

**MINUTES OF THE NORTH BURNETT REGIONAL COUNCIL POLICY & STRATEGY MEETING HELD AT  
THE BIGGENDEN BOARDROOM OF THE NORTH BURNETT REGIONAL COUNCIL  
ON TUESDAY, 06 DECEMBER 2011 AT 11:00AM**

Attendees	<b>Agenda Item 1</b>	<b>Attendees</b>
Councillors	Cr JE Jensen (Mayor & Chairperson) Cr KS Wendt OAM BEM (Deputy Mayor) Cr PW Lobegeier Cr P Baker Cr PW Francis Cr FO Whelan Cr PJ Huth	
CEO / Directors	Chief Executive Officer, MJP Pitt Director of Community and Cultural Services, AM Jackson Director of Corporate Services, LD Hotz Director of Development and Environment, RJ Savage	
Officers	Asset Manager Officer, C Littlejohn Personal Assistant to the Mayor, TL Wilson Executive Officer, NJ Zillman	
Welcome	<b>Agenda Item 2</b>	<b>Welcome</b>
	Mayor Cr JE Jensen welcomed attendees to the meeting.	
Apologies	<b>Agenda Item 3</b>	<b>Apologies</b>
	Cr PW Francis moved and Cr PW Lobegeier seconded: That the apology for Acting Director of Technical Services, TJ Harvey be accepted and a leave of absence be granted. <b>CARRIED 7/0</b>	
Declaration of Interest	<b>Agenda Item 4</b>	<b>Declaration of Interest</b>
	Cr PW Lobegeier moved and Cr P Baker seconded: That in accordance with Section 173 of the Local Government Act 2009, all Councillors declared a perceived Conflict of Interest in CEO 3 Local Law Review due to Local Laws dealing with a variety of matters including e.g.: regulation of Electoral Advertising.  As a majority of Councillors declared a Conflict of Interest or perceived Conflict of Interest in the matter of Local Laws dealing with a variety of matters including e.g.: regulation of Electoral Advertising, all Councillors remained in the meeting while the matter was discussed and voted on. <b>CARRIED 7/0</b>	
Deputations	<b>Agenda Item 5</b>	<b>Deputations</b>
	5.1 3:00pm – David Newby Insite Strategies – Planning Scheme Working Draft	
House Keeping	<b>Agenda Item 6</b>	<b>House Keeping</b>
CEO Report	<b>Agenda Item 7</b>	<b>Chief Executive Officer Report</b>
	Cr PW Francis moved and Cr FO Whelan seconded: That the Chief Executive Officer Report as presented, be received. <b>CARRIED 7/0</b>	
General Policy 220	7.1	General Policy 220 – Handling of Confidential Information – Closed Meeting
	Cr P Baker moved and Cr KS Wendt OAM BEM seconded: That Chief Executive Officer Report Agenda Item 7.1 - General Policy 220 – Handling of Confidential Information – Closed Meeting as presented, be received. <b>VOTING FOR THE MOTION</b>	

Cr FO Whelan  
 Cr PJ Huth  
 Cr PW Lobegeier  
 Cr PW Francis  
 Cr P Baker  
 Cr KS Wendt OAM BEM  
 Cr JE Jensen  
**VOTING AGAINST THE  
 MOTION**  
 Cr PW Francis

**CARRIED 6/1**

- General Policy 229      7.2      General Policy 229 – Mobile Kitchen Use
- Cr FO Whelan moved and Cr PW Francis seconded:
1. That the General Policy – Mobile Kitchen Use be amended to remove the option of hire outside of the Regional boundary; and
  2. That the following fees and charges be adopted for the hire of Council mobile kitchen and that the hirer arrange appropriate transportation for the unit:
    - Hire Fee: \$100.00/day/event
    - Transport Fee: \$150.00 within Council Boundaries (Minimum charge or by arrangement)

**CARRIED 7/0**
- Local Laws              7.3      Local Laws
- Resolved: That Chief Executive Officer Report Agenda Item 7.3 – Local Laws be deferred until after lunch.
- DOCS Report            **Agenda Item 8              Director of Corporate Services Report**
- Cr PW Francis moved and Cr KS Wendt OAM BEM seconded: That Director of Corporate Services Report as presented, be received.
- 8.1      General Policy 201 – Repairs to Council Assets (Roads)
 

Cr PW Lobegeier moved and Cr P Baker seconded: That Director of Corporate Services Report Agenda Item 8.1 - General Policy 201 – Repairs to Council Assets (Roads) as presented, be adopted. **CARRIED 7/0**
  - 8.2      Statutory Policy 118 – Information Privacy Policy
 

Cr PW Francis and Cr PW Lobegeier seconded: That Director of Corporate Services Report Agenda Item 8.2 - Statutory Policy 118 – Information Privacy Policy as presented, be adopted. **CARRIED 7/0**
- Declaration of Interest      Cr PJ Huth declared a real conflict of interest (as per section 173 of the Local Government Act 2009) on this matter due to employment outside of Council and left the room at 11:35am, taking no part in the debate or decision of the meeting.
- Closed Session              Cr PW Francis moved and Cr PW Lobegeier seconded: That in accordance with Section 72(h) of the Local Government (Operations) Regulation 2010, the meeting be closed to the public to allow discussion regarding 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. **CARRIED 6/0**
- Re-opened Meeting          Cr PW Francis moved and Cr KS Wendt OAM BEM seconded: That in accordance with Section 72(h) of the Local Government (Operations) regulation 2010, the meeting be re-opened to the public. **CARRIED 6/0**

- Purchase of Land      8.3      Proposed Purchase of Lot 172 on RP28376, Parish of Mt Perry, Stones Avenue Mt Perry
- Cr Wendt moved and Cr Lobegeier seconded: That the report in relation to the proposed sale of Lot 172 on RP28376, Parish of Mt Perry as presented be received and Council delegate authority to Director of Corporate Services to negotiate the best possible financial outcome available. **CARRIED 6/0**
- Land Acquisition      8.4      Gayndah Cemetery – Land Acquisition
- Cr PW Francis moved and Cr KS Wendt OAM BEM seconded: That the report in relation to the proposed purchase of Lot 9 on RP67480, Parish of Gayndah and Lot 22 on RP835543, Parish of Gayndah be received and Council delegate authority to Director of Corporate Services to negotiate the best possible financial outcome available. Further, that Director of Corporate Services provide a report regarding this matter to Council at the next General Meeting in Mundubbera on Tuesday, 20 December 2011. **CARRIED 6/0**
- Cr PJ Huth      Cr PJ Huth re-entered the meeting at 11:55am.
- DODE Report      **Agenda Item 9      Director of Development and Environment Report**
- Cr PW Francis moved and Cr P Baker seconded: That the Director of Development and Environment Service Report as presented, be received. **CARRIED 7/0**
- Resolved: That Council accept Director of Development and Environment late agenda item - 'Natural Resource Management Plan Draft'.
- Cr PW Lobegeier moved and Cr PJ Huth seconded: That Director of Development and Environment, RJ Savage write to Deputy Premier, Treasurer and Minister for State Development and Trade, Minister Andrew Fraser MP (with a copy to Paul McDonald, Burnett Mary Regional Group Liaison Officer - Ruth Thomas and Burnett Mary Regional Group) requesting that the closing date for feedback by Local Government Working Groups to the Natural Resource Management Plan Draft be extended from 9 December 2011 to the middle of February 2012 and public consultation feedback be extended from the end of March to mid May 2012. **CARRIED 7/0**
- Cr KS Wendt OAM BEM      Cr KS Wendt OAM BEM withdrew from the meeting at 12:11pm and re-entered at 12:13pm.
- Resolved: That Council accept Chief Executive Officer late agenda item - Deputation with Minister Vicki Darling and David Gibson – Verbal Report from Wednesday 30 November 2011.
- LD Hotz      Director of Corporate Services, LD Hotz withdrew from the meeting at 12:17pm and re-entered at 12:18pm.
- Lunch      The meeting adjourned for lunch at 12:27pm and resumed at 1:32pm.
- Local Laws      7.3      Local Laws Review
- RJ Savage      Director of Development and Environment Services, RJ Savage withdrew from the meeting at 1:45pm and re-entered at 1:47pm.
- RJ Savage      Director of Development and Environment Services, RJ Savage withdrew from the meeting at 1:52pm and re-entered at 1:54pm.
- AM Jackson      Director of Community Services, AM Jackson withdrew from the meeting at 2:05pm and re-entered at 2:11pm.

Cr PW Francis moved and Cr PW Lobegeier seconded: That the North Burnett Regional Council Local Laws Public Submissions and Responses Schedule as amended be adopted.

Submission	Local Law	Feedback Comments	Council Comment
<b>20 October 2011</b>	Subordinate Local Law No. 2 – Animal Management	<ul style="list-style-type: none"> <li>• Future handling of flying foxes, squatting.</li> </ul>	<ul style="list-style-type: none"> <li>• No changes required.</li> <li>• Department of Resource Management process.</li> </ul>
	Subordinate Local Law No. 5 - Parking	<ul style="list-style-type: none"> <li>• Small communities do not need: Parking inspectors, police, fines or tickets.</li> </ul>	<ul style="list-style-type: none"> <li>• Comments noted.</li> </ul>
	Other	<ul style="list-style-type: none"> <li>• Query on cost of reformulating of local laws.</li> </ul>	<ul style="list-style-type: none"> <li>• Legislative requirement.</li> </ul>
<b>31 October</b>	Subordinate Local Law No. 1 – Administration	<ul style="list-style-type: none"> <li>• Pg 12, Schedule 5, Column 2 – what does ‘*drive a vehicle’ refer to?</li> <li>• Pg 15, Section 3b – should plants be 1m rather than 750mm?</li> <li>• Pg 24, Section 6a – why have perishable foods, as most foods sold at a street stall are perishable.</li> <li>• Pg 33, Section 9 – Numbering system inconsistent [should be Section 3].</li> <li>• Pg 37, Schedule 10 – written consent from owners of neighbouring properties seem irrelevant in rural areas.</li> <li>• Pg 67, Section 2b – should this read ‘adult children’ at the end of the sentence?</li> <li>• Pg 86, Section 2h – should read ‘The’ not he.</li> <li>• Pg 98, Section 2x – is</li> </ul>	<ul style="list-style-type: none"> <li>• Deleted.</li> <li>• Agreed, 1 metre above natural ground level.</li> <li>• Requirement under food act, not agreed.</li> <li>• Agreed.</li> <li>• Agreed – under 6000m2 needed.</li> <li>• Not agreed, this is an example only.</li> <li>• Agreed.</li> <li>• Remove term gate–agreed</li> <li>• Agreed.</li> </ul>

		<p>5m either side of a licensed gate relevant – requirement only applies to grids.</p> <ul style="list-style-type: none"> <li>• Pg 99, section 3x– is 5m either side of a licensed gate relevant – requirement only.</li> </ul>	
	Subordinate Local Law No. 2 – Animal Management	<ul style="list-style-type: none"> <li>• Pg 8 and 12, schedule 1, section 3 – prohibiting horses etc. on allotments less than 6000 m2, yet in schedule 4 allowing animals to be kept if certain information is provided. Needs clarifying.</li> </ul>	<ul style="list-style-type: none"> <li>• Agreed – change SC 4. To less than 10,000 m2 and more than 6000 m2 as then requires a permit.</li> </ul>
	Subordinate Local Law No. 3 – Community and Environmental Management	<ul style="list-style-type: none"> <li>• Pg 7, schedule 3 – distances of fires other than for cooking purposes is too far and probably unenforceable, 25m more appropriate.</li> <li>• Colum 1 – should amended to read ‘urban areas’ as rural areas are covered by rural fire wardens.</li> <li>• Pg 3, part 4 – fires listed are usually exempt from permit requirements unless during a declared fire danger period, deemed low risk and council does not require involvement in rural areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Not agreed.</li> <li>• Agreed.</li> <li>• Agreed – remove section.</li> </ul>
	Subordinate Local Law No. 4 – Local Government Controlled Areas,	<ul style="list-style-type: none"> <li>• Column 2 – “Damage a Road”, non specific – should be amended to read “Wilful Damage to a Road” as accidental</li> </ul>	<ul style="list-style-type: none"> <li>• Not agreed.</li> <li>• Yes.</li> </ul>

	Facilities and Roads.	<p>damage can also occur – would be unfair to penalise those situations.</p> <ul style="list-style-type: none"> <li>• Pg 11, Colum 1, section 13 – All rivers and creeks and Public Dams, does this include controlled Local Government areas?</li> <li>• Pg 8, section 1 – Barbed Wire, column 2 should be amended to include “unless approved by an authorised person”.</li> <li>• Some LG Controlled recreational areas in rural locations where the risk of injury to the public is very low – is impractical to install second fence due to the terrain etc.</li> <li>• Pg 19, Schedule 3 – believes section should be deleted. Council does not issue B Double permits and should not be required to police the permits – role is for QPS or DTMR.</li> <li>• Schedule 3 Cont. – current table states B Doubles are prohibited to use B Double Routes.</li> </ul>	<ul style="list-style-type: none"> <li>• Agreed – Urban areas only.</li> <li>• Agreed – Urban areas only.</li> <li>• Agreed.</li> <li>• Agreed.</li> </ul>
<b>02 November 2011</b>	Subordinate Local Law No 3. (Community and Environmental Management) Part 5, a) and c)	<ul style="list-style-type: none"> <li>• Barbed wire – recreational boundaries.</li> <li>• Electric fences, safety requirements will have a negative effect in recreations areas e.g. campdrafts/horse sports. A temporary situation for penning</li> </ul>	<ul style="list-style-type: none"> <li>• Agreed on urban areas only.</li> <li>• Amend 6000m2 from 2 hectares.</li> <li>• Permit requirement activities.</li> <li>• Roadside agistment</li> </ul>

		<p>horses in such events need to be exemplified.</p> <ul style="list-style-type: none"> <li>• Drought conditions – permits to feed stock on roadsides and create roadside boundaries using electric fencing.</li> </ul>	<p>permit.</p>
<p><b>04 November 2011 – Bicentennial National Trail</b></p> <p><b>Key stake holders</b></p>	<p>Subordinate Local Law No. 4 – Local Government Controlled Areas, Facilities and Roads.</p>	<ul style="list-style-type: none"> <li>• <b>Impacts of Prohibited Activities:</b></li> <li>• Placing users of damp ground in surveyed road casements (whether formed or unformed) in doubt as to whether they might be accused of “damaging” a road.</li> <li>• Halting all recreational use (by foot, mountain bike or by trekking animals) of road casements (whether formed or unformed), other than on the bare earth, gravelled or surfaced sections of the road casement, because vegetation damage might be deemed to occur, with corresponding increases to risks in busy traffic situations.</li> <li>• Halting of all recreational use (by foot, mountain bike or by trekking animals) of council administered lands because vegetation damage might be deemed to occur.</li> <li>• Stopping all preparation of food within a surveyed road casement, either formed or unformed, either formed or</li> </ul>	<ul style="list-style-type: none"> <li>• Stock route permit.</li> <li>• After 6 months – implementation review.</li> <li>• Administer by exemption.</li> </ul>

		<p>unformed, this being a particular concern during cold weather when trekking is more popular.</p> <ul style="list-style-type: none"> <li>• Stopping all trekking on roads in remote areas because of the needs for certain domestic tasks and ablutions on sections of the trail that may be tens of kilometres long, particularly under difficult circumstances when travelling schedules may run late and designated campsites cannot be reached.</li> <li>• Uncertainty for travelling stock owners about the definition of an 'offensive liquid' or 'offensive substance' being discharged onto a road.</li> <li>• Halting the use of nominated camping locations, typically in Camping and Water Reserves, because animals are prohibited, damage may occur to vegetation and typical camping activities are prohibited included cooking.</li> <li>• Prohibition of lighting a fire within the State land of a 'bed and banks watercourse' at Camping and Water Reserves (even when legal under all other restraints, such as cleared surrounding areas, no total fire bans etc.)</li> <li>• Uncertainty about the</li> </ul>	
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		<p>clear definition of 'equestrian facilities' in relation to camp fires.</p> <ul style="list-style-type: none"> <li>• <b>Impacts of the “Restricted Activities”</b></li> <li>• Development of reasonable processes for obtaining permission to camp or sleep overnight on all local government controlled roads, areas, reserves and drainage channels, given that the majority of the BNT campsites on State land administered by councils are totally undeveloped, especially lacking fireplaces 'provided by the local government' leading to a need to obtain a written authorisation permit to light campfires.</li> <li>• The restriction and definition of the 'depasturing or agistment' of travelling trekker animals, and consequently the uncertainty about the need for a permit for trekking animals to do so.</li> <li>• Uncertainty about the use of pack animal trains and public safety 'in the opinion of an authorised person' (draft Subordinate Local Law No. 4 pages 5 and 13).</li> </ul>	
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<p><b>30 November 2011</b></p>	<p>Subordinate Local Law No. 2 – Animal Management</p>	<ul style="list-style-type: none"> <li>• Schedule 1 – prohibition of keeping animals. Nothing specific mentioned regarding noise levels (i.e. roosters). This is not apparent in the 'Nuisance' section either. If roosters have been omitted from the document – could something to the effect of 'roosters in an urban area need to be kept quiet at least until 6am (and later on a Sunday)?</li> </ul>	<ul style="list-style-type: none"> <li>• Agreed already in schedule 2, permit on allotment less than 6000m<sup>2</sup>. For new applications.</li> </ul>
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**CARRIED**

***Review of Anti-Competitive Provisions for Model Local Laws***

Cr P Baker moved and Cr PW Lobegeier seconded:

1. That North Burnett Regional Council hereby resolves that *Model Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* has been reviewed in accordance with section 38 of the *Local Government Act 2009* and that, taking into consideration the circumstances of the North Burnett Regional Council area, the law does not contain any possible anti-competitive provisions.

**CARRIED 7/0**

Cr PW Lobegeier moved and Cr KS Wendt OAM BEM seconded:

2. That North Burnett Regional Council hereby resolves to implement the recommendation of the Public Interest Test Report for:
  - *Model Local Law No.1 (Administration) 2010;*
  - *Model Local Law No.2 (Animal Management) 2010;*
  - *Model Local Law No.3 (Community and Environmental Management) 2010;*
  - and
  - *Model Local Law No.5 (Parking) 2010;*
 and that the anti-competitive provisions contained in the laws are in the public interest and should be retained.

**CARRIED 7/0**

***Making the Local Laws***

Cr PJ Huth moved and Cr FO Whelan seconded:

3. That North Burnett Regional Council hereby resolves to adopt:
  - *Model Local Law No. 1 (Administration) 2010.* The local law so adopted will be referred to as *Local Law No. 1 (Administration) 2011* of the Council's Local Laws;

- *Model Local Law No. 2 (Animal Management) 2010.* The local law so adopted will be referred to as *Local Law No. 2 (Animal Management) 2011* of the Council's Local Laws;
- *Model Local Law No. 3 (Community and Environmental Management) 2010.* The local law so adopted will be referred to as *Local Law No. 3 (Community and Environmental Management) 2011* of the Council's Local Laws;
- *Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010.* The local law so adopted will be referred to as *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* of the Council's Local Laws; and
- *Model Local Law No. 5 (Parking) 2010.* The local law so adopted will be referred to as *Local Law No. 5 (Parking) 2011* of the Council's Local Laws;

**CARRIED 7/0**

**Review of anti-competitive provisions for Subordinate Local Laws**

Cr PW Francis moved and Cr PW Lobegeier seconded:

4. That North Burnett Regional Council hereby resolves that *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* has been reviewed in accordance with section 38 of the *Local Government Act 2009* and that, taking into consideration the circumstances of the North Burnett Regional Council area, this law do not contain any possible anti-competitive provisions.

**CARRIED 7/0**

Cr FO Whelan moved and Cr KS Wendt OAM BEM seconded:

5. That Council hereby resolves to implement the recommendation of the Public Interest Test Report for
- *Subordinate Local Law No.1 (Administration) 2011;*
  - *Subordinate Local Law No.2 (Animal Management) 2011;*
  - *Subordinate Local Law No.3 (Community and Environmental Management) 2011; and*
  - *Subordinate Local Law No.5 (Parking) 2011.*

That the anti-competitive provisions contained in the laws are in the public interest and should be retained.

**CARRIED 7/0**

Cr PW Francis moved and Cr P Baker seconded:

6. That North Burnett Regional Council hereby resolves to make as amended:

- *Subordinate Local Law No.1 (Administration) 2011;*
- *Subordinate Local Law No.2 (Animal Management) 2011;*
- *Subordinate Local Law No.3 (Community and Environmental Management) 2011;*
- *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011; and*
- *Subordinate Local Law No.5 (Parking) 2011;*

**CARRIED 7/0**

Adjournment

Meeting adjourned at 2:42pm and resumed at 2:48pm with David Newby (Insite Strategies) and Administration Officer, L McLeod in attendance.

9.1 North Burnett Regional Planning Scheme – Working Draft

MJP Pitt

Chief Executive Officer, MJP Pitt withdrew from the meeting at 3:38pm and re-entered at 3:42pm.

Cr KS Wendt  
OAM BEM

Cr KS Wendt OAM BEM withdrew from the meeting at 3:46pm and re-entered at 3:47pm.

LD Hotz

Director of Corporate Services, LD Hotz withdrew from the meeting at 3:46pm and re-entered at 3:48pm.

Cr P Baker moved and Cr PW Francis seconded: That

1. Council receive the draft planning scheme for the purpose of providing feedback on the strategic framework (i.e. Part 3 of the draft);
  2. Council confirm the general policy directions set out in the draft;
  3. Councillors provide comments on the draft strategic framework to the Director of Development and Environment before the first Policy and Strategy Meeting in 2012 (dates to be advised);
  4. Council note the intention for drafting of the remainder of the scheme to proceed on the basis that the general direction expressed in the strategic framework is sound;
  5. Council note the work program for preparing the scheme for its State interests review.
- CARRIED 7/0***

Resolved: That Insite Strategies, D Newby provide a report on discussions held with the Department of Local Government regarding the North Burnett Region Planning Scheme to Council for the General Meeting to be held in Mundubbera on Tuesday, 20 December 2011.

Resolved: That Insite Strategies, D Newby provide the draft North Burnett Region Planning Scheme for sign-off by Council at the Policy and Strategy Meeting to be held Tuesday, 7 February, 2012.

Cr PW Lobegeier

Cr P Baker moved and Cr PJ Huth seconded: That Cr PW Lobegeier attend the Arts Queensland – Creative Capital Forum in Brisbane on Wednesday, 14 December 2011.

***CARRIED 7/0***

Closure of Meeting

**Agenda Item 10****Closure of Meeting**

There being no further business, the meeting closed at 4:13pm