



MINUTES

General Meeting

17 January 2018

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE MONTO BOARDROOM
ON WEDNESDAY, 17 JANUARY 2018 COMMENCING AT 9:02AM**

1 ATTENDEES

COUNCILLORS: Cr Rachel Chambers, Cr Faye Whelan, Cr John Bowen, Cr Paul Lobegeier, Cr Peter Webster, Cr John Zahl, Cr Robert Radel

OFFICERS: Mark Pitt (Chief Executive Officer), Trevor Harvey (General Manager Strategy, Innovation and Assets), Brad Duke (General Manager Corporate and Community), Ray Strohfeltdt (Acting General Manager Works), Natalie Zillman (Executive Assistant)

2 WELCOME/HOUSEKEEPING

The Mayor declared the meeting open and welcomed all attendees.

3 APOLOGIES/LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTEREST

Cr John Zahl declared a perceived conflict of interest in agenda item 13.3.

Cr Faye Whelan and the Chief Executive Officer declared a perceived conflict of interest in agenda item 13.2.

5 DEPUTATION/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. Other than with approval of the Mayor, individuals will not be allowed to address Council on agenda related matters at any other time during the meeting. Public Question and Statements Time will commence at 9:30am.

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE GENERAL MEETING HELD ON 13 DECEMBER 2017

RESOLUTION 2018/1

Moved: Cr John Zahl
Seconded: Cr Faye Whelan

1. That the Minutes of the General Meeting held on 13 December 2017 as amended be received and the recommendations therein be adopted. **CARRIED**

9:14am – The Community Connections Manager, Trisha Hansen and Community Development Officer Greg Watkins entered the meeting.

7 GOVERNANCE REPORTS

7.1 SATURDAY TRADING TRIAL

RESOLUTION 2018/2

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That:

1. the Saturday Trading Trial Report be received; and
2. Saturday trading hours from 9am to 12pm continue on a permanent basis in Eidsvold, Gayndah, Monto and Mundubbera. **CARRIED**

7.2 LGAQ 2017 STATE CONFERENCE - REPLY TO RESOLUTION NO. 6

RESOLUTION 2018/3

Moved: Cr Faye Whelan

Seconded: Cr John Zahl

That:

1. The report be received;
2. That Council write to the Hon Michael Keenan MP, Minister for Justice and the Queensland Reconstruction Authority to seek further clarification in regards to the 2018 NDRRA Guidelines; and
3. That a copy of the letter be sent to the Federal Member, Ken O'Dowd MP. **CARRIED**

7.3 STRONG AND SUSTAINABLE RESOURCE COMMUNITIES ACT 2017 (SSRC ACT) AND APPLICATION TO NORTH BURNETT REGION

RESOLUTION 2018/4

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That:

1. The Co-ordinator General be advised that Council would like to also include the Goondicum Ilmenite and Apatite Mine operated by Melior Resources, Goondicum via Monto in the initial list (large resource projects) provided on the potential application of the *Strong and Sustainable Resource Communities Act 2017* (SSRC Act) to nearby regional communities with the area of North Burnett Regional Council area; and
2. Any potential large resources projects being considered at State Government level, Council will expect to be advised as soon as possible to consider any possible regional impact. **CARRIED**

7.4 DNRM REQUEST FOR COUNCIL'S VIEWS - FURTHER DEALING OVER TERM LEASE 217547 - LOT 71 RW409**RESOLUTION 2018/5**

Moved: Cr Robert Radel
Seconded: Cr Faye Whelan

That the Department of Natural Resources and Mines be advised that Council has no objection to the further dealing of Term Lease 217547 on land described as Lot 71 RW409 located at Glen Valley Road, Moonford. **CARRIED**

7.5 FINANCE REPORT**RESOLUTION 2018/6**

Moved: Cr John Bowen
Seconded: Cr Paul Lobegeier

That the Finance Report as presented be adopted. **CARRIED**

9:25am – Warren McLachlan entered the meeting and discussed ownership of the Mungungo Rail Yards.

9:37am – Lachlan Brown entered the meeting.

9:39am – Vicki Mackay entered the meeting.

9:45am – Central and North Burnett Times representative Jack Lawrie entered the meeting.

9:47am – Jack Lawrie, Vicki Mackay and Warren McLachlan left the meeting. Lachlan Brown provided further information on the proposal to purchase leased land.

9:54am – Lachlan Brown left the meeting and Jack Lawrie, Vicki Mackay and Warren McLachlan re-entered the meeting.

MOTION**RESOLUTION 2018/7**

Moved: Cr Paul Lobegeier
Seconded: Cr Robert Radel

That Council pursue the ownership of the Mungungo Rail Yards with Queensland Rail. **CARRIED**

8 ECONOMIC REPORTS

8.1 2ND QUARTER CARAVAN AND CAMPING REPORT

RESOLUTION 2018/8

Moved: Cr Faye Whelan

Seconded: Cr John Zahl

That Council receive the 2nd Quarter Caravan and Camping Report as information. **CARRIED**

8.2 Q1 & Q2 COMMUNITY PARTNERSHIP - 201217

RESOLUTION 2018/9

Moved: Cr John Zahl

Seconded: Cr Paul Lobegeier

That Council receive the 1st and 2nd Quarter Community Partnerships Report as information.

CARRIED

9 SOCIAL REPORTS

9.1 THREE MOON HISTORICAL AND CULTURAL COMPLEX ADVISORY COMMITTEE MINUTES

RESOLUTION 2018/10

Moved: Cr Robert Radel

Seconded: Cr John Bowen

That Council receives the Three Moon Historical and Cultural Complex report and the minutes from the meetings held on 9 October and 5 December 2017 as presented be adopted. Further Council endorses the committees request to meet quarterly instead of monthly. **CARRIED**

9.2 COMBINED SOCIAL COHESION STEERING COMMITTEE MEETING

RESOLUTION 2018/11

Moved: Cr Faye Whelan

Seconded: Cr Robert Radel

That the Social Cohesion Steering Committee report be received; and

1. The minutes from the combined meeting held on 4 December 2017 as presented be adopted;
2. The action items identified at the meeting be endorsed and tasked to the Community Development Team;
3. Council endorse the Living in the North Burnett Booklet;
4. Council be proactive in contacting the Queensland Fire and Emergency Services in relation the safe housing of itinerant workers during the fruit season; and
5. The Chief Executive Officer (General Manager Corporate and Community) provide a report to the February General Meeting on future welcome/induction events. **CARRIED**

9.3 MUNDUBBERA REGIONAL ART GALLERY ADVISORY COMMITTEE - INFORMATION ONLY

RESOLUTION 2018/12

Moved: Cr Faye Whelan

Seconded: Cr Paul Lobegeier

That Council receives the Mundubbera Regional Art Gallery report as information and the minutes from the Meeting held on 11th December 2017 as presented be adopted. **CARRIED**

9.4 SOCIAL COHESION - MUNDUBBERA - LEICHHARDT STREET COMMUNITY GARDEN PROPOSAL

RESOLUTION 2018/13

Moved: Cr Robert Radel

Seconded: Cr John Zahl

That:

1. The Chief Executive Officer (via Community Connection Manager) advise the Mundubbera Wesleyan Methodist Church that it will grant:
 - (i) A permit to occupy land located at Lot 45RP28436 for purposes of establishing a community garden;
 - (ii) For an initial period of 2 years;
 - (iii) Subject to review at the expiry of this period and the acceptance of conditions contained in this report; and
2. The Chief Executive Officer (via Community Connection Manager) to call expression of interests for permit to occupy Lot 46 and 48RP28436 from not for profit organisations also subject to the acceptance of agreed terms and conditions. **CARRIED**

10:25am – Trisha Hansen and Greg Watkins left the meeting.

10:26am – The meeting adjourned for Morning Tea.

11:06am – The meeting resumed with the Manager of Environmental Services, Jeff Miles in attendance.

10 INFRASTRUCTURE REPORTS

Nil

11 ENVIRONMENTAL REPORTS

11.1 LOCAL LAW NO.6 (WASTE MANAGEMENT) 2017

RESOLUTION 2018/14

Moved: Cr John Bowen

Seconded: Cr Peter Webster

That Council resolves as follows:

1. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make Local Law No. 6 (Waste Management) 2017 as advertised (Attachment 1); and
2. That Council agrees to implement the recommendations of the Public Interest Test Report (Attachment 2) relating to Local Law No. 6 (Waste Management) 2017; and
3. That Council resolves to record that Local Law No. 6 (Waste Management) 2017 does contain anti-competitive provisions (Attachment 3); however there are no significant impacts from the anti-competitive provisions as noted; and
4. That pursuant to Section 29B of the *Local Government Act 2009*, Council advise the public that Local Law No. 6 (Waste Management) 2017 has been made and contains anti-competitive provisions, by publishing a notice of the making of the local law; and
5. That pursuant to Section 29B (7) of the *Local Government Act 2009*, Council give notice of the making of the local law to the Minister and it be published in the Gazette and on Council's website.

CARRIED

11.2 LOCAL LAW NO.6 (WASTE MANAGEMENT) 2017 – PUBLIC INTEREST TEST

RESOLUTION 2018/15

Moved: Cr Peter Webster

Seconded: Cr John Zahl

In consideration of the impacts identified above, it is recommended that each of the anti-competitive provisions identified in the public interest test plan be retained in LL6 in the overall public interest, because:

- (a) the benefit of the anti-competitive provisions to the community as a whole outweighs the cost; and
- (b) the most appropriate way of achieving the objectives of LL6 is by restricting competition in the way provided in the anti-competitive provisions.

CARRIED

12 COUNCILLOR REPORTS

12.1 MAYOR AND COUNCILLORS REPORTS

RESOLUTION 2018/16

Moved: Cr Paul Lobegeier

Seconded: Cr Peter Webster

That the Councillor report as presented be received.

CARRIED

11:27am – Jack Lawrie left the meeting.

13 CONFIDENTIAL REPORTS

RESOLUTION 2018/17 11:27AM

Moved: Cr Robert Randel

Seconded: Cr John Zahl

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:

13.1 PROPOSED PURCHASE LEASED LAND - PART OF LOT 86 SP227537

This matter is considered to be confidential under Section 275(1) - e and 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 contracts proposed to be made by it and 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.

The Chief Executive Officer declared a perceived conflict of interest in agenda item 13.2 (as defined in section 173 of the *Local Government Act 2009*) due to family employment and proposed to exclude himself from the meeting while this matter is debated.

Cr Faye Whelan declared a perceived conflict of interest in agenda item 13.2 (as defined in section 173 of the *Local Government Act 2009*) due to neighbouring business ownership and proposed to exclude herself from the meeting while this matter is debate.

13.2 DISPOSAL OF LAND AND BUILDING - 12 CAPPER ST, GAYNDAH - LOT 9 ON RP 101967

This matter is considered to be confidential under Section 275(1) - e and 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 contracts proposed to be made by it and 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.

Cr John Zahl declared a perceived conflict of interest in agenda item 13.3 (as defined in section 173 of the *Local Government Act 2009*) due to family employment and proposed to exclude himself from the meeting while this matter is debated.

13.3 Addition to Panel of Providers for Facilities Maintenance - 2909/2017-18/QTB/16

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.

13.4 Enterprise Bargaining Update

This matter is considered to be confidential under Section 275(1) - b 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 industrial matters affecting employees.

CARRIED

RESOLUTION 2018/18

Moved: Cr John Zahl
Seconded: Cr Peter Webster

That Council moves out of Closed Council into Open Council.

CARRIED

13.1 PROPOSED PURCHASE LEASED LAND - PART OF LOT 86 SP227537**RESOLUTION 2018/19**

Moved: Cr Paul Lobegeier
Seconded: Cr Robert Randel

That in accordance with the provisions of the *Local Government Regulation 2012*, Council agrees in principle to sell the entire Lease D area of 128.40 hectares (part of) Lot 86 on SP227537 to Mr Lachlan Brown subject to:

1. the cancellation of lease in the name of LJ & M Brown and SH & M Cross; and
2. the payment of market value price (as determined by independent valuation); and
3. All other associated costs regarding the land sale (including new property valuation, surveys, registered access easement, amalgamation with existing Lot 99 RW106 and separate title for Council owned airport property) as detailed in the report.

Further it be delegated to the Chief Executive Officer (General Manager Corporate & Community) to fully conclude this matter.

In Favour: Crs Rachel Chambers, Faye Whelan, Paul Lobegeier, Peter Webster and Robert Radel

Against: Crs John Bowen and John Zahl

CARRIED 5/2

12:48pm – Cr Faye Whelan declared a perceived conflict of interest in agenda item 13.2 (as defined in section 173 of the *Local Government Act 2009*) due to neighbouring business ownership and proposed to exclude herself from the meeting while the vote is taken.

12:48pm – The Chief Executive Officer declared a perceived conflict of interest in agenda item 13.2 (as defined in section 173 of the *Local Government Act 2009*) due to family employment and proposed to exclude himself from the meeting while the vote is taken.

13.2 DISPOSAL OF LAND AND BUILDING - 12 CAPPER ST, GAYNDAH - LOT 9 ON RP 101967

Resolution 2018/20

Moved: Cr Paul Lobegeier
Seconded: Cr John Bowen

That:

1. it be referred to the Chief Executive Officer (General Manager Corporate & Community) to formally write to the Minister for Local Government seeking an exemption from the complying with section 227 of the *Local Government Regulation 2012* (Valuable non-current asset contract – tenders or auction needed first) for the disposal of land and buildings located at 12 Capper Street, Gayndah (Lot 9 on RP 101967) to Vedas Dental Pty Ltd; and

2. in accordance with section 236(6) of *Local Government Regulation 2012*, Council fully complies with any conditions as given by the Minister for Local Government; and
3. Should there be no conditions imposed by the Minister for Local Government regarding this exemption, it be referred to the Chief Executive Officer (General Manager Corporate & Community) to obtain an independent valuation of property (payable by Vedas Dental Pty Ltd) located at 12 Capper St, Gayndah to progress the sale.

In Favour: Crs Rachel Chambers, John Bowen, Paul Lobegeier, Peter Webster, John Zahl and Robert Radel

Against: Nil

CARRIED 6/0

12:49pm – Cr Faye Whelan and the Chief Executive Officer re-entered the meeting.

12:49pm – Cr John Zahl declared a perceived conflict of interest in agenda item 13.3 (as defined in section 173 of the Local Government Act 2009) due to family employment and proposed to exclude himself from the meeting while the vote is taken.

13.3 ADDITION TO PANEL OF PROVIDERS FOR FACILITIES MAINTENANCE - 2909/2017-18/QT/16

RESOLUTION 2018/21

Moved: Cr John Bowen
Seconded: Cr Paul Lobegeier

It is recommended that Vic Bryant & Co Electrical be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909/2017-18/QT/16 for a period of two years.

1. That Vic Bryant & Co Electrical be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909/2017-18/QT/16 for a period of two years.

In Favour: Crs Rachel Chambers, Faye Whelan, John Bowen, Paul Lobegeier, Peter Webster and Robert Radel

Against: Nil

CARRIED 6/0

13.4 ENTERPRISE BARGAINING UPDATE

RESOLUTION 2018/22

Moved: Cr Peter Webster
Seconded: Cr Paul Lobegeier

That the report be received and noted and feedback on the draft certified agreement and log of claims be forwarded to the Chief Executive Officer. **CARRIED**

13.4 NARAYEN UPDATE

RESOLUTION 2018/23

Moved: Cr John Bowen
Seconded: Cr Peter Webster

That the Chief Executive Officer investigate options for future Council involvement. **CARRIED**

13.5 INDUSTRIAL DEVELOPMENT

RESOLUTION 2018/24

Moved: Cr Faye Whelan
Seconded: Cr Paul Lobegeier

That the Chief Executive Officer investigate land sale options as discussed.

CARRIED

13.6 LIGHT INDUSTRIAL LAND

RESOLUTION 2018/25

Moved: Cr John Zahl
Seconded: Cr Paul Lobegeier

That the Chief Executive Officer (General Manager Corporate and Community)(General Manager Strategy, Innovation and Assets present a formal report to the February Standing Committee on seed funding and available funding for development of light industrial land.

CARRIED

14 GENERAL BUSINESS

14.1 LEAVE OF ABSENCE

RESOLUTION 2018/26

Moved: Cr Paul Lobegeier
Seconded: Cr John Zahl

That a leave of absence be received for the Mayor, Cr Rachel Chambers for 12-25 February 2018 inclusive.

CARRIED

It was resolved that the Mayor and Deputy Mayor attend International Women's Day Celebrations to be held on Thursday 08 March 2018, Government House Brisbane.

15 CLOSURE OF MEETING

The Meeting closed at 1:05pm.

The minutes of this meeting were confirmed at the General Meeting held on 21 February 2018.

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CHAIRPERSON