



Ordinary Meeting Minutes

24 July 2018

Council Chambers Bundaberg

10.00 am

Present:

Cr JM Dempsey (Mayor - Chairman), Cr WR Trevor OAM (Deputy Mayor), Cr JP Bartels, Cr WA Honor, Cr GR Barnes, Cr SA Rowleson, Cr CR Sommerfeld, Cr SA Cooper, Cr JA Peters and Cr JD Learmonth

Apologies:

Moved by Cr WA Honor, seconded by Cr SR Cooper, that Cr Blackburn's apology for today's meeting be accepted. Carried

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 A Sapolu, Chief Legal Officer
Mr M Ellery, Group Manager Development
Mr M Gorey, Executive Officer Communications
Mrs MT Jenner, Executive Assistant to Councillors
Mrs WE Saunders, Executive Services Co-ordinator

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

Invocation:

At the invitation of the Mayor, Pastor Errol Buckle (Honorary Chaplain) gave a short address and led this Ordinary meeting of Council in prayer.



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24 July 2018

Item Number:

A1

File Number:

Part:

Councillors

Subject:

Material Personal Interests/Conflicts of Interest – Cr Barnes

Pursuant to section 175E of the *Local Government Act 2009* Cr GR Barnes declared a perceived conflict of interest in Item K1 as the applicant is a financial supporter of the Bargara Anzac Day dawn service, of which Cr Barnes is a member of the executive committee. Cr Barnes advised that the committee is a not for profit community organisation.

2179

Resolution

Cr JM Dempsey moved:-

That the remaining Councillors determined that Cr Barnes did not have a conflict of interest in item K1 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest.

Seconded by Cr SA Rowleson - and carried unanimously.



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Item Number:

A2

File Number:

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Part:

Councillors

Subject:

Material Personal Interests/Conflicts of Interest – Cr Honor

Pursuant to section 175E of the *Local Government Act 2009*, Cr WA Honor declared a perceived conflict of interest in Item P1 as his son (Dwayne Honor) is an employee of Council and is the author of the report.

2180

Resolution

Cr JM Dempsey moved:-

That the remaining Councillors determined that Cr Honor did not have a conflict of interest in item P1 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest.

Seconded by Cr SA Rowleson - and carried unanimously without debate.



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Item Number:

A3

File Number:

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Part:

General Business

Subject:

Material Personal Interests/Conflicts of Interest - Cr Honor

Pursuant to section 175E of the *Local Government Act 2009*, Cr WA Honor declared a perceived conflict of interest in Item T4 as -

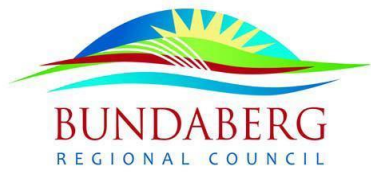
1. he is a Council appointed representative on the Fleet Management Advisory Committee; and
2. his son (Dwayne Honor) has use of a Council vehicle which is listed for replacement in the Fleet Management Advisory Committee minutes.

2181**Resolution**

Cr JM Dempsey moved:-

That the remaining Councillors determined that Cr Honor did not have a conflict of interest in item T4 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest.

Seconded by Cr SA Rowleson - and carried unanimously without debate.



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

Subject:

Confirmation of Minutes

2182

Resolution

Cr JM Dempsey moved:-

That the Minutes of the Ordinary Meeting of Council held on 26 June 2018 and the Special Meeting of Council held on 28 June 2018 be taken as read and confirmed.

Seconded by Cr SR Cooper - and carried unanimously.



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

Portfolio:

Executive Services

Subject:

Petition - The Lakes Village - Council Rates

2183

Resolution

Cr WA Honor moved:-

That the Petition be received and noted.

Seconded by Cr SR Cooper.

The motion was put - and carried unanimously.



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|---------------------------|--------------------------|------------------------------------|
| Item Number: D2 | File Number: . | Part: EXECUTIVE SERVICES |
|---------------------------|--------------------------|------------------------------------|

Portfolio:

Executive Services

Subject:

Petition - To stop the new lagoon at Baldwin Swamp

2184

Resolution

Cr JA Peters moved:-

That the Petition be received and noted.

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



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|---------------------------|--------------------------|------------------------------------|
| Item Number: D3 | File Number: . | Part: EXECUTIVE SERVICES |
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Portfolio:

Executive Services

Subject:

Communications Plan 2019-2021

2185

Resolution

Cr SR Cooper presented the report; and moved:-

That the Communications Plan 2019-2021 be adopted.

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.



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| Item Number: | File Number: | Part: |
| E1 | . | FINANCE |

Portfolio:

Organisational Services

Subject:

Financial Summary as at 30 June 2018

2186

Resolution

Cr SR Cooper presented the report; and moved:-

That the Financial Summary as at 30 June 2018 be noted by Council.

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.



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| Item Number: F1 | File Number: . | Part: GOVERNANCE & COMMUNICATIONS |
|---------------------------|--------------------------|--|

Portfolio:

Organisational Services

Subject:

Show Holiday Nomination for 2019

2187

Resolution

Cr SR 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 30 May 2019; and
- 4671 – Monday 12 August 2019 (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 30 May 2019; and all Council Employees in those locations have this day as their allocated Show Day Holiday.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



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| Item Number: F2 | File Number: . | Part: GOVERNANCE & COMMUNICATIONS |
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Portfolio:

Organisational Services

Subject:

Procurement Policy and Buy Local Policy

2188

Resolution

Cr SR Cooper presented the report; and moved:-

That Council adopt the Procurement Policy and the Buy Local Policy.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



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| Item Number: F3 | File Number: . | Part: GOVERNANCE & COMMUNICATIONS |
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Portfolio:

Organisational Services

Subject:

2017/2018 4th Quarter Report

2189

Resolution

Cr SR Cooper presented the report; and moved:-

That the 2017-2018 – 4th Quarter Operational Report – be received and noted by Council.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



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| Item Number: | File Number: | Part: |
| K1 | 526.2018.42.1 | DEVELOPMENT ASSESSMENT |

Portfolio:

Planning & Development Services

Subject:

Tanner Street, 24 Whalley Street and Whalley Street and Grimwood Street, Bargara - Change Application for Minor Change (MCU - Entertainment Activity - Club)

2190

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That as:

1. The change to the permitted gaming hours is an extension of 30 minutes only to align with Office of Liquor and Gaming Licencing;
2. The site is only 400 metres from a similar establishment with similar gaming hours;
3. The applicant has made a courtesy bus available to patrons and security guard to assist with leaving the establishment in a quick and orderly manner;
4. The applicant has a Patron Management Plan in place;

- Development Application 526.2018.42.1 be determined as follows:

1. Location details

| | |
|----------------------------|--|
| Street address: | 24 Whalley Street, Tanner Street and Grimwood Street BARGARA |
| Real property description: | Lots 290-294 (inclusive), 296, 297 and 298-302 (inclusive) on RP7232 and Lots 1 and 2 on RP128877 |
| Local government area: | Bundaberg Regional Council |

2. Details of Original Approval

Material Change of Use for Club (Extension to Sports Club)

Date of Approval: 7 February 2018

Application Number: 522.2017.19.1

3. Details of the proposed development

Development Permit for Change Application (Minor Change (MCU - Entertainment Activity - Club)

4. Decision for change application

Decision details: The Bundaberg Regional Council has decided to:

Make the change and amend existing conditions. Please refer to Schedule 1.

The changes agreed to are:

1. Delete existing condition 11.
2. Insert new condition 11 as follows:

11. For the first twelve (12) months following commencement of the use, unless otherwise approved in writing by the Assessment Manager, the hours of the approved use are limited to 9 am to 2 am daily, with the service of alcohol to cease at 12 am.

After 12 months from the commencement of the use, unless otherwise approved in writing by the Assessment Manager, the hours of the approved use are:

- (a) limited to 9 am to 12 am daily; or*
- (b) limited to 9 am to 2 am daily, with the service of alcohol to cease at 1am, if the operator can demonstrate to the Council that the 2 am shut down can function without creating an environmental nuisance in relation to noise at nearby sensitive receptors during the first 12 months of operation and receives written confirmation from the Assessment Manager has achieved this requirement to its satisfaction.*

5. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 2.

Seconded by Cr SA Rowleson .

The motion was put - and carried.

For

Cr JP Bartels
 Cr WR Trevor
 Cr WA Honor
 Cr GR Barnes
 Cr SA Rowleson
 Cr CR Sommerfeld
 Cr SR Cooper
 Cr JD Learmonth
 Cr JM Dempsey

Against

Cr JA Peters

It being noted that the Planning Officers had recommended:-

That Change Application 526.2018.42.1 detailed below be decided as follows:

1. Location details

Street address: 24 Whalley Street, Tanner Street and Grimwood Street, Bargara

Real property description: Lots 290-294 (inclusive), 296, 297 and 298-302 (inclusive) on RP7232 and Lots 1 and 2 on RP128877

Local government area: Bundaberg Regional Council

2. Details of Original Approval

Material Change of Use for Club (Extension to Sports Club)

Date of Approval: 7 February 2018

Application Number: 522.2017.19.1

3. Details of the proposed development

Development Permit for Change Application (Minor Change (MCU - Entertainment Activity - Club)

4. Decision for change application

Decision details: The Bundaberg Regional Council has decided to:

Refuse to make the change. Reasons for the decision to refuse the change application are set out in Schedule 1.

5. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the

Planning Act 2016. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).

A copy of the relevant appeal provisions are included in Schedule 2.

SCHEDULE 1 REASONS FOR DECISION TO REFUSE CHANGE APPLICATION

The reasons for this decision are:

- *The change application was assessed in accordance with section 81 of the Planning Act 2016;*
- *The benchmarks of the Bundaberg Regional Planning Scheme 2015, where relevant to the assessment of the proposed minor change have not changed since the development was conditionally approved.*
- *The proposal is located on land surrounded by predominately low density residential uses (sensitive land uses) within the Low density residential zone to the west, South and East;*
- *Extending the operating hours for the approved use (or components of the use- in this case game machine operation) is likely to result in unreasonable impacts on adjoining properties, particularly residential premises, and cannot be reasonably mitigated through the application of lawful conditions; and*
- *The proposed change is in conflict with the Business Uses Code and the applicant has not demonstrated that sufficient grounds exist to approve the change despite this conflict.*



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| Item Number: O1 | File Number: . | Part: WASTE & RECYCLING |
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Portfolio:

Community & Environment

Subject:

TEN0347 Memorandum of Agreement LGI Limited (LGI)

2191

Resolution

Cr SA Rowleson presented the report; and moved:-

That Council enter into a Memorandum of Agreement with LGI Limited ABN 49 138 085 551.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



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| Item Number: | File Number: | Part: |
| P1 | ICC1982.2015 | ENVIRONMENT & NATURAL RESOURCES |

Portfolio:

Community & Environment

Subject:

Community Reference Group Appointment - Our Coast - Coastal Hazard Adaptation Strategy

2192

Resolution

Cr WR Trevor presented the report; and moved:-

That the following community members be appointed to the Community Reference Group for the Coastal Hazard Adaptation Strategy, subject to each member committing to the group's Terms of Reference:

| Nominee | Representation (from nomination form) |
|------------------|--|
| Julie Fauser | Archies & Kellys Beach, Bargara |
| Ian Graham | Bargara to Elliott Heads |
| George Martin | Bundaberg Region Coastline |
| Heath Greville | Burnett Heads |
| Terry Kelly | Burnett Heads, Mon Repos, Port Bundaberg |
| Chris McLoughlin | Burnett Heads, Port Bundaberg, Mon Repos |
| Lloyd Blake | Coonarr Beach & Palm Beach |
| Sharon Jackson | Elliott Heads, Coral Cove, Coonarr, Innes Park, Bargara, Burnett Heads |
| Josephine Ferris | Innes Park, Kalina Beach |
| Russell Stewart | Moore Park Beach |
| Shanelle Pekin | Moore Park Beach |
| Tony Ricciardi | Woodgate Beach |
| Derek Bester | Woodgate Beach |
| Collin Turner | Woodgate Beach |
| Robert Bell | Woodgate Beach |
| Joe Russo | Woodgate Beach |
| Rob James | Woodgate Beach |
| Jennifer Parry | Woodgate Beach & Walkers Point |

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



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| Item Number: P2 | File Number: . | Part: ENVIRONMENT & NATURAL RESOURCES |
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Portfolio:

Community & Environment

Subject:

Management Plan for Baldwin Swamp Environmental Park

2193

Resolution

Cr WR Trevor presented the report; and moved:-

That:-

- the Baldwin Swamp Environmental Park Land Management Plan be adopted by Council; and
- endorsement of the plan be sought from the Department of Natural Resources and Mines.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



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| Item Number: | File Number: | Part: |
|---------------------|---------------------|---|
| Q1 | . | SPORT, RECREATION, VENUES & DISASTER MANAGEMENT |

Portfolio:

Community & Environment

Subject:

Bundaberg Regional Sport and Recreation Strategy 2018 - 2028

Resolution

Cr SR Cooper presented the report; and moved:-

That the Bundaberg Regional Council Sport and Recreation Strategy 2018-2028 be adopted.

Seconded by Cr SA Rowleson.

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 4 items which are considered confidential in accordance with Section 275.

Resolution

Cr CR Sommerfeld moved:-

That the meeting be closed to the public – and discussion on the following 4 items be held in Confidential:

- T1 Lot 15 on RP14484, Lot 1 on RP14485, Lot 2 on RP14486 - Request for rates reduction**
- T2 Delegation of Authority to enter Leases in support of Staff Consolidation from Bargara into the Bundaberg CBD and Bargara CDB**
- T3 Information Services Steering Committee Meeting Minutes**
- T4 Fleet Management Advisory Committee**

Seconded by Cr WA Honor - and carried unanimously.

Meeting closed to the public at 10.45 am.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened.

Seconded by Cr SA Rowleson - and carried unanimously.

Meeting reopened to the public at 10.59 am.



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|---------------------|---------------------|--------------|
| Item Number: | File Number: | Part: |
| T1 | A3699318 | CONFIDENTIAL |

Portfolio:

Organisational Services

Subject:

Lot 15 on RP14484, Lot 1 on RP14485, Lot 2 on RP14486 - Request for rates reduction

Confidential Reason:

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

2194

Resolution

Cr JM Dempsey presented the report; and moved:-

That the application made on 2 May 2018 for general rates relief for the properties described as Lot 15 on RP14484, Lot 1 on RP14485 and Lot 2 on RP14486 be refused.

Seconded by Cr JA Peters.

The motion was put - and carried.

For

Cr JP Bartels
 Cr WA Honor
 Cr GR Barnes
 Cr SA Rowleson
 Cr CR Sommerfeld
 Cr SR Cooper
 Cr JA Peters
 Cr JD Learmonth
 Cr JM Dempsey

Against

Cr WR Trevor



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24 July 2018

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

Portfolio:

Executive Services

Subject:

Delegation of Authority to enter Leases in support of Staff Consolidation from Bargara into the Bundaberg CBD and Bargara CBD

Confidential Reason:

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

2195**Resolution**

Cr JM Dempsey presented the report; and moved:-

That the Chief Executive Officer be authorised to enter into leases for the following premises:

- 1. Levels 5 & 6 of the Auswide Bank Building at 16/20 Barolin Street, Bundaberg Central for the purpose of Council staff accommodation; and**
- 2. Shop 3 Bargara Beach Plaza, 15 See St, Bargara for the purpose of establishing a customer service shop front.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



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|---------------------------|--------------------------|------------------------------|
| Item Number: T3 | File Number: . | Part: CONFIDENTIAL |
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Portfolio:

Organisational Services

Subject:

Information Services Steering Committee Meeting Minutes

Confidential Reason:

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

2196

Resolution

Cr JM Dempsey presented the report; and moved:-

That the meeting minutes of the Information Services Steering Committee held 18 April 2018 and 24 May 2018 – be noted.

Seconded by Cr SR Cooper.

The motion was put - and carried unanimously.



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24 July 2018

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|---------------------|---------------------|--------------|
| Item Number: | File Number: | Part: |
| T4 | - | CONFIDENTIAL |

Portfolio:

Infrastructure & Planning Services

Subject:

Fleet Management Advisory Committee

Confidential Reason:

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

2197**Resolution**

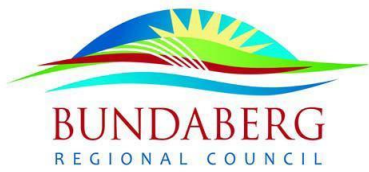
Cr JM Dempsey presented the report; and moved:-

That the minutes (and associated attachments) of the Fleet Management Advisory Committee meeting held on 5 June 2018, be received and noted by Council.**Further, that the:-**

- 1. amended Terms of Reference for the Fleet Management Advisory Committee; and the**
 - 2. draft 2018/2019 Plant Replacement Program;**
- be endorsed by Council.**

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



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24 July 2018

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

Subject:

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.03 am.

Confirmed on 21 August 2018.

Mayor