



Ordinary Meeting Minutes

28 July 2020

10.00 am

Civic Centre Supper Room,
Bundaberg

Present:

Cr JM Dempsey (Mayor - Chairman), Cr WR Trevor OAM (Deputy Mayor), Cr JP Bartels, Cr WA Honor, Cr TM McPhee, Cr GR Barnes, Cr TM McLoughlin, Cr VJ Habermann OAM, Cr SA Cooper, Cr MBE Mitchell and Cr JD Learmonth

Leave of Absence: Nil

Officers:

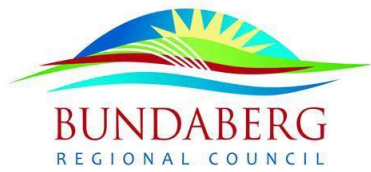
Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Infrastructure
Mr GJ Steele, General Manager Community & Environment
Mrs AK Pafumi, General Manager Organisational Services
Mr B Artup, Executive Director Strategic Projects and Economic Development
Mrs C Large, Chief Legal Officer
Mrs WE Saunders, Executive Services Co-ordinator
Miss CE Dobbins, Executive Assistant/Researcher

Acknowledgments:

Cr JM Dempsey acknowledged the traditional custodian owners of the land and their Elders past, present and emerging.

The Mayor also acknowledged those Australians who have given the ultimate sacrifice in service to our country.

The Spotted Dog and Federal Hotel Backpackers fire (Bourbong Street) on Monday 20 July 2020. Thanks have been conveyed to Emergency Services, Council staff and members of the community who assisted the victims of the fire, both during the event and in the days following. We are very proud to be part of such a generous community who have shown such an outpouring of support for the backpackers and migrant workers who were displaced by the fire and also the businesses who have been affected and continue to be affected during this time of adversity.



Minutes

28 July 2020

Item Number: B1	File Number:	Part: Minutes
---------------------------	---------------------	-------------------------

Subject:

Confirmation of Minutes

Resolution

Cr JM Dempsey moved:-

That the minutes of the Ordinary Meeting of Council held on 30 June 2020 and the Special Meeting of Council held on 30 June 2020 be taken as read and confirmed.

Seconded by Cr VJ Habermann - and carried unanimously.



Minutes

28 July 2020

Item Number:	File Number:	Part:
C1		COUNCILLORS

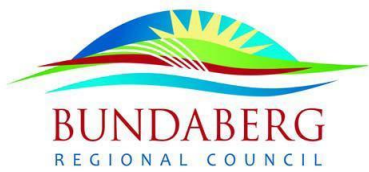
Subject:

Declaration of Conflict/Material Personal Interests – Cr WA Honor

Pursuant to section 175E of the *Local Government Act 2009* Cr WA Honor declared a perceived conflict of interest in item T10 of today's agenda as his son, Dwayne Honor, is the author of the report – but wished to stay and vote on the matter.

Resolution

The remaining Councillors determined that Cr WA Honor does not have a conflict of interest in item T10 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest – and therefore can stay and vote on the matter.



Minutes

28 July 2020

Item Number:

C2

File Number:**Part:**

COUNCILLORS

Subject:

Declaration of Conflict/Material Personal Interests - Cr VJ Habermann

Pursuant to section 175E of the *Local Government Act 2009* Cr VJ Habermann declared a perceived conflict in item R1 of today's agenda as he is a Life member of Bundaberg Cricket Association who are conducting the Bulls Masters event – but wished to stay and vote on the matter.

Resolution

The remaining Councillors determined that Cr VJ Habermann does not have a conflict of interest in item R1 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest – and therefore can stay and vote on the matter.



Minutes

28 July 2020

Item Number:	File Number:	Part:
C3		COUNCILLORS

Subject:

Declaration of Conflict/Material Personal Interests - Cr WR Trevor

Pursuant to section 175E of the *Local Government Act 2009* Cr WR Trevor declared a conflict of interest in item T11 of today's agenda as the Chief Executive Officer was the former Chief Executive Officer of Isis Shire whilst Cr Trevor was the Mayor – and would leave the meeting and not take part in any discussion or vote on the matter.



Minutes

28 July 2020

Item Number:	File Number:	Part:
C4		COUNCILLORS

Subject:

Declaration of Conflict/Material Personal Interests - Cr WA Honor

Pursuant to section 175E of the *Local Government Act 2009*, Cr WA Honor declared a perceived conflict of interest in item T5 of today's agenda as the company being referred to as a Sole Supplier was a consultant for Cr Honor's development application which has now been decided by Council – but wished to stay and vote on the matter.

Resolution

The remaining Councillors determined that Cr WA Honor does not have a conflict of interest in item T5 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest – and therefore can stay and vote on the matter.



Minutes

28 July 2020

Item Number: D1	File Number: .	Part: EXECUTIVE SERVICES
---------------------------	--------------------------	------------------------------------

Portfolio:

Executive Services

Subject:

Appointment of Acting Chief Executive Officers

2568

Resolution

Cr JM Dempsey presented the report; and moved:-

That pursuant to Section 195 of the *Local Government Act 2009* Council appoint the following persons, on a rotational basis, to act as Chief Executive Officer during absences of the Chief Executive Officer:-

- General Manager Community & Environment
- General Manager Infrastructure Services
- General Manager Organisational Services

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number: F1	File Number:	Part: FINANCE
---------------------------	---------------------	-------------------------

Portfolio:

Organisational Services

Subject:

Financial Summary as at 30 June 2020

2569

Resolution

Cr SA Cooper presented the report; and moved:-

That the financial summary as at 30 June 2020 be noted by Council.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number: G1	File Number:	Part: GOVERNANCE
---------------------------	---------------------	----------------------------

Portfolio:

Organisational Services

Subject:

Bundaberg Regional Aviation and Aerospace Precinct Land Use Policy

2570

Resolution

Cr GR Barnes presented the report; and moved:-

That the Bundaberg Regional Aviation and Aerospace Precinct Land Use Policy, version 1, as appended to the report be adopted.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number: G2	File Number: .	Part: GOVERNANCE
---------------------------	--------------------------	----------------------------

Portfolio:

Organisational Services

Subject:

Delegations Register Review

2571

Resolution

Cr SA Cooper presented the report; and moved:-

Pursuant to section 257 of the *Local Government Act 2009*, the “Register of Delegations – Council to the Chief Executive Officer” be varied to reflect the new and changed powers as outlined in the report and the table as appended to the report.

Seconded by Cr JD Learmonth.

For

Cr JP Bartels
Cr WR Trevor
Cr WA Honor
Cr T McPhee
Cr T McLoughlin
Cr VJ Habermann
Cr SA Cooper
Cr MBE Mitchell
Cr JD Learmonth
Cr JM Dempsey

Against

Cr GR Barnes

The motion was put - and carried.



Minutes

28 July 2020

Item Number:

G3

File Number:**Part:**

GOVERNANCE

Portfolio:

Organisational Services

Subject:

Show Holiday Nomination for 2021

2572

Resolution

Cr SA Cooper presented the report; and moved:-

That application be made to the Office of Industrial Relations for gazettal of Show Holidays for the Bundaberg Region, based on postcode basis, ie:

- 4660 and 4670 – Thursday 27 May 2021; and
- 4671 – Monday 9 August 2021 (Monday prior to People’s Day for the Brisbane Exhibition).

Further, that Council Offices and Depots located in postcodes 4660, 4670 and 4671 be closed on Thursday 27 May 2021; and all Council employees in those locations have this day as their allocated Show Day Holiday.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number:

G4

File Number:

Part:

GOVERNANCE

Portfolio:

Organisational Services

Subject:

Audit and Risk Committee Minutes

2573

Resolution

Cr SA Cooper presented the report; and moved:-

That the minutes of the Audit and Risk Committee meeting held on 22 January 2020 be received and noted.

Seconded by Cr T McPhee.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number:

G5

File Number:

Part:

GOVERNANCE

Portfolio:

Organisational Services

Subject:

2019/2020 4th Quarter Operational Plan Review

2574

Resolution

Cr SA Cooper presented the report; and moved:-

That the 2019/2020 4th Quarter Operational Plan be received and noted.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number:	File Number:	Part:
Q1	.	ENVIRONMENT & NATURAL RESOURCES

Portfolio:

Community & Environment

Subject:

2020/2021 Bundaberg Regional Council Surveillance Program for Prohibited and Restricted Matter under the Biosecurity Act 2014

2575

Resolution

Cr WA Honor presented the report; and moved:-

That Council approves 2020/21 Bundaberg Regional Council Surveillance Program for Prohibited and Restricted Matter in accordance with section 235 of the *Biosecurity Act 2014*.

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number:	File Number:	Part:
R1	.	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

Portfolio:

Community & Environment

Subject:

Offer from Bulls Masters for Bundaberg to host the 2020 Youth Cup and to enter into a three year Agreement to host the Bulls Masters Event

2576

Resolution

Cr VJ Habermann presented the report; and moved:-

That Council authorise the Chief Executive Officer to enter into a Partnership/Sponsorship Agreement with Bulls Masters to host:

- 1. the 2021, 2022 and 2023 Bulls Masters event with Council providing \$20,000 in financial support each year and up to \$5,000 in-kind support each year; and**
- 2. the 2020 Bulls Masters Youth Cup with financial support of \$60,000.**

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.

The Mayor advised at this stage, pursuant to Section 275 of the “Local Government Regulation 2012”, the meeting would be closed to the public to discuss the following 11 items which are considered confidential in accordance with Section 275.

Resolution

Cr JM Dempsey moved:-

That the meeting be closed to the public – and discussion on the following 11 items be held in Committee:

- T1 Memorandum of Understanding with Royal Flying Doctor Service Queensland**
- T2 Lot 29 on RP814879 - Request for Water Leak Relief**
- T3 Request for Rating Concessions - Multiple Properties**
- T4 Lot 1 on RP212860 - Request for Rating Exemption**
- T5 Specialised Supplier Submission - Design of Bundaberg Recreational Precinct Entrance Enhancement - Variation to TEN/0996**
- T6 Specialised Supplier Arrangement - CEENA Pty Ltd**
- T7 Sole Supplier - Corporate Membership to Queensland Futures Institute**
- T8 Sole Supplier Arrangement - Engaging Volunteering Queensland under the Community Resilience Project**
- T9 Sole Supplier - ECO Destination Certification**
- T10 Drainage Issue - Lot 1 on SP117736**
- T11 Renewal of Contract of Employment - Chief Executive Officer**

Seconded by Cr SA Cooper - and carried unanimously.

The meeting closed to the public at 10.25 am.

Cr Trevor and the Chief Executive Officer left the meeting during discussion on item T11, the time being 10.50 am. Mr Johnston requested Mr Randle to act as Chief Executive Officer in his absence.

Cr Trevor and Mr Johnston returned to the meeting, the time being 10.51 am.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened to the public via livestream – the time being 10.52 am.

Seconded by Cr GR Barnes - and carried unanimously.



Minutes

28 July 2020

Item Number:	File Number:	Part:
T1	.	CONFIDENTIAL

Portfolio:

Executive Services

Subject:

Memorandum of Understanding with Royal Flying Doctor Service Queensland

Confidential Reason:

Local Government Regulation 2012 Section 275(h) 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.

2577

Resolution

Cr JM Dempsey moved:-

That the Chief Executive Officer be authorised to execute a Memorandum of Understanding between Bundaberg Regional Council and the Royal Flying Doctor Service Queensland which acknowledges the mutual commitment and collaboration to leverage the proposed Aeromedical Retrieval Simulation Hub for the Bundaberg Region.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number: T2	File Number:	Part: CONFIDENTIAL
---------------------------	---------------------	------------------------------

Portfolio:

Organisational Services

Subject:

Lot 29 on RP814879 - Request for Water Leak Relief

Confidential Reason:

Local Government Regulation 2012 Section 275(d) rating concessions.

2578

Resolution

Cr JM Dempsey moved:-

That Council applies section 120(1)(c) of the *Local Government Regulation 2012* and apply the last corresponding normal water consumption to provide relief of \$7,319.24 to reduce the water consumption charges attaching to property described as Lot 29 on RP814879.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number: T3	File Number:	Part: CONFIDENTIAL
---------------------------	---------------------	------------------------------

Portfolio:

Organisational Services

Subject:

Request for Rating Concessions - Multiple Properties

Confidential Reason:

Local Government Regulation 2012 Section 275(d) rating concessions.

2579

Resolution

Cr JM Dempsey moved:-

1. That Council provide no further rating concessions to the properties known as Lot 73 on RP803366, Lot 12 on SP193008, Lot 4 on SP140610, Lot 35-36 on B15836, Lot 33 on RP212862, Lot 18 on RP219558, Lot 6 on SP236035, Lot 7 on Pt ZZ on SP116507, Lot 7 on Pt A on SP116507, Lot 1 on RP94342 and Lot 232 on RP8147014.
2. That Council carry out a review of all rating concessions prior to the 2021/22 budget.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number:

T4

File Number:

Part:

CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Lot 1 on RP212860 - Request for Rating Exemption

Confidential Reason:

Local Government Regulation 2012 Section 275(d) rating concessions.

2580

Resolution

Cr JM Dempsey moved:-

1. That Council provides no further concessions to the property known as Lot 1 on RP212860 which is already exempt from General Rates.
2. That Council carry out a review of all rating concessions prior to the 2021/22 budget.

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number: T5	File Number: .	Part: CONFIDENTIAL
---------------------------	--------------------------	------------------------------

Portfolio:

Executive Services

Subject:

Specialised Supplier Submission - Design of Bundaberg Recreational Precinct Entrance Enhancement - Variation to TEN/0996

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2581**Resolution**

Cr JM Dempsey moved:-

That Council enter into an arrangement with Insite Strategies Pty Ltd and the Trustee for Jensen Campbell Survey Units Trust trading as Insite SJC (ABN 62 329 746 562) for the provision of Detailed Design to Construction Standard for the Pavilion Extension and surrounding landscape without first inviting written quotes pursuant to Section 235(b) of the *Local Government Regulation 2012*.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number: T6	File Number:	Part: CONFIDENTIAL
---------------------------	---------------------	------------------------------

Portfolio:

Infrastructure Services

Subject:

Specialised Supplier Arrangement - CEENA Pty Ltd

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2582**Resolution**

Cr JM Dempsey moved:-

That:

- a. **Council enter into an arrangement with CEENA Pty Ltd (ABN 51 860 796 218) for the provision of contract management services without first inviting written quotes pursuant to Section 235(b) of the *Local Government Regulation 2012*; and**
- b. **this arrangement be made for an initial period August 2020 – May 2022.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number: T7	File Number: A5206128	Part: CONFIDENTIAL
---------------------------	---------------------------------	------------------------------

Portfolio:

Executive Services

Subject:

Sole Supplier - Corporate Membership to Queensland Futures Institute

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2583

Resolution

Cr JM Dempsey moved:-

That:

- a. **Council enter into an arrangement with Queensland Futures Institute (ACN 167 992 181) for corporate membership without first inviting written quotes pursuant to section 235(a) of the *Local Government Regulation 2012*;**
- b. **this arrangement be made for an initial period of one year from the date of entering into the corporate membership.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number: T8	File Number:	Part: CONFIDENTIAL
---------------------------	---------------------	------------------------------

Portfolio:

Executive Services

Subject:

Sole Supplier Arrangement - Engaging Volunteering Queensland under the Community Resilience Project

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2584

Resolution

Cr JM Dempsey moved:-

That Council enter into an arrangement with Volunteering Queensland – SAAVI for the Community Resilience Program without first inviting written quotes pursuant to Section 235(a) of the *Local Government Regulation 2012*.

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number: T9	File Number: .	Part: CONFIDENTIAL
---------------------------	--------------------------	------------------------------

Portfolio:

Community & Cultural Services

Subject:

Sole Supplier - ECO Destination Certification

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2585

Resolution

Cr JM Dempsey moved:-

That Council enter into an arrangement with Eco Tourism Australia for the provision of Certification Fee and Online Support Package towards gaining ECO Destination Certification without first inviting written quotes pursuant to Section 235(a) of the *Local Government Regulation 2012*.

Seconded by Cr T McPhee.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number:	File Number:	Part:
T10		CONFIDENTIAL

Portfolio:

Infrastructure Services

Subject:

Drainage Issue - Lot 1 on SP117736

Confidential Reason:

Local Government Regulation 2012 Section 275(f) starting or defending legal proceedings involving it.

2586

Resolution

Cr JM Dempsey moved:-

1. In accordance with the provisions of the *Acquisition of Land Act 1967*, and the *Local Government Act 2009*, Council propose to acquire an easement for drainage purposes through the land described as Lot 1 on SP117736, as shown indicatively on Attachment A.
2. That Council serve a Notice of Intention to Resume, including a statement of reasons in accordance with section 7 of the *Acquisition of Land Act 1967*, and thereafter proceed in accordance with the requirements of the said Act with the intention of procuring the publication in the Queensland Government Gazette of a proclamation vesting the easement in Council subject to due consideration of all objections made in accordance with the provisions of the said Act.
3. Council further resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer:
 - a. The power under the *Acquisition of Land Act 1967* to prepare, execute and serve, pursuant to section 7 of the *Acquisition of Land Act 1967*, Notice of Intention to Resume upon any and every person who to the knowledge of Council:
 - i. will be entitled to claim compensation in respect of the taking of the land and interests concerned; or
 - ii. is a mortgagee of the land.

- b. The power to hear the grounds of objection to the taking of the land for and on behalf of Council where such objection is validly made under a Notice of Intention to Resume and prepare a report thereon for the consideration of Council.**

Seconded by Cr JD Learmonth.

The motion was put - and carried unanimously.



Minutes

28 July 2020

Item Number:	File Number:	Part:
T11	.	CONFIDENTIAL

Portfolio:

Councillors

Subject:

Renewal of Contract of Employment - Chief Executive Officer

Confidential Reason:

Local Government Regulation 2012 Section 275(a) the appointment, dismissal or discipline of employees.

Cr Trevor and the Chief Executive Officer left the meeting, the time being 11.02 am. Mr Johnston requested Mr Randle act as Chief Executive Officer in his absence.

2587

Resolution

Cr JM Dempsey moved:-

That:

- 1. Mr Stephen Johnston be offered a further four year Contract of Employment with Council as its Chief Executive Officer, commencing from 5 April 2021; and**
- 2. the Mayor be delegated to finalise contractual arrangements and sign the Contract of Employment on behalf of Bundaberg Regional Council.**

Seconded by Cr WA Honor.

The motion was put - and carried.

For

Cr JP Bartels

Cr WA Honor

Cr T McPhee

Cr T McLoughlin

Cr VJ Habermann

Cr SA Cooper

Cr MBE Mitchell

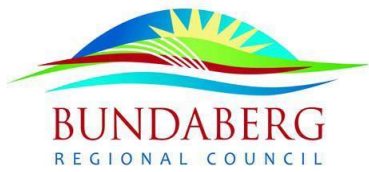
Cr JD Learmonth

Cr JM Dempsey

Against

Cr GR Barnes

Cr Trevor and Mr Johnston returned to the meeting, the time being 11.03 am.



Minutes

28 July 2020

Item Number: V1	File Number:	Part: Meeting Close
---------------------------	---------------------	-------------------------------

Subject:

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.05 am.

Confirmed on 25 August 2020.

Mayor