



MINUTES

General Meeting

26 September 2018

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE MT PERRY BOARDROOM
ON WEDNESDAY, 26 SEPTEMBER 2018 AT 8:59AM**

1 ATTENDEES

COUNCILLORS: Cr Faye Whelan (Acting Mayor), Cr John Bowen, Cr Paul Lobegeier, Cr Robert Radel, Cr Peter Webster and Cr John Zahl,

OFFICERS: Gary Rinehart (Chief Executive Officer), Brad Duke (General Manager Corporate and Community), Trevor Harvey (General Manager of Strategy, Innovation and Assets), Johan Louw (General Manager Works) and Nita Kreis (Governance Officer)

2 WELCOME/HOUSEKEEPING

The Acting Mayor declared the meeting open and welcomed all attendees.

3 APOLOGIES/LEAVE OF ABSENCE

RESOLUTION 2018/211

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That the apology received from Mayor Cr Rachel Chambers be accepted and leave of absence granted. **CARRIED**

4 DECLARATION OF INTEREST

The Acting Mayor Cr Faye Whelan declared a perceived conflict of interest in two (2) matters relating to agenda item 13.2 'Community Grants Report to August 2018' (as defined in section 173 of the Local Government Act 2009), first her role with the Mundubbera Heritage Rail Committee and secondly (a verbal business matter from the Gayndah Jockey Club) due to family involvement in the racing industry. In accordance with section 175E(4) of the Local Government Act 2009, all other Councillors present decided it was a perceived conflict of interest; however all agreed that more verbal information from the Councillor was required prior to making a decision. Therefore it was agreed that Cr Whelan would be present during the discussion of the matters and that she be excluded from the meeting when the vote is taken.

Cr John Zahl declared a perceived conflict of interest in agenda item 13.1 'Community Grants Report to August 2018' (as defined in section 173 of the Local Government Act 2009) due to he being and honorary auditor of the Gayndah Jockey Club. In accordance with section 175E(4) of the Local Government Act 2009, all other Councillors present decided it was a perceived conflict of interest; however all agreed that more verbal information from the Councillor was required prior to making a decision. Therefore it was agreed that Cr Zahl would be present during the discussion of the matter and that he be excluded from the meeting when the vote is taken.

5 DEPUTATION/PETITIONS

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE GENERAL MEETING HELD ON 5 SEPTEMBER 2018****RESOLUTION 2018/212**

Moved: Cr John Bowen
Seconded: Cr Paul Lobegeier

That the Minutes of the General Meeting held on 5 September 2018 be confirmed. **CARRIED**

7 GOVERNANCE REPORTS**7.1 ALGA'S NATIONAL ADVOCACY PLAN - REQUEST FOR SUPPORT****RESOLUTION 2018/213**

Moved: Cr Robert Radel
Seconded: Cr John Zahl

That:

1. The ALGA's National Advocacy Plan – Request for support report be received as presented.
2. Council support the ALGA's National Advocacy Plan calling on the next federal government to restore core local government funding of Financial Assistance Grants (FAGs) to at least 1% of Commonwealth taxation revenue and add funding for partnership programs where agreed.
3. The Chief Executive Officer be authorised to complete the online endorsement form.

CARRIED

7.2 POLICY 117 PUBLIC INTEREST DISCLOSURE**RESOLUTION 2018/214**

Moved: Cr John Bowen
Seconded: Cr Peter Webster

That Council adopt Statutory Policy 117 Public Interest Disclosure as presented. **CARRIED**

7.3 FINANCE REPORT TO 31 AUGUST 2018**RESOLUTION 2018/215**

Moved: Cr John Zahl
Seconded: Cr Peter Webster

That the Finance Report for month ended 31 August 2018 as presented be adopted. **CARRIED**

7.4 ADMINISTRATION (AMENDMENT) SUBORDINATE LOCAL LAW (NO.1) 2018

RESOLUTION 2018/216

Moved: Cr Peter Webster

Seconded: Cr Paul Lobegeier

That Council lay on the table the proposal for *Administration (Amendment) Subordinate Local Law (No.1) 2018*.

CARRIED

8 ECONOMIC REPORTS

8.1 STREETScape FUNDING REPORT

RESOLUTION 2018/217

Moved: Cr Peter Webster

Seconded: Cr Paul Lobegeier

That in accordance with General Policy 218 – Business Streetscape, Council approve the following Streetscape funding applications:

1. Coffee Pozzee Pty Ltd (Doc Id: 891336) for Business Streetscape Funding of \$1,000.00 to repaint exterior of building, build entrance arbour and replace old footpath with new paving, pots and plants for entrance of 21 George Street, Biggenden.
2. DM Rural Pty Ltd T/A Danielle Meyer Rural (Doc Id: 891608) for Business Streetscape Funding of \$1,000.00 to paint the front of 37 Lyons Street, Mundubbera.
3. Mundubbera Classic Cuts Hair Studio (Doc Id: 891940) for Business Streetscape Funding of \$1,000.00 to replace signage at front and top of building and window front, to paint the post at the front of 35 Lyons Street, Mundubbera.

CARRIED

9 SOCIAL REPORTS

9.1 COUNCIL REPRESENTATION AT THE EMIRATES MELBOURNE CUP 2018

RESOLUTION 2018/218

Moved: Cr Paul Lobegeier

Seconded: Cr Peter Webster

That Council endorse the actions of the Chief Executive Officer in accepting the invitation from Evolution Mining and ABC Bullion, for Mayor Cr Chambers to attend the 2018 Melbourne Cup being held on Tuesday 06 November, for the following reasons:

- The gold used to make the cup comes from the North Burnett Region; and
- This is a unique opportunity for the region to be showcased at a global event.

CARRIED

10 INFRASTRUCTURE REPORTS

10.1 HEAVY VEHICLE USER CHARGES

RESOLUTION 2018/219

Moved: Cr John Zahl

Seconded: Cr Paul Lobegeier

That the report be received and Council submit an application to the Federal Department of Infrastructure, Regional Development and Cities expressing the North Burnett Regional Council's interest in participating in the enquiry, specifically relating to road infrastructure investment reform in the Heavy Vehicles Charging Trials. **CARRIED**

10.2 APPLICATION FOR PERMANENT ROAD CLOSURE - UNFORMED ROAD, EIDSVOLD

RESOLUTION 2018/220

Moved: Cr Paul Lobegeier

Seconded: Cr Peter Webster

That it be referred to the Chief Executive Officer (General Manager Works) to advise the Department of Natural Resources, Mines and Energy that use of the land as proposed will be authorised by the road manager or trustee of the reserve land and that no further contact with DNRME is needed at this time. In addition this approval is conditional on the terms that sometime into the future all lots will need to be reconfigured into one allotment including the section of closed road. **CARRIED 4/2**

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

Against: Crs Faye Whelan and John Bowen

10.3 REQUEST TO MODIFY MOUNT PERRY ENTRANCE SIGNS

RESOLUTION 2018/221

Moved: Cr John Bowen

Seconded: Cr John Zahl

That Council supports the additional signage "The Birthplace of the 2018 Melbourne Cup" as proposed by Mount Perry Community Development Board subject to approval from the Department of Transport and Main Roads. **CARRIED**

10.4 PLAYGROUND EQUIPMENT AUDIT REVIEW

RESOLUTION 2018/222

Moved: Cr Robert Radel

Seconded: Cr John Zahl

That:

1. Council undertake to complete works on Condition 5 playground equipment (as presented) up to the amount of the available adopted budget using the option of woodchip soft fall; and
2. Council list for consideration in the Q2 budget funds to complete the remainder of the Condition 5 rectification works. **CARRIED**

At 10:25am the meeting adjourned for morning tea and reconvened at 10:55am.

11 ENVIRONMENTAL REPORTS

Nil

12 COUNCILLOR REPORTS

12.1 MAYOR AND COUNCILLORS REPORTS

RESOLUTION 2018/223

Moved: Cr John Zahl

Seconded: Cr Robert Radel

That the Councillor Report be received.

CARRIED

13 CONFIDENTIAL REPORTS**RESOLUTION 2018/224**

Moved: Cr John Bowen
Seconded: Cr Robert Radel

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 Biohub Project Strategic Assessment

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.

13.2 Grants to Community Organisation September 2018

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.

13.3 Council Property - 61 Golden Spur Street Eidsvold

This matter is considered to be confidential under Section 275(1) (c) 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 the local government's budget 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.

CARRIED

RESOLUTION 2018/225

Moved: Cr Robert Radel
Seconded: Cr Paul Lobegeier

That Council moves out of Closed Session and be open to the public.

CARRIED

13.1 BIOHUB PROJECT STRATEGIC ASSESSMENT

RESOLUTION 2018/226

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That Council:

1. receive and note the Biohub Project Strategic Assessment Report; and
 2. support in principle the development of a private project in a decentralised or centralised manner; and
 3. authorise the Chief Executive Officer (General Manager Strategy, Innovation and Assets) to liaise with the author and funding body with a view of providing a copy of the report to key stakeholders.
- CARRIED**

Declaration of Conflict of Interest

- a) Pursuant to declaration made on page 2 of these Council Minutes, at 11.19am, the Acting Mayor, Cr Faye Whelan declared a perceived conflict of interest (as defined in section 175D of the *Local Government Act 2009* "the Act") in agenda item 13.2 Community Grants Report to August 2018' firstly in her role with the Mundubbera Heritage Rail Committee and secondly, a verbal business matter from the Gayndah Jockey Club; and
- b) Cr Whelan outlined the nature of interest including her role with the Mundubbera Heritage Rail Committee and her family involvement in the racing industry; and
- c) In accordance with Section 175E(3) and 175E(4) of the Act, Cr Whelan left the meeting at 11.20am and did not participate in voting on this item; and
- d) The majority of Councillors voted in favour of the resolution on this item when considered in open session.

RESOLUTION 2018/227

Moved: Cr Robert Radel

Seconded: Cr Paul Lobegeier

That Cr Bowen assume the Chair until the Acting Mayor returns.

CARRIED

Declaration of Conflict of Interest

- a) Pursuant to declaration made on page 2 of these Council Minutes, at 11.20am, Cr John Zahl declared a perceived conflict of interest (as defined in section 175D of the *Local Government Act 2009*, 'the Act') in agenda item 13.2 'Community Grants Report to August 2018' a verbal request specific to the Gayndah Jockey Club; and
- b) Cr Zahl outlined the nature of interest including her role with the Gayndah Jockey Club as their Honorary Auditor; and
- c) In accordance with Section 175E(3) and 175E(4) of the Act, Cr Zahl left the meeting at 11.21am and did not participate in voting on this item; and
- d) The majority of Councillors voted in favour of the resolution on this item when considered in open session.

13.2 GRANTS TO COMMUNITY ORGANISATION SEPTEMBER 2018 – PART 1

RESOLUTION 2018/228

Moved: Cr Paul Lobegeier

Seconded: Cr John Bowen

That in accordance with Policy 119 Lifelong Community Grants, Policy 120 Cultural and Sports Performance Grants, Policy 121 Major Events Grants and Policy 113 Not for Profit Community Organisations and In Kind Support, Council approves the following applications:

1. Deliver 32m3 of landfill to Heritage Rail site – Mundubbera Heritage Rail Committee; and
2. Watering of track, rubbish bins, labour and machinery - Gayndah Jockey Club (verbal advice – estimate not available) 150th celebration of the running of the first Queensland Derby.

CARRIED

At 11.25am, Crs Whelan and Zahl returned to the meeting with Cr Whelan assuming the chair.

13.2.1 GRANTS TO COMMUNITY ORGANISATIONS SEPTEMBER 2018 - PART 2

RESOLUTION 2018/229

Moved: Cr Paul Lobegeier

Seconded: Cr John Bowen

That in accordance with Policy 119 Lifelong Community Grants, Policy 120 Cultural and Sports Performance Grants, Policy 121 Major Events Grants and Policy 113 Not for Profit Community Organisations and In Kind Support, Council approves the following applications:

1. Sports Performance Grant (State Level) – Jayden Pashley – up to \$250.00;
2. Sport Performance Grant (National Level) – Connor Pashley - \$500.00;
3. Waiver of Building Fees - Gayndah Swimming Club – \$981.00;
4. Waiver of Fees - Bundaberg Four Wheel Drive Club Inc. – \$874.50
5. Waiver of Building Fees - Biggenden Historical Assoc. Inc. – \$4,135.00;
6. Inclusion in Not-for-Profit Register / Biggenden Hall (overnight) - Bike for Burns

CARRIED

13.3 COUNCIL PROPERTY - 61 GOLDEN SPUR STREET EIDSVOLD

RESOLUTION 2018/230

Moved: Cr Paul Lobegeier

Seconded: Cr Peter Webster

That Council note the offer for property located at 61 Golden Spur Street, Eidsvold and that the Chief Executive Officer (General Manager Corporate and Community) be authorised to negotiate and conclude the sale in the best interests of Council.

CARRIED

14 GENERAL BUSINESS

14.1 REGIONAL ARTS DEVELOPMENT FUND – RADICUL TOUR – LONGREACH

RESOLUTION 2018/231

Moved: Cr John Zahl

Seconded: Cr John Bowen

That:

1. The Chief Executive Officer be authorised to approve the use of Council vehicles for non-Council people to participate in the RadiCUL Tour to western Queensland; and
2. Council endorse the attendance of any elected members that may choose to be involved with the RadiCUL Tour; and
3. Council authorise the use of corporate fuel card during the course of this event. **CARRIED**

14.2 FEDERAL GOVERNMENT FUNDING OPPORTUNITIES VIA LOCAL MEMBER

RESOLUTION 2018/232

Moved: Cr Robert Radel

Seconded: Cr John Bowen

That:

1. The Mayor and Chief Executive Officer be authorised to negotiate with the Federal Member for Flynn, the Hon. Ken O'Dowd MP concerning possible funding towards an existing budgeted Council project; and
2. A letter be forwarded to the Federal Member for Flynn, the Hon. Ken O'Dowd MP inviting him to a future Council meeting. **CARRIED**

Declaration of Conflict of Interest

- a) At 11.39am, the Acting Mayor, Cr Faye Whelan declared a perceived conflict of interest (as defined in section 175D of the *Local Government Act 2009* "the Act") on the following general business item i.e. resubmitting the 2017 Mundubbera Archer Park Sport and Recreation Committee's application under the "*Get Playing Places and Spaces*" for building improvements.
- b) Cr Whelan advised that she was the Chair of the Mundubbera Archer Park Sport and Recreation Committee.
- e) In accordance with Section 175E(3) and 175E(4) of the Act, Cr Whelan left the meeting at 11.40am and did not participate in voting on this item; and
- f) The majority of Councillors voted in favour of the resolution on this item when considered in open session.

RESOLUTION 2018/233

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That Cr Bowen assume the Chair until the Acting Mayor returns.

CARRIED**14.3 FUNDING OPPORTUNITIES – “GET PLAYING PLACES AND SPACES”****RESOLUTION 2018/234**

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That Council endorse funding applications under the “*Get Playing Places and Spaces*” funding scheme in the following order:

1. North Burnett Public Swimming Pools – disability access upgrades – Council financial contribution up to \$13,000; and
2. Support the Mundubbera Archer Park Sport and Recreation Committee’s application under the “*Get Playing Places and Spaces*” for building improvements including officials rooms, first aid room and new kitchen – Council’s financial and in-kind contribution up to \$25,000.

CARRIED

At 11.47am, Cr Whelan returned to the meeting and assumed the chair.

LEAVE OF ABSENCE REQUEST**RESOLUTION 2018/235**

Moved: Cr John Zahl

Seconded: Cr Paul Lobegeier

That leave of absence from Cr Robert Radel for the period Monday 1 to Tuesday 9 October 2018 be received and accepted.

CARRIED**15 CLOSURE OF MEETING****The Meeting closed at 11:59am.****The minutes of this meeting were confirmed at the General Meeting held on 17 October 2018.**.....
CHAIRPERSON