



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

# **MINUTES**

**Ordinary Council Meeting**  
**Wednesday, 24 February 2021**

**Order Of Business**

<b>1</b>	<b>Opening</b> .....	<b>5</b>
<b>2</b>	<b>Leave of Absence / Apologies</b> .....	<b>5</b>
<b>3</b>	<b>Prayers</b> .....	<b>5</b>
<b>4</b>	<b>Acknowledgement of Traditional Owners</b> .....	<b>5</b>
	Deputation – Mr Graham Wilson – Clark Swendson Road.....	5
<b>5</b>	<b>Declaration of Interest</b> .....	<b>5</b>
5.1	Deferral of Decision in Regards to Agenda Item 18.1 - Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation.....	8
<b>6</b>	<b>Deputations/Petitions</b> .....	<b>8</b>
6.1	Petition calling on Council to rescind the decision from the meeting on 25 November 2020 to commit a further \$2.8 million to the Kingaroy CBD Transformation Project.....	8
6.2	Forwarding petition in relation to the Flying Fox problem in Hart Street Blackbutt .....	9
<b>7</b>	<b>Confirmation of Minutes of Previous Meeting</b> .....	<b>9</b>
7.1	Minutes of the Council Meeting held on 20 January 2021 .....	9
<b>8</b>	<b>Business Outstanding</b> .....	<b>9</b>
8.1	Business Outstanding Table for Ordinary Council Meeting.....	9
8.1.1	Carew Park .....	10
8.1.2	Bikes .....	10
<b>9</b>	<b>Portfolio – Social &amp; Corporate Performance, People &amp; Culture, Communications/Media, Finance and ICT</b> .....	<b>10</b>
9.1	Meeting Dates for the Ordinary Meetings of Council’s Standing Committees and General Meetings .....	10
9.2	Assignment of Councillor Portfolio Representation.....	11
9.3	WBBROC Delegate.....	12
9.4	ALGA National General Assembly Call for Motions - 2021 .....	12
9.5	Adoption of the South Burnett Regional Council Customer Service Charter - Strategic 008.....	13
9.6	Adoption of the South Burnett Regional Council Procurement Policy - Statutory 007.....	13
9.7	Monthly Financial Report.....	14
9.8	Wastewater Charges Options Modelling .....	14
9.9	Quote SBRCQ-20/21-30 - Replacement of Caterpillar 938G Loader [Plant 54] .....	14
9.10	SBRC 20/21-09 Health Care Providers .....	15
9.11	Purchase of Field Uniforms .....	15
<b>10</b>	<b>Portfolio – Roads &amp; Drainage</b> .....	<b>16</b>
10.1	Update to Standard Street Name Sign and Style Guides .....	16
10.2	Kilkivan Kingaroy Rail Trail Cycle Network and Carpark Upgrade .....	16

<b>11</b>	<b>Portfolio – Community, Arts, Heritage, Sport &amp; Recreation</b> .....	<b>16</b>
	Nil	
<b>12</b>	<b>Portfolio – Rural Services, Natural Resource Management, Planning &amp; Compliance Services</b> .....	<b>17</b>
12.1	Proposed Amendment to the South Burnett Regional Council Planning Scheme, 2017 .....	17
12.2	Economic Support Instrument Provision in the Planning Regulation 2017.....	17
12.3	Request to waive building bond for relocatable dwelling at 7 Harris Street, Hivesville.....	21
12.4	Submission - Great Barrier Reef Catchment Area .....	21
12.5	Invitation to Join the Queensland Climate Resilient Council's (Q CRC) Program .....	21
12.6	Establishment of Subcommittee - Wide Bay Burnett Regional Plan.....	22
<b>13</b>	<b>Portfolio – Local Disaster Management, Water &amp; Wastewater, Waste Management</b> ....	<b>22</b>
13.1	Overgrown Allotment Enforcement.....	22
13.2	Illegal Occupation of Private Land .....	22
<b>14</b>	<b>Portfolio – Rural Resilience, Parks &amp; Gardens, Property &amp; Facility Management, Indigenous Affairs</b> .....	<b>23</b>
14.1	Placement of Indigenous Flag Outside All Customer Service Centres Across the South Burnett. ....	23
14.2	Lease of Land for Development and Operation of Fuel Outlet at Durong.....	23
14.3	Quotations Required for New Proston Pool Managers .....	23
14.4	Reserve for Park - Walter Road, Kingaroy - Alternative Use Options .....	24
14.5	Use of a Reserve of Land - Bunya Mountains .....	24
<b>15</b>	<b>Portfolio – Economic Development</b> .....	<b>25</b>
15.1	Review of Previous Drafts of the Economic Development Strategy .....	25
15.2	Regional Development Advisory Committee .....	25
15.3	Arts, Culture & Heritage Advisory Committee.....	26
<b>16</b>	<b>Notices of Motion</b> .....	<b>26</b>
	Nil	
<b>17</b>	<b>Information Section</b> .....	<b>26</b>
17.1	IS - List of Correspondence pending completion of assessment report .....	26
17.2	Delegated Authority Reports .....	26
<b>18</b>	<b>Confidential Section</b> .....	<b>27</b>
18.5	SB Care Proposal .....	28
18.1	Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation .....	28
18.2	Rate Exemptions and Remissions - seeking a 50% reduction in water usage charges for Assessment No. 40388-00000-001.....	29
18.3	Financial Hardship Rates Application - Assessment Number 40229-00000-000 ....	29
18.4	Financial Hardship Rates Application - Assessment Number 40274-00000-000 ....	30

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**19 Closure of Meeting..... 30**

**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY  
ON WEDNESDAY, 24 FEBRUARY 2021 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)

**1 OPENING**

The Mayor declared the meeting open and welcomed all attendees

**2 LEAVE OF ABSENCE / APOLOGIES**

Nil

**3 PRAYERS**

A representative of the Barambah Ministers Association, Pastor Glen Vonhoff 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.

**DEPUTATION – MR GRAHAM WILSON – CLARK SWENDSON ROAD**

**5 DECLARATION OF INTEREST**

I, Cr Danita Potter inform this meeting that I have a declarable conflict of interest in relation to **Item 18.1 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation.**

The nature of my declarable conflict of interest is as follows:

- The complainant in relation to the investigation the subject of this item of business is a participant in a petition to the Minister for Local Government, for an investigation into, and dismissal of, myself and Councillors Jones, Frohloff and Henschen.
- The contents of the petition are now with the Office of the Independent Assessor for consideration.
- Given these actions of the complainant, it may be perceived that I might have a conflict between my personal interests and the public interest that could inappropriately influence the way I might vote on this matter.

Having regard to the nature of my declarable conflict of interest, 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 9.6 - 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 14.5 - Use of a Reserve Land - Bunya Mountains**

The nature of my interest is as follows:

This declarable conflict of interest arises due to owning a freehold property on the Bunya Mountains and I am a member of the Bunya Mountains Community Association.

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 18.5 – SB Care Proposal.**

The nature of my interest is as follows:

This declarable conflict of interest arises as I previously worked for Stanwell and gave advice to the Tarong Community Partnership Fund to allocate funds to SB Care.

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 18.1 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation.**

The nature of my declarable conflict of interest is as follows:

- The complainant in relation to the investigation the subject of this item of business is a participant in a petition to the Minister for Local Government, for an investigation into, and dismissal of, myself and Councillors Potter, Frohloff and Henschen.
- The contents of the petition are now with the Office of the Independent Assessor for consideration.
- Given these actions of the complainant, it may be perceived that I might have a conflict between my personal interests and the public interest that could inappropriately influence the way I might vote on this matter.

Having regard to the nature of my declarable conflict of interest, 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 18.5 – SB Care Proposal.**

The nature of my interest is as follows:

This declarable conflict of interest arises as I am on the board of the Tarong Community Partnership Fund and have allocated grant funds to SB Care.

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 18.1 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation.**

The nature of my declarable conflict of interest is as follows:

- The complainant in relation to the investigation the subject of this item of business is a participant in a petition to the Minister for Local Government, for an investigation into, and dismissal of, myself and Councillors Jones, Potter and Henschen.
- The contents of the petition are now with the Office of the Independent Assessor for consideration.
- Given these actions of the complainant, it may be perceived that I might have a conflict between my personal interests and the public interest that could inappropriately influence the way I might vote on this matter.

Having regard to the nature of my declarable conflict of interest, 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 18.1 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation.**

The nature of my declarable conflict of interest is that I am the councillor the subject of the investigation.

Having regard to the nature of my declarable conflict of interest, 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 18.1 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation.**

The nature of my declarable conflict of interest is as follows:

- The complainant in relation to the investigation has previously lodged a complaint against me, to the Office of the Independent Assessor, about my conduct as a councillor.
- Given these actions of the complainant, it may be perceived that I might have a conflict between my personal interests and the public interest that could inappropriately influence the way I might vote on this matter.

Having regard to the nature of my declarable conflict of interest, 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 18.1 – Alleged Inappropriate Councillor Conduct Complaint Investigation and Recommendation.**

The nature of my declarable conflict of interest is as follows:

- The complainant in relation to the investigation has previously lodged a complaint against me, to the Office of the Independent Assessor, about my conduct as a councillor.
- Given these actions of the complainant, it may be perceived that I might have a conflict between my personal interests and the public interest that could inappropriately influence the way I might vote on this matter.

Having regard to the nature of my declarable conflict of interest, 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 18.1 - ALLEGED INAPPROPRIATE COUNCILLOR CONDUCT COMPLAINT INVESTIGATION AND RECOMMENDATION**

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### **RESOLUTION 2021/242**

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

1. That Council notes that six (out of seven) Councillors have informed the meeting of a declarable conflict of interest in this matter.
2. That Council notes that those declaring Councillors have stated that, if discussion and decision on the matter proceeds, they will leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.
3. That, as a consequence of the Mayor and a majority of Councillors comprising each of Council's three standing committees declaring a declarable conflict of interest in relation to this matter, Council notes that, pursuant to section 150EU(3) of the *Local Government Act 2009*, Council is unable to delegate deciding this matter under section 257(2) of the *Local Government Act 2009*.
4. That, pursuant to section 150EU(2)(b) of the *Local Government Act 2009*, Council defer this matter to a later meeting.
5. That the CEO make application to the Minister, on behalf of Crs Otto, Jones, Frohloff, Potter and Duff, seeking the Minister's approval, pursuant to section 150EV of the *Local Government Act 2009*, for those Councillors to participate in deciding this matter, including being present while the matter is discussed and voted on.

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**

### **6.1 PETITION CALLING ON COUNCIL TO RESCIND THE DECISION FROM THE MEETING ON 25 NOVEMBER 2020 TO COMMIT A FURTHER \$2.8 MILLION TO THE KINGAROY CBD TRANSFORMATION PROJECT**

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### **RESOLUTION 2021/243**

Moved: Cr Gavin Jones

Seconded: Cr Kathy Duff

That the Petition be received and referred to the Chief Executive Officer to determine appropriate action.

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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**6.2 FORWARDING PETITION IN RELATION TO THE FLYING FOX PROBLEM IN HART STREET BLACKBUTT**

**RESOLUTION 2021/244**

Moved: Cr Gavin Jones  
 Seconded: Cr Kirstie Schumacher

That the Petition be received and referred to the Chief Executive Officer to determine appropriate 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 20 JANUARY 2021**

**RESOLUTION 2021/245**

Moved: Cr Brett Otto  
 Seconded: Cr Scott Henschen

That the Minutes of the Council Meeting held on 20 January 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 2021/246**

Moved: Cr Brett Otto  
 Seconded: Cr Danita Potter

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**

**8.1.1 CAREW PARK**

**RESOLUTION 2021/247**

Moved: Cr Brett Otto  
 Seconded: Cr Kathy Duff

That Council enter into a lease agreement with the Bunya Valley Landcare Group to manage Carew Park and that a lease with conditions be brought to the next Community Standing Committee to progress this process.

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

Against: Nil

**CARRIED 7/0**

**8.1.2 BIKES**

**RESOLUTION 2021/248**

Moved: Cr Kathy Duff  
 Seconded: Cr Danita Potter

That Council undertake an Expression of Interest process to offer Council's surplus exercise bikes to interested not for profit/community groups to allow such groups to provide and manage a bike hire service to the wider community.

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 MEETING DATES FOR THE ORDINARY MEETINGS OF COUNCIL'S STANDING COMMITTEES AND GENERAL MEETINGS**

**RESOLUTION 2021/249**

Moved: Cr Kirstie Schumacher  
 Seconded: Cr Roz Frohloff

That Council:

1. Adopt the dates, times and locations for ordinary meetings of Council's Standing Committees and General Meetings as follows:

<b>Committee</b>	<b>Date</b>	<b>Time</b>	<b>Location</b>
Infrastructure Standing Committee	Wednesday 7 April 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy

Community Standing Committee	Wednesday 14 April 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Executive and Finance & Corporate Standing Committee	Wednesday 21 April 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 28 April 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Infrastructure Standing Committee	Wednesday 5 May 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Community Standing Committee	Wednesday 12 May 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Executive and Finance & Corporate Standing Committee	Wednesday 19 May 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 26 May 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Infrastructure Standing Committee	Wednesday 2 June 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Community Standing Committee	Wednesday 9 June 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Executive and Finance & Corporate Standing Committee	Wednesday 16 June 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Special Budget Meeting	Wednesday 30 June 2021	9.00am	Warren Truss Chamber Glendon Street Kingaroy
General Meeting	Wednesday 30 June 2021	at the conclusion of the Budget Meeting	Warren Truss Chamber Glendon Street Kingaroy

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 ASSIGNMENT OF COUNCILLOR PORTFOLIO REPRESENTATION**

**RESOLUTION 2021/250**

Moved: Cr Brett Otto  
Seconded: Cr Danita Potter

That

1. South Burnett Regional Council adopts the assignments of specific portfolios as:

Regional Development <ul style="list-style-type: none"> <li>• industry</li> <li>• agriculture</li> <li>• water security</li> <li>• economic development and tourism</li> </ul>	Cr Kirstie Schumacher
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and

2. Amends any Council policy or procedure on an administrative basis to reflect the name change.

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

Against: Nil

**CARRIED 7/0**

**9.3 WBBROC DELEGATE**

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**RESOLUTION 2021/251**

Moved: Cr Brett Otto  
 Seconded: Cr Danita Potter

That the delegates to the Wide Bay Burnett Regional Organisation of Councils remain as previously resolved, being Mayor Brett Otto and Deputy Mayor Gavin Jones.

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 ALGA NATIONAL GENERAL ASSEMBLY CALL FOR MOTIONS - 2021**

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**RESOLUTION 2021/252**

Moved: Cr Danita Potter  
 Seconded: Cr Gavin Jones

That South Burnett Regional Council submits the following resolutions to the National General Assembly of Local Government:

- a) That this National Assembly calls on the Federal Government to restore the Financial Assistance Grants to 1% equivalent of the Commonwealth Taxation revenue.
- b) That this National Assembly calls on the Federal Government to fund ABC transmission black spot sites to ensure coverage for all communities in the event of Natural Disaster.
- c) That this National Assembly calls on the Federal Government to consider a consistent National Energy Policy approach and legislation that ensures responsible investment in renewable energy projects.

- d) That this National Assembly calls on the Federal Government to support regional investment into Health through programmes such SME Fund Leveraging the Unrealised Capital Potential of the Special Investor Visa (SIV) Programme.

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 CUSTOMER SERVICE CHARTER - STRATEGIC 008**

**RESOLUTION 2021/253**

Moved: Cr Kirstie Schumacher  
 Seconded: Cr Scott Henschen

That the South Burnett Regional Council Customer Service Charter – Strategic 008 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 10:02am, Councillor Schumacher, having earlier informed the meeting of a declarable conflict of interest in Item 9.6, 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.

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

**RESOLUTION 2021/254**

Moved: Cr Kathy Duff  
 Seconded: Cr Roz Frohloff

That the South Burnett Regional Council Procurement Policy – Statutory 007 be adopted as presented.

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

Against: Nil

**CARRIED 6/0**

**Attendance:**

At 10:06 am, Cr Kirstie Schumacher returned to the meeting.

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**9.7 MONTHLY FINANCIAL REPORT**

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**RESOLUTION 2021/255**

Moved: Cr Brett Otto  
Seconded: Cr Scott Henschen

That the Monthly Financial Report including Capital Works and Works for Queensland (W4Q4) as at 31 January 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**

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**9.8 WASTEWATER CHARGES OPTIONS MODELLING**

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**RESOLUTION 2021/256**

Moved: Cr Brett Otto  
Seconded: Cr Roz Frohloff

That Council proceed to community consultation to engage with constituents that may be affected by the proposed changes to the wastewater methodology largely being:

1. Flats, educational facilities and hospitals in relation to proposed additional pedestal reclassification
2. Commercial properties in relation to the proposed review of 2<sup>nd</sup> pedestal charges in conjunction with 1<sup>st</sup> pedestal charges to ensure a fair and equitable contribution to the sewerage network costs

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 QUOTE SBRCQ-20/21-30 - REPLACEMENT OF CATERPILLAR 938G LOADER [PLANT 54]**

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**RESOLUTION 2021/257**

Moved: Cr Roz Frohloff  
Seconded: Cr Gavin Jones

That Council purchase from RDO the John Deere 544K II for \$308,000.00 excluding GST to replace the aging waste loader, Plant 54 at 11 years old, in line with the ten-year replacement plan for loaders. The John Deere 544K II loader meets the weight specification requested, has the best whole of life costs, has the highest score in the evaluation and was agreed by all involved that this machine would be a much more suitable machine for the Kingaroy Waste Facility than the other machines offered.

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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**9.10 SBRC 20/21-09 HEALTH CARE PROVIDERS**

**RESOLUTION 2021/258**

Moved: Cr Roz Frohloff

Seconded: Cr Kathy Duff

That Council approve the list of providers to be included in the Register of providers for Health Care Services in alignment with the Tender Consideration Plan adopted on 19<sup>th</sup> August 2020 in accordance with s230 of the *Local Government Regulation 2012*.

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 2021/259**

Moved: Cr Brett Otto

Seconded: Cr Gavin Jones

That the meeting adjourn for morning tea.

**CARRIED 7/0**

**MOTION**

**RESOLUTION 2021/260**

Moved: Cr Brett Otto

Seconded: Cr Roz Frohloff

That the meeting resume at 10.51am.

**CARRIED 7/0**

**9.11 PURCHASE OF FIELD UNIFORMS**

**RESOLUTION 2021/261**

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That South Burnett Regional Council approve the recommendation to establish a 12-month supply arrangement for Hi-Visibility Field Uniforms.

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 UPDATE TO STANDARD STREET NAME SIGN AND STYLE GUIDES**

**RESOLUTION 2021/262**

Moved: Cr Kirstie Schumacher

Seconded: Cr Roz Frohloff

That Council resolves to adopt a standard street blade and roundabout street sign

1. That the revisions to the standard street name sign drawing, as specified in Attachment one (1) (option 4), be adopted and implemented on all new and replacement street name signs;
2. That the standard roundabout name sign drawing, as specified in Attachment two (2) (option 5), be adopted and implemented on all new and replacement roundabout name signs; and
3. That the style guidelines be updated to reflect the change to the standard street name sign.

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 KILKIVAN KINGAROY RAIL TRAIL CYCLE NETWORK AND CARPARK UPGRADE**

**RESOLUTION 2021/263**

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That Council make application to the Cycle Networks Local Government Grants Program for 50% co-contribution of funding for the construction of high quality and safe cycling infrastructure facilities along the Kilkivan to Kingaroy Rail Trail and if successful:

1. Commits to delivering the project; and
2. Allocates funds of \$150,000 as a co-contribution from the proposed 2021/2022 capital budget.

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 PROPOSED AMENDMENT TO THE SOUTH BURNETT REGIONAL COUNCIL PLANNING SCHEME, 2017**

**RESOLUTION 2021/264**

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That Council resolve to make an amendment to the South Burnett Regional Council Planning Scheme 2017 under Chapter 2, Part 4 of the Minister’s Guidelines and Rules.

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 ECONOMIC SUPPORT INSTRUMENT PROVISION IN THE PLANNING REGULATION 2017**

**RESOLUTION 2021/265**

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That Council resolve to adopt the following economic support instrument in accordance with Part 8B of the *Planning Regulation 2017*:

**Economic support instrument under Section 68D(1) of the *Planning Regulation 2017***

**1.0 Adoption**

1.1. This Economic support instrument (instrument) is adopted under the *Planning Regulation 2017* for the purpose of assisting in supporting economic recovery from the impacts of the COVID-19 emergency.

**2.0 Commencement**

2.1. The instrument is adopted by resolution on 24 February 2021 and will be effective from the date of publication, as stated in the adoption notice to be published in accordance with section 68E of the *Planning Regulation 2017*, until 17 September 2021, unless earlier revoked.

**3.0 Application of the instrument**

3.1. This instrument applies to the South Burnett Regional Council area.

**4.0 Economic support provisions**

4.1. The instrument applies the following provisions in accordance with section 68D(1) of the *Planning Regulation 2017*:

4.1.1. Part 8B, Division 3 – Development that requires code assessment;

4.1.2. Schedule 6, Part 2, Section 7A – Particular material change of use involving an existing building; and

- 4.1.3. Schedule 6, Part 2, Section 7B – Material change of use for home-based business in particular zones.

**5.0 Part 8B, Division 3 – Development that requires code assessment**

- 5.1. This instrument applies Part 8B, Division 3 of the *Planning Regulation 2017*. For the period this instrument is in effect, section 68l of the *Planning Regulation 2017* will apply to certain material changes of use.
- 5.2. For section 68l(1) of the *Planning Regulation 2017*, the proposed uses in Table 1, column 2 are identified for the zone applying to premises stated opposite in column 1, Table 1.
- 5.3. For section 68l(3) of the *Planning Regulation 2017*, Table 1, column 3 states the assessment benchmarks from the South Burnett Regional Council Planning Scheme applying to the use of premises within the zone stated opposite in Table 1, column 1.

**Table 1 – Relevant zones and uses for particular development requires code assessment instead of impact assessment**

Column 1 Zone	Column 2 Proposed Use <i>(as defined under the Planning Regulation 2017)</i>	Column 3 Assessment Benchmarks
Local centre zone	Health care service Veterinary service	Local centre zone code Services and works code
Principal centre zone	Food and drink outlet Garden centre Health care service Indoor sport and recreation Office Service industry Shop Veterinary service	Principal centre zone code Services and works code
Low impact industry zone or Medium impact industry zone	Bulk landscape supplies Hardware and trade supplies Veterinary service	Industry zone code Services and works code
Rural Zone	Nature-based tourism	Rural zone code Services and works code
Township zone	Hardware and trade supplies Roadside stall Transport depot Veterinary service Wholesale nursery Winery	Township zone code Services and works code

**6.0 Schedule 6, Part 2, Section 7A – Particular material change of use involving an existing building for development a local categorising instrument is prohibited from stating is assessable development**

- 6.1. This instrument applies Schedule 6, Part 2, Section 7A of the *Planning Regulation 2017*. For the period this instrument is in effect, section 7A will apply to certain material changes of use involving an existing building.
- 6.2. For Schedule 6, Part 2, Section 7A (1)(c) and (d) of the *Planning Regulation 2017*, the proposed uses in Table 3, column 2 are identified for the zone applying to premises stated opposite in Table 3, column 1.
- 6.3. In accordance with Schedule 6, Part 2, Section 7(A)(1)-
  - (a) the material change of use does not involve the use of a building other than an existing building; and
  - (b) the material change of use-
    - (i) does not involve the carrying out of building work; or
    - (ii) involves the carrying out of minor building work only; and
  - (c) the material change of use does not reduce the number of car parking spaces, or the total area of landscaping, on the premises; and
  - (d) for a proposed use other than a declared use for the premises, the proposed use complies with the following-
    - (i) if the proposed use is a shop to which the *Trading(Allowable Hours) Act 1990* applies—the requirements under that Act about trading hours for the shop;
- 6.4. For Schedule 6, Part 2, Section 7A(1)(i)(i)(ii) and (iii), Table 3, column 3 states the relevant assessment benchmarks from the South Burnett Regional Council Planning Scheme applying to the premises within the zone stated opposite in Table 3, column 1.

**Table 3 – Relevant zones and uses for particular material change of use involving an existing building**

<b>Column 1 Zone</b>	<b>Column 2 Proposed Use</b>	<b>Column 3 Applicable Benchmarks</b>
Local centre zone	Food and drink outlet Health care service Office Shop Veterinary service	Not applicable
Principal centre zone	Food and drink outlet Garden centre Health care service Indoor sport and recreation Office Service industry Shop Veterinary service	Not applicable

Low impact industry zone or Medium impact industry zone	Bulk landscape supplies Car wash Hardware and trade supplies Veterinary service	Not applicable
Rural Zone	Agricultural supplies store Rural industry Winery	Not applicable
Township zone	Garden centre Hardware and trade supplies Roadside stall Veterinary service Wholesale nursery Winery	Not applicable

**7.0 Schedule 6, Part 2, Section 7B – Material change of use for home-based business in particular zones**

7.1. This instrument applies Schedule 6, Part 2, Section 7B of the *Planning Regulation 2017*. For the period this instrument is in effect, section 7B will apply to certain material changes of use for home-based business.

7.2. In accordance with Schedule 6, Part 2, Section 7B(1)-

- (a) the material change of use does not involve an industry activity; and
- (b) the proposed use complies with the acoustic quality objectives under the *Environmental Protection (Noise) Policy 2019* during operating hours for the use.

7.3. For Schedule 6, Part 2, Section 7B(1) the proposed uses in Table 4, column 2 are identified for the zones applying to premises stated opposite in Table 4, column 1.

**Table 4 – Relevant zones and uses for material change of use for home-based business in particular zones**

Column 1 Zone	Column 2 Proposed use
Low density residential zone or Medium density residential zone	Home-based business
Township zone	Home-based business

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 REQUEST TO WAIVE BUILDING BOND FOR RELOCATABLE DWELLING AT 7 HARRIS STREET, HIVESVILLE**

**RESOLUTION 2021/266**

Moved: Cr Kathy Duff  
 Seconded: Cr Kirstie Schumacher

That Council waive the \$40,000 security bond for the relocation of a dwelling on land at 7 Harris Street, Hivesville pursuant to section 5.1.5 of Council's Sundry Debtors Recovery and Refund Policy.

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 SUBMISSION - GREAT BARRIER REEF CATCHMENT AREA**

**RESOLUTION 2021/267**

Moved: Cr Danita Potter  
 Seconded: Cr Roz Frohloff

That South Burnett Regional Council endorse the Chief Executive Officer's submission to the State Government requesting that the South Burnett Region be left out of the proposed Great Barrier Reef Catchment area.

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

Against: Nil

**CARRIED 7/0**

**12.5 INVITATION TO JOIN THE QUEENSLAND CLIMATE RESILIENT COUNCIL'S (Q CRC) PROGRAM**

**RESOLUTION 2021/268**

Moved: Cr Danita Potter  
 Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council agrees to participate in the Queensland Climate Resilient Councils (Q CRC) Program;

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

Against: Nil

**CARRIED 7/0**

**12.6 ESTABLISHMENT OF SUBCOMMITTEE - WIDE BAY BURNETT REGIONAL PLAN**

**RESOLUTION 2021/269**

Moved: Cr Kirstie Schumacher

Seconded: Cr Roz Frohloff

That a subcommittee be established to consider and inform the Mayor in relation to Council's input to the Wide Bay Burnett Regional Plan and that the subcommittee include Cr Henschen and Cr Schumacher along with Council Officers as determined by 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**

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

**13.1 OVERGROWN ALLOTMENT ENFORCEMENT**

**RESOLUTION 2021/270**

Moved: Cr Kathy Duff

Seconded: Cr Roz Frohloff

That Council approve a review into the Overgrown Allotment operations of Council with a view to a stricter enforcement protocol.

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

Against: Nil

**CARRIED 7/0**

**13.2 ILLEGAL OCCUPATION OF PRIVATE LAND**

**RESOLUTION 2021/271**

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That Council approve the development of an Illegal Occupation on Private Land Policy, Procedure and Enforcement Strategy.

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 PLACEMENT OF INDIGENOUS FLAG OUTSIDE ALL CUSTOMER SERVICE CENTRES ACROSS THE SOUTH BURNETT.**

**RESOLUTION 2021/272**

Moved: Cr Kathy Duff  
 Seconded: Cr Danita Potter

That as part of 2021/22 budget deliberations, Council investigate the costs associated with the installation of flagpoles across the region to allow the Australian flag and an Indigenous flag to be flown at each Customer Service Centre or suitable alternate venue.

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 LEASE OF LAND FOR DEVELOPMENT AND OPERATION OF FUEL OUTLET AT DURONG**

**RESOLUTION 2021/273**

Moved: Cr Scott Henschen  
 Seconded: Cr Roz Frohloff

That South Burnett Regional Council award the tender for the lease of part of Lot 1 on RP50789 being Lease A on SP320032, in accordance with the terms and conditions of the tender process, to the preferred tenderer, Emberwell Pty Ltd atf The Tebroc unit trust t/a Corbets Group.

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 QUOTATIONS REQUIRED FOR NEW PROSTON POOL MANAGERS**

**RESOLUTION 2021/274**

Moved: Cr Kathy Duff  
 Seconded: Cr Danita Potter

That Council advertises for a new Proston Pool Manager under a Management Agreement Contract.

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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**14.4 RESERVE FOR PARK - WALTER ROAD, KINGAROY - ALTERNATIVE USE OPTIONS**

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**RESOLUTION 2021/275**

Moved: Cr Danita Potter

Seconded: Cr Roz Frohloff

That Council investigate alternative land use options for a Reserve for Park on Walter Road, Kingaroy (being Lot 1 on RP852419) by:

1. Undertaking a land investigation to determine the most appropriate use for the property.
2. Undertaking community consultation in accordance with Council's Community Engagement Policy to determine the public's use of the park.

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 11:33am, Councillor Schumacher, having earlier informed the meeting of a declarable conflict of interest in Item 14.5, 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.

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**14.5 USE OF A RESERVE OF LAND - BUNYA MOUNTAINS**

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**RESOLUTION 2021/276**

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That Council, investigate the future development of Lot 81 on FY2309, being Reserve for Park and Recreation, by liaising across state government and other stakeholders to determine appropriate development of the Reserve or identify a more appropriate alternative site.

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

Against: Nil

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

At 11:34 am, Cr Kirstie Schumacher returned to the meeting.



**15 PORTFOLIO – ECONOMIC DEVELOPMENT**

**15.1 REVIEW OF PREVIOUS DRAFTS OF THE ECONOMIC DEVELOPMENT STRATEGY**

**RESOLUTION 2021/277**

Moved: Cr Kirstie Schumacher

Seconded: Cr Gavin Jones

That a review of the previous drafts of the Economic Development Strategy be undertaken by the Wide Bay Burnett Regional Plan Council Sub-committee and this committee report back to the April Executive and Finance & Corporate 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**

**15.2 REGIONAL DEVELOPMENT ADVISORY COMMITTEE**

**RESOLUTION 2021/278**

Moved: Cr Kirstie Schumacher

Seconded: Cr Kathy Duff

1. That South Burnett Regional Council:

- (a) In accordance with S. 264 of the *Local Government Regulation 2012* establish the South Burnett Regional Council Regional Development Advisory Committee.

2. That South Burnett Regional Council:

- (a) Conclude the service of the Tourism Advisory Committee and South Burnett Directions and rescind any associated policy or procedures; and
- (b) Note the service and positive contribution to the region of the Members of the Tourism Advisory Committee and South Burnett Directions and forward a letter of recognition.

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

Against: Nil

**CARRIED 7/0**

**15.3 ARTS, CULTURE & HERITAGE ADVISORY COMMITTEE**

**RESOLUTION 2021/279**

Moved: Cr Danita Potter

Seconded: Cr Roz Frohloff

That South Burnett Regional Council:

In accordance with S. 264 of the *Local Government Regulation 2012* establish the South Burnett Arts, Culture & Heritage Advisory Committee.

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

Against: Nil

**CARRIED 7/0**

**16 NOTICES OF MOTION**

Nil

**17 INFORMATION SECTION**

**17.1 IS - LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT**

**RESOLUTION 2021/280**

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 2021/281**

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 2021/282**

Moved: Cr Brett Otto  
 Seconded: Cr Danita Potter

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 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.

**18.2 Rate Exemptions and Remissions - seeking a 50% reduction in water usage charges for Assessment No. 40388-00000-001**

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.

**18.3 Financial Hardship Rates Application - Assessment Number 40229-00000-000**

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.

**18.4 Financial Hardship Rates Application - Assessment Number 40274-00000-000**

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.

**18.5 SBCare Proposal**

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 11:45am, Councillor Schumacher and Cr Jones, having earlier informed the meeting of a declarable conflict of interest in Item 18.5, and their 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 11:48 am, Cr Danita Potter left the meeting.

At 11:50 am, Cr Danita Potter returned to the meeting.

**RESOLUTION 2021/283**

Moved: Cr Brett Otto  
Seconded: Cr Kathy Duff

That Council moves out of Closed Council into Open Council.

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

Against: Nil

**CARRIED 5/0**

**MOTION**

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**RESOLUTION 2021/284**

Moved: Cr Brett Otto  
Seconded: Cr Kathy Duff

That Item 18.5 – SB Care Proposal be moved and dealt with immediately followed by the remaining agenda items.

**CARRIED 5/0**

**18.5 SB CARE PROPOSAL**

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**RESOLUTION 2021/285**

Moved: Cr Danita Potter  
Seconded: Cr Kathy Duff

That South Burnett Regional Council support in principle SB Care’s application for grant funding to the Community Infrastructure Partnership Grant.

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

Against: Nil

**CARRIED 5/0**

**Attendance:**

At 11:58 am, Cr Kirstie Schumacher returned to the meeting.

At 11:58 am, Cr Gavin Jones returned to the meeting.

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

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Dealt with at Item 5.1

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**18.2 RATE EXEMPTIONS AND REMISSIONS - SEEKING A 50% REDUCTION IN WATER USAGE CHARGES FOR ASSESSMENT NO. 40388-00000-001**

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**RESOLUTION 2021/286**

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That Council

1. approve the request for a 50% rate reduction on the condition that they enter into a revised payment plan in accordance with Council's Hardship Policy and maintain compliance with this payment plan for the term of the payment plan.
2. establish a water management plan with 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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**18.3 FINANCIAL HARDSHIP RATES APPLICATION - ASSESSMENT NUMBER 40229-00000-000**

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**RESOLUTION 2021/287**

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That Council agree to:

1. Immediately suspend all current and future legal action for Assessment Number 40229-00000-000;
2. Request the owner enter into a payment arrangement for Assessment Number 40229-00000-000 for \$40.00 per week commencing 1 July 2021; then \$60.00 per week commencing 1 January 2022; then \$80.00 per week commencing 1 January 2023 with the view to clearing all outstanding amounts within a three (3) year period; (note no payments due until 1 July 2021)
3. Payments of \$80.00 per week or \$350.00 per month are to continue from 1 January 2023 until the rate arrears are cleared and rates are up to date.
4. No interest will be charged on overdue rates if the agreed payments are maintained;
5. This Payment Plan will be reviewed 31 December 2021; or at other times if Council is advised that the applicant's circumstances have changed significantly;
6. This Payment Plan will expire upon payment in full of all outstanding rates and charges;
7. The General Manager Finance & Corporate be authorised to negotiate a suitable payment plan should the applicant reject or vary the payment plan discussed above.

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

Against: Nil

**CARRIED 7/0**

**18.4 FINANCIAL HARDSHIP RATES APPLICATION - ASSESSMENT NUMBER 40274-00000-000**

**RESOLUTION 2021/288**

Moved: Cr Roz Frohloff  
Seconded: Cr Scott Henschen

That Council agree to:

1. Immediately suspend all current and future legal action for Assessment Number 40274-00000-000;
2. Write off interest charges to the value of \$18.84 & suspend interest from accumulating until 31 August 2021;
3. Request the owner enter into a payment arrangement for Assessment Number 40274-00000-000 for \$40.00 per week commencing 1 September 2021; then \$60.00 per week commencing 1 September 2022; then \$80.00 per week commencing 1 September 2023 with the view to clearing all outstanding amounts within a three (3) year period; (note no payments due until 1 September 2021)
4. Payments of \$60.00 per week or \$260.00 per month commencing 1 September 2021;
5. Payments of \$80.00 per week or \$347.00 per month are to continue from 1 September 2023 until the rate arrears are cleared and rates are up to date;
6. No interest will be charged on overdue rates if the agreed payments are maintained;
7. This Payment Plan will be reviewed 31 March 2022; or at other times if Council is advised that the applicant's circumstances have changed significantly;
8. This Payment Plan will expire upon payment in full of all outstanding rates and charges; and
9. The General Manager Finance & Corporate be authorised to negotiate a suitable payment plan should the applicant reject or vary the payment plan discussed above.

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

Against: Nil

**CARRIED 7/0**

**19 CLOSURE OF MEETING**

The Meeting closed at 11.59am

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

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**CHAIRPERSON**