



# **MINUTES**

**General Meeting**

**20 March 2019**

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL  
GENERAL MEETING  
HELD AT THE MUNDUBBERA BOARDROOM  
ON WEDNESDAY, 20 MARCH 2019 AT 9:00 AM**

**COUNCILLORS:** Acting Mayor Cr Faye Whelan Cr John Bowen, Cr Paul Lobegeier, Cr Robert Radel, Cr Peter Webster, 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), Natalie Zillman (Information Coordinator), Jason Erbacher (Community Engagement Manager)

**1 WELCOME/HOUSEKEEPING**

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

**2 APOLOGIES/LEAVE OF ABSENCE**

**RESOLUTION 2019/78**

Moved: Cr John Bowen

Seconded: Cr John Zahl

That the apology received from Cr Rachel Chamber be accepted and leave of absence granted.

**CARRIED**

**3 DEPUTATIONS/PETITIONS**

Mr Barry Wengel – Redvale Road

**3.1 REQUEST FOR DEPUTATION – ROAD RENAMING**

**RESOLUTION 2019/79**

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That Council accept the request for a deputation from Mrs Toni Campbell with regards to the renaming of roads.

**CARRIED**

**4 NOTICES OF MOTION**

Nil Notices of Motion.

## **5 NOTIFICATION OF OTHER BUSINESS BY COUNCILLORS**

### **5.1 YENDA BRIDGE UPDATE**

#### **RESOLUTION 2019/80**

Moved: Cr Robert Radel

Seconded: Cr John Bowen

That Council accept the addition of 'Yenda Bridge Update' to the agenda.

**CARRIED**

## **6 DECLARATIONS OF INTEREST**

### **6.1 CR ZAHL AGENDA ITEM 16.3**

#### **RESOLUTION 2019/81**

Moved: Cr Paul Lobegeier

Seconded: Cr John Bowen

That it be duly noted that Cr John Zahl declared a perceived conflict of interest in agenda item 16.3 '139-18\_Material Change of Use for Extractive Industry - 172 Boyd Road, Gayndah' (as defined in section 173 of the Local Government Act 2009) due to having attended meetings with the applicant. In accordance with section 175E (4) of the Local Government Act 2009, Cr Zahl proposed to exclude himself from the meeting while the matter is discussed and the vote is taken in open session. **CARRIED**

## **7 CONFIRMATION OF MINUTES**

### **7.1 MINUTES OF THE GENERAL MEETING HELD ON 27 FEBRUARY 2019**

#### **RESOLUTION 2019/82**

Moved: Cr Robert Radel

Seconded: Cr John Bowen

That the Minutes of the General Meeting held on 27 February 2019 be confirmed.

**CARRIED**

### **7.2 MINUTES OF THE SPECIAL MEETING HELD ON 18 MARCH 2019**

#### **RESOLUTION 2019/83**

Moved: Cr Robert Radel

Seconded: Cr John Bowen

That the Minutes of the Special Meeting held on 18 March 2019 be confirmed.

**CARRIED**

## 8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 8.1 RESTORATION OF THE FINANCIAL ASSISTANCE GRANTS

#### RESOLUTION 2019/84

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That Council support the ALGA and LGAQ and advocate for the restoration of the value of the Financial Assistance Grants to at least 1 percent of Commonwealth taxation revenue. **CARRIED**

### 8.2 APPOINTMENT OF AUDIT COMMITTEE MEMBERS

#### RESOLUTION 2019/85

Moved: Cr John Zahl

Seconded: Cr Robert Radel

That pursuant to Section 266 of the *Local Government Regulation 2012* Council appoint the following independent members to the Audit and Risk Committee:

- Mr John Zabala of Crowe Horwath (Chair); and
- Mr Timothy Cronin of Vincents (Member).

**CARRIED**

## 9 GOVERNANCE REPORTS

### 9.1 DNRME REQUEST FOR COUNCIL'S VIEWS - FURTHER DEALING OVER TERM LEASE 233505 - LOT 72 ON RW500 AND LOT 132 ON RW595

#### RESOLUTION 2019/86

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That the Department of Natural Resources, Mines and Energy be advised that Council offers no objection to the proposed conversion of Term Lease 233505 to freehold tenure. **CARRIED**

## 10 CORPORATE AND COMMUNITY

### 10.1 COMMUNITY GRANTS REPORT MARCH 2019

#### RESOLUTION 2019/87

Moved: Cr Peter Webster

Seconded: Cr Paul Lobegeier

That in accordance with Policy 102 Grants to Community Organisations, Policy 119 Lifelong Community Grants, Policy 120 Cultural and Sports Performance Grants, Policy No 113 Not for Profit Community Organisations and In Kind Support, Council approves the following:-

1. Tarah Staines – Sports Performance Grant (International Level) - \$750;
2. Ivy Suendermann – Sports Performance Grant (International Level) - \$750;
3. Flynn Suendermann – Sports Performance Grant (International Level) - \$750;
4. Domenic Suendermann – Sports Performance Grant (International Level) - \$750;
5. Connor Pashley - Sports Performance Grant (International Level) - \$750;
6. Monto Show Society – Waiver of fees for bins, marquees, cleaning, truck & tractor -\$1380;
7. Mt Perry Mens Shed – ‘in-kind’ assistance towards engineering costs for a concrete slab construction - temporary location next to next to their premises for tram donated by Vic Rail - \$440.

Further, that Council publicise the success of the Sports Performance Grant (International Level) applicants

**CARRIED**

### 10.2 FINANCE REPORT TO 28 FEBRUARY 2019

#### RESOLUTION 2019/88

Moved: Cr John Bowen

Seconded: Cr John Zahl

That the Finance Report for month ended 28 February 2019 as presented be adopted. **CARRIED**

### 10.3 AUSTRALIA DAY 2019 UPDATE

#### RESOLUTION 2019/89

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That:

1. The Australia Day 2019 Update report as presented be received.
2. Council continue to promote nominations for the North Burnett Regional Council Australia Day 2020 Awards, recognising members of the community who have made an outstanding contribution or exceptional achievement in the six (6) communities of Biggenden, Eidsvold, Gayndah, Monto, Mount Perry and Mundubbera within the following award categories:
  - Citizen of the Year
  - Community Event of the Year
  - Senior Sports Award
  - Sports Administrator Award
  - Junior Cultural
  - Young Citizen of the Year
  - Volunteer of the Year
  - Junior Sports Award
  - Senior Cultural Award
3. Australia Day 2020 be celebrated in the six (6) communities of Biggenden, Eidsvold, Gayndah, Monto, Mount Perry and Mundubbera on Sunday, 26 January 2020.
4. That Library / Customer Service staff be nominated to coordinate the 2020 Australia Day Awards for the six (6) communities of Biggenden, Eidsvold, Gayndah, Monto, Mount Perry and Mundubbera.
5. Council's Works Engineer, liaise with Parks and Gardens Supervisor, regarding areas to be maintained prior to Australia Day events in the region.
6. Committees be formed to represent the six (6) communities of Biggenden, Eidsvold, Gayndah, Monto, Mount Perry and Mundubbera which will include the Divisional Councillor as Chairperson, the nominated staff coordinator, the 2019 Citizen of the Year for each area and a delegate from Wide Bay Volunteers. Further, that the Australia Day 2020 Committee for each of the six (6) communities decide if the successful nominations for their area are to be advised of their award prior to the Australia Day 2020 Event.
7. To encourage families to attend Australia Day events throughout the region, 'Australia Day Baby Certificates' will be available to all families that celebrate the birth of a new arrival between 11 January 2019 and 10 January 2019 and attend their local Australia Day event.
8. The Media Release – "Will you be nominating this year?" be approved for dispersal.
9. A '2020 Australia Day Update' report be presented to the March/April 2020 Council General Meeting providing details of 2020 Australia Day Award Winners.
10. That Council continue to be involved in the Queensland Australia Day Ambassador Program.

**CARRIED**

**10.4 ANZAC DAY 2019****RESOLUTION 2019/90**

Moved: Cr John Zahl

Seconded: Cr Robert Radel

That:

1. The Anzac Day 2019 report as presented be received.
2. Hall Hire, photocopying, etc.as recorded in the Anzac Day Procedure be provided free of charge and recorded as In-Kind donation for each centre.
3. The Chief Executive Officer be delegated authority to liaise with the Queensland Police Service (QPS) to co-ordinate road closures for the 2019 North Burnett region Anzac Day Services where required.
4. The Draft Media Release 'Anzac Day 2019' be approved for distribution upon confirmation of venues and times.
5. A display to celebrate Anzac Day 2019 be arranged in each Council library. **CARRIED**

**10.5 RED EARTH COMMUNITY FOUNDATION SPONSORSHIP 2019 - NORTH BURNETT COMMUNITY LEADERS WORKSHOP SERIES****RESOLUTION 2019/91**

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That:

1. The Red Earth Community Foundation Request for Sponsorship 2019 - North Burnett Community Leaders Workshop Series report be received; and
2. Council allocate the sum of \$4,400 toward the North Burnett Community Leaders Workshop Series.

**CARRIED****11 STRATEGY, INNOVATION AND ASSETS****11.1 UNAMED ROAD RESERVE - DALLARNIL****RESOLUTION 2019/92**

Moved: Cr Robert Radel

Seconded: Cr John Zahl

That Council receive the report and resolve to name the road reserve Conalaman Road (refer to Local Heritage Register) but not add this portion to the road register for maintenance purposes.

**CARRIED**

**11.2 3MHCC MEETING MINUTES****RESOLUTION 2019/93**

Moved: Cr Paul Lobegeier

Seconded: Cr John Bowen

That:

1. Council receive the Three Moon Historical and Cultural Complex report as information and the minutes from the meetings held on 7<sup>th</sup> February 2019 as presented be adopted.
2. That Council authorises staff to complete general business items 3 – 6 (approx. 7 hrs staff time plus minimal printing costs) **CARRIED**

**11.3 LANGS ROAD****RESOLUTION 2019/94**

Moved: Cr John Bowen

Seconded: Cr Robert Radel

That:

1. The report be taken from the table; and
2. Council resolve to rename the section of Langs Road to Carinya Road (between East Woodmillar Road and Wall Road, and adjust the road register to reflect this change. **CARRIED**

**11.4 EMU CREEK ROAD****RESOLUTION 2019/95**

Moved: Cr John Bowen

Seconded: Cr Peter Webster

That:

1. The report be taken from the table; and
2. Council resolve to add a section 1.6km or road as category 5f (unformed road) and undertake clearing works on this section at a time to be programmed. **CARRIED**



## 12 WORKS

### 12.1 SHARED CYCLEWAYS - GAYNDAH AND MOUNT PERRY

#### RESOLUTION 2019/96

Moved: Cr John Zahl  
Seconded: Cr Robert Radel

That Council writes to the Department and Main Roads committing to the construction of the remaining scope of the Mount Perry and Gayndah shared cycleways subject to the availability of funding. **CARRIED**

### 12.2 DRINKING WATER QUALITY MANAGEMENT PLAN REGULAR AUDIT REPORT

#### RESOLUTION 2019/97

Moved: Cr Paul Lobegeier  
Seconded: Cr John Bowen

That:

1. Council receive the DWQMP Audit Report and take into consideration the recommendations identified in the audit; and
2. The General Manager Works pass on Council's acknowledgement of the high quality of the work undertaken by staff in this department.

**CARRIED**

### 12.3 EIDSVOLD CAMPDRAFT REQUEST TO CONSTRUCT ROAD

#### RESOLUTION 2019/98

Moved: Cr Robert Radel  
Seconded: Cr John Zahl

That Council approve the allocation of \$3,970 in the 2018/19 capital budget for the purpose of constructing an access road in the disused rail corridor between Burnett Highway and the Eidsvold showgrounds. **CARRIED**

## 13 COUNCILLOR REPORTS

### 13.1 MAYOR AND COUNCILLORS REPORTS

#### RESOLUTION 2019/99

Moved: Cr John Zahl  
Seconded: Cr Paul Lobegeier

That the Councillor's Report be received. **CARRIED**

At 10:14am the meeting adjourned for morning tea.

At 10:37am the meeting resumed.

## **14 OTHER BUSINESS DETERMINED BY RESOLUTION FOR AGENDA INCLUSION**

### **14.1 YENDA BRIDGE UPDATE**

The General Manager of Works provided an update on Yenda Bridge. It was determined that a media release on the matter be issued to the public as a priority.

### **3.1 REQUEST FOR DEPUTATION - ROAD RENAMING**

#### **RESOLUTION 2019/100**

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That the Chief Executive Officer investigate the administrative procedures followed, and community consultation undertaken, in the naming of Paradise Dam Road and Cherelly Orchard Road and provide a report to the next meeting of Council.

**CARRIED**

## **15 QUESTIONS**

### **15.1 MUNDUBBERA SEWERAGE TREATMENT PLANT**

#### **RESOLUTION 2019/101**

Moved: Cr Paul Lobegeier

Seconded: Cr John Bowen

That the Chief Executive Officer provide a report on the meeting held between Council and the Department of Environment and Science with regards to the Mundubbera Sewerage Treatment Plant.

**CARRIED**

## 16 CONFIDENTIAL REPORTS

### RESOLUTION 2019/102

10:55AM

Moved: Cr Robert Radel

Seconded: Cr John Zahl

That Council consider 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*:

#### 16.1 Major Events Grant

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

#### 16.2 Boyne Burnett Inland Rail Trail Final Report

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.

#### 16.3 139-18\_Material Change of Use for Extractive Industry - 172 Boyd Road, Gayndah.

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.

#### 16.4 Addition to Panel of Providers for Facilities Maintenance - Schulte Plumbing and Gas Services

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.

#### 16.5 Percy Hindmarsh Bridge Replacement Project

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

#### 16.6 Eidsvold Hospital Auxiliary Association Inc. - Community Opportunity Shop - 58 Moreton Street, Eidsvold

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.

#### 16.7 Wulli Wulli Tenure Analysis and potential ILUA

This matter is considered to be confidential under Section 275(1) - f and 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 starting or defending legal proceedings involving the local government 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.

### **16.8 CQ Alliance of Councils Proposal**

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.

And moves into closed session.

**CARRIED**

Council acknowledged that Cr John Zahl declared a perceived conflict of interest in agenda item 16.3 '139-18\_Material Change of Use for Extractive Industry - 172 Boyd Road, Gayndah' (as defined in section 173 of the Local Government Act 2009) due to having attended and being involved in meetings with the applicant. In accordance with section 175E (4) of the Local Government Act 2009, Cr Zahl proposed to exclude himself from the meeting while the matter is discussed and the vote is taken in open session.

At 11:12 am, Cr John Zahl left the meeting.

At 11:31 am, Cr John Zahl returned to the meeting.

## **RESOLUTION 2019/103**

**11:45AM**

Moved: Cr John Zahl

Seconded: Cr Peter Webster

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

**CARRIED**

## **16.1 MAJOR EVENTS GRANT**

### **RESOLUTION 2019/104**

Moved: Cr Paul Lobegeier

Seconded: Cr Peter Webster

That in accordance with Policy 121 Major Events Grants and Policy 113 Not for Profit Community Organisations and In Kind Support, Council approves the following application:-

1. Friends of RM Inc. – in-kind support up to \$2,500.00

**CARRIED**

**16.2 BOYNE BURNETT INLAND RAIL TRAIL FINAL REPORT****RESOLUTION 2019/105**

Moved: Cr John Zahl

Seconded: Cr John Bowen

That Council

1. Receive the Boyne Burnett Inland Rail Trail Final Report and forward the report findings to the Community; and
2. Reiterate that Council is not in a position to fund any potential capital and maintenance cost as identified in the Burnett Boyne Inland Rail Trail Final Report; and
3. Acknowledge that Council will act as a channel for community groups to access the Queensland Cycling Action Plan and Program Funding after evidence is provided that the Community has secured financial support, and has a detailed management plan, sustainability statement and maintenance plan; and
4. Support community groups to enter into an agreement with Department of Transport and Main Roads for the Rail Corridor directly; and
5. Support community consultation initiatives (in a support role, not a lead role).
6. Contact the Department of Transport and Main Roads to request information on current unused rail corridor maintenance programs, and to advocate for 100% funding for trail development and maintenance for any future completed projects.

**CARRIED**

At 11:50 am, Cr John Zahl left the meeting.

**16.3 139-18\_MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY - 172 BOYD ROAD, GAYNDAH.****RESOLUTION 2019/106**

Moved: Cr John Bowen

Seconded: Cr Peter Webster

That:

1. Council, having regard to the matters set out in the attachments, decide the application under s60 of the Planning Act 2016 and s22.1(a) of the DA Rules by approving all of it subject to conditions.
2. Proposed condition 34 be amended to read “that at intervals agreed between the applicant and Council, Boyd Road from the end of the bitumen at Don Kenny Parade to the extraction area (the Road) be inspected and where the evidence suggests that any deterioration was caused or accelerated by the activity the applicant restore the Road to the same condition it was prior to the use commencing”;
3. Council refund the application fee paid to Council by the applicant in respect of the proposed screening operation at the site;
4. Council give the applicant the decision notice within five days of deciding the application (s22.1(b) of the DA Rules).
5. Council give a copy of the decision notice to each principal submitter within five days after either the applicant advises it does not intend to make change representations OR the applicant gives Council of the applicant’s appeal OR the applicant’s appeal period ends, whichever is the earliest (s22.2(a) of the DA Rules).
6. Council give a copy of the decision notice to the referral agency.
7. Council give a copy of the decision notice to the Department of Natural Resources, Mines & Energy (DNRME) since the applicant’s QMANs require the allocation holder to comply with any conditions relating to the development approval.
8. Council publish the Notice of decision, including the Statement of reasons, on its website.

**CARRIED**

At 11:52 am, Cr John Zahl returned to the meeting.

**16.4 ADDITION TO PANEL OF PROVIDERS FOR FACILITIES MAINTENANCE - SCHULTE PLUMBING AND GAS SERVICES****RESOLUTION 2019/107**

Moved: Cr Paul Lobegeier  
Seconded: Cr Robert Radel

That Schulte Plumbing and Gas Services be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909/2017-18/QT/16 until 18<sup>th</sup> December 2019.

**CARRIED**

**16.5 PERCY HINDMARSH BRIDGE REPLACEMENT PROJECT****RESOLUTION 2019/108**

Moved: Cr Paul Lobegeier  
Seconded: Cr John Bowen

That in respect of the Percy Hindmarsh Bridge Project Council:

1. Request an extension of time until October 2019 to complete the Percy Hindmarsh Bridge replacement; and
2. Request additional funding of not less than \$681,789 from both State and Federal governments to complete the project; and
3. Note that subject to the outcome of the requests to Government Council may be required to provide additional funding for the project as part of Council's 2019 2020 budget. **CARRIED**

**16.6 EIDSVOLD HOSPITAL AUXILIARY ASSOCIATION INC. - COMMUNITY OPPORTUNITY SHOP - 58 MORETON STREET, EIDSVOLD****RESOLUTION 2019/109**

Moved: Cr Paul Lobegeier  
Seconded: Cr Peter Webster

That the Eidsvold Hospital Auxiliary Association Inc – Community Opportunity Shop – 58 Moreton Street, Eidsvold report lay on the table.

**CARRIED**

**16.7 WULLI WULLI TENURE ANALYSIS AND POTENTIAL ILUA****RESOLUTION 2019/110**

Moved: Cr John Zahl  
Seconded: Cr Paul Lobegeier

That:

1. Council receive the Wulli Wulli Tenure and potential Indigenous Land Use Agreement report;
2. Council delegate to the Chief Executive Officer the power to respond to the State's tenure analysis once the State has reached a view on the remaining 8 Council Reserve lots; and
3. Council join with South Burnett Regional Council and Western Downs Regional Council to negotiate a common ILUA with the Wulli Wulli native title applicants. **CARRIED**

**16.8 CQ ALLIANCE OF COUNCILS PROPOSAL****RESOLUTION 2019/111**

Moved: Cr Paul Lobegeier  
Seconded: Cr Peter Webster

That the Mayor be delegated authority to execute the Memorandum of Understanding with the proposed Central Queensland alliance of Councils.

In Favour: Crs Paul Lobegeier, Peter Webster and Faye Whelan

Against: Crs John Bowen and Robert Radel

Abstained: Cr John Zahl

The chair exercised her casting vote in favour of the motion and the motion was carried

**CARRIED 4/3**

**17 CLOSURE OF MEETING**

**The Meeting closed at 11:56am.**

**The minutes of this meeting were confirmed at the General Meeting held on 10 April 2019.**

.....  
**CHAIRPERSON**