



MINUTES

General Meeting

28 September 2022

UNCONFIRMED

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE MONTO BOARDROOM
ON WEDNESDAY, 28 SEPTEMBER 2022 AT 09:00AM**

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

OFFICERS: Margot Stork (Chief Executive Officer), Anna Scott (Interim General Manager Works), Skye Price (Interim General Manager Corporate and Community), Owen Jensen (Financial Services Manager), Carl Bacon (Civil Works Manager), Kat Bright (Senior Executive Assistant to the CEO and Mayor) and Amanda Shannon (Executive Assistant to the Interim General Manager Corporate and Community)

1 WELCOME/HOUSEKEEPING

The Mayor declared the meeting open at 9.00am 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>Margaret Delley</i>	<i>Biggenden</i>
<i>David Rollinson</i>	<i>Biggenden</i>
<i>Stephen Roth</i>	<i>Eidsvold</i>
<i>Denise Savage</i>	<i>Gayndah</i>
<i>John Pickering</i>	<i>Monto</i>
<i>Betty Augustine</i>	<i>Mt Perry</i>
<i>Stuart Smith</i>	<i>Mundubbera</i>

5 DEPUTATIONS/PETITIONS

Nil.

6 DECLARATIONS OF INTEREST

Nil.

Cr Radel had a matter of urgent business which he requested be dealt with concerning aspects of the Resilient Homes Fund and Voluntary Buy Back Program announced by the Queensland State Government.

Further, Mayor Hotz had a matter of urgent business which he requested be dealt with concerning the delegation at the upcoming LGAQ Conference to be held in Cairns during October 2022.

Mayor Hotz noted that both matters of urgent business would be dealt with prior to the conclusion of the meeting.

7 CONFIRMATION OF MINUTES

7.1 MINUTES OF THE GENERAL MEETING HELD ON 24 AUGUST 2022

OFFICERS RECOMMENDATION

That the Minutes of the General Meeting held on 24 August 2022 be confirmed.

Moved: Cr Giddins

Seconded: Cr Dingle

RESOLUTION 2022/134

That the Minutes of the General Meeting held on 24 August 2022 be confirmed.

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

Against: Nil.

CARRIED 7/0

8 OFFICE OF THE CHIEF EXECUTIVE OFFICER**8.1 2022-2023 OPERATIONAL PLAN****OFFICERS RECOMMENDATION**

That Council adopts the 2022-2023 Operational Plan as presented.

Moved: Cr Giddins

Seconded: Cr Radel

RESOLUTION 2022/135

That Council adopts the 2022-2023 Operational Plan as presented.

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

Against: Nil.

CARRIED 7/0

NOTE: Cr Giddins queried the due date of projects noted on pages 32 and 33 being 30 June 2022. Further, Cr Jones highlighted the due date of projects noted on pages 28 and 29 also being 30 June 2022. Through the Chair, Margot Stork (CEO) responded to Councillors noting that the year referenced should be 2023 and that administrative corrections would be made prior to publishing.

ATTENDANCE: Owen joined the meeting at 9.11am.

9 CORPORATE AND COMMUNITY

9.1 FINANCE REPORT TO 31 AUGUST 2022

OFFICERS RECOMMENDATION

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

Moved: Cr Payne

Seconded: Cr Radel

RESOLUTION 2022/136

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

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

Against: Nil.

CARRIED 7/0

ATTENDANCE: Cr Mesner left the meeting at 9.17am.

ATTENDANCE: Cr Mesner returned to the meeting at 9.18am.

ATTENDANCE: Cr Mesner left the meeting at 9.19am.

ATTENDANCE: Cr Mesner returned to the meeting at 9.21am.

NOTE: Mayor Hotz requested a comparison payment patterns for 2021/2022 and 2022/2023 following the change in discounts offered for the payment of rates by the discount deadline. Through the Chair, Owen Jensen (Financial Services Manager) noted that the Ratings team would review the payment patterns and provide a year-on-year comparison in the Finance Report for the period ended 30 September 2022.

9.2 1109 AUDIT AND RISK COMMITTEE - STATUTORY POLICY**OFFICERS RECOMMENDATION**

That Council

1. Receives and notes the information within the 1109 Audit and Risk Committee - Statutory Policy report;
2. Pursuant to Section 105 (2), of the Local Government Act 2009, resolves to establish an Audit and Risk Committee; and
3. Pursuant to Part 11, Division 1, Subdivision 2, Section 208, of the Local Government Regulation 2012, adopts the following:
 - a) Statutory Policy 1109 Audit and Risk Committee Policy; and
 - b) Audit and Risk Committee Charter.

Moved: Cr Giddins

Seconded: Cr Dingle

RESOLUTION 2022/137

That Council

1. Receives and notes the information within the 1109 Audit and Risk Committee - Statutory Policy report;
2. Pursuant to Section 105 (2), of the Local Government Act 2009, resolves to establish an Audit and Risk Committee; and
3. Pursuant to Part 11, Division 1, Subdivision 2, Section 208, of the Local Government Regulation 2012, adopts the following:
 - a) Statutory Policy 1109 Audit and Risk Committee Policy; and
 - b) Audit and Risk Committee Charter.

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

Against: Nil.

CARRIED 7/0

NOTE: Cr Giddins queried if the appointment of external independent committee members would be brought back to Council for endorsement. Through the Chair, Margot Stork (CEO) noted that external members may be recommended for appointment as part of the recruitment process. To establish the committee as soon as possible, Margot Stork (CEO) noted that the recruitment process could be carried out towards the end of 2022 with the aim to have a committee established in January 2023.

ATTENDANCE: Cr Mesner left the meeting at 9.26am.

ATTENDANCE: Cr Mesner returned to the meeting at 9.27am.

202209_1 Item 9.2 QON

Cr Giddins queried the cost to Council for the remuneration of the external independent committee members. Through the Chair, Margot Stork (CEO) responded to Cr Giddins noting that the remuneration is set by Council in recognition of the skills and experience of the members as noted in the Charter. Further, Margot Stork (CEO) noted that the remuneration costs are not included in the 22/23 Budget and a comparative review of other Councils would be undertaken to determine a benchmark for external independent members. Should the Committee be established in January 2023, Margot Stork (CEO) noted that there would only be two (2) meetings in the 22/23 financial year.

202209_2 Item 9.2 QON

Cr Jones requested that the terms of appointment referenced throughout the attachments be aligned. Through the Chair, Margot Stork (CEO) responded to Cr Jones noting that the terms of appointment listed in the Policy and Charter would be reviewed and aligned if required.

NOTE: Cr Giddins queried if recruitment of the external independent committee members would be focused within the North Burnett or surrounding regions. Through the Chair, Margot Stork (CEO) responded to Cr Giddins noting that recruitment would be targeted towards the North Burnett community seeking candidates with appropriate skill sets e.g. Risk, Finance, Asset Management, Community Engagement, business acumen, etc.

NOTE: Margot Stork (CEO) noted that a list of delegated Committee and Council Representation Positions will be tabled at a General Meeting post election (2024) to seek Council endorsement of membership.

9.3 STOCK ROUTE MANAGEMENT POLICY

OFFICERS RECOMMENDATION

That Council:

1. Endorse 2273 Stock Route Management Policy for public display.
2. Place 2273 Stock Route Management Policy on public display and invite feedback, for a period of twenty-eight (28) days.
3. Endorse the Stock Route Management Procedure for consultation.
4. Place the Stock Route Management Procedure on public display and invite feedback, for a period of twenty-eight (28) days.
5. That 2273 Stock Route Management Policy, the Stock Route Management Procedure and a summary of public feedback be brought to a Council meeting following the end of the public display period with recommendations for any changes to the policy which may result from public display and feedback.

Moved: Cr Dingle

Seconded: Cr Mesner

RESOLUTION 2022/138

That Council:

1. Endorse 2273 Stock Route Management Policy for public display.
2. Place 2273 Stock Route Management Policy on public display and invite feedback, for a period of twenty-eight (28) days.
3. Endorse the Stock Route Management Procedure for consultation.
4. Place the Stock Route Management Procedure on public display and invite feedback, for a period of twenty-eight (28) days.
5. That 2273 Stock Route Management Policy, the Stock Route Management Procedure and a summary of public feedback be brought to a Council meeting following the end of the public display period with recommendations for any changes to the policy which may result from public display and feedback.

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

Against: Nil.

CARRIED 7/0

10 WORKS**10.1 REVISED ROAD MAINTENANCE PROGRAM SEPTEMBER 2022****OFFICERS RECOMMENDATION**

That Council receives the Revised Road Maintenance Program Report as presented for the period July to August 2022.

Moved: Cr Dingle

Seconded: Cr Giddins

RESOLUTION 2022/139

That Council receives the Revised Road Maintenance Program Report as presented for the period July to August 2022.

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

Against: Nil.

CARRIED 7/0

202209_3 Item 10.1 QON

Mayor Hotz requested that Council be provided further details relating to future grading works. Through the Chair, Anna Scott (Interim General Manager Works) responded to Council noting the request.

10.2 PARADISE DAM REFERENCE GROUP MEMBERSHIP**OFFICERS RECOMMENDATION**

That Council:

1. Nominates Councillor _____ as a member on the Paradise Dam Reference Group
2. Nominates Councillor _____ as a proxy member on the Paradise Reference Group
3. Delegates to the Chief Executive Officer the nomination of an officer as a member on the Paradise Dam Reference Group and an officer as a proxy.

Moved: Cr Payne

Seconded: Cr Jones

RESOLUTION 2022/140

That Council:

1. Nominates Councillor Mayor Hotz as a member on the Paradise Dam Reference Group
2. Nominates Councillor Susan Payne as a proxy member on the Paradise Reference Group
3. Delegates to the Chief Executive Officer the nomination of an officer as a member on the Paradise Dam Reference Group and an officer as a proxy.

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

Against: Nil.

CARRIED 7/0

11 COUNCILLOR REPORTS

11.1 MAYOR AND COUNCILLORS REPORTS

That the Councillor Reports be received for the period of 1 August to 31 August 2022.

Moved: Cr Giddins

Seconded: Cr Dingle

RESOLUTION 2022/141

That the Councillor Reports be received for the period of 1 August to 31 August 2022.

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

Against: Nil.

CARRIED 7/0

NOTE: Cr Jones offered an apology for not submitting a report for the period due to personal leave.

ATTENDANCE: Carl Bacon (Civil Works Manager) left the meeting at 10.01am.

Having earlier raised an urgent business item, Cr Radel moved the following:

Moved: Cr Radel

Seconded: Cr Giddins

RESOLUTION 2022/142

I, Cr Radel, seek leave to address Council regarding the urgent issue concerning aspects of the Resilient Homes Fund and Voluntary Buy Back Program announced by the Queensland State Government.

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

Against: Nil

CARRIED 7/0

ATTENDANCE: Cr Mesner left the meeting at 10.05am.

ATTENDANCE: Cr Mesner returned to the meeting at 10.07am.

Moved: Cr Radel

Seconded: Cr Payne

RESOLUTION 2022/143

1. That North Burnett Regional Councils CEO urgently write to the appropriate State Minister regarding the proposed buy back scheme open to homeowners of flood affected properties resulting from defined flood events in Queensland, expressing concern regarding the following;
 - The State governments unilateral decision to make buy backs dependent upon local governments agreement to purchase the property and undertake rezoning which will preclude the properties from being used as residential properties;
 - The potential financial impost upon North Burnett Regional Council because of the scheme, in light the finding of the Auditor General that North Burnett Regional Council is a financially unsustainable local government;
 - The possible future risks to North Burnett Regional Council's financial viability given possible similar future buy back schemes.
2. That North Burnett Regional Council reject any approach by the State government to purchase buy back properties but otherwise assist affected community members to access flood relief outlined in the Resilient Homes Fund.

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

Against: Cr Melinda Jones

CARRIED 6/1

Having earlier raised an urgent business item, Mayor Hotz moved the following:

Moved: Mayor Hotz
Seconded: Cr Mesner

RESOLUTION 2022/144

I, Mayor Hotz, seek leave to address Council regarding the delegation at the upcoming LGAQ Conference to be held in Cairns in October 2022.

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

Against: Nil

CARRIED 7/0

Moved: Mayor Hotz
Seconded: Cr Jones

RESOLUTION 2022/145

That the clause 1. a) of resolution 2022/72 be amended as follows:

Appoint Cr Dingle as proxy in place of Mayor Hotz for voting entitlements and attendance. Appoint 3 x Councillors and CEO as formal delegates of North Burnett Regional Council to attend the Local Government Association Queensland Annual Conference in Cairns from 17 – 19 October 2022.

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

12.1 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 by or against local government.

12.2 Sale of Land for Overdue Rates and Charges

This matter is considered to be confidential under Section 254J(3) - c 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 the local government's budget.

Moved: Cr Jones

Seconded: Cr Giddins

RESOLUTION 2022/146

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 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 by or against local government.

12.2 Sale of Land for Overdue Rates and Charges

This matter is considered to be confidential under Section 254J(3) - c 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 the local government's budget.

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

Against: Nil.

CARRIED 7/0

THE MEETING MOVED INTO A CLOSED SESSION AT 10.17AM.

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

OFFICERS RECOMMENDATION

That Council moves out of Closed Session into Open Session.

Moved: Cr Radel

Seconded: Cr Jones

RESOLUTION 2022/147

That Council moves out of Closed Session into Open Session.

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

Against: Nil.

CARRIED 7/0

THE MEETING MOVED BACK INTO AN OPEN SESSION AT 10.32am.

UNCONFIRMED

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

That Council:

1. Receives and Notes the Update – Recovery of Outstanding Rates report; and
2. Write off an outstanding rate balance of \$10,114.78, being the shortfall given insufficient sales proceeds to pay the rates in full for Assessment 2006900000000, 6 Esplanade Street, Eidsvold, Lot 1 MPH2158.

Moved: Cr Dingle

Seconded: Cr Mesner

RESOLUTION 2022/148

That Council:

1. Receives and Notes the Update – Recovery of Outstanding Rates report; and
2. Write off an outstanding rate balance of \$10,114.78, being the shortfall given insufficient sales proceeds to pay the rates in full for Assessment 2006900000000, 6 Esplanade Street, Eidsvold, Lot 1 MPH2158.

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

Against: Nil.

CARRIED 7/0

202209_4 Item 12.1 QON

Cr Payne queried the anticipated timeline for the sale of properties in Liquidation. Further, Cr Payne and Cr Giddins queried when the Liquidator insurance is due for renewal. Through the Chair, Margot Stork (CEO) responded to Councillors noting that a follow up discussion with the Liquidator is required and an update to Council would be provided in due course.

202209_5 Item 12.1 QON

Cr Jones requested an update on properties that settled during September 2022. Through the Chair, Owen Jensen (Financial Services Manager) responded to Cr Jones noting that an update to Councillors would be provided as soon as possible.

12.2 SALE OF LAND FOR OVERDUE RATES AND CHARGES

OFFICERS RECOMMENDATION

That Council:

1. Receives and notes the information within the Sale of Land for Overdue Rates and Charges report;
2. In accordance with the requirements of section 144 of the *Local Government Regulation 2012*, that the Chief Executive Officer be authorised to sell the land described in the attached "Schedule 1 – Sale of Land List – 28 September 2022 on such terms and conditions as considered appropriate having regard to all available information; and
3. Provide a written report to Council following the sale of each property.

Moved: Cr Giddins

Seconded: Cr Mesner

RESOLUTION 2022/149

That Council:

1. Receives and notes the information within the Sale of Land for Overdue Rates and Charges report;
2. In accordance with the requirements of section 144 of the *Local Government Regulation 2012*, that the Chief Executive Officer be authorised to sell the land described in the attached "Schedule 1 – Sale of Land List – 28 September 2022 on such terms and conditions as considered appropriate having regard to all available information; and
3. Provide a written report to Council following the sale of each property.

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

Against: Nil.

CARRIED 7/0

NOTE: Should a public auction be favourable, Cr Giddins queried the location. Through the Chair, Margot Stork (CEO) responded to Cr Giddins suggesting that the location may be in the town with the most land listed for sale at the time.

13 CLOSURE OF MEETING

The Meeting closed at 10.35am.

The minutes of this meeting were confirmed at the General Meeting held on 26 October 2022.

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CHAIRPERSON