



# **MINUTES**

**General Meeting**

**20 November 2019**

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL  
GENERAL MEETING  
HELD AT THE MUNDUBBERA BOARDROOM  
ON WEDNESDAY, 20 NOVEMBER 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:** Rachel Cooper (Chief Executive Officer), Christopher Joosen (Acting General Manager Corporate and Community), Justin Kronk (Acting General Manager Strategy, Innovation and Assets), Randall Percy (Acting General Manager Works) 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**

Nil

**4 NOTICES OF MOTION**

Nil

**5 NOTIFICATION OF OTHER BUSINESS BY COUNCILLORS**

Nil

**6 DECLARATIONS OF INTEREST**

That it be duly noted that pursuant to 175E of the *Local Government Act 2009* Cr John Zahl declared a perceived conflict of interest in agenda item 9.2 *Gayndah Heritage Railway Rail Trail Temporary Rest Stop* due to the perception he had been involved in the matter as the local Councillor. In accordance with section 175E (4) of the *Local Government Act 2009*, Councillors decided that Cr Zahl may have a perceived conflict of interest in the matter but that he may participate in the meeting in relation to the matter including by voting on the matter.

## 7 CONFIRMATION OF MINUTES

### 7.1 MINUTES OF THE GENERAL MEETING HELD ON 30 OCTOBER 2019

#### RESOLUTION 2019/277

Moved: Cr John Bowen

Seconded: Cr Peter Webster

That the proposed meeting dates of the General Meeting held on 30 October 2019 be amended as follows and confirmed: **7/0 CARRIED**

Meeting Date 2020	Meeting Location
January 15	Biggenden
February 05	Monto
March 04	Eidsvold

## 8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 8.1 NARAYEN : BOARD OF TRUSTEE'S & PERMIT TO OCCUPY

#### RESOLUTION 2019/278

Moved: Cr Faye Whelan

Seconded: Cr Paul Lobegeier

That Council resolve that

- (i) Councils representatives on the "Board of Trustees for Narayen" be the Mayor and the Deputy Mayor
- (ii) In the event of the absence at a meeting of either of the abovementioned members, another Councillor may represent them in their stead.
- (iii) Council's Board representatives have where necessary the delegated authority to make decisions on behalf of Council and that the minutes of any meetings of the Board will be forwarded to Council for their noting.
- (iv) That Councils representatives on the "Board of Trustees for Narayen" have the express delegated authority to make a decision regarding the awarding of a "Permit to Occupy" to the successful tenderer 2915\_2019\_10\_QTB\_15 **7/0 CARRIED**

## **9 CORPORATE AND COMMUNITY**

### **9.1 CEMETERIES - FEES AND CHARGES REDUCTION (MINOR 0-17 YEARS)**

#### **RESOLUTION 2019/279**

Moved: Cr John Zahl

Seconded: Cr Faye Whelan

That:

1. Cemeteries – Fees and Charges Reduction (minor 0-17 years) Report as presented, be received; and
2. Council's fees and charges be amended to reflect a 50% reduction of interment fees (burial or niche) for a minor (up to 17 years of age) throughout any open cemetery within the North Burnett Region.

**7/0 CARRIED**

### **9.2 GAYNDAH HERITAGE RAILWAY RAIL TRAIL TEMPORARY REST STOP**

#### **RECOMMENDATION**

Moved: Cr Robert Radel

Seconded: Cr Peter Webster

That Council

- 1 approve the request from Gayndah Heritage Railway Rail Trail Inc (GHRRT) to enable the rest stop on the approved Council lease area to be used for travellers up to a maximum of seventy-two (72) hours for self-contained recreational vehicles.
- 2 advise the GHRRT that the approval does not extend to any additional area and that the use should not encroach upon any additional lands
- 3 advise GHRRT and the Isis Central Mill, that Council has been advised that land leased by the Mill from the Transport and Main Roads Department is being used for overnight camping and that they should satisfy themselves that such use is in accordance with the terms of the lease and advise that is so far as the activity is occurring, Council has not given any approval for the use to be undertaken.

#### **AMENDMENT**

Moved: Cr John Bowen

That Council

- 1 not approve the request from Gayndah Heritage Railway Rail Trail Inc (GHRRT) to enable the rest stop on the approved Council lease area to be used for travellers up to a maximum of seventy-two (72) hours for self-contained recreational vehicles.
- 2 advise the GHRRT that the approval does not extend to any additional area and that the use should not encroach upon any additional lands
- 3 advise GHRRT and the Isis Central Mill, that Council has been advised that land leased by the Mill from the Transport and Main Roads Department is being used for overnight camping and that they should satisfy themselves that such use is in accordance with the

terms of the lease and advise that is so far as the activity is occurring, Council has not given any approval for the use to be undertaken.

**The motion lapsed for want of a seconder.**

## **GAYNDAH HERITAGE RAILWAY TRAIL TEMPORARY REST STOP**

### **RESOLUTION 2019/280**

Moved: Cr Robert Radel  
Seconded: Cr Peter Webster

That Council

- 1 approve the request from Gayndah Heritage Railway Rail Trail Inc (GHRRT) to enable the rest stop on the approved Council lease area to be used for travellers up to a maximum of seventy-two (72) hours for self-contained recreational vehicles.
- 2 advise the GHRRT that the approval does not extend to any additional area and that the use should not encroach upon any additional lands
- 3 advise GHRRT and the Isis Central Mill, that Council has been advised that land leased by the Mill from the Transport and Main Roads Department is being used for overnight camping and that they should satisfy themselves that such use is in accordance with the terms of the lease and advise that is so far as the activity is occurring, Council has not given any approval for the use to be undertaken. **6/1 CARRIED**

### **9.3 DNRME REQUEST FOR COUNCIL'S VIEWS - APPLICATION FOR CONVERSION OF TERM LEASE 0/221554 - LOT 218 ON YL957**

#### **RESOLUTION 2019/281**

Moved: Cr Faye Whelan  
Seconded: Cr Robert Radel

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

1. That pursuant to section 167(1)(c) of the *Land Act 1994*, Council expresses concerns that the conversion to freehold of Term Lease 0/221554 over Lot 218 YL957 would not be in the public interest unless the parcel is amalgamated with an adjoining lot under the same ownership, on the following grounds:
  - (a) There is no road reserve, nor a constructed road access to the subject parcel;
  - (b) The land is identified as important agricultural area, with an area of approximately 12.9ha, which is not economically viable as a single entity; and
  - (c) The land is located within a flood hazard overlay, potentially excluding the construction of a dwelling house if the property was titled as a single entity.

**7/0 CARRIED**

#### **9.4 FINANCE REPORT TO 31 OCTOBER 2019**

##### **RESOLUTION 2019/282**

Moved: Cr John Bowen

Seconded: Cr John Zahl

That, in accordance with s204 *Local Government Regulation 2012*, Council notes the Finance Report for the month ended 31 October 2019 and notes the amended chart. **7/0 CARRIED**

#### **9.5 DROUGHT COMMUNITIES PROGRAMME**

##### **RECOMMENDATION**

Moved: Cr Faye Whelan

Seconded: Cr John Bowen

That Council delegate authority to the Chief Executive Officer to submit an application under the Drought Communities Programme.

##### **AMENDMENT**

Moved: Cr Faye Whelan

That Council endorse the projects listed on the grounds that they satisfy the eligibility and intent of the program and offer social, economic, wellbeing and mental health.

##### **The amendment became the motion**

##### **RESOLUTION 2019/283**

Moved: Cr Faye Whelan

Seconded: Cr John Bowen

That Council endorse the projects listed on the grounds that they satisfy the eligibility and intent of the program and offer social, economic, wellbeing and mental health and delegate authority to the Chief Executive Officer to submit an application under the Drought Communities Programme.

Identified projects include:

- Town Renewal Project \$750,000
- Town Entry Sign Project \$110,000
- Mental Health Support \$60,000
- Regional "Bugger the Drought" Comedy Tour Events \$80,000

**7/0 CARRIED**

At 9:34 am, Cr John Bowen left the meeting.

At 9:36 am, Cr John Bowen returned to the meeting.

**10 STRATEGY, INNOVATION AND ASSETS****10.1 TRANSPORT INFRASTRUCTURE DEVELOPMENT SCHEME (TIDS) NON LRRS ROAD - ABERCORN ROAD****RESOLUTION 2019/284**

Moved: Cr Peter Webster

Seconded: Cr John Bowen

The following Transport Infrastructure Development Scheme (TIDS) non-Local Roads of Rural Significance (LLRS) project have been identified for consideration in the 2022/23 financial year. The proposed TIDS non-LRRS project will be submitted to the next Rural Roads Transport Group (RRTG).

Below is a summary of the submission and preliminary cost estimates:

Road Name	Location	Description	Start Chainage	End Chainage	Total Cost	Council
Abercorn Road	Eidsvold	Formation widening to 8m formation using ridge gravel. Quarry supplied pavement material overlay 100mm, reclaim to a depth of 150mm to recycle existing seal and pavement into the new pavement.  Upgrade and seal the Barram Road intersection and School Bus set down/pick up area. Two coat bitumen seal 7m wide, 14mm/10mm sealing aggregate. Drainage: Upgrade RCP and Floodway at chainage 19.51. Upgrade RCP at chainage 19.02	18.69	19.57	\$278,024	\$139,012
<b>TOTAL</b>					<b>\$278,024</b>	<b>\$139,012</b>

**7/0 CARRIED**

**10.2 BUSINESS STREETScape REPORT 20 NOVEMBER 2019****RESOLUTION 2019/285**

Moved: Cr Faye Whelan  
Seconded: Cr Paul Lobegeier

That Council approve the following Streetscape funding applications:

1. Mellors – Replacement of rotten timber and signwriting, sanding and painting to southern fascia of the drapery shop - \$325;
2. Gayndah Real Estate – renew and update faded signs on building awning and side of building - \$1000.
3. Mulgildie Supermarket – install new front doorway, sand and paint front posts, replace fibro, reglaze windows, repaint shop front and place new signage - \$1000. **7/0 CARRIED**

**10.3 UNNAMED ROAD RESERVE GAYNDAH - ELYSTAN ROAD****RECOMMENDATION**

Moved: Cr John Zahl  
Seconded: Cr Paul Lobegeier

That Council receive the report and resolve to name the unnamed road Elystan Yards Road and add this portion to the road register for maintenance purposes.

Following discussion with the approval of the mover and the seconder, the motion was withdrawn.

**RESOLUTION 2019/286**

Moved: Cr John Bowen  
Seconded: Cr John Zahl

That Council receive the report and resolve to name the unnamed road Kents Road and add this portion to the road register for maintenance purposes. **5/2 CARRIED**



**11 WORKS****11.1 RETICULATED WATER SERVICE AREAS AND SEWERAGE SERVICE AREAS****RESOLUTION 2019/287**

Moved: Cr Faye Whelan

Seconded: Cr Peter Webster

Council resolve that pursuant to the *Water Supply (Safety and Reliability) Act 2008*, sections 161 and 162;

- (a) It declares the relevant areas to be service areas for the reticulated water service or the sewerage service to be as per the following maps now tabled and attached to this report:

<b>TOWN</b>	<b>DOCUMENT ID</b>
Biggenden Water and Sewerage	958441
Eidsvold Water and Sewerage	958455
Gayndah Water and Sewerage	958462
Monto Water and Sewerage	958463
Mount Perry Water	958465
Mundubbera Water and Sewerage	958475

- (b) That the North Burnett Regional Council be the service provider for the services in the service area defined in the above maps; and

- (c) Council publish a notice of this declaration:

1. On Council website
2. Make a copy of the declaration and relevant maps available for inspection and purchase
3. Give the regulator a copy of this declaration

**7/0 CARRIED**

**12 COUNCILLOR REPORTS****12.1 MAYOR AND COUNCILLORS REPORTS****RESOLUTION 2019/288**

Moved: Cr John Zahl

Seconded: Cr Peter Webster

That the Councillor Report be received.

**7/0 CARRIED**

**13 OTHER BUSINESS DETERMINED BY RESOLUTION FOR AGENDA INCLUSION**

Nil

**14 QUESTIONS**

Nil

**15 CONFIDENTIAL REPORTS****RESOLUTION 2019/289****9:55AM**

Moved: Cr Robert Radel

Seconded: Cr John Bowen

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 Formally Described as Lot 157 on Plan YL1058****15.2 Disabled Toilet - Pineapple Street, Gayndah**

That these matters are 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****RESOLUTION 2019/290****10:08AM**

Moved: Cr John Zahl

Seconded: Cr Robert Radel

That Council moves out of Closed Session into Open Session.

**CARRIED**

**15.1 COMPULSORY AQUISITION OF NATIVE TITLE OVER ROAD RESERVE FORMALLY DESCRIBED AS LOT 157 ON PLAN YL1058**

**RESOLUTION 2019/291**

Moved: Cr Peter Webster  
Seconded: Cr Faye Whelan

That having:

- (a) served a Notice of Intention to Acquire Native Title Rights and Interests on the registered native title claimants for the Wakka Wakka People #4 QUD91/2012 to acquire native title rights and interests over the land described as Lot 157 on Plan YL1058 and as shown on Plan YL1058 (the Land); and
- (b) received and considered grounds of objections from the Wakka Wakka People to the acquisition of native title rights and interests over the Land,

Council resolves to discontinue the acquisition of native title rights and interests over the Land.

**CARRIED**

**15.2 DISABLED TOILET - PINEAPPLE STREET, GAYNDAH**

**RESOLUTION 2019/292**

Moved: Cr Robert Radel  
Seconded: Cr John Zahl

That the disabled toilet facility located on Pineapple Street, Gayndah is demolished. **CARRIED**

**16 CLOSURE OF MEETING**

**The Meeting closed at 10:28am.**

**The minutes of this meeting were confirmed at the General Meeting held on 11 December 2019.**

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**CHAIRPERSON**