



# **MINUTES**

**General Meeting**

**28 August 2019**

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL  
GENERAL MEETING  
HELD AT THE BIGGENDEN BOARDROOM  
ON WEDNESDAY, 28 AUGUST 2019 AT 9:00 AM**

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

**OFFICERS:** Ian Flint (Acting Chief Executive Officer), Christopher Joosen (Acting General Manager Corporate and Community), Johan Louw (General Manager Works), Justin Kronk (Acting General Manager Strategy, Innovation and Assets), Jason Erbacher (Community Engagement Manager), Natalie Zillman (Information Coordinator), Nita Kreis (Administration Officer)

**1 WELCOME/HOUSEKEEPING**

The Mayor declared the meeting open and welcomed all attendees.

**2 APOLOGIES/LEAVE OF ABSENCE**

Nil Apologies/Leave of Absence

**3 DEPUTATIONS/PETITIONS**

Nil Deputations/Petitions

**4 NOTICES OF MOTION**

Nil Notices of Motion

**5 NOTIFICATION OF OTHER BUSINESS BY COUNCILLORS**

Nil Notification of Other Business by Councillors

**6 DECLARATIONS OF INTEREST**

That it be duly noted that pursuant to section 175E of the *Local Government Act 2009* Cr Robert Radel declared a perceived conflict of interest in agenda item 9.2 *Proposed Relocation of Biggenden Administration Office/Library* due to having previously engaged in purchase negotiations and being likely to engage in purchase negotiations in the future in relation to the building in question.

In accordance with section 175E (4) of the *Local Government Act 2009*, Councillors determined that Cr Robert Radel does have a perceived conflict of interest and that he would leave the meeting while discussion is held and the vote is taken on the matter

## **7 CONFIRMATION OF MINUTES**

### **7.1 MINUTES OF THE GENERAL MEETING HELD ON 7 AUGUST 2019**

#### **RESOLUTION 2019/201**

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That the Minutes of the General Meeting held on 7 August 2019 be confirmed.

**CARRIED**

## **8 OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **8.1 2020 AUSTRALIA DAY AMBASSADOR PROGRAM**

#### **RESOLUTION 2019/202**

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That:

1. The 2020 Australia Day Ambassador Program report as presented be received.
2. Council submit an expression of interest to host an Australia Day Ambassador as part of Council's 2020 Australia Day activities with a request that the Ambassador be available to attend festivities in either Monto, Mount Perry or Eidsvold.

**CARRIED**

### **8.2 2018-19 OPERATIONAL PLAN - Q4 PROGRESS REPORT**

#### **RESOLUTION 2019/203**

Moved: Cr Robert Radel

Seconded: Cr Peter Webster

That in accordance with section 174(3) of the *Local Government Regulation 2012*, Council receives the 2018-19 Operational Plan – Q4 Progress Report for the period 1 April to 30 June 2019.

**CARRIED**

### **8.3 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) ANNUAL CONFERENCE 2019**

#### **MOTION**

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That Council approve the attendance of Councillors (x2) as delegates and Councillors as observers together with the Chief Executive Officer at the 2019 LGAQ Annual Conference to be held at the Cairns Convention Centre from 14-16 October 2019.

### **8.3. AMENDMENT TO LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) ANNUAL CONFERENCE 2019**

#### **MOTION**

Moved: Cr Faye Whelan  
Seconded: Cr John Bowen

That Council approve the attendance of the Mayor and Deputy Mayor as delegates and Cr Lobegeier and Cr Webster as observers at the 2019 LGAQ Annual Conference to be held at the Cairns Convention Centre from 14-16 October 2019.

The amendment became the motion.

#### **RESOLUTION 2019/204**

Moved: Cr Robert Radel  
Seconded: Cr John Zahl

That Council approve the attendance of the Mayor and Deputy Mayor as delegates and Cr Lobegeier and Cr Webster as observers at the 2019 LGAQ Annual Conference to be held at the Cairns Convention Centre from 14-16 October 2019. **CARRIED**

### **8.4 APPOINTMENT OF CHIEF EXECUTIVE OFFICER**

#### **RESOLUTION 2019/205**

Moved: Cr Robert Radel  
Seconded: Cr Faye Whelan

That Council resolve to appoint Rachel Cooper as Chief Executive Officer of North Burnett Regional Council effective from 08 October 2019. **CARRIED**

## **9 CORPORATE AND COMMUNITY**

### **9.1 DNRME REQUEST FOR COUNCIL'S VIEWS - APPLICATION FOR RENEWAL OF TERM LEASE 0/237721 - L135 ON CROWN PLAN BON969 - LOCALITY MT PERRY**

#### **RESOLUTION 2019/206**

Moved: Cr John Zahl  
Seconded: Cr Robert Radel

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

1. Council is not aware of any issues and has no requirements, including issues surrounding any local non-indigenous cultural heritage values, that the department should consider when assessing this application; and
2. Offers no objection to the proposed renewal of Term Lease 0/237721 over Lot 135 on Crown Plan BON969. **CARRIED**

At 9:20 am, Cr Robert Radel left the meeting.

## 9.2 PROPOSED RELOCATION OF BIGGENDEN ADMINISTRATION OFFICE / LIBRARY

### RESOLUTION 2019/207

Moved: Cr John Bowen

Seconded: Cr John Zahl

That Council receive the Proposed Relocation of Biggenden Administration Office/Library Report as presented and that Council services not be relocated and continue to be provided from the original premises at 47 Edward Street, Biggenden. **6/0 CARRIED**

At 9:22 am, Cr Robert Radel returned to the meeting.

## 9.3 GAYNDAH HERITAGE RAILWAY RAIL TRAIL TEMPORARY REST STOP

### MOTION

Moved: Cr Faye Whelan

Seconded: Cr John Zahl

That Council approve the request from Gayndah Heritage Railway Rail Trail Inc. to enable the rest stop to be used for travellers up to a maximum of seventy-two (72) hours for self-contained recreational vehicles.

The motion was withdrawn with the consent of the mover and seconder.

### RESOLUTION 2019/208

Moved: Cr John Zahl

Seconded: Cr Robert Radel

That Council consult with the Gayndah community through public stakeholder engagement for a period of 21 days as to the usage of the Gayndah Heritage Railway Rail Trail temporary rest stop.

**CARRIED**

## 9.4 FEES AND CHARGES 2019/2020 AMENDMENT

### RESOLUTION 2019/209

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That the Schedule of Fees and Charges document adopted by Council at its general meeting held on 26 June 2019 and amended on 17 July 2019 be amended as follows:

- *Private hire lifeguard as per Royal Life Saving quota guidelines* – increased from \$28.95 to \$45/hr on page 152
- *Second internment where an existing monument is already constructed (plus applicable internment fee)* – new fee set at \$1,100 (incl GST) on page 140. **CARRIED**

**9.5 PLACEMENT OF DEFIBRILLATORS IN COUNCIL FACILITIES****RESOLUTION 2019/210**

Moved: Cr Robert Radel

Seconded: Cr John Zahl

That Council resolve to

- I. support the Defibrillator program by accepting their placement in the Gayndah Town Hall and the Mingo Crossing,
- II. amend the draft agreement by the deletion of the words "ensure as reasonably practical that a person trained in defibrillator use at functions at either venue"
- III. execute the amended agreement. **5/2 CARRIED**

**9.6 REQUEST AMENDMENT TO ORIGINAL RESOLUTION 2018/19 - CONDITION TO AMALGAMATE WITH L99 RW106****RESOLUTION 2019/211**

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That Council amend original Resolution 2018/19 to remove the requirement to amalgamate land now described as Lot 7 on SP306873 with existing Lot 99 RW106, as the land now is no longer land locked having a constructed access to Airport Road. **6/1 CARRIED**

**9.7 EXPRESSION OF INTEREST, SALE OF LAND, HUNTER STREET, MOUNT PERRY****RESOLUTION 2019/212**

Moved: Cr Paul Lobegeier

Seconded: Cr John Bowen

That Council resolve to advertise Lot 153 on RP28376, for sale by public tender with an advertisement appearing in the Central and North Burnett Times. **CARRIED**

**9.8 FINANCE REPORT TO 31 JULY 2019****RESOLUTION 2019/213**

Moved: Cr Robert Radel

Seconded: Cr John Zahl

That, in accordance with s204 *Local Government Regulation 2012*, Council notes the Finance Report for the month ended 31 July 2019. **CARRIED**

**9.9 GOVERNANCE : CORPORATE POLICY HIERARCHY****RESOLUTION 2019/214**

Moved: Cr John Zahl  
Seconded: Cr John Bowen

That Council note the Administrative Directive as attached to the agenda item that details the process around the development of Approved Plans, Policies, Procedures and Administrative Directives. **CARRIED**

**9.10 REQUEST THAT COUNCIL ADVOCATE FOR STRONGER LAWS TO PROTECT PRIMARY PRODUCERS FROM TRESPASS AND HARASSMENT****RESOLUTION 2019/215**

Moved: Cr Robert Radel  
Seconded: Cr Paul Lobegeier

That Council include advocating for stronger laws to protect primary producers from trespass and harassment in future advocacy to both state and federal governments. **CARRIED**

**10 STRATEGY, INNOVATION AND ASSETS****10.1 BUSINESS STREETScape REPORT****RESOLUTION 2019/216**

Moved: Cr John Zahl  
Seconded: Cr Paul Lobegeier

That Council approve the following Streetscape funding applications:

1. Gunther Village Opportunity Shop – repaint shop front, sliding door, steel frame and posts on footpath - \$455 **CARRIED**

**10.2 ROAD RESERVE POLICIES****RESOLUTION 2019/217**

Moved: Cr Faye Whelan  
Seconded: Cr Peter Webster

That Council receive the report and resolve to adopt the policy - *Named Road Reserves and Unconstructed Road Reserves* as shown in Attachment 3 of the agenda item. **CARRIED**

## 11 WORKS

### 11.1 IMPLEMENTATION OF WATER RESTRICTIONS - BIGGENDEN AND MOUNT PERRY

#### RESOLUTION 2019/218

Moved: Cr John Zahl

Seconded: Cr John Bowen

That Council implement Level 1 water restrictions on the use of water from the North Burnett Regional Council's water supply scheme in the township of Biggenden effective Monday 02 September 2019 with the designated watering days to be Tuesday, Thursday and Saturday.

That Council implement Level 1 water restrictions on the use of water from the North Burnett Regional Council's water supply scheme in the township of Mount Perry effective Monday 02 September 2019 with the designated watering days to be Tuesday, Thursday and Saturday.

**CARRIED**

### 11.2 LIONS PARK, GAYNDAH.

#### RESOLUTION 2019/219

Moved: Cr John Zahl

Seconded: Cr Peter Webster

That Council

1. endorse the improvement works at Lions park Gayndah with an estimated project cost of \$20000
2. acknowledge the contribution of the Australian Army in providing labour for the construction of the concrete pathways.

**CARRIED**

## 12 COUNCILLOR REPORTS

### 12.1 MAYOR AND COUNCILLORS REPORTS

#### RESOLUTION 2019/220

Moved: Cr John Bowen

Seconded: Cr Paul Lobegeier

That the Councillors reports be received.

**CARRIED**

## 13 OTHER BUSINESS DETERMINED BY RESOLUTION FOR AGENDA INCLUSION

Nil



## **14 QUESTIONS**

Cr Bowen sought clarification on the lease of a building at the Gayndah Waste Facility. The Acting General Manager Strategy, Innovation and Assets confirmed correspondence with the lessee would be undertaken.

### **PRESENTATION OF SERVICE AWARDS**

At 10:13am the meeting adjourned for presentation of services awards for the following employees:

Wendy Lincoln – 5 years  
Tracey Wilson – 10 years  
John Fraser – 10 years  
Ben Glossop – 15 years  
Laurence Hebblewhite – 35 years

At 10:52am the meeting resumed.

Council acknowledged the following employees who were presented with service awards at the Councillor Workshop held in Mundubbera on Monday 26 August 2019:

Katrina Cekanauskas  
Len Akacich  
Jane Sheppard

## 15 CONFIDENTIAL REPORTS

### RESOLUTION 2019/221

Moved: Cr Paul Lobegeier

Seconded: Cr Robert Radel

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275(1) of the *Local Government Regulation 2012*:

#### 15.1 Material Change of Use - Intensive Animal Industry (Piggery Expansion from 5394 to 12,500 Standard Pig Units (SPU) & Environmentally Relevant Activity 3 at Threshold c (keeping more than 8000 SPU)

This matter is considered to be confidential under Section 275(1) - g of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

#### 15.2 ACQUISITION OF UNALLOCATED STATE LAND BEING PART OF LOT 159 ON CROWN PLAN BON1170

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.

#### 15.3 Addition to Civil Contractor preferred supplier list - RB Carpentry

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.

#### 15.4 Addition to Civil Contractor Preferred Supplier List - Earthworks Contracting CQ

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.

#### 15.5 Addition to Panel of Providers for Facilities Maintenance

This matter is considered to be confidential under Section 275(1) - h of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

And moves into closed session.

**CARRIED**

At 10:53am the meeting moved into closed session.

### RESOLUTION 2019/222

Moved: Cr Robert Radel

Seconded: Cr John Zahl

That Council moves out of Closed Session into Open Session.

**CARRIED**

At 10:59am the meeting moved into open session.

**15.1 MATERIAL CHANGE OF USE - INTENSIVE ANIMAL INDUSTRY (PIGGERY EXPANSION FROM 5394 TO 12,500 STANDARD PIG UNITS (SPU) & ENVIRONMENTALLY RELEVANT ACTIVITY 3 AT THRESHOLD C (KEEPING MORE THAN 8000 SPU)**

**RESOLUTION 2019/223**

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

1. That Council receive and considers the submission from Michael Riddell dated 16 July 2019 as a properly made submission;
2. That Council consider and acknowledge the submission from Carmel King undated but received on 18 July 2019, however regard it as not properly made;
3. That the Council, as Assessment Manager, decide the application under section 324 of the *Sustainable Planning Act 2009* by approving it subject to the following conditions;

**General**

- 1) Carry out the approved development generally in accordance with the documents identified in section 2 "Approved plans, drawings and specifications" of the decision notice approval, except as modified by the conditions of this approval.
- 2) Carry out the approved development in accordance with the following unless modified by the conditions of this approval—
  - a) DSDMIP's Concurrence agency response—(with condition) dated 20 June 2019 including Department of Agriculture and Fisheries' Permit—Environmental authority Permit number: 2019-09 dated 19 June 2019;
  - b) Premise Agriculture's "Environmental Assessment and Environmental Management Plan" (16TOO-0098/1802794 Rev: B).
- 3) Where there is any conflict between conditions of this approval and details shown on the approved plans under Condition 1, the conditions prevail.
- 4) Exercise the approval and complete all associated works, including the installation or relocation of infrastructure or services, at no cost to Council.
- 5) Comply with all of the conditions of this development permit prior to the commencement of the use, and maintain compliance whilst the use continues.

**Extent of approved use**

- 6) Do not exceed 8000 SPU in the northern complex or 4500 SPU in the southern complex.

**Amenity**

- 7) Cover the northern complex's anaerobic pond with an impermeable pond cover or equivalent.
- 8) Fully contain any storage and transfer of effluent.
- 9) Establish a 20m wide vegetative/landscaping buffer to the north of the northern complex and to the south of the southern complex in accordance with Premise's *Proposed Southern Complex Plan—Stage 1 (8494 Fig12.1 Rev E)* and *Proposed Northern Complex Plan (8494 Fig13 Rev D)*. Complete the buffer to the southern complex in Stage 1.
- 10) Do not use any plant species identified as unacceptable for landscaping by Table SC6.5.5.1

of Planning scheme policy "SC6.5 Landscaping policy" for landscape screening of the complexes. This includes *Duranta erecta*.

### **Biosecurity**

- 11) Prior to commencing the use of Stage 1 extension as shown on the approved plans, submit for Council's approval a site-based biosecurity plan. Such plan is to detail what restricted matter under the *Biosecurity Act 2014* the plan relates to, the location of the restricted matter on the site, identifies invasive species pathways (i.e. livestock transport and feed), implementation of periodic surveillance program and what other actions would be undertaken to manage the restricted matter before, during and after the development.

### **Amalgamation**

- 12) Lodge for registration a survey plan amalgamating Lots 125, 126, 127 and 128 on RW143 and Lot 124 on RP224848 into one lot.

### **Advice to the applicant**

- Carry out the approved development only when a current and relevant Environmental authority (or statutory equivalent) is also held for the applicable environmentally relevant activity.
  - Carry out the approved development only when a current and relevant Registrable Biosecurity Entity (or statutory equivalent) is also held for the keeping of the applicable number of pigs.
  - Carry out the approved development in compliance with the *Biosecurity Act 2014*. The Act provides comprehensive biosecurity measures to safeguard our economy, agricultural and tourism industries, environment and way of life, from pests (e.g. wild dogs and weeds), diseases (e.g. foot-and-mouth disease) and contaminants (e.g. lead on grazing land). The Act applies a general biosecurity obligation to take all reasonable and practical measures to prevent or minimise a biosecurity risk.
  - Pay to Council all outstanding rates, charges or any expenses levied by Council over the land.
- 13) 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.
4. That Council notifies the Applicant, Referral Agencies (DSDMIP) and Principal Submitters (Michael Riddell) in accordance with the timing and other requirements set out in the *Sustainable Planning Act 2009*.

**CARRIED**

**15.2 ACQUISITION OF UNALLOCATED STATE LAND BEING PART OF LOT 159 ON CROWN PLAN BON1170****RESOLUTION 2019/224**

Moved: Cr John Bowen

Seconded: Cr John Zahl

1. That Council authorise the Chief Executive Officer to negotiate and accept the offer from the Department of Natural Resources Mines and Energy to acquire Unallocated State Land over portion Lot 159 of Crown Plan BON1170 subject to confirmation that the landfill is contained within the proposed lot; and
2. Council authorise the Chief Executive Officer to surrender the Part of the Trustee Lease over Lot 159 on BON1170; and
3. Council approve capital funds of \$70,000 in the 2019/20 financial year at a quarterly budget review, to acquire the Unallocated State Land over portion of Lot 159 on BON1170.

**CARRIED****15.3 ADDITION TO CIVIL CONTRACTOR PREFERRED SUPPLIER LIST - RB CARPENTRY****RESOLUTION 2019/225**

Moved: Cr John Zahl

Seconded: Cr Robert Radel

1. 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.
2. That Council accepts RB Carpentry for inclusion on the Civil Contractors Preferred Supplier List for Contract 2909\_2018-19\_TTB\_24 – Supply of Concreting Services. **CARRIED**

**15.4 ADDITION TO CIVIL CONTRACTOR PREFERRED SUPPLIER LIST - EARTHWORKS CONTRACTING CQ****RESOLUTION 2019/226**

Moved: Cr John Bowen

Seconded: Cr Robert Radel

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 Earthworks Contracting CQ for inclusion on the Civil Contractors Preferred Supplier List for contract 2909\_2019\_21\_TTB\_45 – Plant Hire. **CARRIED**

**15.5 ADDITION TO PANEL OF PROVIDERS FOR FACILITIES MAINTENANCE**

**RESOLUTION 2019/227**

Moved: Cr John Zahl  
Seconded: Cr Robert Radel

That:

1. Jeff Thompson Plumbing Services be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909/2017-18/QTB/16 until 18th December 2019.
2. Max Pearce be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909/2017-18/QTB/16 until 18th December 2019.
3. Peter Golchert be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909/2017-18/QTB/16 until 18th December 2019. **CARRIED**

**16 CLOSURE OF MEETING**

**The Meeting closed at 11:02am.**

**The minutes of this meeting were confirmed at the General Meeting held on 18 September 2019.**

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**CHAIRPERSON**