



SOUTH BURNETT

REGIONAL COUNCIL

MINUTES

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

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**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY
ON WEDNESDAY, 24 JANUARY 2024 AT 9:00AM**

PRESENT:

Councillors:

Cr Gavin Jones (Acting 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), Aaron Meehan (General Manager Infrastructure), Leanne Petersn (Acting General Manager Liveability), Kerri Anderson (Manager Finance & Sustainability), Louise Reidy (Strategic Procurement Coordinator), Debra Moore (Manager Community & Lifestyle), Cathy Jackson (Lease Officer), David Hursthouse (Coordinator Development Services), Justin Crick (Engineer Contractor), Tiarna Hurt (Executive Assistant).

1 OPENING

Acting Mayor Jones opened the meeting and welcomed attendees.

2 LEAVE OF ABSENCE / APOLOGIES

MOTION

RESOLUTION 2024/234

Moved: Cr Gavin Jones

Seconded: Cr Kathy Duff

That the apology received from Mayor Otto be accepted and leave of absence granted to the 16 March 2024.

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

Against: Nil

CARRIED 6/0

3 PRAYERS

A representative of Kingaroy Church of Christ, Andy Dunkin offered prayers for Council and for the conduct of the Council meeting.

4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

5 DECLARATION OF INTEREST

I, Cr Kirstie Schumacher inform this meeting that I have a declarable conflict of interest in relation to **Item 17.1 Material Change of Use - Residential Care Facility (General Care Units, NDIS Units, Palliative Care Units and Dementia Care Units), Health Care Services, Hospital (plus 42 x Ancillary Short-Term Staff Accommodation, Cafe and Florist) and Child Care Centre (50 Enrolments), at 25 & 31 Markwell Street & 7 Glendon Street, Kingaroy (and described as Lot 1 on RP42037, Lot 1 on RP57027, Lots 2 & 3 on RP7925 & Lots 4 & 5 on SP146001) - Applicant: Ethos Health Care Pty Ltd & C 59 Pty Ltd C/- Isaac Consulting Pty Ltd.**

The nature of my interest is as follows: This declarable conflict of interest arises due to being a board member of the South Burnett Community Hospital Foundation.

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 INFRASTRUCTURE, ENVIRONMENT AND COMPLIANCE STANDING COMMITTEE MEETING HELD ON 29 NOVEMBER 2023

RESOLUTION 2024/235

Moved: Cr Jane Erkens

Seconded: Cr Scott Henschen

That the Minutes of the Infrastructure, Environment and Compliance Standing Committee Meeting held on 29 November 2023 be received.

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

Against: Nil

CARRIED 6/0

7.2 MINUTES OF THE LIVEABILITY, GOVERNANCE AND FINANCE STANDING COMMITTEE MEETING HELD ON 6 DECEMBER 2023

RESOLUTION 2024/236

Moved: Cr Scott Henschen

Seconded: Cr Jane Erkens

That the Minutes of the Liveability, Governance and Finance Standing Committee Meeting held on 6 December 2023 be received.

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

Against: Nil

CARRIED 6/0

7.3 MINUTES OF THE COUNCIL MEETING HELD ON 13 DECEMBER 2023

RESOLUTION 2024/237

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That the Minutes of the Council Meeting held on 13 December 2023 be received and the recommendations therein be adopted.

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

Against: Nil

CARRIED 6/0

8 NOTICES OF MOTION

Nil

9 BUSINESS OUTSTANDING

9.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

RESOLUTION 2024/238

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

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

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

Against: Nil

CARRIED 6/0

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

10.1 ACTING CHIEF EXECUTIVE OFFICER

RESOLUTION 2024/239

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That South Burnett Regional Council approves the Chief Executive Officer leave from Thursday 15 February 2024 to Friday 23 February 2024 inclusive with a return-to-work date of 26 February 2024. and appoints the General Manager Finance & Corporate as Acting Chief Executive Officer.

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

Against: Nil

CARRIED 6/0

10.2 SECOND QUARTER BUDGET REVISION

RESOLUTION 2024/240

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

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

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

Against: Nil

CARRIED 6/0

10.3 MONTHLY FINANCIAL INFORMATION

RESOLUTION 2024/241

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That the monthly Financial Report including Capital Works and Works for Queensland (W4Q4) as at 31st December 2023 be received and noted.

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

Against: Nil

CARRIED 6/0

10.3.1 QUESTION ON NOTICE - CAPITAL WORKS

Question on Notice from Cr Duff:

Have the dirty water requests from the christmas period been completed?

Attendance:

At 9:24am, Strategic Procurement Coordinator Louise Reidy entered the meeting.

10.4 QUOTE SBRCQ 2023/24-14 - REPLACE WHEEL LOADER 1507

RESOLUTION 2024/242

Moved: Cr Scott Henschen

Seconded: Cr Jane Erkens

That South Burnett Regional Council purchase from RDO Equipment, one (1) John Deere 624K-!! for \$427,000 excluding GST.

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

Against: Crs Kirstie Schumacher and Kathy Duff

CARRIED 4/2

10.5 CENTRALISED PROCUREMENT UPDATE

RESOLUTION 2024/243

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That Council accept this report for information and endorses the following recommendations:

1. That Council adopt the centralised procurement model outlined in the report
2. That Council review and implement identified improvement opportunities to deliver the future state for medium and large contractual arrangements as presented in this report.
3. That Council commence a process to transition purchasing from functional areas to the Procurement Team

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

Against: Cr Kathy Duff

CARRIED 5/1

10.6 CONTRACTS ENTERED INTO OVER \$200,000 2023/2024 FINANCIAL YEAR TO DATE

RESOLUTION 2024/244

Moved: Cr Danita Potter
Seconded: Cr Kirstie Schumacher

That the report be received for information.

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

Against: Nil

CARRIED 6/0

Attendance:

At 9:59am, Strategic Procurement Coordinator Louise Reidy left the meeting.

10.7 2023 FINAL MANAGEMENT LETTER FOR SOUTH BURNETT REGIONAL COUNCIL

RESOLUTION 2024/245

Moved: Cr Kirstie Schumacher
Seconded: Cr Scott Henschen

That the South Burnett Regional Council 2023 Final Management Letter be received and noted.

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

Against: Nil

CARRIED 6/0

10.8 CRM STATISTICS

RESOLUTION 2024/246

Moved: Cr Danita Potter
Seconded: Cr Kirstie Schumacher

That the report be received for information

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

Against: Nil

CARRIED 6/0

10.8.1 QUESTION ON NOTICE - CLOSED OFF CUSTOMER REQUEST

Question on notice from Cr Duff:

Are road requests closed off because the works have been completed or have they just been scheduled for future works?

10.9 SOUTH BURNETT REGIONAL COUNCIL OPERATIONAL PLAN 2023/2024 2ND QUARTER REVIEW

RESOLUTION 2024/247

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That the South Burnett Regional Council Operational Plan 2023/2024 2nd Quarter Review be adopted as presented.

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

Against: Nil

CARRIED 6/0

10.10 LOCAL LAW (REPEALING) LOCAL LAW (NO. 1) 2023 SUBORDINATE LOCAL LAW (REPEALING) SUBORDINATE LOCAL LAW (NO. 1) 2023

RESOLUTION 2024/248

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

South Burnett Regional Council resolves to propose to make each of the following: -

- (a) Local Law (Repealing) Local Law (No. 1) 2023; and
- (b) Subordinate Local Law (Repealing) Subordinate Local Law (No. 1) 2023.

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

Against: Nil

CARRIED 6/0

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

At 10:16am, Manager Finance and Sustainability Kerri Anderson left the meeting.

11.1 APPLICATION FOR PERMANENT ROAD CLOSURE FOR THE UNMAINTAINED ROAD ADJOINING LOT 7RP855767 MOFFATDALE

RESOLUTION 2024/249

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

1. That South Burnett Regional Council advise the applicant and the Department of Resources that:
 - (a) It objects to the application for the permanent road closure of the unmaintained road off Bond Street, Moffatdale which adjoins Lot 7 RP855767 and is shown in Attachment 1. However, will support a temporary road closure and road licence for the portion of land under the application. The reasons for this objection are as follows:
 - i The long-term usage of the sections of road reserve is unknown. The permanent closure may affect any future interconnection of roads, any necessary future infrastructure, and any potential new development in the area.
 - ii A temporary road closure enables the applicant to utilise the land whilst still allowing for future infrastructure potential.
 - (b) Should the Department Resources approve the proposed permanent road closure or a temporary road closure with road licence, that there be no cost to Council associated with the road closure.
2. Delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer or their delegate to finalise any and all matters associated with the application.
 - (a) Execute, as road manager, form Part C '*Statement in relation to an application under the Land Act 1994 over State land*' for the proposed permanent road closure.

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

Against: Nil

CARRIED 6/0

11.2 APPLICATION FOR THE PERMANENT ROAD CLOSURE FOR A SECTION OF UNMAINTAINED SECTION OF DUGDELL ROAD WHICH ADJOINS LOT 67 FY558

RESOLUTION 2024/250

Moved: Cr Danita Potter
Seconded: Cr Jane Erkens

That South Burnett Regional Council advise the applicant that:

- (a) It objects to the request for the permanent road closure of the section of Dugdell Road, Wengenville which adjoins Lot 67 FY558 and is shown in Attachment One. The reasons for this objection are as follows:
 - i The long-term usage of the sections of road reserve is unknown. The permanent closure may affect any future interconnection of roads, any necessary future infrastructure, and any potential new development in the area.
 - ii A temporary road closure enables the applicant to utilise the land whilst still allowing for future infrastructure potential.
 - (b) Should the Department of Resources approve the proposed permanent road closure, that there be no cost to Council associated with the road closure.
2. Delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer or their delegate to finalise any and all matters associated with the application.
- (a) Execute, as road manager, form Part C 'Statement in relation to an application under the Land Act 1994 over State land' for the proposed permanent road closure.

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

Against: Nil

CARRIED 6/0

11.3 FLOOD WARNING INFRASTRUCTURE NETWORK PROGRAM

RESOLUTION 2024/251

Moved: Cr Danita Potter
Seconded: Cr Kirstie Schumacher

That Council endorse the below nominated sites towards the collaborative Wide Bay Burnett's FWIN application:

- Kingaroy Burrandowan Road/ Boyne River – Rain, River, Camera and Signage
- Silverleaf Road/ Barambah Creek – River and Signage
- Burnett Highway/ Barambah Creek – Camera and Signage
- Upgrade Wilkesdale ERF Site – River, Camera and Signage
- Memerambi Gordonbrook Road /Coolieman Creek – Camera and Signage
- Brown Street Nanango - Signage

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

Against: Nil

CARRIED 6/0

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

Nil

ADJOURN MORNING TEA

RESOLUTION 2024/252

Moved: Cr Scott Henschen

Seconded: Cr Danita Potter

That the meeting adjourn for morning tea.

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

Against: Nil

CARRIED 6/0

RESUME MEETING

RESOLUTION 2024/253

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That the meeting resume at 10:53am

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

Against: Nil

CARRIED 6/0

Attendance:

At the resumption of the meeting, General Manager Infrastructure Aaron Meehan was not present.

At the resumption of the meeting, Manager Infrastructure Planning was not present.

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

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

MOTION

RESOLUTION 2024/254

Moved: Cr Gavin Jones
Seconded: Cr Scott Henschen

That the late agenda item 13.1 be dealt with now and item 17.1 be dealt with in section 17.

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

Against: Nil

CARRIED 6/0

Attendance:

At 10:56am, General Manager Infrastructure Aaron Meehan returned to the meeting.

At 10:59am, Lease Officer Cathy Jackson entered the meeting

L. 13.1 REQUEST TO APPLY FOR FUNDING UNDER THE QUEENSLAND FERAL PEST INITIATIVE.

RESOLUTION 2024/255

Moved: Cr Scott Henschen
Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council endorse the development of an application for funding under the Queensland Government Feral Pest Initiative Round (8) in partnership with other local governments, Natural Resource Management groups and Incorporated Industry organisations.

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

Against: Nil

CARRIED 6/0

14 PORTFOLIO - DISASTER MANAGEMENT, WASTE AND RECYCLING MANAGEMENT

14.1 WASTE STRATEGY 2023-2029

RESOLUTION 2024/256

Moved: Cr Danita Potter
 Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council resolves to adopt the Waste Strategy 2023-2029 as presented.

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

Against: Nil

CARRIED 6/0

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

15.1 REQUEST TO APPLY FOR THE COMMUNITY ENERGY UPGRADES FUND ROUND 1

RESOLUTION 2024/257

Moved: Cr Kirstie Schumacher
 Seconded: Cr Kathy Duff

That South Burnett Regional Council delegate to the Chief Executive Officer for a grant application to be submitted for funding under the Community Energy Upgrades Fund Round 1.

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

Against: Nil

CARRIED 6/0

Attendance:

At 11:24am, Coordinator Development Services David Hursthouse entered the meeting.

15.2 RENEWAL OF TERM LEASE - MEMERAMBI WASTE TRANSFER STATION - LOT 1 ON SP162935

RESOLUTION 2024/258

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That South Burnett Regional Council:

1. Accept the offer to renew the term lease of the Memerambi Waste Transfer Station being Lot 1 on SP162935 for a further 10-year term.
2. pursuant to *Section 257(1)(b)* of the *Local Government Act 2009*, the Council resolves to delegate to the Chief Executive Officer the power to negotiate, finalise and execute the Term Lease between the State and Council, on terms and conditions the Chief Executive Officer reasonably considers are satisfactory to Council.

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

Against: Nil

CARRIED 6/0

15.3 CONSIDERATION OF PUBLIC AUCTION FOR SURPLUS EQUIPMENT AND FURNITURE

RESOLUTION 2024/259

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That Council;

1. In accordance with Section 227-228 of the *Local Government Regulation 2012*, it is proposed Council offer surplus equipment and furniture for sale at public tender or auction.

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

Against: Nil

CARRIED 6/0

16 PORTFOLIO - TOURISM & VISITOR INFORMATION CENTRES, SPORT & RECREATION AND COMMERCIAL ENTERPRISES**16.1 GRANT APPLICATION - BUILDING BUSH TOURISM**

RESOLUTION 2024/260

Moved: Cr Jane Erkens
Seconded: Cr Scott Henschen

That South Burnett Regional Council delegate to the Chief Executive Officer for grant applications to be submitted for funding to the Building Bush Tourism fund.

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

Against: Nil

CARRIED 6/0

16.2 VISIT SOUTH BURNETT - 2023/2024 AGREEMENT

RESOLUTION 2024/261

Moved: Cr Kathy Duff
Seconded: Cr Jane Erkens

That the Visit South Burnett Partnership Agreement is lifted from the Table.

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

Against: Nil

CARRIED 6/0

RESOLUTION 2024/262

Moved: Cr Jane Erkens
Seconded: Cr Kathy Duff

That:

1. South Burnett Regional Council enters into an agreement (as amended) with Visit South Burnett Inc. for the 2023/2024 financial year for the purpose of delivering tourism initiatives, promotions of attractions and experiences and, development of planning documents that support sustainable tourism in the region.
2. South Burnett Regional Council engaged VSB inc. to provide additional services to produce the community tourism brochures and that this engagement is negotiated in addition to the partnership agreement.
3. South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the agreement between Council and Visit South Burnett Inc. on terms and conditions the Chief Executive Officer reasonably considers are satisfactory to Council.

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

Against: Nil

CARRIED 6/0

17 PORTFOLIO - REGIONAL DEVELOPMENT, DEVELOPMENT SERVICES, COMMUNITY & SOCIAL HOUSING

Attendance:

At 11:30am, Cr Schumacher left the meeting.

At 11:30am, Chief Executive Officer Mark Pitt left the meeting.

At 11:36am, Engineering Contractor Justin Crick entered the meeting.

At 11:30am, Planning Consultant Matthew Taylor entered the meeting via teams.

L. 17.1 MATERIAL CHANGE OF USE - RESIDENTIAL CARE FACILITY (GENERAL CARE UNITS, NDIS UNITS, PALLIATIVE CARE UNITS AND DEMENTIA CARE UNITS), HEALTH CARE SERVICES, HOSPITAL (PLUS 42 X ANCILLARY SHORT-TERM STAFF ACCOMMODATION, CAFE AND FLORIST) AND CHILD CARE CENTRE (50 ENROLMENTS), AT 25 & 31 MARKWELL STREET & 7 GLENDON STREET, KINGAROY (AND DESCRIBED AS LOT 1 ON RP42037, LOT 1 ON RP57027, LOTS 2 & 3 ON RP7925 & LOTS 4 & 5 ON SP146001) - APPLICANT: ETHOS HEALTH CARE PTY LTD & C 59 PTY LTD C/- ISAAC CONSULTING PTY LTD

RESOLUTION 2024/263

Moved: Cr Scott Henschen

Seconded: Cr Kathy Duff

That Council approve the Development Permit for Material Change of Use for a Staged Mixed-Use Development – Residential care facility, Health care services, Hospital, Child care centre and Food & Drink Outlets/Shop on land at 25 & 31 Markwell Street & 7 Glendon Street, Kingaroy (formally described as Lot 1 on RP42037, Lot 1 on RP57027, Lots 2 & 3 on RP7925 and Lots 4 & 5 on SP146001) – Applicant: Ethos Health Care Pty Ltd & C 59 Pty Ltd C/- Isaac Consulting Pty Ltd, subject to the following conditions:-

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:

APPROVED PLANS

Drawing Title	Prepared by	Drawing no.	Issue	Date
Stage 1 – Approved Plans				
Ground Floor – Stage 1	BLACK INK	SK-06	Issue 10	21 Dec 2023
Level 1 Plan – Stage 1	BLACK INK	SK-07	Issue 10	30 Nov 2023
Level 2 Plan – Stage 1	BLACK INK	SK-08	Issue 10	30 Nov 2023
Level 3 Plan – Stage 1	BLACK INK	SK-09	Issue 10	30 Nov 2023
Level 4 Plan – Stage 1	BLACK INK	SK-10	Issue 10	30 Nov 2023
Level 5 Plan – Stage 1	BLACK INK	SK-11	Issue 10	30 Nov 2023
Roof Plan – Stage 1	BLACK INK	SK-12	Issue 10	30 Nov 2023
Ground Floor Landscape Concept	AGLA	Sheet 2	Issue B	11 Oct 2023
Rooftop Landscape Concept Plan	AGLA	Sheet 8	Issue B	11 Oct 2023
Stage 2 – Approved Plans				
Ground Floor – Stage 2	BLACK INK	SK-13	Issue 10	15 Jan 2024

Level 1 Plan – Stage 2	BLACK INK	SK-14	Issue 10	30 Nov 2023
Level 2 Plan – Stage 2	BLACK INK	SK-15	Issue 10	30 Nov 2023
Level 3 Plan – Stage 2	BLACK INK	SK-16	Issue 10	30 Nov 2023
Level 4 Plan – Stage 2	BLACK INK	SK-17	Issue 10	30 Nov 2023
Level 5 Plan – Stage 2	BLACK INK	SK-18	Issue 10	30 Nov 2023
Roof Plan – Stage 2	BLACK INK	SK-19	Issue 10	30 Nov 2023
Ground Floor Landscape Concept	AGLA	Sheet 2	Issue B	11 Oct 2023
Level 2 Landscape Concept	AGLA	Sheet 4	Issue B	11 Oct 2023
Rooftop Landscape Concept Plan	AGLA	Sheet 8	Issue B	11 Oct 2023
Stage 3 – Approved Plans				
Ground Floor – Stage 3	BLACK INK	SK-20	Issue 10	15 Jan 2024
Level 1 Plan – Stage 3	BLACK INK	SK-21	Issue 10	30 Nov 2023
Level 2 Plan – Stage 3	BLACK INK	SK-22	Issue 10	30 Nov 2023
Level 3 Plan – Stage 3	BLACK INK	SK-23	Issue 10	30 Nov 2023
Level 4 Plan – Stage 3	BLACK INK	SK-24	Issue 10	30 Nov 2023
Level 5 Plan – Stage 3	BLACK INK	SK-25	Issue 10	30 Nov 2023
Roof Plan – Stage 3	BLACK INK	SK-26	Issue 10	30 Nov 2023
Ground Floor Landscape Concept	AGLA	Sheet 2	Issue B	11 Oct 2023
Level 2 Landscape Concept	AGLA	Sheet 4	Issue B	11 Oct 2023
Level 5 Landscape Concept	AGLA	Sheet 6	Issue B	11 Oct 2023
Rooftop Landscape Concept Plan	AGLA	Sheet 8	Issue B	11 Oct 2023
Section S01	BLACK INK	SK-29	Issue 09	05 Oct 2023
(Elevations 1) North Elevation	BLACK INK	SK-30	Issue 09	05 Oct 2023
(Elevations 1) East Elevation	BLACK INK	SK-30	Issue 09	05 Oct 2023
(Elevations 2) South Elevation	BLACK INK	SK-31	Issue 09	05 Oct 2023
(Elevations 2) West Elevation	BLACK INK	SK-31	Issue 09	05 Oct 2023
Landscaping Elevation Plans				
Landscape Section – Section – A	AGLA	Sheet 9	Issue B	11 Oct 2023
Landscape Elevations – South Elevation	AGLA	Sheet 10	Issue B	11 Oct 2023
Landscape Elevations – West Elevation	AGLA	Sheet 12	Issue B	11 Oct 2023

Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

DOCUMENTS REFERRED TO IN THIS APPROVAL (ALL STAGES)

- CRG ACOUSTICS Environmental Noise Impact Assessment_23062_Revision 2_ Dated 6 October 2023.
- Lambert & Rehbein (SEQ) Pty Ltd Traffic Impact Assessment (Letter) ref_B23192TL001.
- Lambert & Rehbein (SEQ) Pty Ltd - Waste Management – Proposed Health Precinct – Revision 1, Dated 14 September 2023.

STAGE 1 CONDITIONS

GENERAL

Unless otherwise amended by the following conditions.

-
- GEN2. All works including the repair or relocation of services (Telstra/lighting) are to be completed at no cost to council.
- GEN3. The applicant is required to maintain the site in a clean and orderly state at all times.
- GEN4. All existing lots are to be amalgamated into a single lot prior to the commencement of Stage 1's site works.

ADDITIONAL DRAWINGS (STAGE 1)

- GEN5. Prior to the commencement of Stage 1 works, provide detailed elevations of the intended Stage 1 building inclusive of the following:
- Confirm extent of façade treatments to be presented to Glendon Street frontage (east), & façade treatments closest to the adjoining property boundary (west).
 - Interim façade treatments to all blank walls exposed prior to enactment of subsequent Stages 2 & 3.

COMPLIANCE ASSESSMENT

- GEN6. All conditions of this approval are to be satisfied prior to Council issuing a compliance certificate for the commencement of the use and it's and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

Compliance certificate fee will be charged with payment required prior to council approval of the associated documentation requiring compliance assessment.

CONDITION TIMING

- GEN7. Unless stated otherwise, all conditions are to be complied with prior to commencement of the use and compliance maintained at all times while the use continues.

BUILDING MANAGEMENT STATEMENT

- GEN8. Ensure a Building Management Statement is registered on the title

The Building Management Statement must cover common building management items including but not limited to any shared:

- support, services and utilities;
- pedestrian and vehicle access;
- car parking including visitor and disabled spaces;
- vehicle servicing areas including loading docks;
- refuse storage and collection areas;
- storage areas;
- recreation areas

Timing: Prior to the occupancy of the building or issue of Certificate of Classification whichever occurs first.

- GEN9. The building management statement must be submitted to, and the content accepted by South Burnett Regional Council's 'Development Services'.
- GEN10. Lodge the accepted building Management Statement with the Registrar of Titles for the relevant Queensland State Government Authority.
- GEN11. Submit to South Burnett Regional Council's 'Development Services' evidence of the registration of the accepted Building Management Statement.

PLANNING

NATURE & EXTENT OF THE APPROVED USE

- MCU1. Stage 1 uses are limited to those identified on the approved plans (Ground Level through to Level 6).

- MCU2. Multi-Purpose Roofed Area (280m²) & Chapel (100m²), located on roof top must remain ancillary to the approved Residential care facility and Hospital only.
- MCU3. Existing buildings and ancillary components identified on 'Ground Floor – Stage 1' are to be suitably maintained in a lawful manner where required for interim use.
- MCU4. Landscape areas associated with existing buildings identified on 'Ground Floor – Stage 1' are to be maintained during interim use.

DEMOLITION

- MCU5. In the event existing buildings identified on 'Ground Floor – Stage 1' are demolished (in preparation of Stage 2 works) and site remains vacant for more than 3 months, all exposed areas are to appropriately treated for erosion and sediment control eg. turfed as agreed to by Council.

BUILDING HEIGHT

- MCU6. The maximum building height (Stage 1) must be in accordance with the following:
- Maximum overall vertical height of 33.5m (from existing ground level) to the peak roof height shown in approved drawing SK-29_Section S01_ (issue 09) _date 5 October 2023; and
 - Finished floor levels are in accordance with those specified in the approved drawing SK-29_Section S01_ (issue 09) _date 5 October 2023; and Total number of storeys is 7 with arrangement (of storeys) to be in accordance with that shown in approved drawing SK-29_Section S01_ (issue 09) _date 5 October 2023.
- MCU7. Submit to Council certification from a registered surveyor confirming that the 'as constructed' floor, roof levels, and overall height are in accordance with the requirements of condition MCU6.

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

EXTERNAL ARCHITECTURAL DETAILS

- MCU8. External details of the building façade treatment and external materials, colours and finishes must be consistent with approved drawings and documents.

AWNING IN THE ROAD RESERVE

- MCU9. Provide a pedestrian awning along Glendon Street to the extent of the building façade (fronting Glendon Street).

SECURITY LIGHTING

- MCU10. Install a lighting system to the underside of the proposed awning over the footpath in accordance with the relevant Australian Standards and in accordance with the following:
- Suitably qualified professional is to submit a detailed lighting plan demonstrating that under awning lighting complies with applicable Australian Standards (for Pedestrian Areas).
 - Implement in accordance with the detailed lighting plan and provide Council with certification of completed works (from a licensed electrical contractor).
 - Maintain the awning lighting system at all times.

-
- MCU11. Install and maintain a suitable system of security lighting to operate from dusk till dawn within all areas where the public may gain access, including carparking areas, building entrances, and vegetated areas.
- MCU12. Design of all external lighting in accordance with AS 4282-1997 '*Control of obtrusive effects of outdoor lighting*', ensuring that light spillage does not cause nuisance to nearby sensitive uses.
- MCU13. Provide certification from a suitably qualified professional that all security lighting installed complies with applicable Australian Standards and retains acceptable impacts on adjoining (or nearby) sensitive uses.

FENCING AND ACOUSTIC TREATMENTS

- MCU14. All fencing and acoustic treatments to be in accordance with the CRG Acoustics - Environmental Noise Impact Assessment, Reference 23062, Revision 2, Dated 6 October 2023.

Nb. The combined height of the retaining wall, fencing and/or acoustic barrier must not exceed the adopted height as referred to in the Environmental Noise Impact Assessment.

LANDSCAPING

- MCU15. Construct landscaping in accordance with the prepared landscape concept plan, the relevant council standards, best trade practise, and the following conditions.
- If the extent or configuration of landscaped areas has been marginally amended from the plan, then adjust plant numbers to ensure full coverage.
 - Provide a 3-tier landscape structure to all landscape areas IE trees shrubs and ground covers.
 - Maximise opportunities for stormwater infiltration into landscaped areas (where available).
 - Maintain the landscape works generally in accordance with the detailed plans and to industry standards.

SCREEN MECHANICAL PLANT

- MCU16. Install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the façade of the building.

ELECTRICITY/TELECOMMUNICATIONS

- MCU17. The development is to be supplied with reticulated electricity and telecommunications services.

VISUAL AMENITY & REFLECTIVITY

- MCU18. Façade treatments must not cause nuisance from glare and/or inappropriate reflectivity.
- MCU19. Provide written confirmation from an appropriately qualified professional that façade treatments do not generate unreasonable glare, or reflectivity.

NOISE

- MCU20. Carry out the development in accordance with the CRG Acoustics report reference_23062_REV2 recommendations as they relate to works associated with Stage 1 of this approval.

MCU21. A suitably qualified Acoustic Consultant shall provide written confirmation that all CRG Acoustics report reference_23062_REV2 recommendations (relevant to **Stage 1**) are in place.

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

MCU22. Operation of trucks and commercial vehicles (excluding waste collection vehicles and emergency vehicles) must only occur between 7am & 7pm Monday to Saturday.

MCU23. All metal grilles, metal plates or similar subject to vehicular traffic must be acoustically damped to prevent environmental nuisance.

MCU24. Following the installation of all mechanical plant and equipment (e.g. air conditioning, mechanical ventilation, and refrigeration equipment and heat pump hot water systems), submit to South Burnett Regional Council's 'Development Services' certification that the plant and equipment is adequately noise-attenuated and in accordance with applicable Planning Scheme Codes/policies (and other applicable laws)

CAR PARKING

MCU25. Car parking within the premises must be maintained exclusively for the ancillary use of the development. The parking must be retained for purposes associated with the approved development.

MCU26. Bin Storage area identified on Ground Floor – Stage 1 (SK06) is to include appropriate washdown facilities and drainage connections.

ENGINEERING WORKS

ENG1. Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, water supply, sewer, roadworks, access and parking, erosion and sediment control.

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. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

MAINTENANCE

ENG5. 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.

ENG6. 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

- ENG7. 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.
- ENG8. 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.
- ENG9. Repair any and all damage to Councils road network resulting from the construction of the development. In particular, Glendon Street is unlikely to be able to support the types of vehicles and associated loadings that will be required for construction of the development (e.g. construction equipment, materials delivery etc), and failure of the pavement and surface is expected.

Comment: Council is open to discussing a suitable approach to the ongoing maintenance of roads, to ensure that failures and repairs are rectified in a timely manner, so that Council roads are safe for all road users at all times.

CONSTRUCTION TRAFFIC ROUTES

- ENG10. All construction traffic associated with the development (excluding light vehicles) shall enter and exit the site via Glendon Street, between Avoca Street and the concrete median south of the roundabout at the intersection of Glendon Street and Markwell Street. All construction traffic shall enter and exit Glendon Street from the Avoca Street end. No other transport route to or from the site shall be used without the written consent of Council.

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

- ENG11. 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;
 - k) traffic control during works; and
 - l) delivery of materials.

Timing: Prior to commencement of works.

- ENG12. Implement the approved Construction Management Plan at all times during construction of the development.
- ENG13. Ensure a legible copy of the approved Construction Management Plan is available on-site at all times during construction and earthworks.

STORMWATER MANAGEMENT

- ENG14. Provide stormwater management generally in accordance with the Conceptual Site Based Stormwater Management Plan prepared by RMA Engineers, Revision 1, dated

30 August 2023, subject to detailed design and except as altered by conditions of this development approval.

- ENG15. 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.
- ENG16. Design and construct stormwater drainage incorporating measures to prevent any solid matter and floatable oils being carried into existing stormwater system.
- ENG17. Stormwater from sealed areas and overflow pipes from stormwater detention structures and/or tanks installed for the stormwater system is required to be piped to the kerb and channel.
- ENG18. Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.
- ENG19. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.
- ENG20. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

WATER SUPPLY

- ENG21. Connect the development to Council's reticulated water supply system via a single connection, designed to Council and WWBROC requirements.

SEWERAGE

- ENG22. Connect the development to Council's reticulated sewerage system via a single connection. The connection must be designed in accordance with Council and WWBROC standards and be approved by Council's Utility Services Section.
- ENG23. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
- ENG24. Any works within the vicinity of an existing or proposed sewer shall meet the requirements of QDC *MP1.4 Building over or near relevant infrastructure*.
- ENG25. The existing sewer main SM0714 (Council Asset No. W00739), and end of line manhole 2125/3 (Council Asset No. W00276) within the site shall be removed or filled with flowable concrete with the connection to manhole 2125/2 made good.

Timing: Prior to commencement of Stage 1 of the development.

Comment: The existing sewer connection can be used until the new sewer extension is complete.

SEWER EXTENSION

- ENG26. Design and construct a 150mm diameter sewer main from the site to manhole 2129A/1 (located on the southern side of Avoca Street), with a suitable alignment along Glendon Street, to service the whole of the proposed development.

Timing: Prior to commencement of Stage 1 of the development.

Comment: This condition is imposed pursuant to Section 145 of the *Planning Act 2016*.

TRADE WASTE DISPOSAL (COMMERCIAL KITCHEN)

ENG27. Connect any commercial kitchen to Council's sewer reticulation. Obtain a Plumbing Approval from Council with the relevant inspections undertaken prior to connection to the sewer.

PARKING AND ACCESS - GENERAL

ENG28. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.

ENG29. Design all on-street parking in accordance with *AS2890.5:2020 Parking facilities On-street parking*, and Austroads Guide to Road Design.

ENG30. Design and construct all access, parking and manoeuvring areas with concrete, asphalt or a two-coat bitumen seal.

ENG31. Provide a minimum of 50 Off Street Car Parking spaces, including a minimum of 1 person with disability (PWD) car parking space, generally in accordance with Black Ink Architecture Dwg SK-06 Issue 10 dated 21/12/2023, and as amended by SARA on 12 January 2024.

ENG32. Design & construct all off street PWD car parking spaces in accordance with AS2890.6.

ENG33. Provide a concrete pedestrian footpath from the carpark to the Stage 1 buildings that meets the Disability Discrimination Act requirements.

ENG34. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

ENG35. Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement to enable all vehicles to enter and leave the site in a forward gear.

ENG36. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

ENG37. Install all necessary signage for traffic flow e.g. No Entry, One-Way, Left Out Only.

PARKING AND ACCESS - SERVICING

ENG38. Provide loading bay/drop off facilities for Small Rigid Vehicle, Waste Collection Vehicle, mini bus, and ambulance in the locations generally shown on the approved plan(s) of development.

ENG39. Design along the route to and from all loading bay facilities and the external road network, all access driveways, circulation driveways, parking aisles and the like with a layout that accommodates the turning movements of all service vehicles, and ensure that all vehicles are able to enter and exit the site in a forward direction.

ENG40. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

VEHICLE ACCESS

ENG41. Accesses to the site between the property boundary and the edge of the Markwell Street/Glendon Street road pavement, shall be constructed in accordance with Council's Standard Drawing IPWEAQ Std Dwg RS-051, Rev F. Ensure that crossovers splay is designed to accommodate turning movements of the longest expected service vehicle.

Timing: Prior to commencement of Stage 1 of the development.

Comment: This condition is imposed pursuant to Section 145 of the *Planning Act 2016*.

ENG42. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

REDUNDANT CROSSOVERS

ENG43. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath to the standard immediately adjacent along the frontage of the site.

ROADWORKS – FRONTAGE WORKS

ENG44. Design and construct the Glendon Street frontage of the proposed development in accordance with Council Standards, relevant Austroads' Standards, and Council's Planning Scheme. More specifically, include the following:

- a) Widening of Glendon Street to accommodate the proposed parallel parking. This includes any reconstruction of Glendon Street to achieve the design levels required for kerb and channel;
- b) Replacement of the kerb and channel for the full Glendon Street frontage;
- c) Full width concrete footpath between the kerb and property boundary;
- d) provision for stormwater drainage (including adjusting manhole levels), line marking, signage (including parking restrictions) and kerb ramps.

Comment: Roadworks shall be carried out under an Operational Work application.

Comment: This condition is imposed pursuant to Section 145 of the *Planning Act 2016*.

ROADWORKS AND PEDESTRIAN SAFETY

ENG45. Install signage for all works on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.

ENG46. Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction of the works.

ENG47. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY AND TELECOMMUNICATION

ENG48. Connect the development to electricity and telecommunication services.

EARTHWORKS – GENERAL

ENG49. Earthworks per site involving cut or fill with a quantity of material greater than 50m³, requires an Operational Work application.

ENG50. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EROSION AND SEDIMENT CONTROL – GENERAL

ENG51. 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.

ENG52. 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.

STAGE 2 CONDITIONS

GENERAL

Unless otherwise amended by the following conditions.

GEN2. 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 (refer to the **approved plans** cited under condition GEN1.).

GEN3. All works including the repair or relocation of services (Telstra/lighting) are to be completed at no cost to council.

GEN4. The applicant is required to maintain the site in a clean and orderly state at all times.

ADDITIONAL DRAWINGS (STAGE 2)

GEN5. Prior to the commencement of Stage 2 works, provide, detailed elevations of the intended Stage 2 building inclusive of the following:

- Show all proposed façade treatments to property boundaries and road frontages.
- The interim façade treatment to blank walls prior to enactment of subsequent Stage 3.

COMPLIANCE ASSESSMENT

GEN6. All conditions of this approval are to be satisfied prior to Council issuing a compliance certificate for the commencement of the use and it's and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

Compliance certificate fee will be charged with payment required prior to council approval of the associated documentation requiring compliance assessment.

CONDITION TIMING

GEN7. Unless stated otherwise, all conditions are to be complied with prior to commencement of the use and compliance maintained at all times while the use continues.

BUILDING MANAGEMENT STATEMENT

GEN8. Ensure a Building Management Statement is registered on the title.

The Building Management Statement must cover common building management items including but not limited to any shared:

- Support, services and utilities;
- Pedestrian and vehicle access;
- Car parking including visitor and disabled spaces;
- Vehicle servicing areas including loading docks;
- Refuse storage and collection areas;
- Storage areas; and
- Recreation areas.

Timing: As part of the registration of the plan of subdivision notated by Council and then to be maintained.

GEN9. The building management statement must be submitted to, and the content accepted by South Burnett Regional Council's 'Development Services'.

GEN10. Lodge the accepted building Management Statement with the Registrar of Titles for the relevant Queensland State Government Authority.

- GEN11. Submit to South Burnett Regional Council's 'Development Services' evidence of the registration of the accepted Building Management Statement.

PLANNING

NATURE & EXTENT OF THE APPROVED USE

- MCU1. Stage 1 & 2 uses are limited to those identified on the approved plans (Ground Level through to Level 6).
- MCU2. Short-Term staff accommodation must remain ancillary to the approved Hospital, Health care services, and Residential care facility only. Short-Term staff accommodation is to be maintained exclusively for the purpose of accommodating staff and/or other service providers associated with the approved Hospital, Health care services, and Residential care facility only.
- MCU3. Roof top is to be limited to garden areas only unless otherwise stated on the approved drawings.
- MCU4. Multi-Purpose Space (165m² located on Roof Top) must remain ancillary to the approved Hospital, and Residential care facility only.
- MCU5. In the event that an appropriate liquor licence is obtained from the relevant authority, this development approval for Food and Drink Outlet (at ground level) does not permit the service of alcohol to patrons who are not consuming food.

DEMOLITION

- MCU6. Demolish buildings/structures on the site in accordance with the approved drawings and where applicable the approved Construction Management Plan.
- MCU7. If construction for Stage 2 does not commence within 3 months of the demolition of the existing buildings (on site), the site must be turfed and appropriately treated for erosion and sediment control.

BUILDING HEIGHT

- MCU8. The maximum building height (Stage 2) must be in accordance with the following:
- Maximum overall vertical height of 33.5m (from existing ground level) to the peak roof height shown in approved drawing SK09_Section S01_ (issue 09) _date 5 October 2023; and
 - Finished floor levels are in accordance with those specified in the approved drawing SK09_Section S01_ (issue 09) _date 5 October 2023; and
 - Total number of storeys is 7 with arrangement (of storeys) to be in accordance with that shown in approved drawing SK09_Section S01_ (issue 09) _date 5 October 2023.
- MCU9. Submit to Council certification from a registered surveyor confirming that the 'as constructed' floor, roof levels, and overall height are in accordance with the requirements of condition MCU8.

EXTERNAL ARCHITECTURAL DETAILS

- MCU10. All Stage 2 building façade treatments, external materials, colours and finishes must be in accordance with the approved drawings and documents.

AWNING IN THE ROAD RESERVE

- MCU11. Provide a pedestrian awning along Markwell Street & Glendon Street to the extent shown in Stage 2 drawings (fronting Markwell Street & Glendon Street).

SECURITY LIGHTING

- MCU12. Install a lighting system to the underside of the proposed awning over the footpath in accordance with the relevant Australian Standards and in accordance with the following:
- Suitably qualified professional is to submit a detailed lighting plan demonstrating that under awning lighting complies with applicable Australian Standards (for Pedestrian Areas).
 - Implement in accordance with the detailed lighting plan and provide Council with certification of completed works (from a licensed electrical contractor).
 - Maintain the awning lighting system at all times.
- MCU13. Install and maintain a suitable system of security lighting to operate from dusk till dawn within all areas where the public may gain access, including carparking areas, building entrances, and vegetated areas.
- MCU14. Design of all external lighting in accordance with AS 4282-1997 '*Control of obtrusive effects of outdoor lighting*', ensuring that light spillage does not cause nuisance to nearby sensitive uses.
- MCU15. Provide certification from a suitably qualified professional that all security lighting installed complies with applicable Australian Standards and retains acceptable impacts on adjoining (or nearby) sensitive uses.

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

LANDSCAPING

- MCU16. Construct landscaping in accordance with the prepared landscape concept plan, the relevant council standards, best trade practise, and the following conditions.
- If the extent or configuration of landscaped areas has been marginally amended from the plan, then adjust plant numbers to ensure full coverage.
 - Provide a 3-tier landscape structure to all landscape areas IE trees shrubs and ground covers.
 - Maximise opportunities for stormwater infiltration into landscaped areas (where available).
 - Maintain the landscape works generally in accordance with the detailed plans and to industry standards.

SCREEN MECHANICAL PLANT

- MCU17. Install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the façade of the building.

ELECTRICITY/TELECOMMUNICATIONS

- MCU18. The development is to be supplied with reticulated electricity and telecommunications services.

VISUAL AMENITY & REFLECTIVITY

- MCU19. Façade treatments must not cause nuisance from glare and/or inappropriate reflectivity.

MCU20. Provide written confirmation from an appropriately qualified professional that façade treatments do not generate unreasonable glare, or reflectivity.

NOISE

MCU21. Carry out the development in accordance with the CRG Acoustics report reference 23062_REV2 recommendations as they relate to works associated with Stage 2 of this approval.

MCU22. A suitably qualified Acoustic Consultant shall provide written confirmation that all CRG Acoustics report reference_23062_REV2 recommendations (relevant to **Stage 2**) are in place.

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

MCU23. Operation of trucks and commercial vehicles (excluding waste collection vehicles and emergency vehicles) must only occur between 7am & 7pm Monday to Saturday.

MCU24. All metal grilles, metal plates or similar subject to vehicular traffic must be acoustically damped to prevent environmental nuisance.

MCU25. Following the installation of all mechanical plant and equipment (e.g. air conditioning, mechanical ventilation, and refrigeration equipment and heat pump hot water systems), submit to South Burnett Regional Council's 'Development Services' certification that the plant and equipment is adequately noise-attenuated and in accordance with applicable Planning Scheme Codes/policies (and other applicable laws).

CAR PARKING

MCU26. Car parking within the premises must be maintained exclusively for the ancillary use of the development. The parking must be retained for purposes associated with the approved development.

MCU27. Bin Storage area identified on Ground Floor – Stage 2 (SK13) is to include appropriate washdown facilities and drainage connections.

ENGINEERING WORKS

ENG1. Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, water supply, sewer, roadworks, access and parking, erosion and sediment control.

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. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

MAINTENANCE

ENG5. 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.

- ENG6. 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

- ENG7. 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.
- ENG8. 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.
- ENG9. Repair any and all damage to Council's road network resulting from the construction of the development. In particular, Glendon Street is unlikely to be able to support the types of vehicles and associated loadings that will be required for construction of the development (e.g. construction equipment, materials delivery etc), and failure of the pavement and surface is expected.

Comment: Council is open to discussing a suitable approach to the ongoing maintenance of roads, to ensure that failures and repairs are rectified in a timely manner, so that Council roads are safe for all road users at all times.

CONSTRUCTION TRAFFIC ROUTES

- ENG10. All construction traffic associated with the development (excluding light vehicles) shall enter and exit the site via Glendon Street, between Avoca Street and the concrete median south of the roundabout at the intersection of Glendon Street and Markwell Street. All construction traffic shall enter and exit Glendon Street from the Avoca Street end. No other transport route to or from the site shall be used without the written consent of Council.

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

- ENG11. 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;
 - k) traffic control during works; and
 - l) delivery of materials.

Timing: Prior to commencement of works.

- ENG12. Implement the approved Construction Management Plan at all times during construction of the development.
- ENG13. Ensure a legible copy of the approved Construction Management Plan is available on-site at all times during construction and earthworks.

STORMWATER MANAGEMENT

- ENG14. Provide stormwater management generally in accordance with the Conceptual Site Based Stormwater Management Plan prepared by RMA Engineers, Revision 1, dated 30 August 2023, subject to detailed design and except as altered by conditions of this development approval.
- ENG15. 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.
- ENG16. Design and construct stormwater drainage incorporating measures to prevent any solid matter and floatable oils being carried into existing stormwater system.
- ENG17. Stormwater from sealed areas and overflow pipes from stormwater detention structures and/or tanks installed for the stormwater system is required to be piped to the kerb and channel.
- ENG18. Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.
- ENG19. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.
- ENG20. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

WATER SUPPLY

- ENG21. Connect the development to Council's reticulated water supply system via a single connection, designed to Council and WWBROC requirements.

SEWERAGE

- ENG22. Connect the development to Council's reticulated sewerage system via a single connection. The connection must be designed in accordance with Council and WWBROC standards and be approved by Council's Utility Services Section.
- ENG23. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
- ENG24. Any works within the vicinity of an existing or proposed sewer shall meet the requirements of QDC *MP1.4 Building over or near relevant infrastructure*.

TRADE WASTE DISPOSAL (COMMERCIAL KITCHEN)

- ENG25. Connect any commercial kitchen to Council's sewer reticulation. Obtain a Plumbing Approval from Council with the relevant inspections undertaken prior to connection to the sewer.

PARKING AND ACCESS - GENERAL

- ENG26. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.
- ENG27. Design all on-street parking in accordance with *AS2890.5:2020 Parking facilities On-street parking*, and Austroads Guide to Road Design.

-
- ENG28. Design and construct all access, parking and manoeuvring areas with concrete, asphalt or a two-coat bitumen seal.
- ENG29. Provide a minimum of 139 Off Street Car Parking spaces (47 temporary), including a minimum of 2 person with disability (PWD) car parking spaces, generally in accordance with Black Ink Architecture Dwg SK-13 Issue 10 dated 15/1/2023, and as amended by SARA on 12 January 2024.
- ENG30. Design & construct all off street PWD car parking spaces in accordance with AS2890.6.
- ENG31. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
- ENG32. Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement to enable all vehicles to enter and leave the site in a forward gear.
- ENG33. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.
- ENG34. Install all necessary signage for traffic flow e.g. No Entry, One-Way, Left Out Only.

PARKING AND ACCESS - SERVICING

- ENG35. Provide loading bay/drop off facilities for Small Rigid Vehicle, Waste Collection Vehicle, mini bus, and ambulance in the locations generally shown on the approved plan(s) of development.
- ENG36. Design along the route to and from all loading bay facilities and the external road network, all access driveways, circulation driveways, parking aisles and the like with a layout that accommodates the turning movements of all service vehicles, and ensure that all vehicles are able to enter and exit the site in a forward direction.
- ENG37. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

VEHICLE ACCESS

- ENG38. Accesses to the site between the property boundary and the edge of the Markwell Street/Glendon Street road pavement, shall be constructed in accordance with Council's Standard Drawing IPWEAQ Std Dwg RS-051, Rev F. Ensure that crossovers splay is designed to accommodate turning movements of the longest expected service vehicle.

Timing: Prior to commencement of Stage 2 of the development.

Comment: This condition is imposed pursuant to Section 145 of the *Planning Act 2016*.

- ENG39. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

REDUNDANT CROSSOVERS

- ENG40. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath to the standard immediately adjacent along the frontage of the site.

ROADWORKS – FRONTAGE WORKS

- ENG41. Design and construct the Markwell Street and Glendon Street frontage of the proposed development in accordance with Council Standards, relevant Austroads' Standards, and Council's Planning Scheme. More specifically, include the following:
- Widening of Markwell St and Glendon St to accommodate the proposed parallel parking. This includes any reconstruction of Markwell St and Glendon St to achieve the design levels required for kerb and channel;
 - Removal of the existing PWD carpark on Markwell St and linemark proposed parallel carparks;
 - Replacement of the kerb and channel for the full Markwell St and Glendon Street frontage;
 - Full width concrete footpath between the kerb and property boundary for Markwell Street and Glendon Street frontages;
 - provision for stormwater drainage (including adjusting manhole levels), line marking, signage (including parking restrictions) and kerb ramps.

Comment: Roadworks (including footpath works) shall be carried out under an Operational Work application.

Comment: This condition is imposed pursuant to Section 145 of the *Planning Act 2016*.

ROADWORKS AND PEDESTRIAN SAFETY

- ENG42. Install signage for all works on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.
- ENG43. Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction of the works.
- ENG44. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY AND TELECOMMUNICATION

- ENG45. Connect the development to electricity and telecommunication services.

EARTHWORKS – GENERAL

- ENG46. Earthworks per site involving cut or fill with a quantity of material greater than 50m³, requires an Operational Work application.
- ENG47. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EROSION AND SEDIMENT CONTROL – GENERAL

- ENG48. 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.
- ENG49. 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.

STAGE 3 CONDITIONS

GENERAL

Unless otherwise amended by the following conditions.

GEN2. 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 (refer to the **approved plans** cited under condition GEN1.).

GEN3. All works including the repair or relocation of services (Telstra/lighting) are to be completed at no cost to council.

GEN4. The applicant is required to maintain the site in a clean and orderly state at all times.

COMPLIANCE ASSESSMENT

GEN5. All conditions of this approval are to be satisfied prior to Council issuing a compliance certificate for the commencement of the use and it's and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

Compliance certificate fee will be charged with payment required prior to council approval of the associated documentation requiring compliance assessment.

CONDITION TIMING

GEN6. Unless stated otherwise, all conditions are to be complied with prior to commencement of the use and compliance maintained at all times while the use continues.

BUILDING MANAGEMENT STATEMENT

GEN7. Ensure a Building Management Statement is registered on the title for each proposed lot.

The Building Management Statement must cover common building management items including but not limited to any shared:

- Support, services and utilities;
- Pedestrian and vehicle access;
- Car parking including visitor and disabled spaces;
- Vehicle servicing areas including loading docks;
- Refuse storage and collection areas;
- Storage areas; and
- Recreation areas.

Timing: As part of the registration of the plan of subdivision notated by Council and then to be maintained.

GEN8. The building management statement must be submitted to, and the content accepted by South Burnett Regional Council's 'Development Services'.

GEN9. Lodge the accepted building Management Statement with the Registrar of Titles for the relevant Queensland State Government Authority.

GEN10. Submit to South Burnett Regional Council's 'Development Services' evidence of the registration of the accepted Building Management Statement.

PLANNING

NATURE & EXTENT OF THE APPROVED USE

MCU1. Stage 3 uses are limited to those identified on the approved plans (Ground Level through to Level 6).

MCU2. Roof top is to be limited to garden areas only unless otherwise stated on the approved drawings.

DEMOLITION

-
- MCU3. Demolish buildings/structures on the site in accordance with the approved drawings and where applicable the approved Construction Management Plan.
- MCU4. If construction for Stage 3 does not commence within 3 months of the demolition of the existing buildings (on site), the site must be turfed and appropriately treated for erosion and sediment control.

BUILDING HEIGHT

- MCU5. The maximum building height (Stage 3) must be in accordance with the following:
- Maximum overall vertical height is to be consistent with finished levels shown (and scaled) on the approved drawing SK31_Elevations 2 (issue 09) date 5 October 2023; and
 - Finished floor levels are in accordance with those specified in the approved drawing SK31_Elevations 2 (issue 09) date 5 October 2023; and
 - Total number of storeys is 6 with arrangement (of storeys) to be in accordance with that shown in approved drawing SK31_Elevations 2 (issue 09) date 5 October 2023.

EXTERNAL ARCHITECTURAL DETAILS

- MCU6. External details of the building façade treatment, external materials, colours and finishes must be consistent with approved drawings and documents.

LIGHTING

- MCU7. Install and maintain a suitable system of security lighting to operate from dusk till dawn within all areas where the public may gain access, including carparking areas, building entrances, and vegetated areas.
- MCU8. Design of all external lighting in accordance with AS 4282-1997 '*Control of obtrusive effects of outdoor lighting*', ensuring that light spillage does not cause nuisance to nearby sensitive uses.
- MCU9. Provide certification from a suitably qualified professional that all security lighting installed complies with applicable Australian Standards and retains acceptable impacts on adjoining (or nearby) sensitive uses.

FENCING AND ACOUSTIC TREATMENTS

- MCU10. All fencing and acoustic treatments to be in accordance with the CRG Acoustics - Environmental Noise Impact Assessment, Reference 23062, Revision 2, Dated 6 October 2023.

Nb. The combined height of the retaining wall, fencing and/or acoustic barrier must not exceed the adopted height as referred to in the Environmental Noise Impact Assessment.

LANDSCAPING

- MCU11. Construct landscaping in accordance with the prepared landscape concept plan, the relevant council standards, best trade practise, and the following conditions.
- If the extent or configuration of landscaped areas has been marginally amended from the plan, then adjust plant numbers to ensure full coverage.
 - Provide a 3-tier landscape structure to all landscape areas IE trees shrubs and ground covers.
 - Maximise opportunities for stormwater infiltration into landscaped areas (where available).
 - Maintain the landscape works generally in accordance with the detailed plans and to industry standards.

SCREEN MECHANICAL PLANT

-
- MCU12. Install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the façade of the building.

ELECTRICITY/TELECOMMUNICATIONS

- MCU13. The development is to be supplied with reticulated electricity and telecommunications services.

VISUAL AMENITY & REFLECTIVITY

- MCU14. Façade treatments must not cause nuisance from glare and/or inappropriate reflectivity.
- MCU15. Provide written confirmation from an appropriately qualified professional that façade treatments do not generate unreasonable glare, or reflectivity.

NOISE

- MCU16. Carry out the development in accordance with the CRG Acoustics report reference_23062_REV2 recommendations as they relate to works associated with Stage 3 of this approval.
- MCU17. A suitably qualified Acoustic Consultant shall provide written confirmation that all CRG Acoustics report reference_23062_REV2 recommendations (relevant to **Stage 3**) are in place.
- Timing:** Prior to issue of certificate of classification/Final Inspection Certificate, or prior to commencement of use (whichever comes first).
- MCU18. Operation of trucks and commercial vehicles (excluding waste collection vehicles and emergency vehicles) must only occur between 7am & 7pm Monday to Saturday.
- MCU19. All metal grilles, metal plates or similar subject to vehicular traffic must be acoustically damped to prevent environmental nuisance.
- MCU20. Following the installation of all mechanical plant and equipment (e.g. air conditioning, mechanical ventilation, and refrigeration equipment and heat pump hot water systems), submit to South Burnett Regional Council's 'Development Services' certification that the plant and equipment is adequately noise-attenuated and in accordance with applicable Planning Scheme Codes/policies (and other applicable laws).

CAR PARKING

- MCU21. Car parking within the premises must be maintained exclusively for the ancillary use of the development. The parking must be retained for purposes associated with the approved development.

ENGINEERING WORKS

- ENG1. Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, water supply, sewer, roadworks, access and parking, erosion and sediment control.
- 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. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other

public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

MAINTENANCE

- ENG5. 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.

- ENG6. 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

- ENG7. 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.

- ENG8. 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.

- ENG9. Repair any and all damage to Councils road network resulting from the construction of the development. In particular, Glendon Street is unlikely to be able to support the types of vehicles and associated loadings that will be required for construction of the development (e.g. construction equipment, materials delivery etc), and failure of the pavement and surface is expected.

Comment: Council is open to discussing a suitable approach to the ongoing maintenance of roads, to ensure that failures and repairs are rectified in a timely manner, so that Council roads are safe for all road users at all times.

CONSTRUCTION TRAFFIC ROUTES

- ENG10. All construction traffic associated with the development (excluding light vehicles) shall enter and exit the site via Glendon Street, between Avoca Street and the concrete median south of the roundabout at the intersection of Glendon Street and Markwell Street. All construction traffic shall enter and exit Glendon Street from the Avoca Street end. No other transport route to or from the site shall be used without the written consent of Council.

CONSTRUCTION AND NUISANCE MANAGEMENT PLAN

- ENG11. 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;
- k) traffic control during works; and
- l) delivery of materials.

Timing: Prior to commencement of works.

- ENG12. Implement the approved Construction Management Plan at all times during construction of the development.
- ENG13. Ensure a legible copy of the approved Construction Management Plan is available on-site at all times during construction and earthworks.

STORMWATER MANAGEMENT

- ENG14. Provide stormwater management generally in accordance with the Conceptual Site Based Stormwater Management Plan prepared by RMA Engineers, Revision 1, dated 30 August 2023, subject to detailed design and except as altered by conditions of this development approval.
- ENG15. 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.
- ENG16. Design and construct stormwater drainage incorporating measures to prevent any solid matter and floatable oils being carried into existing stormwater system.
- ENG17. Stormwater from sealed areas and overflow pipes from stormwater detention structures and/or tanks installed for the stormwater system is required to be piped to the kerb and channel.
- ENG18. Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.
- ENG19. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.
- ENG20. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

WATER SUPPLY

- ENG21. Connect the development to Council's reticulated water supply system via a single connection, designed to Council and WWBROC requirements.

SEWERAGE

- ENG22. Connect the development to Council's reticulated sewerage system via a single connection. The connection must be designed in accordance with Council and WWBROC standards and be approved by Council's Utility Services Section.
- ENG23. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
- ENG24. Any works within the vicinity of an existing or proposed sewer shall meet the requirements of QDC *MP1.4 Building over or near relevant infrastructure*.

TRADE WASTE DISPOSAL (COMMERCIAL KITCHEN)

ENG25. Connect any commercial kitchen to Council's sewer reticulation. Obtain a Plumbing Approval from Council with the relevant inspections undertaken prior to connection to the sewer.

PARKING AND ACCESS - GENERAL

ENG26. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.

ENG27. Design all on-street parking in accordance with *AS2890.5:2020 Parking facilities On-street parking*, and Austroads Guide to Road Design.

ENG28. Design and construct all access, parking and manoeuvring areas with concrete, asphalt or a two-coat bitumen seal.

ENG29. Provide a minimum of 175 Off Street Car Parking spaces, including a minimum of 6 person with disability (PWD) car parking spaces, generally in accordance with Black Ink Architecture Dwg SK-20 Issue 10 dated 15/1/2023, and amended by SARA on 12 January 2024.

ENG30. Design & construct all off street PWD car parking spaces in accordance with AS2890.6.

ENG31. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

ENG32. Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement to enable all vehicles to enter and leave the site in a forward gear.

ENG33. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

ENG34. Install all necessary signage for traffic flow e.g. No Entry, One-Way, Left Out Only.

PARKING AND ACCESS - SERVICING

ENG35. Provide loading bay/drop off facilities for Small Rigid Vehicle, Waste Collection Vehicle, mini bus, and ambulance in the locations generally shown on the approved plan(s) of development.

ENG36. Design along the route to and from all loading bay facilities and the external road network, all access driveways, circulation driveways, parking aisles and the like with a layout that accommodates the turning movements of all service vehicles, and ensure that all vehicles are able to enter and exit the site in a forward direction.

ENG37. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

VEHICLE ACCESS

ENG38. Accesses to the site between the property boundary and the edge of the Markwell Street/Glendon Street road pavement, shall be constructed in accordance with Council's Standard Drawing IPWEAQ Std Dwg RS-051, Rev F. Ensure that crossovers splay is designed to accommodate turning movements of the longest expected service vehicle.

Timing: Prior to commencement of Stage 3 of the development.

Comment: This condition is imposed pursuant to Section 145 of the *Planning Act 2016*.

- ENG39. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

REDUNDANT CROSSOVERS

- ENG40. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath to the standard immediately adjacent along the frontage of the site.

ROADWORKS AND PEDESTRIAN SAFETY

- ENG41. Install signage for all works on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.
- ENG42. Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction of the works.
- ENG43. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY AND TELECOMMUNICATION

- ENG44. Connect the development to electricity and telecommunication services.

EARTHWORKS - GENERAL

- ENG45. Earthworks per site involving cut or fill with a quantity of material greater than 50m³, requires an Operational Work application.
- ENG46. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG47. 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.
- ENG48. 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 APPLICABLE TO ALL STAGES

- ADV1. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.
- ADV2. 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 2025.
- For further information or application form please refer to the rules and procedures available on Council's website.
- ADV3. Section 85 (1)(a) of the Planning Act 2016 provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.
- ADV4. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out

an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

- ADV5. Attached for your information is a copy of Chapter 6 of the Planning Act 2016 as regards Appeal Rights.
- ADV6. SARA has imposed conditions on the development permit as attached as Attachment D.
- ADV7. Landscape planting to be carried out in accordance with South Burnett Regional Council Planting Guidelines/Branching Out Guide.
- ADV8. Odours or airborne contaminants which are noxious or offensive to public amenity or safety, likely to cause environmental harm or environmental nuisance or exceed the Air Quality Objectives listed in the Environmental Protection (Air) Policy 2019 as measured at any sensitive place or commercial place must not be released to the atmosphere during building work and throughout the life of this development.
- ADV9. Noise from activity associated with the use of the subject land must not exceed the Acoustic Quality Objectives listed in the Environment Protection (Noise) Policy 2019 when measured at any sensitive receptor.

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

Against: Nil

CARRIED 5/0

Attendance:

At 11:41am, Cr Kirstie Schumacher returned to the meeting.

At 11:41am, Engineering Contractor Justin Crick left the meeting.

At 11:41am, Chief Executive Officer Mark Pitt returned to the meeting.

At 11:41am, Planning Consultant Matthew Taylor left the meeting via teams.

17.1 TINGOORA HALL - FINALISATION OF COMMUNITY CONSULTATION

RESOLUTION 2024/264

Moved: Cr Kathy Duff

Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council:

1. Accept the Tingoora Hall community consultation update report including survey;
2. Budget in the 2024/25 financial year to demolish and clean-up of Tingoora Hall; and
3. Tender to remove asbestos and demolish the structure and clean-up site whilst salvaging any viable construction materials for repurposing.
4. Go back to the community to advise of cost and plan going forward once the tenders come in.
5. Investigate opportunities to partner with the Wooroolin hall and re-use the Tingoora flooring for the Wooroolin hall.

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

Against: Nil

CARRIED 6/0

17.2 MINOR CHANGE TO EXISTING DEVELOPMENT APPROVAL (MCU21/0023) FOR MATERIAL CHANGE OF USE (CHILD CARE CENTRE) AT 101 ALFORD STREET KINGAROY (AND DESCRIBED AS LOT 25 ON SP237285). APPLICANT: ATHERTON CHILDCARE INVESTMENTS PTY LTD - ZONE PLANNING QLD

RESOLUTION 2024/265

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That Council *approve* the Request to Change Approval (Minor) pursuant to the provisions of Section 81 of the *Planning Act 2016* and subject to the amendments listed below (deleted text in ~~strike through~~ and new text in **bold**):

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	Project No. Reference no.	Revision	Date
Site Plan	Blueprint Drafting Services	21-3077-SPY Sheet 1	-	22 April 2022
Floor Plan	Blueprint Drafting Services	21-3077-SPY Sheet 2	-	22 April 2022
Elevations	Blueprint Drafting Services	21-3077-SPY Sheet 3	-	22 April 2022
3D Views 1	Blueprint Drafting Services	21-3077-SPY Sheet 4	-	22 April 2022
3D Views 3	Blueprint Drafting Services	21-3077-SPY Sheet 5	-	22 April 2022

Approved Documents:

Document Title	Prepared by	Project No. Reference no.	Revision	Date
Noise Impact Assessment	Range Environmental Consultants	J000909	Final	2/8/2022

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	Project No. Reference no.	Revision	Date
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Proposed Site Plan	Elevation Architecture	1373-01	B	23 October 2023
Floor Plan	Elevation Architecture	1373-01	B	23 October 2023
Elevations	Elevation Architecture	1373-01	B	23 October 2023
3D Views 1	Elevation Architecture	1373-01	B	23 October 2023
3D Views 3	Elevation Architecture	1373-01	B	23 October 2023

Approved Documents:

Document Title	Prepared by	Project No. Reference no.	Revision	Date
Revised Acoustic Modelling for a Proposed Childcare Centre at Kingaroy	Range Environmental Consultants	J001643	-	6 November 2023
Noise Impact Assessment	Range Environmental Consultants	J000909	Final	2 August 2022

Amendment: provide a complete and updated Noise Impact Assessment to Council, demonstrating the potential impacts, compliance and recommendations which include the proposed change.

Nb. Any new treatments or barriers not originally identified may require further assessment by Council.

Timing: Prior to obtaining a Building Approval.

Officer’s Recommendation: Updated plans reflected in condition.

CHILDCARE CENTRE OPERATION

MCU1. The Childcare centre is to accommodate a maximum of ~~54~~ **66** children.

Officer’s Recommendation: Updated maximum number of children.

MCU2. The Childcare centre is to operate in accordance with Section 7.3 Operational Noise Management Measures of the **updated** Noise Impact Assessment Report (project no: J000909, dated 2/8/22).

MCU3. The Childcare centre is to manage complaints in accordance with Section 8 of the **updated** Noise Impact Assessment Report (project no: J000909, dated 2/8/22).

MCU4. The development is to implement the General Building Recommendations in accordance with Section 7.2 of the **updated** Noise Impact Assessment Report (project no: J000909, dated 2/8/22).

Officer’s Recommendation: condition subsequently amended to reflect the proposed revised Noise Impact Assessment as part of the change application.

FENCING

MCU10. Construct acoustic barrier fencing along all side and rear boundaries in accordance with **Amended Figure 1 of the Revised Acoustic Modelling (Reference J001643, dated 6 November 2023)**. A cantilevered 2.4-metre-high acoustic fence is required along the **Eastern and Southern** boundaries highlighted red in **Amended Figure 1, where the outdoor play areas are adjacent**. A 2-metre-high acoustic fence is required along the boundaries highlighted blue in **Amended Figure 1**. Figure 1 – **Recommended** acoustic barrier specifications.



Amended Figure 1 – Recommended acoustic barrier specifications.

Amendment: provide a complete and updated Noise Impact Assessment to Council, demonstrating the potential impacts, compliance and recommendations which include the proposed change.

Timing: Prior to obtaining a Building Approval.

Officer’s Recommendation: condition amended requiring an updated Noise Impact Assessment before obtaining a Building Approval.

PARKING AND ACCESS – GENERAL

ENG24. Provide a minimum of ~~44~~ **17** car parking spaces including a minimum of 1 person with disability (PWD) car parking space.

Officer’s Recommendation: condition amended referencing updated carparking.

DEVELOPMENT INCENTIVE SCHEME

ADV4. Council is offering a reduction infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and ~~30~~ **31** December ~~2023~~ **2025**. Eligible development under this scheme is required to be completed by ~~30~~ **31**

December 2023 **2025**. For further information or application form please refer to the rules and procedures available on Council’s website.

Amendment made: Referencing updated development incentive scheme dates.

All other conditions relating to MCU21/0023 remain applicable to this development approval.

FINANCIAL AND RESOURCE IMPLICATIONS

No implication can be identified.

LINK TO CORPORATE/OPERATIONAL PLAN

Growing our Region’s Economy and Prosperity

- GR8 Support and advocate for appropriate growth and development with responsive planning schemes, process, customer service and other initiatives.

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Refer to CONSULTATION in this report.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

No implication identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

In assessing a change application for a minor change under s81 of the *Planning Act 2016*, Council (ie. Responsible entity) must consider another matter that the responsible entity considers relevant. Council has considered the properly made submissions against the original development as part of the minor change request.

ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

REPORT

1. APPLICATION DETAILS

Applicant	Atherton Childcare Investments Pty Ltd C/- Zone Planning	
Proposal	Minor Change to existing development approval (MCU21/0023)	
Properly Made Date	29 November 2023	
Site Address	101 Alford Street Kingaroy	
RP Description	Lot 25 on SP237285	
Assessment Type	Minor Change	
Number of Submissions	N/A	
State Referral Agencies	N/A	
Referred Internal Specialist	Development Engineer	
Site Area	2,021m ²	
Zone	Low Density Residential Zone	
Overlays	OM1 – Airport Environs Overlay OM8 – Agricultural Overlay	
Level of Assessment	S81 Minor Change	
Affected Entity	N/A	
Existing Use	Vacant Land	
Surrounding Uses	North	Low density residential development
	East	Low density residential development
	South	Low density residential development
	West	Vacant land in the low density residential zone

2. THE SITE

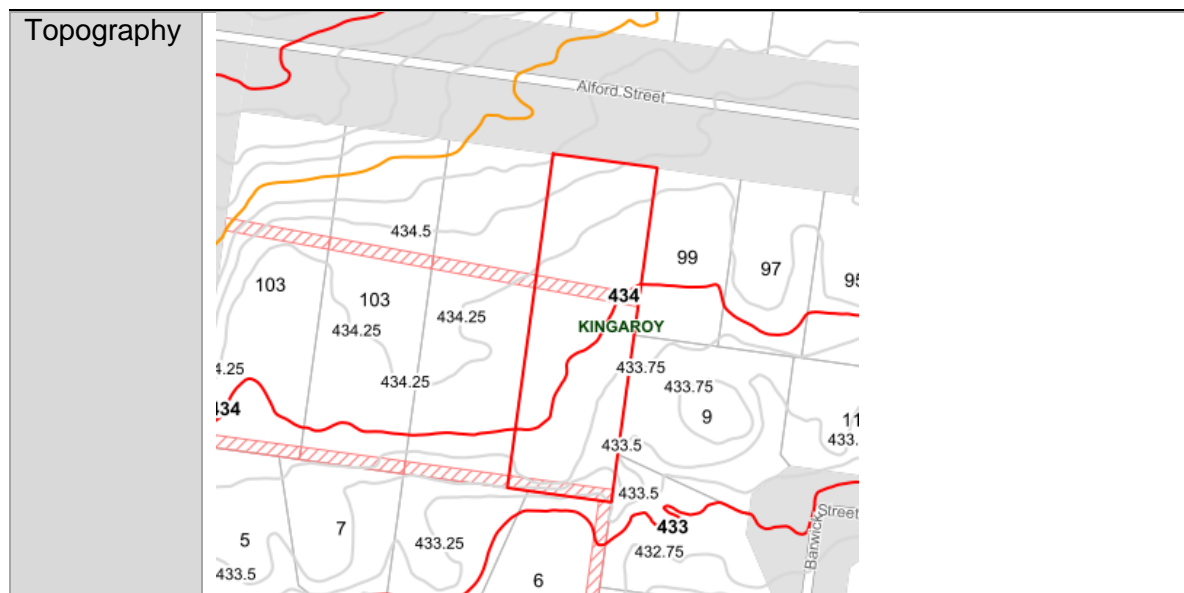
This section of the report provides a description of the site, details about the existing use and notable characteristics of the site, the standard of servicing, and the form of development in the immediately locality.

2.1. SITE DESCRIPTION & EXISTING USE

Table 1 – Maps & Descriptions (Source: Intramaps)

<p>Site</p>	
<p>Zoning</p>	

<p>Overlays</p>	<p>LEGEND</p> <ul style="list-style-type: none"> Az Road Labels Town Planning Scheme Overlays <ul style="list-style-type: none"> Regional Infrastructure (Lines) Transmission Lines (Ergon) National Trail Rail Trail Agricultural Land Classification <ul style="list-style-type: none"> A B
<p>Services</p>	<p>LEGEND</p> <ul style="list-style-type: none"> Sewerage <ul style="list-style-type: none"> Sewer Manholes Sewer Treatment Plants Sewer Pump Stations Sewer Rising Mains Sewer Mains and Relines Sewer Declared Service Areas Sewer Future Expansion Areas <p>LEGEND</p> <ul style="list-style-type: none"> Water <ul style="list-style-type: none"> Mains Water Water Active Assets Hydrants Valves AC Zone Water Nodes Water Declared Service Areas Water Future Expansion Areas Water Supply Zone LLZ Stormwater <ul style="list-style-type: none"> Pits and Manholes Stormwater Headwalls Stormwater Pipes



2.2. DEVELOPMENT HISTORY OF THE SITE

APPLICATION NO.	DECISION
MCU21/0023	Development permit for a 54 child Childcare Centre in Low Density Residential Zone. This application was an impact assessable application where 2 properly made submissions were collected. The submissions were regarding carparking and noise impacts in which this development could cause.

3. PROPOSED CHANGE

The applicant submits changes to the Material Change of Use, with the following changes included within Table 3:

Table 3: Applicants changes and Council response.

Applicants Changes	Councils Response to the Change
Increase of 2 carparking spaces, thereby providing a total of 17 spaces	Council Supports, providing 17 spaces for the development, which is consistent with the table 8.4.5 of the planning scheme. Table 8.4.5 requires that there should be sufficient area for On-site queuing for 3 vehicles. The proposed development has the potential for 2 vehicles to que off the street if required on the access to the proposed carpark. Even though there is a downfall of 1 queuing space, this is deemed to be appropriate for the proposed development as vehicles will not be accessing the childcare centre at the same time in this instance.
Increase in gross floor area of 79.1m ² (16%) from that approved under MCU21/0023.	Council Supports the Change.
Changing the pervious approved suite of materials, colours and finishes.	Council supports the change of approved suite of materials, colours and finishes. The changes include brick and cladding to a more traditional wood cladding design that is consistent with the existing buildings/structures fronting Alford Street.
Change in Roof height from previously approved.	Council supports the change of proposed development roof increasing 0.3m in height from the existing approved development. This is considered appropriate to the existing low density character of Alford Street Kingaroy.

<p>Additional outdoor play area to the east of the site and increase in outdoor play area of 109.6m² (25%) from that approved under MCU21/0023</p>	<p>Council Officers support the change provided that the 2.4-metre-high acoustic fence is consistent to the outdoor play area to the east and south of the proposed development as shown on the Amended Figure 1 of the <i>Revised Acoustic Modelling (Reference J001643, dated 6 November 2023)</i> and referenced in condition MCU10. The resultant changes also affected the wording for MCU2 to MCU5. Minor wording amendments to the aforementioned conditions are to reflect the Revised Acoustic Modelling details.</p>
<p>Increase in the approved capacity of 54 children to 66 children.</p>	<p>Council Supports the Change.</p>

Within the Public Notification Period conducted as part of the original report, there were two (2) properly made submissions made. Within the *Planning Act 581(2)(b)* "In assessing the change application, the responsible entity must consider any properly made submissions about the development application or another change application that was approved". Below is the two concerns brought up within those submissions and the actions taken within the minor change report to ensure that these impacts didn't become worse.

Table 4: Applicants and Councils Responses to the Minor Change Regarding the Public Submissions.

<p>Concern from Public Submission</p>	<p>Applicants and Councils Response to the Minor Change Regarding the Public Submissions</p>
<p>Carparking and Traffic Impacts</p>	<p>Within the amended conditions and minor change report, the carparking was changed from 15 to 17 car spaces which is consistent with the table 8.4.5 of the South Burnett Regional Council Planning Scheme. On the access driveway to the proposed Childcare Centre there is potentially enough space for 2 vehicles to queue off the street which is deemed to be appropriate for the proposed development as vehicles will not be accessing the childcare centre at the same time in this instance.</p> <p>With the changes provided to Council, the Carparking and Traffic Impacts have been sufficiently answered and will not provide major impacts to the neighbouring developments.</p>
<p>Noise Impacts</p>	<p>Within the Public Notification period of the original report a submission regarding noise impacts was received.</p> <p>The applicant provided a Revised Acoustic Modelling (6 November 2023) for the proposed changes which showed minimal changes to Predicted Noise Levels at most Noise Sensitive Receptors. The Revised Acoustic Modelling specified that the Noise Impact Assessment (2 August 2022) recommendations are still considered to be relevant to the minor change.</p>

	<p>Council Amended Figure 1 (Recommended Acoustic Barrier Specifications) to display 2.4-metre-high acoustic fence is consistent to the outdoor play area to the east and south of the proposed development. This was done to ensure outdoor play wouldn't impact the neighbouring developments adjacent to the play area.</p> <p>Within all conditions regarding the Noise Impact Assessment from the original report, Council recommends that an updated Noise Impact Assessment to be provided before obtaining a Building Approval. This is to ensure that any noise impacts to the neighbouring development will not increase dramatically.</p>
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Refer to **Attachment C** for the approved plans regarding the minor change.
 Refer to **Attachment E & F** for the Public Submissions received during MCU21/0023.

4. MINOR CHANGE CRITERIA ASSESSMENT

A minor change is a change application to a development approval as per s81 of *The Planning Act 2016*. A response to the minor change criteria is provided below.

Table 5. Assessment against Minor Change Criteria (*Planning Act 2016*, Schedule 2)

MINOR CHANGE CRITERIA	COMPLIES	RESPONSE
A minor change , for a development approval, means a change would not--		
i. Result in a substantially different development; or	✓	The use, scale and built form of the approved development will remain substantially similar to the existing approval.
If a development application for the development, including the change, were made when the change application is made would not cause--		
A. The inclusion of prohibited development in the application; or	✓	The proposed changes do not introduce prohibited development.
B. Referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	✓	No referral to a referral agency was required during the original application and not relevant to the proposed change.
C. Referral to extra referral agencies, other than to the chief executive; or	✓	No extra referral agencies are relevant to proposed change.
D. A referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or	✓	The proposed change would not cause a referral agency to assess the application against or have regard to the matter prescribed by s55(2).
E. Public notification if public notification not required for the development application.	✓	The original application was assessed as an impact assessable application. Therefore, the proposed minor change will not trigger a further Public Notification Period.

The Development Assessment Rules 2017 (Schedule 1) provides guiding criteria in relation to ‘substantially different development’. The proposed change is assessed against these criteria in **Table 6**.

Table 6. Assessment against Substantially Different Development Criteria (Development Assessment Rules 2017)

SUBSTANTIALLY DIFFERENT DEVELOPMENT CRITERIA	COMPLIES	RESPONSE
A Change may be considered to result in a substantially different development if the proposed change:		
A. Involves a new change	✓	The proposed minor changes does not involve a new use of the premises.
B. Results in the application applying to a new parcel of land	✓	No new or additional land applies to the development.
C. Dramatically changes the built form in terms of scale, bulk and appearance	✓	The proposed minor change will increase the development gross floor area by 16% which does not dramatically change the scale of the existing approved development. The appearance for the proposed development from the street will minimally change, with the proposed development increasing 0.3m in height as well as updating the suite of materials, colours and finishes from the existing approved development to better emerge into the existing low density character.
D. Changes the ability of the proposal to operate as intended	✓	The proposed change will not impact on the intended operations of the approved use, outside of the minor increase in the number of children able to access the Childcare Centre.
E. Removes a component that is integral to the operation of the development	✓	The proposed minor change will not remove any component that is integral to the operation of the approved development.
F. Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site	✓	The proposed minor change will introduce 2 new car spaces for the additional capacity increase proposed. The proposed access has the potential for 2 cars to queue off the street if required. Even though more carparking will be introduced, this would not significantly impact on the existing traffic flow and the transport network on and or around the proposed development.
G. Introduces new impacts or increases the severity of known impacts	✓	The proposed change will not result in the creation of any new impacts or increase the severity of known impacts.
H. Removes an incentive or offset component that would have balanced a negative impact of the development	✓	No incentives or offsets are involved or will be removed as a consequence of the minor change.

<p>I. Impacts on infrastructure provision.</p>	<p>✓</p>	<p>The proposed minor change will not impact on the provision of infrastructure to the approved development, nor will it require any additional infrastructure or place additional demand on infrastructure services.</p>
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5. CONCLUSION

Proposed changes to approval MCU21/0023 are determined to be minor pursuant to *Section 81 of the Planning Act 2016*.

- The proposal retains the (original) use of Development, of a Childcare Centre.
- The proposed change does not dramatically change the scale and bulk from pervious approved.
- The proposed change will change the exterior appearance with an increasing 0.3m in roof height as well as updating the suite of materials, colours and finishes to better emerge into the existing low density character.
- Appropriate carparking for the proposed increase in childcare capacity.
- Reasonable and relevant conditions of approval can be imposed to ensure compliance with the South Burnett Planning Scheme 2017 requirements.

6. CHANGE TO CONDITIONS

Conditions of Approval to be amended include:

- GEN1.** Update approved plans.
- MCU1.** Amended Condition referring updated maximum accommodation.
- MCU2.** Condition subsequently amended to reflect the proposed revised Noise Impact Assessment as part of the change application.
- MCU3.** Condition subsequently amended to reflect the proposed revised Noise Impact Assessment as part of the change application.
- MCU4.** Condition subsequently amended to reflect the proposed revised Noise Impact Assessment as part of the change application.
- MCU10.** Amended Figure 1 of the Revised Acoustic Modelling (Reference J001643, dated 6 November 2023) to show the 2.4-metre-high acoustic fence to be consistent to the outdoor play area to the east and south of the proposed development as well as for the applicant to provide an updated Noise Impact Assessment before obtaining a Building Approval.
- ENG24.** Amended Condition referring updated carparking requirements.
- ADV4.** Amended Condition referencing updated development incentive scheme dates.

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

Against: Nil

CARRIED 6/0

Attendance:

At 11:57am, General Manager Infrastructure Aaron Meehan left the meeting.
 At 12:00pm, General Manager Infrastructure Aaron Meehan returned to the meeting.
 At 12:02pm, Coordinator Development Services David Hursthouse left the meeting.

17.3 NEGOTIATED REPORT FOR MATERIAL CHANGE OF USE - RENEWABLE ENERGY FACILITY (TUMURRU SOLAR FARM) AND MAJOR ELECTRICITY INFRASTRUCTURE (BATTERY ENERGY STORAGE SYSTEM) AT 341 BOWMAN ROAD, TAROMELO (AND DESCRIBED AS LOT 2 ON SP155159). APPLICANT: AUSTRALIAN SOLAR ENTERPRISES C/- GILVEAR PLANNING

RESOLUTION 2024/266

Moved: Cr Kirstie Schumacher
 Seconded: Cr Scott Henschen

That Council approve the Negotiated Decision request for Material Change of Use for a Renewable Energy Facility (Tumuruu Solar Farm) and Battery Storage Facility at 341 Bowman Road, Taromeo (and described as Lot 2 on SP155159), subject to the following Conditions: -

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:

APPROVED PLANS

Drawing Title	Prepared by	Drawing no.	Revision/Date
Tumuruu Solar Farm	Gilvear Planning	J001321	19 September 2023
Vegetation Screening Plan	LANDPLAN	2204-033	Version 7 28 September 2023
Landscape Concept entry	LANDPLAN	2204-033	Version 7 28 September 2023
PEG Modular Installation system.	Jurchen Technology	-	5 October 2023 (received)

Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

DOCUMENTS

- Tumuruu Solar Project – (Advice – ‘improve soil quality, & livestock pasture’), prepared by E.E. Muir & Sons date 18 September 2023.
- Assessment of Potential Visual Impact – (Tumuruu Solar Farm) prepared by LANDPLAN Landscape Architects, report number 2204-0033 version 7, date 29 September 2023.
- Tumuruu Solar – (Noise Impact Assessment) prepared by Matrix Acoustics report number 20230038A revision, date 14 September 2023.

AMENDED PLANS

GEN2. Prior to the commencement of development works on site provide the following amended plans:

- Update drawing titled ‘Tumuruu Solar Farm J001321 dated 19 September 2023 (remove concept only reference).
- Update drawing titled ‘Tumuruu Solar Farm J001321 dated 19 September 2023 (ensure extent of vegetation screening is consistent with the approved Vegetation screening plan).
- Revised plan of layout that accurately identifies locations of all distributed inverter/battery installations and HV Switchyard, as generally shown on image 4-1 (page 9) of the Matrix Acoustics report.

CONDITION TIMING

GEN3. Unless stated otherwise, all conditions are to be complied with prior to commencement of the use and compliance maintained at all times while the use continues and until the site is rehabilitated.

NATURE & EXTENT OF APPROVED USE

GEN4. The approved use is a Renewable Energy Facility (Tumuruu Solar Farm) and Battery Storage Facility which specifically comprises:

- a photovoltaic solar farm with an export capacity of up to 400 Megawatts and consisting of permanently affixed photovoltaic panels mounted on lightweight steel rods and plates as shown in the approved drawing titled 'PEG Installation'. and
- Centralised Battery Energy Storage System, located within a single 2ha area as shown on the approved plans; and
- Ancillary switching yard, dispersed batteries and inverters, operation and maintenance facilities, laydown area, transmission connections, access roads, fencing and landscaping.

- GEN5. Limit development area to the approved extent (397.18ha/59% of site area):
- GEN6. Confirmation of the final as-constructed drawings (in accordance with the approved plans and reports), including specifications of all mechanical and plant equipment installed is required within 3 months of Construction.
- GEN7. The approved use may operate for a maximum of 50 years from the date the facility, or part of the facility, becomes operational.

CARETAKER'S ACCOMMODATION

- GEN8. Where deemed necessary, provision of a caretaker's residence shall comply with Rural Zone Code's Acceptable Outcomes AO8 (1 to 3), and Acceptable Outcomes AO9 (1 to 5).
- GEN9. Any caretaker's residence placed on the premises must accord with minimum requirements for sensitive receptors outlined in the Tumuruu Solar – (Noise Impact Assessment) prepared by Matrix Acoustics report number 20230038A revision, date 14 September 2023.

DECOMMISSIONING

- MCU1. Decommissioning of the Solar Farm generally in accordance with the approved Rehabilitation and Exit Plan under this approval must commence within 3 months of the development ceasing its operational life or after 12 months of the use not being operational, whichever occurs first.
- MCU2. Prior to the use commencing, the Operator must submit to Council for endorsement, a Rehabilitation and Exit Plan prepared by a suitably qualified person that, at a minimum:
- a. provides formal notice to Council of the commencement of the use and a mechanism for formal notification of cessation of the use;
 - b. identifies that the operator is responsible for decommissioning and rehabilitation, and identifies the responsibility of the operator for the decommissioning and rehabilitation;
 - c. identifies the processes that will be undertaken to return the site to a condition no worse than its condition prior to the development to make the site available for agricultural uses upon decommissioning of the Solar Farm;
 - d. identifies possible land use (e.g. animal keeping, cropping) following cessation of the approved use;
 - e. clearly establishes the objectives of the Plan;
 - f. adopted performance criteria for rehabilitation efforts including a set timeframe to completion of no more than two (2) years after the decommissioning occurred;
 - g. includes an Action Plan, with timing for remedial work such as structure removal, removal of imported materials such as gravel, any soil erosion, drainage and vegetation cover works, along with weed and pest animal control activities required to meet the adopted rehabilitation performance criteria; and
 - h. outlines a program for monitoring rehabilitation success using appropriate indicators.

VISUAL AMENITY & REFLECTIVITY

MCU3. Any visible support structures, framing, cabling, or other equipment and infrastructure shall have a non-reflective or matte finish.

MCU4. The photovoltaic panels shall have an anti-reflective coating.

BUILDING HEIGHT

MCU5. The maximum height of any building must not exceed 8.5 meters above natural ground level.

Note:

- Condition MCU5 relates to maximum height of buildings ancillary to the solar farm operations only (maximum height of solar panels specified as per the approved plans);
- The 8.5m height limit does not apply to transmission connection or structures associated with the switching yard.

LANDSCAPE BUFFERS

- MCU6. A detailed Landscape Plan, is to be prepared by a suitably qualified person and generally in accordance with landscape recommendations in section 12 (12.1 to 12.8) of the approved LANDPLAN report number 2204-0033 version 7, dated 29 September 2023. The detailed Landscape Plan must provide and/or undertake the following:
- a. details of fencing system intended to be set 10-15m from the solar array;
 - b. details of temporary screens (shade cloth or equivalent) to be maintained until vegetated buffers attain heights prescribed table 9, and canopy spread outlined in figure 42 of the approved LANDPLAN report number 2204-0033 version 7, dated 29 September 2023;
 - c. a vegetated buffer design to be consistent with the stated width and dense planting screen arrangement shown in figure 42 of the approved LANDPLAN report number 2204-0033 version 7, dated 29 September 2023;
 - d. vegetated buffer maintenance regime undertaken over a 24-month period, beginning upon installation of the vegetation. At the end of the 24-month period provide statutory a declaration from a Registered Landscape Architect confirming that at least 90% of the planting is of good health and habit. If at least 90% of the planting is not of good health and habit (as identified by the Landscape Architect) notify Council and confirm the following will occur:
 - The affected area is to be identified;
 - Corrective actions for the affected area are to be agreed, and may include pruning, fertilizing or replacement;
 - The maintenance period for the affected area will be extended by three months;
 - At three months a further inspection will be undertaken, and if planting has not met the abovementioned requirement, the monitoring will be extended by a further three months; and
 - This monitoring would extend to a maintenance period of no greater than 36 months in total;
 - e. soil testing and amelioration to be undertaken by a landscape contractor to ensure soil condition and nutrient requirements will support successful native plant establishment; and
 - f. identify existing vegetation intended to be retained as inferred in the approved LANDPLAN report number 2204-0033 version 7, dated 29 September 2023.
- MCU7. The landscaped buffers required by this approval shall be installed at the first feasible planting season, or within three months of the installation of any solar panels.

The first feasible planting season would be anytime outside of extreme weather conditions, which may include drought, extreme heat and frost.

A solar farm fence will be installed prior to the installation of the solar array. Upon completion of the solar farm fence, temporary screening (shade cloth or equivalent) will be applied along the residential interfaces identified in condition MCU6(b).

As a performance standard, the maintenance period will not be achieved until the trees and large shrubs within the landscape buffers attain an average overall height of 1.5 metres.

The species mix used for each screen type will be generally in accordance with the Planting Schedule at table 9 of the approved LANDPLAN report number 2204-0033 version 7, dated 29 September 2023.

OPERATIONAL PHASE ENVIRONMENTAL MANAGEMENT PLAN (OEMP)

- MCU8. The applicant shall submit to Council for endorsement an Operational Phase Environmental Management Plan (OEMP) for Council endorsement prior to the commencement of site works. The Plan is to detail the likely, probable and extreme events that may occur during the operational phases of the development. The OEMP shall consider the probability of these events occurring, likely impacts and probable solutions to mitigate the impacts of these events. The OEMP shall address:
- a. natural hazards that impact on the safe operation of the site, such as flooding, storms, risk of bushfire fire, dust; mutual interface with adjacent land uses;
 - b. including amenity glare and reflectivity;
 - c. aircraft glare and reflectivity;
 - d. noise management;
 - e. lighting;
 - f. soil management, including soil conversation strategies as outlined in the approved Advice Letter prepared by E.E. Muir & Sons date 18 September 2023;
 - g. soil management, including soil conversation, erosion and sediment control, soil degradation and instability;
 - h. fauna interaction;
 - i. surface water movement, water quality and landscaped areas irrigation;
 - j. waste management;
 - k. facilities management;
 - l. complaints management; and
 - m. site security and access, including visitors and promotions.

NOISE

- MCU9. Noise from the construction phase of the development must not exceed the most stringent criterion for daytime hours identified in section 2.2 of the approved 'Noise Assessment report prepared by Matrix Acoustics, report number 20230038A revision, date 14 September 2023. Noise associated with the construction phase is to be managed in accordance with a Council endorsed 'Construction Management Plan'.
- MCU10. Noise from the construction phase of the development must not exceed the most stringent criterion for night-time hours identified in section 2.1 of the approved 'Noise Assessment report prepared by Matrix Acoustics, report number 20230038A revision, date 14 September 2023.

Prior to installation of solar panels, inverters, distributed batteries, HV Switch yard or any other potential noise sources provide confirmation from a suitably qualified professional that all equipment will comply with the stringent criterion for night-time hours identified in section 2.1 of the approved 'Noise Assessment report prepared by Matrix Acoustics, report number 20230038A revision, date 14 September 2023.

Noise from the operational phase of the activity to which this approval relates must not cause or be likely to cause an environmental nuisance at any sensitive receptor that

exceeds the Acoustic Quality Objectives listed in the Environmental Protection (Noise) Policy 2019, when measured at the closest sensitive receptor.

WASTE MANAGEMENT

MCU11. Prior to the use commencing operation, confirmation must be provided to Council of the number and type of refuse containers provided on site and the commercial waste collector has been engaged.

LIGHTING

MCU12. All outdoor lighting must be designed, installed, operated and maintained to comply with the requirements of AS4282 – *Control of the obtrusive effects of outdoor lighting*.

DUST

MCU13. The applicant must construct and operate the project in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. The applicant must identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust are minimised during severe weather conditions.

FURTHER DEVELOPMENT PERMITS

MCU14. The use must not commence until the following development permits have been issued and complied with as required –

- Development Permit for Building Work (Buildings, Panel Structures/Framing, Inverter/Transformer Units).
- Development Permit for Operational Work (Bulk Earthworks).
- Compliance Permit for Plumbing & Drainage Work for the installation of on-site Sewerage Facilities in accordance with the Queensland Plumbing and Wastewater Code.

SITE MANAGEMENT

MCU15. The developer is to ensure that the contractor engaged to remove spoil from or import fill to the site maintains all Council roads clean and free of silt and/or rubbish.

STORMWATER

MCU16. Stormwater is to be disposed of on-site so as to cause no scour or damage to adjoining properties to the satisfaction of Council.

MCU17. The method of treatment of stormwater runoff from and through the site shall be designed and constructed in accordance with Council's Service and Works Code.

EROSION AND SEDIMENT CONTROL

MCU18. Erosion and sediment control measures are to be designed and provided in accordance with the International Erosion Control Association (Australasia) 2008's "Best Practice Erosion and Sediment Control for Building and Construction Sites".

STORAGE OF LIQUID CHEMICALS (OTHER THAN FUEL)

MCU19. All liquid chemicals (including flammable liquids (other than fuel), agricultural and veterinary chemicals, waste oil, acid and lube oil) must be stored within dedicated impervious secondary containment stores, structures or devices and in a manner that complies with Australian Standards AS1940 - The storage and handling of flammable and combustible liquids.

ENVIRONMENTAL HARM

MCU20. The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

ENVIRONMENTALLY RELEVANT ACTIVITIES

MCU21. Should the premises, or any part of the premises, be used for an "Environmentally Relevant Activity" as defined under Schedule 2 the *Environmental Protection Regulation 2019*, separate approval is required by the relevant Administering Authority in accordance with the *Environmental Protection Act 1994* and where applicable the *Planning Act 2016* before such use commences.

ENGINEERING WORKS

- ENG1. Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, roadworks, and access.
- 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.
- 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, prior to the commencement of works, a Construction Management Plan generally in accordance with the previously submitted 'draft Construction Environmental Management Plan *J001321: Tumuruu – CEMP v1.0*. The Construction Management Plan is to cover where applicable, at least 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. Provide stormwater management generally in accordance with the approved Conceptual Site Based Stormwater Management Plan prepared by Empower Engineers & Project Managers dated 5 October 2023, subject to detailed design and except as altered by conditions of this development approval.

ENG14. As part of an Operational Work application, provide an updated stormwater management plan detailing the requirements (including updated modelling) for stormwater management, including detention basins, to mitigate peak flow discharge to pre-development levels.

ENG15. 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.

ENG16. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

ENG17. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

WATER SUPPLY

ENG18. Connect the development to Council's reticulated water supply system via a single connection.

ENG19. Provide a suitable onsite water supply for the development, and monitor water quality to ensure compliance with Health Guidance of use of Rainwater Tanks.

ON-SITE WASTEWATER DISPOSAL

- ENG20. Connect the development to an on-site wastewater disposal system, in accordance with the AS1547:2012 *On-site domestic wastewater management* and the Queensland Plumbing and Wastewater Code - 2019.
- ENG21. Obtain a Development Permit for Plumbing Works for the on-site sewerage treatment system.

PARKING AND ACCESS - GENERAL

- ENG22. Provide a car park and set down area to accommodate the development completely internal to the site. The car park and set downs area shall be constructed with a 'low dust' gravel, and maintained to ensure no dust nuisance to sensitive receptors.
- ENG23. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
- ENG24. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.
- ENG25. Provide longitudinal gradient and crossfall for all driveways to comply with the requirements of AS2890.1.
- ENG26. Maintain dust suppression treatment to all internal roadways, and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.
- ENG27. In the event that bona fide complaints are received by Council in relation to dust emissions produced from the site, Council reserves the right to require the applicant to provide either concrete, asphalt, or bitumen seal to heavy vehicle manoeuvring areas.

VEHICLE ACCESS - TURNOUT

- ENG28. Design and construct vehicle turnout in accordance with Council's Standard Drawing No. 00049 Rev B, to accommodate the swept path of the largest expected vehicle.

TRANSPORT ROUTE AND ROAD UPGRADING

- ENG29. The approved transport route for all vehicles associated with the solar farm is from the intersection of the D'Aguilar Highway and Hart Street Blackbutt, north along Hart Street and Bowman Road, through to Boobir Creek/Cameron Road, and along Boobir Road to the site entrance, and vice versa.
- ENG30. The approved transport route shall be upgraded to relevant Austroads' Standards, Council's Standards, and more specifically, include:
- a) Review of the vertical and horizontal alignment to safely accommodate the largest expected vehicle servicing the solar farm;
 - b) Reconstruction of the existing pavement and widening where required to provide 2 x 3.5m lanes with 1m shoulders, including drainage and table drains, curve widening, and any other widening necessary to accommodate the swept path of the largest expected vehicle servicing the solar farm;
 - c) Double/Double bitumen seal;
 - d) Structural assessment of all existing culverts, with replacement and/or extension where required;
 - e) Changes and upgrades required to all intersections and accesses impacts by the transport route upgrade;
 - f) tapers to existing road pavement; and
 - g) road signage and line marking.

Timing: Prior to commencement of construction of the solar farm.

Note: This condition is imposed pursuant to Section 145 (b) (iii) of the *Planning Act 2016*.

ENG31. Upgrade the intersection of Bowman Road/Boobir Creek Road, and Cameron Road generally in accordance with Empower drawing no. B00484-DA-CR010 Rev C. The intersection shall be designed to accommodate the largest expected vehicle.

Timing: Prior to commencement of construction of the solar farm.

Note: This condition is imposed pursuant to Section 145 (b) (iii) of the *Planning Act 2016*.

SCHOOL BUS ROUTES

ENG32. No heavy vehicle movements are permitted on Bowman Road between the hours of 7am to 9am, and 2pm to 4pm on school days.

B-DOUBLE ROUTE

ENG33. The section of Bowman between the D'Aguilar Highway and the site entrance to the property is not currently an approved B-Double Route. If B-Doubles are proposed to be used, obtain an approval for the route to be used by multi-combination vehicles 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>

ELECTRICITY AND TELECOMMUNICATION

ENG34. Connect the development to electricity and telecommunication services.

EARTHWORKS - GENERAL

ENG35. Earthworks per site involving cut or fill with a nett quantity of material greater than 50m³, requires an Operational Work application.

ENG36. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG37. Undertake an Erosion and Sediment Control Program including, but not limited to the following:

- a) construction of sediment fences, earth berms, temporary drainage, temporary sediment basins and stormwater filtering devices designed to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems;
- b) measures to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the construction period;
- c) identification of areas to be utilised on the site for stockpiling of materials capable of being moved by the action of wind or running water; the materials shall be stored clear of drainage paths, and appropriate measures implemented to prevent the entry of such materials into either the road or drainage system;
- d) inspection regime of sediment and erosion controls; and
- e) response times to events where controls have been damaged or are inadequate, and erosion or the release of sediment or sediment laden stormwater has occurred from the site or associated works.

ENG38. Implement the approved Erosion and Sediment Control Plan and modify as necessary, to maintain compliance with the approval.

ENG39. Undertake works to reinstate or clean up the road and/or drainage system damaged/blocked as a result of erosion and/or sedimentation from the site, at no cost to

Council. Undertake such works immediately where there is a potential hazard to pedestrians and/or passing traffic.

Timing: During construction and on-maintenance period and the establishment period of the landscaping or areas disturbed during construction.

ADVICE

ADV1. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage.” Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence 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.

ADV2. Attached for your information is a copy of Chapter 6 of the Planning Act 2016 in regard to Appeal Rights.

ADV3. Infrastructure charges are now levied by way of an Infrastructure Charges Notice, issued pursuant to section 119 of the *Planning Act 2016*.

ADV4. Council is offering a reduction infrastructure charges payable through the development incentive scheme, which is available between 1 December 2020 and 31 December 2025.

Eligible development under this scheme is required to be completed by 31 December 2023. For further information or an application form please refer to the rules and procedures available on Council’s website. ADV5. This Material Change of Use development approval does not permit building works or operational works requiring further assessment. It is incumbent upon the applicant to determine which other permits will be required.

ADV5. The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 “Lapsing of approval at end of currency period” of the Planning Act 2016.)

ADV6. Advice Agencies provided responses to the proposed development as Attachments D & E.

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

Against: Cr Kathy Duff

CARRIED 5/1

17.4 SOUTH BURNETT REGIONAL HOUSING ACTION PLAN REPORT

RESOLUTION 2024/267

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council adopt the South Burnett Local Housing Action Plan

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

Against: Nil

CARRIED 6/0

17.5 APPLICATION FOR FUNDING UNDER THE HOUSING AUSTRALIA FUTURE FUND FACILITY AND NATIONAL HOUSING ACCORD FACILITY

RESOLUTION 2024/268

Moved: Cr Scott Henschen

Seconded: Cr Jane Erkens

That South Burnett Regional Council endorse the application for funding under the Housing Australia Future Fund Facility and National Housing Accord Facility to construct social and/or affordable housing projects.

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

Against: Nil

CARRIED 6/0

At 12:07 pm, Cr Gavin Jones left the meeting.

Cr Henschen took the chair.

18 QUESTIONS ON NOTICE

Nil

19 INFORMATION SECTION

Nil

20 CONFIDENTIAL SECTION

RESOLUTION 2024/269

Moved: Cr Jane Erkens

Seconded: Cr Kirstie Schumacher

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 Blackbutt Water Tower – Telecommunications Tower Lease

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

20.2 Request to Accept Tenders for the Design and Construction of Weighbridges in Waste Facilities

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.

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

Against: Nil

CARRIED 5/0

RESOLUTION 2024/270

Moved: Cr Jane Erkens

Seconded: Cr Kathy Duff

That Council moves out of Closed Council into Open Council.

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

Against: Nil

CARRIED 5/0

20.1 BLACKBUTT WATER TOWER – TELECOMMUNICATIONS TOWER LEASE

RESOLUTION 2024/271

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That South Burnett Regional Council:

1. Section 236(1)(c)(vi) of the *Local Government Regulation 2012* applies for the disposal of the valuable non-current asset by offering a Lease for Part of Lot 1 on RP130127, D'Aguilar Highway, Blackbutt to Telstra Limited; and
2. Pursuant to Section 257(1)(b) of the *Local Government Act 2009*, South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the Lease between Council and Telstra Limited on terms and conditions the Chief Executive Officer reasonably considers satisfactory to Council.

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

Against: Nil

CARRIED 5/0

20.2 REQUEST TO ACCEPT TENDERS FOR THE DESIGN AND CONSTRUCTION OF WEIGHBRIDGES IN WASTE FACILITIES

RESOLUTION 2024/272

Moved: Cr Kathy Duff

Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council award NC Webber Building Services the tender SBRC 23/24_07 and SBRC 23/24_08 for the construction of weighbridges at the Nanango and Wondai Waste Facilities.

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

Against: Nil

CARRIED 5/0

21 CLOSURE OF MEETING

The Meeting closed at 12:17pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 14 February 2024.

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CHAIRPERSON