



MINUTES

General Meeting

11 December 2019

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL
GENERAL MEETING
HELD AT THE GAYNDAH BOARDROOM
ON WEDNESDAY, 11 DECEMBER 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), Randall Percy (Acting General Manager Works), Jeff Miles (Environmental Services Manager), Natalie Zillman (Information Coordinator)

1 WELCOME/HOUSEKEEPING

The Mayor declared the meeting open and welcomed all attendees.

2 APOLOGIES/LEAVE OF ABSENCE

RESOLUTION 2019/293

Moved: Cr Peter Webster

Seconded: Cr Paul Lobegeier

That the apology received from Cr Robert Radel be accepted and leave of absence granted.

6/0 CARRIED

3 DEPUTATIONS/PETITIONS

9:30am – Mr Bruce Ramsey, Gayndah.

4 NOTICES OF MOTION

Nil

5 NOTIFICATION OF OTHER BUSINESS BY COUNCILLORS

8.2 REQUEST FOR WATER RELEASE

That Council request that the Minister of Natural Resources, Mines and Energy Dr Anthony Lynham consider an environmental flow down the Boyne River from Boondoomba Dam.

6 DECLARATIONS OF INTEREST

That it be duly noted that pursuant to 175E of the *Local Government Act 2009* Cr John Bowen declared a perceived conflict of interest in agenda item 15.4 Gayndah Shared Pathway Construction - Award of Tender due to his relationship with a property owner affected by the pathway. In accordance with section 175E (4) of the *Local Government Act 2009*, Councillors decided that Cr Bowen may have a perceived conflict of interest in the matter and would remove himself from the meeting while the motion is debated and the voted is taken.

7 CONFIRMATION OF MINUTES

7.1 MINUTES OF THE GENERAL MEETING HELD ON 20 NOVEMBER 2019

RESOLUTION 2019/294

Moved: Deputy Mayor Cr Faye Whelan

Seconded: Cr John Zahl

That the Minutes of the General Meeting held on 20 November 2019 be confirmed. **6/0 CARRIED**

8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

8.1 STRUCTURE OF THE EXECUTIVE TEAM

RESOLUTION 2019/295

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That Council approve a structure of the Executive team that is changed from three (3) General Manager positions to two (2) General Manager positions. **6/0 CARRIED**

8.2 REQUEST FOR WATER RELEASE

RECOMMENDATION

Moved: Deputy Mayor Cr Faye Whelan

Seconded: Cr Peter Webster

That Council request that the Minister of Natural Resources, Mines and Energy Dr Anthony Lynham consider an environmental flow down the Boyne River from Boondoomba Dam.

AMENDMENT

Moved: Cr John Zahl

Seconded: Cr Paul Lobegeier

That Council delegate to the Mayor and CEO to liaise with the Boyne River Irrigators regarding their preferred outcome in regards to their current water situation and follow up with the Minister of Natural Resources, Mines and Energy Dr Anthony Lynham and Local Government Association of Queensland (LGAQ). **6/0 CARRIED**

THE AMENDMENT BECOMES THE MOTION

RESOLUTION 2019/296

Moved: Cr John Zahl

Seconded: Cr Paul Lobegeier

That Council delegate to the Mayor and CEO to liaise with the Boyne River Irrigators regarding their preferred outcome in regards to their current water situation and follow up with the Minister of Natural Resources, Mines and Energy Dr Anthony Lynham and Local Government Association of Queensland (LGAQ). **6/0 CARRIED**

9 CORPORATE AND COMMUNITY

9.1 FINANCE REPORT TO 30 NOVEMBER 2019

RESOLUTION 2019/297

Moved: Cr Paul Lobegeier

Seconded: Cr John Bowen

That, in accordance with s204 *Local Government Regulation 2012*, Council notes the Finance Report for the month ended 30 November 2019. **6/0 CARRIED**

9.2 2018-19 FINANCIAL AUDIT - FINAL MANAGEMENT REPORT

RESOLUTION 2019/298

Moved: Cr John Zahl

Seconded: Cr John Bowen

That pursuant to section 213 of the *Local Government Regulation 2012*, Council notes the Auditor-General's Final Management Report for the year ended 30 June 2019. **6/0 CARRIED**

9.3 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2019-20 ROUND 1 RECOMMENDATIONS**RESOLUTION 2019/299**

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That

1. The Regional Arts Development Fund (RADF) 2019-20 Round 1 Recommendations report as presented be received.
2. Council endorse the following Regional Arts Development Fund (RADF) applications:
 - (a) Gayndah Men's' Shed – Gayndah's Metal Lungfish - \$5,350
 - (b) Shelley Pisani – CQ Shopfront - \$4,810
3. Council endorse the successful acquittal of the following Regional Arts Development Fund (RADF) outcome reports:
 - (a) Gayndah School House Potters – Wide Bay Potters Annual Convention - \$3,444
 - (b) Cilla Pershouse – Theatre Masterclass and Showcase - \$5,350
 - (c) Eidsvold P-12 State School – Didgeridoo Making and Cultural Capability Training - \$5,149
 - (d) Rachel Koster – Green Screen Acting Project - \$7,480
 - (e) Monto Magic Tourism Action Group – Locals and Legends Tour - \$5,280
 - (f) Sue Lederhose – Creative Visual Art Instruction - \$12,599
 - (g) Friends of RM Inc. – Heritage Blacksmith Workshop - \$3,750
 - (h) Burnett State College – Noosa Film Academy Film-Making Workshop - \$1,500

6/0 CARRIED

9.4 BIGGENDEN LAND - REQUEST TO PURCHASE**RESOLUTION 2019/300**

Moved: Deputy Mayor Cr Faye Whelan

Seconded: Cr John Zahl

That Council list surplus land described as lot 52 on SP 285210 for sale and the Chief Executive Officer be authorised to set the price.

6/0 CARRIED

9.5 REQUEST TO REVIEW TERMS OF PROPOSED LEASE - AIRCRAFT HANGAR SPACE GAYNDAH AIRPORT

RESOLUTION 2019/301

Moved: Cr John Zahl
Seconded: Cr John Bowen

That Council:

1. Amend the terms of the proposed lease as resolved at its meeting held on 30 October (Resolution 2019/267) so that the terms of approval be:
 - (i) Accept the sole tender as submitted for lease of land, Lease C in Lot 2 on RP201121 as shown on SP238698, annual rent \$500 per annum plus GST.
2. Offer a formal lease one (1) x ten (10) years, option one (1) x ten (10) years subject to the prospective lessee's acceptance of conditions:
 - (i) CPI Review each anniversary of the Commencement Date;
 - (ii) responsibility for any Service Charges applicable to the land and to the lessee's operations;
 - (iii) must hold Public Liability Insurance, minimum \$20,000,000;
3. Advise the tenderer, that should he not wish to enter into a lease on the terms proposed, he should advise Council so that arrangements can be made regarding the vacating of the site.
4. That the proposed lessee be advised in writing of their obligations to acquaint themselves with their obligations to observe rules and regulations and requirements of CASA and other relevant legislation.

6/0 CARRIED

10 STRATEGY, INNOVATION AND ASSETS

10.1 BUSINESS STREETScape REPORT

RESOLUTION 2019/302

Moved: Cr Paul Lobegeier
Seconded: Cr John Zahl

That Council approve the following Streetscape funding applications:

1. Mulgildie Country Gems – Sanding and painting shop front, reglaze broken windows, seal eaves and replace broken front step - \$1000. **6/0 CARRIED**

10.2 REVIEW OF GENERAL POLICY 246 PRO RATA REGISTRATION OF NEW CATS AND DOGS

RESOLUTION 2019/303

Moved: Cr John Zahl
Seconded: Cr John Bowen

That the revised General Policy 246 Pro Rata Registration for New Cats and Dogs as presented be adopted. **6/0 CARRIED**

10.3 REVIEW OF GENERAL POLICY 259 ABANDONED VEHICLES

RESOLUTION 2019/304

Moved: Deputy Mayor Cr Faye Whelan
Seconded: Cr Paul Lobegeier

That the revised General Policy 259 Abandoned Vehicles as presented be adopted.

6/0 CARRIED

At 10:15am the meeting adjourned for morning tea.

At 10:41am the meeting resumed.

10.4 AMENDMENT TO PLANNING SCHEME POLICY FOR DEVELOPMENT WORKS

RESOLUTION 2019/305

Moved: Cr Paul Lobegeier
Seconded: Cr John Bowen

That pursuant to Chapter 3, Part 1, Sections 2 and 3 of the Minister's Guidelines and Rules (MGR) Council—

1. Amend Planning Scheme Policy SC6.2 Design and construction standards for non-trunk infrastructure works policy incorporated in the 2014 *North Burnett Regional Council Planning Scheme* as described in the summary attached to this report and shown in version 2.0 of the *North Burnett Region Planning Scheme Policy 'SC6.2 Design and construction standards for development works policy'*;
2. Delegate to the Chief Executive Officer all other tasks required to include the standard drawings in the document, and carry out public consultation on the proposed Planning Scheme Policy amendment as prescribed in the Planning Act 2016 and Schedule 4 of the MGR, including publishing a public notice in a newspaper circulating in the area and on Council's website. **6/0 CARRIED**

10.5 MINOR AMENDMENTS TO PLANNING SCHEME

RESOLUTION 2019/306

Moved: Cr Peter Webster

Seconded: Cr Paul Lobegeier

That pursuant to Chapter 2, Part 1, Sections 5 and 6 of the Minister's Guidelines and Rules (MGR) Council—

1. decide to make a fourth planning scheme amendment to the 2014 *North Burnett Regional Council Planning Scheme* being "Minor amendment – SPP 2017, regulated requirements and other matters" as described in the summary attached to this report, and shown in version 1.3.4 of the *North Burnett Region Planning Scheme*;
2. decide to adopt proposed "Minor amendment – SPP 2017, regulated requirements and other matters"; and
3. delegate to the Chief Executive Officer all other tasks required to finalise the process of adoption as prescribed in the *Planning Act 2016* and Schedule 5 of the MGR including:
 - (a) publishing a public notice in the gazette, in a newspaper circulating in the area and on its website; and
 - (b) within ten days of the publication of the notice, giving the Chief Executive of the Department of State Development, Manufacturing, Industry and Planning a copy of the public notice and a certified copy of the amendment. **6/0 CARRIED**

11 WORKS

11.1 CHANGE TO WATER RESTRICTIONS - BIGGENDEN AND MOUNT PERRY

RESOLUTION 2019/307

Moved: Cr Paul Lobegeier

Seconded: Cr John Bowen

That Council implement Level 2 water restrictions on the use of water from the North Burnett Regional Council's water supply scheme in the township of Biggenden and Mt Perry with the designated watering days to be Tuesday, Thursday and Saturday effective from Monday 16th December 2019. **6/0 CARRIED**

12 COUNCILLOR REPORTS

MAYOR AND COUNCILLORS REPORTS

RESOLUTION 2019/308

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That the Councillor reports be received. **6/0 CARRIED**

13 OTHER BUSINESS DETERMINED BY RESOLUTION FOR AGENDA INCLUSION

Included at agenda item 8.2.

14 QUESTIONS

Nil

15 CONFIDENTIAL REPORTS**RESOLUTION 2019/309**

Moved: Cr John Zahl

Seconded: Cr Peter Webster

10:57AM

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 Lot 72 Annie Street, Mount Perry

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 Thompson's Crossing

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 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.

15.4 Gayndah Shared Pathway Construction - Award of Tender

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.

6/0 CARRIED

At 11:08 am, Cr John Bowen left the meeting.

RESOLUTION 2019/310

Moved: Deputy Mayor Cr Faye Whelan

Seconded: Cr John Zahl

That Council moves out of Closed Session into Open Session.

5/0 CARRIED

15.4 GAYNDAH SHARED PATHWAY CONSTRUCTION - AWARD OF TENDER**RESOLUTION 2019/311**

Moved: Cr John Zahl
Seconded: Cr Peter Webster

That Council

1. Award the Gayndah Shared Pathway Tender to Concrete Force for the Contract amount of \$246,750.00 ex GST.
2. Proceed to the next stage of contract formalisation with Concrete Force
3. Advise D&D Concreting Services that their Tender was unsuccessful

5/0 CARRIED

At 11:09 am, Cr John Bowen returned to the meeting.

15.1 LOT 72 ANNIE STREET, MOUNT PERRY**RESOLUTION 2019/312**

Moved: Cr John Bowen
Seconded: Cr John Zahl

1. That Council continue enforcement proceedings against the registered owner of Lot 72 M16532 for a breach of the *Planning Act 2016*, section 163 *Carrying out assessable development without a permit*.
2. Abandon further enforcement action against the former tenant of the property of Lot 72 M16532.

6/0 CARRIED

15.2 THOMPSON'S CROSSING**RESOLUTION 2019/313**

Moved: Cr Paul Lobegeier
Seconded: Cr John Zahl

That Council:

1. Accept that the owners of Lot 150 MZ373 have water access rights to the watercourse for stock in accordance with the *Water Act 2000*.
2. Allow the provision of fencing to contain stock from Lot 150 MZ373 property boundary to the watercourse along the Ban Ban Road frontage.
3. Reject the assertion that parts of the Ban Ban Road and Thompson's Crossing causeway are located within the boundaries of Lot 150 MZ373.
4. Officers proceed to finalise the matter on the basis of a mutual agreement between the two parties recognising items 1 to 3.

6/0 CARRIED

15.3 PANEL OF PROVIDERS FOR FACILITIES MAINTENANCE

RESOLUTION 2019/314

Moved: Deputy Mayor Cr Faye Whelan

Seconded: Cr Paul Lobegeier

It is recommended that all of the applicants that met the eligibility criteria be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909_2019-20_QTB_17 for a period of two years commencing on the 19th December 2019.

1. That the following suppliers be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909/2019-20/QTB/17 for a period of two years commencing on the 19th December 2019.

- J & M Stradmann Painting
- Laurie Barnett Plumbing
- Brandon Ford Plumbing Services
- Vic Bryant & Co Electrical
- Onsite Welding & Repairs
- Ronnie's Painting Services
- Jeff Thompson Plumbing Services
- JHW Hotz
- Juers Plumbing Pty Ltd
- LD Baker Constructions
- B & K Day Electrical
- Maxwell Pearce
- J & K O's Construction
- Lyndarr Construction
- Auzzie Industries
- Emergency Trade Services
- Chalmers ESR Pty Ltd
- John Colin Leggett
- DF Electrical
- Gainsite Pty Ltd
- B.W Beezley
- Mundubbera Plumbing Services
- Biggenden Engineering Works

6/0 CARRIED

16 CLOSURE OF MEETING

The Meeting closed at 11:15am.

The minutes of this meeting were confirmed at the General Meeting held on 15 January 2020.

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CHAIRPERSON