



MINUTES

General Meeting

26 April 2023

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE BIGGENDEN BOARDROOM
ON WEDNESDAY, 26 APRIL 2023 AT 9.00AM**

1 WELCOME/HOUSEKEEPING

The Mayor declared the meeting open at 9.04am and welcomed all attendees.

2 ATTENDEES

COUNCILLORS: Cr Leslie Hotz (Mayor)
Cr Robert Radel (Deputy Mayor)
Cr Dael Giddins
Cr Kingsley Mesner
Cr Melinda Jones
Cr Michael Dingle
Cr Susan Payne

OFFICERS: Margot Stork (CEO)
Andrew Knight (Interim General Manager – Corporate and Community)^
Anna Scott (General Manager - Works)
Camille Summers (Revenue Stream Leder)*^
Garry Sharman (Strategic Relationships Manager)
Kat Bright (Senior Executive Assistant to the CEO)
Kelly Houston (Media Officer)*^
Marlene Carstens (Executive Assistant to the General Manager - Works)
Michael Cartwright (Governance, Policy and Risk Advisor)*^
Michael Wallace (Contract and Leasing Officer)*^
Owen Jensen (Financial Services Manager)*^
Rhys Habermann (Business Analyst)*
Shaun Johnston (Water and Wastewater Manager)*
Taylor Applewaite (Administration Officer – Executive Services)
Tegan Bauer (Executive Assistant to the Mayor)

*^ attended the meeting via Microsoft Teams * attended part of the meeting only*

3 APOLOGIES/LEAVE OF ABSENCE

Nil.

4 ACKNOWLEDGEMENT OF COUNTRY

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

5 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>Allan Downie</i>	<i>Monto</i>
<i>Dulcie Jamieson</i>	<i>Monto</i>
<i>Michael Raffin</i>	<i>Monto</i>
<i>Norma Gay</i>	<i>Monto</i>
<i>Stanley Roth</i>	<i>Monto</i>
<i>Brian Gerdes</i>	<i>Mount Perry</i>
<i>Gwendoline Pott</i>	<i>Mundubbera</i>
<i>Jan Davis</i>	<i>Mundubbera</i>
<i>George Lewis</i>	<i>Mundubbera</i>
<i>Neville Hastings</i>	<i>Mundubbera</i>

6 DEPUTATIONS/PETITIONS

Nil.

7 DECLARATIONS OF INTEREST

I, Cr Sue Payne inform this meeting that I have a declarable conflict of interest in relation to **Item 11.1 - Review of Public Washdown Facilities' Compliance and Operations**. The nature of my interest is as follows:

This declarable conflict of interest arises as I am a Director of our family grazing business, Lelant Grazing Pty Ltd which sporadically uses washdown facilities across the North Burnett region for biosecurity reasons and in particular the Mundubbera facility.

I ask fellow Councillors to consider me staying in the room to present some facts however I will leave the room during the debate and any subsequent motion.

DECLARATION OF INTEREST – CR PAYNE

RESOLUTION 2023/41

Moved: Cr Kingsley Mesner
 Seconded: Cr Robert Radel

That in accordance with Section 150ES of the *Local Government Act 2009*, Cr Payne remain in the room for the meeting to participate in the discussion but will leave the room for the debate and vote in relation to Item 11.1 - Review of Public Washdown Facilities' Compliance and Operations.

In Favour: Crs Leslie Hotz, Robert Radel and Kingsley Mesner

Against: Crs Melinda Jones, Dael Giddins and Michael Dingle

Abstained: Cr Susan Payne

LOST 3/4

Through the Chair, Margot Stork (CEO) clarified the above resolution was that Council was prepared to hear representations from Cr Payne.

With the above noted, Cr Payne voluntarily decided not to participate in the decision as per *Local Government Act 2009 150ES(2)* and intends to remain in the room for the discussion and leave the room for the debate and vote.

I, Cr Jones inform this meeting that I have a declarable conflict of interest in relation to **Item 11.1 - Review of Public Washdown Facilities' Compliance and Operations** due to being a part owner of a Cattle Breeding business and use the Washdown facilities across the region.

I ask fellow Councillors to consider me leaving the room during the debate and any subsequent motion.

DECLARATION OF INTEREST – CR JONES

RESOLUTION 2023/42

Moved: Cr Kingsley Mesner

Seconded: Cr Robert Radel

That in accordance with Section 150ES of the *Local Government Act 2009*, Cr Jones to leave the room for the discussion and vote in relation to Item 11.1 - Review of Public Washdown Facilities' Compliance and Operations.

In Favour: Crs Leslie Hotz, Robert Radel, Melinda Jones and Kingsley Mesner

Against: Crs Susan Payne, Dael Giddins and Michael Dingle

CARRIED 4/3

I, Cr Radel inform this meeting that I have a perceived conflict of interest in relation to **Item 11.1 - Review of Public Washdown Facilities' Compliance and Operations** due to being an owner of a Dairy Farm in the region that may use the Washdown Facilities across the region.

I ask fellow Councillors to consider me remaining in the room during the debate and any subsequent motion.

DECLARATION OF INTEREST – CR RADEL

RESOLUTION 2023/43

Moved: Cr Kingsley Mesner

Seconded: Cr Michael Dingle

That in accordance with Section 150ES of the *Local Government Act 2009*, Cr Radel remain in the room for the meeting for the debate and vote in relation to Item 11.1 - Review of Public Washdown Facilities' Compliance and Operations.

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

Against: Nil

CARRIED 7/0

NOTE: Mayor Hotz noted that he too utilises the Washdown facilities throughout the region.

Mayor Hotz had a matter of urgent business which he requested be dealt with concerning aspects of the possible closure of Biggenden National Australia Bank (NAB). This matter will be dealt with prior to the conclusion of the meeting under **Item 13 - Urgent Business**.

8 CONFIRMATION OF MINUTES

8.1 MINUTES OF THE GENERAL MEETING HELD ON 22 MARCH 2023

OFFICERS RECOMMENDATION

That the Minutes of the General Meeting held on 22 March 2023 be confirmed.

RESOLUTION 2023/44

Moved: Cr Kingsley Mesner
Seconded: Cr Dael Giddins

That the Minutes of the General Meeting held on 22 March 2023 be confirmed.

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

Against: Nil

CARRIED 7/0

8.2 MINUTES OF THE SPECIAL MEETING HELD ON 5 APRIL 2023

OFFICERS RECOMMENDATION

That the Minutes of the Special Meeting held on 5 April 2023 be confirmed.

RESOLUTION 2023/44

Moved: Cr Kingsley Mesner
Seconded: Cr Dael Giddins

That the Minutes of the Special Meeting held on 5 April 2023 be confirmed.

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

Against: Nil

CARRIED 7/0

9 OFFICE OF THE CHIEF EXECUTIVE OFFICER**9.1 APPOINTMENT OF ACTING CEO****OFFICERS RECOMMENDATION**

That Council, in accordance with Section 195 of the *Local Government Act 2009*, resolves to appoint Councils General Manager Works Ms Anna Scott, as Acting Chief Executive Officer effective from 5.00 pm Friday 28 April 2023 until 8.30 am Monday 8 May 2023 when Ms Margot Stork (CEO) will resume normal duties.

RESOLUTION 2023/46

Moved: Cr Robert Radel

Seconded: Cr Michael Dingle

That Council, in accordance with Section 195 of the *Local Government Act 2009*, resolves to appoint Councils General Manager Works Ms Anna Scott, as Acting Chief Executive Officer effective from 5.00 pm Friday 28 April 2023 until 8.30 am Monday 8 May 2023 when Ms Margot Stork (CEO) will resume normal duties.

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

Against: Nil

CARRIED 7/0

9.2 2022-2023 (FY23) - QUARTERLY PROGRESS REPORT (Q3)**OFFICERS RECOMMENDATION**

That Council receive the 2022-23 (FY23) Q3 Progress Report for the period 1 January 2023 – 31 March 2023.

202304_1 Item 9.2 QON

Cr Jones queried if the people counter statistics for the Mundubbera Customer Service and Library Centre and Art Gallery could be split (page 55 of the Agenda, point 3 of the 2022-23 (FY23) Q3 Progress Report). Through the Chair, Margot Stork (CEO) responded to Cr Jones noting that the current method of recording interactions is not optimum, and a review is currently underway to develop a better way of capturing data more accurately at the Mundubbera facility. Margot Stork (CEO) noted that the question would be taken on notice and an update would be provided to Councillors once a solution is established.

202304_2 Item 9.2 QON

Cr Jones highlighted that the Illegal Dumping figures had doubled since the last quarter. However, there appeared to be no Compliance Notices issued (page 88 of the Agenda) and sought clarification on this. Through the Chair, Andrew Knight (Interim General Manager – Corporate and Community) responded to Cr Jones noting that the question would be taken on notice and a response would be provided in an upcoming Councillor Bulletin.

202304_3 Item 9.2 QON

Cr Jones noted that on page 71 of the Agenda, Eidsvold was incorrectly referenced under the subheading of Monto Waste Facility Fencing – this should have been Monto Fencing. Through the Chair, Margot Stork (CEO) responded to Cr Jones noting that the correction would be made in the 2022-23 (FY23) Q3 Progress Report before publishing to the website.

202304_4 Item 9.2 QON

Cr Jones requested clarification on the Workflow Measures where zero (0) was recorded against Grading Zones 1 and 3 on page 81 of the Agenda. Through the Chair, Anna Scott (General Manager – Works) noted that grading resources have been diverted across to construction teams which is overall improving the quality of the road network. Anna Scott (General Manager - Works) noted that in many cases Council is grading ahead of the schedule and there is no impact on programming. Margot Stork (CEO) noted that in future reports, commentary will be provided when workflow measures on Grading Zones are zero (0) to inform of any operational impacts.

202304_5 Item 9.2 QON

Cr Payne expressed her disappointment regarding the commencement of a tender process for the Kerbside Waste Collection Contract without further engagement with Councillors. Through the Chair, Margot Stork (CEO) noted that this would be taken on notice and a further information Workshop with Councillors will be tabled.

202304_6 Item 9.2 QON

Cr Payne queried the significant reduction in Purchase Orders raised in quarter 3 on page 110 of the Agenda. Through the Chair, Andrew Knight (Interim General Manager – Corporate and Community) noted that the Finance team are looking to change the main purchasing method to Credit Cards for low level purchases which will create more efficiencies in the financial system. Andrew Knight (Interim General Manager – Corporate and Community) noted that this change is

planned to be implemented by 30 June 2023.

202304_7 Item 9.2 QON

Cr Payne queried if the Safer Internet Day hosted by the Monto Neighbourhood Centre will be presented across the region. Through the Chair, Andrew Knight (Interim General Manager – Corporate and Community) noted that the question would be taken on notice.

202304_8 Item 9.2 QON

Cr Payne requested that the Quarterly Progress Report is published on Councils website and reference to the published report is mentioned through Media. Through the Chair, Margot Stork (CEO) confirmed that the Quarterly Progress Report will be published on Councils website and reference to the published report will be included in subsequent Mayoral Releases.

RESOLUTION 2023/47

Moved: Cr Susan Payne

Seconded: Cr Dael Giddins

That Council receive the 2022-23 (FY23) Q3 Progress Report for the period 1 January 2023 – 31 March 2023.

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

Against: Nil

CARRIED 7/0

At 9.54am, Rhys Habermann (Business Analyst) left the meeting.

9.3 COUNCIL OWNED HOUSING

OFFICERS RECOMMENDATION

That Council:

1. Adopt by Resolution Policy 2320 Council Owned Housing.
2. Endorses Administrative Direction Council Owned Housing.
3. Authorises the Chief Executive Officer to enter into an agreement to engage a local Real Estate Property Agent/s to assist in managing the tenancy arrangement for each 'Council Owned House', on terms most beneficial to Council.

QUESTIONS

202304_9 Item 9.3 QON

Cr Jones queried if the positions listed on page 124 of the Agenda, section 9 of the Policy Statement, could be extended to include other roles that may be allocated housing. Through the Chair, Michael Cartwright (Governance, Risk and Policy Advisor) noted that the roles would vary from time to time and housing would be allocated to positions based on operational needs. Michael Cartwright (Governance, Risk and Policy Advisor) noted other considerations such as the candidate's personal circumstances, their locality, role requirements and responsibilities. Michael Cartwright (Governance, Risk and Policy Advisor) noted that he would incorporate feedback from Cr Jones.

RESOLUTION 2023/48

Moved: Cr Dael Giddins

Seconded: Cr Robert Radel

That Council:

1. Adopt by Resolution Policy 2320 Council Owned Housing.
2. Endorses Administrative Direction Council Owned Housing.
3. Authorises the Chief Executive Officer to enter into an agreement to engage a local Real Estate Property Agent/s to assist in managing the tenancy arrangement for each 'Council Owned House', on terms most beneficial to Council.

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

Against: Nil

CARRIED 7/0

10 CORPORATE AND COMMUNITY**10.1 FINANCE REPORT TO 31 MARCH 2023****OFFICERS RECOMMENDATION**

That in accordance with section 204 *Local Government Regulation 2012 (Qld)*, Council receives the Finance Report for the period ended 31 March 2023.

QUESTIONS**202304_10 Item 10.1 QON**

Cr Payne requested that a breakdown be provided for the cash equivalents of the \$30million listed under Current Assets, Cash and Cash Equivalents on page 136 of the Agenda. Through the Chair, Andrew Knight (Interim General Manager – Corporate and Community) noted that a breakdown would be incorporated in future reports.

202304_11 Item 10.1 QON

Cr Payne queried why Sewerage has decreased under Operating Revenue on page 135 of the Agenda. Through the Chair, Owen Jensen (Financial Services Manager) responded to Cr Payne noting that the decrease is likely due to the timing in the budget phase. Through the Chair, Margot Stork (CEO) noted that the question would be taken on notice and a response would be provided prior to the next Council General Meeting.

RESOLUTION 2023/49

Moved: Cr Dael Giddins
Seconded: Cr Michael Dingle

That in accordance with section 204 *Local Government Regulation 2012 (Qld)*, Council receives the Finance Report for the period ended 31 March 2023.

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

Against: Nil

CARRIED 7/0

10.2 MUNDUBBERA DRIVER REVIVER

OFFICERS RECOMMENDATION

That Council:

1. Resolves to grant a Licence Agreement over part of Lot 1 RP148105 to *The Lions Club of Mundubbera Inc.* for a period of ten years, for the purposes of conducting a driver reviver community service and storage;
2. Authorises the Chief Executive Officer to determine appropriate conditions of tenure; and
3. Consider formally thanking the club for their community initiative.

RESOLUTION 2023/50

Moved: Cr Dael Giddins

Seconded: Cr Susan Payne

That Council:

1. Resolves to grant a Licence Agreement over part of Lot 1 RP148105 to *The Lions Club of Mundubbera Inc.* for a period of ten years, for the purposes of conducting a driver reviver community service and storage;
2. Authorises the Chief Executive Officer to determine appropriate conditions of tenure; and
3. Consider formally thanking the club for their community initiative.

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

Against: Nil

CARRIED 7/0

11 WORKS

At 10.19am, Cr Jones left the meeting having earlier declared a conflict of interest in relation to this item.

11.1 REVIEW OF PUBLIC WASHDOWN FACILITIES' COMPLIANCE AND OPERATIONS**OFFICERS RECOMMENDATION**

That Council resolve to:

1. Close the Mundubbera Washdown Facility as soon as reasonably possible.
 - (a) That two (2) weeks' notice be provided to interested parties that the facility will close, and locations of alternative services be provided via site signage, social media, and newspaper advertisement.
 - (b) That the site be decommissioned and repurposed.
2. Authorise a two-stage rectification program of the three remaining washdown facilities at Gayndah, Eidsvold, and Monto with funds to be made available and authorised in subsequent years' budgets for this purpose.
 - (a) Stage 1 being the rectification of minor defects and implementation of a more viable operating model:
 - (i) Upgrade remaining sites to National Truckwash System status by installing AVDATA units at Gayndah and Monto to collect payment for all sites and provide usage data for future decision making.
 - (ii) Set payment rates at the same level for all sites and consistent with industry standards based on the National Truckwash System rates.
 - (iii) Implement minor upgrades and reinstate lapsed third-party waste management program to make the three remaining sites as compliant as possible in the short-term.
 - (iv) Engage suitably qualified consultants to develop Project Plans to be ready to access external funding for large capital upgrades to provide ongoing environmental compliance.
 - (b) Stage 2 being the completion of upgrades to meet full compliance and seeking alternate opportunities to ensure regional continuity for this non-core business activity:
 - (i) Access external funding to carry out compliance upgrades when available using pre-developed Project Plans
 - (ii) Seek to withdraw from this non-core service by transfer of facilities to appropriate stakeholder groups once sites are fully environmentally compliant.

Mayor Hotz opened the floor to Cr Payne for Council to hear representations.

At 10.34am, Cr Payne left the meeting having earlier declared a conflict of interest, voluntarily decided not to participate in the discussion further and left the meeting for the debate and vote.

At 10.41am, Shaun Johnston (Water and Wastewater Manager) joined the meeting.

RESOLUTION 2023/51

Moved: Cr Robert Radel
Seconded: Cr Michael Dingle

That Council:

- 1) Resolve to put an immediate temporary closure on the Mundubbera Washdown facility due to compliance concerns while investigations commence into a potential and compliant alternative for future use.
- 2) That notice be provided onsite that the facility has closed and that investigations will commence into a potential and compliant alternative for future use; and locations of alternative services be provided via site signage, social media, and newspaper advertisement.
- 3) That this matter be tabled at a future General Meeting of Council with outcomes of the investigation.

In Favour: Crs Leslie Hotz, Robert Radel, Dael Giddins, Michael Dingle and Kingsley Mesner

Against: Nil

CARRIED 5/0

At 11.18am, Shaun Johnston (Water and Wastewater Manager) left the meeting.

At 11.18am, Cr Jones and Cr Payne returned to the meeting.

11.2 CEMETERY SERVICE LEVEL CHANGE - PROVISION OF TOILETS

OFFICERS RECOMMENDATION

That Council resolves to retain the current level of service for cemeteries.

RESOLUTION 2023/52

Moved: Cr Susan Payne

Seconded: Cr Dael Giddins

That Council resolves to retain the current level of service for cemeteries.

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

Against: Nil

CARRIED 7/0

12 COUNCILLOR REPORTS

12.1 MAYOR AND COUNCILLORS REPORTS

OFFICERS RECOMMENDATION

That the Councillor Reports be received for the period of 1 March 2023 to 31 March 2023.

RESOLUTION 2023/53

Moved: Cr Dael Giddins

Seconded: Cr Kingsley Mesner

That the Councillor Reports be received for the period of 1 March 2023 to 31 March 2023.

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

Against: Nil

CARRIED 7/0

13 URGENT BUSINESS

Mayor Hotz raised a matter of urgent business concerning correspondence received on 13 April 2023 in relation to a Senate inquiry into regional bank closures and the possible closure of the Biggenden National Australia Bank (NAB).

RESOLUTION 2023/54

Moved: Cr Robert Radel

Seconded: Cr Dael Giddins

That Council request that the CEO write to the National Australia Bank (NAB) to voice concerns of closing regional service centres for rural and remote communities (specifically the Biggenden branch) and request reconsideration of their decisions.

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

Against: Nil

CARRIED 7/0

14 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*:

14.1 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.

RESOLUTION 2023/55

Moved: Cr Robert Radel

Seconded: Cr Dael Giddins

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*:

14.1 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.

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

Against: Nil

CARRIED 7/0

THE MEETING MOVED INTO A CLOSED SESSION AT 10.14AM.

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

RESOLUTION 2023/56

Moved: Cr Melinda Jones

Seconded: Cr Robert Radel

That Council moves out of Closed Session into Open Session.

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

Against: Nil

CARRIED 7/0

THE MEETING MOVED BACK INTO AN OPEN SESSION AT 10.43AM.

14.1 UPDATE - RECOVERY OF OUTSTANDING RATES

OFFICERS RECOMMENDATION

That Council:

1. Receives and Notes the Update – Recovery of Outstanding Rates report; and
2. Change the reporting cycle for progress updates from bimonthly to quarterly.

RESOLUTION 2023/57

Moved: Cr Kingsley Mesner

Seconded: Cr Michael Dingle

That Council:

1. Receives and Notes the Update – Recovery of Outstanding Rates report; and
2. Change the reporting cycle for progress updates from bimonthly to quarterly.

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

Against: Nil

CARRIED 7/0

15 CLOSURE OF MEETING

The Meeting closed at 11.44am.

The minutes of this meeting were confirmed at the General Meeting held on 24 May 2023.


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CHAIRPERSON