

DISCLAIMER

*The following copy of the Minutes of the meeting of the South Burnett Regional Council held on Wednesday 26 May 2021 are **UNCONFIRMED** and are supplied as a courtesy.*



SOUTH BURNETT
REGIONAL COUNCIL

MINUTES

Ordinary Council Meeting
Wednesday, 26 May 2021

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**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY
ON WEDNESDAY, 26 MAY 2021 AT 9.01AM**

PRESENT:

Councillors:

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

Council Officers:

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

1 OPENING

The Mayor declared the meeting open and welcomed all attendees

2 LEAVE OF ABSENCE / APOLOGIES

Nil

3 PRAYERS

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

4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

5 DECLARATION OF INTEREST

I, Cr Kirstie Schumacher inform this meeting that I have a declarable conflict of interest in relation to **Item 9.2 - South Burnett Regional Council Lease Amendment with South Burnett Community Hospital Foundation Limited** and **Item 18.1 - South Burnett Community Hospital Foundation Limited** – The nature of my interest is as follows:

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

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

6 DEPUTATIONS/PETITIONS

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 MINUTES OF THE COUNCIL MEETING HELD ON 28 APRIL 2021

RESOLUTION 2021/368

Moved: Cr Brett Otto

Seconded: Cr Kathy Duff

That the Minutes of the Council Meeting held on 28 April 2021 be received and the recommendations therein be adopted.

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

Against: Nil

CARRIED 7/0

8 BUSINESS OUTSTANDING

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

RESOLUTION 2021/369

Moved: Cr Roz Frohloff

Seconded: Cr Kirstie Schumacher

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

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

Against: Nil

CARRIED 7/0

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

9.1 COUNCILLOR ATTENDANCE AT THE ALGA NATIONAL GENERAL ASSEMBLY 2021

RESOLUTION 2021/370

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That Cr Duff be nominated to attend the ALGA National General Assembly 2021 in the absence of Cr Jones.

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

Against: Nil

CARRIED 7/0

Attendance:

At 9.21am. Councillor Schumacher, having earlier informed the meeting of a declarable conflict of interest in Item 9.2, and her decision to voluntarily not participate in the decision on this matter, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

9.2 SOUTH BURNETT REGIONAL COUNCIL LEASE AMENDMENT WITH SOUTH BURNETT COMMUNITY HOSPITAL FOUNDATION LIMITED

RESOLUTION 2021/371

Moved: Cr Scott Henschen

Seconded: Cr Danita Potter

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

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

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

Against: Nil

CARRIED 6/0

Attendance:

At 9:23 am, Cr Kirstie Schumacher returned to the meeting.

9.3 ADOPTION OF "SUPPORTING INFORMATION FOR DEVELOPING GUIDELINES FOR THE PROVISION OF COUNCILLOR ADMINISTRATION SUPPORT STAFF"

RESOLUTION 2021/372

Moved: Cr Roz Frohloff

Seconded: Cr Scott Henschen

That the "Supporting information for developing guidelines for the provision of councillor administration support staff" publication be endorsed as presented to develop a policy to assist all parties in meeting their obligations under the *Local Government Act 2009* and to include such in the 2021/22 Operational Plan.

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

Against: Nil

CARRIED 7/0

9.4 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL CODE OF COMPETITIVE NEUTRALITY COMPLAINTS POLICY - STATUTORY-006

RESOLUTION 2021/373

Moved: Cr Kirstie Schumacher
Seconded: Cr Danita Potter

That the South Burnett Regional Council Code of Competitive Neutrality Complaints Policy – Statutory-006 be adopted as presented.

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

Against: Nil

CARRIED 7/0

9.5 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL FINANCIAL HARDSHIP POLICY - STATUTORY-012

RESOLUTION 2021/374

Moved: Cr Kathy Duff
Seconded: Cr Danita Potter

That the South Burnett Regional Council Financial Hardship Policy – Statutory-012 be adopted as presented.

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

Against: Nil

CARRIED 7/0

9.6 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL UNDETECTED WATER LEAKS POLICY - STATUTORY-043

RESOLUTION 2021/375

Moved: Cr Roz Frohloff
Seconded: Cr Danita Potter

That the South Burnett Regional Council Undetected Water Leaks Policy – Statutory-043 be adopted as presented.

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

Against: Nil

CARRIED 7/0

9.7 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL RATE COLLECTION POLICY - STATUTORY-041

RESOLUTION 2021/376

Moved: Cr Danita Potter

Seconded: Cr Roz Frohloff

That the South Burnett Regional Council Rate Collection Policy – Statutory 041 be adopted as presented.

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

Against: Nil

CARRIED 7/0

9.8 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL INFRASTRUCTURE QUALITY POLICY - STATUTORY-029

RESOLUTION 2021/377

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That the South Burnett Regional Council Infrastructure Quality Policy – Statutory-029 be adopted as presented.

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

Against: Nil

CARRIED 7/0

9.9 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL TRADE WASTE MANAGEMENT POLICY - STATUTORY-036

RESOLUTION 2021/378

Moved: Cr Kirstie Schumacher

Seconded: Cr Roz Frohloff

That the South Burnett Regional Council Trade Waste Management Policy – Statutory-036 be adopted as presented.

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

Against: Nil

CARRIED 7/0

9.9.1 MAYORAL REQUEST - LETTER TO CORPORATE SERVICES STAFF

RESOLVED 2021/379

Draft a letter signed by the Office of the Mayor on behalf of Council thanking the Corporate Services staff for the work they have undertaken in updating the policies.

9.10 MONTHLY FINANCIAL REPORT

RESOLUTION 2021/380

Moved: Cr Brett Otto
Seconded: Cr Kathy Duff

That the Monthly Financial Report including Capital Works and Works for Queensland as at 30th of April 2021 be received and noted.

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

Against: Nil

CARRIED 7/0

MOTION

RESOLUTION 2021/381

Moved: Cr Brett Otto
Seconded: Cr Kathy Duff

That the meeting adjourn until 11am.

CARRIED 7/0

RESUME MEETING

RESOLUTION 2021/382

Moved: Cr Brett Otto
Seconded: Cr Scott Henschen

That the meeting resume at 11.00am

CARRIED 7/0

9.11 DEBTOR WRITE-OFFS FOR THE 2020/2021 YEAR

RESOLUTION 2021/383

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That:

- the \$3,943.83 in bad debts to be written off be approved; and
- South Burnett Regional Council receive and note the future potential write-offs of approximately \$2,000 to be confirmed at the June Standing Committee meeting

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

Against: Nil

CARRIED 7/0**Attendance:**

At 11:11 am GM Susan Jarvis left the meeting

At 11:15 am GM Susan Jarvis returned to the meeting

9.12 SURVEY - KINGAROY TRANSFORMATION PROJECT - GLENDON STREET

MOTION

Moved: Cr Brett Otto

Seconded: Cr Kathy Duff

That South Burnett Regional Council conduct a survey of the residents of Kingaroy to seek their views in relation to the capital commitment on the aboveground shared zone in Glendon Street as against setting those funds aside for potential future works in Kingaroy Street south and report back to the August Infrastructure Standing Committee meeting.

In Favour: Crs Brett Otto and Kathy Duff

Against: Crs Gavin Jones, Roz Frohloff, Danita Potter, Kirstie Schumacher and Scott Henschen

LOST 2/5

9.13 GLENDON STREET SHARED SPACE

RESOLUTION 2021/384

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That South Burnett Regional Council upon receiving and workshopping the design for the Glendon Street shared space conduct extensive community consultation and engage in conversations seeking feedback and considering this in the final design.

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

Against: Nil

CARRIED 7/0

10 PORTFOLIO – ROADS & DRAINAGE**10.1 MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD TUESDAY 16 MARCH 2021**

RESOLUTION 2021/385

Moved: Cr Gavin Jones

Seconded: Cr Roz Frohloff

That Council receive the attached minutes of the Traffic Advisory Committee held Tuesday, 16 March 2021.

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

Against: Nil

CARRIED 7/0

10.2 HIVESVILLE FOOTPATH PETITION

RESOLUTION 2021/386

Moved: Cr Kathy Duff

Seconded: Cr Gavin Jones

That Council consider the footpath request between Hivesville and Gwen Street along the Wondai Proston Road in the development of its forward capital works program for 2021/22.

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

Against: Nil

CARRIED 7/0

10.3 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM - PHASE 2

RESOLUTION 2021/387

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

Procedural Tabling Motion

That *Local Roads and Community Infrastructure Program – Phase 2* be taken off the table.

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

Against: Nil

CARRIED 7/0

RESOLUTION 2021/388

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That Council submit the following projects for funding under the Local Roads and Community Infrastructure Program – Phase two (2):

1. Blackbutt CBD - \$750,000
2. Wondai Industrial Estate Entry & Pavement Overlay - \$900,000
3. Harris Road Kingaroy - \$300,000

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

Against: Nil

CARRIED 7/0

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

Nil

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

12.1 LOCAL LAW REVIEW

RESOLUTION 2021/389

Moved: Cr Danita Potter
Seconded: Cr Gavin Jones

That a complete review of the South Burnett Regional Council's Local Laws and Subordinate Local Laws be undertaken during the 2021/22 financial year and that this activity be included in Council's 2021/22 Operational Plan.

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

Against: Nil

CARRIED 7/0

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

13.1 CLARK AND SWENDSON DEVELOPMENT SOUTH EAST KINGAROY WATER INFRASTRUCTURE

RESOLUTION 2021/390

Moved: Cr Roz Frohloff
Seconded: Cr Danita Potter

That Council:

1. Advise the developer that Council is unable to advance funding to commence these works due to other network priorities; and
2. Advise the developer that they can build their own infrastructure to service their development only; and
3. Consider options for staged delivery of components of the planned trunk water infrastructure for Kingaroy, including Option four (4) of this report, in its Ten (10) Year Capital Works Program.

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

Against: Cr Kirstie Schumacher

CARRIED 6/1

13.2 ILLEGAL DUMPING SIGNAGE AND COMMUNITY EDUCATION

RESOLUTION 2021/391

Moved: Cr Danita Potter

Seconded: Cr Roz Frohloff

That Council investigate options for community education and awareness including signage on illegal dumping and littering and that this activity be included in Council's 2021/22 Operational Plan.

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

Against: Nil

CARRIED 7/0

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

14.1 PROPOSAL TO COMMENCE INVESTIGATIONS FOR THE DIVESTMENT OF TINGOORA HALL.

RESOLUTION 2021/392

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That South Burnett Regional Council endorse the investigation of options, and community consultation, for the proposed divestment of the Tingoora Hall and report back to the September Community Standing Committee once investigations are complete.

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

Against: Nil

CARRIED 7/0

14.2 DEVELOPMENT OF MURGON TO PROSTON TO RAIL TRAIL

RESOLUTION 2021/393

Moved: Cr Roz Frohloff

Seconded: Cr Danita Potter

That:

1. A Councillor workshop be held to review relevant documentation and formulate an assessment process including consultation plan as required, to assist Council make an informed decision on this matter.
2. the Deputation parties be advised that Council will not be in a position to provide a response until further consideration on this matter has been made.
3. A further report be presented to a future Standing Committee Meeting.

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

Against: Nil

CARRIED 7/0

14.3 EXPIRY OF MANAGER CONTRACTS - BOONDOOMA & BJELKE PETERSEN DAMS

RESOLUTION 2021/394

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That pursuant to section 224(5) of the *Local Government Regulation 2012*, South Burnett Regional Council exercise an extension to the current contracts for Boondooma and Bjelke-Petersen Dams, for a period no greater than 12 months.

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

Against: Nil

CARRIED 7/0

14.4 UPGRADES TO WONDAI SHOWGROUNDS GRANDSTAND AND PAVILION

RESOLUTION 2021/395

Moved: Cr Kathy Duff

Seconded: Cr Roz Frohloff

That Council award Tender SBRCQ – 20/21 -18 to Hawley Constructions Pty Ltd for the Wondai Pavilion Grandstand Demolition and Reconstruction as per their tender price.

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

Against: Nil

CARRIED 7/0

15 PORTFOLIO - REGIONAL DEVELOPMENT

Nil

16 NOTICES OF MOTION

Nil

17 INFORMATION SECTION**17.1 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT**

RESOLUTION 2021/396

Moved: Cr Brett Otto
Seconded: Cr Kathy Duff

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

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

Against: Nil

CARRIED 7/0**17.2 DELEGATED AUTHORITY REPORTS**

RESOLUTION 2021/397

Moved: Cr Brett Otto
Seconded: Cr Roz Frohloff

That the Delegated Authority report be received.

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

Against: Nil

CARRIED 7/0**18 CONFIDENTIAL SECTION**

RESOLUTION 2021/398

Moved: Cr Brett Otto
Seconded: Cr Kathy Duff

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

18.1 South Burnett Community Hospital Foundation Limited

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

involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

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

Against: Nil

CARRIED 7/0

Attendance:

At 12.34pm, Councillor Schumacher, having earlier informed the meeting of a declarable conflict of interest in Item 18.1, and her decision to voluntarily not participate in the decision on this matter, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

At 12:34 pm GM Aaron Meehan left the meeting.

RESOLUTION 2021/399

Moved: Cr Brett Otto

Seconded: Cr Roz Frohloff

That Council moves out of Closed Council into Open Council.

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

Against: Nil

CARRIED 6/0

18.1 SOUTH BURNETT COMMUNITY HOSPITAL FOUNDATION LIMITED

RESOLUTION 2021/400

Moved: Cr Brett Otto

Seconded: Cr Danita Potter

That

1. Council resolves to send a response letter to the sender of correspondence received by Council and dated 4 April 2021 in the terms of the draft response letter contained in the confidential report.
2. Council resolves, pursuant to *Local Government Act 2009*, section 257, to delegate to the chief executive officer of Council the power to negotiate with the sender of the correspondence received by Council and dated 4 April 2021 and other relevant parties regarding a non-legally binding memorandum of understanding (MOU), which is to be presented to Council for its consideration and decision whether to enter into the negotiated MOU.

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

Against: Nil

CARRIED 6/0

RESOLUTION 2021/401

Moved: Cr Brett Otto

Seconded: Cr Roz Frohloff

That South Burnett Regional Council receive the Unconfirmed SBCHFL Board Meeting minutes dated 8 December 2020.

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

Against: Nil

CARRIED 6/0

19 CLOSURE OF MEETING

The Meeting closed at 12.47pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 30 June 2021.

.....
CHAIRPERSON