter

Seconded: Cr Gavin Jones

That South Burnett Regional Council approve authorisation for the QBCC to prosecute offences committed under s16X(1) of the *Building Regulations* 2006.

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

Against: Nil

CARRIED 6/0

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

Nil

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

Attendance:

At 12:03pm, Communications Officer Joanne Newbery left the meeting.

At 12:07pm, Communications Officer Joanne Newbery returned to the meeting.

15.1 KINGAROY CHAMBER OF COMMERCE AND INDUSTRY REQUEST FOR EXTENSION OF LEASE

RESOLUTION 2022/489

Moved: Cr Danita Potter

Seconded: Cr Gavin Jones

1. That South Burnett Regional Council, in accordance with S236(1)(b)(ii) of the Local Government Regulation 2012, enter into a lease with Kingaroy Chamber of Commerce and Industry for 195 Kingaroy Street, Kingaroy (being Lot 1 on RP1333329) for a term of 24 months commencing on 1 September 2023.
2. South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the lease between Council and KCCI on terms and conditions the Chief Executive Officer reasonably considers are satisfactory to Council

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

Against: Crs Brett Otto and Kathy Duff

CARRIED 4/2

Attendance:

At 12:09pm, Acting Manager Planning and Environment Michael Lisle left the meeting.

At 12:10pm, Manager Infrastructure Planning James Darcy left the meeting.

15.2 RINGSFIELD HOUSE

RESOLUTION 2022/490

Moved: Cr Kathy Duff

Seconded: Cr Kirstie Schumacher

1. That Ringsfield House be available for hire by the Nanango Reunion for Past & Present Residents Committee through NATDA on 11 March 2023 for the purpose of Back to Nanango Reunion.
2. That Council officers progress the request from U3A South Burnett (auspiced by U3A Dalby) to lease a single office space at Ringsfield House for the initial period of 6 months and during this time ensure that U3A are given the opportunity to engage with the Advisory Committee.
3. That Council progress as a matter of priority the establishment of the Advisory Committee as previously resolved and incorporate community information sessions involving Councillors and staff as part of the engagement process.

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

Against: Nil

CARRIED 6/0

15.3 LICENCE TO OCCUPY - BLACKBUTT AND DISTRICT PONY CLUB INC

RESOLUTION 2022/491

Moved: Cr Gavin Jones
Seconded: Cr Danita Potter

That;

1. That South Burnett Regional Council resolves that the exception in *Local Government Regulation 2012* section 236 (1)(b)(ii) applies to Council for the disposal by way of grant of a lease to the valuable non-current asset which is the land comprising part of 0 Crumpton Drive Blackbutt, RPD: Lot 87 on SP102660, to the Blackbutt and District Pony Club, a community organisation, other than by way of tender or auction, for a term of 5 years commencing at 14 May 2022 on terms agreed between Council and the Blackbutt and District Pony Club Inc.
2. South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the lease between Council and the Blackbutt and District Pony Club Inc. on terms and conditions the Chief Executive Officer reasonably considers are satisfactory to Council.

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

Against: Nil

CARRIED 6/0

Attendance:

At 12:13pm, Cr Kathy Duff declared a conflict of interest (*recorded in Section 5*) and left the meeting.

At 12:15pm, Acting Manager Environment and Planning Michael Lisle returned to the meeting.

15.4 PROSTON SHOWGROUND - REALIGNMENT OF BOUNDARIES

RESOLUTION 2022/492

Moved: Cr Gavin Jones
Seconded: Cr Danita Potter

That South Burnett Regional Council:

1. Consent to apply for Trusteeship of Lot 1 SP269740;
2. Consent to apply for approval from the Department of Resources for the realignment of boundaries of Lot 43 on BO410, Lot 61 on BO425, Lot 67 on P697 and Lot 1 SP269740 and request the new community purpose to be Showgrounds and Recreation;
3. Investigate the land tenure options for the remaining land of Lot 43 on BO410, Lot 61 on BO425, Lot 67 on P697 and Lot 1 SP269740 and bring a report back to Council; and
4. Seek a Departmental estimate to freehold Lot 79 on BO600

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

Against: Nil

CARRIED 5/0

Attendance:

At 12:16 pm, Cr Kathy Duff returned to the meeting.

At 12:17pm, Manager Infrastructure Planning James Darcy returned to the meeting.

15.5 LEOPARD COURT KINGAROY - STREET TREE COMPLAINT

RESOLUTION 2022/493

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

1. That the Arborist report dated 29 March 2022 be received and noted; and

2. That Council adopt Option 3 – remove (Leopard Trees no. 1, 2 and 5) on the Arborist report dated 29 March 2022 as the preferred option and that works be conducted as soon as reasonably practicable.

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

Against: Nil

CARRIED 6/0

Attendance:

At 12:21pm, Acting General Manager Infrastructure Tim Low left the meeting.

15.6 CTC LAND TRANSFER

RESOLUTION 2022/494

Moved: Cr Danita Potter

Seconded: Cr Gavin Jones

That in accordance with *Local Government Act 2009* (the Act), Section 257, to delegate to the Chief Executive Officer of Council, the power under section 262(3) of the Act, to negotiate and agree in principle the terms and conditions of a contract for the disposal of the land and building assets to the community organisation, South Burnett CTC for future consideration and/or approval by Council.

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

Against: Nil

CARRIED 6/0

Attendance:

At 12:22pm, Acting General Manager Infrastructure Tim Low returned to the meeting.

15.7 REALIGNMENT OF RESERVE BOUNDARY - LOT 212 ON FY2647 KNOWN AS NANANGO NETBALL COURTS

RESOLUTION 2022/495

Moved: Cr Gavin Jones
Seconded: Cr Danita Potter

That a short-term Trustee Permit be offered to the Nanango Netball Association Inc.

- (a) For a term of twelve (12) months
- (b) For \$75.00 (plus GST) per annum
- (c) On the condition that the Nanango Netball Association Inc. enter into a new Trustee Lease for Lot 212 on FY2647

2. A portion of Lot 212 on FY2647 be excised for the addition to the Nanango Cemetery located on the neighbouring Lot 213 on FY 2647.

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

Against: Nil

CARRIED 6/0

Attendance:

At 12:23 pm, Cr Kirstie Schumacher left the meeting.

15.8 BUNYA MOUNTAINS COMMUNITY ASSOCIATION INC REQUEST FOR SUPPORT.

RESOLUTION 2022/496

Moved: Cr Gavin Jones
Seconded: Cr Danita Potter

1. That South Burnett Regional Council supports the Bunya Mountains Community Association Inc. to undertake a feasibility study of their preferred location to develop a Bunya Mountains Community Centre located within the Western Downs Regional Council local government.
2. That South Burnett Regional Council supports the involvement of Council officers to liaise with officers of Western Downs Council and the Bunya Mountains Community Associated to assist with identifying the requirements of the feasibility study and define the scope of works.

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

Against: Nil

CARRIED 5/0

Attendance:

At 12:25pm, Acting General Manager Infrastructure Tim Low left the meeting.

At 12:25pm, Cr Kirstie Schumacher returned to the meeting.

At 12:26pm, Acting General Manager Infrastructure Tim Low returned to the meeting.

15.9 COUNCIL LAND INVESTIGATIONS - PROPOSED DIVESTMENT OF LAND ASSETS - HIVESVILLE AND WONDAI

RESOLUTION 2022/497

Moved: Cr Kathy Duff
Seconded: Cr Danita Potter

That South Burnett Regional Council offer for sale on the open market by way of tender:

- Lot 89 on RP203393 – 9 Barr Street, Hivesville, and
- Lot 36 on SP190438 – 54-56 Burrows Street, Wondai

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

Against: Nil

CARRIED 6/0

15.10 TRUSTEE LEASE - WONDAI CATTLE FACILITY

RESOLUTION 2022/498

Moved: Cr Danita Potter
Seconded: Cr Scott Henschen

That South Burnett Regional Council:

1. Enter into a Trustee lease between South Burnett Regional Council and Delaven Enterprises Pty Ltd for Lot 257 FY2788 and part of Lot 250 on SP103905 being area described as Lease area B on SP333008.

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

Against: Nil

CARRIED 6/0

15.11 SBRCQ 21/22-26 - CLEANING CONTRACTS - PUBLIC CONVENIENCES

RESOLUTION 2022/499

Moved: Cr Danita Potter
Seconded: Cr Scott Henschen

1. That pursuant to section 228 of the *Local Government Regulation 2012*, Council accepts the tender from Restore All Qld, trading as The Cleanman Family Trust for tender SBRCQ 21/22-26 – Cleaning Contracts – Public Conveniences.
2. That the maximum term of the contract be five (5) years, including two (2) further options of twelve months.

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

Against: Nil

CARRIED 6/0

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

RESOLUTION 2022/500

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

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

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

Against: Nil

CARRIED 6/0

ADJOURN LUNCH

RESOLUTION 2022/501

Moved: Cr Brett Otto

Seconded: Cr Scott Henschen

That the meeting adjourn for lunch and the meeting resume at 1:30pm.

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

Against: Nil

CARRIED 6/0

Attendance:

At 12:30pm, Manager Works Kevin Searle left the meeting.

RESUME MEETING

RESOLUTION 2022/502

Moved: Cr Brett Otto

Seconded: Cr Gavin Jones

That the meeting resume at 1:32pm.

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

Against: Nil

CARRIED 6/0

Attendance:

At 1:33pm, Communications Officer Joanne Newbery returned to the meeting.

15.13 REQUEST TO RENAME THE MURGON SHOWGROUNDS AND RECREATION CENTRE (PCYC)

RESOLUTION 2022/503

Moved: Cr Kathy Duff
 Seconded: Cr Gavin Jones

That South Burnett Regional Council:

1. Confirms the current name of the Murgon Showgrounds and Recreation Centre, as the facility is well known as the Murgon PCYC;
2. Acknowledges the significant contribution of former Councillor Dermot Tiernan efforts and commitment to making improvements in the Murgon community as part of the former Murgon Shire Council noting former Councillor Dermot Tiernan is previously acknowledged at the Murgon Library as the 'Dermot Tiernan Memorial Library'

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

Against: Nil

CARRIED 6/0

16 PORTFOLIO - REGIONAL DEVELOPMENT

16.1 NATIONAL WATER INFRASTRUCTURE DEVELOPMENT FUND (NWIDF) PHASE TWO

RESOLUTION 2022/504

Moved: Cr Kirstie Schumacher
 Seconded: Cr Scott Henschen

That South Burnett Regional Council

1. notes the project update report; and
2. approves the project scope extension under the available NWIDF project funding for the following components:
 - a) Barlil Weir and West Barambah Weir – Detailed Business Case Funding Application;
 - b) Investment Decision Analysis – Gordonbrook Dam Conversion;
 - c) Blackbutt Irrigation Project Advancement; and
 - d) Regional Sustainability Strategy.

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

Against: Nil

CARRIED 6/0

17 INFORMATION SECTION

17.1 DELEGATED AUTHORITY REPORTS (16 MARCH 2022 TO 31 MARCH 2022)

RESOLUTION 2022/505

Moved: Cr Gavin Jones
 Seconded: Cr Danita Potter

That the Delegated Authority report be received.

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

Against: Nil

CARRIED 6/0

17.2 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT

RESOLUTION 2022/506

Moved: Cr Danita Potter
 Seconded: Cr Kathy Duff

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

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

Against: Nil

CARRIED 6/0

Attendance:

At 1:40pm, Manager Kingaroy Transformation Project Aaron Meehan entered the meeting.
 At 1:40pm, Contractor Kingaroy Transformation Project Luke Cadwallader entered the meeting.

18 QUESTIONS ON NOTICE

18.1 QUESTION ON NOTICE

RESOLUTION 2022/507

Moved: Cr Kathy Duff
 Seconded: Cr Danita Potter

That Council receive and note the response to the question on notice raised by Councillor Gavin Jones at the Executive and Finance & Corporate Standing Committee meeting held 16 February 2022.

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

Against: Nil

CARRIED 6/0

Attendance:

At 1:41pm, Communications Officer Joanne Newbery left the meeting.

19 CONFIDENTIAL SECTION**RESOLUTION 2022/508**

Moved: Cr Danita Potter

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*:

19.1 Kingaroy Transformation Project Cost Review

This matter is considered to be confidential under Section 254J - c 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 the local government's budget 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.

19.2 Regional Roads and Technical Group Forward Program

This matter is considered to be confidential under Section 254J - i 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 a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State..

19.3 Development of Master Plan for 1 Pound Street, Kingaroy

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

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

Against: Nil

CARRIED 6/0

Attendance:

At 1:42pm, Manager Infrastructure Planning James Darcy returned to the meeting.

At 1:50pm, Personal Assistant Finance and Corporate Wendy Kruger entered the meeting.

At 1:50pm, Personal Assistant Finance and Corporate Wendy Kruger left the meeting.

At 1:54pm, Manager Corporate Services Carolyn Knudsen left the meeting.

At 1:55pm, Manager Corporate Services Carolyn Knudsen returned to the meeting.

At 2:12pm, Manager Corporate Services Carolyn Knudsen left the meeting.

At 2:15pm, Personal Assistant Finance and Corporate Wendy Kruger entered the meeting.

At 2:15pm, Personal Assistant Finance and Corporate Wendy Kruger left the meeting.

At 2:21pm, Manager Corporate Services Carolyn Knudsen returned to the meeting.

At 2:30pm, Manager Property Leanne Petersen left the meeting.

At 2:49pm, Manager Corporate Services Carolyn Knudsen left the meeting.

At 2:50pm, Manager Property Leanne Petersen returned to the meeting.

At 2:52pm, Manager Corporate Services Carolyn Knudsen returned to the meeting.

At 2:53pm, Manager Infrastructure Planning James Darcy left the meeting.

At 2:55pm, Manager Infrastructure Planning James Darcy returned to the meeting.

At 2:59pm, Executive Assistant Bree Hunt left the meeting.

At 3:01pm, Executive Assistant Bree Hunt returned to the meeting.
At 3:11pm, Cr Brett Otto left the meeting.
At 3:13pm, Acting General Manager Infrastructure Tim Low left the meeting.
At 3:14pm, Acting General Manager Infrastructure Tim Low returned to the meeting.
At 3:15pm, Cr Brett Otto returned to the meeting.
At 3:22pm, Manager Corporate Services Carolyn Knudsen left the meeting.
At 3:30pm, Cr Gavin Jones left the meeting.
At 3:32pm, Cr Gavin Jones returned to the meeting.

RESOLUTION 2022/509

Moved: Cr Brett Otto
Seconded: Cr Scott Henschen

That Council moves out of Closed Council into Open Council.

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

Against: Nil

CARRIED 6/0

Attendance:

At 3:36pm, Acting Manager Planning and Environment Michael Lisle left the meeting.

19.1 KINGAROY TRANSFORMATION PROJECT COST REVIEW

RESOLUTION 2022/510

Moved: Cr Gavin Jones
Seconded: Cr Danita Potter

That South Burnett Regional Council:

1. Note the report regarding current impacts of construction industry inflation, wet weather, disaster events and current market considerations regarding the KTP and Officer's advice that the impact could be in the order of \$1.5M to \$2M;
2. Budget for an additional \$900,000 from 22/23 funded transport depreciation with funds to be adjusted and brought forward if necessary if progress on the project continues to accelerate; and
3. Note the change of scope in the report delegate to the Chief Executive Officer to purchase proprietary civil products and amend landscape plans where appropriate.

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

Against: Crs Brett Otto and Kathy Duff

CARRIED 4/2

19.2 REGIONAL ROADS AND TECHNICAL GROUP FORWARD PROGRAM

RESOLUTION 2022/511

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That South Burnett Regional Council support Transport and Main Roads to adjust the order of current approved TIDS projects within the South Burnett if proposed to the Regional Roads and Technical Group.

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

Against: Nil

CARRIED 6/0

19.3 DEVELOPMENT OF MASTER PLAN FOR 1 POUND STREET, KINGAROY

RESOLUTION 2022/512

Moved: Cr Danita Potter

Seconded: Cr Gavin Jones

That South Burnett Regional Council:

1. Resolve not to award Tender SBRCQ21/22-71
2. That 1 Pound Street be retained in the interim, pending the outcome of Council’s Resources, Community Infrastructure Fund Round 2 grant application.

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

Against: Cr Kirstie Schumacher

CARRIED 5/1

Attendance:

At 3:39pm, Acting Manager Planning and Environment Michael Lisle returned to the meeting.

20 CLOSURE OF MEETING

The Meeting closed at 3:39pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 May 2022.

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CHAIRPERSON