



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

# **MINUTES**

**Ordinary Council Meeting**  
**Tuesday, 25 January 2022**

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**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY  
ON TUESDAY, 25 JANUARY 2022 AT 9.02AM**

**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), Mark Watt (Acting General Manager Community), Ged Brennan (Acting General Manager Infrastructure), James D'Arcy (Manager Infrastructure Planning), Kevin Searle (Manager Works), Aaron Meehan (Project Manager KTP), Tim Low (Manager Water & Wastewater), Michael Lisle (Acting Manager Planning & Environment), Leanne Petersen (Manager Property), Kerri Anderson (Manager Finance), Carolyn Knudsen (Manager Corporate Services), Lynelle Paterson (Coordinator Executive Services)

**1 OPENING**

The Mayor declared the meeting open and welcomed all attendees

**2 LEAVE OF ABSENCE / APOLOGIES**

Nil

**3 PRAYERS**

A representative of Barambah Minister's 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.

**5 DECLARATION OF INTEREST**

I, Cr Scott Henschen inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the *Local Government Act 2009*) in **Item 13.1 - Coolabunia Saleyards - Working Group Report**

This declarable conflict of interest arises because I may have a perceived relationship with a cattle agent who operates at the site. Upon review and reflection I believe that my perceived relationship is no greater than any other user of the facility and I can act in the public interest.

I wish to participate in the decision in relation to this matter. I acknowledge that eligible Councillors must now determine, pursuant to section 150ES of the *Local Government Act 2009*, where I:

- May participate in the decision about the matter, including by voting on the matter; or
- Must leave the meeting, including any area set aside for the public, and stay away from the meeting while the eligible Councillors discuss and vote on the matter.

**Attendance:**

At 11:58 am, Cr Scott Henschen left the meeting.

**DECLARATION OF INTEREST - STAY IN MEETING**

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**RESOLUTION 2022/333**

Moved: Cr Brett Otto

Seconded: Cr Kathy Duff

That Council resolve that Cr Scott Henschen has a declarable conflict of interest in the matter and notwithstanding the conflict, Cr Scott Henschen may participate in the matter, discuss and vote upon it.

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

Against: Nil

**CARRIED 6/0**

**Attendance:**

At 12:02 pm, Cr Scott Henschen returned to the meeting.

I, Cr Kathy Duff inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the *Local Government Act 2009*) in **Item 13.1 - Coolabunia Saleyards - Working Group Report**

This declarable conflict of interest arises because I have bought and sold cattle through an agent at the saleyards.

This matter was resolved at the Ordinary Council Meeting on 22 September 2021 – Resolution Number 2021/136.

I, Cr Gavin Jones inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the *Local Government Act 2009*) in **Item 13.1 - Coolabunia Saleyards - Working Group Report**

This declarable conflict of interest arises because I have bought and sold cattle through an agent at the saleyards.

This matter was resolved at the Ordinary Council Meeting on 22 September 2021 – Resolution Number 2021/134.

I, Cr Kirstie Schumacher inform this meeting that I have a declarable conflict of interest (as defined in section 150EN of the *Local Government Act 2009*) in **Item 13.1 - Coolabunia Saleyards - Working Group Report**

This declarable conflict of interest arises because I have bought and sold cattle through an agent at the saleyards.

This matter was resolved at the Ordinary Council Meeting on 22 September 2021 – Resolution Number 2021/135.

The Mayor advised that in relation to **Item 19.6 - Electric Vehicle Charging Station – Retail Pricing**, the charging station is located in the Alford Street Carpark which is directly behind his accounting practice. The CEO advised there is no conflict of interest.

I, Cr Danita Potter inform this meeting that I have a declarable conflict of interest in relation to **Item 19.8 - Sale of Land for Overdue Rates and Charges Report January 2022**.

The nature of my interest is as follows:

This declarable conflict of interest arises due to a close personal relationship.

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 19.8 - Sale of Land for Overdue Rates and Charges Report January 2022**.

The nature of my interest is as follows:

This declarable conflict of interest arises due to a close personal relationship.

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

## **6 DEPUTATIONS/PETITIONS**

Nil

## **7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **7.1 MINUTES OF THE COUNCIL MEETING HELD ON 15 DECEMBER 2021**

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#### **RESOLUTION 2022/334**

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That the Minutes of the Council Meeting held on 15 December 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**

#### **MOTION**

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#### **RESOLUTION 2022/335**

Moved: Cr Scott Henschen

Seconded: Cr Gavin Jones

That the late agenda matters be received and dealt with today.

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

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#### RESOLUTION 2022/336

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 NOTICES OF MOTION

### 9.1 NOTICE OF MOTION - HIVESVILLE TOILETS

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#### RESOLUTION 2022/337

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That the public toilets at the Hivesville Sportsground be included in Council's weekly toilet cleaning programme to 30 June 2022 and that Council undertake further investigation regarding disability access to toilet facilities in Hivesville and potential lease arrangements.

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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#### 9.1.1 QUESTION ON NOTICE - HIVESVILLE TOILETS

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Question on notice from Cr Jones:

What would the costs be to make the toilets in Main Street Hivesville compliant with disability access?

### 9.2 NOTICE OF MOTION - LRCI FUNDING ALLOCATION PHASE 3 - 2022

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#### MOTION

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That South Burnett Regional Council allocate the remaining \$2,238,930 from the LRCI Phase 3 funding as an increase to council's current roads renewals program to address sealed road resealing and unsealed road gravel re-sheeting and drainage works with the works program to be delivered by 31 December 2022.

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**AMENDMENT**

Moved: Cr Kirstie Schumacher  
Seconded: Cr Roz Frohloff

That South Burnett Regional Council allocate the remaining \$2,238,930 from LRCI phase 3 funding to a roads rehabilitation and renewals program to be delivered by 31 December 2022 and that officers bring a targeted works program of highest priority needs back to Council for consideration at the March Infrastructure Standing Committee.

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**

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**RESOLUTION 2022/338**

Moved: Cr Kirstie Schumacher  
Seconded: Cr Roz Frohloff

That South Burnett Regional Council allocate the remaining \$2,238,930 from LRCI phase 3 funding to a roads rehabilitation and renewals program to be delivered by 31 December 2022 and that officers bring a targeted works program of highest priority needs back to Council for consideration at the March Infrastructure Standing Committee.

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 - CORPORATE SERVICES, PEOPLE & CULTURE, COMMUNICATIONS/MEDIA, FINANCE & ICT****10.1 ANNUAL OPERATIONAL PLAN 2021/2022 IMPLEMENTATION PROGRESS REPORT FOR THE PERIOD ENDING 31 DECEMBER 2021**

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**RESOLUTION 2022/339**

Moved: Cr Roz Frohloff  
Seconded: Cr Gavin Jones

That the South Burnett Regional Council Annual Operational Plan 2021/2022 Implementation Progress Report for the period 1 July 2021 to 31 December 2021 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**



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**10.2 ADOPTION OF THE SOUTH BURNETT REGIONAL YOUTH COUNCIL TERMS OF REFERENCE - STRATEGIC029**

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**RESOLUTION 2022/340**

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That the South Burnett Regional Youth Council Terms of Reference – Strategic029 be adopted as amended:

- Section 3.6.1 Frequency of Meetings – The Youth Council will meet 10 times a calendar year. Meetings will be held on the second Tuesday of the month from February to November of each calendar year.

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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**10.3 MONTHLY FINANCIAL REPORT AND SECOND QUARTER BUDGET REVISION**

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**RESOLUTION 2022/341**

Moved: Cr Scott Henschen

Seconded: Cr Danita Potter

1. That the Monthly Financial Report including Capital Works and Works for Queensland (W4Q4) as at 31<sup>st</sup> December 2021 be received and noted.
2. That in accordance with Section 170(3) of the *Local Government Regulation 2012* the revised 2021/2022 operational budget be adopted.
3. That in accordance with Section 170(3) of the *Local Government Regulation 2012* the revised 2021/2022 capital budget 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**

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**10.3.1 FOGGS GRAVEL PIT**

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Question on notice from Cr Gavin Jones:

Where are we situated with Foggs Quarry at Nanango. Are we close to operating that gravel pit?

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**10.3.2 QUESTION ON NOTICE - FINANCIAL STATEMENTS**

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Questions on notice from Cr Kirstie Schumacher:

In terms of revenue, the disposal of hospital land and buildings from Council's asset register? What does that mean?

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**10.4 QUOTE SBRCQ-21/22-09 - REPLACEMENT OF TWO (2) TRUCKS & DOGS (PLANT NO. 2006 & 102 AND PLANT NO. 2013 & 6032)**

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**RESOLUTION 2022/342**

Moved: Cr Scott Henschen

Seconded: Cr Gavin Jones

That South Burnett Regional Council purchase two (2) DAF CF530 for \$795,166.00 excluding GST from Brown & Hurley Caboolture.

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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**10.5 FUEL TAX CREDIT REVIEW REPORT**

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**RESOLUTION 2022/343**

Moved: Cr Gavin Jones

Seconded: Cr Danita Potter

That the fuel tax credit review report including calculated retrospective claim 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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**11 PORTFOLIO – ROADS & DRAINAGE**

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**11.1 KINGAROY TRANSFORMATION PROJECT COMMUNITY SHARED SPACES DESIGN FINALISATION**

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**RESOLUTION 2022/344**

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That Council:

1. Adopt the designs in principle for the Glendon Street Shared Community Area, Rail Trail Head and Bank Gallery as per Attachment one (1) and;
2. That Council extend an invitation to the Cherbourg Aboriginal Shire Council to include Cherbourg in the Kingaroy Transformation Project lanterns and town names within the

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Glendon Street Shared Area, and the Chief Executive Officer be delegated to negotiate their inclusion if accepted and;

3. That Council delegate to the Chief Executive Officer to commission indigenous artwork for the Glendon Street Shared Area with the support of the Indigenous Affairs Portfolio Councillor and the Division 3 and 4 Councillors.

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

Against: Crs Brett Otto and Kathy Duff

**CARRIED 5/2**

## **11.2 KUMBIA CBD STREETScape**

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### **RESOLUTION 2022/345**

Moved: Cr Scott Henschen

Seconded: Cr Roz Frohloff

That Council approve the Kumbia CBD Streetscape concept design plan and allocate \$300,000 from the Works For Queensland (W4Q) Program, for project delivery by 31 December 2022.

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

Against: Nil

**CARRIED 7/0**

## **11.3 2022/23 ATSI TIDS FUNDING SUBMISSION**

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### **RESOLUTION 2022/346**

Moved: Cr Kathy Duff

Seconded: Cr Gavin Jones

That Council approve the Sawpit Pedestrian Bridge on Cherbourg Road for application submission for ATSI TIDS funding in 2022/2023.

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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**11.4 PROJECT PRIORITISATION TOOL**

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**RESOLUTION 2022/347**

Moved: Cr Scott Henschen

Seconded: Cr Danita Potter

That Council adopt the Project Prioritisation Tool to be used in assisting Council with determining a project ranking for capital works considering funding applications and delivery time frames inputs.

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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**11.5 QCN DARK FIBRE NANANGO AND KINGAROY**

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**RESOLUTION 2022/348**

Moved: Cr Kirstie Schumacher

Seconded: Cr Roz Frohloff

That Council submit an application to the Australian Government Regional Connectivity Program Round Two (RCP) for the upgrade of high speed fibre and backhaul infrastructure connection to Kingaroy and Nanango.

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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**11.6 UPDATE ON EX TROPICAL CYCLONE SETH AND COVID-19 BUSINESS CONTINUITY**

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**RESOLUTION 2022/349**

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That Council note this update on Ex Tropical Cyclone Seth and COVID-19 Business Continuity.

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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**12 PORTFOLIO – COMMUNITY, ARTS, HERITAGE, SPORT & RECREATION****12.1 DONATION TOWARDS THE PURCHASE OF A MEDIHOOD**

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**RESOLUTION 2022/350**

Moved: Cr Gavin Jones

Seconded: Cr Danita Potter

That donation towards the purchase of a Medihood be taken off the table.

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

Against: Nil

**CARRIED 7/0**

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**RESOLUTION 2022/351**

Moved: Cr Gavin Jones

Seconded: Cr Danita Potter

That South Burnett Regional Council provide a donation up to \$4000 to the Rural Doctors Foundation for the purchase of replacement hoods and battery packs for utilisation within South Burnett Hospitals with a report to be brought back to a future standing committee meeting.

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

Against: Nil

**CARRIED 7/0**

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**12.2 REQUEST FROM SOUTH BURNETT MOUNTAIN BIKE CLUB FOR DECOMPOSED GRANITE FROM GORDONBROOK MINE SITE**

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**MOTION**

Moved: Cr Kirstie Schumacher

Seconded: Cr Kathy Duff

That South Burnett Regional Council provide in kind support in the supply and delivery of 500m3 of decomposed granite from the Gordonbrook Dam mine site for use in the development of the GORDO Mountain Bike Skills Park and Pump Track.

**RESOLUTION 2022/352**

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That the matter lay on the table and be included in Council's 2022/2023 budget deliberations.

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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**13 PORTFOLIO – RURAL SERVICES, NATURAL RESOURCE MANAGEMENT, PLANNING & COMPLIANCE SERVICES****13.1 COOLABUNIA SALEYARDS - WORKING GROUP REPORT**

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**RESOLUTION 2022/353**

Moved: Cr Kathy Duff

Seconded: Cr Gavin Jones

1. That the report be received, and Council adopt the Coolabunia Saleyards Working Group Action Plan, as presented;
2. That the Working Group be directed to continue to develop and implement the Action Plan, with updates to Council on a regular basis;
3. That pursuant to section 97 of the *Local Government Act 2009*, Council adopt the fees and charges for Saleyards and Dips, as presented, with such fees applying from 1 February 2022.

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 APPROVAL OF THE SOUTH BURNETT BIOSECURITY SURVEILLANCE PROGRAM IN ACCORDANCE WITH THE BIOSECURITY ACT 2014**

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**RESOLUTION 2022/354**

Moved: Cr Scott Henschen

Seconded: Cr Kathy Duff

1. That Council approve the commencement of the South Burnett Biosecurity Surveillance Program for restricted and prohibited matters under the *Biosecurity Act 2014* across the South Burnett Regional Council area starting on the 10 February 2022 and finishing on 24 January 2023; and
2. That notice of the approved Biosecurity Surveillance Program be placed on the Council's website 14 days prior to the stated commencement of the program.

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 – LOCAL DISASTER MANAGEMENT, WATER & WASTEWATER, WASTE MANAGEMENT****14.1 ESTABLISHMENT OF BLAZE AID CAMP**

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**RESOLUTION 2022/355**

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That Council provide funding support of \$5,000 to BlazeAid to establish a Basecamp at the Murgon Showgrounds in response to the recent flood event.

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

Against: Crs Gavin Jones, Roz Frohloff and Scott Henschen

**CARRIED 4/3****15 PORTFOLIO – RURAL RESILIENCE, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT, INDIGENOUS AFFAIRS****15.1 RAIL TRAIL DAMAGE - UPDATE**

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**RESOLUTION 2022/356**

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

1. That the report concerning rail trail damage within the South Burnett region be received and noted;
2. That authorisation be given to undertake temporary restoration of damaged sections of the rail trail at an estimated cost of \$30,500 and that such costs be referred for inclusion in the third quarter budget review; and
3. That Council continues to advocate to the Queensland Reconstruction Authority (QRA) to seek funding to reconstruct damage to the rail trail given Council's view that it is a key community and economic asset.

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

Against: Nil

**CARRIED 7/0****15.1.1 WONDAI SPORTSGROUND**

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**MOTION**

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That \$10,000 be allocated to repair the entrance to the Wondai Sportsground for inclusion in the third quarter budget review.

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**RESOLUTION 2022/357**

Moved: Cr Kirstie Schumacher  
Seconded: Cr Roz Frohloff

That the matter lay on the table until the next Community Standing Committee Meeting

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

Against: Crs Brett Otto and Kathy Duff

**CARRIED 5/2**

**15.2 CLEANING CONTRACTS - PUBLIC CONVENIENCES SBRCQ 21/22-26**

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**RESOLUTION 2022/358**

Moved: Cr Kathy Duff  
Seconded: Cr Danita Potter

That the report concerning tenders for public conveniences 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**

**Attendance:**

Manager Works Kevin Searle left the meeting.

**15.3 LEASE - KINGAROY RUGBY LEAGUE FOOTBALL CLUB JUNIORS AND SENIORS INC.**

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**RESOLUTION 2022/359**

Moved: Cr Scott Henschen  
Seconded: Cr Danita Potter

That South Burnett Regional Council enter into a lease with the Kingaroy Rugby League Football Club Juniors and Seniors Inc over Lease Area D on SP278786, being part of Lot 6 on SP274891:

- (a) for a term of 10 years and,
- (b) for rental of \$75.00 per annum (plus GST).

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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**15.4 TRUSTEE GRAZING PERMIT - LOT 313 - FY509**

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**RESOLUTION 2022/360**

Moved: Cr Roz Frohloff

Seconded: Cr Gavin Jones

That Council enter into a Trustee Permit with Desmond Roy McCallum for the use of Lot 313 on FY509, for the purpose of grazing, with the following conditions:

- a) For a fee of \$800 plus GST and outgoings (including rates)
- b) For a term of 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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**15.5 REQUEST FOR CONSENT RECONFIGURE FIELDS - KINGAROY RUGBY LEAGUE FOOTBALL CLUB JUNIORS AND SENIORS INC.**

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**RESOLUTION 2022/361**

Moved: Cr Danita Potter

Seconded: Cr Kirstie Schumacher

That Council approve that the Kingaroy Rugby League Football Club Juniors and Seniors Inc (the Club) undertake the initial stage of redevelopment at their sports grounds, being part of Lot 6 on RP274891, with the works being:

- Installation of a new storage shed including the removal of six trees and the demolition and removal of the old storage shed.
- Installation of the existing ticket box/gate shed with a similar size structure in the same location at the entry gate.
- Commence work on the relocation of part of the boundary fence on to the surveyed boundary of Lease Area D.
- Redistribution of the earth mound previously used by spectators;

conditional upon the Club:

- (a) entering into a lease with Council over Lease Area D on SP278786 prior to the commencement of works,
- (b) identifying the boundary of Lease Area D by a qualified surveyor prior to works commencing,
- (c) ensuring all works are located within the lease boundary,
- (d) confirming the location of the storage shed does not impede the development of the proposed playing fields,
- (e) ensuring all earthworks, construction and demolition is contained within the lease area and, if there is excess earth/soil, a strategy for testing and disposal is required,
- (f) ensuring all planning and building applications are sought and approval granted prior to the commencement of works
- (g) does not disturb the existing playing surface of the grounds unless for the purpose of minor trenching to install irrigation systems
- (h) ensure that the works, including the removal of trees, is undertaken by suitably qualified contractors.

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

Against: Nil

**CARRIED 7/0**

**Attendance:**

Manager Works Kevin Searle returned to the meeting.

**15.6 REQUEST FOR CONSENT TO IMPROVE FACILITIES - WESTERN PERFORMANCE CLUB****RESOLUTION 2022/362**

Moved: Cr Roz Frohloff

Seconded: Cr Danita Potter

That Council, in accordance with Clause 24(g) of the lease between the South Burnett Western Performance Club Inc. and South Burnett Regional Council, over Lot B on SP187863, being part of Lot 174 on FY803924 (Reserve for Racecourse Recreation Aircraft Landing), grant approval to the South Burnett Western Performance Club to undertake improvements to their facilities:

- Shade provision for Canteen and Spectator Areas to meet Covid 19 Social distancing requirements.
- Upgrade to electrical supply and installation of LED lighting, improved solar electricity supply for campsites and arena.
- Shaded and moveable grandstands for 50-200 spectators.
- Undercover arena – roof over existing arena.
- Improvements to the current arena fencing and yards for increased security and crime prevention outcomes.
- Increased camping facilities (including upgrades to the power and water supply).
- Lighting for the arena and the surrounds for evening events and security.
- Fencing to provide parking and pedestrian only designated areas

Approval is conditional upon:

- (a) Camping facilities are used only for events participants and only during events – no other camping is permitted.
- (b) all works are located within the lease boundary,
- (c) all planning and building applications are sought and approval granted prior to the commencement of works
- (d) the works are undertaken by suitably qualified contractors.
- (e) Upgrades to the supply of utilities required for the improvements to the facilities, including water supply and electricity connection, are the responsibility of the Club.

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

Against: Nil

**CARRIED 7/0**

**16 PORTFOLIO - REGIONAL DEVELOPMENT****16.1 BUILDING BETTER REGIONS FUND (BBRF) ROUND 6****RESOLUTION 2022/363**

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That Council

1. approve the following projects for application development and submission to Round 6 of the Building Better Regions Fund (BBRF) Infrastructure Projects Stream.

- a. Coolabunia Saleyard improvements
- b. Mondure Hall works as determined between Council and Staff

- 2. approve the development of and submission of an application to Round 6 of the Building Better Regions Fund (BBRF) Community Investment Stream and that the Chief Executive Officer be given delegated authority to approve and submit an identified project.

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

Against: Crs Gavin Jones, Roz Frohloff and Scott Henschen

**CARRIED 4/3**

## **17 INFORMATION SECTION**

### **17.1 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT**

#### **RESOLUTION 2022/364**

Moved: Cr Danita Potter

Seconded: Cr Gavin Jones

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 2022/365**

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 QUESTIONS ON NOTICE****18.1 195 KINGAROY STREET - KINGAROY - REFURBISHMENT FUNDING**

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**RESOLUTION 2022/366**

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

That the response to the question regarding refurbishment of 195 Kingaroy Street, Kingaroy, raised by Councillor Duff, be received and noted.

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

Against: Nil

**CARRIED 7/0****MOTION**

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**RESOLUTION 2022/367**

Moved: Cr Brett Otto

Seconded: Cr Gavin Jones

That the meeting adjourn until 2pm.

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

Against: Nil

**CARRIED 7/0****RESUME MEETING**

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**RESOLUTION 2022/368**

Moved: Cr Brett Otto

Seconded: Cr Gavin Jones

That the meeting resume at 2.41pm.

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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**19 CONFIDENTIAL SECTION**

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**RESOLUTION 2022/369**

Moved: Cr Scott Henschen

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*:

**19.1 Rate Exemptions and Remissions - Additions to Approved List - Property Number 258740**

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.

**19.2 Request to Waive Rates Interest - Property Number 259250**

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.

**19.3 Request to waive charges PID 294970**

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.

**19.4 Wakka Wakka People #3 Part A and Part B Native Title Claim**

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

**19.5 Assessment of Tender SBRC 21/22-05 Design and Construct of Pump Station Switchboard Upgrade**

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.

**19.6 Electric Vehicle Charging Station – Retail Pricing**

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

**19.7 Waste Contract**

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.

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**19.8 Sale of Land for Overdue Rates and Charges Report January 2022**

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

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

Against: Nil

**CARRIED 7/0**

Cr Scott Henschen and Cr Danita Potter left the meeting during closed session while item 19.8 Sale of Land for Overdue Rates and Charges Report January 2022 was discussed.

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**RESOLUTION 2022/370**

Moved: Cr Brett Otto

Seconded: Cr Gavin Jones

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**

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**19.1 RATE EXEMPTIONS AND REMISSIONS - ADDITIONS TO APPROVED LIST - PROPERTY NUMBER 258740**

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**RESOLUTION 2022/371**

Moved: Cr Kathy Duff

Seconded: Cr Gavin Jones

That Council agree to provide a rate remission for Property ID 258740 commencing from 1 January 2022.

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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**19.2 REQUEST TO WAIVE RATES INTEREST - PROPERTY NUMBER 259250**

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**RESOLUTION 2022/372**

Moved: Cr Scott Henschen

Seconded: Cr Gavin Jones

That Council not accede to the request to waive interest charges, as the request is outside the approved Financial Hardship Policy guidelines, and

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That Council uphold the approved special payment arrangement as detailed below.

1. Approve a payment arrangement application for Property Number 259250 for the amount of the 6 monthly rates (other than the Memerambi Special Charges) to be paid in full when it falls due, plus an additional annual minimum amount of \$1,300.00 to be paid in any form or timeframe that the applicant is able;
2. These Payments are to continue indefinitely, until the rate arrears are cleared and rates are up to date.
3. Interest will continue to be charged on overdue rates, even if the agreed payments are maintained, as the rates debt will not be cleared within a 2 year period;
4. If the agreed payments are not maintained, Sale of Land for Overdue Rates proceedings will commence as soon as practicable;
5. This Payment Plan will be reviewed 30 June 2022; 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;

The General Manager Finance 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**

### **19.3 REQUEST TO WAIVE CHARGES PID 294970**

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#### **RESOLUTION 2022/373**

Moved: Cr Gavin Jones  
Seconded: Cr Danita Potter

That Council agree to write off the outstanding Memerambi Special Charges on PID 294970 to the value of \$14,827.24 which is made up of outstanding charges of \$16,633.99 less interest charges which would have been reversed on payment of \$1,806.75.

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

Against: Nil

**CARRIED 7/0**

### **19.4 WAKKA WAKKA PEOPLE #3 PART A AND PART B NATIVE TITLE CLAIM**

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#### **RESOLUTION 2022/374**

Moved: Cr Kathy Duff  
Seconded: Cr Scott Henschen

That Council: -

1. Consent to a determination of native title in the Wakka Wakka People #3 Claim (QUD276/2019) substantially in the same terms as the draft consent determination considered by Council, with such amendments as may be required or necessary to enable the consent determination to be made by the Federal Court.

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2. Delegate to the Chief Executive Officer the power to negotiate and agree to such changes to the draft consent determination referred to in paragraph 1 of this resolution, as required to enable the Federal Court to make the consent determination, and to delegate to the Chief Executive Officer the power to authorise Council's legal representative to execute the section 87A Agreement and consent determination order on behalf 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**

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## **19.5 ASSESSMENT OF TENDER SBRC 21/22-05 DESIGN AND CONSTRUCT OF PUMP STATION SWITCHBOARD UPGRADE**

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### **RESOLUTION 2022/375**

Moved: Cr Brett Otto  
Seconded: Cr Kathy Duff

That the matter lay on the table until the February Ordinary Meeting of Council following discussion at the February Infrastructure 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**

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## **19.6 ELECTRIC VEHICLE CHARGING STATION – RETAIL PRICING**

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### **RESOLUTION 2022/376**

Moved: Cr Brett Otto  
Seconded: Cr Gavin Jones

That Council set the introductory retail charging price of \$0.30c per kWh (incl gst) for the Tritium RT50/50kW unit located in Alford Street Car Park, Kingaroy.

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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**19.7 WASTE CONTRACT**

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**RESOLUTION 2022/377**

Moved: Cr Kirstie Schumacher

Seconded: Cr Scott Henschen

That Council;

1. Exercise the Extension A option of the current Waste Collection Services Contract (SBRC 13/14-02A) to extend the current waste collection service contract's expiry date to 1 July 2024 following legal advice as to the addition of recycling.
2. Consideration be given in budget deliberations for the preparation, design and delivery of a new Waste and Recycling Collection Services Contract.
3. A workshop be held by 31 March 2022 to identifying proposed waste and recycling options for consideration and initiate the preparation of New Waste and Recycling Collection Contract.
4. That Council develop and implement a community engagement strategy in regards to kerbside recycling and waste opportunities to be conducted in parallel with the 2022/23 budget deliberation process to inform Council budget discussions.
5. South Burnett Regional Council explore and identify partnership opportunities with Cherbourg Aboriginal Shire Council for collaboration of recycling opportunities and recyclable waste.

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 5:21 pm, Cr Danita Potter, having earlier informed the meeting of a declarable conflict of interest in Item 19.8 and her decision to voluntarily not participate in the decision on this matter, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

At 5:21 pm, Cr Scott Henschen, having earlier informed the meeting of a declarable conflict of interest in Item 19.8 and his 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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**19.8 SALE OF LAND FOR OVERDUE RATES AND CHARGES REPORT JANUARY 2022**

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**RESOLUTION 2022/378**

Moved: Cr Kathy Duff

Seconded: Cr Roz Frohloff

1. That pursuant to section 140 (2) of the Local Government Regulation 2012, the South Burnett Regional Council resolves to sell the land described below in the schedule for overdue rates and charges; and
2. That Council delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, part 12, Division 3 of the Local Government Regulation 2012 to effect sale of the land (including, for the avoidance of doubt, the power to end sale procedures).

**Schedule**

1	Lot 5 RP 68577, Title Reference 16938110
2	Lot 112 B 5321, Title Reference 12023092
3	Lot 58 RP 32387, Title Reference 15964116
4	Lot 9 RP 36999, Title Reference 12224113
5	Lot 3-4 RP4262, Title Reference 12012102
6	Lot 35 RP 234174, Title Reference 17419218
7	Lot 24 RP177433, Title Reference 16123101
8	Lot 34 RP177432, Title Reference 16121181
9	Lots 270 & 272 FY567, Title Reference 11788212 & 12093190
10	Lot 20 RP174993, Title Reference 16131032
11	Lot 2 RP 66525, Title Reference 12459048
12	Lot 2 FY2804, Title Reference 16753098
13	Lot 4 FY2792, Title Reference 16738205
14	Lot 129 RP179862, Title Reference 16191230
15	Lot 20 RP179859, Title Reference 16195030
16	Lot 113 CSH542 & Lot 112 CSH1676, Title Reference 12205133 & 14448174
17	Lot 5 RP 196033, Title Reference 16609007
18	Lot 75 RP 32399, Title Reference 16158201
19	Lot 72 RP 68868, Title Reference 12544097
20	Lot 43 RP 167565, Title Reference 15895030
21	Lot 607 M 5513, Title Reference 18192238
22	Lot 1 RP121841 & Lot 2 RP121841, Title Reference 14403153 & 14403154
23	Lot 18 RP 27226, Title Reference 16527239
24	Lot 2 RP84388 & Lot 3 RP84388, Title Reference 13213146
25	Lot 13 RP 203758, Title Reference 16922052
26	Lot 11 RP 838023, Title Reference 18242090
27	Lot 6 RP 183766, Title Reference 16316062
28	Lot 8 SP 178843, Title Reference 50723380
29	Lot 5 RP 203076, Title Reference 16733073
30	Lot 3 SP 212978, Title Reference 16407019
31	Lot 184 SP 219380, Title Reference 50773119
32	Lot 186 SP 219380, Title Reference 50773120
33	Lot 1 RP 37061, Title Reference 50776938
34	Lot 185 SP 227676, Title Reference 50816468
35	Lot 210 SP 227676, Title Reference 50816476
36	Lot 211 SP 227676, Title Reference 50816477
37	Lot 12 SP 191195, Title Reference 50839885
38	Lot 11 RP 178052, Title Reference 16176235
39	Lot 19 RP 43719, Title Reference 15273227
40	Lot 12 SP 204673, Title Reference 50722248
41	Lot 15 SP 261632, Title Reference 50945389
42	Lot 16 SP 261632, Title Reference 50945390
43	Lot 9 SP 261630, Title Reference 50945392
44	Lot 10 SP 261630, Title Reference 50945393
45	Lot 1 SP 261628, Title Reference 50945395
46	Lot 2 SP 261628, Title Reference 50945396
47	Lot 3 SP 261627, Title Reference 50945398
48	Lot 4 SP 261627, Title Reference 50945399

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

**Against:** Nil

**CARRIED 5/0**

**20 CLOSURE OF MEETING**

The Meeting closed at 5.23pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 February 2022.

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CHAIRPERSON