



AGENDA

General Meeting

23 March 2022

NOTICE OF GENERAL MEETING

To: Cr Leslie Hotz (Mayor)
Cr Robert Radel (Deputy Mayor/Division 6)
Cr Melinda Jones (Division 1)
Vacant (Division 2)
Cr Susan Payne (Division 3)
Cr Dael Giddins (Division 4)
Cr Michael Dingle (Division 5)

Please be advised that the General Meeting of the North Burnett Regional Council will be held at the Monto Boardroom on Wednesday, 23 March 2022 commencing at 09:00am.

An agenda is attached for your information.

Susie Glasson
Acting Chief Executive Officer

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1 WELCOME/HOUSEKEEPING**2 APOLOGIES/LEAVE OF ABSENCE****3 MOMENT OF SILENCE AND REFLECTION**

Mayor to call for a moment of silence to pay respects to those who have passed in our region.

<i>Margorie Ward</i>	<i>Monto</i>
<i>Colin Rice</i>	<i>Eidsvold</i>
<i>Kenneth Myles</i>	<i>Monto</i>
<i>Helena Roth</i>	<i>Monto</i>
<i>Una Savage</i>	<i>Gayndah</i>

4 DEPUTATIONS/PETITIONS

Council will make time available at each General Meeting for public questions/representations. This is an opportunity for members of the public to make a representation on a matter in which they have an interest on an item which is before the Council for decision e.g. development applications.

Members of the public are encouraged to contact the Mayor and apply in writing to the CEO not less than seven (7) business days before the meeting, if they are wanting to address Council.

Public Question and Statements Time will commence at 9:30am.

Mr Chris Righetti, Director of Greenleaf Renewables will be attending the meeting at 9.30am to introduce Greenleaf Renewables and present to Council regarding a proposed Wind Farm project, located approximately 4km south east of Didcot and 11km west of Biggenden.

5 DECLARATIONS OF INTEREST

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE GENERAL MEETING HELD ON 23 FEBRUARY 2022

Doc Id: 1087782

Author: Kat Bright, Executive Assistant To The CEO And Mayor

Authoriser: Susie Glasson, Acting CEO

Attachments: 1. Minutes of the General Meeting held on 23 February 2022

OFFICERS RECOMMENDATION

That the Minutes of the General Meeting held on 23 February 2022 be confirmed.

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE EIDSVOLD BOARDROOM
ON WEDNESDAY, 23 FEBRUARY 2022 AT 09:00AM**

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

OFFICERS: Susie Glasson (Acting Chief Executive Officer), Randall Percy (General Manager Works), Desiree Tomas (Acting General Manager Corporate and Community), Jason Erbacher (Strategic Projects Manager), Kat Bright (Senior Executive Assistant to the CEO and Mayor), Carl Bacon (Civil Works Manager)

1 WELCOME/HOUSEKEEPING

The Mayor declared the meeting open at 9.01am and welcomed all attendees.

2 APOLOGIES/LEAVE OF ABSENCE

An apology had been received from Ray Burton PSM (Interim CEO) due to illness.

3 MOMENT OF SILENCE AND REFLECTION

The Mayor called for a moment of silence to pay respects to those who have passed in our region.

<i>Eric Cocking</i>	<i>Coalstoun Lakes</i>
<i>Mary Rice</i>	<i>Eidsvold</i>
<i>Phyllis Hiscock</i>	<i>Monto</i>
<i>Barabra Roebuck</i>	<i>Mt Perry</i>
<i>Glenn Just</i>	<i>Degilbo</i>
<i>Cameron Hamilton</i>	<i>Eidsvold</i>
<i>Ruby Tincknell</i>	<i>Degilbo</i>
<i>Neil Milne</i>	<i>Monto</i>
<i>Gweneth Heitmann</i>	<i>Gayndah</i>

4 DEPUTATIONS/PETITIONS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE GENERAL MEETING HELD ON 27 JANUARY 2022

OFFICERS RECOMMENDATION

That the Minutes of the General Meeting held on 27 January 2022 be confirmed.

Moved: Cr Radel

Seconded: Cr Dingle

RESOLUTION 2022/21

That the Minutes of the General Meeting held on 27 January 2022 be confirmed.

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

Against: Nil

CARRIED 6/0

UNCONFIRMED

7 OFFICE OF THE CHIEF EXECUTIVE OFFICER**7.1 REIMBURSEMENT AND PROVISION OF FACILITIES MAYOR AND COUNCILLORS - STATUTORY POLICY****OFFICERS RECOMMENDATION**

That Council adopt:

1. Statutory Policy – Reimbursement and Provision of Facilities Mayor and Councillors.
2. Procedure – Reimbursement and Provision of Facilities Mayor and Councillors.

Moved: Cr Dingle

Seconded: Cr Giddins

RESOLUTION 2022/22

That Council adopt:

1. Statutory Policy – Reimbursement and Provision of Facilities Mayor and Councillors.
2. Procedure – Reimbursement and Provision of Facilities Mayor and Councillors.

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

Against: Cr Melinda Jones

CARRIED 5/1

8 CORPORATE AND COMMUNITY

8.1 FINANCE REPORT TO 31 JANUARY 2022

OFFICERS RECOMMENDATION

That in accordance with section 204 *Local Government Regulation 2012 (Qld)*, Council receives the Finance Report for the period ended 31 January 2022.

Moved: Cr Giddins
Seconded: Cr Radel

RESOLUTION 2022/23

That in accordance with section 204 *Local Government Regulation 2012 (Qld)*, Council receives the Finance Report for the period ended 31 January 2022.

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

Against: Nil

CARRIED 6/0

9 WORKS

9.1 REVISED ROAD MAINTENANCE PROGRAM UPDATE - OCTOBER TO DECEMBER 2021

OFFICERS RECOMMENDATION

That Council receives the Revised Road Maintenance Program Update – October to December 2021 report as presented.

Moved: Cr Radel
Seconded: Cr Dingle

RESOLUTION 2022/24

That Council receives the Revised Road Maintenance Program Update – October to December 2021 report as presented.

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

Against: Nil

CARRIED 6/0

10 COUNCILLOR REPORTS

Nil

UNCONFIRMED

11 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*:

{ TC "10.1 Write-Off of Debtors Invoices" \2 }11.1 Write-Off of Debtors Invoices

This matter is considered to be confidential under Section 275(1)(h) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with 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.

{ TC "10.2 Sale of Land for Overdue Rates and Charges" \2 }11.2 Sale of Land for Overdue Rates and Charges

This matter is considered to be confidential under Section 275(1)(f) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving the local government.

{ TC "10.3 North Burnett Landcare Group Inc" \2 }11.3 North Burnett Landcare Group Inc

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.

Moved: Cr Radel

Seconded: Cr Giddins

RESOLUTION 2022/25

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:

11.1 Write-Off of Debtors Invoices

This matter is considered to be confidential under Section 275(1)(h) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with 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.

11.2 Sale of Land for Overdue Rates and Charges

This matter is considered to be confidential under Section 275(1)(f) of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving the local government.

11.3 North Burnett Landcare Group Inc

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.

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

Against: Nil

CARRIED 6/0

THE MEETING MOVED INTO A CLOSED SESSION AT 9.25AM.

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

Attendance: Carl Bacon (Civil Works Manager) left the meeting at 9.27am.

Attendance: Camille Summers (Revenue Stream Leader) joined the meeting at 9.46am.

Attendance: Camille Summers (Revenue Stream Leader) left the meeting at 10.00am.

OFFICERS RECOMMENDATION

That Council moves out of Closed Session into Open Session.

Moved: Cr Giddins
Seconded: Cr Radel

RESOLUTION 2022/26

That Council moves out of Closed Session into Open Session.

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

Against: Nil

CARRIED 6/0

THE MEETING MOVED BACK INTO AN OPEN SESSION AT 10.14am.

11.1 WRITE-OFF OF DEBTORS INVOICES**OFFICERS RECOMMENDATION**

1. That Council receives and notes the information within the report.
2. That Council write off the debt for the 14 debtors detailed in the report totalling \$6,368.77 as the debts are not recoverable.

Moved: Cr Payne
Seconded: Cr Giddins

RESOLUTION 2022/27

1. That Council receives and notes the information within the report.
2. That Council write off the debt for the 14 debtors detailed in the report totalling \$6,368.77 as the debts are not recoverable.

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

Against: Nil

CARRIED 6/0

11.2 SALE OF LAND FOR OVERDUE RATES AND CHARGES**OFFICERS RECOMMENDATION**

1. That Council receives and notes the information within the report.
2. That Council:
 - (a) Pursuant to section 140(2) of the Local Government Regulation 2012 sell the land described in the attached "*Schedule 1 – NBRC – Sale of Land List for Resolution Council Meeting 23 February 2022*" for overdue rates and charges; and
 - (b) 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 avoidance of doubt, the power to end sale procedures).

Moved: Cr Dingle
Seconded: Cr Radel

RESOLUTION 2022/28

1. That Council receives and notes the information within the report.
2. That Council:
 - (a) Pursuant to section 140(2) of the Local Government Regulation 2012 sell the land described in the attached "*Schedule 1 – NBRC – Sale of Land List for Resolution Council Meeting 23 February 2022*" for overdue rates and charges; and
 - (b) 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 avoidance of doubt, the power to end sale procedures).

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

Against: Nil

CARRIED 6/0

11.3 NORTH BURNETT LANDCARE GROUP INC

OFFICERS RECOMMENDATION

That Council:

1. Note the contents of this report.
2. Authorise the Chief Executive Officer to negotiate and finalise a Trustee Lease to North Burnett Landcare Group Inc on terms consistent with the Reserve purpose of "Public Halls" and the Land Act, including terms to ensure broad community access, with a lease term until 30 June 2033 for Lot 1 M74755.
3. In the event, that after negotiations with North Burnett Landcare Group Inc that they do not wish to proceed with a new lease, resolve to relinquish Trusteeship of Reserve for Public Halls being Lot 1 M74755.
4. Resolve to offer no objections to any application by North Burnett Landcare Group Inc to purchase or apply for Trusteeship of Reserve for Public Halls being Lot 1 M74755.
5. Resolve to offer no objections to any application by North Burnett Landcare Group Inc to purchase or apply for Trusteeship of Reserve for Park being Lot 2 M74755.
6. Resolve to offer no objections to any application by North Burnett Landcare Group Inc to purchase or apply for Trusteeship of current Unallocated State Land being Lots 3 & 4 M74755.
7. Resolve to relinquish Trusteeship of Reserve for Park being Lot 2 M74755.
8. Resolve to cease to supply North Burnett Landcare Group Inc with any no cost allocation of water effective, 01 March 2022.
9. Resolve that from 01 March 2022, that North Burnett Landcare Group Inc be charged full water access and consumption charges pursuant to Council's adopted Revenue Statement.
10. Authorise the Chief Executive Officer to request a report from North Burnett Landcare Group Inc with regards to the progress off the Wetlands Project, on current leases over Lot 2 RP153207 and Lot 7 SP155908, and take any actions deemed appropriate.

Moved: Cr Radel

Seconded: Cr Dingle

RESOLUTION 2022/29

That Council:

1. Note the contents of this report.
2. Authorise the Chief Executive Officer to negotiate and finalise a Trustee Lease to North Burnett Landcare Group Inc on terms consistent with the Reserve purpose of "Public Halls" and the Land Act, including terms to ensure broad community access, with a lease term until 30 June 2033 for Lot 1 M74755.
3. In the event, that after negotiations with North Burnett Landcare Group Inc that they do not wish to proceed with a new lease, resolve to relinquish Trusteeship of Reserve for Public Halls being Lot 1 M74755.
4. Resolve to offer no objections to any application by North Burnett Landcare Group Inc to purchase or apply for Trusteeship of Reserve for Public Halls being Lot 1 M74755.
5. Resolve to offer no objections to any application by North Burnett Landcare Group Inc to purchase or apply for Trusteeship of Reserve for Park being Lot 2 M74755.
6. Resolve to offer no objections to any application by North Burnett Landcare Group Inc to purchase or apply for Trusteeship of current Unallocated State Land being Lots 3 & 4 M74755.

7. Resolve to relinquish Trusteeship of Reserve for Park being Lot 2 M74755.
8. Resolve to cease to supply North Burnett Landcare Group Inc with any no cost allocation of water effective, 01 March 2022.
9. Resolve that from 01 March 2022, that North Burnett Landcare Group Inc be charged full water access and consumption charges pursuant to Council's adopted Revenue Statement.
10. Authorise the Chief Executive Officer to request a report from North Burnett Landcare Group Inc with regards to the progress of the Wetlands Project, on current leases over Lot 2 RP153207 and Lot 7 SP155908, and take any actions deemed appropriate. This report is to be presented at a Councillor Information Workshop.

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

Against: Nil

CARRIED 6/0

12 CLOSURE OF MEETING

The Meeting closed at 10.16am.

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

.....
CHAIRPERSON

7 OFFICE OF THE CHIEF EXECUTIVE OFFICER

7.1 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY AND CHANGE TO JUNE 2022 COUNCIL GENERAL MEETING DATE

Doc Id: 1083758

Author: Kat Bright, Executive Assistant To The CEO And Mayor
Michael Cartwright, Governance Policy and Risk Advisor
Jason Erbacher, Strategic Projects Manager

Authoriser: Susie Glasson, General Manager Corporate and Community

Attachments: Nil

EXECUTIVE SUMMARY

The Australian Local Government Association (the 'ALGA') is hosting the National General Assembly (the 'NGA') 2022 in Canberra 19 – 22 June 2022. The NGA is the peak annual event for Local Government, attracting in excess of 800 Mayors and Councillors each year. The event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of Councils and their communities.

This year's event conflicts with Council's Ordinary Meeting scheduled to be held on Wednesday 23 June 2022. This report seeks Council endorsement to change the date of this meeting to allow the Mayor and delegates to attend the ALGA NGA.

The NGA also provides a platform for advocacy on Council's reduction in Financial Assistance Grants funding. Motions can be submitted by Friday 25 March 2022. This report seeks any Council motions to be endorsed prior to formally submitting them.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

1. *Essential Service Delivery – Getting the basics right*

OFFICERS RECOMMENDATION

That Council, in accordance with the provisions of section 254B(4) of the *Local Government Regulation 2012*:

1. Change the scheduled Ordinary Meeting of Council from Wednesday 22 June 2022, to Wednesday 29 June 2022; and
2. That the Ordinary Meeting of Council will be held in the Council Boardroom, 34 Capper Street, Gayndah, QLD 4625, commencing at 9.00am.

That Council, in accordance with Statutory Policy Reimbursement and Provision of Facilities for Mayor and Councillors:

1. Appoint the Mayor, Deputy Mayor and CEO or Interim/Acting CEO or delegate as representatives to attend the Australian Local Government Association (the 'ALGA') National General Assembly (the 'NGA') 2022 in Canberra 19-22 June 2022.

That Council:

1. Move the following motions at the Australian Local Government Association (the 'ALGA') National General Assembly (the 'NGA') 2022 in Canberra 19-22 June 2022 as follows:
 - a. This National General Assembly calls on the Australian Government to restore untied Local Government Financial Assistance Grants to a level equal to at least 1%

- of Commonwealth taxation revenue and distribute funds more equitably across Local Government communities who have limited capacity to raise or increase own source revenue outside current rating streams.
- b. This National General Assembly calls on the Australian Government to provide Local Government communities classified as rural or remote who have limited capacity to raise or increase own source revenue outside current rating streams to have access to Federal grant funding with a co-contribution of 10% or less for capital works projects including planning/scoping of these works.
 - c. This National General Assembly calls on the Australian Government to take action on the National Housing and Homelessness Agreement in line with the endorsed national principles and priorities in partnership with the State Governments.

REPORT

ALGA is the peak body for local government at the national level and advocates for local government's interests with the Commonwealth Government. Council representation at the event can ensure that local government priority areas are considered. These priorities include:

- Financial Sustainability
- Roads and Infrastructure Funding
- Waste Reduction and Recycling
- Stronger Community Resilience
- Risks of Climate Change

Of all the meetings elected members attend, Ordinary Council Meetings are arguably the most important. Due to a conflict of the event dates and the holding of the Ordinary Meeting of Council, it is suggested that the Ordinary Meeting be moved so as to maintain an effective contribution to and representation at meetings by elected members which improves the quality of Council decisions.

The *Local Government Regulation 2012* establishes the requirements for Local Government meetings generally:

- a) A local government must meet at least once in each month (s.257(1));
- b) Must meet at 1 of the local government's public offices; or for a particular meeting—at another place fixed by the local government, by resolution, for the meeting. (s.257(3));
- c) Must, at least once in each year, publish a notice of the days and times when— (a) its ordinary meetings will be held (s.254B(1));
- d) The notice must be published on the local government's website, and in other ways the local government considers appropriate (s.254B(2));
- e) A local government must display in a conspicuous place in its public office a notice of the days and times when its meetings will be held.

Notwithstanding the requirements above, a local government must, as soon as practicable, notify any change to the days and times of the meeting in the same way as the days and times were previously notified (s.254B(4)).

As outlined in Statutory Policy Reimbursement and Provision of Facilities for Mayor and Councillors, the Mayor attends the ALGA Conference as the primary Delegate. The Mayor may be accompanied by the Deputy Mayor or other councillors. The Council may also appoint other delegates and/or attendees to attend the conference.

This event provides a platform for Council to seek change at the federal government policy level. Motions are to be in line with the theme of the 2022 NGA being *Partners in Progress*.

The NGA aims to focus on how partnerships, particularly between the Australian Government and Local Governments, can tackle immediate challenges facing communities as well as confidently facing the future.

In submitting motion/s, Councils are encouraged to focus on how partnership can address national issues at the local level, and new ways the Australia Government could partner to strengthen the local government sector to advance community well-being, local economic development, create jobs, address environmental challenges, climate change and complex social issues such as housing affordability. Motions must meet the following criteria:

1. be relevant to the work of local government nationally not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic importance and should be discussed at a national conference
2. be consistent with the themes of the NGA
3. complement or build on the policy objectives of your state and territory local government association
2. be submitted by a council which is a financial member of their state or territory local government association
4. propose a clear action and outcome i.e. call on the Australian Government to do something; and
3. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

The motions recommended have been workshopped with councillors and LGAQ. These motions would need to be championed by Council representatives at the NGA. A joint motion on Federal Assistant Grants may be placed in partnership with other Councils, in line with the motion endorsed by NBRC at their general meeting.

CONSULTATION

Executive Management Team and Councillors.

RISK IMPLICATIONS

Reputation / Political

Council meetings are of direct relevance to ratepayers and the community. Meetings must be programmed and held in accordance with legislative and statutory compliance.

Occupational Health & Safety (WHS)

NA

Financial Impact

Council maintains a low-risk appetite for decisions that have a significant negative impact on Council's long-term financial sustainability. A change to Council's meeting date will have no material impact on Council's financial position.

Attendance at the ALGA NGA has been budgeted for.

Legal & Regulatory

Council maintains a low-risk appetite for non-compliance with legal and regulatory requirements.

Environmental

NA

Property & Infrastructure

NA

Human Resources

NA

Information Communications Technology

NA

Service Delivery

NA

Climate

NA

KEY MESSAGE

The ALGA National Assembly is the platform for NBRC to advocate for change at the Federal policy level. NBRC is fighting a prosperous future for generations in our region and funding and action from the Federal Government level is essential in delivering quality assets and services to our community in the long-term.

8 CORPORATE AND COMMUNITY

8.1 FINANCE REPORT TO 28 FEBRUARY 2022

Doc Id: 1087407

Author: Michelle A. Burns, Senior Accountant
Owen Jensen, Financial Services Manager

Authoriser: Susie Glasson, Acting CEO

Attachments: 1. Finance Report - February 2022 .pdf [1087617]

EXECUTIVE SUMMARY

This report provides a summary of Council's financial performance against budget for the financial year to 28 February 2022.

CORPORATE PLAN

OUR VISION: By 2030, the North Burnett will be a region of choice for people to live, work and play:

OUR ROLE:

A Provider

OUR PRIORITY AREAS:

5. *Our efficient and effective council*

OFFICERS RECOMMENDATION

That in accordance with section 204 *Local Government Regulation 2012 (Qld)*, Council receives the Finance Report for the period ended 28 February 2022.

REPORT

The monthly financial report includes a Statement of Financial Performance, Statement of Financial Position and Rates Debtor Analysis. Exception reporting is noted within the reports comparing actual performance against budget. Key highlights as at the end of February 2022 include:

- Rates, Levies and Charges recorded in February 2022 totalling \$18,379m, are slightly lower than budget year-to-date; this is mainly a result of water consumption being reduced due to seasonal rains.
- Capital grants had been received for Regional Airports Program Round 2 of \$554,500
- Capital grants had been received for Works for QLD 2019-21 Parks of \$163,000
- Capital grants had been received for Works for QLD 2020-21 COVID of \$560,000
- Capital grants had been received for Local Roads & Community Infrastructure Program of \$756,453
- Capital grants had been received for TIDs for \$176,589
- Materials and Services – The increase in Materials & Services relate to additional recoverable works which was above budget. This increase in expenditure is to be offset by an increase in income over budget. For example:
 1. RPC Costs – M&S over the forecasted expenditure by \$826k &
 2. RMPC Cost – M&S over the forecasted expenditure by \$585k.
- Plant utilisation rates have been analysed and reviewed, and this will be monitored closely through 2021/22 to ensure optimal plant usage.

- Depreciation will be reviewed throughout 2021/22 as revaluations are prepared for the asset classes of roads, bridges, drainage, runways and carparks, and the water and sewer infrastructure network. Due to this ongoing work, the depreciation is currently being recorded at \$588,000 above budget and this has resulted in the overall YTD expenses also being above budget. It is anticipated that this will be corrected throughout 2021/22, as the depreciation review continues.

CONSULTATION

Report prepared with input from internal budget holders.

RISK IMPLICATIONS**Reputation / Political**

Low risk if expenditure deviates slightly from budget or project delivery schedule.

Financial Impact

Low risk as expenditure in line with budget. The report highlights the need for continuing to closely monitor expenditure and incorporate efficiencies into operations.

KEY MESSAGE

Council is presenting this monthly financial report to provide information on the financial performance against budget and to comply with legislative requirements.

FINANCIAL PERFORMANCE (as at February 2022)

Areas to note

Overall, Council reported a YTD actual net operating loss before capital grants and contributions as at 28 February 2022 which is currently \$92,000 higher than predicted. The net difference is comprised of revenue higher than budget by \$1,636,000, and operating expenses above budget of \$1,728,000.

Operating Revenue

- Rates, levies and charges revenue is slightly lower than budget by 395,072 as *Discounts* have increased by \$104,424, *General Rates* has decreased to budget by 76,891, *Water Consumption* has decreased by \$189,726, which would relate to better seasonal rains this year to date leading to lower water consumption. *Waste Management* has decreased by \$30,862, *Water* has decreased by \$6,550, *Sewerage* has decreased by \$4,322, to budget and *Natural Resource Management Levy* is higher than budget by \$10,409 & *Other Levies - Mt Perry Special Levy* is higher than budget by \$7,294.
- Fees and Charges have increased in February by \$222,016 due to additional *Building and Development Fees* of \$55,632, *Other Fees and Charges* have increased by \$124,037 mainly due to aviation fuel sales, rates search fees and showgrounds fees for camping. *Trade Waste & Recycling* revenue has increased by \$56,780 mainly relating to the Mundubbera and Gayndah waste sites and recycling at Gayndah and Biggenden. *Water and Sewer Fees* have increased by \$44,058. Whereas *Caravan Park Takings* are below budget by \$30,354, *Licences and Registrations* have reduced by \$17,649 and *Community Service Fees* are below budget by \$10,488.
- Interest received is lower than anticipated due to timing from term deposits.
- Other Income is above budget by \$23,685. This is mainly relating to *State Waste Levy* being above budget by \$37,194, *Waste - Regionwide Income* from drum musters & wheelie bin hire is above budget by \$8,230, *Washdown Bays* in Eidsvold and Monto are above budget by \$4,808. Whereas *Centrelink Revenue* is below budget by \$21,500, *Reginald Murray Williams Centre Sales* is below budget by \$3,247 and *Bus revenue* is slightly lower than budget.
- Recurrent Grants, subsidies, contributions, and donations is above budget by \$175,693 which mainly relates to the General component of the Financial Assistant Grants.
- Rental Income has decreased from budget by \$13,020 mainly which relates to Council rental facilities.
- Sales revenue has increased from budget by \$1,680,711, which is mainly relating to RPC and RMPC received being higher than budget forecasts. This also includes the emergent works associated with the repairs to road infrastructure following the damage caused by ex-tropical cyclone Seth.

Operating Expenditure

- Materials and Services are above budget by \$1,569,478 which is due to stabilisation works at Biggenden and Isis Highway which in turn has led to increased income. Also affecting this budget increase is a result of emergency works being undertaken with recent rain events, including ex-tropical cyclone Seth. Plant utilisation rates have been analysed and reviewed and this will continue to be monitored throughout 2021-22 to ensure optimal plant usage.

Capital revenue and expenses

- Capital Revenue is on par with budget.

YTD FY2022

	Actual \$000	Budget \$000	Variance \$000	%	Impact on net result
Recurrent Revenue					
Rates, levies and charges	18,379	18,774	(395)	(2%)	
Fees and charges	1,020	798	222	28%	▲
Interest Received	168	226	(58)	(26%)	▼
Other Income	740	717	24	3%	
Recurrent Grants, subsidies, contributions and donations	5,342	5,167	176	3%	
Rental Income	211	224	(13)	(6%)	
Sales Revenue	3,584	1,903	1,681	88%	▲
Total Operating Revenue	29,445	27,808	1,636	6%	
Recurrent Expenses					
Employee Benefits	(9,561)	(9,978)	417	4%	
Materials & Services	(10,978)	(9,408)	(1,569)	(17%)	▼
Depreciation	(9,761)	(9,173)	(588)	(6%)	
Finance Costs	(57)	(69)	13	18%	▲
Total Operating Expense	(30,356)	(28,628)	(1,728)	(6%)	
Operating Profit / (Loss)	(912)	(820)	(92)		
Capital Revenue and Expenses					
Capital Revenue	2,211	2,211	0	0%	
Capital Expenses	0	0	0	0%	
Net Capital Income Gain / (Loss)	2,211	2,211	0	0%	
Net Result	1,299	1,391	(92)	(7%)	

Legend:
■ favourable movement
■ unfavourable movement

FINANCIAL POSITION (as at February 2022)

	YTD FY2022	FY FY2022
	<i>Actual</i>	<i>Budget</i>
	<i>\$000</i>	<i>\$000</i>
Current Assets		
Cash and cash equivalents	23,067	24,046
Inventories	524	550
Trade and other receivables	13,247	2,050
	36,839	26,646
Non-Current Assets		
Property, plant and equipment	1,076,103	1,079,310
	1,076,103	1,079,310
Total Assets	1,112,942	1,105,956
Current Liabilities		
Current Borrowings QTC	(128)	(156)
Other Current Liabilities	(4,261)	(3,800)
Current Provisions	(1,454)	(2,455)
Trade and other payables	(2,625)	(1,900)
	(8,468)	(8,311)
Non Current Liabilities		
Borrowings Non Current	(1,825)	(1,665)
Provisions Non Current	(12,469)	(11,367)
	(14,294)	(13,032)
Total Liabilities	(22,762)	(21,343)
Net Community Assets	1,090,180	1,084,613
Community Equity		
Asset revaluation reserve	(345,134)	(341,632)
Retained surplus/(deficiency)	(745,046)	(742,981)
Total Community Equity	(1,090,180)	(1,084,613)

Areas to note

Assets

- YTD Cash and cash equivalents have increased from 31 January 2022 to 28 February 2022 by \$679,000. This is to be expected with rates being issued earlier this month.
- Trade and other receivables have decreased from 31 January 2022 to 28 February 2022 by \$1,686,000. This is due to rates, levies and charges being paid before the discount period ends and date due on 11 March 2022.

Liabilities

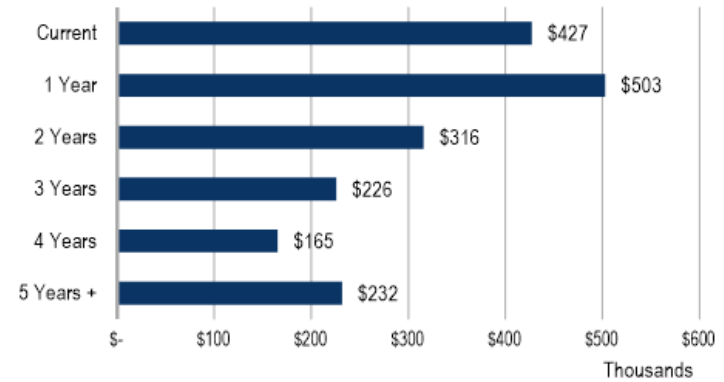
- Current Liabilities have increased from 31 January 2022 to 28 February 2022 by \$839,000. This is mainly due to emergency works regarding ex-tropical cyclone Seth and January flood event.

RATES OVERDUE (as at February 2022)

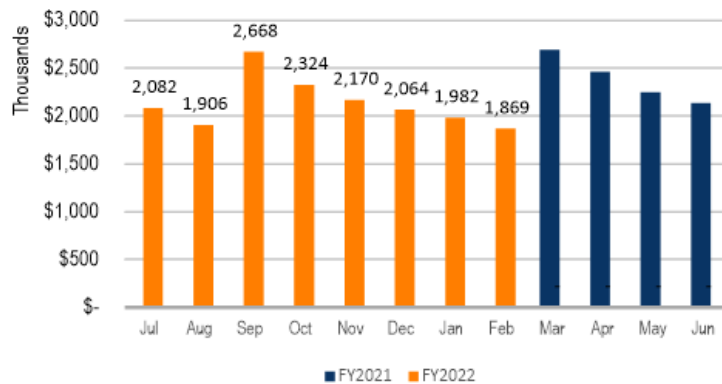
Areas to note

- In February 2022, the rates overdue decreased from January 2022. This decline has been a reduction from January 2022 (\$1,981,890) to February 2022 (\$1,868,872) of \$113,018.
- In February 2022, the rates overdue balance decreased by -5.7% compared to the previous month.
- Approximately 49.77% of rates overdue as at 28 February 22 are less than one year overdue.

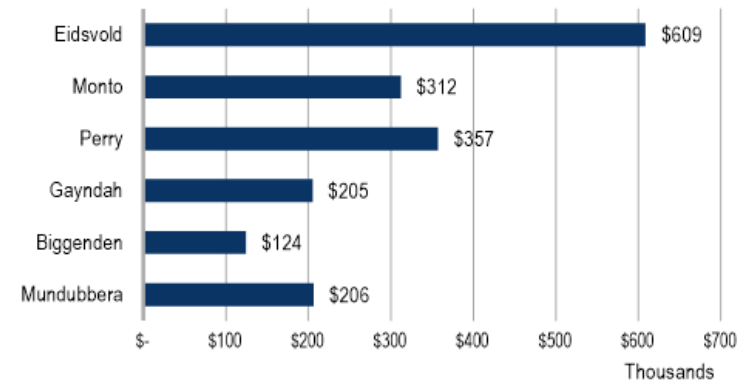
Overdue rates by age



Overdue rates balance



Overdue rates by location



8.2 COMBUSTIBLE CLADDING – REQUEST FOR AUTHORITY FROM NBRC TO QBCC TO PROSECUTE

Doc Id: 1089880

Author: Shane Anderson, Planning and Environment Manager

Authoriser: Susie Glasson, Acting CEO

Attachments: 1. QBCC - Request for authority from NBRC to QBCC to proecute - Combustible Cladding.pdf [1089905]

EXECUTIVE SUMMARY

Council has been requested to authorise the Queensland Building and Construction Commission (QBCC) to prosecute offences under s16X(1) of the Building Regulation 2006.

CORPORATE PLAN

OUR VISION: A prosperous future for generations built on a solid foundation of customer focused, efficient and effective service delivery.

OUR PRIORITY AREAS:

2. *Sustainable Communities – to retain population and attract investment*

OFFICERS RECOMMENDATION

That Council authorises the Commissioner of the QBCC to make complaints under the Justices Act 1886 in relation to breaches of s16X(1) of the Building Regulation 2006.

REPORT

Council has received correspondence (attachment 1) from the Queensland Building and Construction Commission (QBCC). The correspondence confirms amendments to the Building Regulation 2006 (via the insertion of a new Part 4a) were introduced requiring owners of particular private buildings to undertake an assessment of the material used on the external walls of their building in a 3-part process. The amendments were introduced in response to risks posed to building occupants and emergency personnel caused by combustible materials applied in cladding to the external walls of many buildings in the State.

QBCC is responsible for administering and regulating the obligations of owners of private buildings that have combustible cladding forming part of an external wall or other external part of the building.

Owners of identified building were required to give 3 documents to the QBCC by May 2021, namely a combustible cladding checklist (part 3), a building fire safety risk assessment, and a fire engineer statement.

A number of private building owners throughout Queensland (including owners in the North Burnett Regional Council area) have failed to comply with their obligations, and QBCC plans to prosecute them. Unfortunately, the prosecution power in s256(2) of the Building Act 1975 does not contemplate offences against Part4a of the Building Regulation 2006.

There is provision in s256(2) (k) for an offence other than those specifically mentioned in 2256(2) (a) –(j), a local government or a person authorised by a local government may make complaint under the Justices Act 1886.

QBCC plans to launch multiple summary prosecutions under the Justices Act 1886 for breaches of s16X (1). To do so The QBCC is requesting that pursuant to s256(2) (k) of the Building Act 1975, Council authorise the Commissioner of the QBCC to make complaints under the Justice Act in relation to breaches of s16X(1) of the Building Regulation 2006.

CONSULTATION

There has been no consultation undertaken in relation to the request from QBCC. The following is an extract from the documentation received by Council from the QBCC:

There is very little time left to commence prosecutions because s256(1) of the Building Act sets a limitation period of 12 months after the commission of the offence or 6 months after the offence comes to the knowledge of the complainant, whichever is the later to expire. If the QBCC is authorised by Council to be the complainant, then the period expiring 6 months after the offence came to the knowledge of the QBCC arguably began on 4 May 2021, being the day after the compliance period ended on 3 May 2021. Consequently, the 6 month period would have expired in November 2021. Accordingly, the actual limitation period will expire on the later date of 3 May 2022, being 12 months after the commission of the offence.

RISK IMPLICATIONS

Reputation / Political

Nil, if Council endorses the recommendation.

Occupational Health & Safety (WHS)

Diminished if Council endorses the recommendation.

Financial Impact

Nil, all costs associated with prosecutions will be met by the QBCC.

Legal & Regulatory

Nil.

Environmental

There may be some requirement for disposal of materials at Council managed waste facilities. This will more than likely be on a case-by-case basis with the new fees and charges allowing Waste Services to negotiate acceptance of waste streams and charges where applicable.

Property & Infrastructure

Not expected to affect Council properties

Human Resources

Nil.

Information Communications Technology

Nil, all media will be handled by QBCC.

Service Delivery

Nil.

Climate

Nil.

KEY MESSAGE

Endorsing the recommendation will assist the QBCC to ensure the safety of Queenslanders from the dangers of combustible cladding.



Contact: **John Miles**
Office: **Brisbane**
Telephone: **07 3226 9420**

16 March 2022

Chief Executive Officer
Mr Ray Burton
North Burnett Regional Council
PO Box 390
Gayndah QLD 4625

By email: ray.burton@northburnett.qld.gov.au

Dear Mr Burton

COMBUSTIBLE CLADDING – REQUEST FOR AUTHORITY FROM NORTH BURNETT REGIONAL COUNCIL TO QBCC TO PROSECUTE

Request

I am writing to formally request that the North Burnett Regional Council authorise the Queensland Building and Construction Commission (QBCC) to prosecute offences committed under s16X(1) of the *Building Regulation 2006*.

Background

In 2018, in response to the risks posed to building occupants and emergency personnel caused by combustible materials in the cladding applied to the external walls of many buildings in the State, the Queensland Government introduced amendments to the *Building Regulation 2006* (via the insertion of a new Part 4A). The amendments required owners of particular private buildings to undertake an assessment of the material used on the external walls of their building in a 3 part process.

Under the [Safer Buildings Queensland](#) program and [Part 4A of the Regulation](#), the QBCC has been responsible for administering and regulating the obligations of owners of private buildings that have combustible cladding forming part of an external wall or other external part of the building. Of particular importance in relation to this request is s16X of Part 4A of the *Regulation*.

Sections 16X(1) and (7) required the owner of a private building identified in s16V to give 3 documents to the QBCC by 3 May 2021, namely, a combustible cladding checklist (part 3), a building fire safety risk assessment, and a fire engineer statement. A failure by an owner to comply with s16X(1) attracts a maximum penalty of 165 penalty units. Further (and importantly, from a public safety perspective) the court has the power pursuant to [s16ZL of the Regulation](#) to order a building owner convicted of an offence against s16X(1) to obtain a building fire safety risk assessment and a fire engineer statement and provide those 2 documents to the QBCC in the approved way.

A number of private building owners throughout Queensland have failed to comply with their obligations under s16X(1) and the QBCC plans to prosecute them. Unfortunately, the prosecution power in [s256\(2\) of the Building Act 1975](#) does not contemplate offences against Part4A of the *Building Regulation 2006*. However, a catch-all provision in s256(2)(k) provides that, for an offence other than those specifically mentioned in s256(2)(a)-(j), a local government or a person authorised by a local government may make a complaint under the *Justices Act 1886*.

Authority from North Burnett Regional Council to QBCC to Prosecute

The QBCC plans to launch multiple summary prosecutions under the *Justices Act* 1886 for breaches of s16X(1). To do so, it requires the authorisation of each local government where a relevant *private building* as defined in s16O is located. Some owners of relevant private buildings in your local government area have failed to comply with their obligations under s16X(1).

Accordingly, in order for the QBCC to discharge its statutory functions, and to ensure the safety of Queenslanders from the dangers of combustible cladding, I hereby request that, pursuant to s256(2)(k) of the *Building Act* 1975, Council authorise the Commissioner of the QBCC to make complaints under the *Justices Act* in relation to breaches of s16X(1) of the *Building Regulation* 2006.

I seek a general authority from Council to prosecute breaches of s16X(1) rather than a specific authority relating to each private owner of a relevant private building. That is because there are several hundred relevant private buildings throughout the State and seeking specific authorities would be time consuming (strict time limits apply – see below) and a significant strain on the resources of both Council and the QBCC.

Time Limit to Commence Prosecution – 3 May 2022

There is very little time left to commence prosecutions because s256(1) of the *Building Act* sets a limitation period of 12 months after the commission of the offence or 6 months after the offence comes to the knowledge of the complainant, whichever is the later to expire. If the QBCC is authorised by Council to be the complainant, then the period expiring 6 months after the offence came to the knowledge of the QBCC arguably began on 4 May 2021, being the day after the compliance period ended on 3 May 2021. Consequently, the 6 month period would have expired in November 2021. Accordingly, the actual **limitation period will expire on the later date of 3 May 2022**, being 12 months after the commission of the offence.

Resolution of Council

I have been informed by the Chief Legal Officer of the QBCC that authority to prosecute may require a resolution passed at a sitting of Council. Given the impending expiration of the limitation period to commence prosecutions, I would be grateful if Council would give this request its urgent attention.

Costs and Media

All costs associated with the prosecutions will be met by the QBCC. Council will not be required to contribute to the costs of the prosecution, nor will Council be exposed to a costs order because the complaints under the *Justices Act* will be brought in the name of the QBCC. Further, any media statements will make it clear that the prosecutions are being brought by the QBCC.

Should you require any further information, please do not hesitate to contact me by email QBCC.LegalBranch@qbcc.qld.gov.au.

Yours faithfully



Anissa Levy
Commissioner
Queensland Building and Construction Commission

9 WORKS

Nil

10 COUNCILLOR REPORTS

Nil

11 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*:

11.1 Update - Recovery of Outstanding Rates

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

11.2 Planning Application – Material Change of Use for Intensive Animal Industry for Cattle Feedlots up to 1450SCU and Environmentally Relevant Activity-ERA 2 (1B) Intensive Animal Feedlotting > 1000SCU

This matter is considered to be confidential under Section 275(1) - 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 any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

11.3 Property Disposals - Monto Vacant Land

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

12 CLOSURE OF MEETING