



Minutes

Of The

General Council Meeting

Held in the Council Chambers, 41 Glendon Street, Kingaroy

on Wednesday, 8 February 2012

Chief Executive Officer: Ken McLoughlin



SOUTH BURNETT REGIONAL COUNCIL MINUTES

Wednesday, 8 February 2012

ORDER OF BUSINESS:

1.	LEAVE OF ABSENCE	1
2.	PRAYERS.....	1
3.	ADDRESS FROM PUBLIC GALLERY.....	1
4.	RECEIPT OF PETITIONS	1
5.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
	5.1 South Burnett Regional Council Minutes	1
6.	MAYORAL MINUTES.....	2
7.	PLANNING & ENVIRONMENT.....	2
	7.3.1 P&LM - 1194401 - South Burnett Regional Council - Resolution to adopt the Planning Scheme amendments for the Kingaroy, Murgon, Nanango and Wondai IPA Planning Schemes in relation to Class 10 Structures.....	2
	7.3.2 P&LM - 1099489 - MultiplyPLUS Pty Ltd - Forwarding an IDAS Application for Material Change of Use - Duplex on vacant land at Buckingham Street Kingaroy - Lot 174 SP219379 - Applicant : MultiplyPLUS Pty Ltd.....	3
	7.3.3 P&LM - 1092197 - Minstaff Survey Pty Ltd - Forwarding an IDAS for reconfiguration of a lot - to subdivide one lot into two lots for property at 15 Gooyong Street Kingaroy - Lot 31 RP49433 - Applicant: Minstaff Survey Pty Ltd.....	7
8.	COMMUNITY & ECONOMIC DEVELOPMENT	8
	8.1.1 C&CS - 1193711 - Consideration of establishing a Human and Social committee to consider projects to be funded through the Flexible Funding program.....	8
9.	INFRASTRUCTURE	9
	9.1.1 O - 1196592 - Allocation of 2011/2012 Unallocated Minor Capital Works Funding ...	9
10.	FINANCE & INFORMATION SERVICES	11
	10.2.1 FO&P - 1193806 - Monthly Financial Statements.....	11
	10.2.2 FO&P - 1193780 - Monthly Capital Works.....	12
	10.2.3 FO&P - 1178801 - Michael Schultz - Requesting that Council provide a reduction in water consumption charges for property at 5739 Gayndah Hivesville Road, Wigton (Assessment No. 42560-10000-000).....	12
	10.2.4 FO&P - 1174900 - Nicholas Buick - Requesting that Council provide a reduction in water consumption charges for property at 8 Candelo Close, Kingaroy (Assessment No. 12452-00000-000).....	13
11.	EXECUTIVE SERVICES	14
	11.3.1 CG - 1193461 - Advice Guidelines - Local Government Act 2009	14
12.	INFORMATION SECTION	28
	12.1 IS - 1194848 - Reports for the Information of Council.....	28
13.	GENERAL SECTION	29
14.	CONFIDENTIAL SECTION	30
	14.1 CONF - 1141422 - Fluoridation Report.....	30
	14.2 CONF - 1193360 - Replacement of Two 6x4 Tip Trucks - Plant No 154 & 155	30

Minutes of the meeting of the South Burnett Regional Council, held in the Council Chambers, 41 Glendon Street, Kingaroy on 8 February 2012 at 9.03am.

PRESENT:

Councillors:

Cr ID Carter (Mayor), Cr KM Campbell (Deputy Mayor), Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann

Council Officers:

Ken McLoughlin (Chief Executive Officer), Gary Wall (General Manager Finance & Information Services), John Kersnovski (General Manager Infrastructure Services), Carolyn Knudsen (Acting General Manager Community & Economic Development), Stan Taylor (General Manager Planning & Environment)

1. Leave Of Absence

Nil.

2. Prayers

A representative of the Ministers Fraternal, Pastor Cameron Rub from the Highway Christian Church offered prayers for Council and for the conduct of the Council meeting.

3. Address From Public Gallery

Members of the Public who wish to raise matters from the Public Gallery are advised that this section of the Minutes will be considered at 9.00am on 8 February 2012.

4. Receipt Of Petitions

Nil.

5. Confirmation Of Minutes Of Previous Meeting

5.1 South Burnett Regional Council Minutes

Officer's Recommendation

That the minutes of the previous meeting held on Wednesday 18 January 2012 as recorded be confirmed.

Resolution:

Moved Cr KA Duff, seconded Cr DP Tessmann.

That the minutes of the previous meeting held on Wednesday 18 January 2012 as recorded be confirmed.

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

6. Mayoral Minutes

Nil.

CONSIDERATION OF BUSINESS SECTIONS INCLUDING BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS

See Business Function Headings

7. Planning & Environment

7.1 Environmental Services

Nil.

7.2 Natural Resource Management (NRM) & Parks

Nil.

7.3 Planning & Land Management

7.3.1 P&LM - 1194401 - South Burnett Regional Council - Resolution to adopt the Planning Scheme amendments for the Kingaroy, Murgon, Nanango and Wondai IPA Planning Schemes in relation to Class 10 Structures

Summary

- On 8 June 2011 Council resolved to prepare an amendment to the current Kingaroy, Murgon, Nanango and Wondai IPA Planning Schemes in accordance with Section 117 of the *Sustainable Planning Act 2009*.
- The first State Interest Review was completed by the Department of Local Government and Planning (DLGP) – amendments referred to Building Codes Queensland (BCQ) for comments.
- Public notification (consultation period) of the proposed IPA Planning Scheme amendments took place between 11 October 2011 and 23 November 2011.
- No submissions were received by Council during the consultation period.
- On 14 December 2011 Council resolved to proceed with the proposed IPA Planning Scheme amendments in their current form and requested that the Minister approve the proposed amendments.
- Council received written correspondence from DLGP on 31 January 2012 granting approval to adopt the proposed IPA Planning Scheme amendments.
- Recommendation that Council adopt the amended IPA Planning Schemes and proceed to Stage 5, Step 11, Part 11.1 of the *Statutory Guideline 02/09 – Making and amending local planning instruments*.

Officer's Recommendation

That Council *resolve* to:

1. Adopt the Kingaroy Shire IPA Planning Scheme, Murgon Shire IPA Planning Scheme, Nanango Shire IPA Planning Scheme and Wondai Shire IPA Planning Scheme amendments for Class 10 Structures within the Rural Zone and Rural Residential Zone pursuant to Stage 5, Step 11.1 within Part 1 of the *Statutory Guideline 2/09 making and amending local planning instruments* under the *Sustainable Planning Act 2009*; and

2. Grant Council's Chief Executive Officer (CEO) delegated authority to take the necessary steps to publically notify the adopted IPA Planning Scheme amendments as per Stage 5, Step 11.4(c) of *Statutory Guideline 2/09 making and amending local planning instruments* and provide copies of the adopted amendments to the Minister.

Resolution:

Moved Cr CD Dalton, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted.

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

7.3.2 P&LM - 1099489 - MultiplyPLUS Pty Ltd - Forwarding an IDAS Application for Material Change of Use - Duplex on vacant land at Buckingham Street Kingaroy - Lot 174 SP219379 - Applicant : MultiplyPLUS Pty Ltd

Summary

- Application for Development Permit for Material Change of Use (Multiple Dwelling Units)
- Subject site included within the Community Expansion Zone (Residential B Preferred Dominant Land Use Area) under the Kingaroy IPA Planning Scheme
- No submissions received during the public notification period
- Proposed development in its current form does not comply with key Overall Outcomes within the Urban Locality Code and key Specific Outcomes within the Multiple Dwelling Unit, Accommodation Building and Retirement Village Code in the Kingaroy Shire IPA Planning Scheme relating to visual integration with the predominant type of residential land use (single detached Dwelling Houses)
- Prior to considering the proposal the applicant was requested to consider alternative designs so that the proposed development could better reflect the Overall Outcomes however the applicant chose not to consider Council's suggested changes and indicated that Council should consider the proposal in its current form
- A total of six (6) similar developments have been approved in the area over the last three years. Council officers continually negotiate with applicants to achieve better design outcomes. This will be the first application where the applicant is required to alter the design of the units to achieve a better aesthetic outcome.
- Recommendation to refuse the applicant's request for a Development Permit and issue a Preliminary Approval subject to reasonable and relevant conditions. This will provide the opportunity for the applicant to redesign the development and seek a Development Permit under the Negotiated Decision process under SPA.

Officer's Recommendation

That Council *refuse* the applicants request for a Development Permit and issue a Preliminary Approval for Material Change of Use (Multiple Dwelling Units) on Lot 174 on SP219379 located on 39 Buckingham Street, Kingaroy subject to the following conditions;

General

- GEN1. The subject site is to be developed generally in accordance with the plans and information submitted with the application unless otherwise amended by the following conditions.
- GEN2. All works, including the relocation of services (Telstra, lighting etc.) are to be completed at no cost to Council.

Compliance Assessment

GEN3. All conditions of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the commencement of the use, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

Further Development Permits

GEN4. The development herein may not commence until the following Development Permits have been issued and complied with as required:

- Development Permit for Material Change of Use (Multiple Dwelling Units)
- Development Permit for Building Work
- Development Permit for Plumbing and Drainage Work

Amended Plans

MCU1. The applicant shall provide amended plans incorporating the following design elements:

- The dwelling units must appear as a single residential Dwelling House when viewed from Buckingham Street
- Garages to be recessed and have a greater setback than living areas within dwelling units
- Ensure that ingress and egress from all car parking spaces (including garage for Unit 1) on the subject site complies with a B99 class vehicle under Australian Standard AS2890.1:2004
- Dwelling units to incorporate opportunities for casual surveillance of Buckingham Street in line with Crime Prevention through Urban Design (CPTED) Principles (refer to attached document)
- Additional articulation, fenestration and variations in colours, materials and textures to reduce visual bulk when viewed from the street
- Living areas within each dwelling unit must have a north or north-easterly orientation in order to maximise solar access

In order to comply with Condition MCU1 it may be necessary to prepare a completely separate or 'clean sheet' design. For assistance in redesigning the proposed development to achieve a greater level of compliance with key requirements of the Kingaroy Shire IPA Planning Scheme please contact Council's Senior Planning Officer, Peter Mulcahy on (07) 4189 9100.

Fencing

MCU2. Fence construction along the side and rear boundaries is to be solid screen fencing to a height not exceeding 1.8m to prohibit direct views between habitable rooms of dwelling units and between individual private open space areas.

MCU3. The height of the fences forward of the main building line except where bounding private open space, is to be 1.2m if of solid construction, or up to 1.8m if gaps permit 50% transparency. Fences or walls over 1.2m in height are tapered to 1.2m in height within 4.0m of the front boundary.

Satellite Dishes

MCU4. A maximum of one satellite dish is permitted per dwelling unit with a maximum diameter of 1.2m with a maximum height of 10.5m above ground level.

Lighting

MCU5. Lighting used to illuminate any areas of the premises is to be designed and constructed in accordance with Australian Standard AS4282 (Obtrusive Effects of Outdoor Lighting) to ensure that lighting does not directly illuminate any nearby premises or roadways.

Landscaping

MCU6. The applicant is required to prepare a landscape plan for the subject site in accordance with Planning Scheme Policy No. 5 of the Kingaroy Shire IPA Planning Scheme for Compliance Assessment by Council and is to incorporate a minimum 1.0m wide landscape strip along the Buckingham Street frontage (excluding driveway and vehicle manoeuvring areas). This plan is to be submitted to and approved by Council prior to the landscaping work commencing. Plant species may be selected from Council's *Branching Out – Your Handy Guide to Tree Planting in the South Burnett* (refer to booklet provided).

Clothes Drying Area

MCU7. Each dwelling unit is to be provided with external clothes drying facilities in the private open space area.

Letterboxes and Unit Identification

MCU8. Letterboxes shall be provided for each habitable unit, including the body corporate if appropriate. Each box shall be distinguished by a number corresponding to the unit number.

MCU9. Each dwelling unit is to be readily identified by number.

Waste Storage

MCU10. Provision must be made for the storage and removal of refuse in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

Rainwater Tanks

MCU11. The developer shall provide the equivalent of 9,200L of roof water storage for each dwelling unit, provided in communal or separate containers in accordance with MP4.2 of the Queensland Development Code (QDC). The location of the rainwater tanks is not to compromise the designated private open space areas for individual dwelling units.

Car Parking

ENG1. Prior to the commencement of use, provide a minimum of three (3) car parking spaces in accordance with the approved plans. The total number of car parking spaces is to include two (2) resident car parking spaces and one (1) visitor car parking space.

Roads & Access

ENG2. The property access shall be design and constructed in accordance with IPWEAQ Standard Drawing R-050, Table S2.7 – Design and Construction Standards of the Kingaroy Shire IPA Planning Scheme.

Water Supply

ENG3. A water connection will be required to service the proposed units to current South Burnett Regional Council standards.

Sewerage Reticulation

ENG4. A sewerage connection will be required to service the proposed units to current South Burnett Regional Council standards.

Stormwater

ENG7. All stormwater drainage systems, including all surface, underground and roof water components are to effectively drain all stormwater falling on the proposed development to Council's stormwater system, rainwater tanks or other legal points of discharge.

ENG8. The stormwater drainage system serving the site is to be designed so that the post-development flows at the point of discharge to all downstream properties including road reserves remains consistent with the pre-developed case.

- ENG9. Stormwater drainage is to be design such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development.
- ENG10. Heavy duty galvanized steel roof water kerb adaptors (Kacey or similar), are to be installed in the kerb and channeling during construction in all locations where inter-allotment drainage systems are not require, in accordance with South Burnett Regional Council requirements and to the satisfaction of Council. Stormwater socket reducers may be required to accommodate this depending on the pipe diameters proposed.

Earthworks

- ENG11. Any proposed earthworks shall be undertaken in accordance with the Urban Locality Code, Element (g) within the Kingaroy Shire IPA Planning Scheme unless approved separately under a Development Permit for Operational Works.

Advice

- ADV1. In order to comply with Condition MCU1 it may be necessary to prepare a completely separate or 'clean sheet' design. For assistance in redesigning the proposed development to achieve a greater level of compliance with key requirements of the Kingaroy Shire IPA Planning Scheme please contact Council's Senior Planning Officer, Peter Mulcahy on (07) 4189 9100.
- ADV2. Section 341(1)(b) of the *Sustainable Planning Act 2009* provides that, if this approval is not acted upon within the period of one (1) year the approval will lapse. Note that in accordance with section 341(7) a related approval may extend the relevant (currency) period. In this instance a related approval is considered to be a Development Permit for Material Change of Use.
- ADV3. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.
- ADV4. Attached for your information is a copy of Division 8 of the *Sustainable Planning Act 2009* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—
- a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
 - b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.

Resolution:

Moved Cr CD Dalton, seconded Cr DJ Palmer.

That the Officer's Recommendation be adopted

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

7.3.3 P&LM - 1092197 - Minstaff Survey Pty Ltd - Forwarding an IDAS for reconfiguration of a lot - to subdivide one lot into two lots for property at 15 Gooyong Street Kingaroy - Lot 31 RP49433 - Applicant: Minstaff Survey Pty Ltd

Summary

Key Point Summary

- Application for Reconfiguration of a Lot (1 Lot into 2 Lots).
- Subject site included within the Residential Zone (Residential B Preferred Dominant Land Use Area) under the Kingaroy IPA Planning Scheme.
- Proposed development involves the creation of two (2) residential allotments, one being below 600m² in area.
- Application recommended for refusal due to lack of information supplied by the applicant relating to stormwater management, future Dwelling House design and building over sewers and non-compliance with relevant requirements of the Urban Locality Code within the Kingaroy Shire IPA Planning Scheme.

Officer's Recommendation

That Council *refuse* the Development Application for Reconfiguration of a Lot (1 Lot into 2 Lots) on Lot 31 on RP49433 located at 15 Gooyong Street, Kingaroy based on the following:

- The proposed development does not meet key aspects of the Overall Outcomes within the Urban Locality Code in particular impact on existing level of residential amenity and disparity between the proposal and the established pattern of built form.
- The proposed development does not comply with Elements (b), (d) and (f) of the Urban Locality Code in relation to residential density and useable allotment area consistent with inclusion of the subject site within the Residential Zone.
- The proposed development is not complimentary with existing development within the surrounding area in terms of streetscape, residential amenity and prevailing settlement pattern.
- The proposal will create an allotment of 343m² within an area where the average allotment size is approximately 1,000m².
- The applicant did not provide sufficient justification to allow Council to consider a significant departure from the anticipated outcome for a reconfiguration in the Residential B Preferred Dominant Land Use area.

Resolution:

Moved Cr CD Dalton, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

8. Community & Economic Development

8.1 Community & Cultural Services

8.1.1 C&CS - 1193711 - Consideration of establishing a Human and Social committee to consider projects to be funded through the Flexible Funding program

Summary

As a result of the 2011 flooding disaster, Council will receive \$250,000 over a two year period under the Flexible Funding program. The purpose of the flexible funding program is to implement community recovery projects to help local communities deal with the impacts of the disasters and to contribute to their disaster preparedness. Projects need to deliver a community benefit and support the human and social wellbeing of community members based on what is important to them.

One project has already been identified and Council is being asked to consider funding \$2,000 towards the QRWN Barambah Branch Bunya Mountains Retreat. All future projects will be considered by a Human and Social committee with recommendations being provided to Council for approval.

Officer's Recommendation

That Council:

- establish a Human and Social committee to recommend to Council projects to be funded through the Flexible Funding program,
- include representatives from Council and the broader community including the South Burnett Community Network group,
- approve Cr Campbell and the General Manager, Community and Economic Development as Council representatives on the Human and Social committee; and
- allocates \$2,000 towards the QRWN Barambah Branch Bunya Mountains Retreat, from the Disaster Recovery – flexible funding.

Resolution:

Moved Cr KA Duff, seconded Cr DJ Palmer.

That Council:

- *establish a Human and Social committee to recommend to Council projects to be funded through the Flexible Funding program,*
- *include representatives from Council and the broader community including the South Burnett Community Network group,*
- *approve Cr Campbell and the General Manager, Community and Economic Development as Council representatives on the Human and Social committee; and*
- *allocates \$3,000 towards the QRWN Barambah Branch Bunya Mountains Retreat, from the Disaster Recovery – flexible funding.*

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

8.2 Economic Development & Property Management

Nil.

9. Infrastructure**9.1 Operations****9.1.1 O - 1196592 - Allocation of 2011/2012 Unallocated Minor Capital Works Funding****Summary**

This report recommends a program of works for the Minor Capital works funding contained in the 2011/2012 budget.

Officer's Recommendation

That the current minor/miscellaneous capital works funding included in the 2011/2012 budget totalling \$ 600,000 be allocated as follows:-

Tessmanns Road project \$ 100,000

2010/2011 Carryover projects \$ 33,800

Manyung Rd RRG TIDS project \$ 107,000

NDRRA Complementary Projects \$ 60,000

Benarkin

Scott/Hathaway St Intersection reshape \$ 25,000

Blackbutt

Blackbutt St drainage \$ 5,000

Sutton St/George St drainage \$ 3,000

Douglas St K & C and widen \$ 15,000

Crompton Dr widening (Stage 1) \$ 70,000

Kingaroy

Albert St K & C rehab \$ 10,000

Webster St K & C rehab \$ 3,000

Other K & C rehab works \$ 10,000

Kumbia

Seal entrances to caravan stopover \$ 7,000

Murgon

Various K & C repairs \$ 10,000

Nanango

Jones St drain reshape \$ 10,000

Millis Way (Golf Club entrance) \$ 8,000

Hospital Tce improvements \$ 6,000

Wheatlands

School parking minor improvements \$ 7,000

Wondai

Hodge St south (K&C, pavement works)	\$ 20,000
Hodge St north (Seal 300m)	\$ 6,000
Moreton St (Cadell to Baynes) (K&C)	\$ 15,000

Wooroolin

Transmitter Rd intersections (Bunya Hwy)	\$ 60,000
Drainage works (Kate street)	\$ 2,000

Unallocated \$ 16,300

Resolution:

Moved Cr CD Dalton, seconded Cr DJ Palmer.

That the current minor/miscellaneous capital works funding included in the 2011/2012 budget totalling \$ 600,000 be allocated as follows:-

Tessmanns Road North project \$ 100,000

2010/2011 Carryover projects \$ 24,700

Manumbar Road RRG TIDS project \$ 107,000

NDRRA Complementary Projects \$ 60,000

Benarkin

Scott/Hathaway St Intersection reshape \$ 25,000

Blackbutt

Blackbutt St drainage \$ 5,000

Sutton St/George St drainage \$ 3,000

Douglas St K & C and widen \$ 15,000

Crumpton Dr widening (Stage 1) \$ 70,000

Kingaroy

Albert St K & C rehab \$ 10,000

Webster St K & C rehab \$ 3,000

Other K & C rehab works \$ 10,000

Kumbia

Seal entrances to caravan stopover \$ 7,000

Murgon

Lamb Street pavement repairs \$ 10,000

Nanango

Jones St drain reshape \$ 10,000

Millis Way (Golf Club entrance) \$ 8,000

Hospital Tce improvements \$ 6,000

Wheatlands

School parking minor improvements \$ 7,000

Wondai

Hodge St south (K&C, pavement works)	\$ 20,000
Hodge St north (Seal 300m)	\$ 6,000
Moreton St (Cadell to Baynes) (K&C)	\$ 15,000

Wooroolin

Transmitter Rd intersections (Bunya Hwy)	\$ 60,000
Drainage works (Kate street)	\$ 2,000

Proston

Beresford Street K&C	\$ 5,000
----------------------	----------

Nanango

Dalkeith Street – Street Lighting	\$ 6,300
-----------------------------------	----------

Wooroolin

Frederick Street Shoulder Work and K&C	\$ 5,000
--	----------

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

9.2 Water & Wastewater

Nil.

9.3 Technical Services

Nil.

10. Finance & Information Services

10.1 Information Services

Nil.

10.2 Financial Operations & Planning

10.2.1 FO&P - 1193806 - Monthly Financial Statements

Summary

The following information provides a snapshot of Council's Financial Position as at 27 January 2012.

Officer's Recommendation

That the Monthly Financial Report as at 27 January 2012 be received and noted.

Resolution:

Moved Cr DP Tessmann, seconded Cr DJ Palmer.

That the Monthly Financial Report as at 27 January 2012 be received and noted.

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

10.2.2 FO&P - 1193780 - Monthly Capital Works

Summary

The following information provides a snapshot of Council's Capital Works as at 27 January 2012.

Officer's Recommendation

That the South Burnett Regional Council's Monthly Capital Works Report as at 27 January 2012 be received and noted.

Resolution:

Moved Cr KA Duff, seconded Cr DJ Palmer.

That the South Burnett Regional Council's Monthly Capital Works Report as at 27 January 2012 be received and noted.

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

10.2.3 FO&P - 1178801 - Michael Schultz - Requesting that Council provide a reduction in water consumption charges for property at 5739 Gayndah Hivesville Road, Wigton (Assessment No. 42560-10000-000)

Summary

A request has been received from Michael Schultz to reduce the water usage bill for his property due to a leaking water tank on the property.

It is recommended that due to the leak not complying with Council's "Undetected Water Leak Policy" the request be refused.

Officer's Recommendation

That due to the leak not complying with Council's "Undetected Water Leak Policy" the request be refused.

Resolution:

Moved Cr KM Campbell, seconded Cr DP Tessmann

That the Officer's Recommendation be adopted.

AMENDMENT:

Motion:

Moved Cr KA Duff, seconded Cr CD Dalton.

That due to the leak being outside Council's Undetected Water Leak Policy the request be approved and calculated based on the current policy.

Lost 1/6
FOR VOTE - Cr KA Duff

AGAINST VOTE - Cr ID Carter (Mayor), Cr KM Campbell (Deputy Mayor), Cr CD Dalton, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann

Substantive Motion:

Moved Cr KM Campbell, seconded Cr DP Tessmann

That due to the leak not complying with Council's "Undetected Water Leak Policy" the request be refused.

Carried 6/1
FOR VOTE - Cr ID Carter (Mayor), Cr KM Campbell (Deputy Mayor), Cr CD Dalton, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann
AGAINST VOTE - Cr KA Duff

10.2.4 FO&P - 1174900 - Nicholas Buick - Requesting that Council provide a reduction in water consumption charges for property at 8 Candelo Close, Kingaroy (Assessment No. 12452-00000-000)

Summary

A request has been received from Jacinta Lusk, partner of the property owner Nicholas Buick to reduce the water usage bill for his property due to leaking water pipes on the property.

It is recommended that due to the leak being repaired immediately after it was noticed, Council agree to provide a rate reduction of \$605.89.

Officer's Recommendation

That Council agree to reduce the water charges and write off \$605.89, an amount equivalent to 50% of the sum of Mr Buick's upcoming water bill for February 2012, less the normal averaged water usage.

Resolution:

Moved Cr DP Tessmann, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted

Carried 7/0
FOR VOTE - Councillors voted unanimously

11. Executive Services

11.1 Executive

Nil.

11.2 Human Resources

Nil.

11.3 Corporate Governance

11.3.1 CG - 1193461 - Advice Guidelines - Local Government Act 2009

Summary

Under section 170A of the *Local Government Act 2009* (the Act), the Chief Executive Officer (CEO) is required to prepare Advice Guidelines that set out the procedure that Councillors must follow when requesting help or advice from Council employees.

Attached to this report is the Advice Guidelines for South Burnett Regional Council which has been approved by the CEO and is based on both the requirements of the Act and best practice guidelines developed by the Local Government Association of Queensland (LGAQ).

Officer's Recommendation

That the Advice Guidelines, as attached and authorised by the Chief Executive Officer, be noted by Council for the purpose of a local government procedure for the purpose of section 176(4) of the *Local Government Act 2009*.



Advice Guidelines

Table of Contents

1. PURPOSE	1
2. SCOPE	1
3. REFERENCES	1
4. DEFINITIONS	2
5. RESPONSIBILITY	2
6. PROCEDURE	2
7. DOCUMENTS	6

1. PURPOSE

The Advice Guidelines are intended to provide clear guidelines to Councillors and Council employees when Councillors are seeking advice or information from Council employees, other than the Chief Executive Officer (CEO) and specifically to assist Councillors and Council employees to meet:

- their statutory obligations under section 170A of the *Local Government Act 2009* (the Act) “Request by Councillors for advice or information” and
- the CEO’s statutory obligation under section 13(3)(g) of the Act to comply with reasonable requests from Councillors for:
 1. advice to help the Councillor make a decision; or
 2. information, that the local government has access to, relating to the local government.

These Guidelines are considered to be a local government “procedure” under Section 176(4) of the Act, meaning that a breach of these Guidelines will be considered to be breach of the Act.

2. SCOPE

The Advice Guidelines apply to all Councillors and Council employees when a Councillor is requesting advice or information from a Council employee.

3. REFERENCES

- Local Government Act 2009*
- Local Government principles refer to section 4 (2) of the *Local Government Act 2009*
- Councillors Code of Conduct
- Employee Code of Conduct
- Council Values: Accountability; Community; Harmony; Innovation; Ethical Conduct; Vision and Excellence
- Public Sector Ethics Act 1994* principles

4. DEFINITIONS

Not Applicable

5. RESPONSIBILITY

It is the responsibility of all Councillors and Council employees to abide by these Advice Guidelines.

6. PROCEDURE

1. Communications between Councillors and Council employees must;
 - (a) be conducted in accordance with the Local Government Principles prescribed in Section 4(2) of the Act;
 - (b) be conducted in accordance with the Councillors' Code of Conduct;
 - (c) comply with the law and Council policies, guidelines and procedures;
 - (d) be conducted in good faith; and
 - (e) be conducted in a respectful, reasonable and professional manner.
2. Councillors shall consider the likely cost implications in making requests for advice or information, and shall not make requests where the costs could not be justified as being in the public interest.
3. Councillors may request, from any Council employee, advice or information of a similar nature and in a similar manner to that which the Council employee ordinarily gives similar advice to the public (eg with a Customer Service Officer at a Customer Service Centre).
4. Councillors' requests for access to confidential information shall only be made to the relevant Manager, General Manager or CEO and shall be put in writing if requested.
5. Councillors shall refer all formal complaints to the CEO to be dealt with under Council's *General Complaints* Policy and procedures.
6. Councillors' requests for advice or information three months prior to a local government election (the "caretaker period") shall be restricted to information or advice that is available to members of the public and/or any other candidate in the election, other than in accordance with matters being formally considered by Council or its Committees.
7. Any Councillor's decision to rely on verbal advice given by a Council employee shall be the responsibility of the Councillor and shall be made entirely at the discretion of the Councillor. Any such decision to rely on verbal advice given shall be made with due regard for the level of

knowledge and experience of the Council employee providing the advice and shall be made with due regard for alternative advice available from other sources.

8. Councillors must not breach conflict of interest or material personal interest's provisions in the Act when requesting information from Council employee.
9. Other than in emergency situations, as detailed in section 10 and 11 hereunder, Councillors are not to contact Council employee outside working hours other than with the prior approval of the Council employee member.
10. If an afterhours matter is of a non-emergency operational nature Councillors should, as far as possible, defer the matter for consideration during business hours. Otherwise, Councillors must log a request through the general Council phone number (4189 9100) - which is also Council's after hours emergency service number.
11. When a matter occurs after hours and is of such urgency that to delay contact will bring harm to the Council or damage the reputation of Council, Councillors may contact one of the Council employees listed below:
 - (a) CEO
 - (b) General Manager
 - (c) Manager
12. When referring service requests, Councillors shall use the Customer Request System rather than directly referring requests to any Council employee individually. This will ensure the matter is recorded and can be appropriately actioned.
13. Councillors may request advice or information from a Council employee only in accordance with these Advice Guidelines and Appendix 1 hereto - "Table of Authorised Employees". Where the nominated officer is not available when the contact or request is made, another suitably qualified Council employee may, entirely at the Council employee's discretion, determine either to provide the advice or information requested or decide to take a message for the nominated officer to respond in person to the Councillor.
14. Councillors may be given approval by the CEO to request advice and information from a Council employee other than General Managers and Managers, in specific circumstances; for example where a Council employee is a member or support officer to a Management Advisory Committee. In these specific circumstances, written approval will be provided to both the Councillor and the Council employee. This written approval will be provided by the CEO and recorded electronically in Council's Electronic Document Management System.
15. Other than in accordance with these guidelines, Councillors shall:
 - (a) not direct, or attempt to direct any Council employee to do anything (except for the Mayor, who is entitled to direct only the CEO in accordance with Section 170 of the Act);

- (b) not behave towards Council employees in an overbearing or threatening manner;
- (c) not coerce or entice, or attempt to coerce or entice any Council employee to do anything that does not comply with these Advice Guidelines;
- (d) not unduly disrupt a Council employee in the undertaking of that Council employee's routine employment obligations, nor during an Council employee's meal breaks, nor shall Councillors unduly disrupt that Council employee's workplace eg lengthy, unscheduled discussions with an Council employee in the corridor or unplanned attendance at Council employee's work station;
- (e) not place, or attempt to place any Council employee in a position that would create a conflict of interest for that Council employee, or that would compromise the integrity and honest performance of that Council employee; and
- (f) not direct or pressure a Council employee in relation to their work or recommendations they should make or action they should take.

Mayoral Direction

A Mayoral direction may be given to the CEO but only in fulfilling the Mayoral responsibilities outlined in section 12(4) of the Act. Any such direction must be made in writing and will be recorded in a register.

Council employee Obligations

All Council employees are bound by Council's Code of Conduct and the *Local Government Act 2009* principles and the *Public Sector Ethics Act 1994* principles. Council employees will maintain an awareness of their role as a public service provider. They will seek to maintain and enhance public confidence in the integrity of public administration, and to advance the common good of the community served by Council.

Specifically, Council employees will not

- make improper use of information acquired as a Council employee to gain, directly or indirectly, an advantage for themselves or someone else; or to cause detriment to the Council;
- release information that the employee knows, or should reasonably know, is information that is confidential to Council, and which the Council wishes to keep confidential; and
- improperly use, or allow the improper use of, their official powers or position.

Council employees must ensure that any conflict that may arise between their personal interests and their official responsibilities is resolved in favour of the public interest.

If the Mayor or a Councillor behaves inappropriately or asks for help or advice from a Council employee other than under these guidelines, the Council employee must inform their Manager, General Manager or the CEO about the request as soon as is practicable.

Where a Council employee is uncertain about whether or not they should respond to a Councillor enquiry, or how to respond to a Councillor enquiry, then they must not provide a response, but rather refer the matter to their General Manager who will then action the Councillor request.

Council employees must keep records of advice given to Councillors as they would do when advising a member of the public. This should be recorded electronically in Council's Electronic Document Management System.

Councillor Dissatisfaction with Council employee Response

Where Councillors are dissatisfied with the response from a Council employee (for a request for advice or information) the Councillor may report their dissatisfaction to the Council employees' General Manager. Councillors may seek a further review if they are dissatisfied with the General Managers response, by putting their concerns in writing to the CEO.

Where Councillors are dissatisfied with the response from a General Manager (for a request for advice or information) the Councillor may report their dissatisfaction to the CEO. Councillors may seek a review of that response by putting their concerns in writing to the CEO.

Breaches of Advice Guidelines

If the Mayor or a Councillor behaves inappropriately or asks for help or advice from an Council employee other than under these guidelines, the Council employee must inform their Manager, General Manager or the CEO about the request as soon as is practicable (Section 170A(4)).

An allegation of a breach of these Advice Guidelines will be dealt with in accordance with sections of 176 – 182 of the Act.

Breaches of the Advice Guidelines by the Mayor or a Councillor may lead to one, or a combination of the following:

1. Variation of the Guidelines for a defaulting Councillor for up to six months at the CEO's discretion.
2. A reprimand for inappropriate conduct (section 181 of the Act).
3. For repeat inappropriate breaches or misconduct the following may be applied at the CEO's discretion; that the Councillor
 - be counselled;
 - make an admission or an apology;
 - participate in mediation;

- be monitored for further compliance with the Act (section 180 of the Act).

For serious misconduct the matter will be referred to the Tribunal – section 176(8) of the Act. Any order or recommendation that the Tribunal considers appropriate in the circumstances will be actioned. This includes the penalties in point 2 above; or forfeiture of an allowance, benefit, payment or privilege; reimbursement of an expense; suspension; dismissal; or referral of the matter to the Queensland Police Service or Crime and Misconduct Commission (Section 180 of the Act). A Councillor can face disciplinary action (including dismissal for seriously or continuously breaching the responsibilities and requirements of Councillors – refer to sections 4, 12, 122 and 180 of the Act.

Variations to Advice Guidelines

Council acknowledges that the CEO has the authority under section 170A of the Act to issue new Advice Guidelines at any time. This includes amendments to the existing Advice Guidelines. Such amendments may apply to a particular Councillor(s) or in particular circumstances at the CEO's determination.

7. DOCUMENTS

Appendix 1: Table of Authorised Employees

Resolution:

Moved Cr DJ Palmer, seconded Cr KM Campbell.

That the Advice Guidelines, as authorised by the Chief Executive Officer, be noted by Council for the purpose of a local government procedure under section 176(4) of the Local Government Act 2009.



Advice Guidelines

Table of Contents

1. PURPOSE	1
2. SCOPE	1
3. REFERENCES	1
4. DEFINITIONS	2
5. RESPONSIBILITY	2
6. PROCEDURE	2
7. DOCUMENTS	6

1. PURPOSE

The Advice Guidelines are intended to provide clear guidelines to Councillors and Council employees when Councillors are seeking advice or information from Council employees, other than the Chief Executive Officer (CEO) and specifically to assist Councillors and Council employees to meet:

- their statutory obligations under section 170A of the *Local Government Act 2009* (the Act) “Request by Councillors for advice or information” and
- the CEO’s statutory obligation under section 13(3)(g) of the Act to comply with reasonable requests from Councillors for:
 1. advice to help the Councillor make a decision; or
 2. information, that the local government has access to, relating to the local government.

These Guidelines are considered to be a local government “procedure” under Section 176(4) of the Act, meaning that a breach of these Guidelines will be considered to be breach of the Act.

2. SCOPE

The Advice Guidelines apply to all Councillors and Council employees when a Councillor is requesting advice or information from a Council employee.

3. REFERENCES

- Local Government Act 2009*
- Local Government principles refer to section 4 (2) of the *Local Government Act 2009*
- Councillors Code of Conduct
- Employee Code of Conduct
- Council Values: Accountability; Community; Harmony; Innovation; Ethical Conduct; Vision and Excellence
- Public Sector Ethics Act 1994* principles

4. DEFINITIONS

Not Applicable

5. RESPONSIBILITY

It is the responsibility of all Councillors and Council employees to abide by these Advice Guidelines.

6. PROCEDURE

- 6.1 Communications between Councillors and Council employees must;
- (a) be conducted in accordance with the Local Government Principles prescribed in Section 4(2) of the Act;
 - (b) be conducted in accordance with the Councillors' Code of Conduct;
 - (c) comply with the law and Council policies, guidelines and procedures;
 - (d) be conducted in good faith; and
 - (e) be conducted in a respectful, reasonable and professional manner.
- 6.2 Councillors shall consider the likely cost implications in making requests for advice or information, and shall not make requests where the costs could not be justified as being in the public interest.
- 6.3. Councillors may request, from any Council employee, advice or information of a similar nature and in a similar manner to that which the Council employee ordinarily gives similar advice to the public (eg with a Customer Service Officer at a Customer Service Centre).
- 6.4 Councillors' requests for access to confidential information shall only be made to the relevant Manager, General Manager or CEO and shall be put in writing if requested.
- 6.5 Councillors shall refer all written complaints to the CEO to be dealt with under Council's *General Complaints Policy* and procedures.
- 6.6 Councillors' requests for advice or information during the caretaker period of a local government election shall be restricted to information or advice that is available to members of the public and/or any other candidate in the election, other than in accordance with matters being formally considered by Council or its Committees.
- 6.7 Any Councillor's decision to rely on verbal advice given by a Council employee shall be the responsibility of the Councillor and shall be made entirely at the discretion of the Councillor. Any such decision to rely on verbal advice given shall be made with due regard for the level

of knowledge and experience of the Council employee providing the advice and shall be made with due regard for alternative advice available from other sources.

- 6.8. Councillors must not breach conflict of interest or material personal interest's provisions in the Act when requesting information from Council employee.
- 6.9 Other than in emergency situations, as detailed in section 10 and 11 hereunder, Councillors are not to contact Council employee outside working hours other than with the prior approval of the Council employee member.
- 6.10 If an afterhours matter is of a non-emergency operational nature Councillors should, as far as possible, defer the matter for consideration during business hours. Otherwise, Councillors must log a request through the general Council phone number (4189 9100) - which is also Council's after hours emergency service number.
- 6.11 When a matter occurs after hours and is of such urgency that to delay contact will bring harm to the Council or damage the reputation of Council, Councillors may contact one of the Council employees listed below:
 - (a) CEO
 - (b) General Manager
 - (c) Manager
- 6.12 When referring service requests, Councillors shall use the Customer Request System rather than directly referring requests to any Council employee individually. This will ensure the matter is recorded and can be appropriately actioned.
- 6.13 Councillors may request advice or information from a Council employee only in accordance with these Advice Guidelines and Appendix 1 hereto - "Table of Authorised Employees". Where the nominated officer is not available when the contact or request is made, another suitably qualified Council employee may, entirely at the Council employee's discretion, determine either to provide the advice or information requested or decide to take a message for the nominated officer to respond in person to the Councillor.
- 6.14 Councillors may be given approval by the CEO to request advice and information from a Council employee other than General Managers and Managers, in specific circumstances; for example where a Council employee is a member or support officer to a Management Advisory Committee. In these specific circumstances, written approval will be provided to both the Councillor and the Council employee. This written approval will be provided by the CEO and recorded electronically in Council's Electronic Document Management System.
- 6.15 Other than in accordance with these guidelines, Councillors shall:
 - (a) not direct, or attempt to direct any Council employee to do anything (except for the Mayor, who is entitled to direct only the CEO in accordance with Section 170 of the Act);

- (b) not behave towards Council employees in an overbearing or threatening manner;
- (c) not coerce or entice, or attempt to coerce or entice any Council employee to do anything that does not comply with these Advice Guidelines;
- (d) not unduly disrupt a Council employee in the undertaking of that Council employee's routine employment obligations, nor during an Council employee's meal breaks, nor shall Councillors unduly disrupt that Council employee's workplace eg lengthy, unscheduled discussions with an Council employee in the corridor or unplanned attendance at Council employee's work station;
- (e) not place, or attempt to place any Council employee in a position that would create a conflict of interest for that Council employee, or that would compromise the integrity and honest performance of that Council employee; and
- (f) not direct or pressure a Council employee in relation to their work or recommendations they should make or action they should take.

6.16 Mayoral Direction

A Mayoral direction may be given to the CEO but only in fulfilling the Mayoral responsibilities outlined in section 12(4) of the Act. Any such direction must be made in writing and will be recorded in a register.

6.17 Council employee Obligations

All Council employees are bound by Council's Code of Conduct and the *Local Government Act 2009* principles and the *Public Sector Ethics Act 1994* principles. Council employees will maintain an awareness of their role as a public service provider. They will seek to maintain and enhance public confidence in the integrity of public administration, and to advance the common good of the community served by Council.

Specifically, Council employees will not

- make improper use of information acquired as a Council employee to gain, directly or indirectly, an advantage for themselves or someone else; or to cause detriment to the Council;
- release information that the employee knows, or should reasonably know, is information that is confidential to Council, and which the Council wishes to keep confidential; and
- improperly use, or allow the improper use of, their official powers or position.

Council employees must ensure that any conflict that may arise between their personal interests and their official responsibilities is resolved in favour of the public interest.

If the Mayor or a Councillor behaves inappropriately or asks for help or advice from a Council employee other than under these guidelines, the Council employee must inform their Manager, General Manager or the CEO about the request as soon as is practicable.

Where a Council employee is uncertain about whether or not they should respond to a Councillor enquiry, or how to respond to a Councillor enquiry, then they must not provide a response, but rather refer the matter to their General Manager who will then action the Councillor request.

Council employees must keep records of advice given to Councillors as they would do when advising a member of the public. This should be recorded electronically in Council's Electronic Document Management System.

6.18 Councillor Dissatisfaction with Council employee Response

Where Councillors are dissatisfied with the response from a Council employee (for a request for advice or information) the Councillor may report their dissatisfaction to the Council employees' General Manager. Councillors may seek a further review if they are dissatisfied with the General Managers response, by putting their concerns in writing to the CEO.

Where Councillors are dissatisfied with the response from a General Manager (for a request for advice or information) the Councillor may report their dissatisfaction to the CEO. Councillors may seek a review of that response by putting their concerns in writing to the CEO.

6.19 Breaches of Advice Guidelines

If the Mayor or a Councillor behaves inappropriately or asks for help or advice from an Council employee other than under these guidelines, the Council employee must inform their Manager, General Manager or the CEO about the request as soon as is practicable (Section 170A(4)).

An allegation of a breach of these Advice Guidelines will be dealt with in accordance with sections of 176 – 182 of the Act.

Breaches of the Advice Guidelines by the Mayor or a Councillor may lead to one, or a combination of the following:

1. Variation of the Guidelines for a defaulting Councillor for up to six months at the CEO's discretion.
2. A reprimand for inappropriate conduct (section 181 of the Act).
3. For repeat inappropriate breaches or misconduct the following may be applied at the CEO's discretion; that the Councillor
 - be counselled;
 - make an admission or an apology;
 - participate in mediation;
 - be monitored for further compliance with the Act (section 180 of the Act).

For serious misconduct the matter will be referred to the Local Government Remuneration and Discipline Tribunal – section 176(8) of the Act. Any order or recommendation that the Tribunal considers appropriate in the circumstances will be actioned. This includes the penalties in point 2 above; or forfeiture of an allowance, benefit, payment or privilege; reimbursement of an expense; suspension; dismissal; or referral of the matter to the Queensland Police Service or Crime and Misconduct Commission (Section 180 of the Act). A Councillor can face disciplinary action (including dismissal for seriously or continuously breaching the responsibilities and requirements of Councillors – refer to sections 4, 12, 122 and 180 of the Act.

6.20 Variations to Advice Guidelines

Council acknowledges that the CEO has the authority under section 170A of the Act to issue new Advice Guidelines at any time. This includes amendments to the existing Advice Guidelines. Such amendments may apply to a particular Councillor(s) or in particular circumstances at the CEO's determination.

7. DOCUMENTS

Appendix 1: Table of Authorised Employees

Carried 7/0
FOR VOTE - Councillors voted unanimously

11.4 Strategic Projects & Grants

Nil.

12. Information Section

12.1 IS - 1194848 - Reports for the Information of Council

Summary

Delegated Authority Report
Summary of outcomes of the Strategic Planning session focusing on 'Our Legacy'

Officer's Recommendation

That the reports be received.

Resolution:

Moved Cr KA Duff, seconded Cr CD Dalton.

That the reports be received and that in the four items identified as potential legacy issues the second legacy reflect both towns and villages.

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

ADJOURNMENT:

Motion:

Moved Cr CD Dalton, seconded Cr DP Tessmann.

That the meeting adjourn for twenty (20) minutes

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

Citizenship Ceremony

During the adjournment a citizenship ceremony was held for Leticia Joyce.

RESUMPTION:

Motion:

Moved Cr BL Green, seconded Cr DJ Palmer.

That the meeting resume at 11.0am with attendance as previous to the adjournment

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

13. General Section

Nil.

CLOSED SESSION:

Motion:

Moved Cr CD Dalton, seconded Cr KM Campbell.

That the meeting be closed to the public for Council discussions in accordance with Section 72(1)(e) contracts proposed to be made by it and Section 72(1)(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage, of the Local Government (Operations) Regulation 2010.

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

OPEN COUNCIL:

Motion:

Moved Cr BL Green, seconded Cr DJ Palmer.

That the meeting resume in Open Council.

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

Report:

The Mayor reported that whilst in Closed Session, in accordance with Section 72(1)(e) contracts proposed to be made by it and Section 72(1)(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage, of the Local Government (Operations) Regulation 2010, Council considered matters concerning Fluoridation and Replacement of Trucks.

Motion:

Moved Cr ID Carter, seconded Cr KA Duff.

That the Mayor's report be received

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

14. Confidential Section

14.1 CONF - 1141422 - Fluoridation Report

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 72(1)(h) of the Local Government (Operations) Regulation 2010, which permits the meeting to be closed to the public for business relating to the following:

- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage

Recommendation

That the report be received.

Resolution:

Moved Cr BL Green, seconded Cr DP Tessmann.

That the fluoride report be received and the Mayor be authorised to advocate to the State Government and the major political parties on the impact of the fluoridation program on Council's ongoing operational budget estimated to be \$300,000 per year.

*Carried 7/0
FOR VOTE - Councillors voted unanimously*

14.2 CONF - 1193360 - Replacement of Two 6x4 Tip Trucks - Plant No 154 & 155

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 72(1) (e) of the Local Government (Operations) Regulation 2010, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it

Recommendation

That Council

- Accept the quotation from Zupps Truck Centre to purchase two (2) Nissan UD GW 26 470 Tip Trucks for the sum of \$203,780 each for a total of \$407,560;
- not accept the trade in offers; and
- sell old plant by public auction.

Resolution:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the Officer's Recommendation be adopted.

Carried 7/0
FOR VOTE - Councillors voted unanimously

There being no further business the meeting was declared closed at 11.35am.

Confirmed before me this day of2012

..... **MAYOR**

