



**SOUTH BURNETT**  
**REGIONAL COUNCIL**

# **MINUTES**

**Ordinary Council Meeting**  
**Wednesday, 25 November 2020**

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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, 25 NOVEMBER 2020 AT 9.00AM**

**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), James D'Arcy (Manager Infrastructure Planning), Allen Christensen (Project Manager Kingaroy Transformation Project), Luke Cadwallader (Contractor), Kristy Board (Program Support & Liaison Officer), 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 the Kingaroy District Ministers Association, Father Chukwudi Chinaka 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**

In accordance with Chapter 5B of the Local Government Act 2009, Cr DA Potter declared a prescribed conflict of interest in relation to Item 11.1 – Additional Round for applications to Community Australia Day Event Sponsorship. Cr DA Potter is Chair of the Kingaroy Australia Day Committee and voluntarily agreed to leave the room and not participate in the decision..

Cr DA Potter and Cr KM Schumacher declared a conflict of interest in relation to Item 18.1 - CONF - South Burnett Community Hospital Foundation Limited Board Meeting Minutes - July 2020.

Cr DA Potter and Cr KM Schumacher are community representatives on the Board of the South Burnett Community Hospital Foundation and voluntarily agreed to leave the room and not participate in the decision.

Cr Frohloff declared a conflict of interest In relation to Item 18.2 - Sale of Coolabunia Saleyards by way of Tender and voluntarily agreed to leave the room and not participate in the decision.

**6 DEPUTATIONS/PETITIONS**

**6.1 PET - 2738522 - PETITION FOR THE SEALING OF LANIGAN ROAD GLAN DEVON**

**RESOLUTION 2020/193**

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That the petition be received and referred to the Chief Executive Officer for consideration and relevant action.

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

Against: Nil

**CARRIED 7/0**

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**7.1 MINUTES OF THE COUNCIL MEETING HELD ON 14 OCTOBER 2020**

**RESOLUTION 2020/194**

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That the Minutes of the Council Meeting held on 14 October 2020 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**

**7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 28 OCTOBER 2020**

**RESOLUTION 2020/195**

Moved: Cr Kathy Duff

Seconded: Cr Kirstie Schumacher

That the Minutes of the Special Council Meeting held on 28 October 2020 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**

**7.3 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 18 NOVEMBER 2020**

**RESOLUTION 2020/196**

Moved: Cr Scott Henschen  
 Seconded: Cr Kirstie Schumacher

That the Minutes of the Special Council Meeting held on 18 November 2020 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 2020/197**

Moved: Cr Kathy Duff  
 Seconded: Cr Gavin Jones

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

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

Against: Nil

**CARRIED 7/0**

**9 PORTFOLIO – SOCIAL & CORPORATE PERFORMANCE, PEOPLE & CULTURE, COMMUNICATIONS/MEDIA, FINANCE AND ICT**

**9.1 WBBROC ANNUAL GENERAL MEETING**

**RESOLUTION 2020/198**

Moved: Cr Kathy Duff  
 Seconded: Cr Gavin Jones

That South Burnett Regional Council nominate Mayor Brett Otto for the position of WBBROC Chair should nominations be called.

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

Against: Cr Kirstie Schumacher

**CARRIED 6/1**

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**9.2 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER UNDER THE LOCAL GOVERNMENT REGULATION 2012**

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**RESOLUTION 2020/199**

Moved: Cr Roz Frohloff  
Seconded: Cr Danita Potter

That pursuant to *Section 257* of the *Local Government Act 2009* Council:

1. delegate the exercise of the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Appendix, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instrument of Delegation.
2. repeal all prior resolutions delegating the same powers to the Chief Executive Officer.

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

Against: Nil

**CARRIED 7/0**

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**9.3 NOTICE TO REPEAL SOUTH BURNETT REGIONAL COUNCIL RESOLUTIONS - MINUTE NUMBERS 1732, 2080 AND 2077**

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**RESOLUTION 2020/200**

Moved: Cr Roz Frohloff  
Seconded: Cr Kirstie Schumacher

That in accordance with *Section 262* of the *Local Government Regulation 2012*, the following resolutions be repealed:

1. Item 9.2.1 of the General Meeting held on 27 May 2009 – HR-50814 - Employee Assistance Program Policy– Minute Number 1732.
2. Item 9.2.2 of the General Meeting held on 29 July 2009 – HR–633362 - Exit Interview Policy – Minute Number 2080.
3. Item 9.2.1 of the General Meeting held on 29 July 2009 – HR-533519 - Corporate Rehabilitation Policy - Minute Number 2077.

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 STANDING COMMITTEES AND TERMS OF REFERENCE POLICIES FOR COMMUNITY / EXECUTIVE AND FINANCE & CORPORATE**

**RESOLUTION 2020/201**

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That

1. Council adopt the following Standing Committee structure pursuant to *Section 264 of the Local Government Regulation 2012*:

South Burnett Regional Council Standing Committee
Infrastructure
Community
Executive and Finance & Corporate

2. Council adopt the following Terms of References as presented:

- South Burnett Regional Council Community Standing Committee Terms of Reference-Statutory-026
- South Burnett Regional Council Executive and Finance & Corporate Standing Committee Terms of Reference-Statutory-027

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 SOUTH BURNETT REGIONAL COUNCIL CONDUCT OF COUNCIL & COMMITTEE MEETINGS POLICY**

**RESOLUTION 2020/202**

Moved: Cr Kirstie Schumacher

Seconded: Cr Roz Frohloff

That the South Burnett Regional Council Conduct of Council & Committee Meetings Policy – Statutory-017 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 COUNCIL'S DEFENCE SERVICE POLICY - STATUTORY-013**

**RESOLUTION 2020/203**

Moved: Cr Roz Frohloff  
 Seconded: Cr Danita Potter

That the South Burnett Regional Council Defence Service Policy–Statutory-013 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 COUNCIL'S TRADING ON LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES & ROADS POLICY - STATUTORY-023**

**RESOLUTION 2020/204**

Moved: Cr Danita Potter  
 Seconded: Cr Kirstie Schumacher

That the South Burnett Regional Council Trading on Local Government Controlled Areas, Facilities & Roads Policy–Statutory-023 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 COUNCIL'S WORKPLACE HEALTH AND SAFETY POLICY - STATUTORY-015**

**RESOLUTION 2020/205**

Moved: Cr Scott Henschen  
 Seconded: Cr Danita Potter

That the South Burnett Regional Council Workplace Health and Safety Policy – Statutory-015 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 COUNCIL'S DISCOVERY, HANDLING AND MANAGEMENT OF HUMAN REMAINS POLICY - STATUTORY-016**

**RESOLUTION 2020/206**

Moved: Cr Danita Potter  
 Seconded: Cr Scott Henschen

That the South Burnett Regional Council Discovery Handling & Management of Human Remains Policy – Statutory-016 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**

**9.10 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL COUNCILLOR CONDUCT COMPLAINTS INVESTIGATION POLICY - STATUTORY-028**

**RESOLUTION 2020/207**

Moved: Cr Danita Potter  
 Seconded: Cr Kathy Duff

That the South Burnett Regional Council Councillor Conduct Complaints Investigation Policy-Statutory-028 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**

**9.11 MONTHLY FINANCIAL REPORT**

**RESOLUTION 2020/208**

Moved: Cr Danita Potter  
 Seconded: Cr Gavin Jones

That the Monthly Financial Report including Capital Works and Works for Queensland as at 31 October 2020 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**

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**9.12 QUEENSLAND AUDIT OFFICE - FINAL MANAGEMENT REPORT FOR SOUTH BURNETT REGIONAL COUNCIL**

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**RESOLUTION 2020/209**

Moved: Cr Gavin Jones  
Seconded: Cr Kirstie Schumacher

“That subject to Section 213 of the *Local Government Regulation 2012* the Auditor-General has presented to the Mayor of the South Burnett Regional Council a copy of the Auditor-General’s observation report about an audit of the South Burnett’s financial statements that includes observations and suggestions made about issues arising out of the audit for adoption.”

Further, that Council adopt the Final Management Report 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**

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**9.13 RATE EXEMPTIONS AND REMISSIONS - ADDITIONS TO APPROVED LIST - ASSESSMENT NUMBER: 20756-00000-000**

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**RESOLUTION 2020/210**

Moved: Cr Kathy Duff  
Seconded: Cr Danita Potter

That Council agree to provide a rate remission for Assessment Number: 20756-00000-000 effective from 01-Jul-2020 for 100% of the General Rates, 100% of the Separate Rates and Charges, and 100% of the Water Access and Wastewater Access charges, in line with similar community organisations.

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

Against: Nil

**CARRIED 7/0**

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**MOTION**

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**RESOLUTION 2020/211**

Moved: Cr Brett Otto  
Seconded: Cr Danita Potter

That the meeting adjourn for morning tea.

**CARRIED 7/0**

**MOTION**

**RESOLUTION 2020/212**

Moved: Cr Brett Otto  
 Seconded: Cr Kirstie Schumacher

That the meeting resume at 10.25am with attendance as previous to the adjournment.

**CARRIED 7/0**

**Attendance:**

At 12:02 pm, Cr Danita Potter left the meeting.  
 At 12:04 pm, Cr Danita Potter returned to the meeting.

**10 PORTFOLIO – ROADS & DRAINAGE**

**10.1 KINGAROY TRANSFORMATION PROJECT**

**MOTION**

Moved: Cr Gavin Jones  
 Seconded: Cr Roz Frohloff

That Council in regards to the Kingaroy Transformation Project:

1. Adopt the design in principle for construction as presented in attachment two (2);
2. Approve the project and the proposed budget at \$13.6M, with the additional budget to be allocated from additional funding sources or restricted cash with any budget amendments to be approved through the quarterly review process;
3. Delegate to the Chief Executive Officer to negotiate infrastructure contributions from other agencies for complimentary works; and
4. Council proceed with the Groundbreaking ceremony for the project on Monday, 14 December 2020.

**PROCEDURAL MOTION**

Moved: Cr Kirstie Schumacher  
 Seconded: Cr Kathy Duff

That Council adjourn the matter until the December ordinary meeting noting that the project will go ahead and Council proceed with the Groundbreaking ceremony on 14 December 2020.

In Favour: Crs Brett Otto, Kathy Duff and Kirstie Schumacher

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

**LOST 3/4**

**AMENDMENT**

Moved: Cr Gavin Jones  
 Seconded: Cr Scott Henschen

That Council in regards to the Kingaroy Transformation Project:

1. Adopt the design in principle for construction as presented in attachment two (2);

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2. Approve the budget with a \$13.9M budget including contingency with the additional budget to come from funded depreciation and restricted cash over the period of the project including \$2M from transport infrastructure, \$300,000 from water and wastewater and \$500,000 from property sales, and any project savings to be returned to restricted cash for transport infrastructure or water and waste respectively for re-allocation by Council.
  3. Delegate to the Chief Executive Officer to negotiate contributions to the project from Transport & Main Roads as per the TMR/Local Government cost sharing agreement with regular progress reports back to Council.
  4. Delegate to the Chief Executive Officer to negotiate contributions to the project from Ergon Energy for the undergrounding of power services with regular progress reports back to Council.
  5. Council proceed with the Groundbreaking ceremony for the project on Monday, 14 December 2020.
  6. That Kingaroy and Glendon Streets between Alford Street and Markwell Street be considered for design when Council considers it's 21/22 financial budget.

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

Against: Crs Brett Otto, Kathy Duff and Kirstie Schumacher

**CARRIED 4/3**

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The Mayor requested Cr Jones to table the document he was quoting. Cr Jones tabled the Record of Request for Information dated 20 November 2020 and responses dated 24 November 2020 and is attached to these minutes as Appendix 1.

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### **The amendment became the resolution**

#### **RESOLUTION 2020/213**

Moved: Cr Gavin Jones

Seconded: Cr Roz Frohloff

That Council in regards to the Kingaroy Transformation Project:

1. Adopt the design in principle for construction as presented in attachment two (2);
2. Approve the budget with a \$13.9M budget including contingency with the additional budget to come from funded depreciation and restricted cash over the period of the project including \$2M from transport infrastructure, \$300,000 from water and wastewater and \$500,000 from property sales, and any project savings to be returned to restricted cash for transport infrastructure or water and waste respectively for re-allocation by Council.
3. Delegate to the Chief Executive Officer to negotiate contributions to the project from Transport & Main Roads as per the TMR/Local Government cost sharing agreement with regular progress reports back to Council.
4. Delegate to the Chief Executive Officer to negotiate contributions to the project from Ergon Energy for the undergrounding of power services with regular progress reports back to Council.
5. Council proceed with the Groundbreaking ceremony for the project on Monday, 14 December 2020.
6. That Kingaroy and Glendon Streets between Alford Street and Markwell Street be considered for design when Council considers it's 21/22 financial budget.

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

Against: Crs Brett Otto, Kathy Duff and Kirstie Schumacher

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**CARRIED 4/3**

The Mayor requested it be recorded that he had real concerns that if Council supports this and passes this motion that it could result in this Council being in financial distress by the end of its term. Cr Duff requested it be placed on record her concerns regarding Council's long term financial sustainability.

**MOTION**

**RESOLUTION 2020/214**

Moved: Cr Brett Otto  
 Seconded: Cr Gavin Jones  
 That the meeting adjourn until 1pm.

**CARRIED 7/0**

**MOTION**

**RESOLUTION 2020/215**

Moved: Cr Brett Otto  
 Seconded: Cr Roz Frohloff  
 That the meeting resume at 1.17pm with attendance as previous to the adjournment

**CARRIED 7/0**

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

**Attendance:**

At 1:17 pm, Cr Danita Potter left the meeting.

**11.1 ADDITIONAL ROUND FOR APPLICATIONS TO COMMUNITY AUSTRALIA DAY EVENT SPONSORSHIP**

**RESOLUTION 2020/216**

Moved: Cr Gavin Jones  
 Seconded: Cr Kathy Duff

That Council approve to open an additional round for applications to the Community Australia Day Event Sponsorship category within Council's Community Grants Program commencing 26 November and closing 21 December 2020.

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

Against: Nil

**CARRIED 6/0**

**Attendance:**

At 1:19 pm, Cr Danita Potter returned to the meeting.

## 11.2 AUSTRALIA DAY AWARDS CEREMONY

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### RESOLUTION 2020/217

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That the following Australia Day Award option be progressed:

The Awards Ceremony be held at Wondai on Sunday 24 January 2021 from 12:00pm to 3:00pm, with a sausage sizzle/BBQ and live band outside the hall at the conclusion of the ceremony.

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

Against: Nil

**CARRIED 7/0**

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

### 12.1 SYSTEMATIC INSPECTION PROGRAM ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008

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#### RESOLUTION 2020/218

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That Council approve a Systematic Inspection Program for properties within the South Burnett Regional Council's jurisdiction in accordance with section 113 of the *Animal Management (Cats and Dogs) Act 2008* to monitor compliance with the requirements of the *Animal Management (Cats and Dogs) Act 2008*, more specifically the requirement to register dogs.

The properties to be included in the Systematic Inspection Program are potentially all properties within the South Burnett area, both within and without the designated town areas.

The Systematic Inspection Program will be conducted between the hours of 8.00am and 5.00pm on weekdays and/or Saturdays, commencing on Monday 1 February 2021 and concluding on Wednesday 30 June 2021.

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

Against: Nil

**CARRIED 7/0**

**12.2 P&LM - 2710208 - RECONFIGURING A LOT FOR A BOUNDARY REALIGNMENT (3 LOTS INTO 2 LOTS) AT LUCK ROAD, INVERLAW - DESCRIBED AS LOT 1 RP167555, LOT 1 RP114513 AND LOT 2 RP114513 - APPLICANT: SOUTH BURNETT REGIONAL COUNCIL C/- ONF SURVEYORS - RAL20/0011**

**RESOLUTION 2020/219**

Moved: Cr Brett Otto  
 Seconded: Cr Kirstie Schumacher

That Council approve the Development Application for Reconfiguring a Lot (Boundary Realignment – 3 lots into 2 lots) located at Luck Road, Inverlaw (and described as Lot 1 RP167555, Lot 1 RP114513 and Lot 2 RP114513) subject to the following conditions:-

**GENERAL**

**GEN1.** The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Drawing No.	Sheet Name	Issue	Date
8697-P1	Boundary Realignment – Sheet No. 1 of 1		12/06/2020

**Timing:** To be maintained at all times

**GEN2.** The reconfiguration of a lot approved by this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within four (4) years from the commencement of this approval or this approval will lapse.

**ENGINEERING**

**ENG1.** Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.

**ENG2.** Undertake Engineering designs and construction in accordance with the Planning Scheme, Council’s Development Manual and Standard Drawings, relevant Australian Standards, and relevant design manuals.

**ENG3.** Be responsible for any alteration necessary to electricity, telephone, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

**ENG4.** Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

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

**STORMWATER MANAGEMENT**



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

**STANDARD ADVICE**

- ADV1** Section 85(1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within a period of four (4) years the approval will lapse.
- ADV2** The general environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance cause by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the premises during all stages of the development, including earthworks, construction and operation.
- ADV3.** All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsima.qld.gov.au](http://www.datsima.qld.gov.au)
- ADV4.** Attached for your information is a copy of Chapter 6 of the Planning Act 2016 as regards Appeal Rights.

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

Against: Nil

**CARRIED 7/0**

**12.3 P&LM - 2738855 - INFRASTRUCTURE CHARGES & PLANNING INCENTIVES**

**RESOLUTION 2020/220**

Moved: Cr Brett Otto  
 Seconded: Cr Kathy Duff

1. That That Council adopt a Development Incentive Scheme consisting of the following general terms and conditions:

Description	Criteria
Effective Dates	1 December 2020 to 30 June 2022
Applicable Development	All development is eligible if located within the South Burnett Regional Council area
Infrastructure charges discounts	<ul style="list-style-type: none"> <li>▪ 50% discount for any commercial use or industrial activity;</li> <li>▪ 50% discount for long-term employment generating development;</li> <li>▪ 75% discount for Reconfiguring a lot for Residential development;</li> <li>▪ 100% discount for Residential development in the Rural Residential zone (including relocatable parks);</li> </ul>

	<ul style="list-style-type: none"> <li>▪ 100% discount for Rural activity or tourism based development (eg. Short-term accommodation) in the rural zone.</li> </ul>
Maximum discount per development	\$500,000
Application requirements	Applicant to complete application form and if eligible, an infrastructure agreement form is executed by both parties

2. That Council approve the release of the forms and guidelines to support and promote the Development Incentive Scheme and note the amendments made to the Council report
  - Fact Sheet – Development Incentives
  - Application form
  - Appendix A: Rules and procedures
  - Appendix B: Definitions
3. That financial delegations be established for the Community Standing Committee, Chief Executive Officer and the General Manager Community to approve applications under Council’s Development Incentive Scheme.

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

Against: Nil

**CARRIED 7/0**

**12.4 P&LM - 2739082 - COMMUNITY GROUP INFRASTRUCTURE CHARGES POLICY**

**MOTION**

Moved: Cr Danita Potter  
 Seconded: Cr Kirstie Schumacher

1. That South Burnett Regional Council adopts the draft Community Group Infrastructure Charges Policy as outlined in the attachment to this report.
2. That financial delegations be established for the Chief Executive Officer and the General Manager Community to approve applications under the Community Group Infrastructure Policy.

**AMENDMENT**

Moved: Cr Kathy Duff  
 Seconded: Cr Scott Henschen

1. That South Burnett Regional Council adopts the draft Community Group Infrastructure Charges Policy as outlined in the attachment to this report.
2. That financial delegations be established for the Chief Executive Officer and the General Manager Community to approve applications under the Community Group Infrastructure Policy.
3. The cap be changed from \$10,000 to \$20,000 for unfunded and \$5,000 to \$10,000 for funded

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

Against: Nil

**CARRIED 7/0**

**The amendment became the resolution**

**RESOLUTION 2020/221**

Moved: Cr Kathy Duff  
 Seconded: Cr Scott Henschen

1. That South Burnett Regional Council adopts the draft Community Group Infrastructure Charges Policy as outlined in the attachment to this report.
2. That financial delegations be established for the Chief Executive Officer and the General Manager Community to approve applications under the Community Group Infrastructure Policy.
3. The cap be changed from \$10,000 to \$20,000 for Unfunded Eligible Community Groups and \$5,000 to \$10,000 for Funded Eligible Community Groups.

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 WASTE DISPOSAL FEES TO ACCOUNT FOR AN INCREASE IN THE STATE WASTE LEVY LIABILITY**

**RESOLUTION 2020/222**

Moved: Cr Brett Otto  
 Seconded: Cr Roz Frohloff

That Council increase its 2020/2021 Fees and Charges for the following waste disposal items:

- Construction and Demolition (C&D) Waste Disposal Charge to \$126.50;
- Commercial and Industrial (C&I) Waste Disposal Charge to \$190.50;
- >10m<sup>2</sup> Domestic Self-Haul or Any Commercial Asbestos Disposal Charge to \$190.50; and
- <10m<sup>2</sup> Domestic Self- Haul Asbestos Disposal Charge to \$95.00

from 1 January 2021 for the remainder of the 2020/2021 financial year.

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 KINGAROY AIRPORT - AMENDMENT OF LEASE FOR AREA 13**

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**RESOLUTION 2020/223**

Moved: Cr Gavin Jones  
 Seconded: Cr Kirstie Schumacher

That, in accordance with *Section 236 of the Local Government Regulation 2012*, a new licence be offered to the current licensee for an additional area of about 72.6 square metres adjoining the existing Area 13 at the Kingaroy Airport.

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 TENDER FOR LEASE OF MURGON SHOPS**

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**RESOLUTION 2020/224**

Moved: Cr Kathy Duff  
 Seconded: Cr Gavin Jones

That South Burnett Regional Council offer for lease, by way of tender, the three vacant shops at 62-70 Lamb Street, Murgon.

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 RENEWAL OF MOU WITH SB CARE AT WONDAI TOWN HALL**

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**RESOLUTION 2020/225**

Moved: Cr Gavin Jones  
 Seconded: Cr Scott Henschen

That SBCare be offered a new Memorandum of Understanding to formalise the continued occupation of the office within the Wondai Town Hall to enable SBCare to continue to manage the activities of Meals on Wheels.

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 KINGAROY AIRPORT - KINGAROY MEN'S SHED REQUEST FOR APPROVAL FOR A NEW SHED AND HARDSTAND**

**RESOLUTION 2020/226**

Moved: Cr Danita Potter  
 Seconded: Cr Kirstie Schumacher

That Council grant approval to the Kingaroy Men's Shed to:

1. construct a 280 square metre shed subject to:
  - a. the Kingaroy Men's Shed, at their cost, applying for and being granted all necessary planning and building approvals through Council's planning department prior to commencement of construction.
  - b. all costs are to be borne by the Kingaroy Men's Shed
2. construct a concrete slab to the north of the existing Motor Pool building on the condition that:
  - a. the slab has a depth no longer than the depth of the Motor Pool building with a width of 3 metres.
  - b. the slab is sited at least 300mm from the outermost edge of the Motor Pool building external cladding.
  - c. is not to be enclosed with any walls or roof
  - d. if used for rinsing or cleaning of equipment, paint or other toxic chemicals are to be bunded and not to run off the slab on to the open ground or storm water
  - e. all costs are to be borne by the Kingaroy Men's Shed.

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

Against: Nil

**CARRIED 7/0**

**14.5 NANANGO TENNIS CLUB LIGHTING PROJECT**

**RESOLUTION 2020/227**

Moved: Cr Roz Frohloff  
 Seconded: Cr Scott Henschen

That Council funds the upgrade of 4 light poles for \$20,000 to allow the new LED lights to be installed.

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

Against: Nil

**CARRIED 7/0**

**14.6 BIG PEANUT SCULPTURE LIONS PARK**

**RESOLUTION 2020/228**

Moved: Cr Danita Potter  
 Seconded: Cr Kirstie Schumacher

That Council provide in principle support for the placement of a big peanut sculpture in Lions Park, Kingaroy, subject to Council's further approval of the final proposal including elements such as design, location, ownership and maintenance requirements.

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

Against: Nil

**CARRIED 7/0**

**14.7 SALE BY TENDER OF 20 WILLIAM STREET, KINGAROY**

**RESOLUTION 2020/229**

Moved: Cr Danita Potter  
 Seconded: Cr Kirstie Schumacher

That Council finalise the tender process for the sale of Lot 4 on RP7914, 20 William Street, Kingaroy by:

1. Entering into negotiations with the highest tenderer and if the current market value of the property is reached, enter into a contract of sale for the property or
2. If negotiations with the highest tenderer does not result in a sale of the property at current market value, list the property for sale on the open market.

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 – ECONOMIC DEVELOPMENT**

Nil

**16 NOTICES OF MOTION**

**16.1 NOTICE OF MOTION - KINGAROY STREET**

**MOTION**

That Council commence the design for the construction of Kingaroy Street, south of the current Kingaroy Transformation Project between Alford and Markwell Street, so that a report detailing budget requirements for these works can be considered by Council when planning its future capital works.

**17 INFORMATION SECTION**

**17.1 DELEGATED AUTHORITY REPORTS**

**RESOLUTION 2020/230**

Moved: Cr Danita Potter

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 2020/231**

Moved: Cr Kathy Duff

Seconded: Cr Gavin Jones

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

**18.1 CONF - South Burnett Community Hospital Foundation Limited Board Meeting Minutes - July 2020**

This matter is considered to be confidential under Section 254J - h 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 the taking of land by the local government under the Acquisition of Land Act 1967.

**18.2 Sale of Coolabunia Saleyards by way of Tender**

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 2:13 pm, Cr Danita Potter left the meeting while Item 18.1 - CONF - South Burnett Community Hospital Foundation Limited Board Meeting Minutes - July 2020 was discussed.

At 2:14 pm, Cr Kirstie Schumacher left the meeting while Item 18.1 - CONF - South Burnett Community Hospital Foundation Limited Board Meeting Minutes - July 2020 was discussed.

At 2:24 pm, Cr Danita Potter returned to the meeting.

At 2:24 pm, Cr Kirstie Schumacher returned to the meeting.

At 2:24 pm, Cr Roz Frohloff left the meeting while Item 18.2 - Sale of Coolabunia Saleyards by way of Tender was discussed.

At 2:45 pm, Cr Roz Frohloff returned to the meeting.

**RESOLUTION 2020/232**

Moved: Cr Brett Otto  
 Seconded: Cr Danita Potter

That Council moves out of Closed Council into Open Council.

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 2:46 pm, Cr Danita Potter left the meeting.

At 2:46 pm, Cr Kirstie Schumacher left the meeting.

**18.1 CONF - SOUTH BURNETT COMMUNITY HOSPITAL FOUNDATION LIMITED BOARD MEETING MINUTES - JULY 2020**

**RESOLUTION 2020/233**

Moved: Cr Kathy Duff  
 Seconded: Cr Roz Frohloff

That the information report on South Burnett Community Hospital Foundation Limited Board meeting held on 14 July 2020, be received.

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

Against: Nil

**CARRIED 5/0**

**Attendance:**

At 2:47 pm, Cr Danita Potter returned to the meeting.

At 2:47 pm, Cr Kirstie Schumacher returned to the meeting.

At 2:47 pm, Cr Roz Frohloff left the meeting.

**18.2 SALE OF COOLABUNIA SALEYARDS BY WAY OF TENDER**

**RESOLUTION 2020/234**

Moved: Cr Brett Otto  
 Seconded: Cr Kathy Duff

That

1. As a result of the substantial capital loss that would be realised on disposal of the freehold site and in response to more recent community concerns as to the potential risk to the ongoing



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operation of the facility in the hands of a private operator, that Council not accept any tenders or enter into negotiations with a preferred tenderer.

2. That Council prepare a comprehensive five-year business plan for the future operations of the facility incorporating a review and report to council on:
- a. the preferred ownership structure;
  - b. a revised fees and charges schedule based on market rates;
  - c. a projected profit forecast;
  - d. a capital investment program, incorporating opportunities for external funding.

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

Against: Nil

**CARRIED 6/0**

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**Attendance:**

At 2:52 pm, Cr Roz Frohloff returned to the meeting.

**19 CLOSURE OF MEETING**

**The Meeting closed at 2.52pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 December 2020.**

.....  
**CHAIRPERSON**

APPENDIX 1



**FORM: CS-F149-V1**  
Finance & Corporate – Social & Corporate Performance

## Record of Request for Information

**PRIVACY NOTICE:** SOUTH BURNETT REGIONAL COUNCIL IS COLLECTING YOUR PERSONAL INFORMATION FOR THE PURPOSE OF PROCESSING THIS FORM. COUNCIL WILL RETAIN THESE DETAILS FOR THE PURPOSE OF CONTACTING YOU WITH REGARDS TO ANY COUNCIL RELATED MATTERS. YOUR PERSONAL DETAILS ARE HANDLED IN ACCORDANCE WITH THE *INFORMATION PRIVACY ACT 2009* AND WILL BE USED FOR THE PURPOSES OF RESPONDING TO YOU AND WILL NOT BE DISCLOSED TO ANY OTHER PERSON OR AGENCY EXTERNAL TO COUNCIL WITHOUT YOUR CONSENT, UNLESS REQUIRED OR AUTHORISED BY LAW.

**This form is to be used in conjunction with the Acceptable Request Guidelines. Please submit the completed form to the relevant CEO/General Manager.**

Councillor Name: Kirstie Schumacher		Division: 4
Date Requested: 20 November 2020	Date information is requested by: <i>(Allow 10 Business Days as per Policy)</i>	
Submitted to CEO/General Manager: GM Jarvis & GM Meehan		Date submitted: 20 Nov. 2020
<p>Information requested:</p> <p>What will we have to pull from cash reserves for the KTP project if Council allocates the extra budget and how does this risk our financial position? Would pulling this cash from the cash reserve impact the three months operating expenses that we have to have in our cash reserves? How would the decision to increase the budget change our financial position, could this put us under financial distress? Or is the plan to spend Works for Queensland funding on KTP?</p>		
<p>Summary of Information provided by CEO/General Manager:</p> <p>Please see attached information relating to your Request for Information for the KTP project.</p>		
<p>Format in which information was given:</p> <p>Written Correspondence: <input type="checkbox"/>      Other: <input type="checkbox"/> _____</p>		
CEO/General Manager distributed information to all Councillors and Senior Management Team:		Date:

**The completed form is to be attached to the response. The response and all relevant documentation is to be forwarded to Records for registration in Council's ECM System via [info@southburnett.qld.gov.au](mailto:info@southburnett.qld.gov.au)**

**What will we have to pull from cash reserves for the KTP project?**

Item	Funding Source	2020/21	2021/22	2022/23	TOTAL
1	Works (inc loan)	^\$1,850,000	^\$3,650,000	*\$1,700,000	\$7,200,000
2	W&WW	^\$1,100,000	*\$300,000		\$1,400,000
3	BBRF	^\$4,500,000			\$4,500,000
4	Restricted Cash (Property Sales)			*\$500,000	\$500,000
	TOTALS	\$7,450,000	\$3,950,000	\$2,200,000	\$13,600,000

^ Current Budget – total \$11.1M

\*Proposed Additional Budget – total \$2.5M

At this stage it is proposed to fund \$500,000 from restricted cash which will be sourced from the property sales balance. This item had \$1.036M, less the purchase of the Trendsetter shop which leaves a current closing balance of \$686K. It is proposed that \$500K of this closing balance be allocated to KTP (see above table item 4).

Items 1 and 2 are proposed to be funded by the available depreciation in those years from those asset classes in line with Council budget process. This means that the future capital works programs will be amended to allow for a change in project priority to use available funded depreciation in that year.

Item 3 is grant funding received.

**Would pulling this cash from the cash reserve impact the three months operating expenses that we have to have in our cash reserves?**

It is proposed to only fund \$500K from restricted cash. The below table shows Councils minimum liquidity for the past 8 months as calculated from QTC cashflow forecast model. In the proposed column an adjustment has been made for the \$500K which shows that there is little effect on minimum liquidity.

	31-Mar-20	30-Apr-20	31-May-20	30-Jun-20	31-Jul-20	31-Aug-20	30-Sep-20	31-Oct-20	Proposed
<b>Cash Balance Composition</b>									
Restricted cash	23,602,859	23,602,859	23,602,859	28,554,270	28,554,270	28,554,270	26,385,609	24,635,157	24,135,157
Remaining cash	27,942,951	23,054,525	26,786,186	18,950,332	13,800,925	12,504,053	22,981,251	20,969,015	20,869,015
Closing total cash holdings (includes investments)	51,545,810	46,657,384	50,389,045	47,404,602	42,355,195	41,058,323	49,366,861	45,504,172	45,004,172
Minimum liquidity - cash cover ratio	15,931,715	14,386,004	17,370,560	18,143,750	21,369,965	16,134,770	15,269,724	13,836,840	13,836,840
(Over)/Under minimum liquidity	12,011,236	8,868,521	9,415,626	706,574	-7,569,060	-3,830,717	7,711,527	7,032,175	7,032,175

**How would the decision to increase the budget change our financial position, could this put us under financial distress? If Council allocates the extra budget and how does this risk our financial position?**

At this stage it is proposed that \$500K be used from restricted cash which is converting unallocated restricted cash from property sales into capital assets. This is not affecting Council’s financial position. The remaining additional budget is proposed to be funded by available depreciation for that program in that year which means reallocating the priority of projects. Whilst there is an

upgrade percentage in the work undertaken, it is not expected that the asset sustainability ratio will be greatly impacted as it is managed at the program level in combination with employing a strategy of timing the asset renewal work to address the existing condition of the CBD's aged assets.

Council's financial position is not envisaged to be at risk however, this advice is provided based on the information available to date with the assumption that the project will come in on budget. As with any projects of this size there is always an amount of inherent risk. Any variations will require reassessment of Council financial position.

Should the \$2.3M contributions from Ergon and TMR not be received, this work will need to come back to Council for decisions to be made on whether the work is completed, and or the scope of works be redesigned.

***Or is the plan to spend Works for Queensland funding on KTP?***

Proposed funding sources are a combination of available depreciation of \$2M and restricted cash of \$500K.