



# **MINUTES**

**General Meeting**

**5 February 2020**

**MINUTES OF NORTH BURNETT REGIONAL COUNCIL  
GENERAL MEETING  
HELD AT THE MONTO BOARDROOM  
ON WEDNESDAY, 5 FEBRUARY 2020 AT 9:00AM**

**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), Randall Percy (General Manager Works), Tony Klein (General Manager Corporate and Community), Zoe Behrendt (Corporate Services Manager), Justin Erbacher (Community Engagement Manager), Natalie Zillman (Information Coordinator)

**1 WELCOME/HOUSEKEEPING**

The Mayor declared the meeting open and welcomed all attendees.

**2 APOLOGIES/LEAVE OF ABSENCE**

**RESOLUTION 2020/12**

Moved: Cr Robert Radel

Seconded: Cr Peter Webster

That the apology received from Cr John Bowen be accepted and leave of absence granted.

**6/0 CARRIED**

**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**

Nil

**5 NOTIFICATION OF OTHER BUSINESS BY COUNCILLORS**

Nil

**6 DECLARATIONS OF INTEREST**

Nil

## 7 CONFIRMATION OF MINUTES

### 7.1 MINUTES OF THE GENERAL MEETING HELD ON 15 JANUARY 2020

#### RESOLUTION 2020/13

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

That the Minutes of the General Meeting held on 15 January 2020 be confirmed. **6/0 CARRIED**

## 8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nil

## 9 CORPORATE AND COMMUNITY

### 9.1 BIGGENDEN TENNIS COURTS AND CLUBHOUSE

#### RESOLUTION 2020/14

Moved: Cr Robert Radel

Seconded: Deputy Mayor Cr Faye Whelan

That Council:

1. Take ownership of the Biggenden Tennis Courts and Clubhouse located at Lot 1 RP81921, Alice Street, Biggenden and;
  - (a) Pay the Queensland Public Trustee fees to the value of \$1,419.
  - (b) Write off outstanding rates on the property.
  - (c) Require Biggenden and District Tennis Association Inc to maintain responsibility of maintenance and improvement of the clubhouse, toilets and tennis courts (including lighting) at the premises.
  - (d) Note that Biggenden and District Tennis Association Inc are responsible for the connection of electricity to the site and ongoing associated electricity charges.
  - (e) Biggenden and District Tennis Association Inc will be charged for water consumption at the premises. **6/0 CARRIED**

### 9.2 FINANCE REPORT TO 27 JANUARY 2020

#### RESOLUTION 2020/15

Moved: Deputy Mayor Cr Faye Whelan

Seconded: Cr Paul Lobegeier

That in accordance with s204 *Local Government Regulation 2012*, Council notes the Finance Report for the period ended 27 January 2020. **6/0 CARRIED**

## 10 WORKS

Nil

**11 COUNCILLOR REPORTS**

Nil

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

Nil

**13 QUESTIONS**

Cr Lobegeier requested clarification on the parking bay sizes located at North Burnett pools and to ensure that there is a provision for emergency services access.

**14 CONFIDENTIAL REPORTS****RESOLUTION 2020/16****9:13AM**

Moved: Cr Robert Radel

Seconded: Cr John Zahl

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*:

**14.1 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, 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.

**14.2 Pest Control Inspection and Treatment Quotation - 2909\_2019-20\_QTB\_18**

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

**14.3 Planning Application - Material Change of Use for Medical Facility, Gymnasium and Indoor Sports Facility at 24-28 Fielding Street Gayndah (Lot 8 on G1383) - Impact assessable development application under the Planning Act 2016**

This matter is considered to be confidential under Section 275(1) - g 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 any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

**14.4 Development application (MCU—Extractive industry and ERA16—Extractive and screening activities) at 133 John Taylors Road, Gayndah (Lots 1, 2 and 29 on RP32442 and Lot 2 on RP137483)—Impact assessable development**

This matter is considered to be confidential under Section 275(1) - g 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 any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

**6/0 CARRIED****RESOLUTION 2020/17****9:15AM**

Moved: Cr Robert Radel

Seconded: Deputy Mayor Cr Faye Whelan

That Council moves out of Closed Session into Open Session.

**6/0 CARRIED**

**14.1 ADDITION TO PANEL OF PROVIDERS FOR FACILITIES MAINTENANCE****RESOLUTION 2020/18**

Moved: Cr John Zahl

Seconded: Cr Paul Lobegeier

That:

1. Peter Golchert be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909\_2019-20\_QTB\_17 until 17 December 2021.
2. Adam Rhind Electrical be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909\_2019-20\_QTB\_17 until 17 December 2021.
3. Possco Pty Ltd be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909\_2019-20\_QTB\_17 until 17 December 2021.
4. RB Carpentry be added to Council's Panel of Providers for Facilities Maintenance under Quotation 2909\_2019-20\_QTB\_17 until 17 December 2021 **6/0 CARRIED**

**14.2 PEST CONTROL INSPECTION AND TREATMENT QUOTATION - 2909\_2019-20\_QTB\_18****RESOLUTION 2020/19**

Moved: Deputy Mayor Cr Faye Whelan

Seconded: Cr Robert Radel

That Council award the annual pest control and inspection of various Council facilities and sewerage manholes under Quotation 2909\_2019-20\_QTB\_18 for a period of two years to North Burnett Property Maintenance and Pest Control. **6/0 CARRIED**

### 14.3 PLANNING APPLICATION - MATERIAL CHANGE OF USE FOR MEDICAL FACILITY, GYMNASIUM AND INDOOR SPORTS FACILITY AT 24-28 FILELDING STREET GAYNDAH (LOT 8 ON G1383) - IMPACT ASSESSABLE DEVELOPMENT APPLICATION UNDER THE PLANNING ACT 2016

#### RESOLUTION 2020/20

Moved: Cr John Zahl

Seconded: Deputy Mayor Cr Faye Whelan

1. That Council, having regard to the matters set out in the attachments, decide the application under s60 of the *Planning Act 2016* and s22.1(a) of the DA Rules by approving all of it subject to the following conditions:

#### General

1. Carry out the approved development generally in accordance with the approved plan identified in section 5 "Approved plans" of this Decision Notice approval, except as modified by the conditions of this approval as relevant.
2. Where there is any conflict between conditions of this Decision Notice approval and details shown on the approved plans, these conditions prevail.
3. Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
4. Comply with all the conditions of this Decision Notice approval prior to commencement of the use and maintain compliance whilst the use continues.

#### Site Design Matters

5. Provide a 1.8m high solid, acoustic timber fence as marked "1.8m Timber Fence" on site plan by TO/A drawing No. DA02 – issue 2. Chain link fence to be retained where marked.
6. Air conditioning, and refrigeration units are to be located at least 5 metres from any adjoining premises containing a sensitive land use.
7. Locate the refuse area as per site plan by TO/A drawing No. DA02 – issue 2. Further, to this the waste storage area is to be located:
  - (a) behind the front building line and are not visible from the street; or
  - (b) within screened enclosures comprising solid, opaque materials and not less than 1.8 metres high.
8. Vertical illumination resulting from direct or indirect light from the premises is to be eight lux or less when measured at ground level at any point 1.5 metres outside the site.
9. All pedestrian surfaces are slip-resistant and trafficable in all weather conditions.
10. Development does not cause ponding of water on the premises or adjoining land.
11. Provision of six (6) bicycle parking spaces. On-site bicycle facilities meet the requirements in AS2890.3 Parking Facilities—Bicycle parking facilities.

#### Historical

12. Submit an archival quality photographic record of the architectural features of the place where demolished, removed or altered as part of the development to Queensland State Archives and North Burnett Regional Council.

**Hours of Use**

13. The health and well-being centre's hours of operation are to be 7am to 6pm Monday to Saturday.
14. The gymnasium's hours of operation are to be 6am to 9pm, any day of the week. Between 6am and 8am or after 6pm audible noise to be under 5dB(A) above background noise.
15. The sports hall's hours of operation are to be 8am to 9pm, any day of the week. After 6pm audible noise shall not exceed 5dB(A) above background noise. No audible noise should occur after 9pm.
16. Loading and unloading only to occur between the hours of 8am to 5pm Monday to Friday; and 8am-12pm (noon) on Saturday. Unloading is not to occur on a Sunday or public holidays.

**Landscaping**

17. Developed and maintain landscaping along the Fielding Street property boundary in accordance with NBRC planning scheme policy SC6.5 Landscaping Policy.
18. Landscaping does not include any species identified as an unacceptable species in NBRC Planning Scheme policy SC6.5 Landscaping, section SC6.5.5 Unacceptable plant species for landscaping or are otherwise known to be toxic to people or animals.
19. Landscaping incorporates water conservation measures appropriate to the site, including—
  - (c) grouping plants in mulched beds wherever appropriate;
  - (d) avoiding or minimising impervious surfaces;
  - (e) incorporating semi-porous pavement surfaces as an alternative to impervious surfaces; and,
  - (f) draining hard surface areas to landscaped areas and water sensitive urban design devices.

**Engineering Works**

20. Undertake Engineering designs and construction in accordance with Council's Planning Scheme, and relevant IPWEA Drawings and Australian Standards.
21. Be responsible for the full cost of any alterations necessary, to easements and/or other public utility installations in connection with the development.

**Location, Protection and Repair of Damage to Council and Public Utility Services Infrastructure and Assets**

22. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
23. Repair all damage incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of work associated with the development.



**Stormwater Management**

24. Provide stormwater management generally in accordance with the Preliminary Stormwater Management Report prepared by Engineers Plus Job No. 19631, December 2019, subject to detailed design and except as altered by conditions of this development approval. The Engineers Plus report shall be updated to reflect the latest design drawings prepared by TO/A Architect, in particular the Site Plan Rev 2, dated 25 October 2019.
25. Submit to Council, the final amended Stormwater Management Plan and Report for approval, prior to approval being granted for Building Work.
26. Design and construct stormwater drainage to ensure that there is no nuisance or interference to the current use or potential future use of all downstream properties including road reserves and the like, for design storms of ARI2, ARI5, ARI10, ARI20, ARI50 and ARI100.
27. The lawful point of discharge for stormwater is the Fielding Street frontage of the property.

**Roadworks**

28. Design and construct roadworks for the full frontage of the site along Fielding Street to accommodate the on-street car parking and traffic islands, and more specifically, include:
  - (g) widening of the existing pavement and bitumen, including kerb and channel which shall be free draining;
  - (h) tapers to the existing road pavement; and
  - (i) line marking of angle parking spaces as per MUTCD standards.

**Parking and Access - General**

29. Design and construct all sealed areas with concrete, asphalt or a two-coat bitumen seal. Design and construct all unsealed driveway and parking areas with a dust suppressive gravel.
30. Carparking requirements shall be in accordance with AS2890 Parking Facilities.
31. Provide 18 onsite car parking spaces including a minimum of 2 person with disability (PWD) car parking spaces, generally in accordance with TO/A drawing DA02 Issue 2.
32. Provide a minimum of 6 on-street car parking spaces generally in accordance with TO/A Dwg DA02 Issue 2.
33. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
34. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

**Parking and Access - Servicing**

35. Provide loading bay facilities for a Small Rigid Vehicle in the location generally shown on the Approved Plans of development that are designed in accordance with Australian Standard 2890.2 – Off-street Commercial Vehicle Facilities.
36. Install two R2-4 Regulatory Signs (NO ENTRY) at the northern points, erected one metre offset from the driveway and facing the opposite direction to the one-way flow, in accordance with the Manual for Uniform Traffic Control Devices (MUTCD).

**Vehicle Access**

37. At the southern entry/exit, construct a commercial crossover between the property boundary and the edge of the Fielding St road pavement, having a minimum width of 5.8 metres, generally in accordance with IPWEAQ Standard Drawing No. R-050, Revision F. Ensure that crossover splay is designed to accommodate turning movements of a Small Rigid Vehicle.
38. At the northern exit, construct a commercial crossover between the property boundary and the edge of the Fielding St road pavement, having a minimum width of 3.5 metres, generally in accordance with IPWEAQ Standard Drawing No. R-050, Revision F. Ensure that crossover splay is designed to accommodate turning movements of a Small Rigid Vehicle.
39. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

**Pedestrian Footpath / Shared Path**

40. Construct a 1.5 metre wide concrete footpath along the Fielding St frontage for the full width of the development site in accordance with IPWEAQ Standard Drawing RS-065 Rev F, generally in accordance with TO/A Drawing DA02 Issue 2.

**Roadworks and Pedestrian Safety**

41. Install signage for all work on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.
42. Maintain safe pedestrian access along Council's footpaths at all times.

**Erosion and Sediment Control - General**

43. Ensure that all reasonable action is taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
44. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

**Advice to Applicants**

- A. The memorial well and other plaques currently on the site are to be incorporated in the development and located to allow public access.
- B. Building and plumbing and drainage work associated to the Material Change of Use can only proceed once the relevant development permits are issued.
- C. Disconnection and/or reconnection of services may be required as part of the development. All costs associated to these disconnections and/or reconnections are the responsibility of the developer.
- D. Prior to any demolition of the building, it is recommended that an inspection be undertaken of the building by a qualified person/s to determine the existence of Asbestos Containing Materials (ACM) or any other material not deemed as an acceptable construction material as defined in the Australian Standards or the Building Code of Australia. An Asbestos Management Plan and notification may be required prior to any removal pursuant to the *Work Health and Safety Act 2011*. Any ACM must be disposed at Mundubbera Waste Facility or other approved site licenced to accept that type of regulated waste.
- E. 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.

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

**6/0 CARRIED**

**14.4 DEVELOPMENT APPLICATION (MCU—EXTRACTIVE INDUSTRY AND ERA16—EXTRACTIVE AND SCREENING ACTIVITIES) AT 133 JOHN TAYLORS ROAD, GAYNDAH (LOTS 1, 2 AND 29 ON RP32442 AND LOT 2 ON RP137483)—IMPACT ASSESSABLE DEVELOPMENT**

**RESOLUTION 2020/21**

Moved: Cr Paul Lobegeier

Seconded: Cr John Zahl

1. That Council, having regard to the matters set out in the attachments, decide the application under s60 of the Planning Act 2016 and s22.1(a) of the DA Rules by approving all of it subject to the following conditions:

**General**

1. 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 13 November 2019 including Department of Agriculture and Fisheries' Permit—Environmental authority Permit number: EA0002028. Environmental authority takes effect on the date the development approval MCU181/19 (1910-13561 SRA) takes effect.
2. Only conduct the development if a current and relevant Quarry Material Allocation Notice, or other authority as required under the Water Act 2000 or current legislation relevant to the activity, is also held.
3. Provide Council with a copy of any current and relevant Quarry Material Allocation Notice or other authority.
4. Carry out the approved development generally in accordance with the approved plan identified in section 5 "Approved plans" of this Decision Notice approval, except as modified by the conditions of this approval as relevant.
5. Where there is any conflict between conditions of this Decision Notice approval and details shown on the approved plans, these conditions prevail
6. Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
7. Comply with all the conditions of this Decision Notice approval prior to commencement of the use and maintain compliance whilst the use continues.

**Use**

8. Removal of quarry material is not to exceed 9,900 tonnes within any 12-month period.
9. Confine extraction and stockpiling of material to only the area identified as "dredging area" in the approved plan identified in section 5 "Approved plans" of this decision notice approval.
10. Maintain the premises in a neat and tidy state at all times.
11. Remove all vehicles, plant and equipment, and machinery from the site if no extraction activity is intended to be undertaken within one week.

**Environmental management**

12. Do not release any contaminants into the environment.
13. Remove all waste generated by the activity from the site at the end of each day of operation.

**Noise**

14. Restrict all on-site activity – including extraction, operation of plant and equipment, and arrival, movement and departure of all haulage vehicles – from 8am to 5pm on business days and from 8am to 3pm noon on Saturdays.
15. Do not undertake any on-site screening, blasting or crushing activities.
16. Do not generate any substantial low frequency noise.
17. Do not cause noise levels at nearby sensitive receptors to exceed background noise levels (LA 90,T) plus 5 dB(A) when measured as an LAeq. Measurements of noise from the use, when compared to the performance criteria, must include existing ambient noise levels. LA 90,T is the A-weighted sound pressure level obtained using time-weighting 'F' and arithmetically averaging the lowest levels of the ambient sound pressure level during time interval 'T'. The measurement time interval must be a minimum of 15 minutes.

**Air**

18. Cover all trucks during haulage of materials.
19. Make available a water truck during days of operation to suppress any nuisance dust as reported by nearby residents and citrus orchard growers.
20. Air-borne crystalline silica levels (as represented by maximum quartz content) must not exceed 0.1 mg/m<sup>3</sup> (100 µg/m<sup>3</sup>) in any 24-hour period.
21. Particulate emissions from the site, when measured at nearby sensitive receptors, must not exceed the following air quality objectives—

Pollutant	Environmental value	Guideline	Averaging period
<b>Total suspended particulates</b>	Health and wellbeing	90 µg/m <sup>3</sup>	1 year
<b>PM<sub>10</sub></b>	Health and wellbeing	50 µg/m <sup>3</sup>	24 hours
<b>PM<sub>2.5</sub></b>	Health and wellbeing	25 µg/m <sup>3</sup>	24 hours
		8 µg/m <sup>3</sup>	1 year
<b>Dust deposition</b>	Amenity	120mg/m <sup>2</sup> /day	Monthly average

**Water**

22. 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 and groundwater.
23. Divert stormwater uncontaminated by the activity away from areas where it may become contaminated by the activity.
24. Direct any contaminated stormwater to a treatment system.
25. Implement and maintain erosion and sediment control measures to minimise erosion and the release of sediment.
26. Do not service vehicles, machinery or plant on-site.
27. Do not store any chemicals and fuels on-site.
28. Any re-fuelling is to be from a mobile fuel trailer which is to be removed from the site at the end of each day of operation.

**Flooding**

29. Remove all plant and equipment from the inundation area, including the bed and banks of the watercourse, in the event of a flood warning by Bureau of Meteorology.

**Roads**

30. Conduct an inspection of the unsealed section of Richards Road with Council prior to commencement of the use.
31. On the yearly anniversary of the commencement of the use, carry out a maintenance grade, including the addition of gravel if necessary, of the unsealed section of Richards Road to reinstate the road to its condition prior to the commencement of use.
32. Reinstate the unsealed section of Richards Road upon completion of the activity to the same or better condition it was prior to commencement of the use.

**Advice to the applicant**

- A. The development must be carried out in accordance with the conditions of any current and relevant Quarry Material Allocation Notice/s or other authority given under the Water Act 2000 while noting Conditions 7 and 8.
  - B. The development must be carried out in accordance with the conditions of any environment and relevant Environmental Authority or other authority given under the *Environmental Protection Act 1994* while noting Conditions 7 and 8.
  - C. All reasonable and practicable measures must be taken to prevent or minimise environmental nuisance caused by the activity.
  - D. Access to the watercourse must not be restricted to adjoining landowners and the public generally.
  - E. All reasonable and practicable measures must be taken to ensure public safety from the activity in general and within the extraction area particularly.
  - F. 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.
2. That Council give the applicant the decision notice within five days of deciding the application.
  3. That Council give a copy of the decision notice to the referral agency.
  4. That the Council publish the Notice of decision, including the Statement of reasons, on its website.
- 6/0 CARRIED**

**15 CLOSURE OF MEETING**

**The Meeting closed at 9:20am.**

**The minutes of this meeting were confirmed at the General Meeting held on 4 March 2020.**

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**CHAIRPERSON**