



MINUTES

General Meeting

12 December 2018

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE BIGGENDEN BOARDROOM
ON WEDNESDAY, 12 DECEMBER 2018 AT 9:00AM**

1 ATTENDEES

COUNCILLORS: Cr Rachel Chambers (Mayor), Cr Faye Whelan (Deputy Mayor), Cr John Bowen, Cr Paul Lobegeier, Cr Robert Radel 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), Zoe Behrendt (Corporate Services Manager) and Natalie Zillman (Information Coordinator)

2 WELCOME/HOUSEKEEPING

The Mayor declared the meeting open and welcomed all attendees.

Erica Muree from the Central and North Burnett Times joined the meeting in the Public Gallery.

3 APOLOGIES/LEAVE OF ABSENCE

RESOLUTION 2018/320

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That the apology received from Cr Peter Webster be accepted and leave of absence granted.

CARRIED

4 BUSINESS NOT ON THE AGENDA

RESOLUTION 2018/321

Moved: Cr Faye Whelan

Seconded: Cr Robert Radel

That Council include the following items as Business not on the Agenda to be considered later in the meeting:

1. Central and North Burnett Times Deputation; and
2. Mayoral Leave of Absence.

CARRIED

5 DECLARATION OF INTEREST

The Deputy Mayor, Cr Faye Whelan declared a perceived conflict of interest in agenda item 13.7 'Community Grants Report December 2018' (as defined in section 173 of the Local Government Act 2009) due to family involvement in the racing industry. In accordance with section 175E (4) of the Local Government Act 2009, Cr Whelan proposed to exclude herself from the meeting while this matter is debated and the vote is taken in open session.

6 DEPUTATION/PETITIONS

Nil

7 CONFIRMATION OF MINUTES**7.1 MINUTES OF THE GENERAL MEETING HELD ON 28 NOVEMBER 2018****RESOLUTION 2018/322**

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That the Minutes of the General Meeting held on 28 November 2018 be confirmed. **CARRIED****8 GOVERNANCE REPORTS****8.1 CALL FOR SUBMISSIONS - INQUIRY INTO A SUSTAINABLE QUEENSLAND INTRASTATE SHIPPING INDUSTRY****RESOLUTION 2018/323**

Moved: Cr Robert Radel

Seconded: Cr John Zahl

That:

1. The Call for submissions – inquiry into a sustainable Queensland intrastate shipping industry report be received for information.
2. The Chief Executive Officer in consultation with WBBROC Council's be delegated authority to progress a written submission to the Transport and Public Works Committee regarding the inquiry into a sustainable Queensland intrastate shipping industry. **CARRIED**

8.2 FINANCE REPORT TO 30 NOVEMBER 2018**RESOLUTION 2018/324**

Moved: Cr Robert Radel

Seconded: Cr John Zahl

That the Finance Report for month ended 30th November 2018 as presented be adopted.

CARRIED

8.3 DEPARTMENT OF TRANSPORT AND MAIN ROADS SAFEST PROGRAM**RESOLUTION 2018/325**

Moved: Cr John Bowen

Seconded: Cr Faye Whelan

That Council endorses the following Transport Infrastructure Development Scheme (TIDS) SafeST projects for consideration in the 2019/20 financial year to be submitted to the Regional Roads and Transport Group (RRTG):

Street Name	Location	Description	Total Cost	Council
Queen/ Fielding	Gayndah	Description/Scope of Works: Gayndah State School Queen St construct 100m of new concrete footpath 1.5m wide from Fielding St to the School crossing. Fielding St construct 400m (200m each side of Fielding St) of new concrete footpath 1.5m wide from Meson St to Queen St.	\$82,000	\$41,000
Leichhardt / Eyre	Monto	Monto State School, construct 90m of new concrete footpath 1.5m wide Leichhardt St (from Eyre St to School crossing). Construct 100m of new concrete footpath 1.5m wide Eyre St (form Cunningham St to Leichhardt St) Line mark school crossings.	\$36,000	\$18,000
Frederick/ Victoria	Biggenden	Biggenden State School, Frederick street construct 330m of new concrete path 1.5m wide from Mary St to Victoria lhs and rhs. Extend concrete path from old Doctors surgery to the end on the school zone 40m x 1.5m wide. Replace 40m of existing path in front of the school at the bus stop. Replace existing path from Victoria St to the hall entrance 30m x 1.5m wide. Victoria street upgrade existing path lhs and rhs from Frederick street to George street with new path 1.5m wide.	\$96,568	\$48,284
Brigalow	Mulgildie	Mulgildie State School, construct 90m of new concrete footpath 1.5m wide from Park St to the school crossing.	\$16,000	\$8,000
Raleigh/ Rutherford	Monto	St Therese Catholic School, construct 160m of new concrete footpath 1.5m wide Rayleigh St (from Monto Tyre Centre to Rutherford St). Construct 50m of new concrete footpath 1.5m wide Rutherford St (form Rayleigh St to Kelvin St).	\$36,000	\$18,000

CARRIED

9 ECONOMIC REPORTS

Nil

10 SOCIAL REPORTS

Nil

4 INFRASTRUCTURE REPORTS**11.1 ASSET MANAGEMENT PLAN - PARKS & OPEN SPACES****RESOLUTION 2018/326**

Moved: Cr John Zahl

Seconded: Cr Robert Radel

That the Asset Management Plan – Parks and Open Spaces be received and adopted by Council.

CARRIED**11.2 CYCLE AND FOOTPATHS****RESOLUTION 2018/327**

Moved: Cr John Bowen

Seconded: Cr Faye Whelan

That Council:

1. Allocates an additional \$150,000 in the 2018/19 budget to construct the Gayndah and Mount Perry shared cycle ways; and
2. Submit variations with reduced scope to the Department of Transport and Main Roads for the Gayndah and Mount Perry shared cycle ways.

CARRIED**5 ENVIRONMENTAL REPORTS**

Nil

6 COUNCILLOR REPORTS**13.1 MAYOR AND COUNCILLORS REPORTS****RESOLUTION 2018/328**

Moved: Cr Robert Radel

Seconded: Cr Paul Lobegeier

That the Councillor Reports be received.

CARRIED

15 BUSINESS NOT ON THE AGENDA**RESOLUTION 2018/329**

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That Business not on the Agenda be brought forward.

CARRIED**15.1 CENTRAL AND NORTH BURNETT TIMES DEPUTATION****RESOLUTION 2018/330**

Moved: Cr Paul Lobegeier

Seconded: Cr Faye Whelan

That the Council invite the General Manager of the Central and North Burnett Times to a workshop to discuss the future business operations of the newspaper.

CARRIED**15.2 MAYORAL LEAVE OF ABSENCE****RESOLUTION 2018/331**

Moved: Cr Paul Lobegeier

Seconded: Cr Faye Whelan

That a leave of absence be received for the Mayor, Cr Rachel Chambers from the 22 December 2018 through to the 13 January 2019 inclusive. During this period, the Deputy Mayor Cr Faye Whelan will be Acting Mayor.

CARRIED

7 CONFIDENTIAL REPORTS

RESOLUTION 2018/332

9:54 AM

Moved: Cr Faye Whelan

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*:

14.1 Concession for Rate Payer Under Financial Hardship

This matter is considered to be confidential under Section 275(1) - d of the *Local Government Regulation 2012*, 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 rating concessions.

14.2 Concession for Rate Payer Under Financial Hardship

This matter is considered to be confidential under Section 275(1) - d of the *Local Government Regulation 2012*, 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 rating concessions.

14.3 DNRME Request for Council's Views - Application for Renewal of Term Lease 0/213607 - Lot 186 on CK3066

This matter is considered to be confidential under Section 275(1) - h of the *Local Government Regulation 2012*, 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.

14.4 DNRME Request for Council's Views - Application for Renewal of Term Lease 0/233914 - LOTS 13 AND 14 M7612

This matter is considered to be confidential under Section 275(1) - h of the *Local Government Regulation 2012*, 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.

14.5 DNRME Request for Council's Views - Application for Renewal of Term Lease 0/213715 - Lot 84 on WK135

This matter is considered to be confidential under Section 275(1) - h of the *Local Government Regulation 2012*, 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.

14.6 DNRME Request for Council's Views - Application for Renewal of Term Lease 0/213717 over Lot 146 on MZ974

This matter is considered to be confidential under Section 275(1) - h of the *Local Government Regulation 2012*, 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.

14.7 Community Grants Report December 2018

This matter is considered to be confidential under Section 275(1) - h of the *Local Government Regulation 2012*, 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.

14.8 Interim Caretaker arrangements - Mingo Crossing Caravan Park & Recreational Area

This matter is considered to be confidential under Section 275(1) - e of the *Local Government Regulation 2012*, 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.

14.9 Possible Lease - Eidsvold Hospital Auxiliary Association Incorporated

This matter is considered to be confidential under Section 275(1) - h of the *Local Government Regulation 2012*, 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.

14.10 DA 140-18_Change Application — Material Change of Use for Intensive Animal Industry and Caretaker's Accommodation and Environmentally Relevant Activity 2—Intensive Animal Feed lotting at 340 Derra Road, Derri Derra on Land Described as Lot 23 on NT55 and Lot 48 on NT61

This matter is considered to be confidential under Section 275(1) - g of the *Local Government Regulation 2012*, 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 any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

14.11 Quotation No. VP127003 - Supply & Delivery of one (1) Track Loader with Waste Pack

This matter is considered to be confidential under Section 275(1) - e of the *Local Government Regulation 2012*, 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.

CARRIED

At 9:59 am, the Deputy Mayor Cr Faye Whelan left the meeting.

At 10:01 am, the Deputy Mayor Cr Faye Whelan returned to the meeting.

RESOLUTION 2018/333

12:21 PM

Moved: Cr John Zahl

Seconded: Cr Robert Radel

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

CARRIED

14.1 CONCESSION FOR RATE PAYER UNDER FINANCIAL HARDSHIP**RESOLUTION 2018/334**

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That Council 'receive' the report in relation to an application for rates and charges concessions under section 1201(c) – Financial Hardship of the *Local Government Regulation 2012*, and the ratepayer be advised to enter into an arrangement to see the rate debt cleared within 18 months.

CARRIED**14.2 CONCESSION FOR RATE PAYER UNDER FINANCIAL HARDSHIP****RESOLUTION 2018/335**

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That Council 'receive' the report in relation to an application for rates and charges concessions under section 120(1) (c), Financial Hardship of the *Local Government Regulation 2012*. Further the ratepayer be granted a relaxed repayment arrangement that would require no payments for the months December 2018 to February 2019 with payments recommencing in March 2019 that will still see the rate debt cleared within 18 months.

CARRIED**14.3 DNRME REQUEST FOR COUNCIL'S VIEWS - APPLICATION FOR RENEWAL OF TERM LEASE 0/213607 - LOT 186 ON CK3066****RESOLUTION 2018/336**

Moved: Cr John Zahl

Seconded: Cr Robert Radel

That the Department of Natural Resources, Mines and Energy be advised that Council:

- (i) has no requirements or proposed plans for the land; and
- (ii) offers no objection to renewal of Term Lease 0/213607.

CARRIED**14.4 DNRME REQUEST FOR COUNCIL'S VIEWS - APPLICATION FOR RENEWAL OF TERM LEASE 0/233914 - LOTS 13 AND 14 M7612****RESOLUTION 2018/337**

Moved: Cr Faye Whelan

Seconded: Cr John Bowen

That the Department of Natural Resources, Mines and Energy be advised that Council:

- (i) has no requirements or proposed plans for the land; and
- (ii) offers no objection to renewal of Term Lease 0/233914.

CARRIED

14.5 DNRME REQUEST FOR COUNCIL'S VIEWS - APPLICATION FOR RENEWAL OF TERM LEASE 0/213715 - LOT 84 ON WK135**RESOLUTION 2018/338**

Moved: Cr Robert Radel
Seconded: Cr John Zahl

That the Department of Natural Resources, Mines and Energy be advised that Council:

- (i) has no requirements or proposed plans for the land; and
- (ii) offers no objection to renewal of Term Lease 0/213715.

CARRIED**14.6 DNRME REQUEST FOR COUNCIL'S VIEWS - APPLICATION FOR RENEWAL OF TERM LEASE 0/213717 OVER LOT 146 ON MZ974****RESOLUTION 2018/339**

Moved: Cr John Zahl
Seconded: Cr Paul Lobegeier

That the Department of Natural Resources, Mines and Energy be advised that Council:

- (i) has no requirements or proposed plans for the land; and
- (ii) offers no objection to renewal of Term Lease 0/213717.

CARRIED**Declaration of Conflict of Interest**

- a) Pursuant to declaration made on page 2 of these Council Minutes, the Deputy 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 13.7 'Community Grants Report December 2018';
- b) Cr Whelan outlined the nature of interest including her family involvement in the horse racing industry;
- c) In accordance with Section 175E (3) and 175E (4) of the Act, Cr Whelan left the meeting at 10:24pm 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.

14.7 COMMUNITY GRANTS REPORT DECEMBER 2018 PART 1**RESOLUTION 2018/340**

Moved: Cr John Bowen
Seconded: Cr Robert Radel

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

- 1. Eidsvold Race Club – waiver of dry hire fees for grader, loader and truck & dog - \$1832.40;

CARRIED

At 10:25 am, Cr Faye Whelan returned to the meeting.

14.7.1 COMMUNITY GRANTS REPORT DECEMBER 2018**RESOLUTION 2018/341**

Moved: Cr Robert Radel

Seconded: Cr John Bowen

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

1. Biggenden Historical Society Inc.– waiver of signage fees only - \$86.00;
2. Tom Halt – Sports Performance Grant (National Level) - \$500.00;
3. Britney Staines – Sports Performance Grant (State Level) - \$250.00;
4. Tarah Staines – Sports Performance Grant (National Level) - \$500.00;
5. Tarah Staines – Sports Performance Grant (State Level) - \$250.00.

CARRIED

14.8 INTERIM CARETAKER ARRANGEMENTS – MINGO CROSSING CARAVAN PARK & RECREATIONAL AREA**RESOLUTION 2018/342**

Moved: Cr Robert Radel

Seconded: Cr John Bowen

That as a result of the current caretakers/managers resigning their position and in accordance with section 235(c) of the *Local Government Regulation 2012*, Council resolves that a genuine emergency exists to immediately negotiate and engage GSD Maintenance and their nominated contractor (on an interim basis) for caretaker / management functions involving the Mingo Crossing Caravan Park & Recreational Area. It is further recommended the Chief Executive Officer be delegated full authority to conclude these arrangements.

CARRIED

14.9 POSSIBLE LEASE – EIDSVOLD HOSPITAL AUXILIARY ASSOCIATION INCORPORATED**RESOLUTION 2018/343**

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That Council agrees in principle with the proposed lease option and if be referred to the Chief Executive Officer (General Manager Corporate and Community) to negotiate further and report back to Council.

CARRIED

14.10 DA 140-18_CHANGE APPLICATION—MATERIAL CHANGE OF USE FOR INTENSIVE ANIMAL INDUSTRY AND CARETAKER’S ACCOMMODATION, AND ENVIRONMENTALLY RELEVANT ACTIVITY 2—INTENSIVE ANIMAL FEEDLOTING AT 340 DERRA ROAD, DERRI DERRA ON LAND DESCRIBED AS LOT 23 ON NT55 AND LOT 48 ON NT61

RESOLUTION 2018/344

Moved: Cr Faye Whelan

Seconded: Cr Robert Radel

That Council:

1. Execute the ‘Hutchinson Feedlot Infrastructure Agreement’.
2. Having regard to the matters set out in the attachments, decide the application under s82 of the *Planning Act 2016* by approving all of it subject to conditions.
3. Notify the applicant, submitter and referral agency of its decision in accordance with the attached Notice of decision.
4. Publish the Notice of decision, including the Statement of reasons, on its website.

CARRIED

14.11 QUOTATION NO. VP127003 - SUPPLY & DELIVERY OF ONE (1) TRACK LOADER WITH WASTE PACK

RESOLUTION 2018/345

Moved: Cr Faye Whelan

Seconded: Cr Paul Lobegeier

That consistent with Quotation No. VP 127003 and Assessment Report, Council approves the purchase of a Caterpillar 953 from Hastings Deering at a price of \$434,500.00 (ex GST).

CARRIED

8 CLOSURE OF MEETING

The Meeting closed at 10:36 am.

The minutes of this meeting were confirmed at the General Meeting held on 16 January 2019.

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CHAIRPERSON