



SOUTH BURNETT

REGIONAL COUNCIL

MINUTES

**Ordinary Council Meeting
Wednesday, 18 September 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, 18 SEPTEMBER 2024 AT 9.00AM**

PRESENT:

Councillors:

Mayor Kathy Duff, Cr Jane Erkens, Cr Linda Little, Cr Danita Potter, Cr Deb Dennien, Cr Heath Sander, Cr Ros Heit

Council Officers:

Mark Pitt (Chief Executive Officer), Kerri Anderson (Acting General Manager Finance & Corporate), Ged Brennan (Acting General Manager Infrastructure), Leo Jensen (Manager Environment & Planning), Kevin Searle (Manager Works), Rebecca Bayntun (Manager Corporate, Governance & Strategy), Mal Dombrow (Manager Facilities & Parks), Helen Floyd (Executive Assistant), Kristy Miatt (Executive Assistant)

1 OPENING

Mayor Duff opened the meeting at 9.04am.

2 LEAVE OF ABSENCE / APOLOGIES

Nil

3 PRAYERS

A representative of Barambah Ministers Association, Peter Coombes offered prayers for Council and for the conduct of the Council meeting.

4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

5 DECLARATION OF INTEREST

The Chief Executive Officer informed the meeting that he has a declarable conflict of interest in **Item 17.10 Certified Agreement Negotiations** due to a related party, being a family member, working for council. This matter is listed on the employee register of interests, was dealt with by resolution of council in March 2023 and previous legal advice. The Chief Executive Officer is able to attend and participate in all matters relating to this issue.

I, Cr Heath Sander inform this meeting that I have a prescribed conflict of interest in relation to **Item 17.10 Certified Agreement Negotiations**.

This prescribed conflict of of interest arises due to a family member (a close associate) being an employee of Council.

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

I, Cr Jane Erkens inform this meeting that I have a prescribed conflict of interest in relation to **Item 17.10 Certified Agreement Negotiations.**

This prescribed conflict of of interest arises due to a family member (a close associate) being an employee of Council.

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

I, Cr Deb Dennien inform this meeting that I have a declarable conflict of interest in relation to **Item 17.10 Certified Agreement Negotiations.**

This declarable conflict of interest arises due to a related party to my son being an employee of Council.

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

Attendance

At 9.16am Leo Jensen (Manager Environment & Planning) entered the meeting.

6 DEPUTATIONS/PETITIONS

6.1 DEPUTATION - NANANGO KENNEL CLUB

Nanango Kennel Club deputation was presented.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 AUGUST 2024

RESOLUTION 2024/130

Moved: Cr Danita Potter

Seconded: Cr Deb Dennien

That the Minutes of the Council Meeting held on 21 August 2024 be received and the recommendations therein be adopted.

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

Against: Nil

CARRIED 7/0

Attendance

At 9:36 am, Cr Danita Potter left the meeting.

8 NOTICES OF MOTION

8.1 NOTICE OF MOTION - RESEAL PREPARATION

RESOLUTION 2024/131

Moved: Cr Heath Sander

Seconded: Cr Jane Erkens

That South Burnett Regional Council, as part of the reseal preparation, use the opportunity to reduce the rough surfaces by marking a greater percentage of the defects to ensure that the prepared roads across the entire width and length of the South Burnett are considerably smoother before commencing the reseal program.

Report to come back to Council at November Council Meeting.

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

Against: Nil

CARRIED 6/0

MOTION

RESOLUTION 2024/132

Moved: Mayor Kathy Duff

Seconded: Cr Jane Erkens

That the meeting moves to Item 10.1

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

Against: Nil

CARRIED 6/0

10.1 NOTICE OF MOTION DOG HOBBYISTS AND DOG EXHIBITORS

RESOLUTION 2024/133

Moved: Mayor Kathy Duff

Seconded: Cr Jane Erkens

That South Burnett Regional Council:

1. Commences the process to review Local Law No. 2 (Animal Management) 2011 and includes the following conditions in this review:
 - Hobbyist Breeder and Dog Exhibitor is defined by a person on more than 4.5 acres (18200 square metres) with 12 or less dogs who breeds or exhibits for non-commercial purposes.
 - This permit would allow for registration of up to 12 dogs for a period of 12 months.
 - The registrations would be updated yearly.

-
- Each dog registration would cost the same as what is listed on current schedule of fees to be capped at \$240 for total of 12 dogs.
 - This permit can only be given to a person who holds a current financial Nanango Kennel Club membership or Burnett Kennel club membership, and Dogs Queensland membership.
 - A yearly permit fee of \$250 would be charged.
 - Conditions for maintaining a permit are that the permit holder must remain compliant with Dogs QLD rules and regulations and have no unresolved complaints with South Burnett Regional Council.
2. Reviews the defined and non-defined areas;
 3. Include consideration of the restriction of the number of pets allowed in properties with flats; and
 4. Consult with relevant government entities about the overall State interest in the proposed local law with a report to be brought back to the November Ordinary Meeting of Council.

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

Against: Nil

CARRIED 6/0

Attendance

At 9.39am Kevin Searle left the meeting.

9 COUNCILLOR DIVISIONAL UPDATES

All Councillors provided a divisional update.

10 BUSINESS OUTSTANDING

Item - 10.1 Notice of Motion Dog Hobbyists and Dog Exhibitors - has been moved to another part of the document.

Attendance

At 9:47 am, Cr Danita Potter returned to the meeting.

At 9.48am Lynelle Paterson entered the meeting.

At 9.48am Lynelle Paterson left the meeting.

At 9.51am Mal Dombrow entered the meeting.

At 9.51am Paul Turner entered the meeting.

At 10.09am CEO Mark Pitt left the meeting.

At 10.11am Danielle Mengel entered the meeting.

ADJOURN MORNING TEA

RESOLUTION 2024/134

Moved: Cr Danita Potter
Seconded: Cr Heath Sander

That the meeting adjourn for morning tea at 10.30am

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

Against: Nil

CARRIED 7/0

RESUME MEETING

RESOLUTION 2024/135

Moved: Cr Linda Little
Seconded: Cr Heath Sander

That the meeting resume at 11.05am.

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

Against: Nil

CARRIED 7/0

Attendance

At 11.05 CEO Mark Pitt returned to the meeting.

10.2 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

RESOLUTION 2024/136

Moved: Cr Jane Erkens
Seconded: Cr Ros Heit

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

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

Against: Nil

CARRIED 7/0

11 EXECUTIVE SERVICES

11.1 CULTURAL WORKING GROUP

RESOLUTION 2024/137

Moved: Cr Deb Dennien

Seconded: Cr Danita Potter

That the South Burnett Regional Council:

1. Establish the Cultural Advisory and Working Group and develop a Terms of Reference that includes:
 - (a) The Mayor and all councillors being a member of the working group;
 - (b) Staff Representatives to include the Chief Executive Officer Mark Pitt, Manager Leanne Petersen, Manager Rebecca Bayntun.
 - (c) Delegate the power to the Chief Executive Officer to appoint other parties to the working group as identified and required.

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

Against: Nil

CARRIED 7/0

11.2 RED/GREEN TAPE REDUCTION ADVISORY/WORKING GROUP

RESOLUTION 2024/138

Moved: Mayor Kathy Duff

Seconded: Cr Ros Heit

That the South Burnett Regional Council:

1. Establish the Red/Green Tape Advisory and Working Group and develop a Terms of Reference that includes:
 - (a) The Mayor and all councillors being a member of the working group;
 - (b) Staff Representatives to include the Chief Executive Officer Mark Pitt, Manager Kerri Anderson, Manager Rebecca Bayntun, Manager James D’Arcy, Senior Environmental Health Officer Sarah Kent
 - (c) Delegate the power to the Chief Executive Officer to appoint other parties to the working group as identified and required.

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

Against: Nil

CARRIED 7/0

11.3 HIVESVILLE ADVISORY/WORKING GROUP

RESOLUTION 2024/139

Moved: Cr Deb Dennien
 Seconded: Cr Linda Little

That the South Burnett Regional Council:

1. Establish the Hivesville Advisory and Working Group and develop a Terms of Reference that includes:
 - (a) The Mayor and all councillors being a member of the working group;
 - (b) Staff Representatives to include the Chief Executive Officer Mark Pitt, Manager Kerri Anderson, Manager Rebecca Bayntun, Manager Leo Jensen, Snr Compliance and NRM Officer Scott Bastow, Coordinator Development Services David Hursthouse, Snr Building Certifier Russell Springall, Plumbing Inspector Arthur Dawson; and
 - (c) Delegate the power to the Chief Executive Officer to appoint other parties to the working group as identified and required.

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

Against: Nil

CARRIED 7/0

11.4 ACTING CHIEF EXECUTIVE OFFICER

RESOLUTION 2024/140

Moved: Cr Linda Little
 Seconded: Cr Danita Potter

Pursuant to the *Local Government Act 2009*, South Burnett Regional Council delegates the Mayor to appoint the Acting Chief Executive Officer for the duration of the Chief Executive Officer's leave.

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

Against: Nil

CARRIED 7/0

11.5 GROWING REGIONS PROGRAM - ROUND 2 GRANT OPPORTUNITY

RESOLUTION 2024/141

Moved: Mayor Kathy Duff

Seconded: Cr Danita Potter

That South Burnett Regional Council note the information in this report and approve the submission of the following project under this grant funding opportunity:

1. Signage across the region

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

Against: Nil

CARRIED 7/0

12 FINANCE & CORPORATE

12.1 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL ARTS, CULTURE AND HERITAGE POLICY - STRATEGIC009

RESOLUTION 2024/142

Moved: Cr Danita Potter

Seconded: Cr Deb Dennien

That the South Burnett Regional Council Arts, Culture and Heritage Policy – Strategic009 be adopted as presented.

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

Against: Nil

CARRIED 7/0

Attendance

At 11.37am Mal Dombrow left the meeting.

At 11.37am Paul Turner left the meeting.

12.2 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL LIBRARY COLLECTION DEVELOPMENT POLICY - STRATEGIC020

RESOLUTION 2024/143

Moved: Cr Danita Potter

Seconded: Cr Ros Heit

That the South Burnett Regional Council Library Collection Development Policy – Strategic020 be adopted as presented.

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

Against: Nil

CARRIED 7/0

12.3 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL LIBRARIES OPERATIONS POLICY - STRATEGIC021.

RESOLUTION 2024/144

Moved: Cr Ros Heit
 Seconded: Cr Linda Little

That the South Burnett Regional Council Libraries Operations Policy – Strategic021 be adopted as presented.

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

Against: Nil

CARRIED 7/0

12.4 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL POLICY FRAMEWORK - STRATEGIC006

RESOLUTION 2024/145

Moved: Cr Ros Heit
 Seconded: Cr Deb Dennien

That the South Burnett Regional Council Policy Framework – Strategic006 be adopted as presented.

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

Against: Nil

CARRIED 7/0

12.5 MONTHLY FINANCIAL INFORMATION

RESOLUTION 2024/146

Moved: Cr Linda Little
 Seconded: Cr Ros Heit

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

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

Against: Nil

CARRIED 7/0

12.6 APPOINTMENT OF THE INDEPENDENT MEMBERS TO THE CORPORATE RISK & AUDIT ADVISORY COMMITTEE

RESOLUTION 2024/147

Moved: Cr Ros Heit

Seconded: Cr Danita Potter

That the South Burnett Regional appoint:

1. Peter van der Eijk as an Independent Committee Member of the South Burnett Regional Council Corporate Risk and Audit Advisory Committee for a term of four (4) years.
2. John Oberhardt as an Independent Committee Member of the South Burnett Regional Council Corporate Risk and Audit Advisory Committee for a term of four (4) years.
3. Corrin Bischoff as an Independent Committee Member of the South Burnett Regional Council Corporate Risk and Audit Advisory Committee for a term of four (4) years.

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

Against: Nil

CARRIED 7/0

13 INFRASTRUCTURE

13.1 HEAVY VEHICLE BYPASS NANANGO

RESOLUTION 2024/148

Moved: Cr Jane Erkens

Seconded: Cr Ros Heit

That South Burnett Regional Council write to the Department of Transport and Main Roads (TMR) requesting the transfer of the heavy vehicle bypass, Cairns Street and Appin Street West for a section of Drayton Street in Nanango

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

Against: Nil

CARRIED 7/0

14 LIVEABILITY

14.1 LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP) - 5 YEAR REVIEW PROCESS

RESOLUTION 2024/149

Moved: Cr Danita Potter

Seconded: Cr Deb Dennien

That South Burnett Regional Council resolves to:

1. List for its consideration at its first 2024/25 budget quarterly review, an amount of \$125,000 ex GST to undertake the LGIP review process and to meet its statutory obligations under the relevant legislation.
2. Undertake an amendment to its LGIP in accordance with Chapter 5 of the Minister’s Guidelines and Rules under the *Planning Act 2016*.

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

Against: Nil

CARRIED 7/0

14.2 DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING (3 X 2-BEDROOMS UNITS) AT 10 AGNES STREET KINGAROY (AND DESCRIBED AS LOT 7 ON RP41769) - APPLICANT: REGIONAL HOUSING LIMITED C/- URBAN STRATEGIES

RESOLUTION 2024/150

Moved: Cr Linda Little

Seconded: Cr Danita Potter

That Council approve the application for a Development Permit for a Material Change of Use – Multiple Dwelling (3 x 2-bedroom units) at 10 Agnes Street, Kingaroy Qld 4610 (and described as Lot 7 on RP41769) subject to conditions and recommendations contained herein.

GENERAL

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

Drawing No.	Sheet Name	Date	Prepared By	Rev No.
23-104-01	Site Plan (amended in red)	03/05/24	Brian Field Building Designs	-
23-104-02	Floor Plan (amended in red)	26/03/24	Brian Field Building Designs	-
23-104-03	Elevations (amended in red)	26/03/24	Brian Field Building Designs	-
23-104-04	Open Space Plan	03/05/24	Brian Field Building Designs	-
23-104-05	Vehicle Turning Paths	03/05/24	Brian Field Building Designs	-
23-104-06	Landscaping Plan (amended in red)	03/05/24	Brian Field Building Designs	-

Document No.	Document Name	Date	Prepared By	Rev No.
-	Preliminary Stormwater Management Report	29 April 2024	ATC Consulting Engineers and Project Managers Pty Ltd	1.0

DEVELOPMENT PERIOD - MCU

GEN2. The currency period for this development approval for material change of use (Multiple Dwelling – 3 x 2-bedroom units) is six (6) years after the development approval starts to have effect.

PARTICULAR USE

MCU1. This Development Permit is for Multiple dwelling – 3 x 2-bedroom units is to be undertaken by a community housing provider for the purpose of social housing for a minimum of 20 years in accordance with the *Queensland Housing Investment and Growth Initiative’s Quickstarts Qld* funding agreement, or the like.

REFUSE STORAGE

MCU2. Refuse and recycling bins are to be provided and stored in accordance with the Site Plan, Drawing No. 23-104-01(amended in red), dated 03/05/24 and prepared by Brian Field Building Designs. Refuse and recycling bins are to be screened from view from street frontages, at all times.

STREET NUMBERING

MCU3. Provide clear and legible signage incorporating the street number for the benefit of the public. Numbering must be installed on the premises prior to Commencement of Use.

LETTER BOX

MCU4. Letter boxes are to be provided on the Agnes Street alignment for Units 1 to 3, and body corporate if relevant. Each box shall be distinguished with a number corresponding with the unit number.

EXTERNAL CLOTHES DRYING FACILITIES

MCU5. Each dwelling unit is to be provided with external clothes drying facilities within the nominated private open space areas.

SCREENING TO PLANT & EQUIPMENT

MCU6. Plant and service equipment (air conditioning, refuse bins, telecommunication devices, etc) are integrated into the building or appropriately screened from view from street frontages.

LANDSCAPING

MCU7. Landscaping is to be provided to the site as shown on the Landscaping Plan, Drawing No. 23-104-06 (amended in red), dated 03/05/24 and prepared by Brian Field Building Designs. Landscaping is to be maintained at all times.

FENCING

MCU8. Fencing (timber paling or colorbond panels) with a maximum height of 1.8m is to be provided to eastern and western side boundaries and is to be maintained at all times.

MCU9. Fence construction between private open space areas are to be a maximum height of 1.8m as shown on the approved plans.

MCU10. Fences or walls proposed along road frontages are to be maximum 1.2m in height.

ENGINEERING WORKS

- ENG1. Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, access and parking.
- 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.

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

- ENG5. 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.
- ENG6. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

- ENG7. Provide stormwater management generally in accordance with the approved Preliminary Stormwater Management Plan prepared by ATC Consulting Engineers and Project Managers, Revision 1.0, dated 29 April 2024, subject to detailed design and except as altered by conditions of this development approval.
- ENG8. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create a stormwater nuisance on other properties.
- Comment: The filling and/or retaining wall along the eastern boundary shall be designed and constructed so as to allow overland flow through the site, or be captured and directed to the Agnes Street frontage.
- ENG9. All finished floor levels (FFL) to meet ATC Consulting Engineers, General Layout Plan, Drawing No. C-102, Project No. 24130, Issue A, Date 30 April 2024.

WATER SUPPLY

- ENG10. Connect the development to Council's reticulated water supply system via a single connection.

SEWERAGE

- ENG11. Connect the development to Council's existing reticulated sewerage system via a single connection.

PARKING AND ACCESS - GENERAL

- ENG12. 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.

- ENG13. Design and construct all sealed areas with parking and manoeuvring areas with concrete, asphalt or a two-coat bitumen seal.
- ENG14. Provide a minimum of 3 car parking spaces including 1 visitor carpark.
- ENG15. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

VEHICLE ACCESS

- ENG16. Construct a crossover between the property boundary and the edge of the Agnes Street pavement, having a minimum width of 6 metres, generally in accordance with Council's Standard Drawing No. SBRC 00048.
- ENG17. 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).
- ENG18. No vehicular access is permitted to/from Holliday Street.

ELECTRICITY AND TELECOMMUNICATION

- ENG19. Connect the development to electricity and telecommunication services.

EARTHWORKS - GENERAL

- ENG20. Earthworks per site involving cut or fill with a nett quantity of material greater than 50m³, requires an Operational Work application.
- ENG21. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EARTHWORKS - RETAINING STRUCTURES AND FILLING

- ENG22. Ensure retaining walls and earthworks do not adversely affect adjoining properties or services within the vicinity. This includes blocking or altering overland flow paths.
- ENG23. Contain any batters wholly within the proposed development site. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG24. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
- ENG25. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ADVICE**HERITAGE**

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

for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL RIGHTS

ADV2. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

INFRASTRUCTURE CHARGES

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

DEVELOPER INCENTIVE

ADV4. Council is offering a reduction in 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 2025.

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

CONSTRUCTION

ADV5. Construction Noise and Dust Emissions Pursuant to the *Environmental Protection Act 1994*, all development involving the emission of noise and dust from building and/or construction activities, must ensure that the emissions are in accordance with the requirements of the Act.

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

Against: Nil

CARRIED 7/0

14.3 MINOR CHANGE TO EXISTING APPROVAL FOR A MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT (SERVICE STATION) AT 4 SCOTT STREET, WONDAI (AND DESCRIBED AS LOT 800 ON SP332471). APPLICANT SJS FUELS PTY LTD C/- PROJECT URBAN

RESOLUTION 2024/151

Moved: Cr Ros Heit
 Seconded: Cr Linda Little

That Council approve the change request pursuant to s81 under the *Planning Act 2016* subject to the following changes as outlined below. Amended conditions shown in **bold** and conditions proposed to be deleted, ~~strikethrough~~ has been used.

GENERAL

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

Drawing Title	Prepared by	Reference / Drawing no.	Rev	Date
Landscape concept plan	Project Urban	/	B	14 January 2021
Perspective View	Ashanti Verve Design Group	1 22024 DA 00	1 B	23 March 2021 07/02/24
Site Plan	Ashanti Verve Design Group	1 22024 DA 01	1 B	23 March 2021 07/02/24
Part Floor Plan	Ashanti Verve Design Group	2 22024 DA 02	1 B	23 March 2021 07/02/24
Part Floor Plan	Ashanti	3	1	23 March 2021
Dimension Plan	Ashanti	4	1	23 March 2021
Elevation (1) (2) (3) Sheet 1	Ashanti Verve Design Group	5 22024 DA 05	1 B	23 March 2021 07/02/24

APPROVED USE

GEN3. The Development Permit is for a Service station including Service station shop of 300sqm ~~270m²~~ and does not imply approval for a separate segregated food outlet or ownership or any other buildings or structures indicated on the Approval Plan. Separate approval may be required for structures/works not specifically approved in this application.

All other conditions of approval remain unchanged in accordance with MCU20/0020 – Amended Negotiated Decision Notice.

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

Against: Nil

CARRIED 7/0

14.4 RECONFIGURING A LOT - SUBDIVISION (1 LOT INTO 2 LOTS) AT 1 KEARNEY STREET KINGAROY (AND DESCRIBED AT LOT 14 ON RP205800) - APPLICANT: DEAN ASHCROFT C/- ONF SURVEYORS

RESOLUTION 2024/152

Moved: Cr Danita Potter
Seconded: Cr Linda Little

That Council approves the development application for a Development Permit for Reconfiguring a Lot – Subdivision (1 Lot into 2 Lots) at 1 Kearney Street KINGAROY (and described as Lot 14 on RP205800), subject to the following conditions.

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

Against: Cr Deb Dennien

CARRIED 6/1

Attendance

At 11.59am Mal Dombrow entered the meeting.
At 11.59am Paul Turner entered the meeting.

14.5 LOCAL GOVERNMENT BOUNDARY CHANGE BETWEEN SOUTH BURNETT REGIONAL COUNCIL AND CHERBOURG ABORIGINAL SHIRE COUNCIL

RESOLUTION 2024/153

Moved: Cr Danita Potter

Seconded: Cr Heath Sander

That South Burnett Regional Council (Council) writes to the Honourable Megan Scanlon, Minister for Housing, Local Government and Planning and Minister for Public Works; and the Honourable Steven Miles advising that Council is in support of an external local government boundary change, as initiated by the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA), acting on behalf of Cherbourg Aboriginal Shire Council.

The resolution is in support of the proposed Lot 13 becoming wholly Cherbourg Aboriginal Shire Council and Lot 130 remaining wholly South Burnett Regional Council providing there is no cost to South Burnett Regional Council.

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

Against: Nil

CARRIED 7/0

14.6 DELEGATED AUTHORITY REPORTS (1 AUGUST 2024 TO 31 AUGUST 2024)

RESOLUTION 2024/154

Moved: Cr Linda Little

Seconded: Cr Deb Dennien

That the Delegated Authority Report, for the month of August 2024 be received and noted.

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

Against: Nil

CARRIED 7/0

14.7 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT

RESOLUTION 2024/155

Moved: Cr Ros Heit

Seconded: Cr Danita Potter

That the list of correspondence pending completion of assessment report as of 31 August 2024 be received and noted.

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

Against: Nil

CARRIED 7/0

Attendance

At 12.05pm David Hursthouse entered the meeting.

14.8 LEASE - WONDAL & DISTRICT MEN'S SHED INC.

MOTION

Moved: Cr Ros Heit

Seconded: Cr Linda Little

That South Burnett Regional Council:

1. In accordance with *section 236(1)(b)(ii)* of the *Local Government Regulation 2012* applies to the disposal of a valuable non-current asset by way of entering a Lease for Lot 36 on SP190438 to the Wondai & District Men's Shed Inc. for a term of 10 years.
 2. Pursuant to *section 257(1)(b)* of the *Local Government Act 2009*, South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the lease with the Wondai & District Men's Shed Inc. on terms and conditions considered satisfactory to Council.
-

RESOLUTION 2024/156

Moved: Cr Heath Sander

Seconded: Cr Jane Erkens

That the motion lay on the table

In Favour: Crs Jane Erkens, Linda Little, Heath Sander and Ros Heit

Against: Crs Kathy Duff, Danita Potter and Deb Dennien

CARRIED 4/3

14.9 ADOPTION OF RADF ROUND 1 2024 GRANT APPLICATIONS

RESOLUTION 2024/157

Moved: Cr Danita Potter
 Seconded: Cr Jane Erkens

That the following recommendations for RADF Round 1 2024 grant approvals as per the minutes of the Arts, Culture and Heritage Advisory Committee be adopted by Council:

No.	App ID	Applicant	Division	Project	Amount requested	Decision/ comments	Amount of funding approved
1	RADF01R1	Bunya Mtns Community Assoc. Inc.	2	Bunya Mountains Art of the Forest Experience	\$3,000.00	Approved	\$3,000.00
2	RADF04R1	Melanie Doheny	2, 3 & 4	Grant writing and project planning workshops	\$3,000.00	Approved	\$3,000.00
Total grant approval allocation							\$6,000.00

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

Against: Nil

CARRIED 7/0

Attendance

At 12.10pm, Adam Branch entered the meeting.
 At 12:11pm, Cr Danita Potter left the meeting.
 At 12:13pm, Cr Danita Potter returned to the meeting.

14.10 PROPOSED TENDER TO ADJOINING OWNERS FOR SALE OF 15 HOME STREET, NANANGO

RESOLUTION 2024/158

Moved: Cr Jane Erkens
 Seconded: Cr Linda Little

That South Burnett Regional Council approve for sale by tender to adjoining owners 15 Home Street, Nanango (Lot 295 on Crown Plan N2320) by;

1. Entering into negotiations with the highest tenderer and if the current market value of the property is reached, enter a contract of sale for the property, and
2. Delegate powers to the Chief Executive Officer under Section 257 of the Local Government Act 2007 to negotiate and execute contract of sale.

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

Against: Nil

CARRIED 7/0

14.11 SOUTH BURNETT INVESTMENT PROSPECTUS

RESOLUTION 2024/159

Moved: Cr Danita Potter

Seconded: Cr Linda Little

That South Burnett Regional Council

1. Adopt the South Burnett Investment Prospectus as amended.
2. Delegate authority to the Chief Executive Officer to make minor grammatical, design or formatting changes, if required, after its adoption and prior to publishing on Council's website.

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

Against: Nil

CARRIED 7/0

Attendance

At 12.17pm Mal Dombrow left the meeting.

At 12.17pm Paul Turner left the meeting.

15 QUESTIONS ON NOTICE

15.1 QUESTION ON NOTICE - BACONFEST

RESOLUTION 2024/160

Moved: Cr Ros Heit

Seconded: Cr Deb Dennien

That the response to the question regarding how much we spent on BaconFest this year raised by Councillor Heit be received and noted.

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

Against: Nil

CARRIED 7/0

16 INFORMATION SECTION

Nil

17 CONFIDENTIAL SECTION

RESOLUTION 2024/161

Moved: Cr Ros Heit

Seconded: Cr Deb Dennien

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

17.1 Visit South Burnett Partnership Agreement

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.

17.2 Application for concession - Assessment 21520-00000-000

This matter is considered to be confidential under Section 254J - d 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 rating concessions.

17.3 Land Use Matter for 1200 Stonelands Road STONELANDS

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

17.4 Land Use Matter for 12 Butler Drive PROSTON

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

17.5 Flood Recovery Works Project Management Review

This matter is considered to be confidential under Section 254J - i of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State..

17.6 Gordonbrook Dam Off Stream Storage Construction

This matter is considered to be confidential under Section 254J - i of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State..

17.7 Yurika Dark Fibre Project - Funding Program Update

This matter is considered to be confidential under Section 254J - i of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

17.8 2024 CEO Performance Review

This matter is considered to be confidential under Section 254J - b of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees.

17.9 Organisational Interim Structure

This matter is considered to be confidential under Section 254J - b of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees.

17.10 Certified Agreement Negotiations

This matter is considered to be confidential under Section 254J - b of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees.

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

Against: Nil

CARRIED 7/0

Resolved to break for lunch at 12.28pm and return 1.30pm.

Attendance

At 1.30 pm, Anthony Bills entered the meeting.

At 2.19 pm, Rebecca Humphrey entered the meeting.

At 2.19 pm, David Hursthouse left the meeting.

At 2.36 pm, Cr Jane Erkens left the meeting.

At 2.38 pm, Cr Jane Erkens returned to the meeting.

At 2.56 pm, Leo Jensen left the meeting.

At 3:01 pm, Cr Heath Sander left the meeting.

At 3:01 pm, Cr Deb Dennien left the meeting.

At 3:01 pm, Cr Jane Erkens left the meeting.

RESOLUTION 2024/162

Moved: Cr Ros Heit

Seconded: Cr Linda Little

That Council moves out of Closed Council into Open Council at 3.01pm.

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

Against: Nil

CARRIED 4/0

Attendance

At 3:03 pm, Cr Jane Erkens returned to the meeting.

At 3:03 pm, Cr Deb Dennien returned to the meeting.

At 3:03 pm, Cr Heath Sander returned to the meeting.

17.1 VISIT SOUTH BURNETT PARTNERSHIP AGREEMENT

RESOLUTION 2024/163

Moved: Cr Danita Potter

Seconded: Cr Heath Sander

That South Burnett Regional Council

1. In conjunction with Visit South Burnett enter into a 3-year Partnership Agreement.
2. Provide Visit South Burnett with funding as per the adopted budget to deliver agreed key performance indicators.

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

Against: Nil

CARRIED 7/0

17.2 APPLICATION FOR CONCESSION - ASSESSMENT 21520-00000-000

RESOLUTION 2024/164

Moved: Cr Jane Erkens

Seconded: Cr Linda Little

That South Burnett Regional Council consider the ratepayers request for concession on assessment 21520-00000-000 and

1. Grant a concession for the current rates period to the value of \$277.20 being the difference between vacant water and sewerage charges and the full water access and sewer access charges for the period.

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

Against: Nil

CARRIED 7/0

17.3 LAND USE MATTER FOR 1200 STONELANDS ROAD STONELANDS

RESOLUTION 2024/165

Moved: Cr Danita Potter

Seconded: Cr Heath Sander

That Council note the officer's report advising that the investigation of this matter remains current and ongoing.

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

Against: Nil

CARRIED 7/0

17.4 LAND USE MATTER FOR 12 BUTLER DRIVE PROSTON

RESOLUTION 2024/166

Moved: Cr Linda Little

Seconded: Cr Deb Dennien

That South Burnett Regional Council resolves to:

1. Note the officer's report as presented.
2. That Council undertake further compliance action against the property owner and operator of Lin's Country Music Campout events, as a result of further public advertising and event 18-22 September 2024.
3. Update the complainant of Council's decision herein.

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

Against: Nil

CARRIED 7/0

17.5 FLOOD RECOVERY WORKS PROJECT MANAGEMENT REVIEW

RESOLUTION 2024/167

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That South Burnett Regional Council:

- Vary contract number SBRCQ-21/22-37 for disaster recovery project management services issued to Redfrost Pty Ltd, to also include additional project management of the approved Betterment funded program; and the project management of damage related to Tropical Cyclone Kirrily, associated rainfall and flooding, 25 January – 26 February 2024, which relates to emergency works, damage assessment, and the overlapping damage repairs with the South Queensland East Coast Low, July 2022 to the estimated value of \$1,675,047 (+GST).

-
- Seek project management services, through an Invitation to Offer, for the remainder of project management tasks to complete the delivery of damage repairs related only to Tropical Cyclone Kirrily, associated rainfall and flooding, 25 January – 26 February 2024.

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

Against: Nil

CARRIED 7/0

17.6 GORDONBROOK DAM OFF STREAM STORAGE CONSTRUCTION

RESOLUTION 2024/168

Moved: Mayor Kathy Duff

Seconded: Cr Danita Potter

That the matter lay on the table.

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

Against: Nil

CARRIED 7/0

17.7 YURIKA DARK FIBRE PROJECT - FUNDING PROGRAM UPDATE

RESOLUTION 2024/169

Moved: Mayor Kathy Duff

Seconded: Cr Ros Heit

That the matter lay on the table.

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

Against: Nil

CARRIED 7/0

17.8 2024 CEO PERFORMANCE REVIEW

RESOLUTION 2024/170

Moved: Cr Ros Heit
 Seconded: Cr Linda Little

That South Burnett Regional Council:

1. Receives the report on the Chief Executive Annual Performance Review;
2. Authorise the Mayor and Councillors to progress the development of the performance review; and
3. That the South Burnett Regional Council provide a salary increase, as per the report, for the Chief Executive Officer and delegate the Mayor to sign the recommended remuneration schedule with an effective date of 1 July 2024.

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

Against: Nil

CARRIED 7/0

17.9 ORGANISATIONAL INTERIM STRUCTURE

RESOLUTION 2024/171

Moved: Cr Jane Erkens
 Seconded: Cr Danita Potter

That the South Burnett Regional Council adopt the Interim September 2024 Senior Staff Structure as presented with the following Departments:

- a. Office of the CEO,
- b. Infrastructure;
- c. Finance and Liveability.

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

Against: Nil

CARRIED 7/0

RESOLUTION 2024/172

Moved: Cr Linda Little
 Seconded: Cr Ros Heit

That South Burnett Regional Council commence a review of the 2021 - 2026 Corporate Plan which will include organisational and community consultation on both the Corporate Plan and Organisational Structure, and that the report be brought back to the March 2025 Council meeting.

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

Against: Nil

CARRIED 7/0

17.10 CERTIFIED AGREEMENT NEGOTIATIONS

RESOLUTION 2024/173

Moved: Cr Danita Potter
Seconded: Cr Linda Little

That South Burnett Regional Council delegate to the Chief Executive Officer the power to: -

- a. Commence and undertake good faith negotiations with the relevant unions in relation to all terms and conditions of its proposed Certified Agreements (2) for Field Staff and Officers; and
- b. Conclude the terms and conditions of these Agreements, including making application to the Queensland Industrial Relations Commission for certification of same,

subject to the condition that the Chief Executive Officer is to keep the Council informed of the progress of the negotiations by way of monthly reports to Council’s Ordinary Council meeting.

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

Against: Nil

CARRIED 4/0

18 CLOSURE OF MEETING

The Meeting closed at 3.11pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 October 2024.

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CHAIRPERSON