



MINUTES

General Meeting

27 January 2022

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE MUNDUBBERA BOARDROOM VIA ZOOM (DUE TO COVID)
ON THURSDAY, 27 JANUARY 2022 AT 09:00AM**

COUNCILLORS: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins, Cr Michael Dingle

OFFICERS: Ray Burton PSM (Interim Chief Executive Officer), Randall Percy (General Manager Works), Susie Glasson (GM Corporate and Community), Jason Erbacher (Strategic Projects Manager), Kat Bright (Senior Executive Assistant to the CEO and Mayor)

1 WELCOME/HOUSEKEEPING

Acting Mayor Robert Radel declared the meeting open at 9.01am and welcomed all attendees.

2 APOLOGIES/LEAVE OF ABSENCE

An apology had been received for Cr Melinda Jones following the passing of her father in-law.

Moved: Cr Hotz

Seconded: Cr Giddins

RESOLUTION 2022/05

That the apology for Cr Melinda Jones be received.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

3 DEPUTATIONS/PETITIONS

Nil

4 DECLARATIONS OF INTEREST

I, Cr Sue Payne inform this meeting that I have a declared conflict of interest in relation to item 10.1 Update – Recovery of Outstanding Rates. The nature of my interest is as follows:

I hold and have held an Executive position for over 3 years in an organisation which may have an interest.

I propose to leave the room whilst this matter is considered and voted on.

Moved: Cr Giddins

Seconded: Cr Hotz

RESOLUTION 2022/06

That in accordance with Section 150ES of the Local Government Act 2009, it is in the public interest that Cr Payne be asked to leave the room whilst Agenda item 10.1 Update – Recovery of Outstanding Rates is considered and voted on.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 4/0

I, Acting Mayor Robert Radel inform this meeting that I have a conflict of interest in relation to item 6.1 – Acting Mayor Remuneration. The nature of my interest is as follows:

This item relates directly to my role as the Acting Mayor.

I propose to leave the room whilst this matter is considered and voted on.

Moved: Cr Payne

Seconded: Cr Hotz

RESOLUTION 2022/07

That in accordance with Section 150ES of the Local Government Act 2009, it is in the public interest that Acting Mayor Robert Radel be asked to leave the room whilst Agenda item 6.1 – Acting Mayor Remuneration is considered and voted on.

In Favour: Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 4/0

5 CONFIRMATION OF MINUTES

5.1 MINUTES OF THE SPECIAL MEETING HELD ON 17 JANUARY 2022

OFFICERS RECOMMENDATION

That the Minutes of the Special Meeting held on 17 January 2022 be confirmed.

Moved: Cr Giddins
Seconded: Cr Dingle

RESOLUTION 2022/08

That the Minutes of the Special Meeting held on 17 January 2022 be confirmed.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

5.2 MINUTES OF THE GENERAL MEETING HELD ON 15 DECEMBER 2021

OFFICERS RECOMMENDATION

That the Minutes of the General Meeting held on 15 December 2021 be confirmed.

Moved: Cr Payne
Seconded: Cr Giddins

RESOLUTION 2022/09

That the Minutes of the General Meeting held on 15 December 2021 be confirmed.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

6 OFFICE OF THE CHIEF EXECUTIVE OFFICER**6.1 ACTING MAYOR REMUNERATION**

ATTENDANCE: Acting Mayor Robert Radel left the meeting at 9.09am having earlier declared a conflict of interest in relation to Agenda Item 6.1 – Acting Mayor Remuneration.

NOTE: In the absence of a Deputy Mayor, Ray Burton PSM (Interim CEO) called for nominations from Councillors to Chair this section of the meeting. Following nominations, Cr Leslie Hotz was declared the Chair for this section of the meeting.

OFFICERS RECOMMENDATION

That pursuant to Section 248 of the Local Government Regulation 2012, Council make an Exceptional Circumstances submission to the Local Government Remuneration Commission to vary the Deputy Mayor's remuneration.

Moved: Cr Giddins
Seconded: Cr Dingle

RESOLUTION 2022/10

That pursuant to Section 248 of the Local Government Regulation 2012, Council make an Exceptional Circumstances submission to the Local Government Remuneration Commission to vary the Deputy Mayor's remuneration.

In Favour: Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 4/0

ATTENDANCE: Acting Mayor Robert Radel returned to the meeting at 9.12am.

6.2 2021-2022 OPERATIONAL PLAN - Q2 PROGRESS REPORT**OFFICERS RECOMMENDATION**

That in accordance with section 174(3) of the *Local Government Regulation 2012 (Qld)*, Council receives the 2021-22 Operational Plan – Q2 Progress Report for the period 1 October 2021 to 31 December 2021.

Moved: Cr Payne
Seconded: Cr Hotz

RESOLUTION 2022/11

That in accordance with section 174(3) of the *Local Government Regulation 2012 (Qld)*, Council receives the 2021-22 Operational Plan – Q2 Progress Report for the period 1 October 2021 to 31 December 2021.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

6.3 BY-ELECTION BUDGET ALLOCATION

Through the Chair, Ray Burton PSM (Interim CEO) advised that informal notice from the ECQ had been received Tuesday 25 January 2022 noting that the Mayoral By-election may be called as early as Wednesday 3 February 2022. With this in mind, it was prudent for staff to prepare a late report for Council's consideration outlining costs to facilitate a North Burnett Regional Council Divisional By-election, in the event that the recent Mayoral By-election be declared in favour of a sitting Councillor.

OFFICERS RECOMMENDATION

That Council:

1. Receive this late report.
2. In the event that the recent Mayoral By-election be declared in favour of a sitting Councillor, then:
 - a) Pursuant to section 45AA of the *Local Government Electoral Act 2011*, Council applies to the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure for the Divisional By-election poll to be conducted by full postal ballot.
 - b) By resolution Council budget the maximum amount of \$30,000.00 plus GST as the cost of a North Burnett Regional Council Divisional By-Election.

Moved: Cr Giddins

Seconded: Cr Dingle

RESOLUTION 2022/12

That Council:

1. Receive this late report.
2. In the event that the recent Mayoral By-election be declared in favour of a sitting Councillor, then:
 - a) Pursuant to section 45AA of the *Local Government Electoral Act 2011*, Council applies to the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure for the Divisional By-election poll to be conducted by full postal ballot.
 - b) By resolution Council budget the maximum amount of \$30,000.00 plus GST as the cost of a North Burnett Regional Council Divisional By-Election.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

7 CORPORATE AND COMMUNITY

7.1 FINANCE REPORT TO 31 DECEMBER 2021

OFFICERS RECOMMENDATION

That in accordance with section 204 *Local Government Regulation 2012 (Qld)*, Council receives the Finance Report for the period ended 31 December 2021.

Moved: Cr Giddins
Seconded: Cr Dingle

RESOLUTION 2022/13

That in accordance with section 204 *Local Government Regulation 2012 (Qld)*, Council receives the Finance Report for the period ended 31 December 2021.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

7.2 WASTE FEES AND WAIVER FOR FLOOD IMPACTED RESIDENTS

OFFICERS RECOMMENDATION

That Council waive waste fees and charges for the residents of Dallarnil and surrounding district for bulk waste associated with the flood clean up works.

Moved: Cr Dingle
Seconded: Cr Giddins

RESOLUTION 2022/14

That Council waive waste fees and charges for the residents of Dallarnil and surrounding district for bulk waste associated with the flood clean up works.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

8 WORKS

Nil

9 COUNCILLOR REPORTS

Nil

10 CONFIDENTIAL REPORTS

OFFICERS RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275(1) of the *Local Government Regulation 2012*:

10.1 Update – Recovery of Outstanding Rates

This matter is considered to be confidential under Section 254J(3)(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 be or against local government.

10.2 Property Disposals - Housing

This matter is considered to be confidential under Section 254J(3)(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.

10.3 Tender for Lease of Gayndah Airport Refuelling Facility

This matter is considered to be confidential under Section 254J(3)(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.

10.4 Wakka Wakka People #3 and #4

This matter is considered to be confidential under Section 254J(3)(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 be or against local government.

Moved: Cr Dingle

Seconded: Cr Hotz

RESOLUTION 2022/15

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275(1) of the *Local Government Regulation 2012*:

10.1 Update – Recovery Of Outstanding Rates

This matter is considered to be confidential under Section 254J(3)(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 be or against local government.

10.2 Property Disposals - Housing

This matter is considered to be confidential under Section 254J(3)(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.

10.3 Tender for Lease of Gayndah Airport Refuelling Facility

This matter is considered to be confidential under Section 254J(3)(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.

10.4 Wakka Wakka People #3 and #4

This matter is considered to be confidential under Section 254J(3)(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 be or against local government.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

THE MEETING MOVED INTO A CLOSED SESSION AT 9.26AM.

NOTE: During the confidential closed session, Councillors discussed the content in the confidential reports listed above.

ATTENDANCE: Cr Susan Payne left the meeting at 9.27am having earlier declared a conflict of interest in relation to Agenda Item 10.1 – Update Recovery of Outstanding Rates.

ATTENDANCE: Cr Susan Payne returned to the meeting at 9.30am following the consideration of Agenda Item 10.1 – Update Recovery of Outstanding Rates.

Moved: Cr Hotz
Seconded: Cr Dingle

RESOLUTION 2022/16

That Council moves out of Closed Session into Open Session.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

THE MEETING MOVED BACK INTO AN OPEN SESSION AT 9.55am.

ATTENDANCE: Cr Susan Payne left the meeting at 9.55am having earlier declared a conflict of interest in relation to Agenda Item 10.1 – Update Recovery of Outstanding Rates.

10.1 UPDATE - RECOVERY OF OUTSTANDING RATES**OFFICERS RECOMMENDATION**

1. That Council receives the report.
2. That Council write off the outstanding rate balance of \$8,875.72 the shortfall given insufficient sales proceeds to pay the rates in full for Assessment 2017000000000, 2 Moreton Street, Eidsvold, Lot 4 Crown Plan MPH22720.

Moved: Cr Hotz

Seconded: Cr Giddins

RESOLUTION 2022/17

1. That Council receives the report.
2. That Council write off the outstanding rate balance of \$8,875.72 the shortfall given insufficient sales proceeds to pay the rates in full for Assessment 2017000000000, 2 Moreton Street, Eidsvold, Lot 4 Crown Plan MPH22720.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 4/0

ATTENDANCE: Cr Susan Payne returned to the meeting at 9.57am once Agenda Item 10.1 – Update Recovery of Outstanding Rates had been voted on.

10.2 PROPERTY DISPOSALS - HOUSING

OFFICERS RECOMMENDATION

That Council:

1. Note the contents of this report.
2. Resolve to conduct a public Tender for the sale of Lot 2 MPH2057 (87 Moreton Street, Eidsvold); and authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
3. In the event that Lot 2 MPH2057 (87 Moreton Street, Eidsvold) is not sold as a result of public Tender, authorise the Chief Executive Officer to procure agents and list for the property for sale; and further authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
4. Resolve to conduct a public Tender for the sale of Lot 1 MPH22763 (12 Mount Rose Street, Eidsvold); and authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
5. In the event that Lot 1 MPH22763 (12 Mount Rose Street, Eidsvold) is not sold as a result of public Tender, authorise the Chief Executive Officer to procure agents and list for the property for sale; and further authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
6. Resolve to conduct a public Tender for the sale of Lot 20 SP192937 (9 Augustus Street, Mount Perry)); and authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
7. In the event that Lot 20 SP192937 (9 Augustus Street, Mount Perry) is not sold as a result of public Tender, authorise the Chief Executive Officer to procure agents and list for the property for sale; and further authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
8. Resolve to conduct a public Tender for the sale of Lot 9 SP164523 (18 Augustus Street, Mount Perry; and authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
9. In the event that Lot 9 SP164523 (18 Augustus Street, Mount Perry) is not sold as a result of public Tender, authorise the Chief Executive Officer to procure agents and list for the property for sale; and further authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.

Moved: Cr Giddins

Seconded: Cr Dingle

RESOLUTION 2022/18

That Council:

1. Note the contents of this report.
2. Resolve to conduct a public Tender for the sale of Lot 2 MPH2057 (87 Moreton Street, Eidsvold); and authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
3. In the event that Lot 2 MPH2057 (87 Moreton Street, Eidsvold) is not sold as a result of public Tender, authorise the Chief Executive Officer to procure agents and list for the property for sale; and further authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.

4. Resolve to conduct a public Tender for the sale of Lot 1 MPH22763 (12 Mount Rose Street, Eidsvold); and authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
5. In the event that Lot 1 MPH22763 (12 Mount Rose Street, Eidsvold) is not sold as a result of public Tender, authorise the Chief Executive Officer to procure agents and list for the property for sale; and further authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
6. Resolve to conduct a public Tender for the sale of Lot 20 SP192937 (9 Augustus Street, Mount Perry); and authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
7. In the event that Lot 20 SP192937 (9 Augustus Street, Mount Perry) is not sold as a result of public Tender, authorise the Chief Executive Officer to procure agents and list for the property for sale; and further authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
8. Resolve to conduct a public Tender for the sale of Lot 9 SP164523 (18 Augustus Street, Mount Perry); and authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.
9. In the event that Lot 9 SP164523 (18 Augustus Street, Mount Perry) is not sold as a result of public Tender, authorise the Chief Executive Officer to procure agents and list for the property for sale; and further authorise the Chief Executive Officer to enter into a sale contract, at a contract price to be negotiated by the Chief Executive Officer.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

10.3 TENDER FOR LEASE OF GAYNDAH AIRPORT REFUELLING FACILITY**OFFICERS RECOMMENDATION**

That Council:

1. Resolve to conduct a Tender for the lease of Gayndah Airport Refuelling Facility located at 2 John Taylors Road, Gayndah; being part of Lot 2 RP201121.
2. Authorise the Chief Executive Officer to enter an agreement for the Gayndah Airport Refuelling Facility Depot (proposed Lease Area "A" 2 within RP201121), on terms to be negotiated by the Chief Executive Officer for period not exceeding ten years.

Moved: Cr Payne

Seconded: Cr Giddins

RESOLUTION 2022/19

That Council:

1. Resolve to conduct a Tender for the lease of Gayndah Airport Refuelling Facility located at 2 John Taylors Road, Gayndah; being part of Lot 2 RP201121.
2. Authorise the Chief Executive Officer to enter an agreement for the Gayndah Airport Refuelling Facility Depot (proposed Lease Area "A" 2 within RP201121), on terms to be negotiated by the Chief Executive Officer for period not exceeding ten years.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

10.4 WAKKA WAKKA PEOPLE #3 AND #4**OFFICERS RECOMMENDATION**

That Council:

1. Consent to a determination of native title in the Wakka Wakka People #3 Claim (QUD276/2019) and Wakka Wakka People #4 Claim (QUD277/2019) substantially in the same terms as the draft consent determinations considered by Council, with such amendments as may be required or necessary to enable the consent determinations to be made by the Federal Court.
2. Delegate to the Chief Executive Officer the power to negotiate and agree to such changes to the draft consent determinations referred to in 1 of this resolution, as required to enable the Federal Court to make the consent determinations, and to delegate to the Chief Executive Officer the power to authorise Council's legal representative to execute the section 87A Agreements and consent determination orders on behalf of Council.

Moved: Cr Hotz

Seconded: Cr Dingle

RESOLUTION 2022/20

That Council:

1. Consent to a determination of native title in the Wakka Wakka People #3 Claim (QUD276/2019) and Wakka Wakka People #4 Claim (QUD277/2019) substantially in the same terms as the draft consent determinations considered by Council, with such amendments as may be required or necessary to enable the consent determinations to be made by the Federal Court.
2. Delegate to the Chief Executive Officer the power to negotiate and agree to such changes to the draft consent determinations referred to in 1 of this resolution, as required to enable the Federal Court to make the consent determinations, and to delegate to the Chief Executive Officer the power to authorise Council's legal representative to execute the section 87A Agreements and consent determination orders on behalf of Council.

In Favour: Acting Mayor Robert Radel, Cr Leslie Hotz, Cr Susan Payne, Cr Dael Giddins and Cr Michael Dingle

Against: Nil

CARRIED 5/0

202201_1 Item 10.4 QON

Cr Hotz queried the costs incurred to date related to Native Title claims including legal fees and staff costs. Through the Chair, Susie Glasson (General Manager Corporate and Community) responded to Cr Hotz noting that the question would be taken on notice.

11 CLOSURE OF MEETING

The Meeting closed at 10.00am.

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


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CHAIRPERSON