



MINUTES

**Ordinary Council Meeting
Wednesday, 23 November 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, 23 NOVEMBER 2022 AT 9.00AM**

PRESENT:

Councillors:

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

Council Officers:

Mark Pitt (Chief Executive Officer), Susan Jarvis (General Manager Finance & Corporate), Peter O'May (General Manager Liveability), Aaron Meehan (General Manager Infrastructure), Kerri Anderson (Manager of Finance & Sustainability).

1 OPENING

The Mayor opened the meeting and welcomed all attendees.

2 LEAVE OF ABSENCE / APOLOGIES

Nil.

3 PRAYERS

A representative of the Church of Christ Murgon, Glen Vonhoff 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

Cr Schumacher noted to the meeting in relation to **Item 11.2 – Rogers Drive Kingaroy** that she is currently house sitting as a temporary arrangement near Rogers Drive, Kingaroy. The Meeting noted that it was not a declarable conflict of interest given its temporary status and is no benefit or loss to the Councillor.

I, Mayor 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 15.7 - Request to Hire Kingaroy Town Hall for Christmas Day and New Years Eve** and fees be waived. The nature of my interest is as follows: This declarable conflict of interest arises as I am making a personal contribution to this project. 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 OCTOBER 2022

RESOLUTION 2022/232

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

1. That the Minutes of the Council Meeting held on 26 October 2022 be received and the recommendations therein be adopted.

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

Against: Nil

CARRIED 7/0

8 BUSINESS OUTSTANDING

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

RESOLUTION 2022/233

Moved: Cr Kathy Duff

Seconded: Cr Gavin Jones

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

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

Against: Nil

CARRIED 7/0

9 NOTICES OF MOTION

Nil.

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

10.1 POWERLINK QUEENSLAND BURNETT STAKEHOLDER REFERENCE GROUP

RESOLUTION 2022/234

Moved: Cr Kathy Duff

Seconded: Cr Gavin Jones

That South Burnett Regional Council notes Cr Schumacher's invitation to be a member of the Powerlink Burnett Stakeholder Committee and endorses her appointment as Council's representative.

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

Against: Nil

CARRIED 7/0

10.2 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL CONDUCT OF COUNCIL & COMMITTEE MEETINGS POLICY - STATUTORY017

RESOLUTION 2022/235

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That the South Burnett Regional Council Conduct of Council & Committee Meetings Policy – Statutory017 be adopted as presented.

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

Against: Nil

CARRIED 7/0

10.3 SBRC 2223_06 TRAFFIC MANAGEMENT - PREFERRED SUPPLIER AGREEMENT

RESOLUTION 2022/236

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That South Burnett Regional Council, based on the evaluation panels assessment of all offers, appoint both South Burnett Security and Traffic Control and Traffic Management People (TMP) as preferred suppliers for the supply and delivery of traffic control services for a twenty-four (24) month period.

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

Against: Nil

CARRIED 7/0

10.4 2022 FINAL MANAGEMENT LETTER FOR SOUTH BURNETT REGIONAL COUNCIL

RESOLUTION 2022/237

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That the South Burnett Regional Council 2022 Final Management Letter as attached be received and noted.

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

Against: Nil

CARRIED 7/0

10.4.1 QUESTION ON NOTICE - AUDIT FEE

Question on Notice Received from Cr Kirstie Schumacher:

The Audit Fee that is listed in the report was it budgeted for in this year's budget?

10.5 MONTHLY FINANCIAL INFORMATION - OCTOBER 2022

RESOLUTION 2022/238

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

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

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

Against: Nil

CARRIED 7/0

Attendance:

At 9:50am, Cr Danita Potter left the meeting.

At 9:52am, Cr Danita Potter returned to the meeting.

10.6 FINANCIAL ASSISTANT GRANTS – GRANTS COMMISSION

RESOLUTION 2022/239

Moved: Cr Gavin Jones

Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council:

1. Support the LGAQ Policy Executive in their advocacy of the resolutions adopted at the 2022 State Conference; and
2. Amends the adopted budget at the second quarter review to reflect and account for a 50% early payment of the 2023/24 Financial Year Financial Assistance Grant Allocation.

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

Against: Nil

CARRIED 7/0

10.6.1 QUESTION ON NOTICE - SURVEY

Question on Notice Received from Cr Kirstie Schumacher:

Can a copy of the LGAQ Cost Shifting Survey be forwarded to all the Councillors when the feedback is finalised?

MOTION

RESOLUTION 2022/240

Moved: Cr Brett Otto

Seconded: Cr Danita Potter

That item 10.7 of the late agenda be addressed as the next item on the agenda.

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

Against: Nil

CARRIED 7/0

Attendance:

At 10:26am, Communications Officer Joanne Newbery left the meeting.

At 10:28am, Communications Officer Joanne Newbery returned to the meeting.

10.7 MINISTERIAL DEPUTATIONS

RESOLUTION 2022/241

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That South Burnett Regional Council support the participation of the Mayor in the LGAQ Deputation to Parliament House Brisbane on 1 December 2022.

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

Against: Nil

CARRIED 7/0

RESOLUTION 2022/242

Moved: Cr Kirstie Schumacher

Seconded: Cr Gavin Jones

That South Burnett Regional Council support Cr Schumacher's attendance as an observer in the LGAQ Deputation to Parliament House Brisbane on 1 December 2022.

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

Against: Nil

CARRIED 7/0

Mayoral Statement in relation to **item 10.7 – Ministerial Deputations Resolution 2022/242** – Request for Cr Kirstie Schumacher to attend as an observer. Advice from the CEO of LGAQ that only one (1) delegate is able to attend and that is the Mayor. Therefore resolution is redundant.

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

11.1 KINGAROY CBD SMOKING RESTRICTIONS COMMUNITY CONSULTATION

RESOLUTION 2022/243

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That;

1. Signage be installed where appropriate to reinforce current restriction under the *Tobacco and Other Smoking Products Act 1998*.
2. Restrict smoking to all of its structures and open spaces in the Kingaroy CBD that meet the requirements under the *Tobacco and Other Smoking Products Act 1998*.
3. Engage with Queensland Police and Queensland Health to increase enforcement of restrictions under the *Tobacco and Other Smoking Products Act 1998*.
4. Review the need to further develop a local law for further smoking powers in its future review of local laws.
5. Consider placing infrastructure that encourages compliance with Queensland Smoking Laws and minimises impact on businesses and supports people who prefer to smoke.

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

Against: Cr Scott Henschen

CARRIED 6/1

ADJOURN MORNING TEA

RESOLUTION 2022/244

Moved: Cr Brett Otto

Seconded: Cr Danita Potter

That the meeting adjourn for morning tea.

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

Against: Nil

CARRIED 7/0

RESUME MEETING

RESOLUTION 2022/245

Moved: Cr Brett Otto

Seconded: Cr Scott Henschen

That the meeting resume at 11am.

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

Against: Nil

CARRIED 7/0

11.2 ROGERS DRIVE KINGAROY

RESOLUTION 2022/246

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That South Burnett Regional Council seek feedback from Rodgers Drive landowners and business operators on the options for traffic within the report.

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

Against: Nil

CARRIED 7/0

11.3 RED TANK AND NORDS ROAD RFI

RESOLUTION 2022/247

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That South Burnett Regional Council:

1. Review to submit the Red Tank and Nord's Road Reconstruction of Essential Public Assets (REPA) applications at the earliest opportunity.
2. Any additional work necessary to improve these roads for safety reasons as identified by onsite meetings with road users be also done as a matter of urgency.
3. Council undertake preliminary design for potential capital as part of the second quarter budget review for improvement to the vertical geometry of the culvert on Red Tank Road.
4. Consider the eligibility of flood way improvement to Nord Road as part of a REPA betterment works submission.

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

Against: Nil

CARRIED 7/0

11.4 KUMBIA STREETSCAPE PROJECT UPDATE

RESOLUTION 2022/248

Moved: Cr Scott Henschen

Seconded: Cr Gavin Jones

That Council note the report as presented.

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

Against: Nil

CARRIED 7/0

11.5 REVISED CAPITAL WORKS PROGRAM

RESOLUTION 2022/249

Moved: Cr Gavin Jones

Seconded: Cr Danita Potter

That South Burnett Regional Council consider a revised capital works and prioritised program for all works where possible including its Restoration of Essential Public Assets (REPA) at the February second quarter review and February Budget Committee meeting.

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

Against: Nil

CARRIED 7/0

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

12.1 CHANGE OF COUNCIL REPRESENTATIVE OF THE ARTS, CULTURE AND HERITAGE ADVISORY COMMITTEE

RESOLUTION 2022/250

Moved: Cr Danita Potter

Seconded: Cr Gavin Jones

That Cr Duff as the Deputy Chair of the Arts, Culture and Heritage Advisory Committee be replaced by Cr Erkens in alignment with the Arts, Culture and Heritage Terms of Reference.

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

Against: Nil

CARRIED 7/0

12.2 EXPO 88 STATUE RESCUING CAPTAIN BLIGH

RESOLUTION 2022/251

Moved: Cr Jane Erkens

Seconded: Cr Kathy Duff

That South Burnett Regional Council advise the Legacy of EXPO 88 organisation that Council is not able to accept and display the EXPO 88 statue "*Rescuing Capitan Bligh*"

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

Against: Nil

CARRIED 7/0

12.3 LICENCE TO OCCUPY - LES MULLER HUT - BLACKBUTT

RESOLUTION 2022/252

Moved: Cr Gavin Jones

Seconded: Cr Danita Potter

That:

1. The South Burnett Regional Council resolves the exception in *Local Government Regulation 2012 section 236 (1)(b)(ii)* applies to Council for the disposal by way of grant of a Licence to Occupy to the valuable non-current asset which is the land comprising part of Lot 1 on RP120337, to the Bloomin Beautiful Blackbutt Festival Inc., a community organisation, other than by way of tender or auction, for a term of 1 year with an option of a further term of 1 year on terms agreed between Council and the Bloomin Beautiful Blackbutt Festival Inc.
2. The South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the Licence to Occupy between Council and the Bloomin Beautiful Blackbutt Festival Inc. on terms and conditions that the Chief Executive Officer reasonably considers are satisfactory to Council.

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

Against: Nil

CARRIED 7/0

13 PORTFOLIO - NATURAL RESOURCE MANAGEMENT, RURAL SERVICES, AGRICULTURAL INNOVATION, COMPLIANCE AND ENVIRONMENTAL HEALTH

13.1 DOG REGISTRATION WRITE OFF

RESOLUTION 2022/253

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That South Burnett Regional Council approve the write off approximately \$54,000 for outstanding dog registrations for the 2021/2022 year and that this be accounted for in Council's Compliance 2022/2023 budget.

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

Against: Nil

CARRIED 7/0

13.1.1 MEDIA RELEASE - DOG REGISTRATION WRITE OFF

RESOLVED 2022/254

That a media release be drafted and sent in relation to a breakdown of the costs associated with the \$54,000 dog registration write off.

14 PORTFOLIO - DISASTER MANAGEMENT, WASTE AND RECYCLING MANAGEMENT

14.1 SOUTH BURNETT WATER FEASIBILITY PHASE TWO

RESOLUTION 2022/255

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That South Burnett Regional Council:

- Receive the South Burnett Water Feasibility Phase Two (2) Report for information and note that the purpose of the stakeholder engagements held on 2 and 3 November were targeted at the stakeholders who had engaged in or been part of progressing our identified projects e.g., Gordonbrook Dam Irrigation Scheme, Blackbutt Irrigation Scheme, Barlil and Barambah Weirs project; and
- Further that broader community engagement be undertaken through community briefings for those areas not included in the targeted information sessions.

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

Against: Nil

CARRIED 7/0

14.2 GRANT APPLICATION – STATE EMERGENCY SERVICE (SES) SUPPORT GRANT 2023-2024

RESOLUTION 2022/256

Moved: Cr Danita Potter

Seconded: Cr Gavin Jones

That South Burnett Regional Council:

1. Develop and submit an application to the Queensland Fire and Emergency Services (QFES) for funding the following capital works under the SES Support Grant (2023-24):
 - Blackbutt SES - Main building - new roof over office and carport.
 - Blackbutt SES - Store building - new ceiling to the store area.
2. Approve a capital works program allocation of \$100,000 for the capital works planned (per above) at the Blackbutt SES facility and subject to the grant application being approved, the current capital budget amended in the 3rd quarter capital budget review to enable the execution of the project.

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

Against: Nil

CARRIED 7/0

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

15.1 KINGAROY MEMORIAL PARK - DOG PARK RELOCATION

RESOLUTION 2022/257

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That:

1. The options for a new dog park location be discussed whilst implementing the Kingaroy Memorial Park and Pool Masterplan community consultation over the next 3 months.
2. A report be brought back to the Infrastructure, Environment and Compliance Standing Committee meeting in March 2023 on the preferred option for dog park location in Kingaroy.

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

Against: Nil

CARRIED 7/0

15.2 PETITION - MURGON DOG PARK

RESOLUTION 2022/258

Moved: Cr Kathy Duff

Seconded: Cr Gavin Jones

That: -

1. Public consultation be undertaken to seek community input into possible location of a dog park.
2. A dog park in Murgon be designed and costed for consideration in the 2023-24 budget

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

Against: Nil

CARRIED 7/0

15.3 QEII PARK - DESIGN PLAN

RESOLUTION 2022/259

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That South Burnett Regional Council

1. Adopt the draft design of QEII Park, Murgon (noting any final community feedback from a park pop up morning tea with Councillors before Christmas), Concept Plan Eastern End Section,
2. Provide the additional funding in the 2022/23 Capital Works Program to enable the full completion of stage one of the QEII Park Redevelopment in Murgon,
3. Provides the total estimated project cost of \$316,000 and endorses the allocation of \$290,000 from the Works for Queensland funding, for Stage One Eastern End of the QE11 Park Redevelopment,
4. Allocates the underspend from Works for Queensland Project Wondai Amenities Upgrades of \$26,000 to the QE11 Park Redevelopment Stage One Eastern End.

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

Against: Nil

CARRIED 7/0

15.4 OPTIONS FOR PROSTON SWIMMING POOL

RESOLUTION 2022/260

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That South Burnett Regional Council engage the Wondai pool manager to open and operate the Proston Swimming Pool every Thursday during the Queensland 2022-23 summer school holidays, from 1pm to 6pm, at a cost to Council of \$265.00 per week.

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

Against: Nil

CARRIED 7/0

15.5 GOODGER SCHOOL - LAND RESERVE

RESOLUTION 2022/261

Moved: Cr Danita Potter

Seconded: Cr Gavin Jones

That South Burnett Regional Council:

1. Advise the Department of Resources that, to its knowledge, the named Trustees of the Reserve for Public Hall, being Lot 186 on FY850, are all deceased.
2. Public consultation be undertaken to advise the community of the current situation and future options.

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

Against: Nil

CARRIED 7/0

15.6 KINGAROY DEPOT WORKSHOP - ROLLER DOOR REPLACEMENT

RESOLUTION 2022/262

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That South Burnett Regional Council:

1. Agree to replace the roller door to prevent safety and security issues; and
2. Re-allocate the cost of replacement, \$23,400 from the Cloyna Hall Capex Budget and that this capital item be placed in the 2023-2024 capital programme; and
3. That the drainage be addressed at the Cloyna Hall with the remaining fund allocation of \$56,600 (\$80,000 less the \$23,400) and any funds left over after the drainage works to be utilised on commencing the hall restorations.

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

Against: Nil

CARRIED 7/0**Attendance:**

At 12:17 pm, Cr Brett Otto left the meeting due to an COI and Deputy Mayor Jones took the chair.

15.7 REQUEST TO HIRE KINGAROY TOWN HALL FOR CHRISTMAS DAY AND NEW YEARS EVE AND FEES BE WAIVERED.

RESOLUTION 2022/263

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That South Burnett Regional Council waive the fees for the Kingaroy Reception Room for the South Burnett Peace of Mind Association should they wish to use it through the Christmas and New Year period.

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

Against: Nil

CARRIED 6/0

Attendance:

At 12:18 pm, Cr Brett Otto returned to the meeting and resumed the chair.

15.8 DEVELOPMENT OF MEN'S SUPPORT GROUP - KINGAROY

RESOLUTION 2022/264

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That South Burnett Regional Council waive the fees of the hire of the Kingaroy Town Hall Reception Room for a trial period of 3 months.

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

Against: Nil

CARRIED 7/0

MOTION

RESOLUTION 2022/265

Moved: Cr Brett Otto

Seconded: Cr Gavin Jones

That item 15.9 from the late agenda be addressed as the next item of the agenda.

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

Against: Nil

CARRIED 7/0

15.9 TRUSTEE LEASE OF NANANGO SKATE RINK

RESOLUTION 2022/266

Moved: Cr Gavin Jones

Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council:

1. In accordance with s236(1)(b)(ii) of the Local Government Regulation 2012, enter into a Trustee Lease with Queensland Blue Light Association Incorporated for Part of Lot 346 on SP313160 for a term of ten (10) years for rental amount of \$75.00 per annum (GST exclusive).
2. Delegates to the Chief Executive Officer the power to negotiate finalise and execute the Trustee Lease between Council and the Queensland Blue Light Association Incorporated on term and conditions the Chief Executive Officer reasonably considers are satisfactory to Council.
3. Notes that the Trustee Lease may be subject to approval from the Department of Resources in accordance with the *Land Act 1994 (Qld)*
4. Approves a sub-lease to Mr Peter Thomson for the purpose of operating a Recreational Facility for community benefit.

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

Against: Nil

CARRIED 7/0

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

16.1 CAPITAL WORKS - COOLABUNIA SALEYARDS AND CEMETERIES

RESOLUTION 2022/267

Moved: Cr Kathy Duff

Seconded: Cr Jane Erkens

That;

1. Reallocation of \$67,777 from Council's Capital Budget for 2022/23 from Cemetery projects be allocated to the Coolabunia Saleyards
2. Allocation of \$78,223 from Council's Capital Budget for 2022/23 be allocated to Coolabunia Saleyards
3. The capital works for the Taabinga Cemetery carpark reseal, Taabinga Cemetery expansion, Proston expansion and road be deferred to the 2023/24 capital works program.
4. The capital works projects for Coolabunia Saleyards of full replacement of elevated catwalks (timber to steel), replacement of additional holding yards and replacement tank, and renewal of scales office be considered in 2023/24 capital works program.

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

Against: Nil

CARRIED 7/0

17 PORTFOLIO - REGIONAL DEVELOPMENT, DEVELOPMENT SERVICES, COMMUNITY & SOCIAL HOUSING**17.1 BUNYA MOUNTAINS WORKFORCE SHORTAGE**

RESOLUTION 2022/268

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That South Burnett Regional Council to provide a supporting letter to the Hon. David Littleproud, Leader of the Nationals and Shadow Minister for Agriculture, supporting the Bunya Mountains Tavern's request for the postcode to be recognised as a 'Outer Regional Area'.

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

Against: Nil

CARRIED 7/0

17.2 RECONFIGURING A LOT (1 LOT INTO 3 LOTS) AT 163 BOWMAN ROAD, BLACKBUTT NORTH (AND DESCRIBED AS LOT 94 ON RP891602) - APPLICANT: F & J GREEN C/- ONF SURVEYORS

RESOLUTION 2022/269

Moved: Cr Gavin Jones

Seconded: Cr Jane Erkens

Resolution 1

That in line with the Liveability, Governance and Finance Standing *Committee's Resolution 2022/27*, the application be approved subject to the Council developing suitable conditions and adopted infrastructure charges notice.

The reasons for Council's consideration of this approval are:

1. Having regards to the submissions and considering part of the common material presented in the report that there is merit in the proposal to address a need for lifestyle related rural lots in Blackbutt.
 2. It is a relevant matter that there is a community need and promotion of community wellbeing through the development of lifestyle blocks for the Blackbutt area
 3. Having regards to the Common Material, 5 properly made submissions were in the positive and note of Property Centre and Main Street Realty submissions note the demand for property, particularly given the issues associated with a lack of residential accommodation within Blackbutt and the South Burnett Regional Council area
 4. The approval is adjacent to residential and would not fragment the area to any greater degree and support the density as proposed by the neighbouring properties – that is the development would be consistent with the neighbouring properties.
 5. We have a housing crisis in our region and demand for land is at a premium
 6. There is strong community support for this development
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In Favour: Crs Brett Otto, Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 7/0

RESOLUTION 2022/270

Moved: Cr Kirstie Schumacher

Seconded: Cr Gavin Jones

Resolution 2

That South Burnett Regional Council approve the reconfiguring a Lot development permit (1 lot into 3 lots) at 163 Bowman Road, Blackbutt North (and described as Lot 94 on RP891602) - Applicant: F & J Green C/- ONF Surveyors subject to the following conditions:

GENERAL

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

Drawing Title				
Proposed Subdivision	Prepared by ONF Surveyors	163 Bowman Rd BLACKBUTT	10645P/1	Sheet 1 of 1

DEVELOPMENT PERIOD - RAL

GEN2. The currency period for this development approval for reconfiguring a lot is four (4) years after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

GENERAL

RAL1. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

RAL2. All conditions of this approval are to be satisfied prior to Council endorsing the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

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

RAL3. Prior to sealing the Plan of Survey the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the *Planning Act Regulation 2017*.

RAL4. Prior to the sealing of the Plan of Survey the applicant is to provide a certificate signed by a licensed surveyor stating that after the completion of all works associated with the reconfiguration, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the Plan of Survey.

VALUATION FEES

- RAL5. Payment of Department of Natural Resources, Mines and Energy valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$50.00 per lot however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

ENGINEERING WORKS

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, relevant Australian Standards, relevant design manuals.
- ENG3. Be responsible for any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

- ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

- ENG6. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG7. 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).
- ENG8. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

WATER SUPPLY

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- ENG9. All future dwellings shall provide a suitable water supply in accordance with the requirements of the SBRC Planning Scheme.

ON-SITE WASTEWATER DISPOSAL

- ENG10. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Waste Water Code.

Timing: Prior to the issue of a Building Approval for a future Dwelling on the proposed lots.

VEHICLE ACCESS

- ENG11. For each lot, design and construct a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. SBRC 00049.

TELECOMMUNICATION

- ENG12. Provide telecommunications to all lots within the development.

ELECTRICITY

- ENG13. Design and provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.
- ENG14. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

EARTHWORKS – GENERAL

- ENG15. Earthworks per site involving cut or fill greater than 1 metre in height, or earthworks involving more than 50m³ requires an Operational Work application.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG16. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
- ENG17. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

ADVICE

- ADV1. Section 85(1)(b) of the *Planning Act 2016* provides that, if this approval is not acted upon within a period of four (4) years, the approval will lapse.
- ADV2. 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.

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

INFRASTRUCTURE CHARGES

- ADV4. Infrastructure charges are levied by way of an infrastructure charges notice pursuant to section 119 of the *Planning Act 2016*.

DEVELOPER INCENTIVE

- ADV5. This development is an '*eligible development*' for the purposes of the current Development Incentives Scheme available between 1 December 2020 and 31 December 2023.

HERITAGE

- ADV6. 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.

APPEAL RIGHTS

- ADV7. 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, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 7/0

18 INFORMATION SECTION

Nil

19 QUESTIONS ON NOTICE

Nil

Attedance:

At 12:42pm, Communications Officer Joanne Newbery left the meeting.

20 CONFIDENTIAL SECTION

RESOLUTION 2022/271

Moved: Cr Scott Henschen
Seconded: Cr Danita Potter

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

20.1 Kingaroy Transformation Project Final Costs

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

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

Against: Nil

CARRIED 7/0

Attendance:

At 12:43pm, General Manager Liveability Peter O'May left the meeting.
At 12:45pm, Mayor Brett Otto left the meeting.
At 12:45pm, Cr Kirstie Schumacher left the meeting.
At 12:45pm, General Manager Finance & Corporate Susan Jarvis left the meeting.
At 12:47pm, General Manager Liveability Peter O'May returned to the meeting.
At 12:47pm, Executive Assistant Kimberley Donohue left the meeting.
At 12:49pm, Executive Assistant Kimberley Donohue returned to the meeting.
At 12:49pm, Mayor Brett Otto returned to the meeting.
At 12:49pm, Cr Kirstie Schumacher returned to the meeting.
At 12:45pm, General Manager Finance & Corporate Susan Jarvis returned to the meeting.
At 1:05pm, Cr Gavin Jones left the meeting.
At 1:07pm, Cr Gavin Jones returned to the meeting.

RESOLUTION 2022/272

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, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 7/0

MOTION

MOTION

Moved: Cr Kirstie Schumacher

Seconded: Cr Jane Erkens

That item 20.1 lay on the table until the Councillors receive the full scope of the project.

In Favour: Crs Jane Erkens and Kirstie Schumacher

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

LOST 2/5

20.1 KINGAROY TRANSFORMATION PROJECT FINAL COSTS

MOTION

Moved: Cr Gavin Jones

Seconded: Cr Danita Potter

That South Burnett Regional Council:

1. Note the impact to the Kingaroy Transformation project by the fifth declared disaster event and record CPI and construction inflation over the project ranging between 12% to 25.7%;
2. Note the expected total increase to the construction budget of between 7% and 8.3% (inclusive of April 2022 increase); and
3. Adopt the revised final scope with an additional \$80,000 to \$260,000 at the fourth quarter review by advancing funded depreciation as required from the 2023/24 budget.

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

Against: Crs Brett Otto, Jane Erkens, Kirstie Schumacher and Kathy Duff

LOST 3/4

21 CLOSURE OF MEETING

The Meeting closed at 2:05pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 14 December 2022.

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CHAIRPERSON