



# **MINUTES**

## **General Meeting**

**27 April 2022**

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL  
GENERAL MEETING  
HELD AT THE MT PERRY BOARDROOM  
ON WEDNESDAY, 27 APRIL 2022 AT 09:00AM**

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

**OFFICERS:** Susie Glasson (Acting Chief Executive Officer), Randall Percy (General Manager Works), Skye Price (Strategic Projects Manager), Michael Cartwright (Governance Policy And Risk Advisor), Michael Wallace (Contracts And Leasing Officer) and Kat Bright (Senior Executive Assistant to the CEO and Mayor)

**1 WELCOME/HOUSEKEEPING**

The Mayor declared the meeting open at 9.02am and welcomed all attendees.

**2 APOLOGIES/LEAVE OF ABSENCE**

Nil

**3 ACKNOWLEDGEMENT OF COUNTRY**

On behalf of Council, the Mayor extended an acknowledgement of Country.

**4 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>Dorothy Wade</i>   | <i>Degilbo</i>         |
| <i>Beryl Ericksen</i> | <i>Mundubbera</i>      |
| <i>John Pattie</i>    | <i>Monto</i>           |
| <i>Marion Powell</i>  | <i>Coalstoun Lakes</i> |
| <i>Neil Murphy</i>    | <i>Monto</i>           |
| <i>Hec Kilah</i>      | <i>Monto</i>           |
| <i>Virginia West</i>  | <i>Eidsvold</i>        |
| <i>Peter Scholl</i>   | <i>Eidsvold</i>        |

**5 DEPUTATIONS/PETITIONS**

Nil

## 6 DECLARATIONS OF INTEREST

I, Cr Sue Payne inform this meeting that I have a declarable conflict of interest in relation to item 12.1 – Property Disposal – Commercial Property. The nature of my interest is as follows:

I hold and have held an Executive position for over 3.5 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 Radel

Seconded: Cr Giddins

### **RESOLUTION 2022/43**

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 12.1 – Property Disposal – Commercial Property is considered and voted on.

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

Against: Nil

**CARRIED 6/0**

## 7 CONFIRMATION OF MINUTES

### 7.1 MINUTES OF THE GENERAL MEETING HELD ON 23 MARCH 2022

#### **OFFICERS RECOMMENDATION**

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

Moved: Cr Giddins

Seconded: Cr Dingle

### **RESOLUTION 2022/44**

That the Minutes of the General Meeting held on 23 March 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**

**NOTE:** Cr Kingsley Mesner did not vote as he was not in attendance at the General Meeting held on 23 March 2022.

## 7.2 MINUTES OF THE SPECIAL MEETING HELD ON 4 APRIL 2022

### OFFICERS RECOMMENDATION

That the Minutes of the Special Meeting held on 4 April 2022 be confirmed.

Moved: Cr Giddins

Seconded: Cr Radel

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### **RESOLUTION 2022/45**

That the Minutes of the Special Meeting held on 4 April 2022 be confirmed.

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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**

**NOTE:** Cr Kingsley Mesner did not vote as he was not in attendance at the General Meeting held on 23 March 2022.

**ATTENDANCE:** Michael Cartwright (Governance, Policy and Risk Advisor) joined the meeting at 9.09am.

## 8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 8.1 STATUTORY POLICY 1176 FRAUD AND CORRUPTION PREVENTION

#### OFFICERS RECOMMENDATION

That in accordance with Section 48A of the *Crime and Corruption Act 2001*, Council adopt by resolution Statutory Policy 1176 Crime and Corruption Prevention.

Moved: Cr Radel

Seconded: Cr Dingle

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### **RESOLUTION 2022/46**

That in accordance with Section 48A of the *Crime and Corruption Act 2001*, Council adopt by resolution Statutory Policy 1176 Fraud and Corruption Prevention.

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

Against: Nil

**CARRIED 7/0**

## 8.2 CIVIC LEADERS SUMMIT JUNE 2022

### 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 29 June 2022, to Monday 27 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, Councillors and CEO or delegate as representatives to attend the Civic Leaders Summit 2022 on the Sunshine Coast 29-30 June 2022; and
2. Agree to pay for the necessary costs directly associated with representation at this event. Such expenses may include Summit registration fees, accommodation and parking.

Moved: Cr Dingle

Seconded: Cr Payne

### **RESOLUTION 2022/47**

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 29 June 2022, to Monday 27 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, Councillors and CEO or delegate as representatives to attend the Civic Leaders Summit 2022 on the Sunshine Coast 29-30 June 2022; and
2. Agree to pay for the necessary costs directly associated with representation at this event. Such expenses may include Summit registration fees, accommodation and parking.

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

Against: Nil

**CARRIED 7/0**

**ATTENDANCE:** Michael Cartwright (Governance, Policy and Risk Advisor) left the meeting at 9.18am.

**8.3 2021-2022 OPERATIONAL PLAN - Q3 PROGRESS REPORT****OFFICERS RECOMMENDATION**

That in accordance with Section 174(3) of the *Local Government Regulation 2021 (Qld)*, Council receives the 2021-22 Operational Plan – Q3 Progress Report for the period 1 January 2022 to 31 March 2022.

Moved: Cr Giddins

Seconded: Cr Radel

**RESOLUTION 2022/48**

That in accordance with Section 174(3) of the *Local Government Regulation 2021 (Qld)*, Council receives the 2021-22 Operational Plan – Q3 Progress Report for the period 1 January 2022 to 31 March 2022.

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

Against: Nil

**CARRIED 7/0**

**202204\_1 ITEM 8.3 QON**

Cr Mesner queried if Council may consider international workers with 457 visas, to fill skills gaps/ current vacancies. Through the Chair, Susie Glasson (Acting CEO), responded to Cr Mesner noting that the question would be taken on notice.

**9 CORPORATE AND COMMUNITY****9.1 FINANCE REPORT TO 31 MARCH 2022****OFFICERS RECOMMENDATION**

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

Moved: Cr Payne

Seconded: Cr Dingle

**RESOLUTION 2022/49**

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

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

Against: Nil

**CARRIED 7/0**

**NOTE:** Susie Glasson (Acting CEO), noted that a presentation on Financial Statements would be presented at an upcoming Councillor Workshop.

**10 WORKS****10.1 REVISED ROAD MAINTENANCE PROGRAM UPDATE - JANUARY TO MARCH 2022****OFFICERS RECOMMENDATION**

That Council receive the report as presented.

Moved: Cr Dingle

Seconded: Cr Giddins

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**RESOLUTION 2022/50**

That Council receive the report as presented.

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

Against: Nil

**CARRIED 7/0**

**202204\_2 ITEM 10.1 QON**

Cr Giddins queried if media communication would be circulated to community regarding Biggenden (Zone 9) being nonoperational due to the flooding events in February 2022. Through the Chair, Susie Glasson (Acting CEO), responded to Cr Giddins noting that the question would be taken on notice.

**11 COUNCILLOR REPORTS****11.1 MAYOR AND COUNCILLOR REPORTS****OFFICERS RECOMMENDATION**

That Council receives the Councillor Reports for the period 1 March 2022 to 31 March 2022.

Moved: Cr Giddins

Seconded: Cr Radel

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**RESOLUTION 2022/51**

That Council receives the Councillor Reports for the period 1 March 2022 to 31 March 2022.

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

Against: Nil

**CARRIED 7/0**



**12 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 Property Disposal - Commercial Property**

This matter is considered to be confidential under Section 254J(3)(a)-(i) - 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 negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967.

**11.2 Lease Renewal - Biggenden Depots**

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.

Moved: Cr Radel

Seconded: Cr Dingle

**RESOLUTION 2022/52**

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*:

**12.1 Property Disposal - Commercial Property**

This matter is considered to be confidential under Section 254J(3)(a)-(i) - 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 negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967.

**12.2 Lease Renewal - Biggenden Depots**

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.

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

**Against:** Nil

**CARRIED 7/0**

**THE MEETING MOVED INTO A CLOSED SESSION AT 9.43AM.**

**ATTENDANCE:** Cr Susan Payne left the meeting at 9.44am having earlier declared a conflict of interest in relation to Agenda Item 12.1 – Property Disposal – Commercial Property.

**ATTENDANCE:** Michael Wallace (Contracts and Leasing Officer) joined the meeting at 9.53am.

**ATTENDANCE:** Michael Wallace (Contracts And Leasing Officer) left the meeting at 10.01am.

**ATTENDANCE:** Cr Susan Payne returned to the meeting at 10.02am following the consideration of Agenda Item 12.1 – Property Disposal – Commercial Property.

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

#### **OFFICERS RECOMMENDATION**

That Council moves out of Closed Session into Open Session.

Moved: Cr Radel

Seconded: Cr Giddins

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#### **RESOLUTION 2022/53**

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, Cr Melinda Jones and Cr Kingsley Mesner

Against: Nil

**CARRIED 7/0**

#### **THE MEETING MOVED BACK INTO AN OPEN SESSION AT 10.13AM.**

**ATTENDANCE:** Cr Susan Payne left the meeting at 10.13am having earlier declared a conflict of interest in relation to Agenda Item 12.1 – Property Disposal – Commercial Property.

**12.1 PROPERTY DISPOSAL - COMMERCIAL PROPERTY****OFFICERS RECOMMENDATION**

It is recommended that Council:

1. Note the contents of this report.
2. Resolves to apply the Section 5(1)(b)(i) of the Acquisition of Land Act 1967 over Lot 26 on SP104864 to create an additional lot for the authorised purpose of "Parks".

Moved: Cr Giddins

Seconded: Cr Radel

**RESOLUTION 2022/54**

That Council:

1. Note the contents of this report.
2. Resolves to apply the Section 5(1)(b)(i) of the Acquisition of Land Act 1967 over Lot 26 on SP104864 to create an additional lot for the authorised purpose of "Parks".

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

Against: Nil

**CARRIED 6/0**

**ATTENDANCE:** Cr Susan Payne returned to the meeting at 10.15am once Agenda Item 12.1 – Property Disposal – Commercial Property had been voted on.

## 12.2 LEASE RENEWAL - BIGGENDEN DEPOTS

### OFFICERS RECOMMENDATION

It is recommended that Council:

1. Note the contents of this report.
2. Resolve to apply Local Government Regulation 2012 exception clause 236 (1)(c)(iii), for the renewal of a lease to an existing tenant; for part Lot 78 CK2902 being depot sites 3, 4, 6 and 7.
3. Authorise the Chief Executive Officer to negotiate and finalise a lease to H Dowling & Sons over depot sites 3, 4, 6 and 7 within Lot 78 CK2902; including the following conditions:
  - a) That the lease term be for a maximum of five years and not contain any no renewal options.
  - b) That the Applicant supply (at the Applicants sole cost) to Council a Site Based Management Plan inclusive of a Traffic Management Plan prior to Council signing a new lease and in any case by no later than 23 June 2022.
  - c) That the annual rental amount be set in accordance with a Market Review assessment to be undertaken by a Licenced Valuer acceptable to Council with the Applicant to fund the full cost of such and provide to Council by no later than 23 June 2022.
  - d) That the Applicant supply by no later than 31 January 2023 (at the Applicants sole cost) to Council an Environmental Impact Assessment; and fund any required upgrades (at the Applicant's sole cost) to ensure full compliance with the *Environmental Protection Act 1994* by no later than 30 June 2023.
  - e) That any new lease includes that all site maintenance be at the sole cost of the Applicant.
  - f) That the Applicant be responsible for the full cost of all lease preparation and lodgement fees and provide Council with an executed lease encompassing all stated conditions by no later than 23 June 2022.
  - g) That in the event that the Applicant withdraws interest in the lease area or fails to comply with conditions "B" and/or "C", that Council withdraws from negotiations, cease to offer the property for lease and retain for operational purposes.
  - h) That in the event that the Applicant fails to fully comply with condition "D" that the lease is terminated.

Moved: Cr Radel

Seconded: Cr Dingle

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### **RESOLUTION 2022/55**

That Council resolve to lay the report on the table until further information is provided and that formal notice is provided to the Lessee.

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

**Against:** Nil

**CARRIED 7/0**

**13 CLOSURE OF MEETING**

The Meeting closed at 10.17am.

The minutes of this meeting were confirmed at the General Meeting held on 25 May 2022.

  
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**CHAIRPERSON**