



MINUTES

General Meeting

26 June 2019

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE MT PERRY BOARDROOM
ON WEDNESDAY, 26 JUNE 2019 AT 9:00 AM**

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

OFFICERS: Gary Rinehart (Chief Executive Officer), Trevor Harvey (General Manager of Strategy, Innovation and Assets), Johan Louw (General Manager Works), Jason Erbacher (Community Engagement Manager), Justin Kronk (Asset Services Manager), Natalie Zillman (Information Coordinator)

1 WELCOME/HOUSEKEEPING

The Mayor declared the meeting open and welcomed all attendees.

2 APOLOGIES/LEAVE OF ABSENCE

Nil

3 DEPUTATIONS/PETITIONS

10:15am - Presentation of Citizenship

12:30pm – Department of Natural Resources, Mines and Energy

4 NOTICES OF MOTION

Nil Notices of Motion

5 NOTIFICATION OF OTHER BUSINESS BY COUNCILLORS

5.1 BANCROFT HALL

RESOLUTION 2019/178

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

The Council include the discussion of Bancroft Hall as part of the agenda.

CARRIED

5.2 BIRTHING ADVOCACY

RESOLUTION 2019/179

Moved: Cr Paul Lobegeier

Seconded: Cr Faye Whelan

That Council include the discussion on North Burnett Birthing Advocacy as part of the agenda.

CARRIED

6 DECLARATIONS OF INTEREST

That it be duly noted that Cr John Zahl declared a perceived conflict of interest in agenda item 9.1 GAYNDAH MEN'S SHED - REQUESTING APPROVAL FOR EXTENSION TO LEASE D AREA - GAYNDAH AERODROME (as defined in section 173 of the Local Government Act 2009) due to holding an executive position with the incorporation. 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.

That it be duly noted that Cr John Bowen declared a perceived conflict of interest in agenda item 10.2 BUSINESS STREETSCAPE REPORT (as defined in section 173 of the Local Government Act 2009) due to Cr Bowen's partner owning the building. In accordance with section 175E (4) of the Local Government Act 2009, Cr Bowen proposed to exclude himself from the meeting while the matter is discussed and the vote is taken in open session.

7 CONFIRMATION OF MINUTES

7.1 MINUTES OF THE GENERAL MEETING HELD ON 12 JUNE 2019

RESOLUTION **2019/180**

Moved: Cr Paul Lobegeier
Seconded: Cr John Zahl

That the Minutes of the General Meeting held on 12 June 2019 be confirmed. **CARRIED**

8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

8.1 NOMINATION OF SPECIAL AND SHOW HOLIDAYS FOR 2020

RESOLUTION 2019/181

Moved: Cr Faye Whelan
Seconded: Cr John Bowen

That:

1. The Nomination of Special and Show Holidays for 2020 report be received for information.
2. Council complete and submit the Queensland Government Office of Industrial Relations on-line nomination form prior to Friday, 19 July 2019 for the following 2020 Show Holiday dates:
 - Mundubbera: Friday, 8 May 2020; and
 - Biggenden, Eidsvold, Gayndah, Mt Perry and Monto: Monday, 10 August 2020.

CARRIED

At 9:13 am, Cr John Zahl left the meeting.

9 CORPORATE AND COMMUNITY

9.1 GAYNDAH MEN'S SHED - REQUESTING APPROVAL FOR EXTENSION TO LEASE D AREA - GAYNDAH AERODROME

RESOLUTION 2019/182

Moved: Cr Faye Whelan

Seconded: Cr John Bowen

That Council:

- (i) approve an extension of the leased area to the Gayndah Men's Shed, shown as Lease D in Lot 2 on RP201121 attached;
 - (ii) enter into a new lease with the Gayndah Men's Shed in accordance with its Standard Terms for a Lease – Document No. 715975265, for a term of three (3) years, with two (2) x three (3) year options.
- CARRIED**

At 9:15 am, Cr John Zahl returned to the meeting.

9.2 DNRME REQUEST FOR COUNCIL'S VIEWS - RENEWAL/CONVERSION OF TERM LEASE 0/216529 - LOT 6 CP816990

RESOLUTION 2019/183

Moved: Cr John Zahl

Seconded: Cr Robert Radel

That the Department of Natural Resources, Mines and Energy be advised Council has no views or requirements and offers no objection to renewal/conversion of Term Lease 0/216529 over Lot 6 on CP816990.

CARRIED

9.3 DNRME REQUEST FOR COUNCIL'S VIEWS - RENEWAL OF TERM LEASE 0/238051 - LOT 16 AND LOT 17 ON BON1281

RESOLUTION 2019/184

Moved: Cr John Zahl

Seconded: Cr Robert Radel

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

- (i) The Reserve is still required for its gazetted purpose;
 - (ii) Council is not prepared to offer the current Lessee a Trustee Lease or Trustee Permit over the subject area in accordance with Section 57 of the *Land Act 1994* and Policy PUX/901/210 – Leases over reserves;
 - (iii) Council has no issues or requirements and offers no objection to the proposed renewal of Term Lease 0/238051 over Lot 16 and Lot 17 on BON1281.
- CARRIED**

9.4 ADOPTION OF THE 2019-20 FEES & CHARGES

RESOLUTION 2019/185

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That in accordance with section 97 and 98 of the *Local Government Act 2009*, Council adopt the 2019-20 Fees & Charges as presented to take effect from 1 July 2019. **CARRIED**

9.5 DELEGATIONS REGISTER : COUNCIL TO THE CHIEF EXECUTIVE OFFICER

RESOLUTION 2019/186

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That Council resolve to amend the Register of Delegations: Council to Chief Executive Officer as adopted at its meeting held on 22 May 2019 by the inclusion of the document attached as Appendix A: Work Health and Safety Act 2011. **CARRIED**

9.6 STATUTORY POLICY 111 - REVENUE POLICY

RESOLUTION 2019/187

Moved: Cr Paul Lobegeier

Seconded: Cr Faye Whelan

That in accordance with Section 193(3) of the *Local Government Regulation 2012*, Statutory Policy 111 - Revenue be adopted. **CARRIED**

10 STRATEGY, INNOVATION AND ASSETS

10.1 STREET, ROAD, PROPERTY & BUSINESS SIGNAGE

RESOLUTION 2019/188

Moved: Cr John Bowen

Seconded: Cr Robert Radel

That Council receive the report and resolve to adopt the attached policy. **CARRIED**

At 9:22 am, Cr John Bowen left the meeting.

10.2 BUSINESS STREETScape REPORT

RESOLUTION 2019/189

Moved: Cr Faye Whelan
Seconded: Cr Peter Webster

That Council approve the following Streetscape funding applications:

1. Lifeline Retail Gayndah – repaint exterior of business premises - \$1000. **CARRIED**

At 9:24 am, Cr John Bowen returned to the meeting.

10.3 DALGANGAL ROAD RENAMING

RESOLUTION 2019/190

Moved: Cr John Bowen
Seconded: Cr Robert Radel

That Council resolve to rename Dalgangal Road (Ilderaway location) to another name. **CARRIED**

Moved: Cr John Bowen
Seconded: Cr Faye Whelan

That the motion be amended to read

That Council resolve to rename Dalgangal Road (Ilderaway location) to Waverly Road. **CARRIED**

THE AMENDMENT BECAME THE MOTION AS WAS PUT AND CARRIED

10.4 ASSET MANAGEMENT PLAN - ROADS & BRIDGES

RESOLUTION 2019/191

Moved: Cr John Zahl
Seconded: Cr Robert Radel

That the Asset Management Plan – Roads & Bridges be received and adopted by Council.

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

Against: Cr Paul Lobegeier

Cr Lobegeier voted against the motion due to the absence of community and stakeholder consultation during the document development. **CARRIED 6/1**

11 WORKS

Nil

12 COUNCILLOR REPORTS**12.1 MAYOR AND COUNCILLORS REPORTS****RESOLUTION 2019/192**

Moved: Cr Faye Whelan

Seconded: Cr Robert Radel

That the Councillor report be received.

CARRIED**13 OTHER BUSINESS DETERMINED BY RESOLUTION FOR AGENDA INCLUSION****13.1 BANCROFT HALL****RESOLUTION 2019/193**

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That Council engage in community consultation with regards to the future of the Bancroft Hall.
CARRIED**13.2 BIRTHING ADVOCACY****RESOLUTION 2019/194**

Moved: Cr Paul Lobegeier

Seconded: Cr Faye Whelan

That Council continue to strongly advocate for increased birthing options within the North Burnett .

CARRIED**14 QUESTIONS****14.1 BIGGENDEN LIBRARY****RESOLUTION 2019/195**

Moved: Cr Robert Radel

Seconded: Cr Paul Lobegeier

That a report be presented to council on the possible relocation of the Biggenden Library service to a building in the centre of Edward Street, Biggenden at the August 28 2019 Meeting. **CARRIED**

15 CONFIDENTIAL REPORTS**RESOLUTION 2019/196**

Moved: Cr John Zahl
Seconded: Cr Faye Whelan

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*:

15.1 Compulsory Acquisition of Native Title over road reserve formerly described as Lot 157 on plan YL1058 and as shown Plan YL1058

This matter is considered to be confidential under Section 275(1) - f 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.

15.2 Civil Contractors Preferred Supplier

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.

15.3 2018/19 Sewer Relining Capital 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.

CARRIED

RESOLUTION 2019/197

Moved: Cr John Zahl
Seconded: Cr Paul Lobegeier

That Council moves out of Closed Session into Open Session.

CARRIED

15.1 COMPULSORY ACQUISITION OF NATIVE TITLE OVER ROAD RESERVE FORMERLY DESCRIBED AS LOT 157 ON PLAN YL1058 AND AS SHOWN PLAN YL1058

RESOLUTION 2019/198

Moved: Cr John Zahl

Seconded: Cr Peter Webster

That:

- (a) Council proposes to compulsorily acquire any and all native title rights and interests over the land being a road reserve formerly described as Lot 157 on Plan YL1058 and as shown on Plan YL1058 (the **Proposed Freehold Area**) for museum purposes;
- (b) Council proposes to resume Mineral Exploration Permit EPM18431 (the **Resource Interest**) held by Roar Resources Pty Ltd in so far as it covers the Proposed Freehold Area for museum purposes;
- (c) Council will serve a Notice of Intention to Acquire Native Title Rights and Interests (**the Notice**) and a Background Information Statement (**the Statement**) on Florence Bell, Michael Bond Snr, Patricia Bond, Cynthia Button, Christopher Chapman, Garry Cobbo, Kevin Doolan, Lauren Gilson, Barbara Hart, Robert Lacey, Winston MiMi, Arnold Murray, Stephen Pickering, Carl Simpson and Cheryl Smith as the Registered Native Title Claimants for the Wakka Wakka People #4 Claim (QUD91/2012) to commence the compulsory acquisition of native title process over the Proposed Freehold Area;
- (d) Council will serve a Notice of Intention to Resume Non-Native Title Rights and Interests (**the Resource Notice**) and a Background Information Statement (**the Resource Statement**) on Roar Resources Pty Ltd as the Resource Interest to commence the resumption of the Resource Interest in so far as it covers the Proposed Freehold Area;

Council delegates to the Chief Executive Officer the power to:

- (i) sign the Notice, Statement, Resource Notice and Resource Statement on Council's behalf; and
 - (ii) attend any objection meeting/s to be held in relation to the proposed compulsory acquisition of native title and resumption of the Resource Interest over the Proposed Freehold Area on Council's behalf.
- (e) Once the quantum of the compensation has been ascertained, a report be presented to Council. **CARRIED**

15.2 CIVIL CONTRACTORS PREFERRED SUPPLIER

RESOLUTION 2019/199

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That the report and associated attachments be deemed a confidential document and be treated as such in accordance with section 171 and 200(5) of the Local Government Act 2009 and that the document remain confidential unless Council decides otherwise by resolution.

That Council accepts

- AD & MG Thorburn
- Ahern Contracting
- Allan Kidney
- Baldwin Sand Gravel & Concreting
- BK Hire Pty Ltd
- Brown Contractors
- Burnett Mini Excavation
- C & K Transport and Earthmoving
- DA & HE O'Sullivan
- Doug Evans Earthmoving
- Draytons Contracting
- FK Gardner & Sons
- Gayndah Plant Hire
- John Wein
- KN & MB Nicholson
- L & T Haulage
- LG & RE Benecke
- Mundubbera Plumbing Services
- Shortys' Truck Hire
- Slaters Road Services
- Sniffers Group
- Staib Earthmoving Pty Ltd
- Trevor Taylor Earthmoving
- Tuturi Bulk Haulage

for inclusion on the supply panel for contract no: 2909_2019-21_TTB_45 Civil Contractors Preferred Supplier. **CARRIED**

15.3 2018/19 SEWER RELINING CAPITAL PROJECT

RESOLUTION 2019/200

Moved: Cr John Bowen

Seconded: Cr John Zahl

That Council approves that the remainder of the \$360,000 capital works budget for the sewer relining project be reallocated to the 2019/20 capital sewer relining budget. **CARRIED**

At 10:03am the meeting adjourned for the Citizenship Ceremony.

At 12:30pm the meeting resumed with a deputation from the Department of Natural Resources, Mines and Energy.

16 CLOSURE OF MEETING

The Meeting closed at 2:09am.

The minutes of this meeting were confirmed at the General Meeting held on 17 July 2019.

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CHAIRPERSON