



**SOUTH BURNETT**

**REGIONAL COUNCIL**

# **MINUTES**

**Ordinary Council Meeting  
Wednesday, 20 January 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, 20 JANUARY 2021 AT 9.04AM**

**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), Mark Watt (Acting Manager NRM & Parks), Lynelle Paterson (Executive Assistant)

**1 OPENING**

The Mayor declared the meeting open and welcomed all attendees and made a special note to Mr Barry Krosch and Dr Les Henning.

**2 LEAVE OF ABSENCE / APOLOGIES**

Nil

**3 PRAYERS**

A representative of the Kingaroy District Ministers Association, Pastor Andy Dunkin offered prayers for Council and for the conduct of the Council meeting.

**4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

**5 DECLARATION OF INTEREST**

I, Cr Danita Potter inform this meeting that I have a declarable conflict of interest in relation to Item **18.2 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation**. The nature of my interest is as follows:

This declarable conflict of interest arises due to a petition and a party to the complaint participating in the petition process.

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 Kirstie Schumacher inform this meeting that I have a declarable conflict of interest in relation to Item 9.3 - **Adoption of the South Burnett Regional Council Procurement Policy - Statutory 007**. The nature of my interest is as follows:

This declarable conflict of interest arises because my husband's business Schuey Brothers Drilling has conducted works for Council and is registered on the Felix System.

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 Kirstie Schumacher inform this meeting that I have a declarable conflict of interest in relation to **Item 12.1 - Operational Works Development Application and Inspection Fees - Alkaloids of Australia - External Road Sealing - Request to Waive Operational Works Application Fees** – The nature of my interest is as follows:

This declarable conflict of interest arises because our family business Schuey Brothers Drilling has completed paid work previously for Alkaloids Australia.

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 Kirstie Schumacher inform this meeting that I have a declarable conflict of interest in relation to **Item 18.1 - South Burnett Community Hospital Foundation Limited Board Meeting Minutes - 6 October 2020** – The nature of my interest is as follows:

This declarable conflict of interest arises because I am a member of the 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.

I, Cr Gavin Jones inform this meeting that I have a declarable conflict of interest in relation to **Item 18.2 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation**. The nature of my interest is as follows:

This declarable conflict of interest arises due to a petition and a party to the complaint participating in the petition process.

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 Roz Frohloff inform this meeting that I have a declarable conflict of interest in relation to **Item 18.2 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation Declarable**. The nature of my interest is as follows:

This declarable conflict of interest arises due to a petition and a party to the complaint participating in the petition process and a complaint lodged against me.

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 Scott Henschen inform this meeting that I have a declarable conflict of interest in relation to **Item 18.2 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation** (as defined in section 150EN of the *Local Government Act 2009*). The nature of my interest is as follows:

This declarable conflict of interest arises from that I am a party to the complaint having been referred to OIA.

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 Kathy Duff inform this meeting that I have a declarable conflict of interest in relation to **Item 18.2 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation**. The nature of my interest is as follows:

This declarable conflict of interest arises due to a previous complaint lodged against me.

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, Mayor Brett Otto inform this meeting that I have a declarable conflict of interest in relation to **Item 18.2 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation**. The nature of my interest is as follows:

This declarable conflict of interest arises due to a previous complaint lodged against me.

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

**5.1 DEFERRAL OF DECISION IN REGARDS TO AGENDA ITEM 18.2 “ALLEGED INAPPROPRIATE COUNCILLOR CONDUCT COMPLAINT INVESTIGATION AND RECOMMENDATION”**

**RESOLUTION 2021/221**

Moved: Cr Danita Potter  
 Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council pursuant to section 150EU(2)(b) of the Local Government Act 2009 defer the decision in regards to agenda Item 18.2 “Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation” to the Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning for consideration and decision at the February General Meeting of Council.

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

Against: Nil

**CARRIED 7/0**

**6 DEPUTATIONS/PETITIONS**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**7.1 MINUTES OF THE COUNCIL MEETING HELD ON 16 DECEMBER 2020**

**RESOLUTION 2021/222**

Moved: Cr Gavin Jones  
 Seconded: Cr Roz Frohloff

That the Minutes of the Council Meeting held on 16 December 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 2021/223**

Moved: Cr Danita Potter  
 Seconded: Cr Roz Frohloff

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 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL RECRUITMENT & SELECTION POLICY-STATUTORY-014**

**RESOLUTION 2021/224**

Moved: Cr Danita Potter  
 Seconded: Cr Kirstie Schumacher

That the South Burnett Regional Council Recruitment & Selection Policy-Statutory-014 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**

**9.2 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL ARTS CULTURE & HERITAGE POLICY-STRATEGIC 009**

**RESOLUTION 2021/225**

Moved: Cr Danita Potter  
 Seconded: Cr Roz Frohloff

That the South Burnett Regional Council Arts, Culture and Heritage Policy – Strategic 009 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**

**Attendance:**

At 9.44am, Councillor Schumacher, having earlier informed the meeting of a declarable conflict of interest in Item 9.3, 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.

**9.3 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL PROCUREMENT POLICY - STATUTORY 007**

**RESOLUTION 2021/226**

Moved: Cr Brett Otto  
 Seconded: Cr Kathy Duff

That the matter lay on the table and be referred to the February standing committee

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

Against: Nil

**CARRIED 6/0**

**Attendance:**

At 9:49 am, Cr Kirstie Schumacher returned to the meeting.

**9.4 MAYORAL REQUEST TO CEO - PARKS & GARDENS**

**RESOLUTION 2021/227**

Moved: Cr Kathy Duff  
 Seconded: Cr Kirstie Schumacher

That pursuant to Council's Operational Plan 2020-2021, the Acting Manager, NRM and Parks be requested to develop maintenance service levels for NRM and Parks for further consideration by Council at the March Community Standing Committee Meeting.

- Mowing, Garden Maintenance and Weeding Programme
- CBD Cleaning Programme
- Garden and Verge Enhancement Programme

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 2021/228**

Moved: Cr Brett Otto  
 Seconded: Cr Danita Potter

That the meeting adjourn for morning tea.

**CARRIED 7/0**



**MOTION**

**RESOLUTION 2021/229**

Moved: Cr Brett Otto

Seconded: Cr Kirstie Schumacher

That the meeting resume at 10.32am.

**CARRIED 7/0**

**9.5 ANNUAL OPERATIONAL PLAN 2020/2021 IMPLEMENTATION PROGRESS REPORT FOR THE PERIOD ENDING 31 DECEMBER 2020**

**RESOLUTION 2021/230**

Moved: Cr Kirstie Schumacher

Seconded: Cr Gavin Jones

That South Burnett Regional Council Annual Operational Plan 2020/2021 Implementation Progress Report for the period 1 July 2020 to 31 December 2020 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 CUSTOMER SERVICE CHARTER - STRATEGIC 008**

**MOTION**

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That the South Burnett Regional Council Customer Service Charter – Strategic 008 be adopted as presented.

In Favour: Nil

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

**LOST 0/7**

The Mayor acknowledged the tremendous work undertaken by Council’s Customer Contact Staff.

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**9.6.1 CUSTOMER SERVICE CHARTER – STRATEGIC 008**

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**RESOLUTION 2021/231**

Moved: Cr Brett Otto  
Seconded: Cr Danita Potter

That the Customer Service Charter – Strategic 008 be presented to the February Standing Committee Meeting for further consideration and discussion by Council.

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

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**RESOLUTION 2021/232**

Moved: Cr Kirstie Schumacher  
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 three (3) years.
2. JP O’Kennedy as an Independent Committee Member of the South Burnett Regional Council Corporate Risk and Audit Advisory Committee for a term of three (3) years.
3. George Hampouris as an Independent Committee Member of the South Burnett Regional Council Corporate Risk and Audit Advisory Committee for a term of three (3) years.

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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**9.8 DRAFT CORPORATE PLAN 2021-2026**

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**RESOLUTION 2021/233**

Moved: Cr Brett Otto  
Seconded: Cr Kirstie Schumacher

That Council receive the Draft Corporate Plan 2021-2026 and approves release of the draft Corporate Plan for community consultation.

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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**9.9 MONTHLY FINANCIAL REPORT**

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**RESOLUTION 2021/234**

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That the Monthly Financial Report including Capital Works and Works for Queensland as at 31 December 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****10 PORTFOLIO – ROADS & DRAINAGE****Kingaroy Transformation Project**

The Mayor formally acknowledged the work done by the previous Council under the inspirational leadership of Mayor Campbell in not waivering in his dedication, commitment and persistence in making the Kingaroy Transformation Project happen.

At 11:29 am, Cr Danita Potter left the meeting.

**10.1 KINGAROY TRANSFORMATION PROJECT - LETTERS OF THANKS**

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**RESOLUTION 2021/235**

Moved: Cr Brett Otto

Seconded: Cr Kirstie Schumacher

That letters be sent to Minister Littleproud, the Director General of Transport and Main Roads, Mayor Campbell and former Councillors (Cr Heit, Cr Fleischfresser, Cr Potter, Cr Jones, Cr Frohloff, Cr Duff) and General Manager Meehan acknowledging and thanking them for making the Kingaroy Transformation Project (KTP) a reality, and request the General Manager share with the staff involved.

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

Against: Nil

**CARRIED 6/0****Attendance:**

At 11:31 am, Cr Danita Potter returned to the meeting.

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

Nil

**Attendance:**

At 11:31 am, Councillor Schumacher, having earlier informed the meeting of a declarable conflict of interest in Item 12.1, 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.

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

**12.1 OPERATIONAL WORKS DEVELOPMENT APPLICATION AND INSPECTION FEES - ALKALOIDS OF AUSTRALIA - EXTERNAL ROAD SEALING - REQUEST TO WAIVE OPERATIONAL WORKS APPLICATION FEES**

**RESOLUTION 2021/236**

Moved: Cr Gavin Jones

Seconded: Cr Roz Frohloff

That South Burnett Regional Council **refuse**, the request to waive fees for operational works relating to the external road upgrade of Council’s unsealed roads (Memerambi Cemetery Road and Postles Road) at Memerambi.

- On the basis that Council’s recently adopted Development Incentive Scheme does not provide for a reduction in application fees.

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

Against: Nil

**CARRIED 6/0**

**Attendance:**

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

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

Nil

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

Nil

**15 PORTFOLIO – ECONOMIC DEVELOPMENT**

**Attendance:**

At 12.17 pm, General Manager Aaron Meehan left the meeting.

At 12.20 pm, General Manager Aaron Meehan returned to the meeting.

**15.1 BUILDING BETTER REGIONS FUND ROUND FIVE**

**RESOLUTION 2021/237**

Moved: Cr Kathy Duff

Seconded: Cr Gavin Jones

1. That South Burnett Regional Council confirms the following projects for Building Better Regions Fund (BBRF) for application and submission to the BBRF Round Five:

- a) Coolabunia Saleyards

- b) Wondai Pool Upgrade
- c) BP Dam Water Park Project
- d) Agriculture and Strategic Plan (100%)

2. That South Burnett Regional Council confirms its commitment to fund any successful application to a minimum of 50% in future budgets.

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

Against: Crs Roz Frohloff and Scott Henschen

**CARRIED 5/2**

**16 NOTICES OF MOTION**

Nil

**17 INFORMATION SECTION**

**17.1 DELEGATED AUTHORITY REPORTS**

**RESOLUTION 2021/238**

Moved: Cr Brett Otto  
 Seconded: Cr Danita Potter

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 2021/239**

Moved: Cr Brett Otto  
 Seconded: Cr Kirstie Schumacher

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

**18.1 South Burnett Community Hospital Foundation Limited Board Meeting Minutes - 6 October 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 Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation**

This matter is considered to be confidential under Section 254J - f 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 matters that may directly affect the health and safety of an individual or a group of individuals.

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 12:23 pm, 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.

**RESOLUTION 2021/240**

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 and Scott Henschen

Against: Nil

**CARRIED 6/0**

**18.1 SOUTH BURNETT COMMUNITY HOSPITAL FOUNDATION LIMITED BOARD MEETING MINUTES - 6 OCTOBER 2020**

**RESOLUTION 2021/241**

Moved: Cr Roz Frohloff  
 Seconded: Cr Danita Potter

That the information report on South Burnett Community Hospital Foundation Limited Board meeting held on 6 October 2020, be received.

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

Against: Nil

**CARRIED 6/0**

**Attendance:**

At 12:26 pm, Cr Kirstie Schumacher returned to the meeting.

**18.2 ALLEGED INAPPROPRIATE COUNCILLOR CONDUCT COMPLAINT INVESTIGATION AND RECOMMENDATION**

**19 CLOSURE OF MEETING**

The Meeting closed at 12.26pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 February 2021.

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**CHAIRPERSON**