NORTH BURNETT
REGIONAL COUNCIL

AGENDA

General Meeting

17 July 2019

NOTICE OF GENERAL MEETING

To:	**Cr RL Chambers**	**(Mayor)**
	Cr FO Whelan	**(Deputy Mayor/Division 3)**
	Cr PW Lobegeier	**(Division 1)**
	Cr PF Webster	**(Division 2)**
	Cr BJ Zahl	**(Division 4)**
	Cr WJ Bowen	**(Division 5)**
	Cr RP Radel	**(Division 6)**

Please be advised that the General Meeting of the North Burnett Regional Council will be held at the Mundubbera Boardroom on Wednesday, 17 July 2019 commencing at 9:00 AM.

An agenda is attached for your information.

Gary Rinehart
Chief Executive Officer

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1 WELCOME/HOUSEKEEPING

2 APOLOGIES/LEAVE OF ABSENCE

3 DEPUTATIONS/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.

4 NOTICES OF MOTION

5 NOTIFICATION OF OTHER BUSINESS BY COUNCILLORS

6 DECLARATIONS OF INTEREST

7 CONFIRMATION OF MINUTES

7.1 MINUTES OF THE GENERAL MEETING HELD ON 26 JUNE 2019

Doc Id: **939544**

Author: **Natalie Zillman, Information Coordinator**

Authoriser: **Gary Rinehart, Chief Executive Officer**

Attachments: **1. Minutes of the General Meeting held on 26 June 2019**

RECOMMENDATION

That the Minutes of the General Meeting held on 26 June 2019 be confirmed.

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 (Ideraway 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 (Ideraway 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 (t**he 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

8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

8.1 ADOPTION OF THE 2019-20 OPERATIONAL PLAN

Doc Id: **938355**

Author: **Tracey Wilson, Executive Support Stream Leader**

Authoriser: **Gary Rinehart, Chief Executive Officer**

Attachments: **1. 2019-20 Operational Plan - Draft [938352]**

INTRODUCTION/BACKGROUND

Pursuant to section 174 of *Local Government Regulation 2012*, Council must prepare and adopt an annual operational plan for each financial year.

The North Burnett Regional Council 2019-20 Operational Plan (attached) translates Council's priorities and services (outcome driven with key performance indicators), set out in the 2017-2022 Corporate Plan, into measurable actions for the financial year. Progress is reported regularly during the year to Council and the community via performance reports presented every three (3) months.

CORPORATE/OPERATIONAL PLAN

In accordance with the North Burnett Regional Council 2017-2022 Corporate Plan:

5 Our efficient and effective Council

5.1 Customer focused
5.4 Future financial sustainability
5.6 Good governance
5.18 Elected members

POLICY IMPLICATIONS

Statutory policy document to be prepared and adopted by Council each year.

STATUTORY REQUIREMENTS

Consistent with sections 174 and 175 of the *Local Government Regulation 2012.*

FINANCIAL REQUIREMENTS

The annual operational plan must be consistent with Council's annual budget.

RISK MANAGEMENT

Council has adopted a 'Risk Management Framework' that is consistent with AS/NZS ISO 31000:2018 Risk Management – Guidelines.

Using the Standard and the framework, local governments increase the likelihood of achieving objectives, improve the identification of opportunities and threats and effectively allocate and use resources for risk treatment.

With respect to this report, the following risk categories have been considered and assessed:

- Financial impact
- Legal and regulatory
- Human Resources
- Services
- Delivery
- Reputation/Political

This report and recommendation is timely, accurate and meets with the full compliance of the *Local Government Regulation 2012* and is consistent with sections 174 and 175 of the *Local Government Regulation 2012* and therefore judged as LOW RISK.

CONSULTATION

The Executive Leadership Team have provided content for the 2019-20 Operational Plan in line with legislative requirements and priority areas as set out in the 2017-2022 Corporate Plan.

RECOMMENDATION

That:

1. The Adoption of the 2019-20 Operational Plan report be received for information.

2. In accordance with sections 174 and 175 of the *Local Government Regulation 2012,* Council adopts the 2019-20 Operational Plan.

OPERATIONAL
PLAN
2019/2020
1300 MY NBRC
www
northburnett.qld.gov.au
@NorthBurnettRC
NORTH BURNETT
REGIONAL COUNCIL

Introduction

The North Burnett Regional Council 2019-2020 Operational Plan is required to be developed in accordance the *Local Government Regulation 2012* and focuses on the actions that Council staff are expected to take throughout the twelve month period in order to implement the longer term goals detailed in the North Burnett Regional Council Corporate Plan for the period 2017-22.

In accordance with the provisions of Section *175 of the Local Government Regulation 2012*, an Operational Plan must:

(a) be consistent with the annual budget; and
(b) state how the local government will –
  (i) progress the implementation of the 5-year corporate plan during the period of the annual operational plan; and
  (ii) manage operational risks; and
(c) include an annual performance plan for each commercial business unit of the local government.

In accordance with section *174(3) of the Local Government Regulation 2012*, Council will assess its progress towards implementing its annual Operational Plan on a quarterly basis. The long-term Strategies within the Corporate Plan are allocated to one or more Departments to progress. Therefore the Operational Plan has displayed the Operational Initiatives and Operational Services according to Departmental responsibility, to provide clarity and accountability, as well as providing operational focus for the Departments within North Burnett Regional Council. All day to day core business activities and services are not necessarily listed in the Operational Plan; instead the Plan focuses on initiatives and services that will be required in the current financial year to achieve long term corporate objectives.

The Corporate Plan provides a blueprint for the future of our communities and establishes priorities and outlines strategies which best reflect the needs of our community for today and into the future.

Council's Chief Executive Officer is responsible for preparing quarterly reports to the Council on the progress of the implementation of the Operational Plan. These reports ensure that Council's elected members and staff are accountable for the progress made in meeting operational plan goals. This plan is closely linked to North Burnett Regional Council 2018-2020 budget and Council's available human resources.
The Council's Operational Plan is a statement of specific works to be undertaken and services to be provided in order to progress the long-term strategies set out in the Corporate Plan for the current financial year. This Operational Plan is prepared in conjunction with the budget, both of which are to be effective from 1 July 2019 through to 30 June 2020 and adopted at the Budget Meeting of 26 June 2019.

Version 1 - Draft version / working document (Doc ID 870973)

Our Mission

TO LEAD THE REGION TOWARD A THRIVING FUTURE FOR US ALL TO ENJOY

Our Priority Areas

North Burnett Regional Council will achieve this vision by focusing on five priority programs:

1. Our Productive Region
2. Our Happy, Healthy and Safe Region
3. Our United Region
4. Our Vibrant and Naturally Beautiful Region
5. Our Efficient and Effective Council

Legend

- Behind Target
- Completed
- On Target
- N/A - Council Resolution
- Activity Scheduled for This Quarter
- Department Review and Report
- No Activity Scheduled for This Quarter

OUR PRODUCTIVE REGION

Safe, well maintained and effective local road networks

Implement asset and maintenance strategy including an intervention level document for Council road network

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.2.1.1	Improve B-double road access through capital works across region - concrete floodways, earthworks and seal	Carry out construction programme, manage budgets and operational timelines and report quarterly					WORKS	
1.2.1.2	Implement asset and maintenance strategy including intervention level document for Council road network through maintenance of roads - gravel resheets and bitumen reseal	Carry out construction programme, manage budgets and operational timelines and report quarterly					WORKS	
1.2.1.3	Implement asset and maintenance strategy including intervention level document for flood resilience (betterment projects) and completion of flood damage repairs in accordance with Qld Reconstruction Authority	Adoption of procedures outlining NBRC guidelines for flood damaged infrastructure					SIA	
1.2.1.4	Implement asset and maintenance strategy including intervention level document for Council footpaths and kerb and channel	Carry out construction programme and manage budgets and resources					WORKS	
1.2.1.5	Maintenance of linemarking and road furniture	Implement and carry out annual inspection programme and plan rectification works					SIA	
		Completion of planned rectification works					WORKS	

Implement asset and maintenance strategy including an intervention level document for Council bridges structures

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.2.2.1	Construction of Percy Hindmarsh Bridge	Carry out construction programme, manage budgets and operational timelines and report quarterly					WORKS	

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.2.2.2	Implement asset and maintenance strategy including intervention level document for Council bridge network through maintenance of drainage and bridges	Carry out construction programme, manage budgets and operational timelines and report quarterly					WORKS	

Safe, well maintained and effective state road network

Prioritise upgrades to the State road network to improve safety and connectivity

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.3.1.1	Deliver a Road Maintenance Performance Contract (RMPC) for the region	Carry out condition inspections at required frequency and plan rectification works according to agreed intervention levels					SIA	
		Carry out works according to conditions of contract					WORKS	
1.3.1.2	Deliver a Roadworks Performance Contract (RPC) for the region	Carry out works according to conditions of contract					WORKS	

Advocate on behalf of our region on advisory bodies and forums

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.3.2.1	Negotiate contract to deliver a Road Maintenance Performance Contract (RMPC) for the region	Negotiate contract to maintain State road network					SIA	
1.3.2.2	Negotiate contract to deliver a Roadworks Performance Contract (RPC) for the region	Negotiate contract to maintain State road network					SIA	

Events

Proactively engage with community and other partners to promote activities and events that support community well-being and economic outcomes

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.4.1.1	Community activities and events that support community well-being and economic outcomes	Proactively engage with community and other partners to promote activities and events that support community outcomes					C&C	

Implementation of Tourism Strategy

Plan, design and develop a sustainable Tourism Strategy that services and encourages economic growth within the region

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.5.1.1	Plan, design and develop a sustainable Tourism Strategy	Plan, design and develop a sustainable Tourism Strategy					SIA	

Review and implement the RM Williams Australian Bush Learning Centre Management Plan

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.5.2.1	Update RM Williams Australian Bush Learning Centre Master Plan	Review Plan for adoption by Council					SIA	
1.5.2.2	Progress walking tracks and tourist points for RM Williams Australian Bush Learning Centre	Design and construct tracks and tourist points to improve visitor experience					WORKS	

Undertake Council owned caravan parks with appropriate business and entrepreneurial acumen

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.5.3.1	Progress Mingo Crossing Caravan Park Upgrade	Capital works upgrade of facilities and budget management					WORKS	
1.5.3.2	Monitor effectiveness and efficiency of Caravan Park operations	Prepare standardised caretaker agreements					SIA	

Diversification of the economy through research of potential new industries

Promote and advocate for the region and our diverse range of industries to attract people to live, invest and visit the region

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.6.1.1	Progress the Economic & Innovation Strategy	Complete year 1 Action Plan from Strategy					SIA	
1.6.1.2	Progress Council's economic profile	Inform and educate community on utilisation of software through community workshops					SIA	

Planning to facilitate industrial, commercial and residential growth

Review land supply and uses as required to meet community and business needs

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.7.1.1	Prioritised and scoped future development possibilities of Council owned land for residential, commercial and industrial uses	Develop a regional economic development and investment profile to ascertain current opportunities and road blocks					SIA	

Improving transport routes for product and produce

Prioritise routes contained in NBRC HV road network plan for long term project planning

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
1.8.1.1	Complete NBRC HV road network plan	Incorporate in prioritisation external agency plans eg TMR/LGAQ/Road Transport Alliance funded project (QUT)					SIA	

Aviation

Safe and well maintained aviation facilities for all six communities

Code	Outcome	Action	Q1	Q2	Q3	Q1	Dept	Comment
1.9.1.1	Maintain and improve Council's airports to comply with legislative requirements	Prepare airport management plans including specifying processes,					WORKS	

Code	Outcome	Action	Q1	Q2	Q3	Q1	Dept	Comment
		statutory resource requirements and capital and maintenance budgets for Council						

OUR HAPPY, HEALTHY and SAFE REGION

Increase public transportation options

Operate and enhance the North Burnett Transport Service

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
2.4.1.1	Ensure delivery of public transport to residents of the region through the North Burnett Transport Service	Effectively deliver the North Burnett Transport Service for residents in partnership with Translink					C&C	

OUR UNITED REGION

A region for all ages

Child and youth friendly community through structures that support the planning and development of child and youth strategies, policies and programmes

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
3.1.6.1	Leverage youth development opportunities for the region's youth	In partnership with local schools, organisations and individuals, facilitate leadership development opportunities for youth across the region					C&C	

A region for all abilities

Improve accessibility to Council's infrastructure

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
3.2.1.1	Implement actions from NBRC's 'Inclusivity Audit on Council Buildings and Facilities'	Complete priority works					WORKS	

A region for all interests

Encourage and support community sport and recreation groups

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
3.3.2.1	Deliver improved sport and recreation opportunities through Council's adopted Sport and Recreation Infrastructure Strategic Plan	Collaborate with community and leverage funding opportunities to deliver on key actions from Council's Sport and Recreation Infrastructure Strategic Plan					C&C	

Art and Culture

Continue to be an active partner in the Regional Arts Development Fund (RADF) programme

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
3.4.1.1	Build creative skills and product throughout the North Burnett through the Regional Arts Development Fund (RADF)	Effectively administer, promote and build skills through the Regional Arts Development Fund (RADF) and related programs and events					C&C	

Review and implement Arts and Cultural Strategy

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
3.4.2.1	Strategically align arts and culture initiatives across the region	Engage with community and key stakeholders to build and deliver the North Burnett Arts and Culture Strategy					C&C	

United Communities

Community grants program which encourages community organisations and develops community capacity

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
3.6.4.1	Support community organisations to deliver community outcomes and develop community capacity	Effectively and efficiently administer and promote Council funding programs and initiatives					C&C	

Library services developed as community hubs and provide one-stop-shop for all Council services

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
3.6.6.1	Libraries are a multi-user facility and hub in the community	Deliver a new Library Strategy					C&C	
		Deliver library programs that meet community needs					C&C	
		Collaborate with organisations and agencies to leverage opportunities					C&C	

OUR VIBRANT, HEALTHY AND SAFE REGION

Beautiful parks and gardens

Provide parks, playgrounds, sporting, recreational and aquatic facilities that meet the needs of the community

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
4.1.2.1	General capital works across regional public swimming pools	Deliver an annual capital plan to upgrade regional swimming pools for public enjoyment					WORKS	
4.1.2.2	General maintenance works across regional public swimming pools	Complete maintenance program for regional public swimming pools					WORKS	
4.1.2.3	Cycleways - Mt Perry and Gayndah	Complete construction of Mt Perry shared path based on design, budget and timelines					WORKS	

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
		Complete design for Gayndah River Walk Shared Path Design project					WORKS	
		Complete construction of Gayndah Shared Path Design and Construction project based on design, budget and timelines					WORKS	
4.1.2.4	Public conveniences - upgrades - region wide	Complete construction based on design, budget and timelines					WORKS	

Protection of cultural heritage

Manage and promote natural resources, including culturally significant sites in a responsible and sustainable manner

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
4.5.1.1	Cultural heritage assessments are incorporated into work and project planning where required	Reports include cultural heritage assessments and use of ILUA representatives where possible					OFFICE of the CEO	

Natural resource protection

Develop and implement a Natural Resource Management Plan and programme in line with Council adopted policy and statutory requirements

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
4.6.1.1	Investigate funding opportunities to progress a washdown bay in Biggenden	Investigate possible sources of external funding to progress with this project					SIA	
4.6.1.2	Purchase of new herbicide spray unit for Land Protection Officers	Unit purchased					SIA	
4.6.1.3	Environmental monitoring of Gravel pit rationalisation and rehabilitation	Coordinate with Works Department and Planning to ensure gravel pit operational compliance to all Statutory requirements in line with adopted NBRC Gravel Management Plan					SIA	

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
4.6.1.4	Flying fox monitoring as required	Conduct bi-monthly flying fox surveys throughout region					SIA	
		Review flying fox 'Statement of Management Intent'					SIA	
4.6.1.5	Progress environmental offset site management	Finalise Gurgeena environmental offset site management to DES requirements					SIA	

OUR EFFICIENT AND EFFECTIVE COUNCIL

Customer focused

Excellence in customer service to our community

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.1.1.1	Deliver a Customer Service Charter that is owned by the whole organisation	Review existing Council Customer Charter in consultation with relevant stakeholders, adopt new chart and implement and promote throughout Council					C&C	

Asset Management

3/5/10 year Asset Management Plans developed and implemented for all asset groups

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.2.1.1	Deliver two (2) asset management plans for Council's adoption (used for the basis of future capital and operational budget deliberations)	Adoption of Water Asset Management Plan					SIA	
		Adoption of Wastewater Asset Management Plan					SIA	

Ensure the assets maintained and constructed are appropriate to the current and future needs of the region

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.2.2.1	Preparation of Civil Work and Parks & Open Spaces future work programming	Civil Works program produced and reviewed quarterly					SIA	
		Parks & Open Spaces program produced and reviewed quarterly					SIA	
5.2.2.2	Develop and implement a SCADA Strategy	Develop and implement a SCADA Strategy					WORKS	
5.2.2.3	Continue a monitoring program that delivers regionally consistent asset condition rating	Monitoring frequency to comply with relevant Asset Management Plan					SIA	
5.2.2.4	Deliver annual plant replacement programme	Prepare condition based renewals plan					SIA	
		Procure plant and equipment to deliver program					WORKS	
5.2.2.5	Deliver annual capital program for regional halls	Deliver annual capital program for regional halls					WORKS	
5.2.2.6	Manage quarries in accordance with statutory requirements	Comply with adopted Council Plans and other relevant statutory requirements					WORKS	
5.2.2.7	Rectify mobility issues with footpaths and cross-overs in the Gayndah Main Street	Prepare plan - and undertake corrective actions to improve mobility					SIA	
5.2.2.8	Responsible management of infrastructure containing asbestos materials	Complete year 1 of 10 year Asbestos Removal Plan					WORKS	
		Develop a 10 year Asbestos Removal Plan based on the recently completed asbestos audit on all Council owned facilities					SIA	

Urban water supply and sewerage

Adequate, reliable and high quality potable water supplies and effective and improved delivery of urban water supply

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.3.1.1	Prepare annual capital programme for water	Complete capital programme for water and provide quarterly reports					WORKS	
5.3.1.2	Prepare annual maintenance programme for water	Complete maintenance programme for water and provide quarterly reports					WORKS	
5.3.1.3	Statutory compliance for water functions	Provide reports as required for all statutory requirements					WORKS	
5.3.1.4	Responsible management of urban water supply	Review customer service standards for potable water supply					WORKS	
		Develop and implement a SCADA Strategy for potable water					WORKS	

Effective and efficient delivery of waste water services and improved sewerage network reliability and delivery

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.3.2.1	Prepare annual capital programme for sewerage	Complete capital programme for sewerage and provide quarterly reports					WORKS	
5.3.2.2	Prepare annual maintenance programme for sewerage	Complete maintenance programme for sewerage and provide quarterly reports					WORKS	
5.3.2.3	Statutory compliance for sewerage functions	Provide reports as required for all statutory requirements					WORKS	
5.3.2.4	Responsible management of sewerage network	Review customer service standards for waste water					WORKS	
		Develop and implement a SCADA Strategy for waste water					WORKS	

Sufficient water allocation to meet user requirements

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.3.3.1	Assess annual water data to assess allocations are sufficient and supply is adequate in both quantity and quality	Review WBBROC Regional Water Plan					SIA	
		Continue demand management assessments on each community to identify any future allocation adjustments					SIA	

Future financial sustainability

Undertake robust and accountable financial, resource and infrastructure planning and management to ensure affordable and sustainable outcomes for the community

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.4.1.1	Long term financial forecast updated prior to each budget and budget revision	Reviews of long term financial forecast reviewed 3 times each year with ELT and Council					C&C	
5.4.1.2	Ongoing review and implementation of strategies to reduce current deficit	Implementation of strategies to reduce current deficit (possible engagement of external consultants)					C&C	
5.4.1.3	Complete annual review of asset management plans by 30 June	Delivery on asset management plans with clear linkage to long term financial forecast					C&C	
5.4.1.4	Annual net financial asset / liability ratio not greater than 60%	Monthly finance reports to Council including Balance Sheet, and financial ratios					C&C	
5.4.1.5	Increase local spend through review of Council's Procurement Policy	Review of Procurement Policy and procedure for consistency to project and internal and external consultation					C&C	
		Local spend report (YTD) presented to Council and inclusion in Annual Report					C&C	

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
		Standard procurement documentation in place which complies with current legislation					C&C	
		Provide staff training on policy requirements					C&C	

Waste management

North Burnett Regional Waste Management Strategy reviewed and implemented

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.5.1.1	Review Strategic Waste Plan and amend for Council adoption	Complete Waste Strategy Review for Council adoption					SIA	
5.5.1.2	Closure plans for waste disposal facilities are implemented	Closure plan developed and implemented for Ideraway					SIA	
5.5.1.3	Construction of landfill transfer stations	Design landfill transfer stations in accordance with adopted Waste Strategic Plan					SIA	
		Construct landfill transfer stations in accordance with funding agreement - year 1 of 2					SIA	
5.5.1.4	Prepare annual capital program for trade waste	Complete capital programme for trade waste and provide quarterly reports					SIA	
5.5.1.5	Prepare annual maintenance program for trade waste	Complete maintenance programme for trade waste and provide quarterly reports					SIA	

Good Governance

Compliant with relevant legislation

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.6.2.1	Corporate systems and processes consistent with legislation, policy, contemporary practice and long term sustainability	Achieving unqualified audit for financial statements					C&C	
		Monthly financial and corporate reporting to Council					C&C	
		QAO assessment of financial (internal and external) operations					C&C	
		Continually reviewing operational revenue and expenditure					C&C	
		Continuous improvement and efficient and effective service delivery across records, ICT, procurement					C&C	
5.6.2.2	Risk Register and processes consistent with legislation, policy, contemporary practice and long term sustainability	Revised Risk Management Plan presented to Council					C&C	
		Risk Register updates presented ELT, EMT, Audit Committee and Council in accordance with Framework					C&C	
		Risk Management education through regular staff training and development programmes - new employees - training updates					C&C	
		Employee access of all related WHS policies, procedures and legislation					C&C	
		Open communications to identify potential problems					C&C	

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
		Workplace Health and Safety Risk Register presented to WHS Committee, executive leadership team and the Audit Committee consistent with SAFEPLAN and Risk Management Framework					C&C	
5.6.3.1	Improve Information Communication and Technology throughout Council	Investigate and deliver an ICT Strategy for Council					C&C	

An employer of choice

Promote a value based culture that trains, develops, appreciates and empowers its workforce

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.7.1.1	Devise and implement a leadership program	Regular mandatory training provided to supervisors					C&C	
5.7.1.2	Drive towards a multi-skilled workforce	Develop a Training Needs Analysis to address skill gaps and further progress Professional Development					C&C	
5.7.1.3	Investigate funding opportunities to assist with up-skilling workforce	Accessing subsidised training, grants and scholarships					C&C	
5.7.1.4	Maintain Traineeship and Apprenticeship programmes	Gain subsidised trainee and apprentice positions for areas in Council to address skill shortages and future workforce planning					C&C	
5.7.1.5	Deliver key training session to all employees following Christmas break	Provide refresher training in risk management, safety, code of conduct, values and other compliance					C&C	

Provide leadership and contemporary management systems that drive a coordinated and connected organisation

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comments
5.7.2.1	Research and implement an online recruitment and on-boarding	Implement online recruiting and on-boarding					C&C	
5.7.2.2	Provide contemporary HR System for internal customers	Finalise and implement HR Module from Council's business system					C&C	

Foster and support a culture of employee health, safety and well-being

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.7.3.1	Provide resources, information and programs to employees	Annually host a worker safety seminar, superannuation seminar and vaccination programme					C&C	

Implement and maintain 'Safe-Plan' Work Health and Safety Management Plan and system

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.7.4.1	Review and modernise safety management system to meet compliance and contemporary practices	Implement and maintain safety management system					C&C	

Productive Partnerships

Encourage partnerships for the benefit of the region, our community and economy

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.8.1.1	Maintain active presence in strategic reference for overall regional benefit	Attendance at Mineral Resources, Road User, Bulk Water, Qld Competition Authority pricing review and other groups and report to Council					SIA	

Environmental Health

Provide environmental health services which include health, infection, vermin, vector and other relevant controls to a high standard in line with legislative & community requirements

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.10.1.1	Reduce risk of vector borne disease	Undertake a prioritised Aedes aegypti mosquito eradication programme commencing in Biggenden					SIA	
5.10.1.2	Deliver a regionally consistent truck wash service	Upgrade all truck washes to a standard water flow and pressure					SIA	
		Review operations and maintenance					WORKS	
5.10.1.3	Prepare a map overlay of kerbside disused fuel installations	Conduct community and physical survey of disused kerbside fuel installations					SIA	
5.10.1.4	Ensure safe storage of chemicals	Purchase and install 2 self bunded chemical storage sheds					SIA	

Disaster Management

Effective disaster management operations in accordance with the Disaster Management Plan

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comments
5.11.1.1	Review Disaster Management Plan	Review and test plans on a timely basis - mock exercise to be considered					OFFICE of the CEO	

Effective natural hazard management

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.11.3.1	Natural Hazard Management	Assist in QFRES natural hazard audit					OFFICE of the CEO	

Building and Plumbing certification

Building and plumbing function efficiently completed in accordance with legislative policies and procedures

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.13.2.1	Review Planning Scheme	Identify and draft major Planning Scheme amendments including Water & Sewerage D&C Codes, Update standard drawings and references					SIA	
5.13.2.2	Backflow register	Complete and maintain register in accordance with Plumbing Act					SIA	
5.13.2.3	Onsite wastewater system register	Complete and maintain register in accordance with Plumbing Act					SIA	

Animal Control

Provide animal control services to a high standard in line with community expectations and legislative compliance

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.15.1.1	Appropriate animal control equipment	Upgrade current animal control vehicle with industry standard equipment					SIA	

Trade Waste

Develop and implement a Trade Waste Management Plan and inspection programme in line with Council adopted policy and statutory requirements

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.16.1.1	Prepare new Trade Waste policy to address current legislative requirements and treatment capabilities	Present policy to Council for adoption					SIA	

High level of reliability in all our agricultural water

Advocate on behalf of our region on advisory bodies and forums

Code	Outcome	Action	Q1	Q2	Q3	Q4	Dept	Comment
5.19.3.1	Work with Upper Burnett IAC's and Sunwater to achieve better reliability	Attend regular OIC meetings and provide feedback to Council					SIA	

8.2 WULLI WULLI #2 CONSENT DETERMINATION

Doc Id: **939076**

Author: **Nita Kreis, Governance Administration Officer**

Authoriser: **Gary Rinehart, Chief Executive Officer**

Attachments:

1. **Wulli Wulli s87 Agreement and Consent Determination 28.06.19 .pdf []**
2. **Wulli Wulli - Mapping - 28.06.19.pdf []**
3. **Wulli Wulli 2 - NBRC Reserve Lots in Consent Determination (28 June 2019).docx []**
4. **Wulli Wulli - Report to North Burnett Regional Council (July 2019).docx [940718]**
5. **MacDonnells Law - J Marshall - Email regarding Wulli Wulli 2 consent determination 020719.docx []**

INTRODUCTION/BACKGROUND

The Wulli Wulli #2 Claim is moving towards a consent determination in October 2019. Attached are the documents provided by MacDonnell's law explaining what areas will be covered by native title and what areas will be extinguished.

CORPORATE/OPERATIONAL PLAN

Operational plan: 5.8 productive partnerships**;** 4.5 protection of cultural heritage**;** 4.6 natural resource protection**;** 3.6 united communities

Corporate plan: 3.6.2 Work in partnership with indigenous communities**;** 4.1 beautiful parks and gardens**;** 4.2 celebrating our waterways**;** 4.5 protection of cultural heritage**;** 4.6 natural resource protection

POLICY IMPLICATIONS

Council's actions are in accordance with the adopted Corporate and Operational Plans

STATUTORY REQUIREMENTS

Native Title Act 1993

FINANCIAL REQUIREMENTS

Budgeted Native Title expenses

RISK MANAGEMENT

Council has an adopted a 'Risk Management Framework' that is consistent with AS/NZS ISO 31000:2018 Risk management – Guidelines. Using the Standard and the framework, local governments increase the likelihood of achieving objectives, improve the identification of opportunities and threats and effectively allocate and use resources for risk treatment. With respect to this report, the following risk categories LEGAL AND REGULATORY and ENVIRONMENTAL and REPUTATION/POLITICAL have been considered and assessed. It has been determined to be a MODERATE RISK due to the use of specialised legal services.

CONSULTATION

Consultation towards a consent determination has been provided from MacDonnell's Law throughout the case.

RECOMMENDATION

1. That Council consent to a determination of native title of the Wulli Wulli People Claim (QUD31/2019) substantially in the same terms of the draft consent determination considered by Council, with such amendments as may be required to enable the consent determinations to be made by the Federal Court.
2. That Council delegate to the Chief Executive Officer the power to negotiate and agree to such changes to the draft consent determination referred to in paragraph 1 of this resolution, as are required to enable the Federal Court to make the consent determination.

CONFIDENTIAL AND WITHOUT PREJUDICE
DRAFT: 27/06/2019

AGREEMENT UNDER S 87 OF THE *NATIVE TITLE ACT 1993* (CTH)

No. QUD 31 of 2019

Federal Court of Australia

District Registry: Queensland

Division: General

Robery Clancy and Ors on and others as named in Schedule 1 on behalf of the Wulli Wulli #2 People [Drafting note: Details to be confirmed following authorisation meeting]

Applicant

State of Queensland and Others as named in Schedule 1

Respondents

1. Each party appearing below consents to the making of an order in terms of the draft Order annexed hereto and marked 'A'.

Ted Besley, Special Counsel
Just Us Lawyers, on behalf of the Applicant
Date:

for G R Cooper, Crown Solicitor
on behalf of the Respondent, State of Queensland

Filed on behalf of	State of Queensland		
Prepared by	Carrie Tobler (LT6/NTS127/359/TOC)		
Law firm	Crown Law		
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Email for service	nativetitleservice@crownlaw.qld.gov.au		

Document Number: 7610647

Date:

Jenny Humphris, Holding Redlich
on behalf of the Respondents, Banana Shire Council, Western Downs Regional Council and Ergon Energy Corporation Limited
Date:

Jeremy Marshall, MacDonnells Law
on behalf of the Respondents, North Burnett Regional Council and South Burnett Regional Council
Date:

Scott Singleton, King & Wood Mallesons
on behalf of the Respondent, Telstra Corporation Limited (ACN 33 051 775 556)
Date:

Mark Boge, Thynne & Macartney
on behalf of the Respondents, Thomas James Bancroft, Duncan William Brown, Glenys Pauline Brown, Mark Richmond Brown, Phillip Richmond Brown, Hugh Norman Mackley Campbell, Lindsay Gordon Grono, Geoffrey Thomas Hartwig, Margaret Olive Harzer, Bruce Raymond Hutchinson, Vivien Clare Hutchinson, Darcy Frederick Knudsen, John David Lindenmayer, Lorraine Fahey Lindenmayer, Alexandra Winter O'Neill, James Anthony O'Neill, Rick Ernest Payne, Judith Elizabeth Ann Plant, Robert John Plant, Robert Leslie Richard Plant, Raymond Spencer Poulsen, Lyle George Purnell, Colin Andrew Seiler, Joan May Seiler, Lynnelle Evelyn Seiler, Peter Alfred Seiler, Peter Noel Thompson, Sharon Maree Thompson, Glenville Roland Tucker, James Barry Tucker, Leonard Edwin Tucker, Peter Leonard Tucker, Noeleen Kay Vanderhave, Ross John Vanderhave, Lindsay Keith Walters, Jeanette Anne Young, William Henry Young and Michael Vincent Baker
Date:

Timothy Wishart, Queensland South Native Title Services
on behalf of the Respondents, Kevin Cowburn and Queensland South Native Title Services

DRAFT

Date:

[Drafting Note: Respondents to confirm whether they intend to remain parties to this claim].

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Schedule 1

No. QUD 31 of 2019

Federal Court of Australia

District Registry: Queensland

Division: General

Applicants

Second Applicant: [Name]

Third Applicant: [Name]

[Drafting note: Individual(s) authorised to represent the Applicant to be confirmed following authorisation meeting]

Respondents

Second Respondent:	Banana Shire Council
Third Respondent:	Western Downs Regional Council
Fourth Respondent:	Ergon Energy Corporation Limited
Fifth Respondent:	North Burnett Regional Council
Sixth Respondent:	South Burnett Regional Council
Seventh Respondent:	Telstra Corporation Limited ACN 33 051 775 556
Eighth Respondent:	Thomas James Bancroft
Ninth Respondent:	Duncan William Brown
Tenth Respondent:	Glenys Pauline Brown
Eleventh Respondent:	Mark Richmond Brown
Twelfth Respondent:	Phillip Richmond Brown
Thirteenth Respondent:	Hugh Norman Mackley Campbell
Fourteenth Respondent:	Lindsay Gordon Grono
Fifteenth Respondent:	Geoffrey Thomas Hartwig
Sixteenth Respondent:	Margaret Olive Harzer
Seventeenth Respondent:	Bruce Raymond Hutchinson
Eighteenth Respondent:	Vivien Clare Hutchinson
Nineteenth Respondent:	Darcy Frederick Knudsen
Twentieth Respondent:	John David Lindenmayer

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Twenty-first Respondent:	Lorraine Fahey Lindenmayer
Twenty-second Respondent:	Alexandra Winter O'Neill
Twenty-third Respondent:	James Anthony O'Neill
Twenty-fourth Respondent:	Rick Ernest Payne
Twenty-fifth Respondent:	Judith Elizabeth Ann Plant
Twenty-sixth Respondent:	Robert John Plant
Twenty-seventh Respondent:	Robert Leslie Richard Plant
Twenty-eighth Respondent:	Raymond Spencer Poulsen
Twenty-ninth Respondent:	Lyle George Purnell
Thirtieth Respondent:	Colin Andrew Seiler
Thirty-first Respondent:	Joan May Seiler
Thirty-second Respondent:	Lynnelle Evelyn Seiler
Thirty-third Respondent:	Peter Alfred Seiler
Thirty-fourth Respondent:	Peter Noel Thompson
Thirty-fifth Respondent:	Sharon Maree Thompson
Thirty-sixth Respondent:	Glenville Roland Tucker
Thirty-seventh Respondent:	James Barry Tucker
Thirty-eighth Respondent:	Leonard Edwin Tucker
Thirty-ninth Respondent:	Peter Leonard Tucker
Fortieth Respondent:	Noeleen Kay Vanderhave
Forty-first Respondent:	Ross John Vanderhave
Forty-second Respondent:	Lindsay Keith Walters
Forty-third Respondent:	Jeanette Anne Young
Forty-fourth Respondent:	William Henry Young
Forty-fifth Respondent:	Kevin Cowburn
Forty-sixth Respondent:	Michael Vincent Baker

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DRAFT CONSENT DETERMINATION

No. QUD31 of 2019

Federal Court of Australia

District Registry: Queensland

Division: General

Robert Clancy and Ors on behalf of the Wulli Wulli #2 People [Drafting note: Details to be confirmed following authorisation meeting]

Applicant

State of Queensland and others

Respondents

Judge: [insert name of Judge]

Date of Order: [insert date of order]

Where made: Brisbane

BEING SATISFIED that an order in the terms set out below is within the power of the Court, and it appearing appropriate to the Court to do so, pursuant to s 87 of the *Native Title Act 1993* (Cth)

BY CONSENT THE COURT ORDERS THAT:

1. There be a determination of native title in the terms set out below (the determination).

2. Each party to the proceedings is to bear its own costs.

BY CONSENT THE COURT DETERMINES THAT:

3. The determination area is the land and waters described in Schedule 4 and depicted in the map attached to Schedule 6 to the extent those areas are within the External Boundary and not otherwise excluded by the terms of Schedule 5 (the Determination Area). To the extent of any inconsistency between the written description and the map, the written description prevails.

4. Native title exists in the Determination Area.

5. The native title is held by the Wulli Wulli People described in Schedule 1 (the Native Title Holders). [Drafting note: Details to be confirmed following authorisation meeting]

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6. Subject to orders 8, 9 and 10 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 1 of Schedule 4 are:

   (a) other than in relation to Water, the right to possession, occupation, use and enjoyment of the area to the exclusion of all others; and

   (b) in relation to Water, the non-exclusive rights to:

      (i) hunt, fish and gather from the Water of the area;

      (ii) take and use the Natural Resources of the Water in the area; and

      (iii) take and use the Water of the area,

   for personal, domestic and non-commercial communal purposes.

7. Subject to orders 8, 9 and 10 below the nature and extent of the native title rights and interests in relation to the land and waters described in Part 2 of Schedule 4 are the non-exclusive rights to:

   (a) access, be present on, move about on and travel over the area;

   (b) camp, and live temporarily on the area as part of camping, and for that purpose build temporary shelters;

   (c) hunt, fish and gather on the land and waters of the area for personal, domestic and non-commercial communal purposes;

   (d) take and use Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;

   (e) take and use the Water of the area for personal, domestic and non-commercial communal purposes;

   (f) conduct ceremonies on the area;

   (g) be buried and bury Native Title Holders within the area;

   (h) maintain places of importance and areas of significance to the Native Title Holders under their traditional laws and customs and protect those places and areas from physical harm;

   (i) teach on the area the physical and spiritual attributes of the area;

   (j) hold meetings on the area; and

   (k) light fires on the area for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation.

8. The native title rights and interests are subject to and exercisable in accordance with:

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(a) the Laws of the State and the Commonwealth; and

(b) the traditional laws acknowledged and traditional customs observed by the Native Title Holders.

9. The native title rights and interests referred to in orders 6(b) and 7 do not confer possession, occupation, use or enjoyment to the exclusion of all others.

10. There are no native title rights in or in relation to minerals as defined by the *Mineral Resources Act 1989* (Qld) and petroleum as defined by the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld).

11. The nature and extent of any other interests in relation to the Determination Area (or respective parts thereof) are set out in Schedule 2.

12. The relationship between the native title rights and interests described in orders 6 and 7 and the other interests described in Schedule 2 (the Other Interests) is that:

(a) the Other Interests continue to have effect, and the rights conferred by or held under the Other Interests may be exercised notwithstanding the existence of the native title rights and interests;

(b) to the extent the Other Interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests in relation to the land and waters of the Determination Area, the native title continues to exist in its entirety but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency for so long as the Other Interests exist; and

(c) the Other Interests and any activity that is required or permitted by or under, and done in accordance with, the Other Interests, or any activity that is associated with or incidental to such an activity, prevail over the native title rights and interests and any exercise of the native title rights and interests;

DEFINITIONS AND INTERPRETATION

13. In this determination, unless the contrary intention appears:

"External Boundary" means the area described in Schedule 3;

"land" and "waters", respectively, have the same meanings as in the *Native Title Act 1993* (Cth);

"Laws of the State and the Commonwealth" means the common law and the laws of the State of Queensland and the Commonwealth of Australia, and includes legislation, regulations, statutory instruments, local planning instruments and local laws;

"Local Government Act" has the meaning given in the *Local Government Act 2009*

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(Qld);

"Local Government Area" has the meaning given in the *Local Government Act 2009* (Qld);

"Natural Resources" means:

(a) any animal, plant, fish and bird life found on or in the lands and waters of the Determination Area; and

(b) any clays, soil, sand, gravel or rock found on or below the surface of the Determination Area,

that have traditionally been taken and used by the Native Title Holders, but does not include:

(a) animals that are the private personal property of another;

(b) crops that are the private personal property of another; and

(c) minerals as defined in the *Mineral Resources Act 1989* (Qld); or

(d) petroleum as defined in the *Petroleum Act 1923* (Qld) and the *Petroleum and Gas (Production and Safety) Act 2004* (Qld);

"Reserve" means a reserve dedicated or taken to be a reserve under the *Land Act 1994* (Qld);

"Water" means:

(a) water which flows, whether permanently or intermittently, within a river, creek or stream;

(b) any natural collection of water, whether permanent or intermittent; and

(c) water from an underground water source.

"Works" has the same meaning as in the *Electricity Act 1994* (Qld).

Other words and expressions used in this determination have the same meanings as they have in Part 15 of the *Native Title Act 1993* (Cth).

THE COURT DETERMINES THAT:

14. The native title is held in trust.

15. [Drafting note: Details of the proposed PBC to be confirmed by the Applicant and whether native title is nominated to be held in trust or PBC to act as agent.]

The [PBC name to be inserted] Aboriginal Corporation (ICN: [ICN to be inserted]), incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), is to:

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(a) be the prescribed body corporate for the purpose of ss 56(2)(b) and 56(3) of the *Native Title Act 1993* (Cth); and

(b) perform the functions mentioned in s 57(1) of the *Native Title Act 1993* (Cth) after becoming a registered native title body corporate.

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LIST OF SCHEDULES

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Schedule 2 – Other Interests in the Determination Area 13
Schedule 3 – External Boundary 15
Schedule 4 – Description of Determination Area 21
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Schedule 1 – Native Title Holders

1. [Drafting note: Details to be confirmed following authorisation meeting] The Native Title Holders are the [insert name]. The [insert name] are the biological descendants of one or more of the following people:

   (a) Bojimba & Narrygn;

   (b) Ginalene, the mother of Ernest Pope;

   (c) Tilly, the mother of Harry Blucher;

   (d) Grace, the mother of Fanny Joyce;

   (e) Jack Hornet Snr, the father of Jack Hornet;

   (f) Thomas Clancy;

   (g) Maria, the mother of Isabella Hooper;

   (h) Amy, wife of John Bond;

   (i) Billy and Selena, parents of Jacob;

   (j) Bessie Rawbelle;

   (k) Billy McKenzie;

   (l) Maggie West;

   (m) Jackanapes;

   (n) Jinnie, the mother of Ranji Logan;

   (o) Rosie, the mother of John Barra;

   (p) Mergwin – Blay;

   (q) Kitty of Boondooma;

   (r) King Billy and Maria of Boondooma;

   (s) Jessie Fuller;

   (t) MiMi; or

   (u) Maggie Hart.

   [Drafting Note: Subject to the native title claim group authorising the proposed amendments as marked up above.]

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Schedule 2 – Other Interests in the Determination Area

[Drafting Note: The proposed clauses set out below are yet to be agreed by all parties.]

The nature and extent of the other interests in relation to the Determination Area are the following as they exist as at the date of the determination:

1. The rights and interests of the parties under the following agreements registered on the Register of Indigenous Land Use Agreements:

   (a) Wakka Wakka 2 and Tarong ILUA (QI2008/027) registered 8 September 2009;

   (b) Djaku-nde and Jangerie Jangerie and Wakka Wakka Peoples and QGC PTY Limited ILUA (QI2010/005) registered 17 September 2010; and

   (c) Djaku-nde and Jangeri Jangerie and Wakka Wakka People and QGC Pty Limited (Balance Area) ILUA registered 1 November 2010.

2. The rights and interests of Telstra Corporation Limited ACN 051 775 556:

   (a) as the owner or operator of telecommunications facilities within the Determination Area;

   (b) created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications Corporation Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including rights:

      (i) to inspect land;

      (ii) to install, occupy and operate telecommunication facilities; and

      (iii) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;

   (c) for its employees, agents or contractors to access its telecommunication facilities in and in the vicinity of the Determination Area in the performance of their duties; and

   (d) under any lease, licence, access agreement, permit or easement relating to its telecommunications facilities in the Determination Area.

3. The rights and interests of Ergon Energy Corporation Limited ACN 087 646 062:

   (a) as the owners and operator of any Works within the Determination Area;

   (b) as an electricity entity under the *Electricity Act 1994* (Qld), including but not limited to:

(i) as the holders of a distribution authority;

(ii) to inspect, maintain and manage any Works in the Determination Area; and

(iii) in relation to any agreement or consent relating to the Determination Area existing or entered into before the date these orders are made; and

(c) to enter the Determination Area by its employees, agents or contractors to exercise any of the rights and interests referred to in this clause.

4. The rights and interests of the Banana Shire Council, Western Downs Regional Council, North Burnett Regional Council and South Burnett Regional Council as the local government for that part of the Determination Area within their respective Local Government Areas, including:

(a) their powers, functions, responsibilities and jurisdiction under a Local Government Act;

(b) their rights and interests under any interest in land or waters within the Determination Area including under any lease, license, access agreement, easement or reserve in the Determination Area;

(c) the rights to use, operate, maintain, replace, restore, remediate, repair and otherwise exercise all other rights as the owners and operators of infrastructure, structures, earthworks, access works, facilities and other improvements within the Determination Area;

(d) the rights under any agreements between the local government and third parties which relate to land or water in the Determination Area; and

(e) the rights of their employees, agents and contractors to enter upon the Determination Area for the purpose of performing their powers and responsibilities under paragraphs (a) to (d).

5. The rights and interests of members of the public arising under the common law, including but not limited to the following:

(a) any subsisting public right to fish; and

(b) the public right to navigate.

6. Any other rights and interests:

(a) held by the State of Queensland or Commonwealth of Australia; or

(b) existing by reason of the force and operation of the Laws of the State and the Commonwealth.

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Schedule 3 – External Boundary

The area of land and waters commencing:

At a point on the eastern boundary of Lot 64 on Plan FTY1828 (Camboon State Forest) at Latitude 25.111339° South, being a point on the eastern boundary of Native Title Determination Application QUD6006/00 Wulli Wulli People (QC00/07), and extending east to an eastern boundary of Lot 226 on Plan FTY656; then generally southerly along eastern boundaries of that lot, north eastern boundaries of Lot 19 on Plan PH524 and north eastern boundaries of Lot 227 on Plan FTY1244 to the intersection of the southern boundary of Glencoe Road and the western boundary of Calrossie Road; then generally easterly and generally southerly along northern and eastern boundaries of the southern severance of Lot 1 on Plan RW854, again eastern and northern boundaries of Lot 227 on Plan FTY1244 to the northernmost north western corner of Lot 1 on Plan WK144; then generally easterly and generally south westerly along boundaries of that lot, eastern boundaries of Lot 13 on PlanWK87 and an eastern boundary of Lot 14 on Plan WK87 to the northernmost corner of Lot 10 on Plan WK227; then generally south easterly along boundaries of that lot, generally easterly and generally southerly along northern boundaries of Lot 42 on Plan FTY1497, northern and eastern boundaries of Lot 4 on Plan WK228 to the easternmost north eastern corner of that lot at Latitude 25466556° South; then easterly to the headwaters of Target Creek at Longitude 150.836420° East, Latitude 25.468380° South; then generally south easterly along the centreline of that creek to Longitude 150.864500° East; then southerly to the westernmost corner of Lot 7 on Plan WK149; then generally southerly, generally easterly and again generally southerly along eastern boundaries of Lot 2 on Plan WK179, northern and eastern boundaries of Lot 4 on Plan WK45 and an eastern boundary of Lot 44 on Plan FTY892 to a corner of that lot at Latitude 25.644832° South; then easterly to a corner on the western boundary of Lot 5 on Plan WK231 at Latitude 25.649256° South; then generally south easterly along western boundaries of that lot to the northern boundary of Hawkwood Road; then generally easterly along northern boundaries of that road to Longitude 151.052311° East; then north easterly to a south western corner of the southern severance of Lot 5 on Plan WK231 at Longitude 151.056444° East; then easterly along the southern boundary of the southern severance of that lot to its south eastern corner at Latitude 25.642540° South; then easterly to the north western corner of Lot 71 on Plan WK8; then generally easterly along the northern boundaries of that lot to its north eastern corner; then northerly to a corner on the northern boundary of Lot 43 on Plan FTY1717 at Longitude 151.101418° East; then generally north easterly along boundaries of that lot to a corner at Longitude 151.121819° East; then north easterly to a corner on the southern boundary of Pearlings Road at Longitude 151.136273° East; then generally easterly along southern boundaries of that road to the western bank of St John Creek; then generally easterly and generally southerly along the western bank of that creek to the western bank of the Burnett River; then generally westerly, generally south easterly and generally southerly along the western bank of that river, and the western bank of Boyne River to the northern boundary of Lot 20 on Plan SP142310 (Boondooma Lake); then easterly to the centreline of that lot and generally southerly along the centreline of Boondooma Lake (being the centreline of Lot 20 on Plan SP142310) to Latitude 26.136451° South; then generally south

westerly along the centreline of that lake and onwards generally southerly, generally south easterly and again generally southerly along the centreline of the Boyne River to its source at Longitude 151.531067° East, Latitude 26.757582° South; then south westerly to the south western corner of Lot 12 on Plan RP50030; then generally south westerly and generally westerly along southern boundaries of Lot 18 on Plan BO27 and Lot 94 on Plan BO27 to the western boundary of South Burnett Regional Council; then generally westerly, generally northerly and generally north westerly along boundaries of that regional council to the north western corner of Lot 60 on Plan BO252; then generally northerly along western boundaries of Lot 42 on Plan BO160 to Jacksons Road; then north easterly to the south western corner of Lot 2 on Plan RP200370; then north westerly to the north eastern corner of Lot 8 on Plan AU51 (being a south eastern corner of former Lot 302 on Plan FTY1349); then northerly and easterly along boundaries of Lot 9 on Plan AU51 to western bank of the Burnett River Watershed at Longitude 151.116671° East; then generally northerly and generally north westerly along western boundaries of that watershed to its intersection with a northern boundary of again the South Burnett Regional Council boundary; then generally westerly and northerly along boundaries of that regional council boundary and generally westerly along northern boundaries of Lot 302 on Plan FTY1964 (former Lot 302 on Plan FTY1349) to its intersection with an unnamed road and Auburn Road at Longitude 150.703053° East; then generally northerly along the western boundary of Auburn Road to the southern boundary of the Burnett River Watershed at Longitude 150.703267° East; then generally westerly along southern boundaries of that watershed to its intersection with the southern boundary of Lot 25 on Plan FTY111, then north easterly and generally northerly along boundaries of that lot, eastern and norther boundaries of Lot 23 on Plan FT111, northern boundaries of Lot 21 on Plan FT111 to a point on the southern boundary of Native Title Determination Application QUD6162/98 Iman People 2 (QC97/55) at Longitude 150.282442° East; then generally northerly along the eastern boundary of that native title determination application passing through the following coordinate points:

Longitude East	Latitude South
150.308255	26.048253
150.308732	26.047165
150.309274	26.045925
150.309713	26.044922
150.309903	26.044489
150.309818	26.042685
150.308019	26.038174
150.309820	26.033767
150.307752	26.029398
150.307871	26.003085
150.308111	26.003116
150.313730	25.990028
150.321854	25.986373
150.323213	25.985215
150.324499	25.984321
150.325795	25.982969
150.326841	25.981384
150.328155	25.979115
150.328949	25.977525
150.329497	25.975473
150.330051	25.973191

Longitude East	Latitude South
150.329839	25.971126
150.329876	25.969294
150.329908	25.967691
150.330448	25.966096
150.331752	25.964286
150.332794	25.962929
150.334351	25.961123
150.335646	25.959771
150.337199	25.958194
150.338494	25.956842
150.339794	25.955260
150.341107	25.952992
150.342411	25.951182
150.343720	25.949142
150.345278	25.947336
150.346840	25.945301
150.347895	25.943257
150.349203	25.941217
150.349996	25.939627
150.350122	25.939409
150.350406	25.938918
150.351046	25.937812
150.351843	25.935993
150.352124	25.934623
150.352392	25.933738
150.345598	25.932809
150.350000	25.919783
150.349474	25.911914
150.351116	25.911440
150.350921	25.910887
150.353451	25.909665
150.355608	25.910117
150.369092	25.905219
150.371424	25.904371
150.372944	25.905061
150.378016	25.903920
150.384614	25.897279
150.387152	25.894760
150.395049	25.895584

Then easterly to a corner on the north western boundary of Lot 22 on Plan SP263821 (former Lot 5 on Plan NT364) at Longitude 150.396023° East; then generally easterly and generally northerly along the western boundaries of that lot and the western boundary of Lot 21 on Plan SP263821 and Lot 5 on Plan NT196 to the intersection with the northern boundary of Western Downs Regional Council; then generally northerly along the western boundary for that regional council boundary to the intersection with the southern boundary of Native Title Determination Application QUD6006/00 Wulli Wulli People (QC00/07), being the intersection of the southern bank of an unnamed creek and the eastern boundary of Lot 3 on Plan FT840 at Latitude 25.645318° South; then generally northerly along boundaries of that lot and eastern boundaries of Lot 4064 on Plan SP149056 (former Lot 4064 on Plan PH1477) to Longitude 150.415251° East; then generally westerly and generally northerly to a south western corner of Lot 47 on Plan FTY1480 at Longitude 150.405708° East passing though the following coordinate points:

Longitude East	Latitude South
150.411283	25.600931
150.408991	25.599232
150.407739	25.597269
150.406873	25.594622
150.406131	25.592205
150.405390	25.589789
150.405160	25.586692
150.404800	25.584166
150.404818	25.581873
150.404837	25.579352
150.404864	25.575913
150.404887	25.572933
150.404916	25.569266
150.404940	25.566171
150.404962	25.563421
150.405362	25.580675
150.405884	25.558732
150.405916	25.556627

Then generally northerly and generally north westerly along western boundaries of Lot 47 on Plan FTY1480 to the eastern boundary of Lot 1 on Plan DW63; then northerly along the boundary of that lot to a corner at Latitude 25.461511° South ; then generally north easterly to again a corner on the eastern boundary of Lot 1 on Plan DW63 at Latitude 25.419196° South passing through the following coordinate points:

Longitude East	Latitude South
150.375990	25.459526
150.376548	25.457667
150.377825	25.454797
150.378973	25.452617
150.380747	25.451249
150.382263	25.450915
150.384661	25.450933
150.386807	25.450836
150.388327	25.449811
150.389980	25.447520
150.392511	25.446157
150.394416	25.443984
150.395566	25.441227
150.395579	25.438808
150.395597	25.435583
150.395108	25.432699
150.394491	25.429930
150.394001	25.427161
150.392631	25.424155

Then generally north easterly again along eastern boundaries of Lot 1 on Plan DW63, Eastern boundaries of Lot 23 on Plan DW516, eastern boundaries of Lot 2 on Plan DW556 and southern and eastern boundaries of Lot 64 on Plan FTY1828 to Latitude 25.321315° South then generally northerly to again a point on the eastern boundary of Lot 64 on Plan FTY1828 at Latitude 25.316809° South passing through the following coordinate points:

Longitude East	Latitude South
150.441617	25.320874
150.442655	25.320753
150.440860	25.317226

Then generally north easterly again along eastern boundaries of Lot 64 on Plan FTY1828 to Longitude 150.449965° East, then generally north easterly to again a point on the eastern boundary of Lot 64 on Plan FTY1828 at Latitude 25.268993° South passing through the following coordinate points:

Longitude East	Latitude South
150.450360	25.280248
150.451381	25.277721
150.452278	25.274502
150.453425	25.271860

Then generally north easterly and generally easterly again along boundaries of Lot 64 on Plan FTY1828 to Longitude 150.478922° East, then generally north easterly and generally easterly to again a point on the eastern boundary of that lot at Latitude 25.185232° South, passing through the following coordinate points:

Longitude East	Latitude South
150.494997	25.185576
150.496550	25.185492
150.497782	25.185185
150498714	25.185109

Then generally north easterly again along boundaries of Lot 64 on Plan FTY1828 to Longitude 150.544586° East, then generally north easterly to again a point on the eastern boundary of Lot 64 on Plan FTY1828 at Latitude 25.156017° South, passing through the following coordinate points:

Longitude East	Latitude South
150.548244	25.162498
150.550391	25.161014
150.552664	25.159301
150.556323	25.157136

Then generally northerly and generally north easterly again along boundaries of Lot 64 on Plan FTY1828 to Latitude 25.123924° South, then generally north easterly to a point on the eastern boundary of Lot 64 on Plan FTY1828 at Longitude 150.575141° East passing through the following coordinate points:

Longitude East	Latitude South
150.571505	25.118849
150.572499	25.117856
150.574733	25.114131

Then generally north easterly and north westerly again along the boundaries of Lot 64 on Plan FTY1828, also being boundaries of Native Title Determination Application QUD6006/00 Wulli Wulli People (QC00/07), back to the commencement point.

Data Reference and Source

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- Cadastral data sourced from the Department of Natural Resources and Mines, Qld (February 2014).
- Where available watercourse boundaries were derived from Cadastral data sourced from Department of Natural Resources and Mines, Qld (May 2008) or 1:250K Topographic Vector Data © Commonwealth of Australia (Geoscience Australia) 2008.
- Catchment boundaries derived from The South East Queensland Environmental Values Sub-catchments v2.0 dataset sourced from Department of Natural Resources and Mines, Qld (August 2010).
- Local Government Authorities data sourced from Department of Natural Resources and Mine, Qld (February 2014).

Reference Datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographc position of theiur data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (3 July 2014).

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Schedule 4 – Description of Determination Area

The determination area comprises all of the land and waters described by lots on plan, or relevant parts thereof, and any rivers, streams, creeks or lakes described in the first column of the tables in the Parts immediately below, and depicted in the maps in Schedule 6, to the extent those areas are within the External Boundary and not otherwise excluded by the terms of Schedule 5.

Part 1 — Exclusive Areas

All of the land and waters described in the following table and depicted in dark blue on the determination map contained in Schedule 6:

Area description (at the time of the determination)	Determination Map Sheet Reference
Lot 203 on Plan A9141	Sheet 15 of 25
Lot 204 on Plan A9141	Sheet 15 of 25
Lot 205 on Plan A9141	Sheet 15 of 25
Lot 206 on Plan A9141	Sheet 15 of 25
Lot 207 on Plan A9141	Sheet 15 of 25
Lot 208 on Plan A9141	Sheet 15 of 25
Lot 23 on Plan A2291	Sheet 6 of 25
Lot 23 on Plan NT202	Sheet 15 of 25
Lot 24 on Plan A2291	Sheet 6 of 25
Lot 25 on Plan A2291	Sheet 6 of 25
Lot 26 on Plan A2291	Sheet 6 of 25
Lot 26 on Plan BO179	Sheet 18 of 25
Lot 27 on Plan A2291	Sheet 6 of 25
Lot 28 on Plan A2291	Sheet 6 of 25
Lot 28 on Plan BO112	Sheet 23 of 25
Lot 29 on Plan A2291	Sheet 6 of 25
Lot 30 on Plan A2291	Sheet 6 of 25
Lot 301 on Plan A9141	Sheet 15 of 25

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Area description (at the time of the determination)	Determination Map Sheet Reference
Lot 31 on Plan A2291	Sheet 6 of 25
Lot 32 on Plan A2291	Sheet 6 of 25
Lot 32 on Plan NT79	Sheet 8 of 25
Lot 33 on Plan A2291	Sheet 6 of 25
Lot 34 on Plan A2291	Sheet 6 of 25
Lot 34 on Plan NT147	Sheet 13 of 25
Lot 35 on Plan A2291	Sheet 6 of 25
Lot 36 on Plan A2291	Sheet 6 of 25
Lot 36 on Plan SP273759	Sheet 2 of 25
Lot 37 on Plan A2291	Sheet 6 of 25
Lot 38 on Plan A2291	Sheet 6 of 25
Lot 38 on Plan NT36	Sheet 16 of 25
Lot 39 on Plan A2291	Sheet 6 of 25
Lot 39 on Plan NT46	Sheet 16 of 25
Lot 4 on Plan BO630	Sheet 23 of 25
Lot 40 on Plan A2291	Sheet 6 of 25
Lot 401 on Plan A9141	Sheet 15 of 25
Lot 402 on Plan A9141	Sheet 15 of 25
Lot 405 on Plan A9141	Sheet 15 of 25
Lot 406 on Plan A9141	Sheet 15 of 25
Lot 407 on Plan A9141	Sheet 15 of 25
Lot 408 on Plan A9141	Sheet 15 of 25
Lot 43 on Plan NT130	Sheet 8 of 25
Lot 43 on Plan USL46108	Sheet 4 of 25
Lot 70 on Plan BO159	Sheet 19 of 25

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Area description (at the time of the determination)	Determination Map Sheet Reference
Lot 9 on Plan C7242	Sheet 20 of 25
Lot 94 on Plan BO27	Sheet 19 of 25
Lot 98 on Plan BO29	Sheet 25 of 25
That part of Lot 93 on Plan BO190 that falls within the External Boundary	Sheet 24 of 25

Part 2 — Non-Exclusive Areas

All of the land and waters described in the following table and depicted in light blue on the determination map contained in Schedule 6:

Area description (at the time of the determination)	Determination Map Sheet Reference
Lot 1 on Plan C7242	Sheet 20 of 25
Lot 10 on Plan NT244	Sheet 5 of 25
Lot 10 on Plan NT76	Sheet 9 of 25
Lot 10 on Plan WK190	Sheet 1 of 25
Lot 11 on Plan CP903600	Sheet 12 of 25
Lot 11 on Plan NT217	Sheet 5 of 25
Lot 11 on Plan WK119	Sheet 1 of 25
Lot 11 on Plan WK804660	Sheet 3 of 25
Lot 12 on Plan NT336	Sheet 11 of 25
Lot 12 on Plan WK115	Sheet 3 of 25
Lot 12 on Plan WK34	Sheet 1 of 25
Lot 13 on Plan NT337	Sheet 11 of 25
Lot 13 on Plan WK156	Sheet 3 of 25
Lot 132 on Plan FTY1348	Sheet 16 of 25
Lot 15 on Plan C7241	Sheet 20 of 25

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Area description (at the time of the determination)	Determination Map Sheet Reference
Lot 15 on Plan NT370	Sheet 5 of 25
Lot 16 on Plan WK191	Sheet 1 of 25
Lot 16 on Plan WK80	Sheet 1 of 25
Lot 17 on Plan WK199	Sheet 1 of 25
Lot 19 on Plan PH524	Sheet 1 of 25
Lot 2 on Plan C7242	Sheet 20 of 25
Lot 20 on Plan WK85	Sheet 1 of 25
Lot 21 on Plan NT150	Sheet 14 of 25
Lot 21 on Plan WK88	Sheet 1 of 25
Lot 22 on Plan NT231	Sheet 9 of 25
Lot 227 on Plan FTY1244	Sheet 1 of 25
Lot 24 on Plan NCL373	Sheet 18 of 25
Lot 253 on Plan FTY747	Sheet 18 of 25
Lot 31 on Plan NT320	Sheet 9 of 25
Lot 36 on Plan BO629	Sheet 17 of 25
Lot 36 on Plan NT361	Sheet 9 of 25
Lot 37 on Plan NT36	Sheet 9 of 25
Lot 4 on Plan NT194	Sheet 23 of 25
Lot 4 on Plan A2291	Sheet 6 of 25
Lot 4 on Plan NT207	Sheet 5 of 25
Lot 40 on Plan FTY884	Sheet 5, 9, 11 of 25
Lot 40 on Plan NT32	Sheet 9 of 25
Lot 42 on Plan FTY1497	Sheet 1, 2, 3 of 25
Lot 42 on Plan NT42	Sheet 9 of 25
Lot 44 on Plan BO629	Sheet 17 of 25

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Area description (at the time of the determination)	Determination Map Sheet Reference
Lot 44 on Plan FTZ37207	Sheet 19 of 25
Lot 45 on Plan CP885098	Sheet 19 of 25
Lot 47 on Plan FTY1480	Sheet 1 of 25
Lot 48 on Plan FTY872	Sheet 1 of 25
Lot 49 on Plan FTY1194	Sheet 1 of 25
Lot 5 on Plan NT170	Sheet 5 of 25
Lot 52 on Plan SP243204	Sheet 9 of 25
Lot 537 on Plan OL147	Sheet 11 of 25
Lot 61 on Plan BO521	Sheet 19 of 25
Lot 65 on Plan BO158	Sheet 19 of 25
Lot 7 on Plan NT212	Sheet 5 of 25
Lot 7 on Plan NT243	Sheet 1 of 25
Lot 70 on Plan FTY490	Sheet 5, 9 of 25
Lot 71 on Plan WK8	Sheet 3 of 25
Lot 8 on Plan NT131	Sheet 8 of 25
Lot 8 on Plan NT218	Sheet 5 of 25
Lot 8 on Plan NT239	Sheet 9 of 25
Lot 9 on Plan NT177	Sheet 6 of 25
Lot 9 on Plan NT280	Sheet 7 of 25
Lot 9 on Plan WK120	Sheet 1 of 25
Lot 9 on Plan WK83	Sheet 1 of 25
Lot 93 on Plan FTY572	Sheet 5 of 25
Lot 94 on Plan FTY1594	Sheet 5 of 25
Lot 95 on Plan FTY1191	Sheet 1 o 25

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Area description (at the time of the determination)	Determination Map Sheet Reference
Lot 96 on Plan FTY573	Sheet 5 of 25
Lot 97 on Plan FTY867	Sheet 1 of 25
That part of Lot 132 on Plan NPW670 excluding area formerly described as Portion 5 on WK202	Sheet 3 of 25
That part of Lot 197 on Plan FTY823 that falls within the External Boundary excluding the area formerly described as Portion 39 on BO159	Sheet 19 of 25
That part of Lot 226 on Plan FTY656 that falls within the External Boundary	Sheet 1 of 25
That part of Lot 228 on Plan FTY1854 excluding the areas formerly described as Lot 3 on WK146 and Lot 8 on WK171	Sheet 1 of 25
That part of Lot 302 on Plan FTY1964 that falls within the External Boundary excluding the area formerly described as Portion 8 on NT81	Sheet 5, 8, 9 of 25
That part of Lot 31 on Plan BO603 excluding the area formerly described as Portion 11 on BO81	Sheet 23 of 25
That part of Lot 39 on Plan BO352 excluding the area shown as Three Chain Road on BO335	Sheet 23 of 25
That part of Lot 4064 on Plan SP149056 that falls within the External Boundary	Sheet 1 of 25
That part of Lot 43 on Plan FTY1717 that falls within the External Boundary	Sheet 3 of 25
That part of Lot 44 on Plan FTY892 that falls within the External Boundary	Sheet 3 of 25
That part of Lot 63 on Plan BO98 that falls within the External Boundary excluding Kingaroy-Burrandowan Road	Sheet 22 of 25
That part of Lot 64 on Plan FTY1828 that falls within the external boundary	Sheet 1 of 25
That part of Lot 69 on Plan BO150 that falls within the External Boundary excluding Kingaroy-Burrandowan Road	Sheet 21 of 25
That part of Lot 92 on Plan FTY518 excluding the area formerly described as Portion 16 on NT90	Sheet 3, 9 of 25
Allies Creek Auburn River Boondooma Creek	

DRAFT

Area description (at the time of the determination)	Determination Map Sheet Reference
Boyne River Brovinia Creek Cadarga Creek Chess Creek Coondarra Creek Fishy Creek Grant Creek Johnson Creek Little Peter Creek Moonboonbury Creek Pigott Creek Ramlaw Creek Redbank Creek Thistle Creek Toondoonnanigy Creek Wee Wee Creek	

DRAFT

Schedule 5 – Areas Not Forming Part of the Determination Area

The following areas of land and waters are excluded from the determination area as described in Part 1 of Schedule 4 and Part 2 of Schedule 4:

1. Those land and waters within the External Boundary which at the time the native title determination application was made were the subject of one or more Previous Exclusive Possession Acts, within the meaning of s 23B of the *Native Title Act 1993* (Cth) as they could not be claimed in accordance with s 61A of the *Native Title Act 1993* (Cth).

2. Specifically, and to avoid any doubt, the land and waters described in (1) above includes:

   (a) the Previous Exclusive Possession Acts described in ss 23B(2) and 23B(3) of the *Native Title Act 1993* (Cth) to which s 20 of the *Native Title (Queensland) Act 1993* (Qld) applies, and to which none of ss 47, 47A or 47B of the *Native Title Act 1993* (Cth) applied; and

   (b) the land and waters on which any public work, as defined in s 253 of the *Native Title Act 1993* (Cth), is or was constructed, established or situated, and to which ss 23B(7) and 23C(2) of the *Native Title Act 1993* (Cth) and to which s 21 of the *Native Title (Queensland) Act 1993* (Qld), applies, together with any adjacent land or waters in accordance with s 251D of the *Native Title Act 1993* (Cth).

3. Those land and waters within the External Boundary on which, at the time the native title determination application was made, public works were validly constructed, established or situated after 23 December 1996, where s 24JA of the *Native Title Act 1993* (Cth) applies, and which wholly extinguished native title.

4. Those land and waters within the External Boundary which, at the time the native title determination application was made, were the subject of one or more Pre-existing Rights Based Acts, within the meaning of s 24IB of the *Native Title Act 1993* (Cth), which wholly extinguished native title.

DRAFT

Schedule 6 – Map of Determination Area

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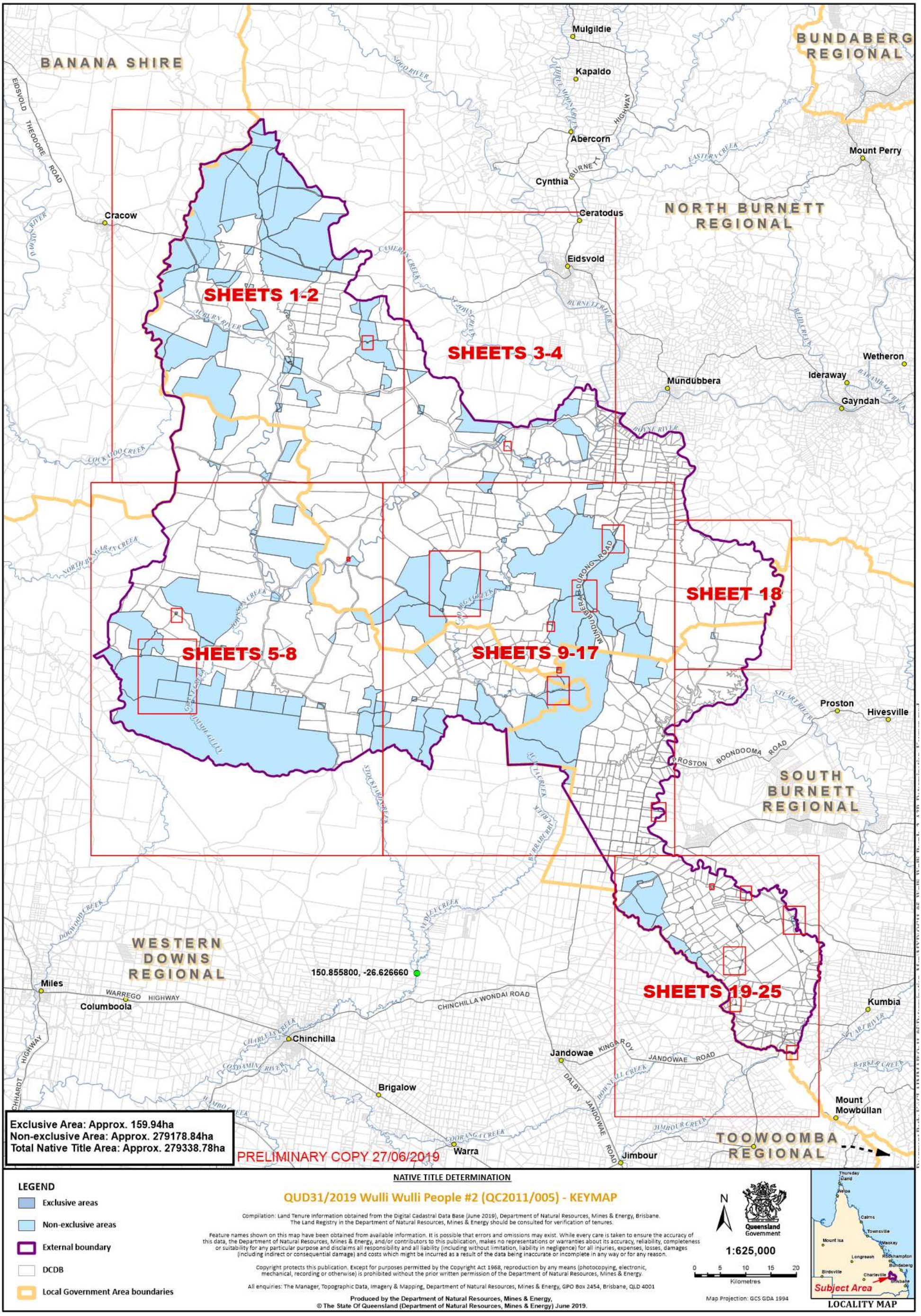
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BUNDABERG REGIONAL
NORTH BURNETT REGIONAL
SOUTH BURNETT REGIONAL
WESTERN DOWNS REGIONAL
TOOWOOMBA REGIONAL
SHEETS 1-2
SHEETS 3-4
SHEETS 5-8
SHEETS 9-17
SHEET 18
SHEETS 19-25
Mulgildie
Kapaldo
Abercorn
Mount Perry
Cynthia
Ceratodus
Eidsvold
Cracow
Wetheron
Ideraway
Mundubbera
Gayndah
Proston
Hivesville
Miles
Columboola
Chinchilla
Brigalow
Jandowae
Kumbia
Mount Mowbullan
Jimbour
Warra
150.855800, -26.626660
EIDSVOLD THEODORE ROAD
THREE MOON CREEK HIGHWAY
BURNETT HIGHWAY
EASTERN CREEK
CAMERON CREEK
ST JOHN CREEK
BURNETT RIVER
REID CREEK
BOYNE RIVER
AUBURN RIVER
COCKATOO CREEK
NORTH HUSSAR CREEK
JOHNSON CREEK
CAD MG CREEK
MUNDUBBERA DURONG ROAD
GWAVY CREEK
DAWSON RIVER
STUART RIVER
PROSTON BOONDOOMA ROAD
STOCKYARD CREEK
AUGATELLA CREEK
BARKER CREEK
DOGWOOD CREEK
MOLEY CREEK
WARREGO HIGHWAY
CHINCHILLA WONDAI ROAD
CHARLES CREEK
CONDAMINE RIVER
HIGHWAY
KINGAROY JANDOWAE ROAD
DOWNFALL CREEK
DALBY JANDOWAE ROAD
SQUARE RIVER
JIMBOUR CREEK
GOORANGA CREEK
Exclusive Area: Approx. 159.94ha
Non-exclusive Area: Approx. 279178.84ha
Total Native Title Area: Approx. 279338.78ha
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LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - KEYMAP
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N
Queensland Government
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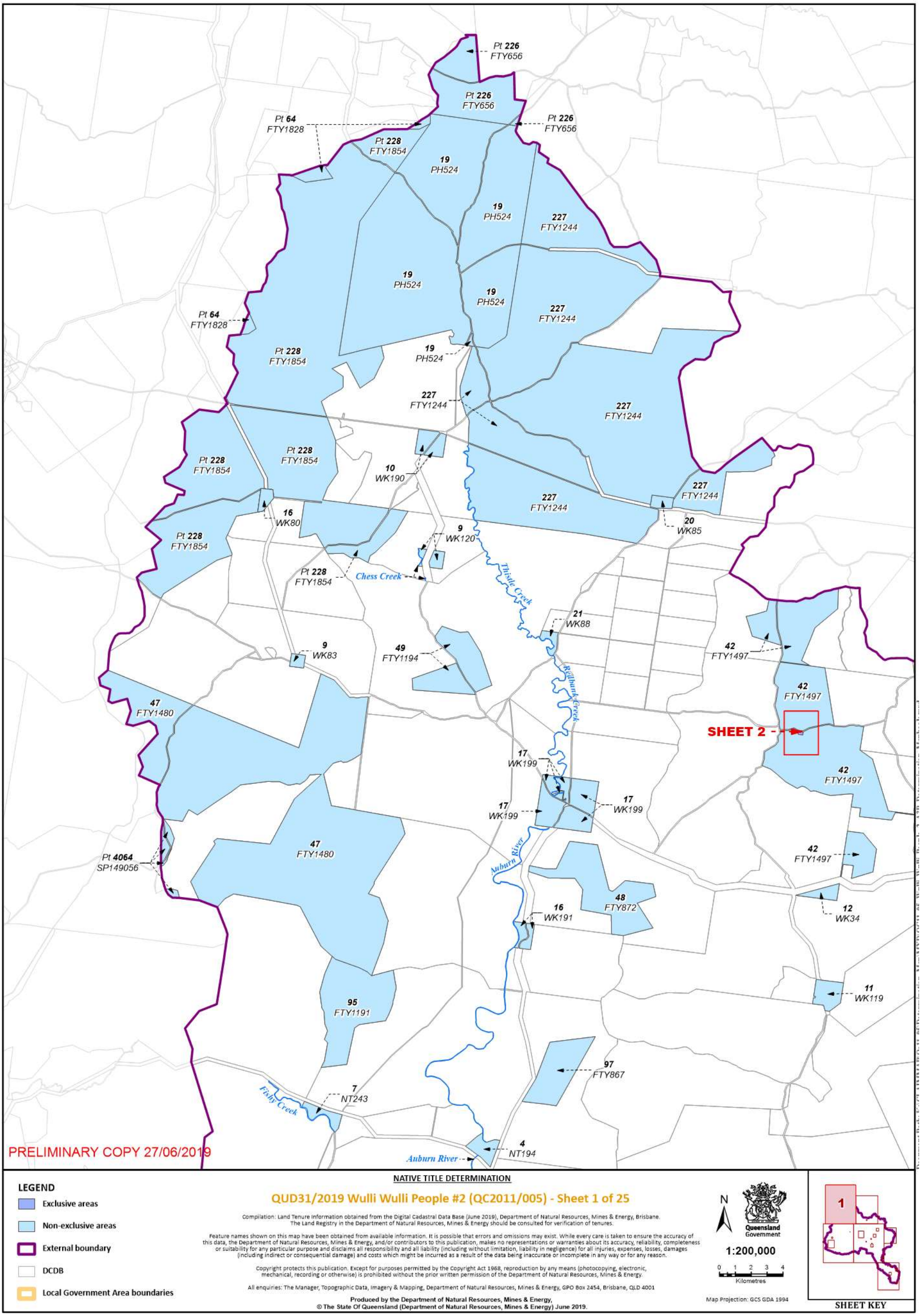
0 5 10 15 20
Kilometres
Map Projection: GCS GDA 1994
Thursday Island
Weipa
Cairns
Townsville
Mackay
Mount Isa
Longreach
Rockhampton
Bundaberg
Birdsville
Charleville
Brisbane
Subject Area
LOCALITY MAP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Pt 226 FTY656
Pt 64 FTY1828
Pt 226 FTY656
Pt 228 FTY1854
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227 FTY1244
Pt 64 FTY1828
Pt 228 FTY1854
19 PH524
227 FTY1244
227 FTY1244
227 FTY1244
Pt 228 FTY1854
Pt 228 FTY1854
10 WK190
Pt 228 FTY1854
16 WK80
227 FTY1244
227 FTY1244
20 WK85
9 WK120
Pt 228 FTY1854
Chess Creek
Thistle Creek
21 WK88
9 WK83
49 FTY1194
42 FTY1497
Redbank Creek
47 FTY1480
42 FTY1497
SHEET 2
17 WK199
42 FTY1497
17 WK199
17 WK199
Pt 4064 SP149056
47 FTY1480
Auburn River
42 FTY1497
48 FTY872
16 WK191
12 WK34
95 FTY1191
11 WK119
97 FTY867
7 NT243
Fishy Creek
4 NT194
Auburn River
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Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
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QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 1 of 25
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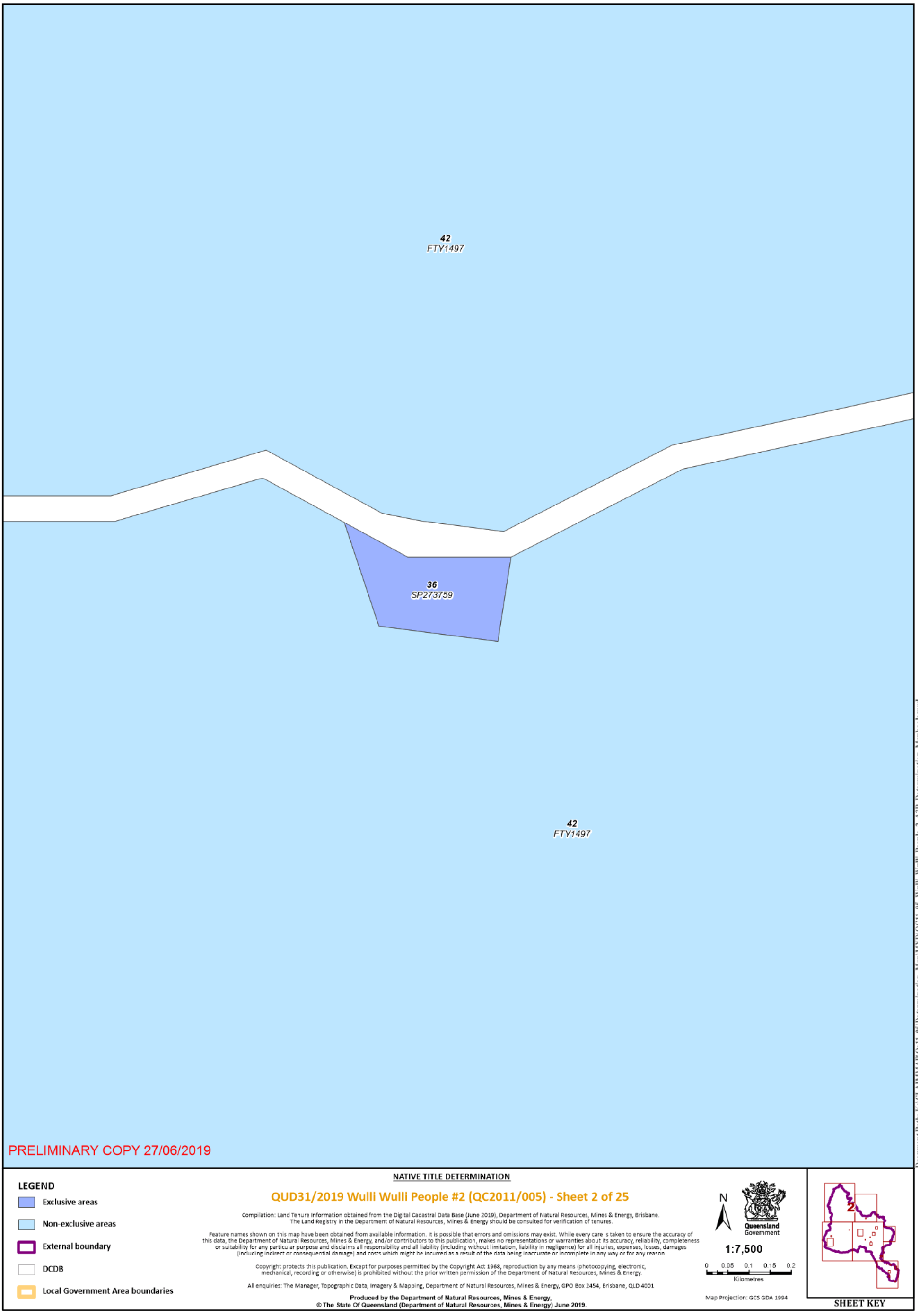
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SP273759
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Non-exclusive areas
External boundary
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SHEET KEY

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WK156
13
WK156
Pt 44
FTY892
11
WK804660
Auburn River
SHEET 4
Auburn River
Pt 132
NPW670
Cadarga Creek
Pt 92
FTY518
Pt 43
FTY1717
71
WK8
Pt 43
FTY1717
12
WK115
Pt 43
FTY1717
Auburn River
Pt 43
FTY1717
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SHEET KEY

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Auburn River
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QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 4 of 25
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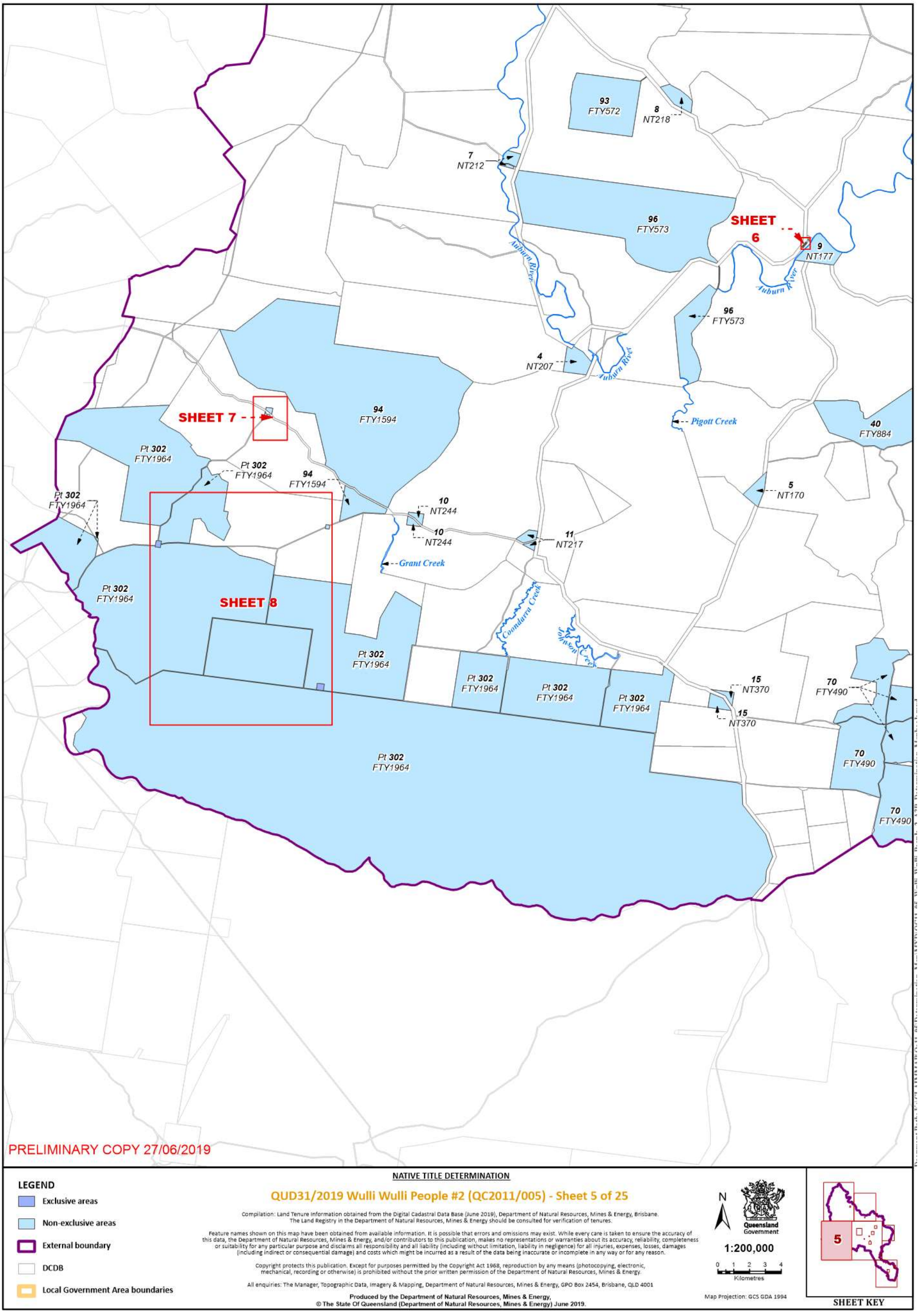
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FTY572
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NT218
7
NT212
96
FTY573
SHEET 6
9
NT177
Auburn River
96
FTY573
4
NT207
Auburn River
Pigott Creek
40
FTY884
SHEET 7
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FTY1594
Pt 302
FTY1964
Pt 302
FTY1964
94
FTY1594
5
NT170
10
NT244
10
NT244
11
NT217
Grant Creek
Pt 302
FTY1964
SHEET 8
Coondurra Creek
Pt 302
FTY1964
Pt 302
FTY1964
Pt 302
FTY1964
Pt 302
FTY1964
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NT370
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NT370
70
FTY490
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FTY490
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FTY490
Pt 302
FTY1964
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DCDB
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NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 5 of 25
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A2291
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A2291
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A2291
Auburn River
9
NT177
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Exclusive areas
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DCDB
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QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 6 of 25
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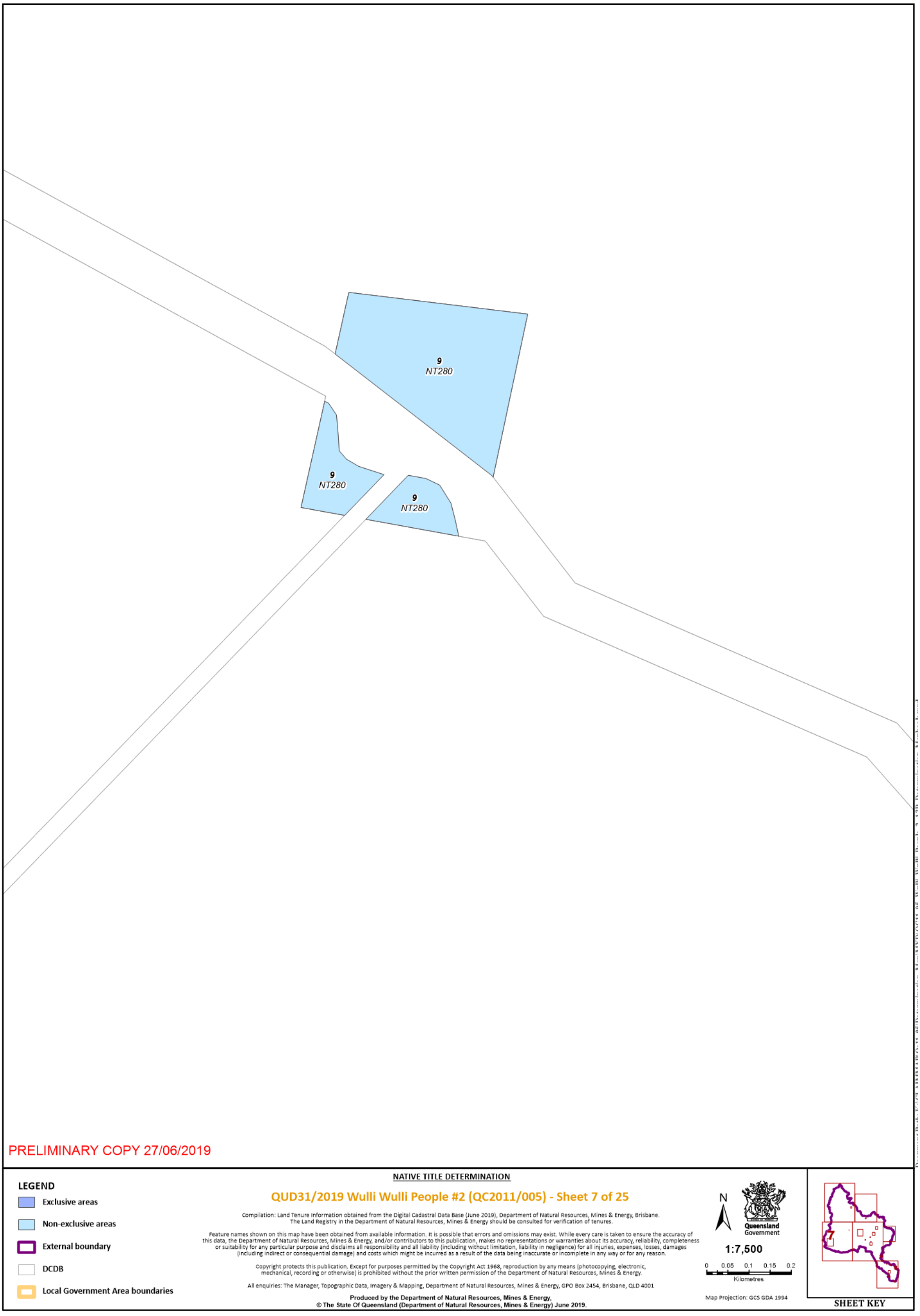
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NT280
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NT280
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NT280
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Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 7 of 25
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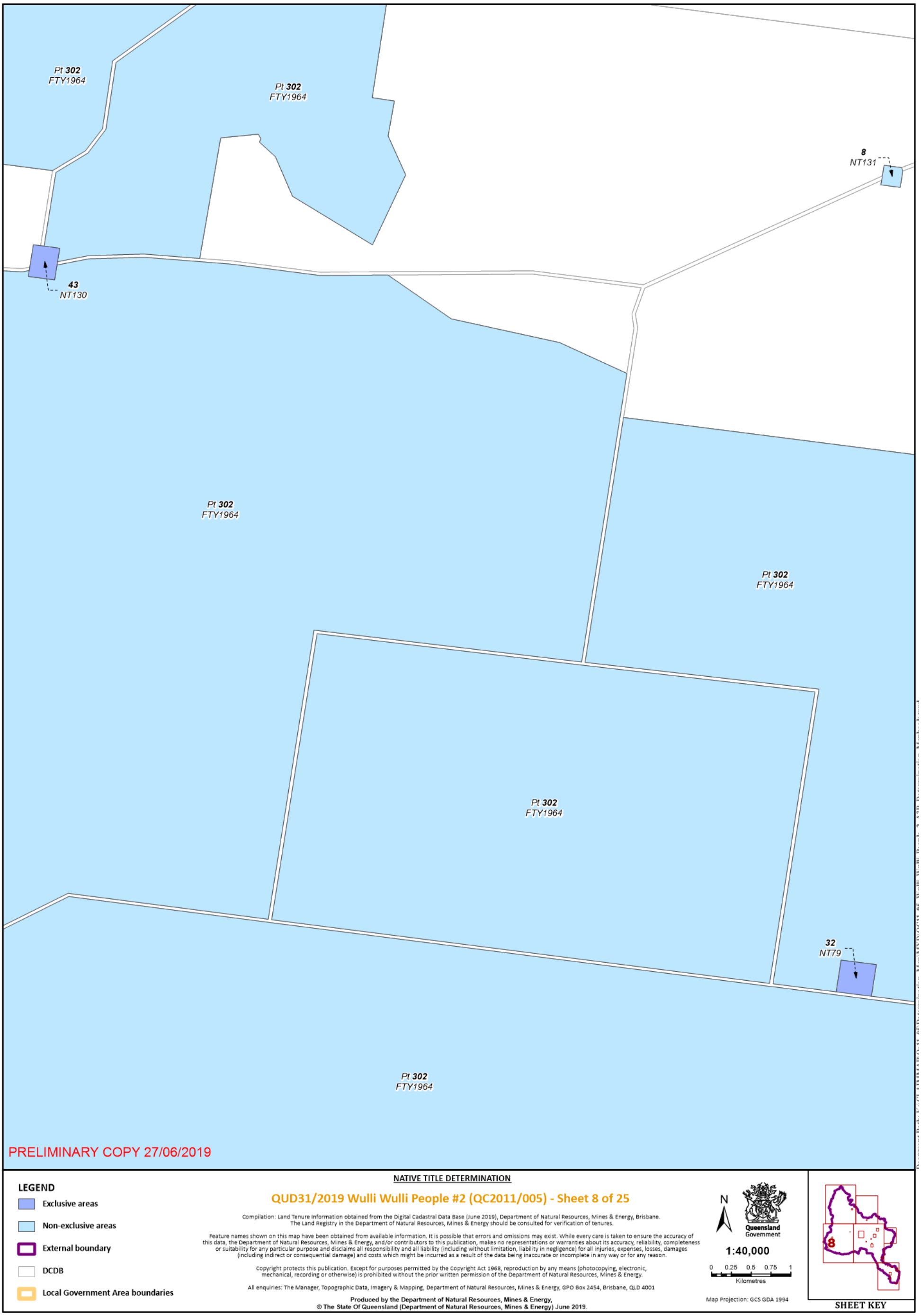
Pt 302
FTY1964
Pt 302
FTY1964
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NT131
43
NT130
Pt 302
FTY1964
Pt 302
FTY1964
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32
NT79
Pt 302
FTY1964
PRELIMINARY COPY 27/06/2019
LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 8 of 25
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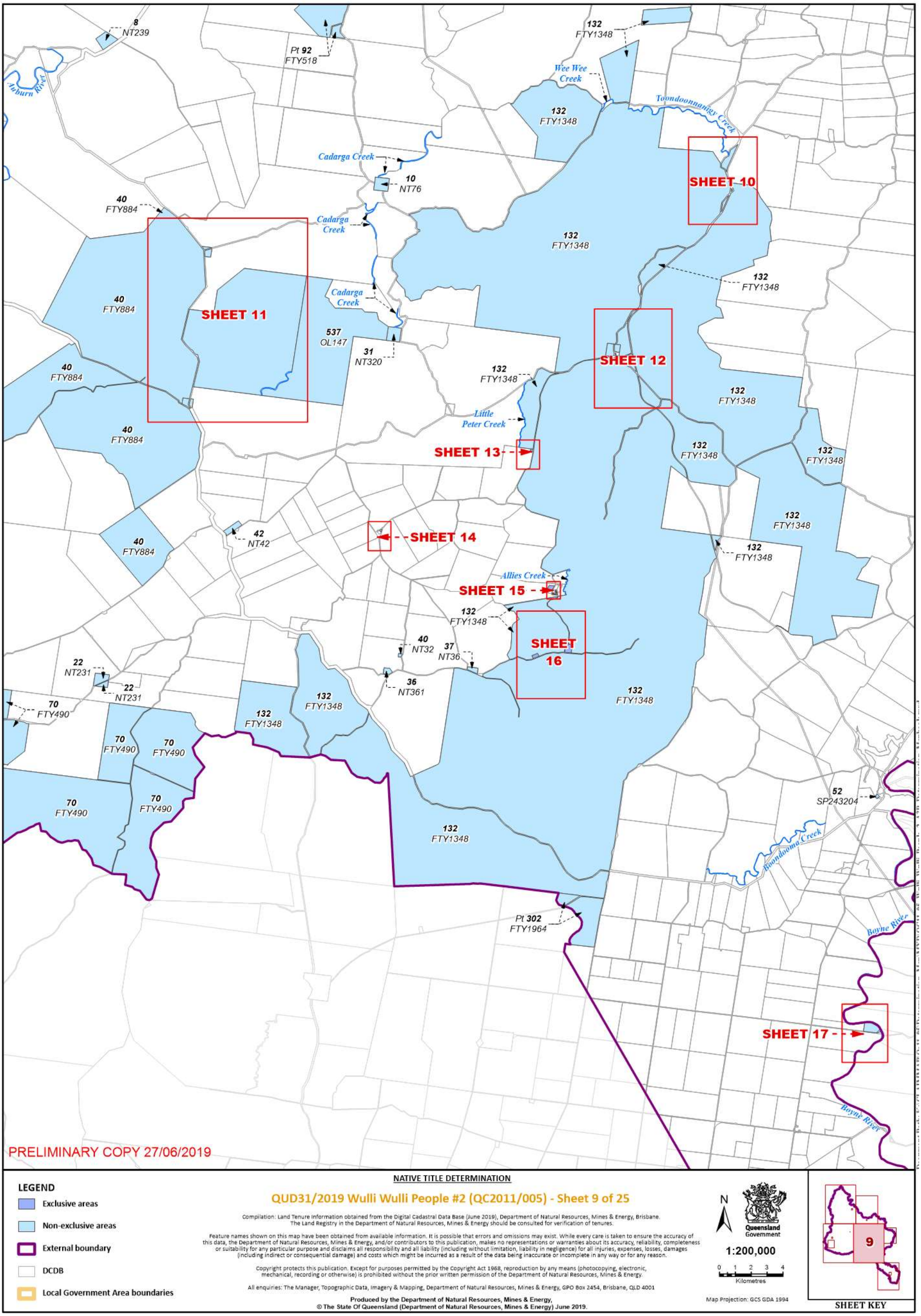
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FTY1348
Auburn River
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Toondoonnangy Creek
Cadarga Creek
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NT76
SHEET 10
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FTY884
Cadarga Creek
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FTY1348
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FTY1348
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FTY884
SHEET 11
Cadarga Creek
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OL147
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NT320
SHEET 12
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FTY1348
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FTY1348
Little Peter Creek
SHEET 13
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FTY1348
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FTY884
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NT42
SHEET 14
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FTY1348
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52
SP243204
Boondooma Creek
Pt 302
FTY1964
Boyne River
SHEET 17
Boyne River
PRELIMINARY COPY 27/06/2019
LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 9 of 25
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Kilometres
Map Projection: GCS GDA 1994
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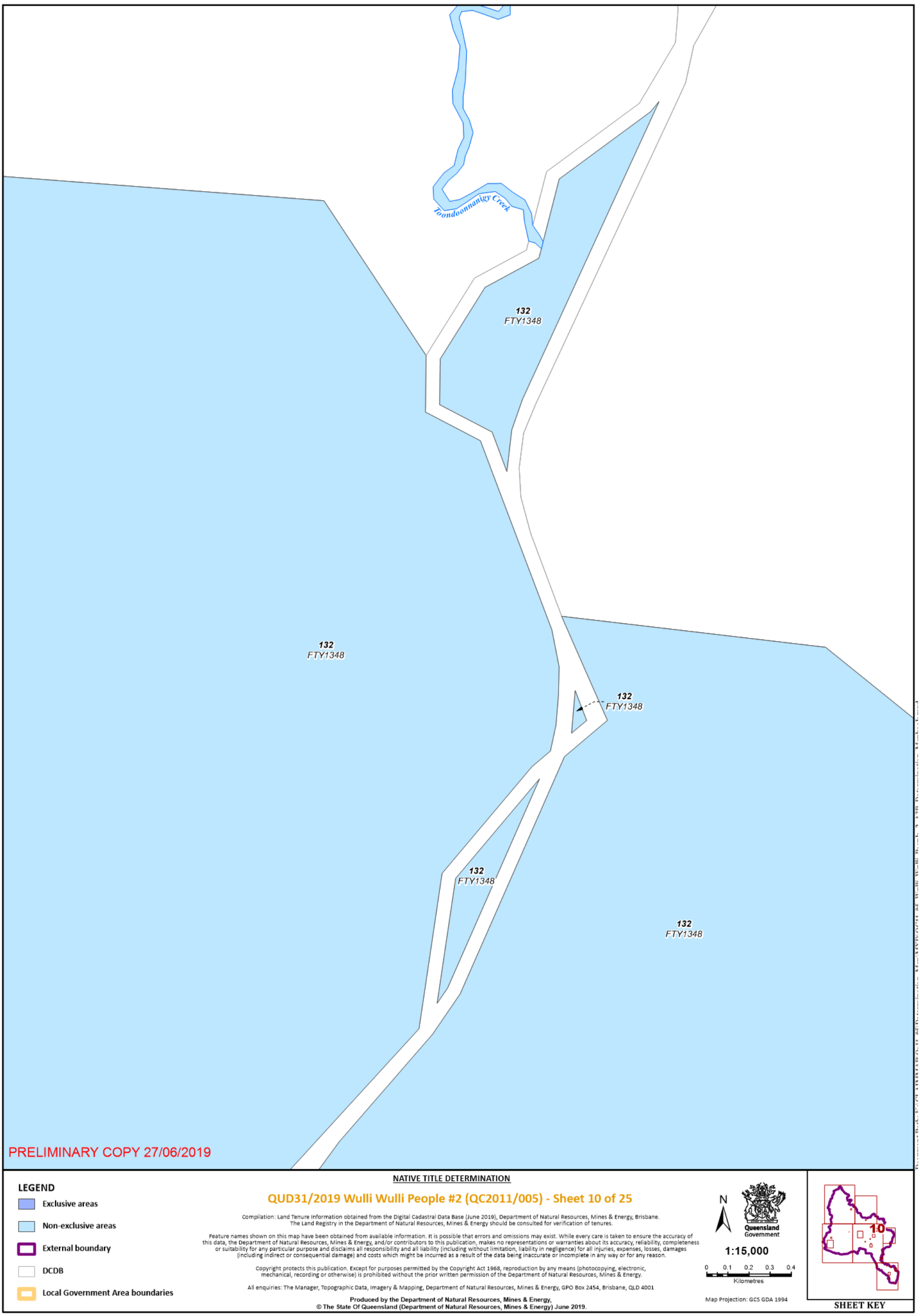
Toondoonnanigy Creek
132
FTY1348
132
FTY1348
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FTY1348
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FTY1348
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FTY1348
PRELIMINARY COPY 27/06/2019
LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 10 of 25
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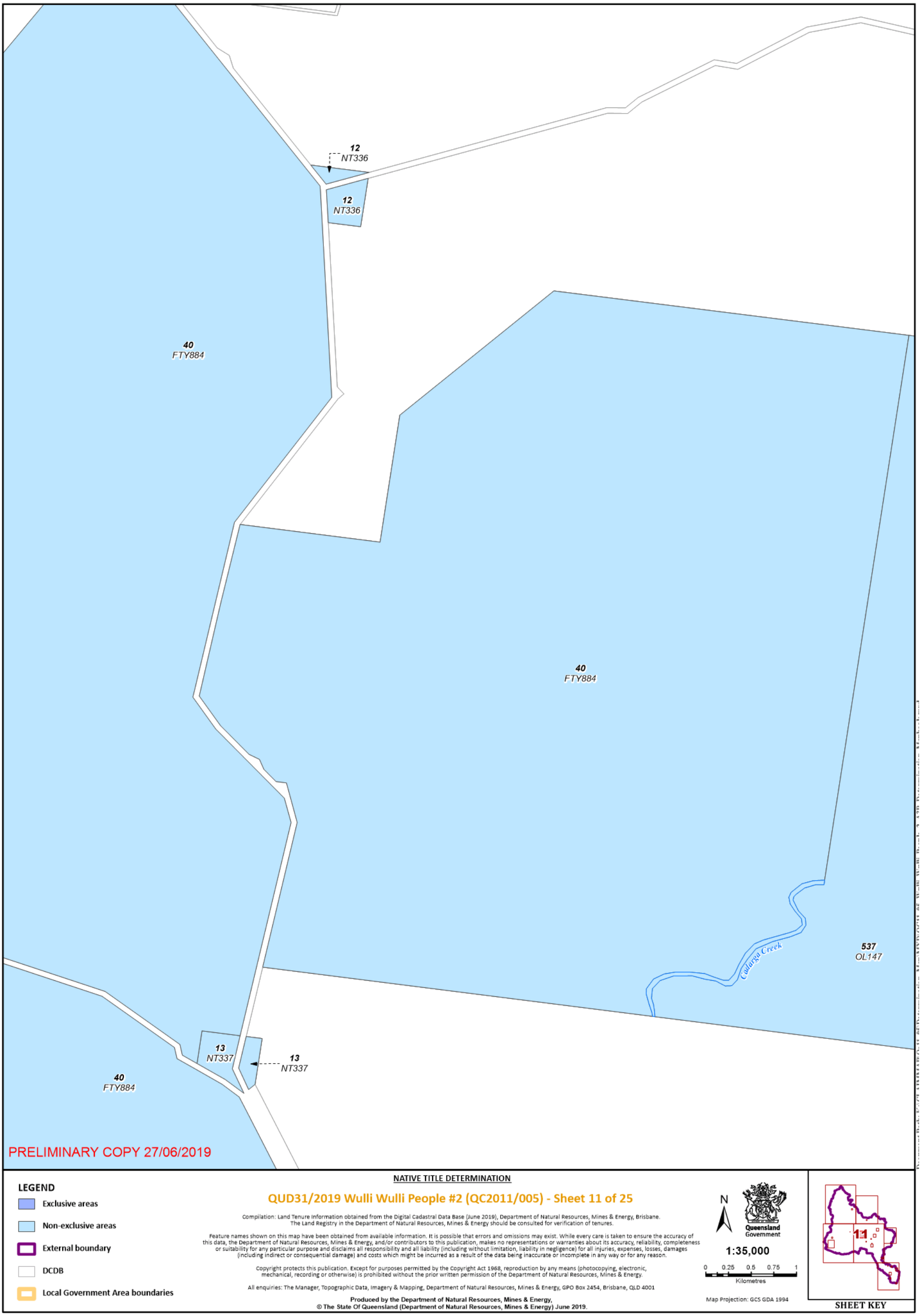
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NT336
12
NT336
40
FTY884
40
FTY884
537
OL147
Cudarga Creek
13
NT337
13
NT337
40
FTY884
PRELIMINARY COPY 27/06/2019
LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 11 of 25
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Kilometres
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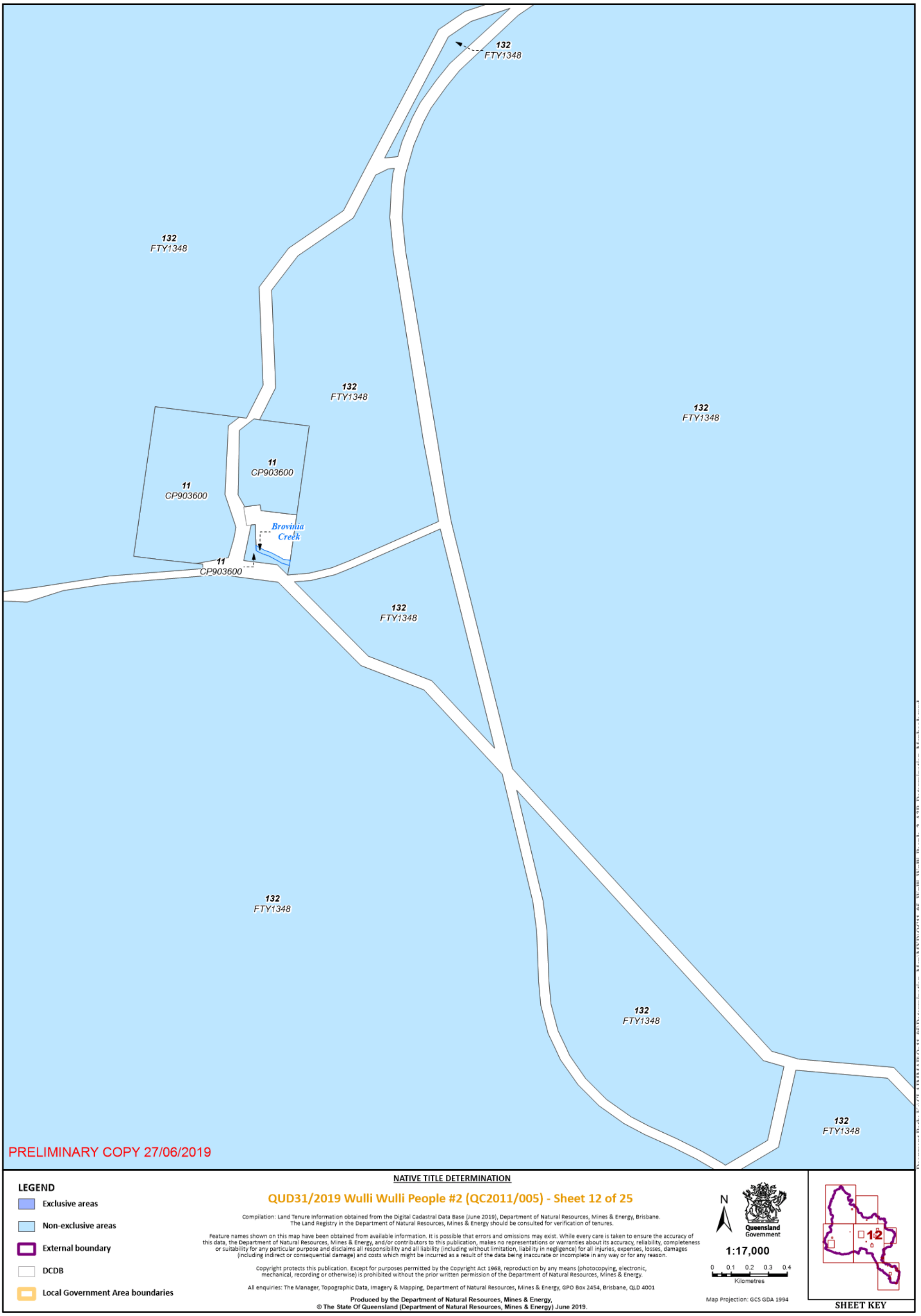
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FTY1348
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FTY1348
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FTY1348
11
CP903600
11
CP903600
Brovinia
Creek
11
CP903600
132
FTY1348
132
FTY1348
132
FTY1348
132
FTY1348
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LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 12 of 25
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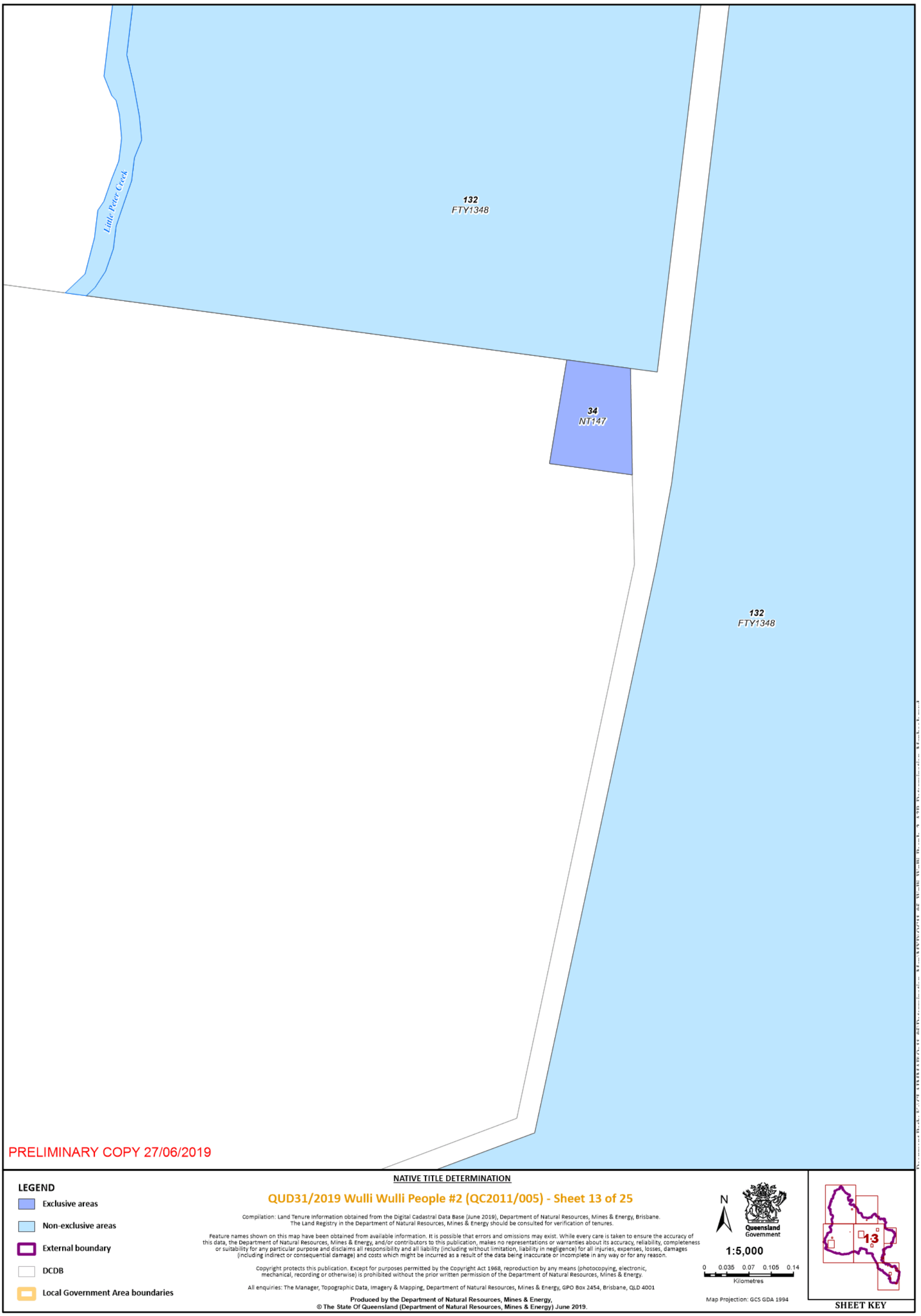
Little Peter Creek
132
FTY1348
34
NT147
132
FTY1348
PRELIMINARY COPY 27/06/2019
LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 13 of 25
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Kilometres
Map Projection: GCS GDA 1994
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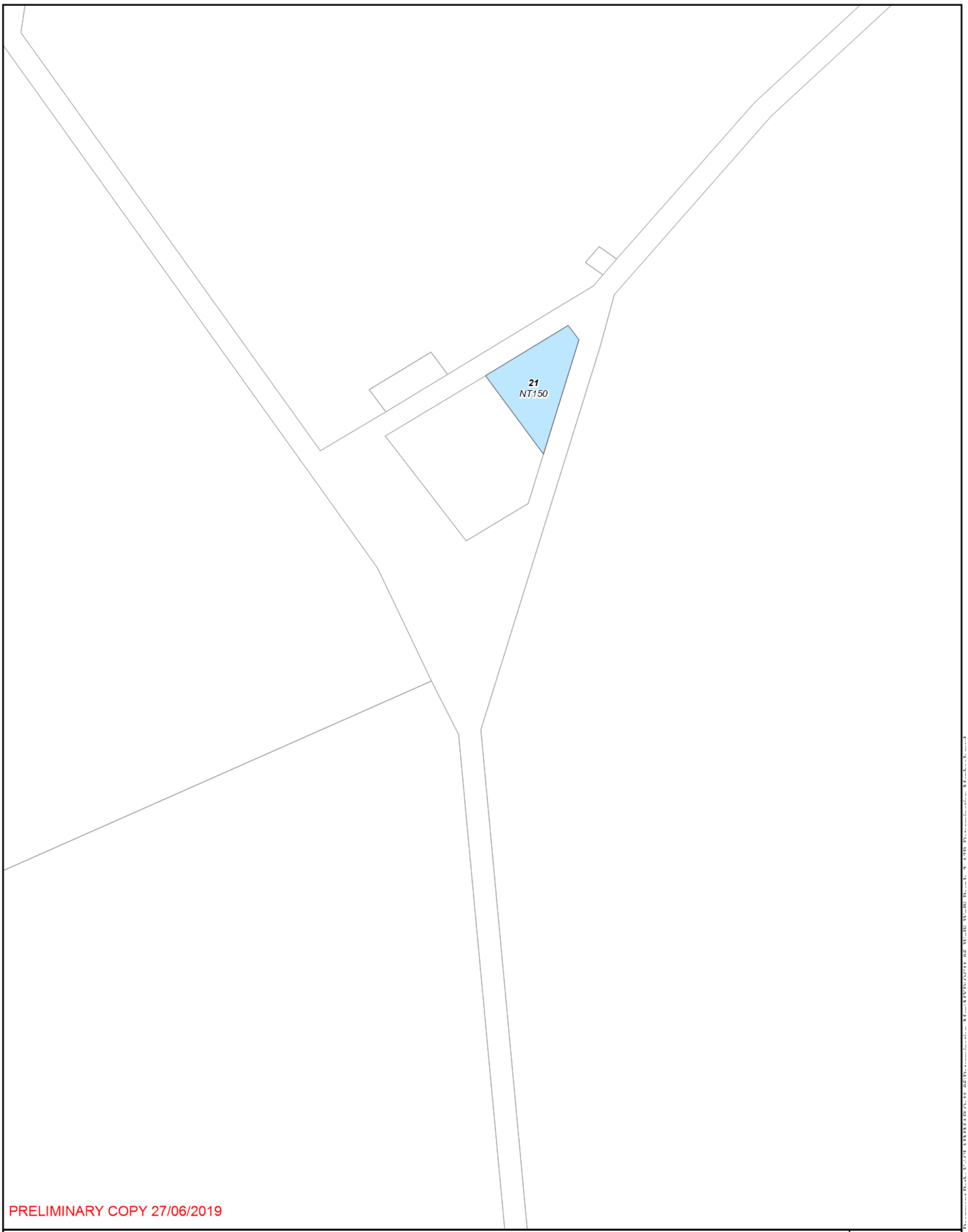
21
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PRELIMINARY COPY 27/06/2019
LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 14 of 25
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Kilometres
Map Projection: GCS GDA 1994
14
SHEET KEY

23
NT202
208
A9141
207
A9141
206
A9141
203
A9141
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A9141
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A9141
401
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408
A9141
407
A9141
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A9141
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A9141
301
A9141
132
FTY1348
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FTY1348
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LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 15 of 25
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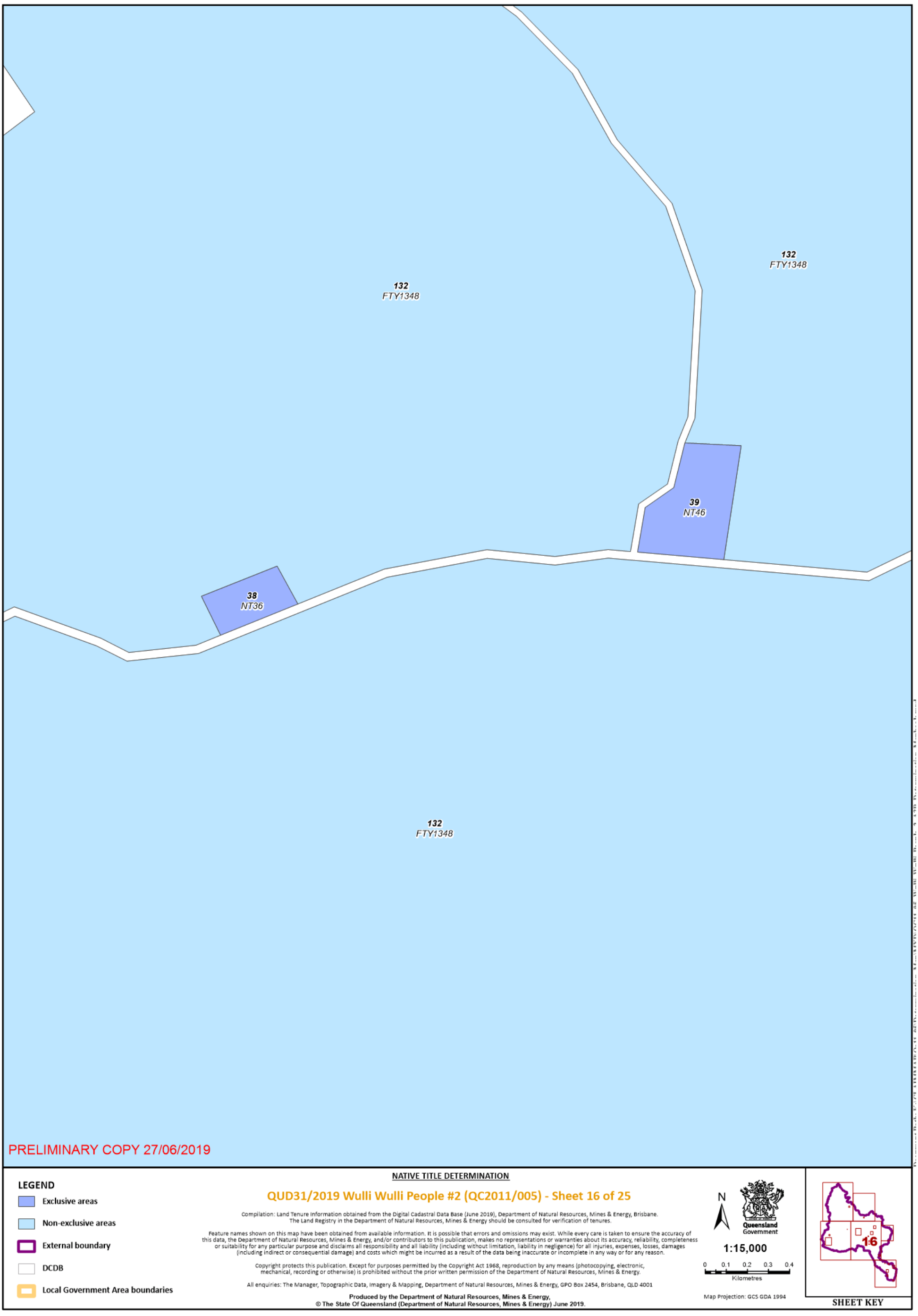
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FTY1348
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FTY1348
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NT46
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NT36
132
FTY1348
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LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 16 of 25
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Queensland Government
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Kilometres
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16
SHEET KEY

36
BO629
44
BO629
Boyne River
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LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 17 of 25
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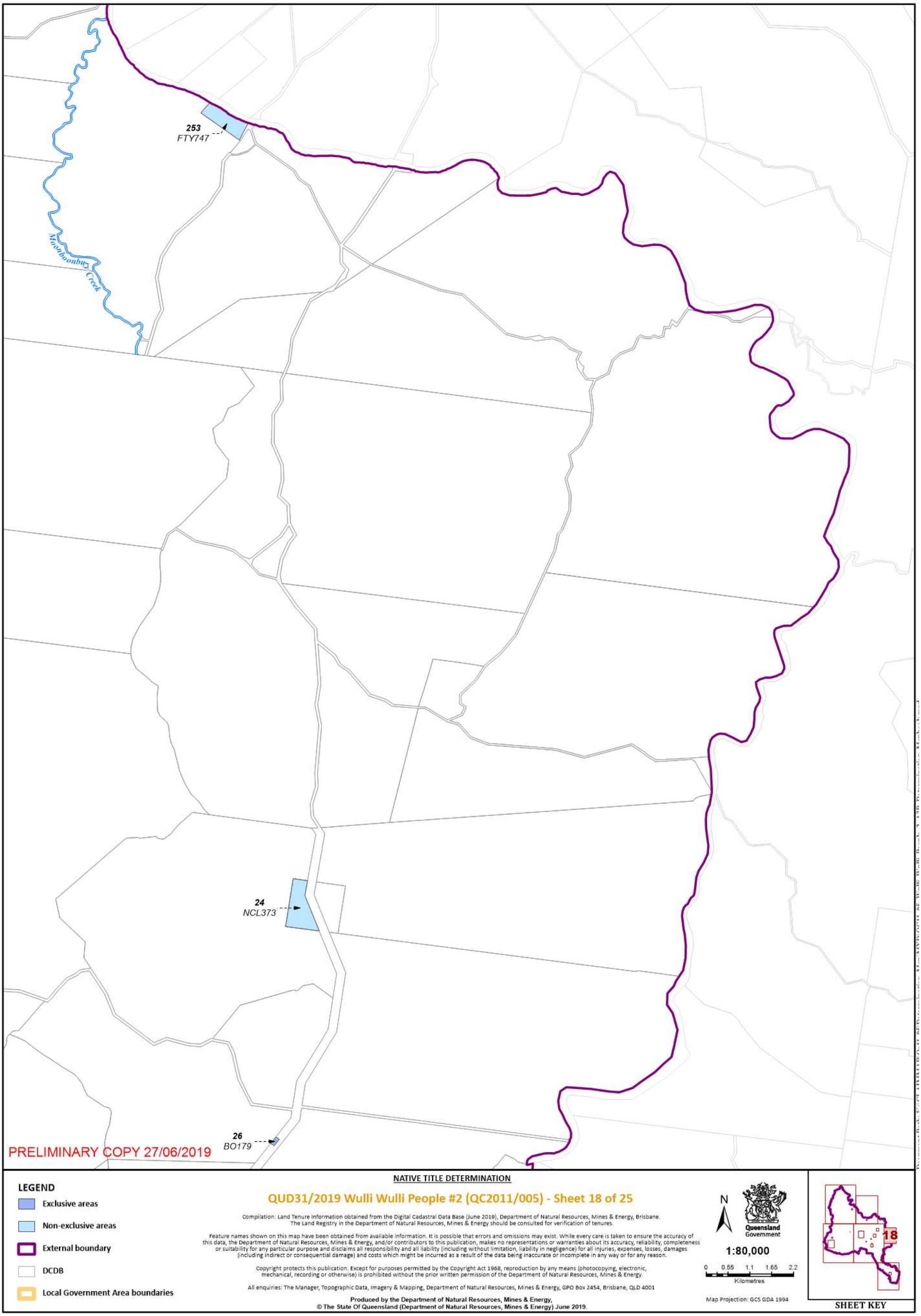
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NCL373
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BO179
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Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 18 of 25
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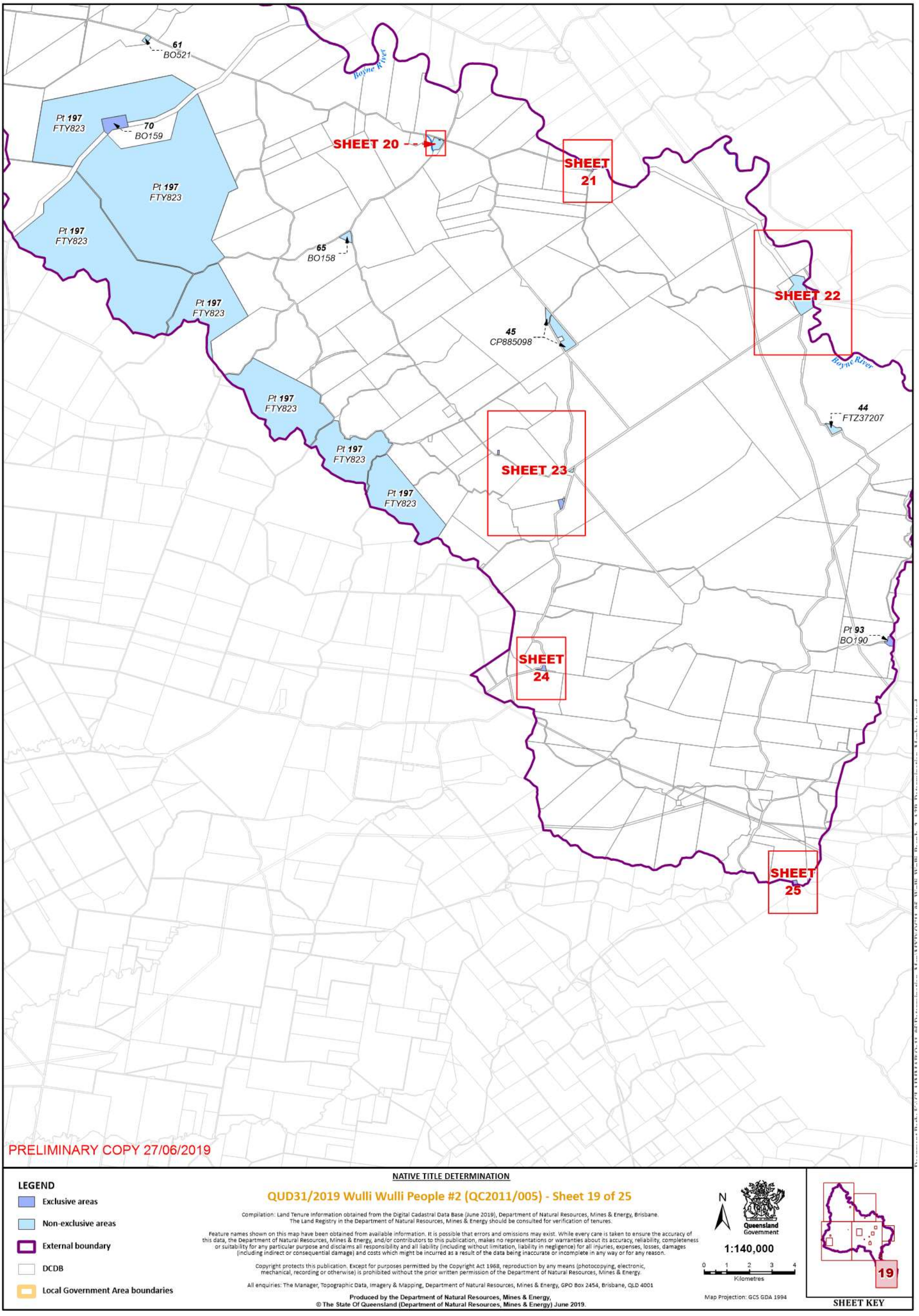
61
BO521
Boyne River
Pt 197
FTY823
70
BO159
SHEET 20
SHEET 21
Pt 197
FTY823
Pt 197
FTY823
65
BO158
SHEET 22
Pt 197
FTY823
45
CP885098
Boyne River
Pt 197
FTY823
44
FTZ37207
Pt 197
FTY823
SHEET 23
Pt 197
FTY823
Pt 93
BO190
SHEET 24
SHEET 25
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LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 19 of 25
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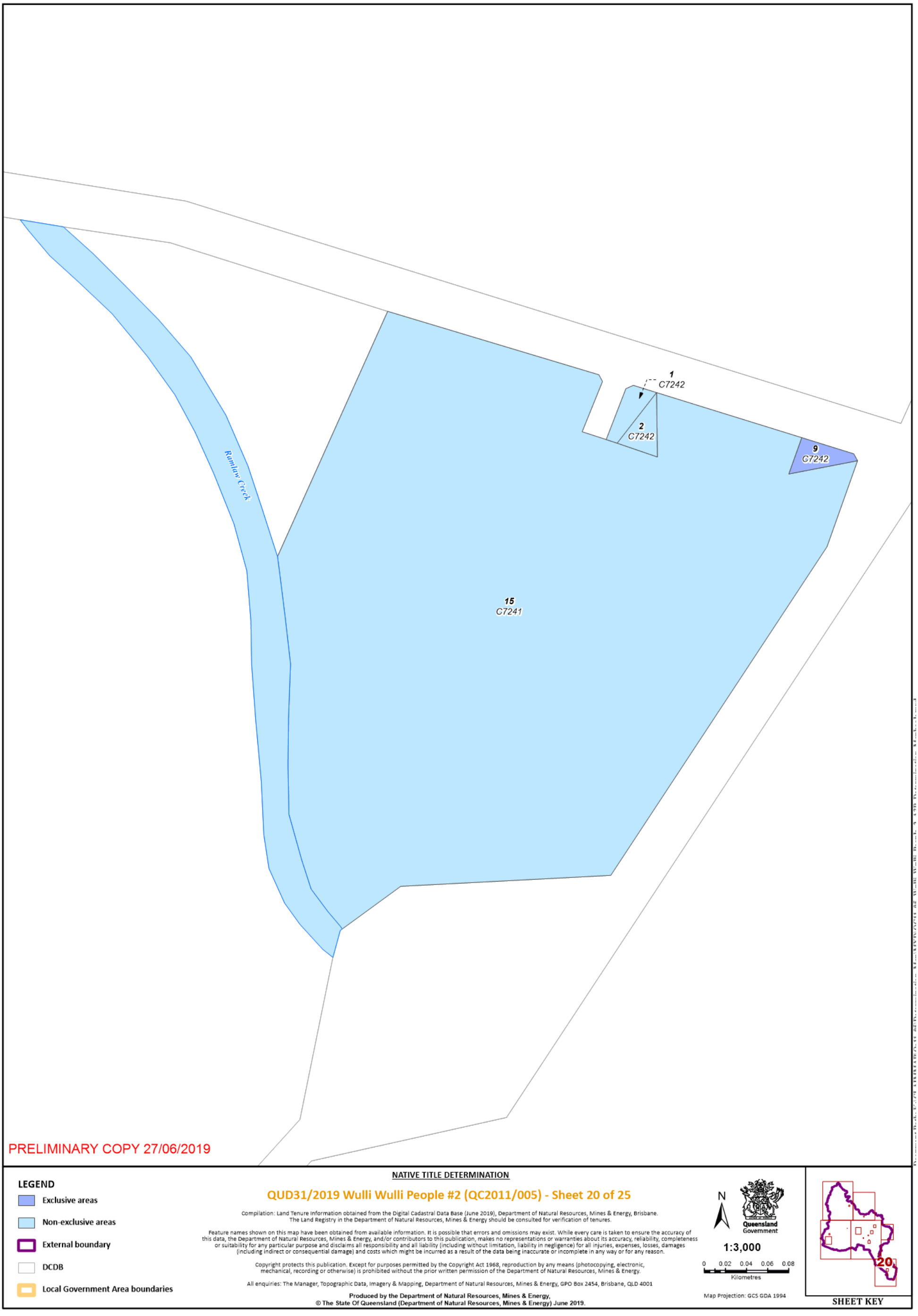
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C7242
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C7242
15
C7241
Ramlaw Creek
PRELIMINARY COPY 27/06/2019
LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 20 of 25
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Queensland Government
1:3,000
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Kilometres
Map Projection: GCS GDA 1994
20
SHEET KEY

Pt 69
BO150
Boyne River
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LEGEND
Exclusive areas
Non-exclusive areas
External boundary
DCDB
Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 21 of 25
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Kilometres
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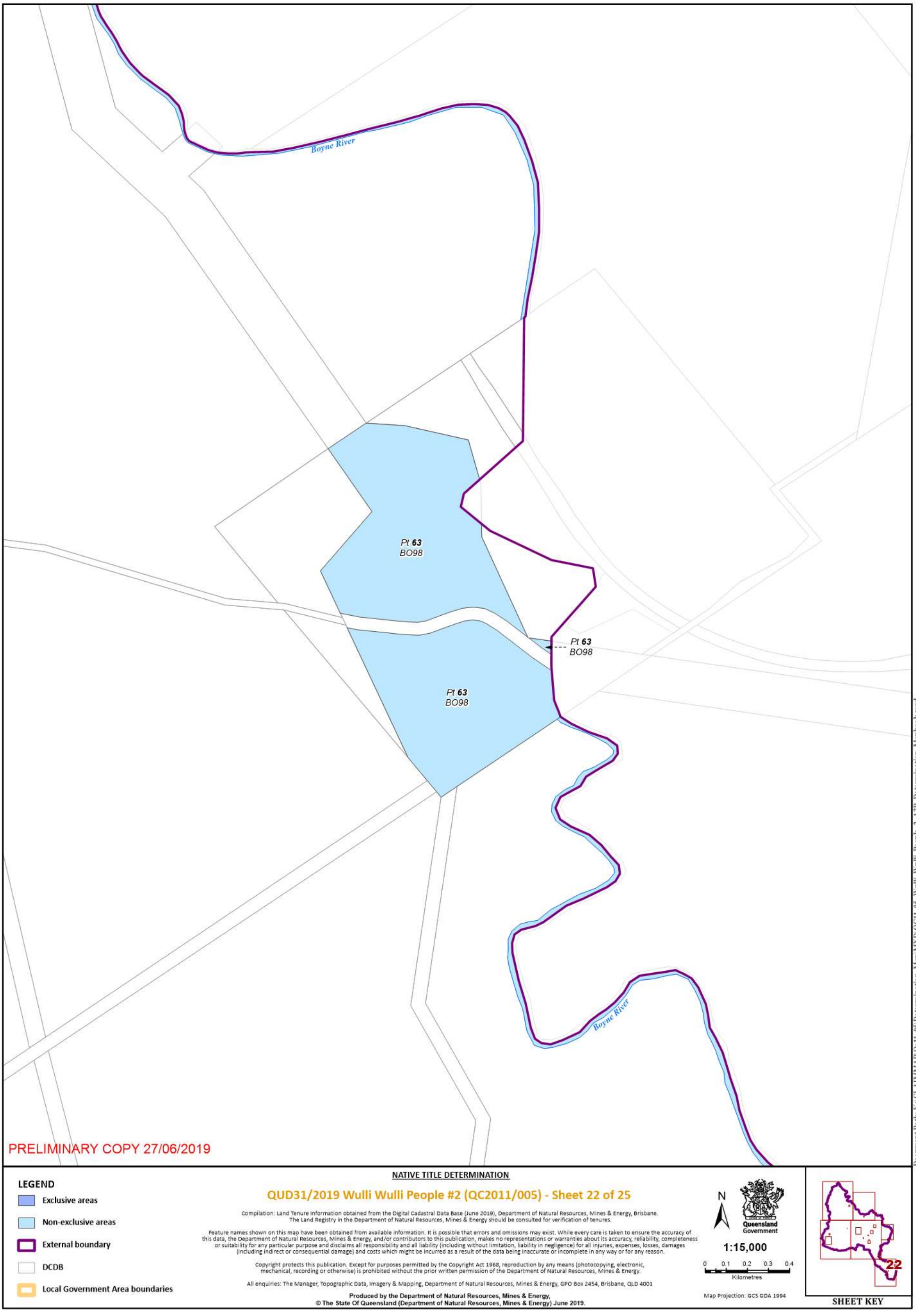
Boyne River
Pt 63
BO98
Pt 63
BO98
Pt 63
BO98
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Local Government Area boundaries
NATIVE TITLE DETERMINATION
QUD31/2019 Wulli Wulli People #2 (QC2011/005) - Sheet 22 of 25
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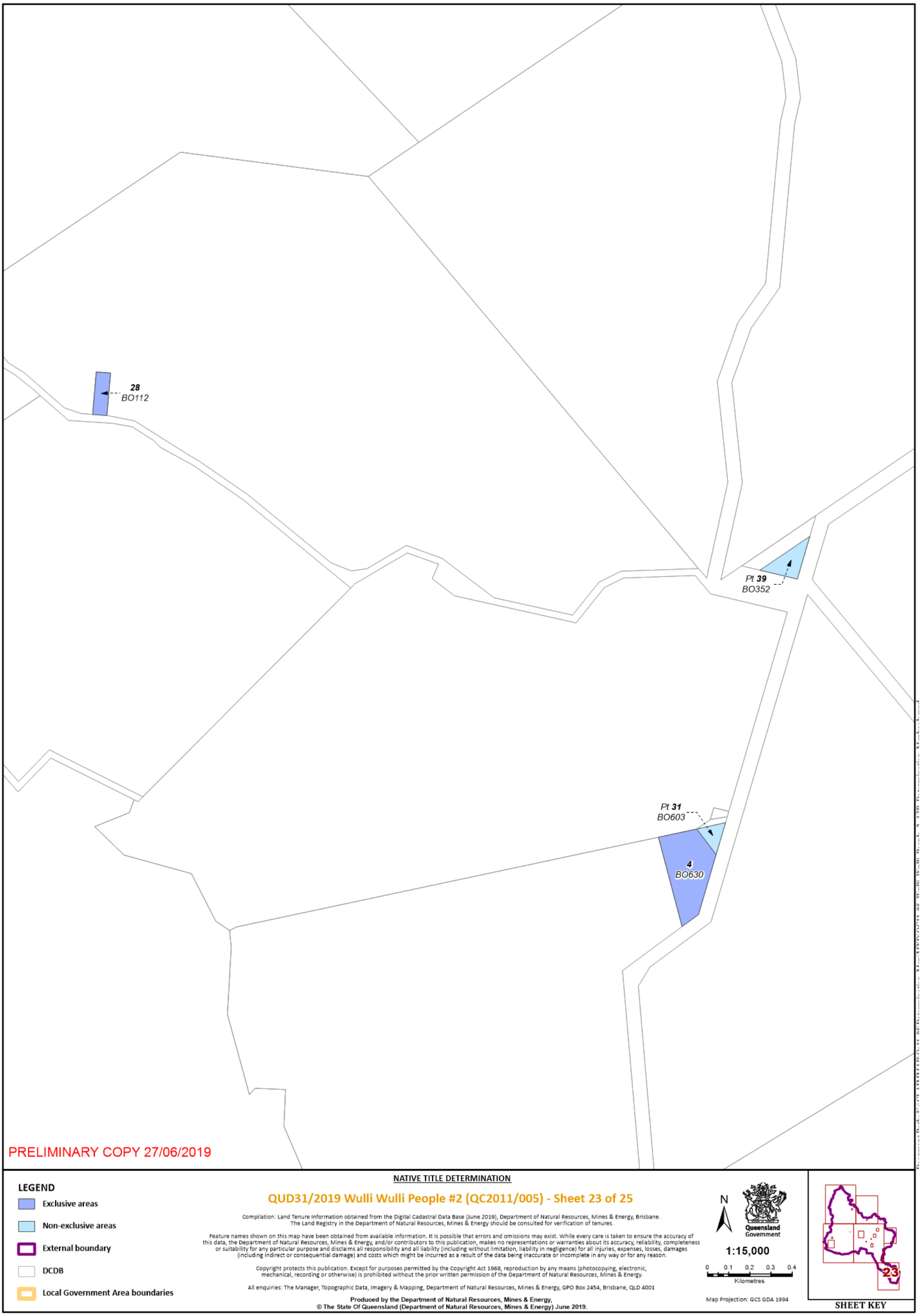
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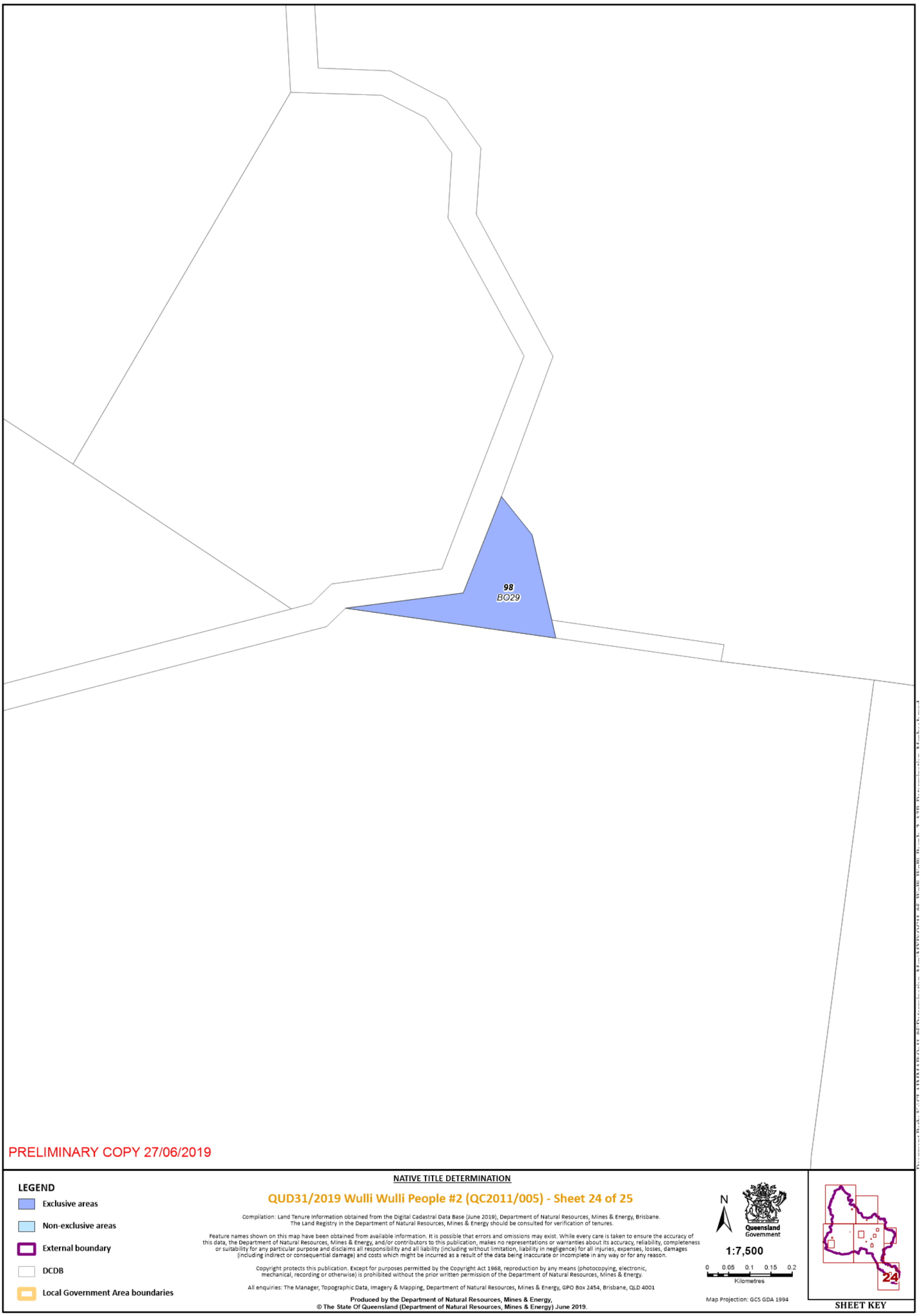
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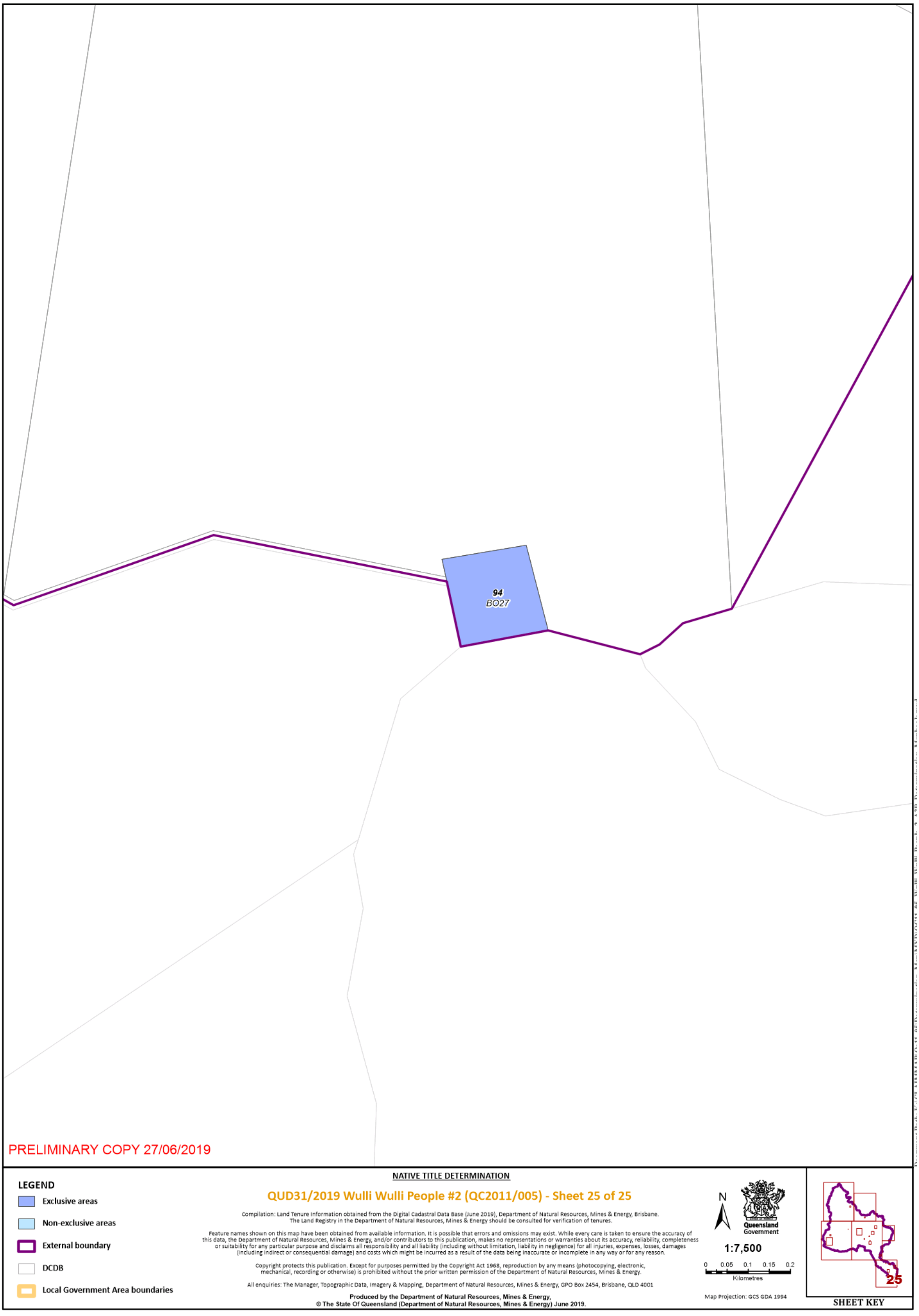
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North Burnett Regional Council Reserve Lots included in determination – 28 June 2019

No.	Lot	Address	Area Ha.	Reserve Purpose	Date of Grant	State & Applicant's Agreed Position
1	8 NT239	Hawkwood Road	71.62	Recreation and Racecourse	23/04/1970	Non-exclusive Native Title
2	10 NT76	Williams Road	65	Camping and Water	24/12/1914	Non-exclusive Native Title
3	10 WK190	Eidsvold – Theodore Rd	229	Camping and Water	24/06/1915	Non-exclusive Native Title
4	11 CP903600	Brovinia Creek, Monogoribily Road	49	Camping and Water	04/12/1907	Non-exclusive Native Title
5	11 WK119	Nerangy Road	254	Camping, Water and Road	01/03/1934	Non-exclusive Native Title
6	12 WK115	Petersons Road	34	Crossing	20/05/1926	Non-exclusive Native Title
7	12 WK34	Yerilla Road	128	Camping and Water	16/01/1914	Non-exclusive Native Title
8	13 NT337	New Cadarga and Burrows Road	25	Water	02/04/1921	Non-exclusive Native Title
9	13 WK156	Yerilla Road	149	Camping and Water	06/03/1930	Non-exclusive Native Title
10	16 WK191	Redbank Road	133	Camping and Water	07/08/1975	Non-exclusive Native Title
11	16 WK80	Borana Road	87	Camping and Water	14/07/1922	Non-exclusive Native Title
12	17 WK199	Redbank and Yerilla Roads	985	Camping	13/10/1910	Non-exclusive Native Title
13	20 WK85	Eidsvold Theodore Road	93	Camping and Water	08/08/1940	Non-exclusive Native Title
14	21 NT150	Monogorilby Road	1	Recreation (Public Hall)	26/10/1950	Non-exclusive Native Title
15	21 WK88	Redbank Creek	76	Camping and Water	13/05/1954	Non-exclusive Native Title
16	71 WK8	Hawkwood Road	72	Camping and Water	02/07/1908	Non-exclusive Native Title
17	11 WK804660	Hawkwood Road	165	Camping and Water	13/03/1916	Non-exclusive Native Title

No.	Lot	Address	Area Ha.	Reserve Purpose	Date of Grant	State & Applicant's Agreed Position
18	9 NT177	Aisbetts Road	265	Camping, Water and Road	06/05/1937	Non-exclusive Native Title
19	9 WK120	South of Eidsvold Theodore Road	104	Camping and Water	17/10/1935	Non-exclusive Native Title

MacDonnells Law

Report to North Burnett Regional Council

Confidential: Closed Session

Wulli Wulli People #3 Native Title Claim QUD31/2019 (Previously 311/2011)

For meeting on 17 July 2019

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1. RESOLUTION TO CLOSE MEETING

1.1 The purpose of this Report is to consider the resolution of two connected Federal Court proceedings in which Council is a respondent party.

1.2 Accordingly, it is appropriate for Council to close the meeting to the public.

1.3 An appropriate resolution is as follows:

"***Moved*** ***Seconded:***

The meeting will be closed to the public pursuant to section 275(1)(f) of the Local Government Regulation 2012 as it is necessary to do so to discuss defending legal proceedings involving the Council*."*

2. EXECUTIVE SUMMARY

2.1 The purpose of this Report is to seek the Council's resolution to consent to a determination of the Wulli Wulli People #2 Native Title Claim (QUD31/2019) (**Claim**).

2.2 The Wulli Wulli People claim to hold native title rights and interests over an area of approximately 10,746km² which covers 5,081km² (51.91%) of Council's local government area.

2.3 Council is one of four local government respondents to the Claim.

2.4 The Wulli Wulli People are seeking the consent of the Council, and other respondent parties, to the making of Federal Court orders that will formally recognise that the Wulli Wulli People hold native title in the Claim area.

2.5 The Court has listed the Claim for a consent determination hearing in late October 2019, on a date yet to be notified.

3. BACKGROUND

3.1 The Wulli Wulli People filed the application for a determination of native in the Federal Court on 23 September 2011.

3.2 The total Claim area is 10,746km² and is located between the Burnett Highway, the Leichhardt Highway and the Warrego Highway about 65 kilometres north-east of Chinchilla: Refer **Attachment 1 – Claim Map**.

3.3 The overlap between the Claim area and Council's local government area is approximately 5,081km² or 51.91% of the Claim area. This overlap is shown on **Attachment 2 – Overlay Map** prepared by the National Native Title Tribunal.

3.4 The Wulli Wulli People are seeking recognition, through a Court order, of their asserted native title rights and interests in the Claim area. This recognition is known as a 'determination' of native title. The Claim areas include State land, reserve land and pastoral holdings.

3.5 Council is a respondent party to the Claims on the basis of its interests in the Claim area. Council also has regulatory interests under their respective Planning Scheme, local laws and other laws in the area.

3.6 Under the Court timetable for progressing the matter to a determination, the consent determination hearing is set down for late October 2019 in Brisbane.

3.7 Before then, an authorisation meeting of the Claim group has been notified to occur on 3 August 2019 in Munduberra to decide certain matters which do not affect Council's interests The matters for the Claim group to decide are whether to:

(a) re-include particular persons as members of the Claim group (Mi Mi and Maggie Hart);

(b) change the name of the Claim from the Wulli Wulli People #2 so that it does not refer to tribes, languages and groups;

(c) authorise a prescribed body corporation (Aboriginal corporation) to hold the native title in trust for the Claim group; and

(d) other minor and technical amendments to the descriptions of the claimed native title rights and interests.

4. CONSENT DETERMINATION

4.1 The Wulli Wulli People have requested all parties consent to a determination of native title. The State has circulated proposed orders which record the terms of the determination.

4.2 The proposed draft consent determination is **Attachment 3** to this Report.

4.3 The main local government objective in native title proceedings is to ensure that the local government's interests are adequately addressed as part of the determination of the claim. In this case, this has been achieved by the negotiated terms of the determination and an ILUA.

4.4 The key features of the proposed determination orders are set out below.

Native Title Holders

4.5 The determination will recognise that the persons who hold native title are the descendants of the apical ancestors named in Schedule 1 of the consent determination.

4.6 The State's anthropologists have examined material provided by the Wulli Wulli People and their anthropologists to support their assertion to hold native title in the claim area. The State is satisfied that the Wulli Wulli People have a sufficient traditional and historical connection to the Claim area to support a determination. Council and other respondent parties generally adopt the State's position on connection as they do not have the means, resources or expertise to independently assess connection.

4.7 When the determination takes effect, native title will be held by the Wulli Wulli People Aboriginal Corporation (an Aboriginal Corporation incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* in trust for the Wulli Wulli People.

Determination Area

4.8 The specific parcels of land over which native title will be recognised are described in Schedule 4 in the determination and shown on the maps in Schedule 6.

4.9 Schedule 5 describes the areas that are not in the determination area in particular, those the subject of valid previous exclusive possession acts and public works which extinguish native title.

4.10 The Wulli Wulli People claim all the land within the external boundary of the Claim area except for those parcels of land that were not capable of being claimed because native title is deemed to be extinguished.

4.11 The *Native Title Act 1993* (Cth) (**NTA**) sets out the circumstances in which native title is deemed to be extinguished. It includes areas where freehold and commercial leasehold have been granted.

4.12 During the negotiation of the Claim, the State identified all parcels of land within the claim area and through a process of eliminating freehold and leasehold parcels where native title was extinguished, narrowed the claim area to the area that was capable under the NTA of having native title recognised over it.

4.13 The construction of public infrastructure for or on behalf of the Commonwealth, State or local governments before 23 December 1996 also extinguishes native title. The determination will therefore not cover areas where public infrastructure has been constructed by the Council, State or Commonwealth before that date.

4.14 Under the State's tenure analysis, the State has concluded there are:

(a) 19 reserve lots in which Council is trustee in which non-exclusive native title exists; and

(b) 3 reserve lots in which Council is trustee in which native title has been extinguished.

Native Title Rights

4.15 The native title rights and interests that are to be recognised over each of the parcels of land listed in Part 1 of Schedule 4 as **exclusive areas**, and shown as dark blue on the maps in Schedule 6 of the determination, are the right to:

(a) other than in relation to Water, the right to possession, occupation, use and enjoyment of the area to the exclusion of all others; and

(b) in relation to Water, the non-exclusive rights to:

(i) hunt, fish and gather from the Water to the area;

(ii) take and use the Natural Resources of the Water in the area; and

(iii) take and use the Water of the area,

for personal, domestic and non-commercial communal purposes

4.16 The native title rights and interests that are to be recognised over each of the parcels of land listed in in Part 2 of Schedule 4 as **non-exclusive areas** identified, and shown as light blue on the maps in Schedule 6 of the determination, are the right to:

(a) access, be present on, move about on and travel over the area;

(b) camp, and live temporarily on the area is part of camping, and for that purpose build temporary shelters;

(c) hunt, fish and gather on the land and waters of the area for personal, domestic, and non-commercial communal purposes;

(d) take, use and share Natural Resources from the land and waters of the area for personal, domestic and non-commercial communal purposes;

(e) take and use the water of the area for personal, domestic and non-commercial communal purposes;

(f) conduct ceremonies on the area;

(g) be buried and bury native title holders within the area;

(h) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm;

(i) teach on the area the physical and spiritual attributes of the area;

(j) hold meetings on the area;

(k) light fires on the area for domestic purposes including cooking, but not for the purposes of hunting or clearing vegetation.

Subject to Laws

4.17 The determination also provides that the native title rights and interests are subject to any laws of the Commonwealth and the State. The laws of the Commonwealth and State govern the exercise of traditional laws and customs. It follows that the exercise of native title is subject to Council's planning scheme, building code, local laws and other laws.

Relationship with other interests

4.18 Any determination of native title must include not only the native title rights and interests that are asserted, but any other non-native title interests in the determination area and the relationship between native title and non-native title rights and interests.

4.19 Schedule 2 of the determination lists the other (non-native title) interests in the determination area. They include rights under existing ILUAs, the rights and interests of the Councils together with the Commonwealth, State, Telstra and Ergon Energy. It also recognises the rights and interests of members of the public arising under the common law including the subsisting right to fish and to navigate.

4.20 The relationship between the exercise of native title rights and interests and Council's interests, is recorded in clause 12 of the consent determination. Importantly that clause has the effect that to the extent that there is any inconsistency between the exercise of native title rights and interests and Council's interests within the determination area, that Council's interests will prevail.

4.21 Council has interests in the claim area including tenure interests, regulatory interests (e.g. the right to enter upon land and regulate land use under its local laws/planning scheme) and infrastructure.

4.22 The draft Consent Determination includes the following provisions to recognise the Councils' interests in the Claim area:

Schedule 2 – Other Interests in the Determination Area

"The rights and interests of the Banana Shire Council, Western Downs Regional Council, North Burnett Regional Council and South Burnett Regional Council as the local government for that part of the Determination Area within their respective Local Government Areas, including:

(a) their powers, functions, responsibilities and jurisdiction under a Local Government Act;

(b) their rights and interests under any interest in land or waters within the Determination Area including under any lease, license, access agreement, easement or reserve in the Determination Area;

(c) the rights to use, operate, maintain, replace, restore, remediate, repair and otherwise exercise all other rights as the owners and operators of infrastructure, structures, earthworks, access works, facilities and other improvements within the Determination Area;

(d) the rights under any agreements between the local government and third parties which relate to land or water in the Determination Area; and

(e) the rights of their employees, agents and contractors to enter upon the Determination Area for the purpose of performing its powers and responsibilities under paragraphs (a) to (d)."

Public Works

Schedule 5 – Areas Not Forming Part of the Determination Area

"3. Those land and waters within the External Boundary on which, at the time the native title determination application was made, public works were validly constructed, established or situated after 23 December 1996, where s 24JA of the Native Title Act 1993 (Cth) applies, and which wholly extinguished native title."

5. SUMMARY

5.1 The consent determination:

(a) provides that to the extent of any inconsistency between the exercise of Council's interests and the Wulli Wulli People's native title rights and interests, the Council's interests prevail. In practical terms this means that Council’s right to use, access and maintain reserves and infrastructure, and other land held by Council will be unimpeded by the recognition of native title;

(b) recognises Council's regulatory and other interests in the area and provides that to the extent of any inconsistency between the Council and the Wulli Wulli People's interests, again the Council's interests prevail;

(c) does not cover areas where native title has been extinguished by public works or other previous exclusive possession acts. This reflects the legal position under the NTA; and

(d) provides that the Wulli Wulli People must comply with the laws of the Commonwealth and State when they exercise native title which includes compliance with Council's planning scheme, building laws and local laws.

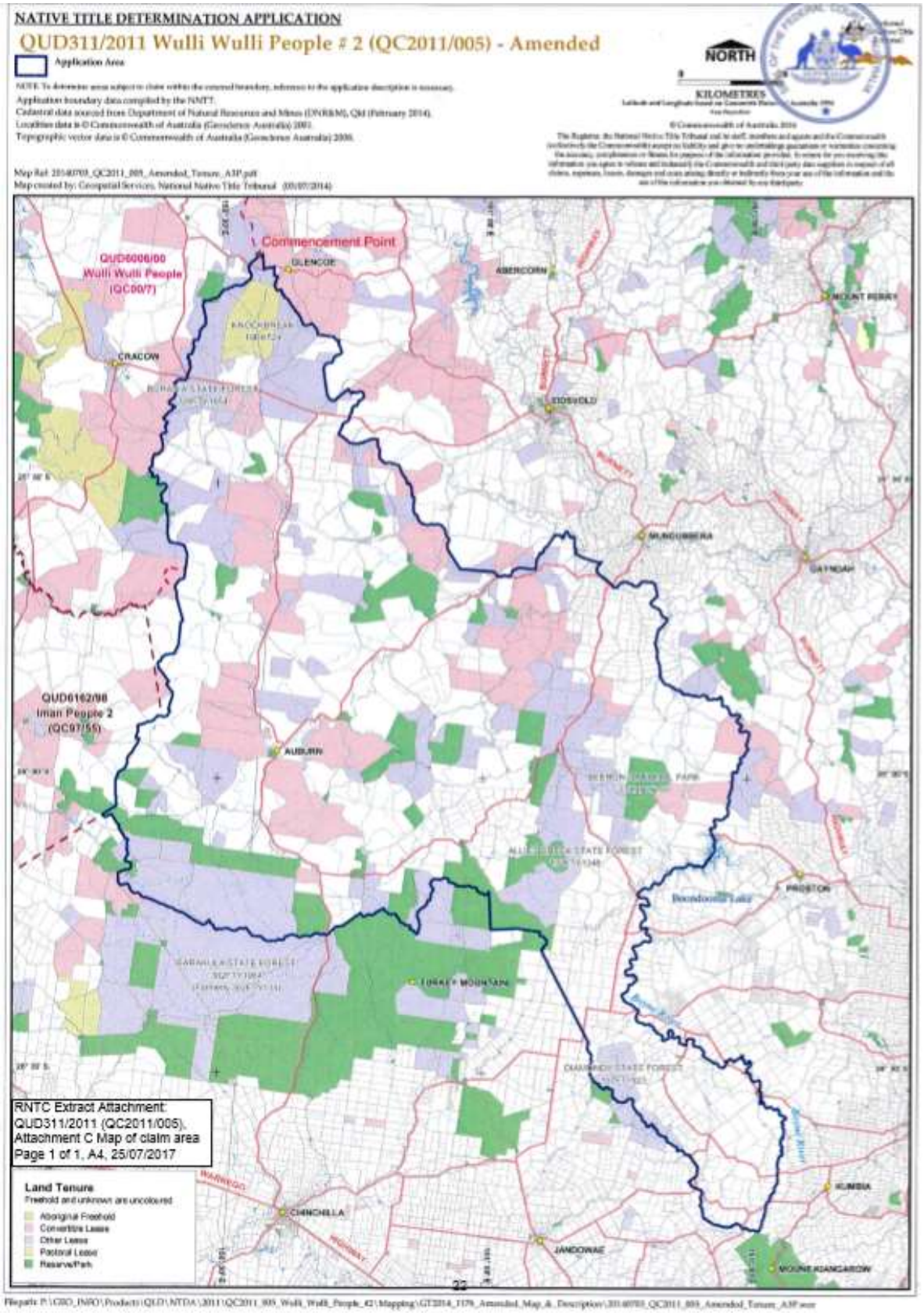
6. RECOMMENDATION

*"**Moved:*** ***Seconded:***

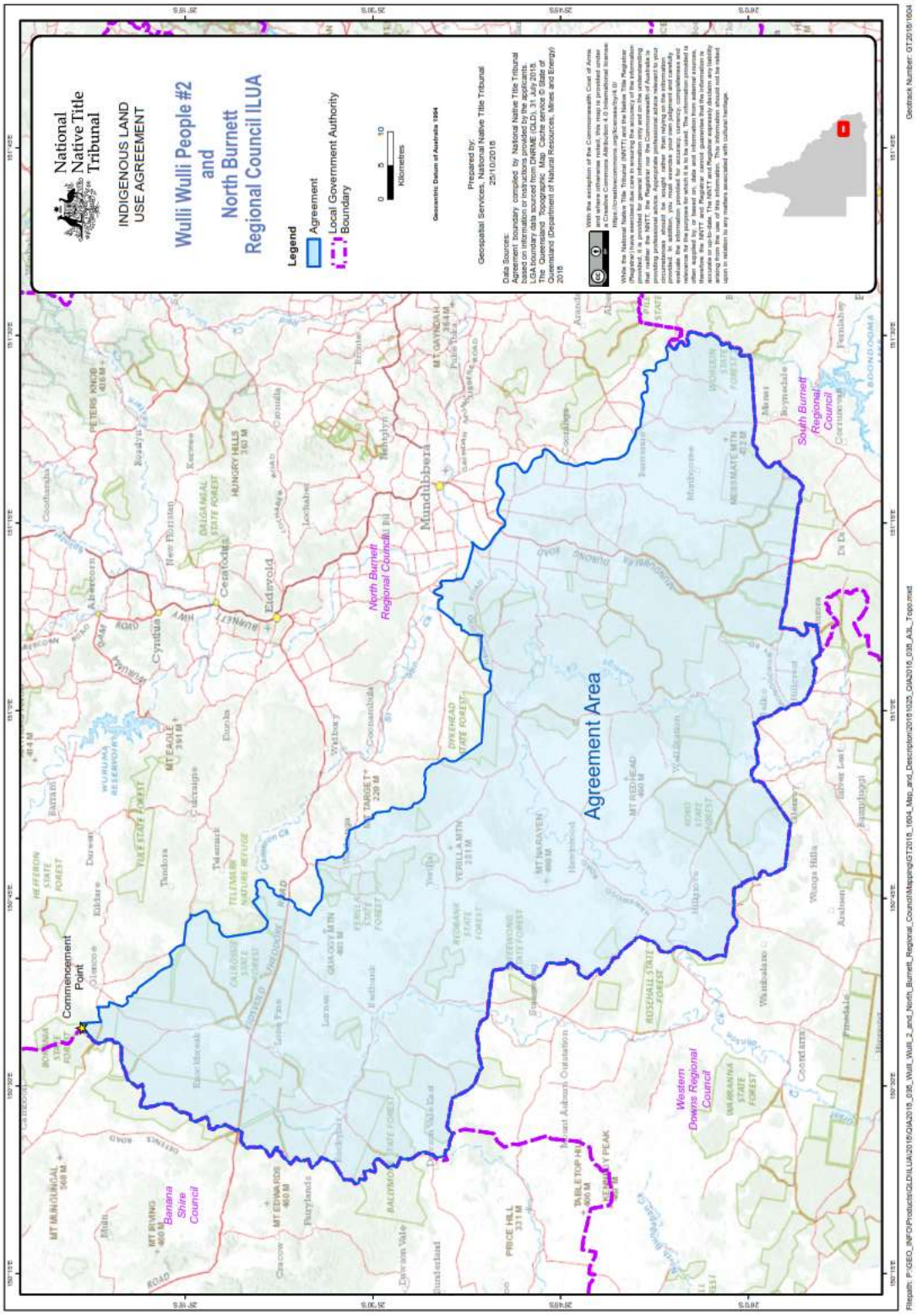
1. That Council consent to a determination of native title of the Wulli Wulli People Claim (QUD31/2019) substantially in the same terms of the draft consent determination considered by Council, with such amendments as may be required to enable the consent determinations to be made by the Federal Court.

2. That Council delegate to the Chief Executive Officer the power to negotiate and agree to such changes to the draft consent determination referred to in paragraph 1 of this resolution, as are required to enable the Federal Court to make the consent determination*."*

Attachment 1 Claim Map



Attachment 2 Overlap Map



Attachment 3 Draft Consent Determination

02.07.19

Dear Nita

As anticipated, we received the State's updated version of the consent determination and mapping on Friday, 28 July 2019 - copy **attached**.

A review of the lot descriptions against the previous tenure analysis establishes that in terms of changes:

- Lot 4 A2291 (Historical Cemetery at Aisbetts Road) is no longer considered exclusive native title and is now categorised as non-exclusive native title;
- Lot 71 NT1423 (Sport and Recreation at Beeron Road) which was previously exclusive native title is not identified in the determination - it has been excluded;
- Lot 25 NT202 (Recreation and Shirley and McCauley Streets Allies Creek) is excluded as the State and Applicant agree native title has been extinguished;
- Lot 91 NT226 (Stock Holding Paddock at Durong Road, Mundubbera) has also been excluded despite comments by the Applicant of only partial extinguishment.

The balance of Council's reserve lots included in the determination, 19 lots being non-exclusive native title, are set out in the **attached** table.

Case management hearing

On 1 July 2019 we attended a case management conference of the matter before Registrar Stride.

The Applicant's solicitor, Ted Besley of Just Us Lawyers advised that an authorisation meeting has been set down for 3 August 2019. The matters to be resolved/authorised (as indicated in yellow in the updated consent determination) include:

- Agreeing on the final name of the Applicant for the determination - we understand a number different names are to be considered;
- Details of the proposed PBC and whether native title is to held in trust by the PBC or as an agent; and
- The reinstatement of MiMi and Maggie Hart as Native Title Holders.

On the basis these issues are resolved and the consent to the determination of native title is authorised by the Applicant, the Claim can proceed to a determination hearing on 28, 29 or 30 October 2019.

Mr Besley was asked by the Registrar to email the Court and the parties on Monday, 5 August 2019 with an update as to the outcomes of the authorisation meeting (i.e. to confirm the outstanding matters have been resolved and authorised, so the Claim remains on track for a determination). I will provide you with an update following that contact from Mr Besley on 5 August 2019.

Council resolution

In the meantime, we have prepared a 'final' Report to Council on the basis that Council will be in a position to make the required resolution to consent to the determination at its meeting on 17 July 2019, this being the last General Meeting before early August 2019. The **attached** report has been updated to reflect the final position with respect to Council lots and to attach the latest consent determination document and mapping. While the Applicant's authorisation meeting on 3 August 2019 will result in further minor changes to the consent

determination (as discussed in the dot points above), the substance of the document will not change, in particular as they relate to Council's interests.

Accordingly, the **attached** Report to Council can be printed, along with the updated s87 agreement, consent determination and mapping (to include as Schedule 3) for the Council meeting on 17 July 2019 at Mundubbera.

Please let me know if you have any questions or require any further information. Would you please let me know once the matter has been added to the agenda for Council's meeting.

Regards,

Jeremy Marshall Associate
MACDONNELLS LAW
Tel: **+61 7 3031 9739** Mobile: **0432 465 480**

8.3 APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER

Doc Id: **940912**

Author: **Christopher Joosen, Governance Project Officer**

Authoriser: **Gary Rinehart, Chief Executive Officer**

Attachments: **Nil**

INTRODUCTION/BACKGROUND

Council is aware that the Chief Executive Officer (CEO), Gary Rinehart has tendered his resignation and it is proposed that the termination date be Thursday 1 August 2019. Council is currently progressing the recruitment to the vacant position.

As this process continues it is likely that any appointee would not be able to commence as CEO within that timeframe.

Pursuant to section 195 of the Local Government Act 2009, the Local Government may appoint a qualified person to act as the CEO during any vacancy in the position.

Council representatives have sourced Ian Flint, an experienced local government professional who has most recently held the roles of CEO at Lockyer Valley and Scenic Rim Regional Councils. Ian also has extensive experience representing local government on a number of Associations and Boards.

It is proposed that Ian Flint be appointed to the position of Acting Chief Executive Officer for the period of 30 July 2019 up to and including 30 September 2019. I understand he has verbally confirmed his availability for the position.

OFFICER COMMENTS/CONCLUSION

It is necessary under the Local Government act to appoint a suitably qualified person as Chief executive Officer where a vacancy exists in that office. It would be reasonable to assume that any successful candidate would require a lead in time to commence duties, and a Acting CEO requires some clarity of tenure prior to accepting the position. Accordingly the 2 month period is considered appropriate. If a permanent CEO is not recruited within that timeframe Council will need review it “Acting” arrangements.

RECOMMENDATION

That Council resolve to appoint Ian Flint as Acting Chief Executive Officer of North Burnett Regional Council for the period 30 July 2019 to 30 September 2019 inclusive.

9 CORPORATE AND COMMUNITY

9.1 DNRME REQUEST FOR COUNCIL'S VIEWS - CONVERSION OF TERM LEASE 0/213715 - LOT 84 CK135

Doc Id: 937031

Author: Linda Nicholson, Administration Officer (Leases)

Authoriser: Zoe Behrendt, Corporate Services Manager

Attachments:
1. **General Meeting 2018-12-12 [905615].pdf [939422]**
2. **20384 - Department of Natural Resources - Application for Renewal of TL 0-213715 - L84 WK135 - 131218.pdf [937839]**
3. **20384 - Department of Natural Resources - Conversion of TL 0-213715 - L84 WK135 - 110619.msg [937033]**

INTRODUCTION/BACKGROUND

The Department of Natural Resources, Mines and Energy (DNRME) wrote to Council on 15 August 2018 in relation to this matter, seeking views on proposed renewal of Term Lease 0/213715 over L84 CK135, in accordance with General Meeting Report 12 December 2018 (ID 939422 – Attachment 1). DNRME was notified of Council's recommendation, Resolution 2018/338, in correspondence dated 13 December 2018 (ID 937839 - Attachment 2).

The Department is now seeking Council's further views in relation to possible conversion of L84 to freehold tenure.

Term Lease 0/213715 comprises an area of 88.22 hectares (surveyed) in the Coonambula area, in proximity to Coonambula Road, as shown on the aerial view map provided in Consultation Report - Attachment 3.

The lessee owns several adjoining and surrounding freehold parcels.

CORPORATE/OPERATIONAL PLAN

Theme 1 Our Productive Region

1.7 Planning to facilitate industrial, commercial and residential growth.

1.7.1 Review land supply and uses as required to meet community and business needs

POLICY IMPLICATIONS

No Council policies exist that specifically relate to this item.

STATUTORY REQUIREMENTS

Land Act 1994 section 420CB which states "*Council has the power to make a submission in response to a notice received under the Act about a proposed application".*

FINANCIAL REQUIREMENTS

There are minimal financial implications for this matter.

RISK MANAGEMENT

The consideration of this proposal is in accordance with legislative requirements and administrative operations of Council. Consideration and response to the Department within prescribed timeframes exposes Council to no identified legal, reputational or environmental risk.

CONSULTATION

Appropriate departments within Council have provided their views and written comments for reporting.

During this process Rates, Civil Works, Development and Building Services, Environmental Services, Assets, Disaster Management, Technical Services and Economic Development were consulted.

The attached Consultation Report offers views and comments provided by internal departments and includes aerial image of L84 WK135 and surrounding freehold parcels owned by the lessee.

RECOMMENDATION

That the Department of Natural Resources, Mines and Energy be advised that Council offers no objection to the proposed conversion of Term Lease 0/213715 over L84 on WK135 to freehold tenure, with a condition that the lessee be required to amalgamate the subject Lot 84 WK135 into adjoining freehold land under the same ownership to enable access to a constructed road.

13.5 DNRME REQUEST FOR COUNCIL'S VIEWS - APPLICATION FOR RENEWAL OF TERM LEASE 0/213715 - LOT 84 ON WK135

Doc Id: 905615

Author: Linda Nicholson, Administration Officer (Leases)

Authoriser: Brad Duke, General Manager Corporate and Community

Attachments: 1. 20384 - Consultation Report - Renewal of Term Lease 0-213715 - Lot 84 WK135.docx [905612]

INTRODUCTION/BACKGROUND

The purpose of this report is to seek Council's views and requirements in relation to application for renewal of Term Lease 0/213715 over Lot 84 on WK135. The 20-year Term Lease expires on 31 December 2019 with surveyed Lot 84 on WK135 comprising 88.221 hectares. Purpose for which the lease is granted is Grazing – Unallocated State Land (USL).

The Department is seeking Council's views or requirements, including any local non-indigenous cultural heritage values that the department should consider when assessing the application.

The Department seeks a response from Council by 31 December 2018. The lessee owns several adjacent and near-by parcels of freehold land.

CORPORATE/OPERATIONAL PLAN

Theme 1 Our Productive Region

1.7 Planning to facilitate industrial, commercial and residential growth.

POLICY IMPLICATIONS

No Council policies exist that specifically relate to this item.

STATUTORY REQUIREMENTS

Land Act 1994 section 420CB which states "*Council has the power to make a submission in response to a notice received under the Act about a proposed application*".

FINANCIAL REQUIREMENTS

There are minimal financial implications for this matter.

RISK MANAGEMENT

Council has adopted a 'Risk Management Framework' that is consistent with AS/NZS ISO 31000:2018 Risk Management – Guidelines.

Using the Standard and the framework, local governments increase the likelihood of achieving objectives, improve identification of opportunities and threats, and effectively allocate and use resources for risk treatment.

With respect to this report, the following risk categories LEGAL AND REGULATORY and ENVIRONMENTAL and REPUTATION/POLITICAL have been considered and assessed.

It has been determined to be a LOW RISK due to implementation of new systems and processes across all relevant Council Departments and the assessment/consultation matrix shown in the attachment.

CONSULTATION

Each appropriate department within Council is given the opportunity to provide views and written comments for reporting to Council and subsequent response to the Department.

During this process, the Rates section, Civil Works, Development and Building Services, Environmental Services, Assets, Disaster Management, Technical Services and Economic Development were consulted.

Attachment 1 - Consultation Report, provides those views and comments and includes an aerial image of Lot 84 on WK135, located at Trap Trap Road, Coonambula.

RECOMMENDATION

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.

NORTH BURNETT
REGIONAL COUNCIL

Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: northburnett.qld.gov.au
ABN: 23 439 388 197

13 December 2018

Our Ref: 907282
Your Ref: 2018/000118

Ms Shauna Heggan
Land Administration Officer
Department of Natural Resources, Mines & Energy
PO Box 1167
BUNDABERG QLD 4670

Dear Shauna

RE: APPLICATION FOR RENEWAL OF TERM LEASE 0/213715 – LOT 84 ON WK135

I refer to the above matter and advise that this matter was discussed at Council's General Meeting on 12 December 2018.

Council resolved the Department be advised that:

(i) no requirements or proposed plans are envisaged for the land; and
(ii) no objection is offered to renewal of Term Lease 0/213715.

Thank you for the opportunity afforded to provide Council's views.

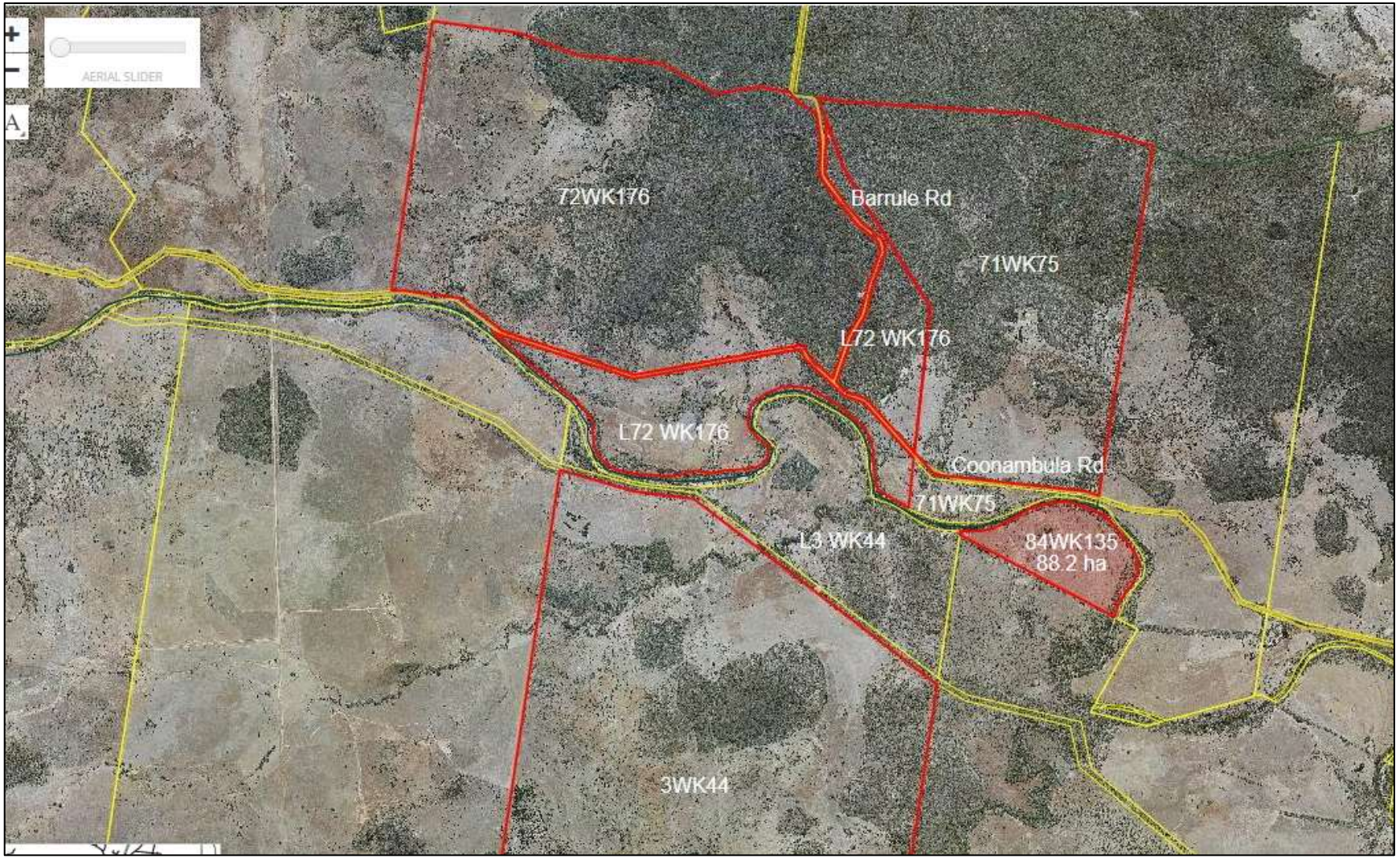
If you have any further enquiries regarding this matter please quote reference **907282** for referral to the appropriate officer and further assistance.

Yours faithfully

BW Duke
General Manager Corporate and Community
on behalf of Gary Rinehart
Chief Executive Officer

Address all correspondence to the Chief Executive Officer

MEETING DATE: 17 July 2019 **GENERAL MEETING REPORT: ID 937031**



The approved process for consultation for reporting to Council must be completed appropriately by all Units/Streams within the stipulated timeframe. Please provide your comments in the table below.

All questions must be answered, stating:

- **Objection or not**: give **detailed reasoning** and any **conditions applied to your reasoning**;
- **Views and/or requirements**: give **detailed reasoning** and any **conditions applied to your reasoning**.

To the best of your knowledge and understanding of current Council records, DO YOU HAVE….*[Please check]*

- **Any objections to renewal of the lease or freeholding of the land?**

☐ Rates ☐ Civil Works ☐ Development & Building Services ☐ Environmental Services ☐ Corporate | Leasing

☐ Technical Services ☒ Economic Development ☒ Disaster Management

Unit / Stream	Identified characteristics	Yes	No	Any views or requirements that may affect the future use of the land?	Any views or requirements (including non-indigenous cultural heritage or access) that DNRME should consider in the assessment process?
Rates	- Outstanding Rates - Easements - Other	☐ ☐ ☐	☒ ☒ ☒	There is nothing noted on the rate card to indicate we should object to the conversion of this Term Lease to freehold land. Term Lease is attached to another parcel of land owned by the property owners.	
Civil Works	- Road access - Gravel opportunities - Access to water - Other	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	No objection is offered to the proposed conversion of L84 WK135 to freehold tenure.	Nil
Development & Building Services	- Local Heritage Historic Sites - Other	☐ ☒	☒ ☐	The subject land has not direct frontage to a road reserve (constructed or unconstructed).	The subject land has not direct frontage to a road reserve (constructed or unconstructed). The subject land should be amalgamated to another land parcel under the same ownership or access easement should be made to enable access to a constructed road reserve.

Unit / Stream	Identified characteristics	Yes	No	Any views or requirements that may affect the future use of the land?	Any views or requirements (including non-indigenous cultural heritage or access) that DNRME should consider in the assessment process?
Environmental Services	- Grazing stock route	☐	☒	Vegetation mapping along St John Creek	None.
	- Watering point	☐	☒		
	- Vegetation management mapping	☒	☐		
	- Biosecurity	☐	☒		
	- Cultural & Heritage issues	☐	☒		
	- Other	☐	☐		
Corporate | Leasing	In December 2018, the department requested Council's views on an application for renewal of Term Lease 0/213715 over L84 WK135. The department is now seeking Council's views on possible conversion of Term Lease 0/213715 over L84 WK135 to freehold tenure.			L84 comprises 88.22 hectares (surveyed) in the Coonambula area, in proximity to Coonambula Road. The lessee owns several adjoining and surrounding freehold parcels. Pursuant to 12 December 2018 General Meeting Resolution 2018/338, the department was advised that Council offered no objection to renewal of the Term Lease (ID 907282). No objection is offered to the proposed conversion of L84 WK135 to freehold tenure.	
Disaster Management	- Firebreaks	☐	☒	There are no disaster management issues perceived by the conversion of Lot 84 from LT Lease to freehold.	
	- Water access	☐	☒		
	- Access to river gauges	☐	☒		
	- Other	☐	☒		
Technical Services	- Urban water supply	☐	☒	Technical Services has no assets/infrastructure in this area currently. No works are planned in this area in the near future. No requirements that would affect the conversion of the lease to freehold.	
	- Water/Wastewater reticulation system	☐	☒		
	- Community Facilities	☐	☒		
	- Other	☐	☒		
Economic Development	- Tourism opportunities	☐	☒	There are no economic or tourism issues perceived by the conversion of Lot 84 from LT Lease to freehold	
	- Economic opportunities	☐	☒		
	- Other	☐	☒		

9.2 AMENDMENT TO FEES AND CHARGES 2019-20

Doc Id: **939131**

Author: **Christopher Joosen, Governance Project Officer**

Authoriser: **Gary Rinehart, Chief Executive Officer**

Attachments: **1. Amended Fees and Charges 19-20.pdf [940765]**

INTRODUCTION/BACKGROUND

As part of its annual budgetary process Council at its meeting held on 26 June 2019 adopted its "Fees and Charges for the 2019/2020". It is necessary to effect a minor amendment to the document to reflect Councils intent with the application of the charges. The adopted fees and charges document states that a fee shall apply for the disposal of less than a cubic metre of general domestic waste and a charge for the disposal of up to a cubic metre of green waste. Both these charges are an error and it was always Councils intent to not apply a fee for these services.

The General Waste (Commercial) is also amended by clarifying that the commercial waste charge of $11 per cubic metre includes contaminated green waste.

Whilst these charges were included in the schedule Council has not been applying any of these charges to domestic users or commercial operators.

Amended pages of the Schedule of Fees and Charges document are attached to this report.

CORPORATE/OPERATIONAL PLAN

5.4 Future Financial Sustainability

5.4.1 Undertake robust and accountable financial, resource and infrastructure planning and management to ensure affordable and sustainable outcomes for our community

5.6 Good Governance

5.6.1 Commit to open and accountable governance to ensure community confidence and trust in Council and our democratic values.

POLICY IMPLICATIONS

It is necessary to amend the previously adopted document to reflect Council policy intent.

STATUTORY REQUIREMENTS

Local Government Act 2009 Section 97 – provides for Council to fix a cost recovery fee. Section 98 provides that Council must keep a register of these fees. Section 262 provides for Council the power to set a "commercial" fee.

FINANCIAL REQUIREMENTS

On average a 2.5% CPI Increase has been applied to the Fees, individual variations apply for administration expediency. Fees and charges represent approximately 3.5% of Council's total operational income.

RISK MANAGEMENT

The previously adopted Register of Fees and Charges 2019/2020 needs to be amended. Failure to do so would expose Council to reputational and financial risk and would not be consistent with the principles of good governance.

CONSULTATION

Nil.

RECOMMENDATION

That the Schedule of Fees and Charges document adopted by Council at its general meeting held on 26 June 2019 be amended by the deletion of pages “76” and “77” “Waste Management” and the insertion in their stead of the replacement pages “76” and “77’ attached to this report.

Name	Year 18/19 Fee (incl. GST)	Year 19/20 Fee (excl. GST)	GST	Fee (incl. GST)	Increase %	Unit	GL	GST	CL1	CL2
Waste Management										
General Waste (Domestic) – Excluding Tyres / Asbestos/Construction & Demolition Waste and Including Green Waste										
Domestic Waste Only										
Proof of current residency/ratepayer MUST be supplied at each visit to landfill										
LANDFILL FEES & CHARGES GENERAL LEDGER NUMBERS BY TOWN										
• BIG - Fees & Charges - Waste Management 820151000										
• EID - Fees & Charges - Waste Management 825151000										
• GAY - Fees & Charges - Waste Management 830151000										
• MON - Fees & Charges - Waste Management 835151000										
• PER - Fees & Charges - Waste Management 845151000										
• MUN - Fees & Charges - Waste Management 850151000										
Domestic Waste – up to 1m3 (Including Contaminated Green Waste)				No Charge		up to 1m3		Y	Commercial	**** Refer above for GL for each Town
				Last YR Fee No Charge						
Domestic Waste above 1m3	$11.00	$10.00	$1.00	$11.00	0.00%	per m3 above 1m3		Y	Commercial	**** Refer above for GL for each Town
Green Waste (Uncontaminated) including tree waste and grass clippings – up to 1m3				No Charge		up to 1m3		Y	Commercial	**** Refer above for GL for each Town
				Last YR Fee No Charge						

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continued on next page ...

Name	Year 18/19 Fee (incl. GST)	Year 19/20 Fee (excl. GST)	GST	Fee (incl. GST)	Increase %	Unit	GL	GST	CL1	CL2
Domestic Waste Only [continued]										
Green Waste (Uncontaminated) including tree waste and grass clippings – above 1m3	$11.00	$10.00	$1.00	$11.00	0.00%	per m3 above 1m3		Y	Commercial	**** Refer above for GL for each Town

General Waste (Commercial) – Excluding Tyres/ Asbestos/Construction & Demolition Waste and Including Green Waste

Commercial Waste

Proof of current residency/ratepayer MUST be supplied at each visit to landfill

LANDFILL FEES & CHARGES GENERAL LEDGER NUMBERS BY TOWN

- BIG - Fees & Charges - Waste Management 820151000
- EID - Fees & Charges - Waste Management 825151000
- GAY - Fees & Charges - Waste Management 830151000
- MON - Fees & Charges - Waste Management 835151000
- PER - Fees & Charges - Waste Management 845151000
- MUN - Fees & Charges - Waste Management 850151000

Commercial General Waste – (Includes contaminated green waste)	$11.00	$10.00	$1.00	$11.00	0.00%	per m3		Y	Commercial	**** Refer above for GL for each Town
Large Loads (eg Tip Truck) per tonne	$0.00	$18.18	$1.82	$20.00	∞	per tonne		Y	Commercial	**** Refer above for GL for each Town
Commercial Green Waste (Uncontaminated) including tree waste and grass clippings	$11.00	$10.00	$1.00	$11.00	0.00%	per 1m3		Y	Commercial	**** Refer above for GL for each Town

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9.3 LIFELONG COMMUNITY GRANTS 2019

Doc Id: **940298**

Author: **Tanya Walters, Administration Officer**

Authoriser: **Jason Erbacher, Community Engagement Manager**

Attachments: **Nil**

EXECUTIVE SUMMARY

Under Policy 119 - Lifelong Community Grants, Council is required to endorse grant recipients through resolution on an annual basis.

CORPORATE PLAN

OUR VISION: By 2030, the North Burnett will be a region of choice for people to live, work and play:

OUR ROLE:

A Funder

OUR PRIORITY AREAS:

3. Our united region

RECOMMENDATION

That Council resolve to endorse the following list of grant recipients under Council's Lifelong Community Grants in accordance with Policy 119 - Lifelong Community Grants totalling $21,450:

1. Sunshine Coast Helicopter Rescue Service, now known as Lifeflight Foundation Ltd $10,000
2. Bundaberg Health Services Foundation Rotary Lodge – Bundaberg $10,000
3. Biggenden State School $150
4. Dallarnil State Primary School $50
5. Coalstoun Lakes State Primary School $50
6. Abercorn State Primary School $50
7. Eidsvold State School $150
8. Burnett State College $100
9. Gayndah State Primary School $50
10. St Joseph's State School $50
11. Binjour State Primary School $50
12. Monto State High School $100
13. Monto State Primary School $50
14. Mulgildie State Primary School $50
15. St Therese School $50
16. Gin Gin State High School $100
17. Mt Perry State Primary School $50
18. Mundubbera State School $150
19. Monogorilby State Primary School $50

20. Boynewood State Primary School $50
21. Red Cross Calling (Gayndah branch) $100

REPORT

The purpose of this report is to present to Council Lifelong Community Grants that require endorsement for payment in the 19/20 financial year. Policy 119 Lifelong Community Grants was adopted 19/07/2017 listing recipients of the grant that are to be endorsed by Council through Council resolution on an annual basis. Recipients listed in the policy are those that Council consider integral to the wellbeing of the area, and include life support programs as well as school bursaries. Council has allocated a budget of $22,000 to Lifelong Community Grants.

The adopted policy contains some misstatements that require amendment including:

- Addition of Boynewood State Primary School for $50
- Addition of Red Cross Calling (Gayndah Branch) for $100
- Monto State High School has been listed twice (one should be Monto State Primary School at $50).

These amendments have been included in the resolution for Council's consideration.

CONSULTATION

INTERNAL COUNCIL OFFICER'S

RISK IMPLICATIONS

Reputation / Political

Low Risk. Recurrent policy with no previous issues noted.

Occupational Health & Safety (WHS)

Not Applicable.

Financial Impact

Low Risk. Sufficient funds exist in the budget for payment of the grants.

Legal & Regulatory

Low Risk.

Environmental

Not Applicable.

Property & Infrastructure

Not Applicable.

Human Resources

Low Risk. Council has adequate resources to facilitate this grant process.

Information Communications Technology

Not Applicable.

Service Delivery

Low Risk. Council has adequate resources to facilitate this grant process in a timely manner.

Climate

Not Applicable.

KEY MESSAGE

Once endorsed successful recipients will be notified via correspondence of payment being made.

Joint media will be arranged to celebrate Council's partnership with beneficiaries Lifeflight Foundation Ltd and Bundaberg Health Services Foundation Rotary Lodge.

ATTACHMENTS

Nil

9.4 FINANCE REPORT TO 30 JUNE 2019

Doc Id: **940307**

Author: **Michelle Burns, Senior Accountant**

Authoriser: **Zoe Behrendt, Corporate Services Manager**

Attachments: **Nil**

INTRODUCTION/BACKGROUND

In accordance with Section 204 of the *Local Government Regulation 2012*, a financial report summarising the progress of Council's actual performance against budgeted performance is to be presented to Council. This report provides a summary of Council's financial performance against budget for the financial year to 30 June 2019.

The Income Statement outlines the result of Council's day to day operations. The Balance Sheet outlines the impact of those operations and capital expenditure.

CORPORATE/OPERATIONAL PLAN

In accordance with Outcome in our Corporate Plan:

5 – Good Governance, Section:

5.6.1 Commit to open and accountable governance to ensure community confidence and trust in Council and our democratic values

POLICY IMPLICATIONS

Nil. Consistent with all corporate polices and required reporting arrangements.

STATUTORY REQUIREMENTS

The *Local Government Regulation 2012* requires that Council be given statements made up to as near as practical to the end of the preceding month.

FINANCIAL REQUIREMENTS

Monitoring of budgets and actuals will remain important if Council is to achieve the financial results adopted as part of the 2018/19 budget, and any variations or anomalies will be investigated and action taken as appropriate.

RISK MANAGEMENT

There are no known risks applicable to the monthly financial report that have not already been disclosed.

CONSULTATION

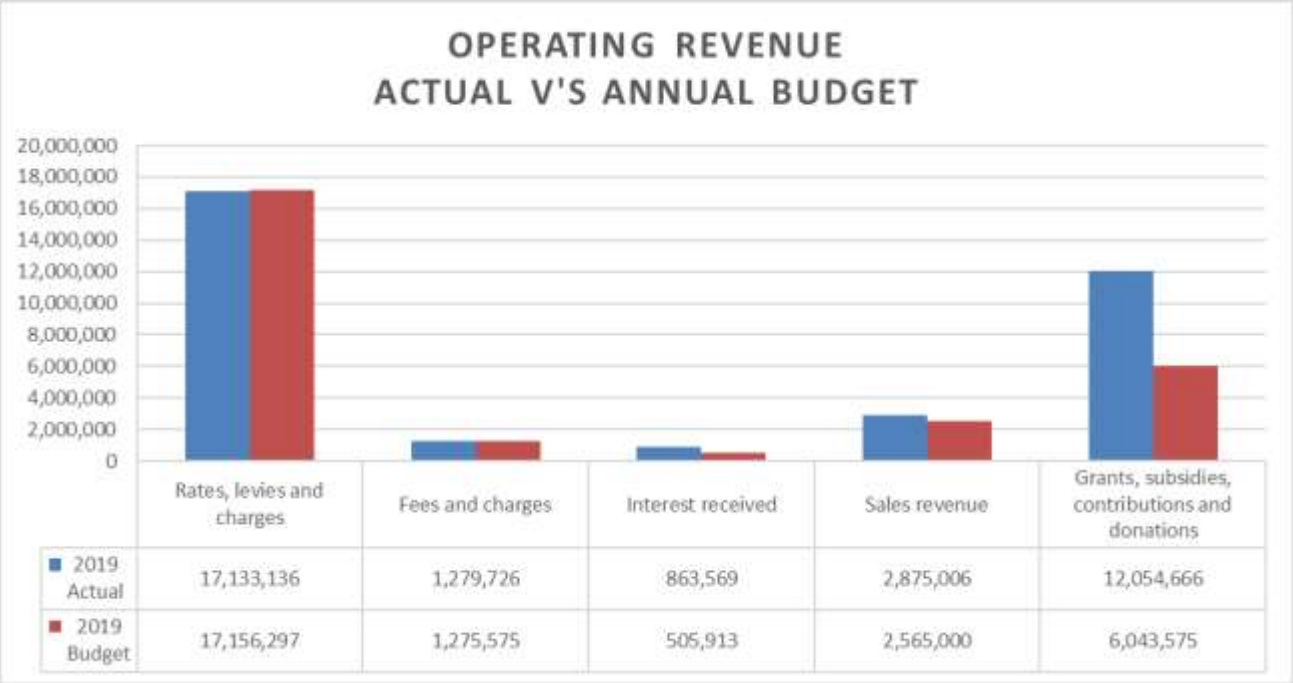
Not applicable, factual data presented.

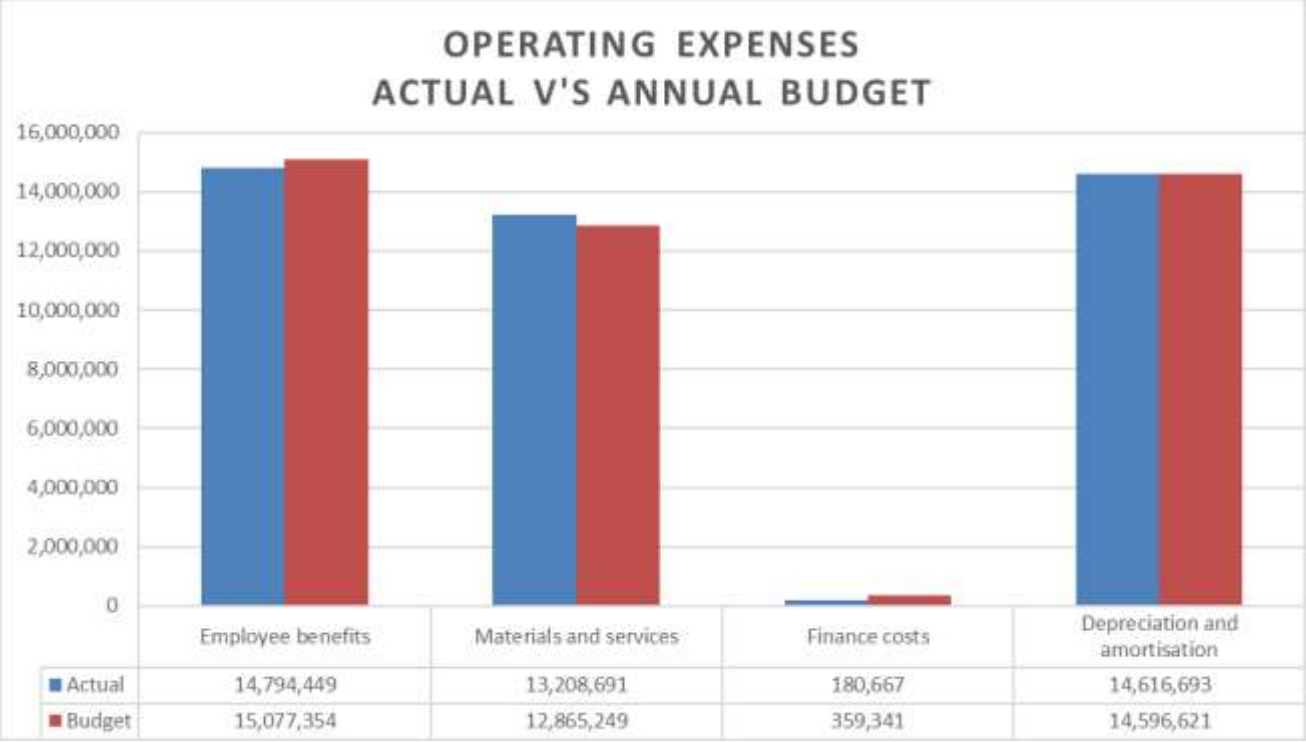
FINANCIAL POSITION

This report is prepared using the Q2 budget. As at 30 June 2019 Council has a provisional operating deficit of $7,359,748 compared to an annual budgeted operating deficit of $14,289,425. Council received a prepayment of the 2019/2020 Financial Assistance Grant of approximately $5.55mil in June 2019 which wasn't anticipated as part of the Q2 review.

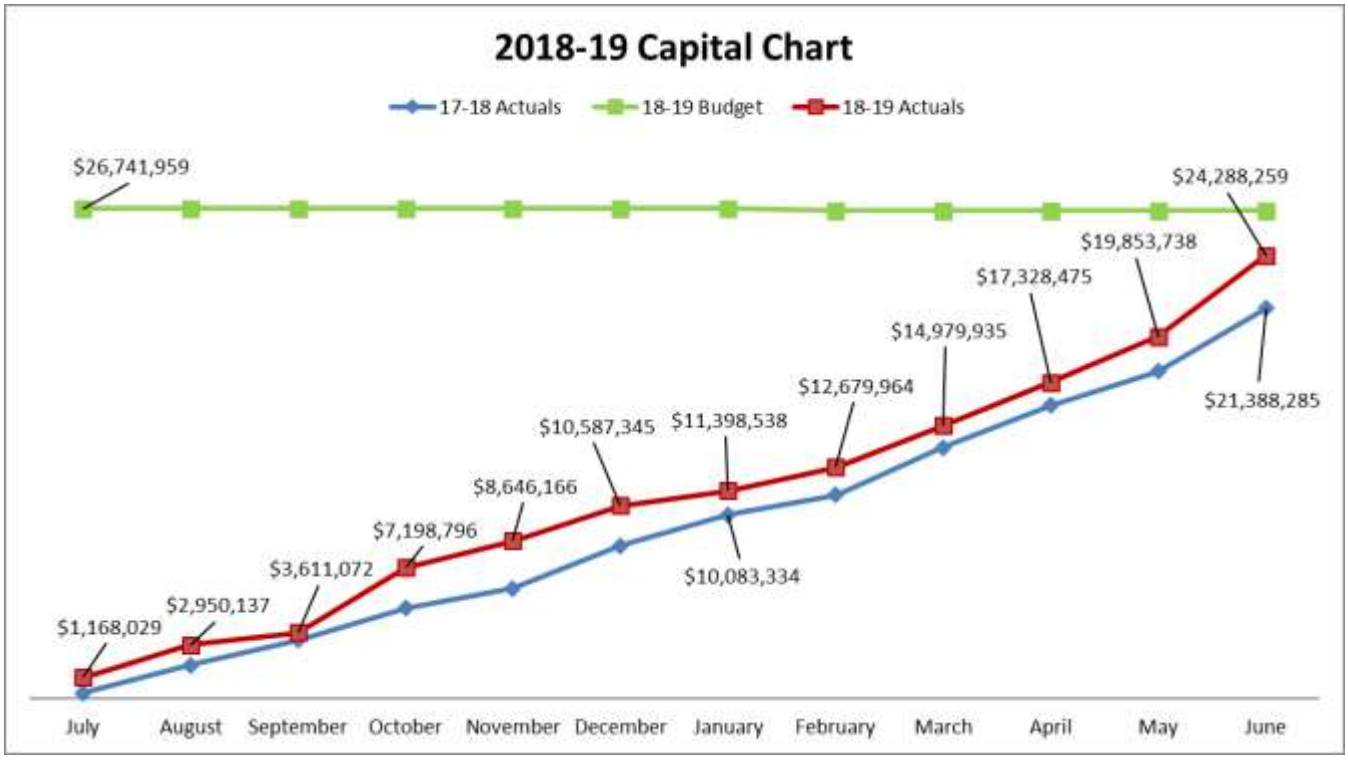
This is a provisional result as adjustments will be made when preparing the financial statements for the year ended 30 June 2019.

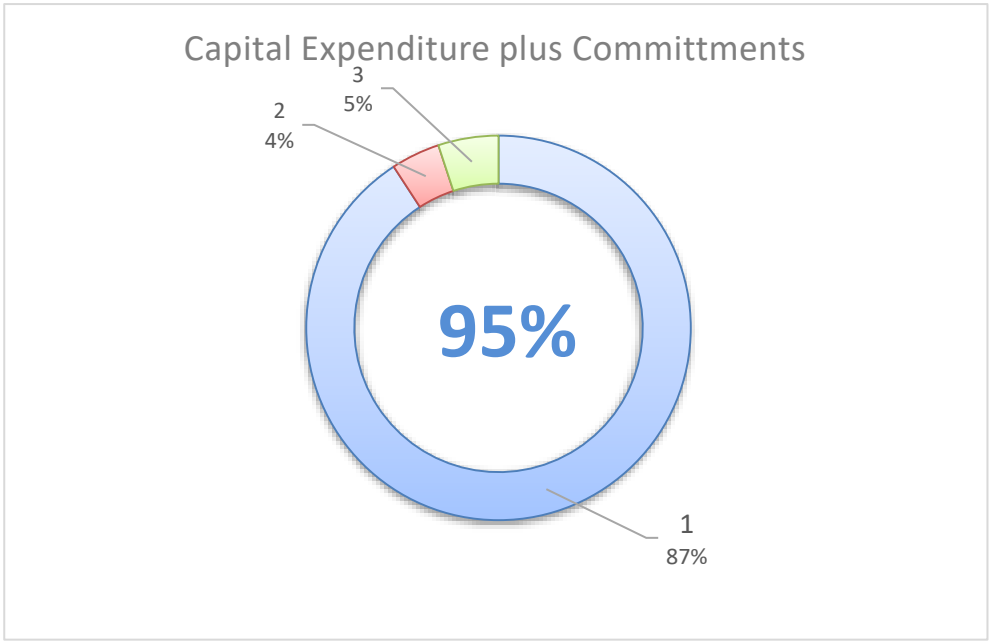
The graph below shows the operating revenue and expenditure of the major category of actuals to annual budget.





CAPITAL EXPENDITURE





STATEMENT OF FINANCIAL POSITION

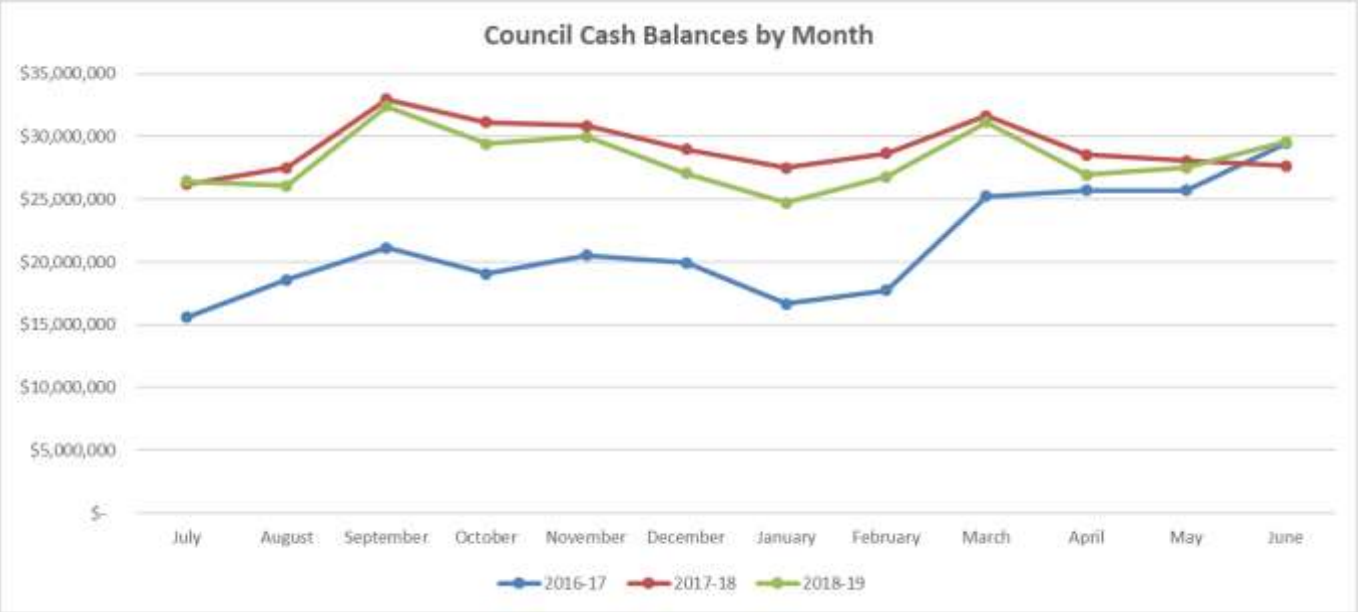
The Statement of Financial Position provides information on the breakdown of Council's assets and liabilities.

At 30 June 2019, Council had $32,982,819 in current assets compared to $8,100,892 in current liabilities with a current ratio of 4.07 : 1. The preferred ratio is greater than 2:1.

Following meetings with Queensland Treasury Corporation and the Department of Local Government, Racing and Multicultural Affairs, Council has reviewed its proposed borrowings for 2018/19 and modelled alternative scenarios including funding identified projects from its own cash holdings.

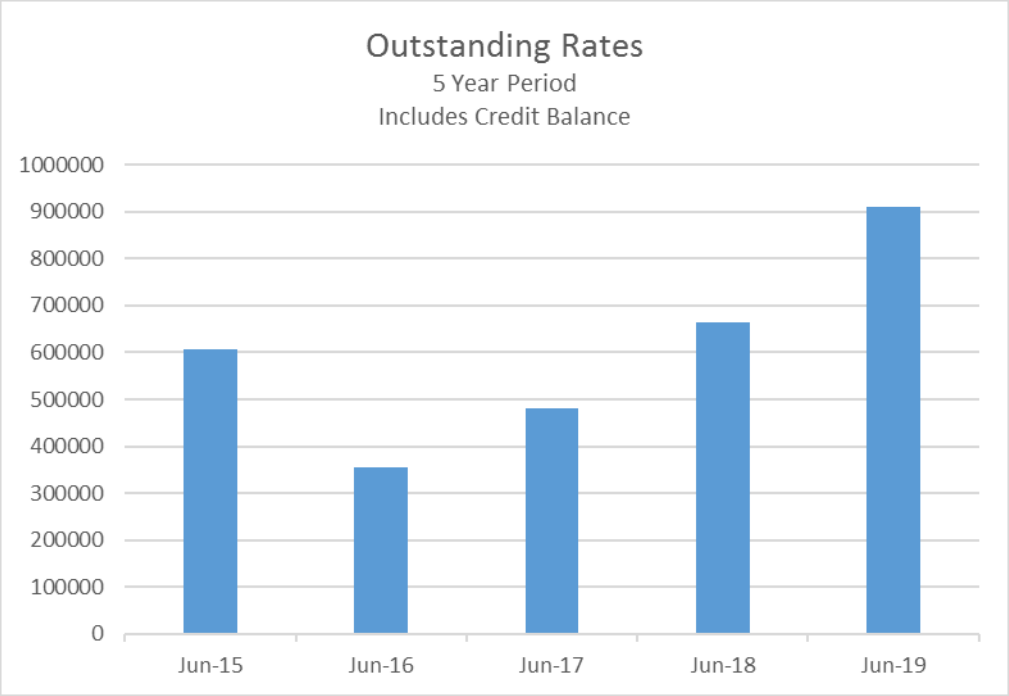
CASH FLOW

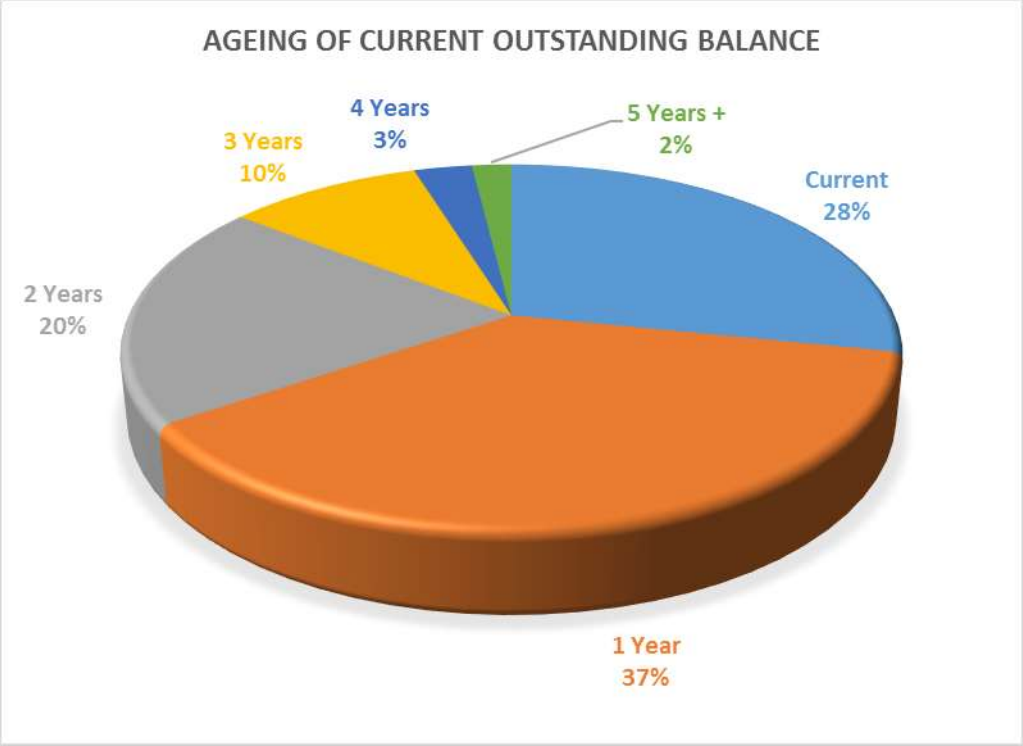
The Cash Flow Estimate shows the projected movement of Council's cash balances, as opposed to the accounting movements shown in the Statement of Income and Expenditure. As at 30 June 2019, the cash balance was $29.5 million.

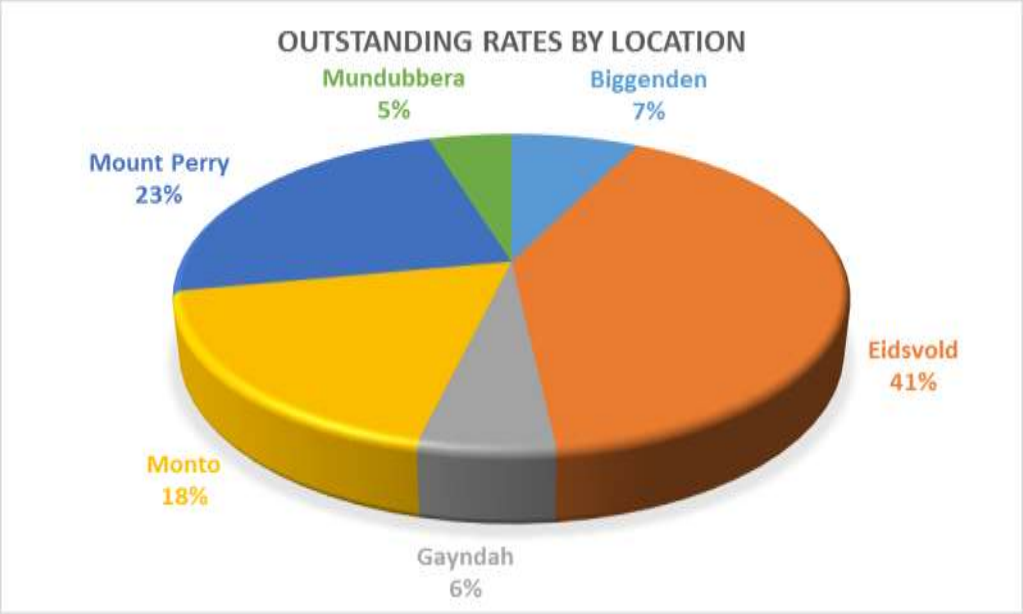


Rates Recovery

At the end of June outstanding rates were $909,971.90. Which represents 7.9% of rates levied for 2018/19







Rating Period 1 January 2019 to 30 June 2019

Rate Notices Issued for the period 1-1-19 to 30-6-19 – *6869 Notices Issued*	12 February 2019
Discount Period Closed	15 March 2019
Missed Discount Letters Sent – *48 Missed Discount Letters were issued*	29 March 2019
First Reminder Notice Issued – *557 First Reminder Letters were issued*	29 March 2019
Second Reminder Notice Issued – *400 Second Reminder Letters were issued*	1 May 2019

Attachment 1

NORTH BURNETT REGIONAL COUNCIL
Statement of Comprehensive Income
For the Period ended 30 June 2019

	2019 Actual	2019 Budget
Income		
Revenue		
Recurrent revenue		
Rates, levies and charges	17,133,136	17,156,297
Fees and charges	1,279,726	1,275,575
Rental income	275,034	350,336
Interest received	863,569	505,913
Sales revenue	2,875,006	2,565,000
Other income	959,615	712,443
Grants, subsidies, contributions and donations	12,054,666	6,043,575
Total recurrent revenue	**35,440,753**	**28,609,139**
Expenses		
Recurrent expenses		
Employee benefits	(14,794,449)	(15,077,354)
Materials and services	(13,208,691)	(12,865,249)
Finance costs	(180,667)	(359,341)
Depreciation and amortisation	(14,616,693)	(14,596,621)
Total recurrent expenses	**(42,800,501)**	**(42,898,564)**
Operating Result before Capital Items	**(7,359,748)**	**(14,289,425)**
Total Capital income		
Grants, subsidies, contributions and donations	14,994,471	15,622,269
Flood Grant Capital Income		
Provision for Landfill	0	0
Gain/(Loss) on sale of assets	(11,164)	0
Total Capital income	**14,983,307**	**15,622,269**
Net Result after Capital Items	**7,623,559**	**1,332,844**
Other comprehensive income		
Increase / (decrease) in asset revaluation surplus	0	0
Total other comprehensive income for the year	**0**	**0**
Total comprehensive income for the year (exc Flood)	**7,623,559**	**1,332,844**

Attachment 2

NORTH BURNETT REGIONAL COUNCIL
Balance Sheet
For the Period ended 30 June 2019

	2019 Actual	2019 Budget
Current Assets		
Cash and cash equivalents (incl investments)	29,573,942	18,656,000
Trade and other receivables	2,909,620	2,582,000
Inventories	499,257	582,000
Total current assets	**32,982,819**	**21,820,000**
Non-current Assets		
Receivables	0	0
Property, plant and equipment	1,053,705,949	887,162,000
Intangible assets	0	0
Total non-current assets	**1,053,705,949**	**887,162,000**
TOTAL ASSETS	**1,086,688,768**	**908,982,000**
Current Liabilities		
Trade and other payables	4,797,842	5,654,000
Borrowings	660,838	828,000
Provisions	2,146,353	0
Other	495,859	360,000
Total current liabilities	**8,100,892**	**6,842,000**
Non-current Liabilities		
Interest bearing liabilities	2,327,252	4,628,000
Provisions	4,671,554	6,877,000
Total non-current liabilities	**6,998,806**	**11,505,000**
TOTAL LIABILITIES	**15,099,698**	**18,347,000**
NET COMMUNITY ASSETS	**1,071,589,070**	**890,635,000**
Community Equity		
Retained Surplus	776,600,209	579,241,000
Asset revaluation reserve	302,612,420	320,000,000
Retained surplus/(deficiency)	(7,623,559)	(8,606,000)
TOTAL COMMUNITY EQUITY	**1,071,589,070**	**890,635,000**

Attachment 3

NORTH BURNETT REGIONAL COUNCIL
Statement of Cash Flow
For the Period ended 30 June 2019

	2019 Actual	2019 Budget
Cash flows from operating activities:		
Receipts from customers	22,957,800	22,600,315
Payments to suppliers and employees	(28,723,394)	(27,060,603)
	(5,765,594)	**(4,460,288)**
Interest received	863,569	508,913
Rental income	275,034	364,336
Non-capital grants and contributions	12,054,666	6,291,575
Borrowing costs	(180,667)	(148,341)
Net cash inflow (outflow) from operating activities	**7,247,009**	**2,556,195**
Cash flows from investing activities:		
Payments for property, plant and equipment	(23,705,723)	(26,085,959)
Net movement on loans and advances	0	0
Proceeds from sale of property, plant and Equipment	422,585	0
Grants, subsidies, contributions and donations	14,994,471	15,622,269
Net cash inflow (outflow) from investing activities	**(8,288,667)**	**(10,463,690)**
Cash flows from financing activities		
Proceeds from borrowings	0	2,473,000
Repayment of borrowings	(660,838)	(626,542)
Net cash inflow (outflow) from financing activities	**(660,838)**	**1,846,458**
Net increase (decrease) in cash and cash equivalents held	(1,702,495)	(6,061,037)
Cash and cash equivalents at beginning of reporting period	27,276,437	24,717,294
Cash and cash equivalents at end of reporting period	**25,573,942**	**18,656,257**

Attachment 4

NORTH BURNETT REGIONAL COUNCIL

Capital Works Program Update

For the Period ended 30 June 2019

Parent Project	18/19 YTD	Commitments	18/19 YTD (incl Commitments)	18/19 Review 2	18/19 Budgets
Grand Total	24,288,259	1,099,674	25,387,933	26,741,959	26,873,209
1. Operating	128,394	13,750	142,144	212,000	222,000
2. QLD Grant	993,167	35,654	1,028,821	1,164,160	1,164,160
3. Land	32,280	6,250	38,530	180,000	240,000
4. Building	240,152	55,237	295,389	337,694	318,000
4.5 Housing	63,944	3,190	67,134	120,000	120,000
5. Other Structure	2,689,351	175,008	2,864,360	4,384,979	3,904,640
6. Plant	2,206,908	0	2,206,908	2,034,465	2,029,900
7. Furniture & Equipment	255,940	0	255,940	261,939	328,750
8. Works	15,476,180	97,847	15,574,027	13,685,967	14,185,967
Bitumen Rehab Work	142,052	0	142,052	200,000	200,000
Flood - 2017 Central QLD	883,634	0	883,634	0	0
Flood - Debbie	10,176,253	20,771	10,197,024	8,986,701	8,986,701
Flood Resilience Program	76,391	0	76,391	60,000	60,000
Footpath, Kerb & Channel	230,169	709	230,877	260,000	260,000
Gravel Resheet	990,131	17,061	1,007,192	1,000,000	1,000,000
Linemarking	62,824	0	62,824	50,000	50,000
Roads Other	29,152	0	29,152	39,000	539,000
Rural Reseal	895,732	0	895,732	1,000,000	1,000,000
Streets Other	51,454	19,200	70,654	110,600	110,600
TIDS	1,698,992	40,106	1,739,099	1,629,666	1,629,666
Urban Reseal	239,396	0	239,396	350,000	350,000
9. Drainage Infrastructure	651,402	20,845	672,246	2,500,754	2,499,792
Bridge	682,865	20,845	703,709	2,500,754	2,499,792
Concrete Floodway	(31,463)	0	(31,463)	0	0
91. Water	555,754	325,527	881,281	580,000	580,000
92. Sewerage	882,938	366,366	1,249,304	1,280,000	1,280,000

Key Projects Update

For the Period ended 30 June 2019

Project	Revised end date	Schedule Performance	Budget Performance	Safety Performance	Comments
Mingo Crossing	June 2019	On track [1]	On track	On track	Building contractor completed garden shed, shelter extension and amenities building. Glamping tents 95% installed – some compliance and quality issues being addressed with contractor. Potable water treatment plant has been completed with minor follow up works to be confirmed (connection to glamping tents). Sewer treatment plant partially completed – awaiting Departmental approval (Completion date to be confirmed). Tenders for solar power plant awarded. GEM liaising with Ergon to approve proposal. Installation currently scheduled for August.
Shared Cycleways Gayndah and Mount Perry	-	At risk	At risk	N/A	Received and signed new agreement with TMR for both shared pathways. Tender for Mount Perry shared cycleway advertised, closing 12/7. Landscape designer quotes received and preferred consultant appointed for Gayndah shared pathway landscape design.
Percy Hindmarsh Bridge	Dec 2019	At risk	At risk	N/A	Variation to extend delivery of project to 30/12 approved. Preliminary earthworks mostly completed by 30 June – QRA funded. Tenders evaluated and report to General Meeting 17/7 to award contract.
Solar Installations	-	On track	On track	On track	Installations at RM Williams Australian Bush Learning Centre, Mundubbera swimming pool, Mundubbera wastewater treatment plant and Gayndah administration centre Biggenden Caravan Park, Raw Water Pump-Cravenstown, Biggenden Office, Mundubbera library, Monto depot, Paradise Dam and Biggenden WTP completed. Some minor works, testing, and 'as constructed' drawings to be completed.
Mundubbera Sewerage Treatment Plant	June 2019	On track	On track	On track	Construction of ponds completed. Installation of pipework and valves completed.
Mundubbera Waste Management Facility Upgrade	-	On track	On track	On track	Weighbridge, road access, gatehouse, drainage, recovery shed, tip shop and parking area completed.

Notes:

1) Based on extension for project approved by DSDMIP in November 2018.

Parent Project	LTD	LTD (incl Commitments)	Total Project Budget
Grand Total	**1,537,930**	**3,467,443**	**6,520,353**
0160-3186 - Other Structures Assets Clearing | Walkways - Gayndah	34,960	34,960	470,000
0160-5182 - Mingo Crossing Enhancement Project	1,535,462	1,594,305	2,545,640
0162-5700 - W4Q2 NBRC Solar Project	402,065	492,006	491,500
0240-4009 - Percy Hindmarsh Bridge Replace	309,816	323,194	1,948,825
0272-6183 - Sewer Assets Clearing | Mun Sew - Lagoon Repairs	573,842	573,842	600,000
0160-8181 - Other Structures Assets Clearing | Landfill Mund Transfer Station	422,018	449,135	464,388

RECOMMENDATION

That the Finance Report for month ended 30 June 2019 be adopted.

9.5 ATTENDANCE AT WORKSHOP: CAMPERVAN AND MOTORHOME CLUB OF AUSTRALIA (CMCA)

Doc Id: **941198**

Author: **Christopher Joosen, Governance Project Officer**

Authoriser: **Gary Rinehart, Chief Executive Officer**

Attachments: **Nil**

INTRODUCTION/BACKGROUND

The Campervan and Motorhome Club of Australia is holding a "RV Road tourism Forum" on Monday 12 August 2019 in Brisbane.

The RV Road Tourism Forum has been designed to provide policy makers, industry bodies and tourism professionals with a critical briefing on the state of this sector, trends in RV travel, sustainability initiatives and importantly ways to maximise the benefits of this sector.

The Agenda contains case studies and presentations on "CMCA Initiatives and Potential in Queensland" by the Mayors of both Rockhampton and Bundaberg Regional Councils. It also considers other developments in the industry which would reasonably inform Councils tourism and economic development initiatives.

OFFICER COMMENTS/CONCLUSION

Council representatives have attended similar forums previously and consider them beneficial. There is no registration cost to attend the forum.

RECOMMENDATION

That Council endorse Councillor Paul Lobegeier to attend the Caravan and Motorhomes Forum in Brisbane on 12 August 2019.

9.6 REGIONAL TOURISM SIGNAGE

Doc Id: **941245**

Author: **Christopher Joosen, Governance Project Officer**

Authoriser: **Gary Rinehart, Chief Executive Officer**

Attachments: **Nil**

INTRODUCTION/BACKGROUND

Two (2) Signs has recently been placed on Australian Country Way (ACW) road entries to the region that reads "*Welcome to* Bundaberg North Burnett *Naturally Beautiful".* A Council representative at the meeting of the 'Drive Inland Promotions Association" advised the signs were discussed at their meeting held on 11 July 2019. There is a view that the signs are confusing as they contain the name of the "Bundaberg North Burnett", and the lack of differentiation could lead to confusion.

I understand that Council shares this view and would like to have the signs varied, so that they were to read "Welcome to North Burnett". It is pointed out that the signs are erected on the ACW and that the Bundaberg Regional Council area does not include any of this internal road way.

OFFICER COMMENTS/CONCLUSION

Nil

RECOMMENDATION

That Council resolve to advise

1. The Department of Transport and Main Roads that it considers the signs may lead to confusion and that they would benefit by deleting the reference to Bundaberg.

2. The Drive Inland Promotions Association (DIPA) of its concerns and ask that the also make representations to the Department of Transport and Main Roads regarding amending the wording on the signs.

10 STRATEGY, INNOVATION AND ASSETS

10.1 UNAMED ROAD RESERVE - DALLARNIL

Doc Id: 933599

Author: Haille Pailthorpe, Administration Officer - Assets

Authoriser: Justin Kronk, Asset Services Manager

Attachments:
1. 222 Naming of Streets.pdf []
2. Unamed Rd Reserve Glossop Rd Dallarnil.docx []
3. Rate payer request Unamed Rd Glossops Rd.docx []
4. Dallarnil History.docx [933633]

INTRODUCTION/BACKGROUND

Currently there is an unnamed road reserve in the township of Dallarnil. Council has received a request for this road/road reserve to be named, formed and maintained to allow for a rural address number to be allocated and easier access to the property located on this road reserve.

To facilitate a response to the request it is proposed that a road name is assigned to the unnamed reserve to allow for a rural address numbers to be generated. Council can also consider whether to add this to Council's Road register. Currently this would be approximately 800m of road.

CORPORATE/OPERATIONAL PLAN

5.2 Asset Management

5.2.2 Ensure that the assets maintained and constructed are appropriate to the current and future needs of the region.

POLICY IMPLICATIONS

General Policy 222. Naming of Streets – The officer recommendation is in accordance with this policy.

General Policy 257. Rural Addressing – The officer recommendation is in accordance with this policy.

STATUTORY REQUIREMENTS

Local Government Regulation 2012 Chapter 4 Part 13 Section 154

Local Government Regulation 2012 Chapter 5 Part 3 Section 180

Australian/New Zealand Standard- Rural and Urban addressing – Section 4.2.3 Unformed Roads

FINANCIAL REQUIREMENTS

There are 2 levels of financial implication from this report.

Firstly the cost of the road name signs as well as staff time to undertake further consultation to impacted residents is expected to be approximately $1,000.

RISK MANAGEMENT

As outlined in the North Burnett Risk Assessment Tool.

Reputational Risk – Moderate. Council has received contact from a resident outlining the impact of not having a road name and property address. By not responding to these concerns could cause significant further complaints and adverse publicity.

Property and Infrastructure – Minor. The naming of this portion of road with inclusion onto the Road register could have a moderate impact on the maintenance of the road infrastructure involved.

CONSULTATION

Consultation has taken place within Councils Asset Management, Corporate Services as well as Civil Works Teams and Councillor with history of request.

RECOMMENDATION

That Council receive the report and resolve to name the road reserve Railway Road but not add this portion to the road register for maintenance purposes.

General Policy

Policy Title:	**Naming of Streets**
Policy No:	222
Directorate:	Engineering & Environmental Services
Responsible Officer:	Manager – Technical Services
Adopted Date:	Policy & Planning Standing Committee Meeting – 06/10/2015
Review Date:	06/10/2017

VERSION	MEETING APPROVED	MEETING DATE	HISTORY
1	Policy & Strategy Meeting	02/08/2011	Biennial Review
2	Policy and Planning	06/10/2015	Biennial Review

Authorities: *Local Government Act 2009*

INTRODUCTION:

Council is the authority responsible for the naming and renaming of roads, streets, parks, bridges and other places within the North Burnett Regional Council area and within these guidelines.

OBJECTIVES:

The objective of this policy is to detail Council's criteria in relation to the naming of streets and roads with the North Burnett Regional Council area in accordance with the *Local Government Act 2009, section 901* and the relevant Local Law.

PRINCIPLES:

Council's naming authority refers to any road under the control of Council including public gazetted roads or a road that is to be gazetted to Council by way of a subdivision of land and excludes Crown public roads and any roads under the control of any State Government authority.

Some existing road names within the North Burnett Regional Local Government Area do not comply with this policy. Generally, these will only be changed if there are compelling reasons (e.g. confusion with a similar name). The names of existing roads are recorded in Council's Road Register as at the date of this policy.

SCOPE:

1. Uniqueness

- Name duplication within the same locality (Suburb) should be avoided;
- Name duplication within the same postcode area should be avoided;
- Name duplication within the local government area should be avoided;
- Road names should not be duplicated, even if the street type is different (e.g. there should be no other road named Arthur, even if called Arthur Court or Arthur Place);
- Roads crossing into an adjoining Local Authority Area or State Development Area should have a single unique name.

2. Sources

Preferred sources of names include:

- Indigenous names of local fauna, flora and features;
- Early local settlers, pioneers, explorers, inventors or other local eminent persons;
- War / casualty lists;
- Theme based naming (eg ships, bushrangers);
- Local landmarks or site specific features;
- Thematic names such as flora, fauna.

Names should be appropriate to the physical, historical or cultural character of the area. Large subdivisions with multiple streets should use an overall theme for naming streets. The origin of each name should be clearly stated and subsequently recorded. The Council gives preference to names, which reflect the historical significance of the site.

It should be noted that some sites already have designated themes. Existing themes should be respected and continued wherever possible. For example:

Biggenden	Royal family members (in the older part of Biggenden) and significant people in the history of the area (in the newer part of Biggenden). (Listed in the approved names register)
Eidsvold	Streets and Roads named after pioneering families, explorers and historical figures
Gayndah	Streets and Roads named after pioneering families and historical figures
Monto	Naming of streets to the east of the railway line after scientists and streets to the west of the railway line after explorers.
Mount Perry	Street naming was selected from the list of Shire Chairmen and Mayors. When that list was exhausted the naming progressed to the list from the Australia Day Citizens Awards. All roads are named after properties.
Mundubbera	Pioneering families, explorers, historical figures or the Royality

(Listed in the approved names register)

SCOPE (continued):

The local indigenous community group should be consulted when choosing indigenous names unless an agreed list has already been supplied to Council. The English meaning of the name will be supplied for reference purposes.

The use of a specific persons names may be used in recognition of the individual/ family. The individual/family name will only be used if several of the following are met:

- The evidence supplied shows history of the individual / family within the region;
- The evidence demonstrates that the individual / family made significant contributions to the community; or
- Was of national prominence.

Applications for individual / family names to be considered for inclusion in Councils approved names register should be made in writing to the CEO and include supporting documentation to meet the above requirements.

Evidence can include things like newspaper clippings, public notices, funeral notices, articles from industry newsletters.

3. Propriety

Names that are able to be characterised into one of the following will be avoided:

- Offensive or likely to give offence;
- Inappropriate sounding when pronounced;
- Considered as a commercial or company name; and
- Deemed to be incongruous – out of place;

4. Communication

- Names are to be easily read, spelt and pronounced in order to assist emergency services, service providers and the public.
- Unduly long names and names composed of more than one word should be avoided;
- Surnames / Family names are to be used except where it is necessary to identify an individual to avoid ambiguity by using their given name. The use of given names is to be generally avoided;
- Relationship between the length and name of road in order to assist with mapping constraints short roads should have short names.
- Whilst names should only have one word, it is recognised that some will require more that one word because of their geographic relationship e.g. Gladstone Monto Road; and
- Roads with double destination names are to be progressively renamed.

SCOPE (continued):

5. Spelling

- Where it is intended that a road should have the same name as a place or feature with an approved geographical name, then particular care should be taken to ensure that the correct spelling is adopted.
- Place names shown on Natural Resources & Mines topographic maps are approved names or in exceptional circumstances where the name has been changed subsequent to the publication of the map. The Queensland State Government gazetted "Place Names" register should be referred to in other instances.
- Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original form, i.e. spelling which is sanctioned by general usage should be adopted.
- Generally road names proposed or approved should not contain abbreviations. For example the "Mount" in "Mount Perry Road" must not be abbreviated to Mt Perry Road. There is however, one exception - "ST" (Capitalised) should always be used in place of "Saint".
- Street types to be abbreviated as listed in the Australian Standards AS4590-2006.

6. Form

- The apostrophe mark ' must be omitted in the possessive case e.g. "Smith's Road" should be "Smiths Road"; and
- The use of hyphens should be avoided.

7. Road Type

Proposals for road names are to include an appropriate road type suffix. The road type selected should be representative of the physical form of the road to assist with motorists and pedestrians.

- Crescent – geometrically a crescent or half moon, rejoining the road from which it starts;
- Esplanade – a wide, open and level area often along a water front or leading to a specific feature;
- Cul-de-sac – use of types such as Place, Close and Court that have connotations of no through roads are to be used. There maybe exceptions where changes to the design have occurred since the original name was approved;
- Lane – should only be used on short narrow roads;
- Terrace – should be used where the road acts like a terrace; and
- Entrance – should only be used on short connection roads which form an "entrance" to a subdivision off a main collector road;

The following is a list of preferred road types to be used:

Avenue	Drive	Street
Boulevard	Esplanade	Terrace
Close	Lane	Way
Court	Place	
Crescent	Road	

SCOPE (continued):

Alternatives listed in Australian Standards AS 1742.5-1997 maybe used but are not preferred and Council at its discretion may not approve the use of them.

8. Private Developments

Property Developers who wish to name the newly created roads in their development should first refer to Councils unreserved names within Councils "approved street & place names list" for appropriate names in the first instance. If there are not enough names of the theme available, or there are none suitable then the Developer must give consideration to the following:

- The proposed name must comply with the provisions of this policy;
- For all proposed new roads, the Developer shall obtain written approval from Council for the names. This will normally form part of the information request, such that conditions can be set to specify the requirements of each road in the development. Road names shall be approved prior to applying for Survey Plan sealing, the approved road/street name is to be shown on the survey plan. An application for road names must provide at least three (3) alternatives for each road.
- The developer is required to supply the road sign and maintain the street sign until Council accepts maintenance of the road as a public road.
- Provide written documentation on the rational behind the theme being proposed;
- For developments that create new driveways/accesses that are not to be made public (i.e. dedicated to crown under Council control) such as those developments created under the Body Corporate and Community Management Act 1997 then the naming of these driveways is not mandatory. However, if there are internal roads that the Developer wishes to name the provisions of this policy will apply to avoid confusion resulting from duplication of public roads/streets and private driveway/access ways.
- The positioning of the sign is critical to avoid unnecessary confusion to the public. Council will advise the developer of the appropriate location.

NORTH BURNETT REGIONAL COUNCIL	While every care is taken to ensure the accuracy of this data, the North Burnett Regional Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibilities and all liabilities (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you may incur as a result of the data being inaccurate of incomplete in anyway and for any reason.		21/05/2019 1:6119	N

[redacted]

To Whom It May Concern,

As per telephone conversations with [redacted] and [redacted] late in 2018, we request that an unnamed road off Glossips Road be included on North Burnett Regional Council road register. We ask that the road be properly formed and maintained. We also request that property L132 CK30 Parish of Dallarnil, be given a road number.

We make these requests in regard to access, safety and bio-security.

Access to our property is at best, four wheel drive and regularly changing tyres due to sharp rocks. After rain, it is not unusual to have to walk in to our property to get our tractor to pull our ute out of the mud.

Whilst our work place health and safety practices are paramount in everything we do, accidents do happen. We have intermittent mobile phone reception and having to give long convoluted directions to 000, added to poor access, could be the difference between life and death.

Since the property that this unnamed road goes through changed owners, every weed known now grows there. We realize some of these weeds are not classed as noxious, however they cause cattle to avoid areas where they grow and make life very difficult for working dogs. Forming of the road would mean we no longer have to drive through such weeds.

The issues we have raised cause us undue economical, physical and emotional stress. The road we refer to is approximately 800 meters long. We have faithfully and promptly paid our rates for fourteen years. Although we do not live at our property, one, or both of us go there at least twice every week to prepare and feed stud cattle for sales. I am sure the reader will appreciate how difficult and time consuming it is for a lady to change a four wheel drive tyre. How unfair it is that we have to carry weed poison, mattock and bag, so we don't drive through weeds before we get to our property. Furthermore, how frustrating it is when 50mm of rain is enough to stop access. I am sure the reader will also appreciate how difficult it is for trucks to access the property. Truck drivers are faced with the further complication of rocks getting jammed in the dual wheels. Due to the issues we have raised we cannot conceivably consider putting a residents on this property.

We feel that reasonable access is a small thing to ask and thank you for your time and consideration.

We look forward to a written response.

Regards

[redacted]

Dallarnil

From Wikipedia, the free encyclopedia

Dallarnil is a town and a locality in the North Burnett Region, Queensland, Australia.[1][2]

History [edit]

The town takes its name from the railway station name, assigned by the Queensland Railways Department on 2 September 1911. The railway station name was derived from the name of a pastoral run name, and is a corruption of an Aboriginal word, "*conalaman*" meaning *big hill*.[1]

In October 1912, 20 allotments of the Dallarnil Township were advertised to be auctioned by Charles White of Biggenden. A map advertising the auction states the allotments were immediately opposite the railway station with the railway line to terminus nearing completion.[3][4]

10.2 CHANGE APPLICATION TO DA 175-14: MATERIAL CHANGE OF USE FOR LOW IMPACT INDUSTRY (EARTHMOVING CONTRACTOR'S DEPOT) AT 16316 BURNETT HIGHWAY, GAYNDAH (DESCRIBED AS LOT 16 ON BN37491)

Doc Id: **938748**

Author: **Sue-Ann Jensen, Administration Officer**

Authoriser: **Justin Kronk, Acting General Manager Strategy, Innovation and Assets**

Attachments:
1. **Draft decision notice with conditions [938736]**
2. **Draft statement of reasons [938771]**

INTRODUCTION/BACKGROUND

Applicant: **Trevor Taylor Earthmoving (TTE) Pty Ltd**

Owner: **Troski Pty Limited TTE**

Proposal: **Change Application**

Location: **100 Abbotts Road, GAYNDAH**

DA Number: **259-18**

The applicant, Trevor Taylor Earthmoving (TTE) Pty Ltd, seeks to make a change to DA 175-14: *Material change of use for Low impact industry (Earthmoving contractor's depot)* at 16316 Burnett Highway, Gayndah (described as Lot 16 on BN37491). DA 175-14 was approved by Council on 16 February 2015. It approved extensions to an existing machinery shed, and new ancillary external stockpiling areas for materials associated with the business.

TTE have recently obtained approval for an Extractive industry—Extraction of riverine quarry material from the Burnett River adjacent to Lot 26 on BN37525 and Lot 18 on SP257829 (DA 139-18). This change application seeks to allow this riverine quarry material to be screened and processed on-site at the depot.

Haulage & screening

Unprocessed material extracted from the Burnett River would be transported to the site by semi-trailers and body truck and dogs. The principal haulage route would be Boyd Road—Boyd Street—Dalgangal Road—Burnett Highway—TTE depot. Between 50-100 truck movements per year are anticipated.

Other approvals

Screening 5,000t or more of material in a year is an environmentally relevant activity under Schedule 2, Part 4, Section 16 of the *Environmental Protection Regulation 2008*. The existing development permit DA 139-18 limits extraction of up to 999t per year of material from the Burnett River and as such would not reach the ERA threshold.

ASSESSMENT SUMMARY

The site is in the Industry zone and surrounded by lots in the Rural zone—Intensive agricultural precinct. Table 5.5.4 of the Planning Scheme identifies this application as Impact Assessment. Impact assessable applications are assessed against the entire Planning Scheme, to the extent relevant, and any assessment benchmarks identified in Section 30 of the *Planning Regulation 2017*.

The application has been assessed against the following assessment benchmarks as these are most appropriate for Council's determination—

1. Strategic framework;
2. Industry zone code;
3. Extractive industry code;

4. Infrastructure and operational work code;

5. Infrastructure overlay code;

6. Natural features or resources overlays code.

The proposal complies with the relevant performance outcomes of the assessment benchmarks. A full and detailed assessment report against the assessment benchmarks is provided in the attached Statement of reasons.

CORPORATE/OPERATIONAL PLAN

Although not directly part of the assessment benchmarks, the proposal, together with recommended conditions, would be consistent with the following sections—

4.4 Land use

4.6 Natural Resource Management

POLICY IMPLICATIONS

Nil

STATUTORY REQUIREMENTS

Council must assess and determine the application in accordance with the requirements of the *Planning Act 2016* (in particular Chapter 3, Part 3—Assessing and deciding development applications and Chapter 3, Part 5, Division 2—Changing development approvals). The *Planning Regulation 2017* requires the Council to have regard to any properly made submission and any other submission it has accepted.

Section 83 of the *Planning Act 2016* requires the assessment manager to publish a notice about the decision, including its reasons, on its website.

FINANCIAL REQUIREMENTS

Nil

RISK MANAGEMENT

In accordance with Council's Risk Management Plan and Risk Management Procedure – Policy 213. The recommended course of action considers and balances the risks associated with potential adverse environment effects, the need to protect the environment, consideration for neighbours, the existing use of the site, and broader community interests.

CONSULTATION

The application was publicly notified and no submissions were received. The applicant was required to place a notice on two publicly accessible road frontages of the site, but a notice was only placed on one frontage. Section 53(3) of the Planning Act 2016 allows Council to assess and decide a development application even if some of the requirements about the notice have not been complied with, if Council considers any non-compliance has not—

(a) "adversely affected the public's awareness of the existence and nature of the application; or

(b) restricted the public's opportunity to make properly made submissions about the application".

The site is a corner lot and the notice was placed at the intersection of the Bruce Highway and Abbotts Road. The notice would therefore have been visible to all motorists. Furthermore, Council directly contacted the owners of lots along Abbotts Road to confirm they were aware of the application and if they had any objections. In this instance, the non-compliance would not have adversely affected the public's awareness of the existence and nature of the application.

The Department of State Development, Manufacturing, Infrastructure and Planning, as referral agency, support approval of the application subject to reasonable and relevant conditions being included in any development permit.

Council's Technical Services Department and Environment Department support approval of the application subject to reasonable and relevant conditions being included in any development permit

RECOMMENDATION

1. That Council, 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.
2. That Council give the applicant and referral agency the decision notice within five days of deciding the application.
3. That Council publish the Notice of decision, including the Statement of reasons, on its website.

NORTH BURNETT REGIONAL COUNCIL

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Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: northburnett.qld.gov.au
ABN: 23 439 388 197

17 July 2019

Our Reference: GAY 259-18

Trevor Taylor Earthmoving Pty Ltd
3 Les Baker Street
GAYNDAH QLD 4625
via email: tte@datawave.net.au

Change to an Existing Approval

Dear Tracy,

RE: CHANGE APPLICATION (OTHER)—MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (SCREENING SAND) AT 16316 BURNETT HIGHWAY, GAYNDAH ON LAND DESCRIBED AS LOT 16 ON BN37491

Thank you for your request under section 78 of the *Planning Act 2016* to make a change to the existing approval 175-14, decided by Council on 16 February 2015. On 17 July 2019, Council decided to approve your requested changes. Please find attached the amended Decision Notice. This replaces the previous development approval issued.

Sections 71 and 72 of the Planning Act 2016 identifies when a development approval has effect and the development may start. In summary, a development approval generally has immediate effect, except when—

- if there is an appeal, after the appeal has ended;
- if there is no appeal but there was a submitter, all submitters have notified the Council that they will not appeal the decision, or when the last appeal period ends.

Section 22.2 of the DA Rules requires Council to give a copy of the Decision Notice to submitters within 5 days of—

- the applicant notifying the Council that it does not intend to make change representations; or
- the applicant giving notice of its appeal; or
- the applicant's appeal period ending (the applicant has 20 business days to start an appeal).

Submitters may start an appeal within 20 business days of being notified of the Council's decision.

Please quote Council's application number: GAY 259-18 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact Council's Development Services team on 1300 696 272.

Yours sincerely,

Gary Rinehart
Chief Executive Officer

NORTH BURNETT REGIONAL COUNCIL

Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: northburnett.qld.gov.au
ABN: 23 439 388 197

Amended Decision notice — change application (other)

(Given under section 83 of the Planning Act 2016)

Thank you for request under section 78 of the *Planning Act 2016*, received by the North Burnett Regional Council on 5 December 2018, to make a change to existing approval 175-14. The North Burnett Regional Council has assessed your application and decided it as follows:

Location details

Street address:	16316 Burnett Highway GAYNDAH QLD 4625
Real property description:	Lot 16 on BN37491

Details of original approval

Application for:	Material change of use—Low impact industry (Extension to machinery shed)
Date of approval:	13 November 2014
Application number:	175-14

Details of proposed development

Application for:	Change application (other)—Material change of use—Extractive industry (screening sand)
Application number:	259-18

Decision for change application

Date of decision:	17 July 2019
Decision details:	Approved with conditions. These amendments are set out in Schedule 1. Changes approved are in **bold black** text.

The changes agreed to are:

- Update the approved plans in attachment 3 of the decision notice;
- Amend Conditions 1, 9, 10, 12 and 14;
- Include new Conditions 1a, 1b, 10a, 10b, 10c, 14a, 15, 16, 17 and 18; and
- Delete some of the Advice Notes.

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions is included in Attachment 2.

NORTH BURNETT REGIONAL COUNCIL

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Web: northburnett.qld.gov.au
ABN: 23 439 388 197

Schedule 1 – Decision notice incorporating changes

Sustainable Planning Act 2009 s.335

1. Applicant details

Name:	Trevor Taylor Earthmoving Pty Ltd
Postal Address:	3 Les Baker Street GAYNDAH QLD 4625
Email:	tte@datawave.net.au

2. Location details

Street address:	16316 Burnett Highway GAYNDAH QLD 4625
Real property description:	Lot 16 on BN37491

3. Decision

Application number:	259-18
Date of decision:	17 July 2019
Decision details:	Approved in full subject to conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

4. Details of proposed development

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval – Material change of use		☒	☐

5. Approved plans

Copies of the following plans are enclosed in Attachment 3.

Drawing title	Prepared by	Date	Reference no.
Locality Plan (Page 1 of 3 – Revision No.3)	John Poulsen Building Design	13/2/15	PD1891
Site Plan—Detailed (Page 2 of 3 – Revision No.3)		13/2/15	PD1891
Floor Plan (Page 3 of 3 – Revision No.3)		13/2/15	PD1891

Elevations		11/9/14	PD1891
Site plan with proposed screening location/s in relation to lot boundaries and existing	**Trevor Taylor Earthmoving Pty Ltd**	**8/11/18**	**N/A**

6. Referral agencies

The referral agencies for this application are—

Name of referral agency	For an application involving
Department of State Development, Manufacturing, Infrastructure and Planning State Assessment and Referral Agency (SARA) *E:* WBBSARA@dsdmip.qld.gov.au *P:* PO Box 979 Bundaberg QLD 4670	State transport infrastructure generally—Schedule 10, Part 9, Division 4, Subdivision 2 of the *Planning Regulation 2017.*

7. Conditions

This approval is subject to the conditions in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

8. Further development permits

The following development permits are required to be obtained before the development can be carried out:

- Building work
- Operational work

9. Properly made submissions

No properly made submissions were received.

10. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

(1) A part of a development approval lapses at the end of the following period (the ***currency period***)—

(a) for any part of the development approval relating to a material change of use—if the first change of use does not happen within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—6 years after the approval starts to have effect;

(b) for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—4 years after the approval starts to have effect;

(c) for any other part of the development approval—if the development does not substantially start within—

(i) the period stated for that part of the approval; or

(ii) if no period is stated—2 years after the approval starts to take effect.

11. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016.* For particular applications,

there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions is included in Attachment 2.

Should you require any further assistance in process, please contact Council's Development Services Department on 1300 696 272.

Yours faithfully

Gary Rinehart
Chief Executive Officer

Enc: Attachment 1
Part A - Conditions imposed by the assessment manager
Part B - Conditions imposed by the referral agency
Attachment 2 - Appeal rights
Attachment 3 - Approved plans

NORTH BURNETT REGIONAL COUNCIL

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ATTACHMENT 1

PART A—CONDITIONS OF APPROVAL

Conditions imposed by the assessment manager

General

1. The subject site is to be developed in accordance with **approved plans identified in attachment 3 "Approved plans" of the decision notice approval** except where amended in accordance with conditions of this approval.

1a. Where there is any conflict between conditions of this Decision Notice and details shown on the approved plans, these conditions prevail.

1b. Comply with all the conditions of this Decision Notice prior to the commencement of use and maintain compliance whilst the use continues.

2. The relocation or installation of any infrastructure or services required as a result of this approval, including these conditions, is to be carried out at no cost to Council.

3. Limit the placement or stockpiling of material to the areas, height, and scale as shown on the approved drawings.

4. Protect all stored or stockpiled material from being transported from the site via stormwater or wind.

5. Locate or treat refuse storage areas in a way as to screen them from adjacent roads.

6. The vertical Illumination resulting from direct or indirect light from the premises is to be eight (8) lux or less when measured at ground level at any point 1.5 metres outside the site.

7. The use must not operate outside the hours of 5:00am and 9:00pm Monday to Sunday.

Effluent disposal

8. Provide an on-site waste water treatment system that complies with the *Plumbing and Drainage Act 2002*.

Stormwater

9. Stormwater design and construction is to be in accordance with **North Burnett Regional Planning Scheme Policy** *SC6.2 Design and construction standards for non-trunk infrastructure works*.

10. Design and construct all works to meet the stormwater management design objectives included in *Table 9.4.**6**—Construction phase: stormwater management design objectives* **of the Infrastructure and Operational Work Code of the North Burnett Regional Planning Scheme**.

10a. Do not release contaminants to waters. This includes, but is not limited to, river, natural watercourse, bed and bank of any waters, non-tidal or tidal waters, stormwater run-off, groundwater.

10b. Divert clean stormwater runoff around the screening area and away from areas where it may become contaminated by the proposed use. Direct stormwater runoff from the proposed

screening area to a suitably sized sedimentation pond, or similar, to allow sediment to settle before the water is discharged to the environment.

10c. Implement and maintain erosion and sediment control measures to minimise erosion and the release of sediment.

Parking, access and movement

11. Vehicle access between the local government road network and the ingress and egress points of the site is to meet the standards stated in the North Burnett Regional Planning Scheme Policy *SC6.2 Design and construction standards for non-trunk infrastructure*.

12. Provide 13 **on-site** car parking spaces and the associated manoeuvring areas generally in accordance with the approved plans.

13. Develop all vehicle-parking areas on the site in accordance with *AS2890.1 Parking facilities–Off-street car parking* (excepting for sections 4.3 and 4.4 and Appendix C).

14a. Align the site access driveway onto Abbotts Rd so that it is perpendicular to Abbotts Road. Design and construct the access point in accordance with the "Infrastructure Design Manual Standards Manual" Standard Drawing No SD 255. (http://www.designmanual.com.au/download-idm) Where there is no existing table drain, the pipe under the access shown on the drawing is not required.

Extractive industry use

14. The use must not screen 5,000t or more of material per annum.

15. Restrict all on-site activity associated with the extractive industry (screening sand), including operation of plant and equipment, , from 7am to 5pm on business days and from 7am to 12pm on Saturdays. Do not undertake activities on Sunday or public holidays.

16. Display warning signs on-site to inform the public of hours of operation and safety hazards associated with the extractive industry (screening sand).

17. Maintain the premises in a neat and tidy state at all times.

Advice to the applicant

- All reasonable and practicable measures must be taken to prevent or minimise environmental nuisance caused by the activity.
- This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

NORTH BURNETT REGIONAL COUNCIL

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ATTACHMENT 1

PART B—CONDITIONS OF APPROVAL

Conditions imposed by the Department of State Development, Manufacturing, Infrastructure & Planning

Intentionally left blank

Please refer to the following pages for conditions imposed by the concurrence agency.

RA6-N

Queensland Government

Department of
State Development, Manufacturing, Infrastructure and Planning

Our reference: 1812-8988 SRA
Your reference: GAY 18-259

1 March 2019

The Chief Executive Officer
North Burnett Regional Council
PO Box 390
GAYNDAH QLD 4625
admin@northburnett.qld.gov.au

Dear Mr Rinehart

Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 18 December 2018.

Applicant details

Applicant name:	Mrs Tracy Taylor
Applicant contact details:	3 Les Baker Street Gayndah QLD 4625 tte@datawave.net.au

Location details

Street address:	100 Abbotts Road, Gayndah
Real property description:	Lot 16 on BN37491
Local government area:	North Burnett Regional Council

Application details

Development permit	Material change of use (change other than a minor change) for low impact industry and extractive industry (sand screening)

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Wide Bay Burnett regional office
Level 1, 7 Takalvan Street, Bundaberg
PO Box 979, Bundaberg QLD 4670

Conditions
Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions
The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications
The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material Change of Use				
Locality Plan	John Poulsen Building Design	11 September 2014	PD 1891 page 1 of 3	-
Haul Route	Department of Transport and Main Roads	18 February 2019	-	-
Area for on-site screening activities (amended in Red by SARA on 1 March 2019)	-	-	-	-

A copy of this response has been sent to the applicant for their information.

For further information please contact Holly Sorohan, Principal Planner, on 07 4331 5614 or via email WBBSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Luke Lankowski
Manager, Planning

cc Mrs Tracy Taylor, tte@datawave.net.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications
Statement of reasons

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use		
State transport corridor—The chief executive administering the *Planning Act 2016* nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: • Locality Plan, prepared by John Paulsen Building Design, dated 11 Sep 2014, plan number PD 1891 page 1 of 3 • Haul Route, prepared by Department of Transport and Main Roads, dated 18 February 2019. • Area for on-site screening activities (amended in Red by SARA on 1 March 2019)	At all times
2.	Direct access is not permitted between the Burnett Highway and the subject site.	At all times
3.	(a) Road works comprising a rural BAR/BAL standard must be provided at the Burnett Highway/Abbotts Road intersection. (b) The road works must be designed and constructed in accordance with Austroads Guide to Road Design, 2010, section edition, Part 4A: Unsignalised and Signalised intersections: • Figure 7.5: Basic right (BAR) turn treatments on a two-lane rural road • Figure 8.2: Rural basic left-turn treatment (BAL).	Prior to the commencement of use.
4.	Heavy vehicles as defined in the *Transport Operations (Road Use Management) Act 1995* associated with the transportation of material between Boyds Road and the subject site for screening activities are only to use the route identified on Haul Route, prepared by SARA, dated 18 February 2019 as the haul route.	At all times
5.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state controlled road. (b) Any works on the land must not: (i) create any new discharge points for stormwater runoff onto the state controlled road; (ii) reduce the quality of stormwater discharge onto the state controlled road.	At all times

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road. Direct access to the state-controlled road is prohibited where not required.
- To ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards.
- To ensure the development does not compromise the safe and efficient management or operation of state-controlled roads.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.

PROPERTY DESCRIPTION

16316 BURNETT HIGHWAY,
GAYNDAH.
LOT 16 BN 37491
PARISH - TAUGHBOYNE
COUNTY - BOWEN
LOT AREA - 15.92 ha
BUILDING AREAS - 1,230 m²

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 1812-8988 SRA

Date: 1 March 2019

Queensland Government

ADJACENT PROPERTY
RURAL AGRICULTURAL

LOT 14

293.926m 337°02'

ADJACENT PROPERTY
RURAL AGRICULTURAL

LOT 17

NORTH

EXISTING SHED

EXISTING DWELLING

UNNAMED ROAD

393.766m 344°59'

79000

ADJACENT PROPERTY
RURAL AGRICULTURAL

440.859m 252°

LOT 16

No. 16316

EXISTING DRIVEWAY & PARKING

PROPOSED EXTENSIONS

EXISTING SHED

35557

51000

PROPOSED EXTENSIONS

EXISTING
DWELLING

17988

18800

EXISTING SHED

818.15m 308°59'

BURNETT HIGHWAY

ADJACENT PROPERTY
RURAL AGRICULTURAL

11500

EXISTING
DWELLING

ADJACENT PROPERTY
RURAL AGRICULTURAL

ADJACENT PROPERTY
RURAL AGRICULTURAL

ADJACENT PROPERTY
RURAL AGRICULTURAL

LOCALITY PLAN

NOTE: DO NOT SCALE OFF DRAWING

JOHN POULSEN BUILDING DESIGN
Shop 8/54 Bourbong St (Rounds Arcade)
PO Box 2885
BUNDABERG Q 4670
Ph (07) 4154 3443 Fax (07) 4154 3401
Mob 0427 593 682
Email: johnpoulsendesign@bigpond.com
BSA Licence No. 56962

No.	Description	Date

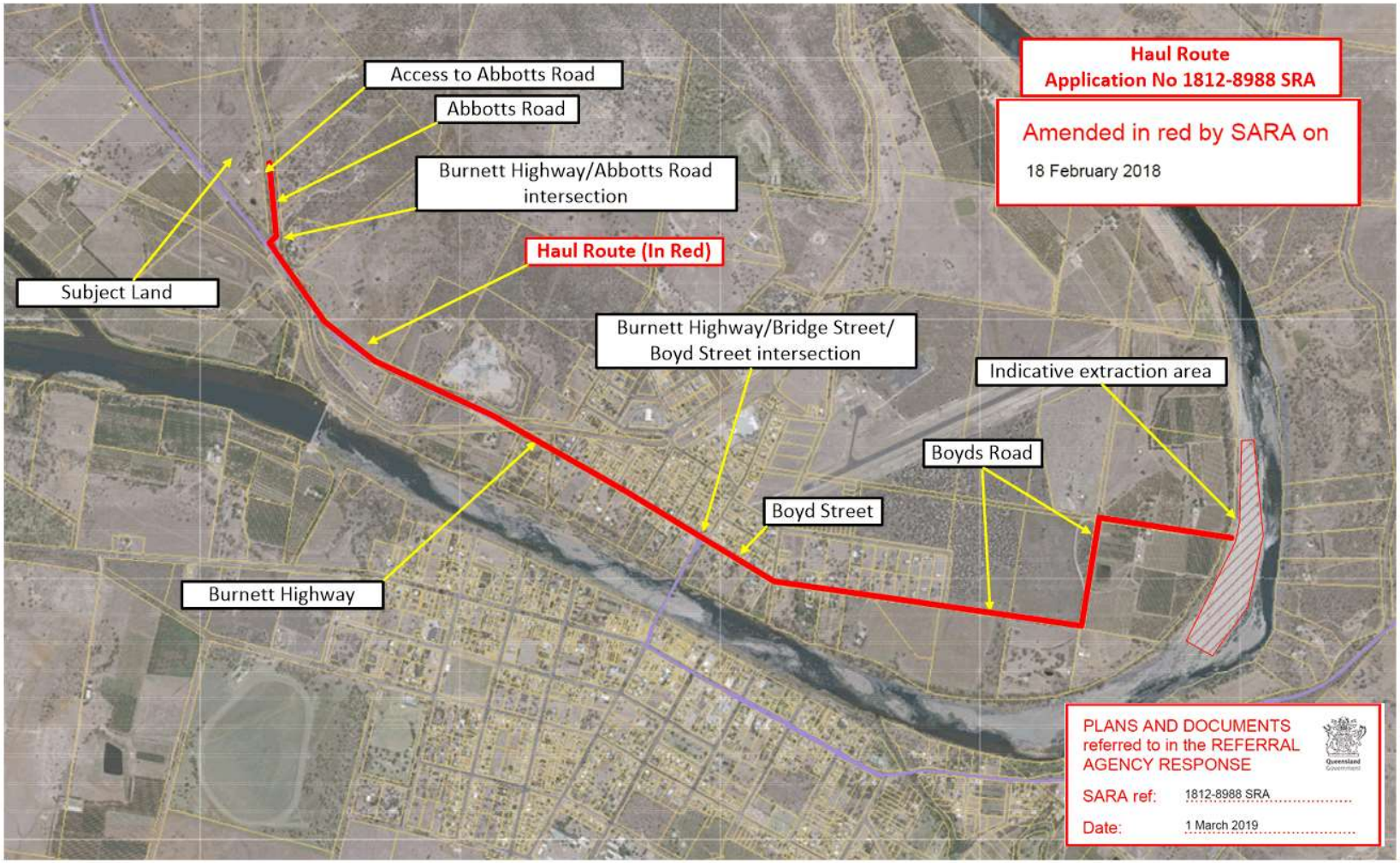
TAYLOR - TR & TL

Proposed Extensions to Workshop Shed

LOCALITY PLAN

Project number	PD 1891	PAGE 1 OF 3	
Date	11 Sep 2014		
Drawn by	NJ Poulsen		
Checked by	NJ Poulsen	SHEET SIZE: A3	Scale 1 : 3000

6/11/2014 1:58:45 PM


Haul Route
Application No 1812-8988 SRA
Amended in red by SARA on
18 February 2018
Access to Abbotts Road
Abbotts Road
Burnett Highway/Abbotts Road intersection
Haul Route (In Red)
Subject Land
Burnett Highway/Bridge Street/ Boyd Street intersection
Indicative extraction area
Boyds Road
Boyd Street
Burnett Highway
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
SARA ref: 1812-8988 SRA
Date: 1 March 2019

Legend

Road crossing

- Bridge
- Tunnel

Road

- Highway
- Main
- Local
- Private

Land parcel

- Parcel

Land parcel label

Railway

Attribution

DigitalGlobe

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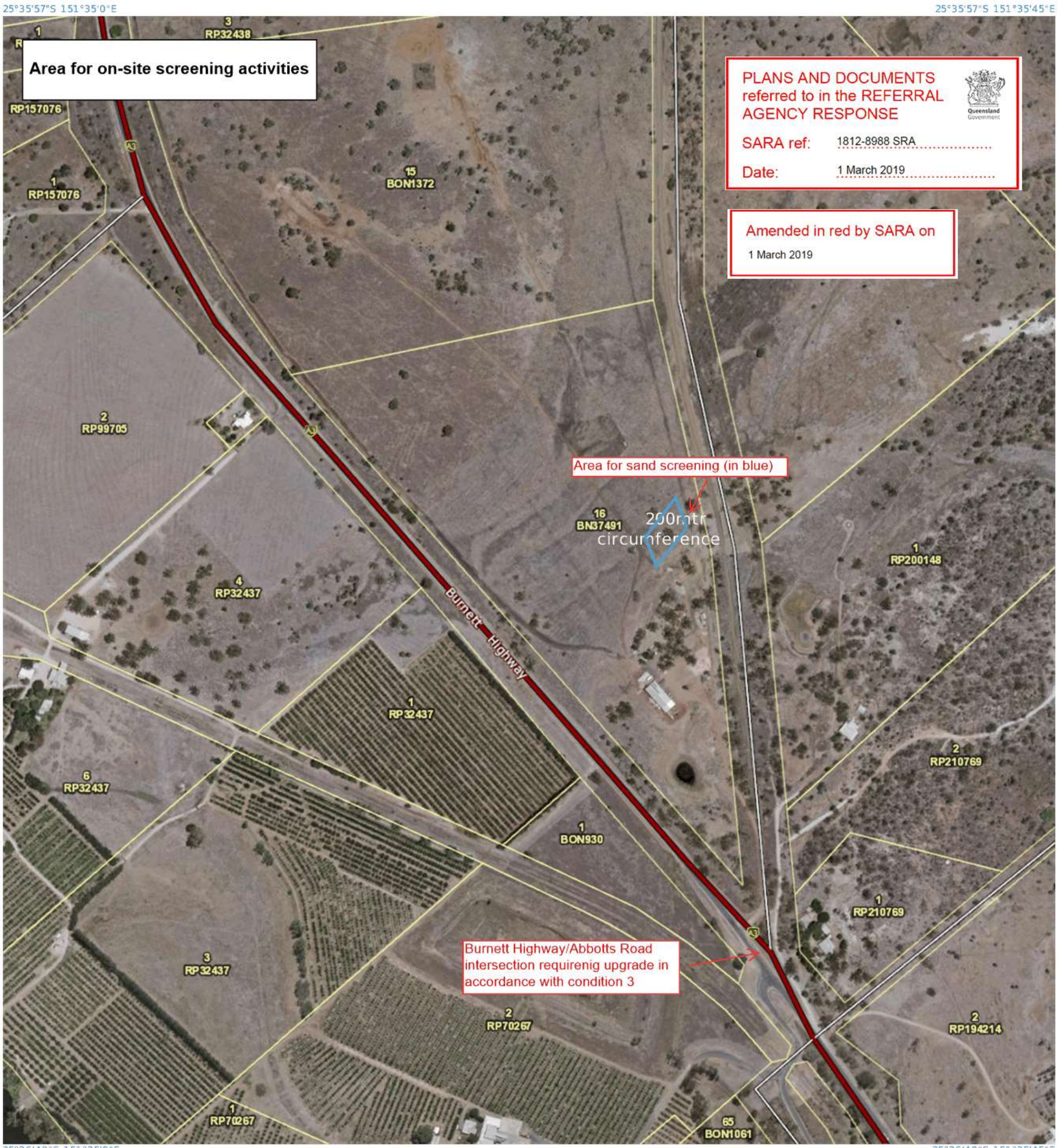
25°35'57"S 151°35'0"E
25°35'57"S 151°35'45"E
Area for on-site screening activities
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
Queensland Government
SARA ref: 1812-8988 SRA
Date: 1 March 2019
Amended in red by SARA on
1 March 2019
Area for sand screening (in blue)
200mtr circumference
Burnett Highway
Burnett Highway/Abbotts Road intersection requirenig upgrade in accordance with condition 3
3 RP32438
1 RP157076
15 BON1372
2 RP99705
16 BN37491
1 RP200148
4 RP32437
1 RP32437
2 RP210769
6 RP32437
1 BON930
1 RP210769
3 RP32437
2 RP70267
2 RP194214
1 RP70267
65 BON1061
25°36'40"S 151°35'0"E
25°36'40"S 151°35'45"E
A product of
Queensland Globe
AUSTRALIA
N
100 metres
Print Date: 18/12/2018
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GE78-N

Queensland Government

Department of
State Development, Manufacturing, Infrastructure and Planning

Department of State Development, Manufacturing, Infrastructure and Planning
Statement of reasons for application 1812-8988 SRA
(Given under section 56 of the *Planning Act 2016*)

Departmental role:	Referral agency

Applicant details

Applicant name:	Mrs Tracy Taylor
Applicant contact details:	3 Les Baker Street Gayndah QLD 4625 tte@datawave.net.au

Location details

Street address:	100 Abbotts Road, Gayndah
Real property description:	Lot 16 on BN37491
Local government area:	North Burnett Regional Council

Development details

Development permit	Material change of use (change other than a minor change) for low impact industry and extractive industry (sand screening)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material Change of Use	State Development Assessment Provisions, version 2.4 – State Code 1: Development is a state controlled road environment

Reasons for the department's decision
The reasons for the decision are:

- The development will gain access to Abbotts Road which is a local road.
- The proposed development is not of a scale that will have wider impacts on the state controlled road network.
- Conditions of approval requiring upgrades to the Burnett Highway/Abbotts Road intersection will ensure the development does not impact the safety or operations conditions of the state controlled road network.

Decision

- The proposed development is for a change other than a minor change to a development approval for material change of use for a low impact industry. The change will add an extractive industry to allow screening of 1000 tonnes of sand per annum taken from the Burnett River to occur onsite.
- The concurrence agency response includes conditions which will ensure the development complies with the requirements of State Code 1.
- The concurrence agency response was issued on 1 March 2019.

Relevant material

Wide Bay Burnett regional office
Level 1, 7 Takalvan Street, Bundaberg
PO Box 979, Bundaberg QLD 4670

- Development application common material
- State Development Assessment Provisions, version 2.4 published by the Department of Infrastructure, Local Government and Planning
- Development Assessment Rules
- *Planning Act 2016*
- Planning Regulation 2017
- *Transport Infrastructure Act 1994*

NORTH BURNETT REGIONAL COUNCIL

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ATTACHMENT 2

PLANNING ACT 2016 EXTRACT ON APPEAL RIGHTS

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—
- (a) matters that may be appealed to—
  - (i) either a tribunal or the P&E Court; or
  - (ii) only a tribunal; or
  - (iii) only the P&E Court; and
- (b) the person—
  - (i) who may appeal a matter (the **appellant**); and
  - (ii) who is a respondent in an appeal of the matter; and
  - (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is—
- (a) for an appeal by a building advisory agency—10 business days after a Decision Notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a Decision Notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note — See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund—
  - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
  - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

(1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- (a) is in the approved form; and
- (b) succinctly states the grounds of the appeal.

(2) The notice of appeal must be accompanied by the required fee.

(3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
- (a) the respondent for the appeal; and
- (b) each co-respondent for the appeal; and
- (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
- (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
- (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

(a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
(b) otherwise—10 business days after the appeal is started.

(5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).

(6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

(7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

(1) Table 1 states the matters that may be appealed to—
(a) the P&E court; or
(b) a tribunal.

(2) However, table 1 applies to a tribunal only if the matter involves—
(a) the refusal, or deemed refusal of a development application, for—
(i) a material change of use for a classified building; or
(ii) operational work associated with building work, a retaining wall, or a tennis court; or
(b) a provision of a development approval for—
(i) a material change of use for a classified building; or
(ii) operational work associated with building work, a retaining wall, or a tennis court; or
(c) if a development permit was applied for—the decision to give a preliminary approval for—
(i) a material change of use for a classified building; or
(ii) operational work associated with building work, a retaining wall, or a tennis court; or
(d) a development condition if—
(i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
(ii) the building is, or is proposed to be, not more than 3 storeys; and
(iii) the proposed development is for not more than 60 sole-occupancy units; or
(e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
(f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
(g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
(h) a decision to give an enforcement notice—
(i) in relation to a matter under paragraphs (a) to (g); or
(ii) under the Plumbing and Drainage Act; or
(i) an infrastructure charges notice; or
(j) the refusal, or deemed refusal, of a conversion application; or
(l) a matter prescribed by regulation.

(3) Also, table 1 does not apply to a tribunal if the matter involves—
(a) for a matter in subsection (2)(a) to (d)—
(i) a development approval for which the development application required impact assessment; and
(ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
(b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

(4) Table 2 states the matters that may be appealed only to the P&E Court.

(5) Table 3 states the matters that may be appealed only to the tribunal.

(6) In each table—
(a) column 1 states the appellant in the appeal; and
(b) column 2 states the respondent in the appeal; and
(c) column 3 states the co-respondent (if any) in the appeal; and
(d) column 4 states the co-respondents by election (if any) in the appeal.

(7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

(8) In this section—
storey see the Building Code, part A1.1.

Extract of Schedule 1 of the Planning Act 2016

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications
For a development application other than an excluded application, an appeal may be made against—
(a) the refusal of all or part of the development application; or
(b) the deemed refusal of the development application; or
(c) a provision of the development approval; or
(d) if a development permit was applied for—the decision to give a preliminary approval.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

2. Change applications
For a change application other than an excluded application, an appeal may be made against—
(a) the responsible entity's decision on the change application; or
(b) a deemed refusal of the change application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application

3. Extension applications
For an extension application other than an extension application called in by the Minister, an appeal may be made against—
(a) the assessment manager's decision on the extension application; or
(b) a deemed refusal of the extension application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager

4. Infrastructure charges notices
An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—
(a) the notice involved an error relating to—
(i) the application of the relevant adopted charge; or
Examples of errors in applying an adopted charge—
- the incorrect application of gross floor area for a non-residential development
- applying an incorrect 'use category', under a regulation, to the development

(ii) the working out of extra demand, for section 120; or
(iii) an offset or refund; or
(b) there was no decision about an offset or refund; or
(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
(d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2 **Appeals to the P&E Court only**			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
2. Eligible submitter appeals For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1. For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
3. Eligible submitter and eligible advice agency appeals For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application	1 For a development application—the assessment manager	1 The applicant 2 If the appeal is about a concurrence agency's referral	Another eligible submitter for the application

2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	2 For a change application—the responsible entity	response—the concurrence agency	
4. Compensation claims An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (b) a deemed refusal of a claim under paragraph (a) or (b).			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) a decision under section 265 about a claim for compensation; or (b) the erection of a building or other structure.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

Table 3
Appeals to a tribunal only

1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval. 2 A private certifier for the development application related to the approval
2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision.	—	—

3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against— (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or (b) a decision under the Plumbing and Drainage Act, part 4 or 5, if an information notice about the decision was given or required to be given under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision.	The person who made the decision	—	—
4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—

NORTH BURNETT REGIONAL COUNCIL

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ATTACHMENT 3

APPROVED DRAWINGS

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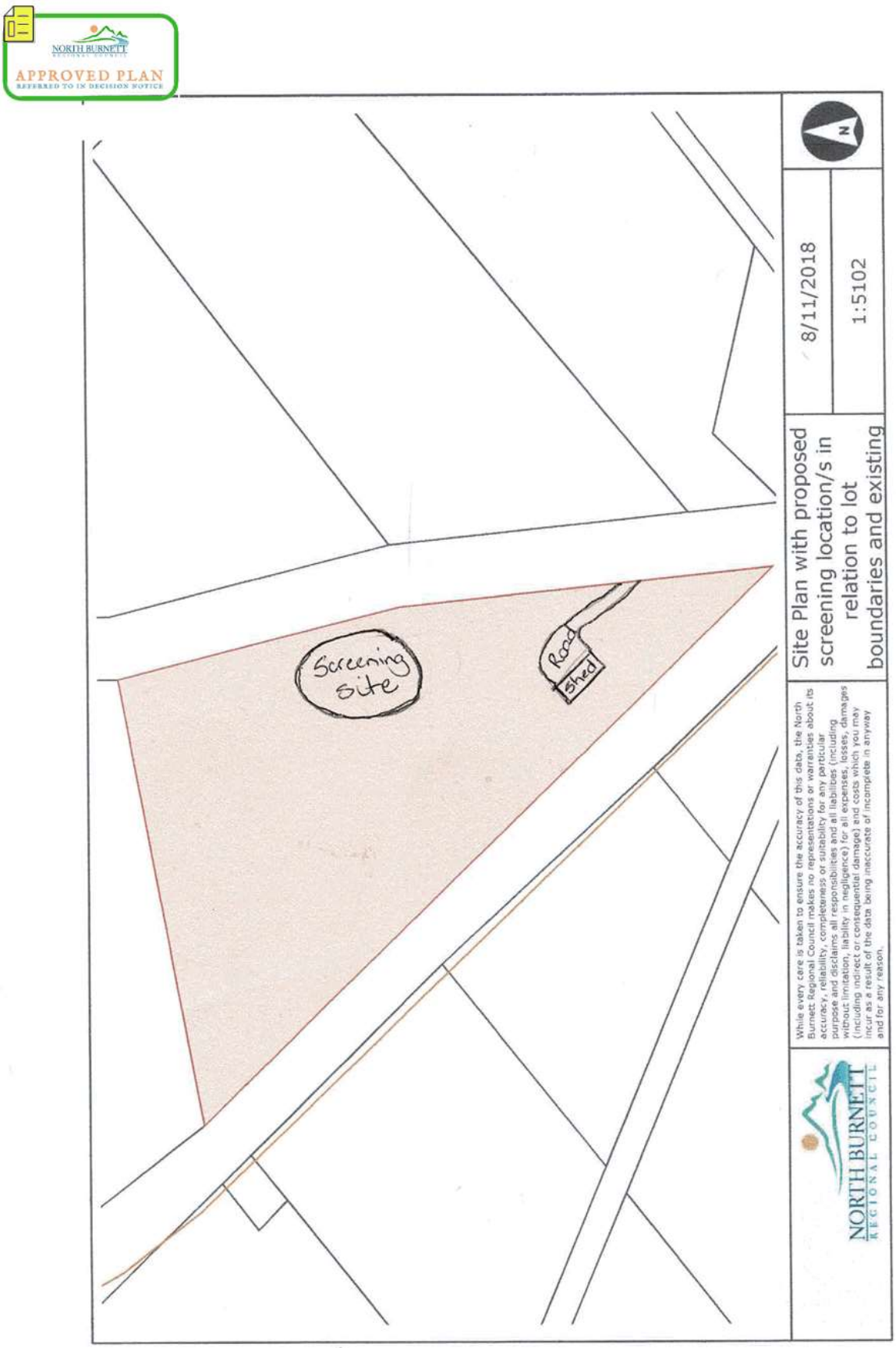
Please refer to the following pages for the approved plans.


APPROVED PLAN
REFERRED TO IN DECISION NOTICE
Screening site
Road
Shed
Site Plan with proposed screening location/s in relation to lot boundaries and existing
8/11/2018
1:5102
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NORTH BURNETT REGIONAL COUNCIL
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Change application—decision under delegated authority

Change application (other change) at 16316 Burnett Highway, Gayndah (Lot 16 on BN37491)—Impact assessable development application under the *Planning Act 2016*

Application reference: 259-18

1 Statement of reasons

This statement explains the reasons for the assessment manager's decision in relation to a change application (other) for a material change of use—extractive industry (screening sand) at 16316 Burnett Highway, Gayndah (described as Lot 16 on BN37491). The statement is required under **section 83 Notice of decision** of the *Planning Act 2016*.

1.1 Proposal summary

(1) The applicant seeks to make a change to DA 175-14: Material change of use for Low impact industry (Earthmoving contractor's depot) at 16316 Burnett Highway, Gayndah (described as Lot 16 on BN37491). DA 175-14 was approved by Council on 16 February 2015; it approved extensions to an existing machinery shed, and new ancillary external stockpiling areas for materials associated with the business.

(2) The applicant has recently obtained approval for an Extractive industry—Extraction of riverine quarry material from the Burnett River adjacent to Lot 26 on BN37525 and Lot 18 on SP257829 (DA 139-18). This change application seeks to allow this riverine quarry material to be screened and processed on-site at the depot.

(3) Unprocessed material extracted from the Burnett River would be transported to the site by semi-trailers and body truck and dogs. The principal haulage route would be Boyd Road—Boyd Street—Dalgangal Road—Burnett Highway—TTE depot. 50-100 truck movements per year are anticipated.

(4) Screening 5,000t or more of material in a year is an environmentally relevant activity under Schedule 2, Part 4, Section 16 of the *Environmental Protection Regulation 2008*. DA 139-18 limits extraction up to 999t of material per annum from the Burnett River. It is therefore unlikely that the applicant would process 5,000t or more of material per annum on this site, including imported materials.

(5) The application is impact assessable.

1.2 Facts and circumstances

(1) The lot is in the Industry zone and surrounded by lots in the Rural zone—Intensive agricultural precinct.

(2) The application was lodged and deemed properly made on 5 December 2018. A confirmation notice was issued on 7 December 2018.

(3) The applicant stated they agree to accept an information request. Council issued a request for additional information on 18 December 2018, and the applicant provided all of the information requested on 2 January 2019.

(4) The application required referral to the Department of State Development, Manufacturing, Infrastructure and Planning under Schedule 10, Part 9, Division 4, Subdivision 2 of the *Planning Regulation 2017* as it involves development within 25m of a State transport corridor. The application was referred on 17 December 2018. The Department issued a request for additional information on 8 January 2019, and the applicant provided all of the information requested on 6 February 2019. The Department issued a concurrence agency response on 1 March 2019.

(5) The application required public notification, and it was publicly notified for 15 business days from 28 March to 18 April 2019. Notice of public notification compliance was issued to Council on 8 May 2019. Council received no properly made submission.

(6) The following matters have been key considerations for the assessment manager—

(a) material about the application, including the proposal plans and the applicant's report;

(b) the North Burnett Regional Planning Scheme, to the extent relevant;

(c) the SPP, to the extent that it is not appropriately integrated in the planning scheme; and

(d) development approvals and lawful use of the land and adjacent land.

1.3 Category of assessment

(1) The proposal is identified as Impact assessable and requires assessment against the entire planning scheme to the extent relevant. The site is partly within overlays and is also assessable against relevant overlay codes. The proposal has been assessed against the following assessment benchmarks as these are most suitable for Council's determination—

(a) Strategic framework;

(b) Industry zone code;

(c) Extractive industry code;

(d) Infrastructure and operational work code;

(e) Infrastructure overlay code; and

(f) Natural features or resources overlays code.

1.4 Assessment benchmarks

(1) An assessment against the assessment benchmarks is provided in the report and associated documentation submitted with the application.

1.4.2 State planning instruments

(1) *Regional plan*—the Wide Bay Burnett Regional Plan is appropriately integrated in the planning scheme and does not require further or separate consideration for Council to decide the application.

(2) *State planning policy*—there are no State interest statement, policies or benchmarks relevant to this application[1]. Due to the nature of the proposal and insignificant departure of the SPP from the planning scheme, compliance with the planning scheme is considered appropriate.

1.4.3 North Burnett Regional Planning Scheme

1.4.3.1 Strategic framework

(1) The proposal complies with the Strategic framework as—

(a) Natural environment and sustainability—the proposal would conserve and not disturb the region's natural environment and biodiversity.

(b) Settlement pattern—the proposal would efficiently use land to minimise adverse impacts on the environment, and maintain a variety of employment possibilities.

(c) Infrastructure, services and facilities—the proposal would be provided with appropriate infrastructure.

[1] When the planning scheme commenced on 3 November 2014 it appropriately integrated all aspects of the State Planning Policy then in force. The SPP that commenced on 3 July 2017 is quite similar, however the *Planning Act 2016* requires the assessment manager to assess the application against the SPP Part E (State Assessment Benchmarks) because the planning scheme does not identify it as having been 'appropriately integrated' into the scheme.

1.4.3.2 Industry zone code

(1) The proposal complies with the Industry zone code as—

(a) it complies with the purpose and overall outcomes of the code;

(b) it complies with the performance outcomes of the code;

(c) it would provide a high impact industrial use that enables employment and economic growth;

(d) it would contain all potential adverse environment effects within the site and not prejudice or impact adversely on other surrounding activities and sensitive land uses;

(e) it would be located where there is adequate separation and buffering to sensitive land uses.

1.4.3.3 Extractive industry code

(1) The proposal complies with the Extractive industry code as—

(a) it complies with the purpose and overall outcomes of the code;

(b) it complies with the performance outcomes of the code;

(c) it would be undertaken safely and so that disturbance to surrounding land uses is minor, having regard to hours of operation, and visual, noise, dust and other impacts;

(d) vehicular access to the site would be adequate for the type and volume of traffic anticipated.

1.4.3.4 Infrastructure and operational work code

(1) The proposal complies with the Infrastructure and operational work code as—

(a) it complies with the purpose and overall outcomes of the code;

(b) it complies with the performance outcomes of the code;

(c) it would be provided with infrastructure that meets the needs of development.

1.4.3.5 Overlay codes

(1) The proposal complies with the Infrastructure overlays code as—

(a) it complies with the purpose and overall outcomes of the code;

(b) it complies with the performance outcomes of the code;

(c) it would be located to mitigate any potential adverse impacts caused by the road corridor, including traffic noise, vehicle movements and headlights.

(2) The proposal complies with the Natural features and resource overlays code as—

(a) it complies with the purpose and overall outcomes of the code;

(b) it complies with the performance outcomes of the code;

(c) it would maintain the productivity and environmental functioning of identified natural features and resources.

1.4.4 Other relevant matters

(1) There are no other relevant matters under s45(5)(b) of the *Planning Act 2016*.

1.5 Consultation

1.5.1 Internal stakeholder comments

(1) Council's Technical Services Department and Environmental Health Department were invited to commented on the application. Officers support approval of the application, subject to reasonable and relevant conditions being included in any development permit.

1.5.2 Referral agency response

(1) The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning under Schedule 10 of the *Planning Regulation 2017*. The Department support approval of the application, subject to reasonable and relevant conditions being included in any development permit.

1.5.3 Public notification

(1) The application required public notification, and it was publicly notified for 15 business days from 28 March to 18 April 2019. Notice of public notification compliance was issued to Council on 8 May 2019. Council received no properly made submission.

(2) The applicant was required to place a notice on two publicly accessible road frontages of the site, but a notice was only placed on one frontage. Section 53(3) of the *Planning Act 2016* allows Council to assess and decide a development application even if some of the requirements about the notice of not been complied with, if Council considers any non-compliance has not—

(a) "adversely affected the public's awareness of the existence and nature of the application; or

(b) restricted the public's opportunity to make properly made submissions about the application".

(3) The site is a corner lot and the notice was placed at the intersection of the Bruce Highway and Abbotts Road. The notice would therefore have been visible to all motorists. Furthermore, Council directly contacted the owners of lots along Abbotts Road to confirm they were aware of the application and if they had any objections. In this instance, the non-compliance would not have adversely affected the public's awareness of the existence and nature of the application.

1.6 Key issues for this application

(1) The assessment manager considers that the following matters have been instrumental in its decision—

(a) *overall amenity*—steps must be taken to minimise the impact on the surrounding environment and community from noise, odour, dust and visual impacts. The proposed screening levels each year would be low and not expected to have a significant impact on the amenity of surrounding properties.

These matters have been derived from the assessment benchmarks.

1.7 Decision rules under the *Planning Act 2016*

(1) The assessment manager—

(a) may approve all or part of the application;

(b) may refuse the application;

(c) may impose conditions.

Section 60(3) of the Planning Act 2016 sets out the decision rules for impact assessment.

(2) Development conditions must—

(a) be relevant to but not an unreasonable imposition; and

(b) be reasonably required as a consequence of the development.

Section 65 of the Planning Act 2016 limits the nature of approval conditions.

(3) Having regard to the above matters and after assessing the application against the assessment benchmarks, the assessment manager decides to approve all of the application and impose conditions in accordance with the decision rules.

11 WORKS

Nil

12 COUNCILLOR REPORTS

Nil

13 OTHER BUSINESS DETERMINED BY RESOLUTION FOR AGENDA INCLUSION

14 QUESTIONS

15 CONFIDENTIAL REPORTS

RECOMMENDATION

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 Percy Hindmarsh Bridge Construction - Award of Contract

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

16 CLOSURE OF MEETING