



Ordinary Meeting Minutes

28 June 2022

10.00 am

Council Chambers, 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:

Officers:

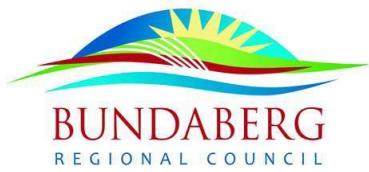
Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Infrastructure
Mr A Keleher, Acting General Manager Organisational Services
Mr B Artup, Executive Director Strategic Projects and Economic Development
Mr M Ellery, Group Manager Development (via Teams)
Mr S Muggerridge, Acting Chief Financial Officer
Mrs C Large, Chief Legal Officer
Mrs WE Saunders, Executive Services Co-ordinator
Ms B Kao, Executive Assistant/Researcher

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.

Invocation:

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



Minutes

28 June 2022

Item Number: B1	File Number:	Part: Minutes
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Subject:

Confirmation of Minutes

Resolution

Cr JM Dempsey moved:-

That the minutes of the Ordinary meeting of Council held on 31 May 2022 be taken as read and confirmed.

Seconded by Cr VJ Habermann - and carried unanimously.



Minutes

28 June 2022

Item Number:	File Number:	Part:
C1		Councillors

Subject:

Declaration of Conflict of Interest - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor advised he has a declarable conflict of interest in item K1 of today's agenda as his company, Coachtrail Investments Pty Ltd has an incomplete 2020 Incentives Contract with Council – and will leave the meeting while the item is discussed and voted on.



Minutes

28 June 2022

Item Number:	File Number:	Part:
C2		Councillors

Subject:

Declaration of Conflict of Interest - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor advised he has a declarable conflict of interest in item K2 of today's agenda as his company, Coachtrail Investments Pty Ltd has an incomplete 2020 Incentives Contract with Council – and will leave the meeting while the item is discussed and voted on.



Minutes

28 June 2022

Item Number:	File Number:	Part:
C3		Councillors

Subject:

Declaration of Conflict of Interest - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor advised he has a declarable conflict of interest in item K3 of today's agenda as his company, Coachtrail Investments Pty Ltd has an incomplete 2020 Incentives Contract with Council – and will leave the meeting while the item is discussed and voted on.



Minutes

28 June 2022

Item Number:	File Number:	Part:
C4		Councillors

Subject:

Declaration of Conflict of Interest - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor advised he has a declarable conflict of interest in item K4 of today's agenda as his company, Coachtrail Investments Pty Ltd has an incomplete 2020 Incentives Contract with Council – and will leave the meeting while the item is discussed and voted on.



Minutes

28 June 2022

Item Number:	File Number:	Part:
C5		Councillors

Subject:

Declaration of Conflict of Interest - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor advised he has a declarable conflict of interest in item K5 of today's agenda as his company, Coachtrail Investments Pty Ltd has an incomplete 2020 Incentives Contract with Council – and will leave the meeting while the item is discussed and voted on.



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28 June 2022

Item Number: C6	File Number:	Part: Councillors
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Subject:

Declaration of Conflict of Interest - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor advised he has a declarable conflict of interest in item K6 of today's agenda as his company, Coachtrail Investments Pty Ltd has an incomplete 2020 Incentives Contract with Council – and will leave the meeting while the item is discussed and voted on.



Minutes

28 June 2022

Item Number:	File Number:	Part:
C7		Councillors

Subject:

Declaration of Conflict of Interest - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor advised he has a declarable conflict of interest in item G2 of today's agenda as the purchasers had been a party to taking a Material Change of Use over his property at Lot 104 on Clarkes Road, Delan although didn't complete a contract to operate – and will leave the meeting while the item is discussed and voted on.



Minutes

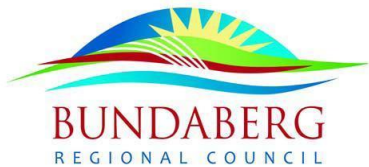
28 June 2022

Item Number: C8	File Number:	Part: Councillors
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Subject:

Declaration of Conflict of Interest – Cr MBE Mitchell

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Mitchell advised she has a declarable conflict of interest in item K3 of today’s agenda as the applicant, is an acquaintance – and will leave the meeting while the item is discussed and voted on.



Minutes

28 June 2022

Item Number:	File Number:	Part:
C9		Councillors

Subject:

Declaration of Conflict of Interest – Cr MBE Mitchell

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Mitchell advised she has a declarable conflict of interest in item O2 of today's agenda as she was a non-executive board member of Community Lifestyle Support Ltd until February 2019 and also has a social association with Mr Whitlock, an executive board member – and will leave the meeting while the item is discussed and voted on.



Minutes

28 June 2022

Item Number:	File Number:	Part:
C10		Councillors

Subject:

Notice of Motion - Cr GR Barnes

2935

Resolution

Cr GR Barnes moved:-

That:

1. the Chief Executive officer be directed by resolution, to provide all Councillors with a written report under confidential cover explaining why critical information was omitted from an official report provided to them at Page #17 of the Agenda for the Consultation Meeting held on 16 May 2022;
2. the report include an explanation explaining why the subject report also contained what appears to be false and misleading information.

Seconded by Cr MBE Mitchell.

Background

On 16th May 2022 all Councillors other than the Mayor attended a scheduled Consultation Meeting and were provided with an Agenda for that meeting.

On reaching a confidential report commencing at Page 17 of the Agenda, some Councillors requested that further information be provided to them to assist them in their decision-making process. Later that afternoon, the requested information was circulated to all Councillors.

This latter information was found to be in conflict with the contents of the original Agenda report and identified other information which was critical to the decision-making process and which had been omitted from that original report.

Elected representatives have the right to expect complete, accurate and transparent information when they face their role of making important decisions on behalf of the regional community who they are sworn to represent. It is my submission that a part of that accountability is to have documented records that are available for review at any time into the future.

The purpose of this Notice of Motion is solely related to ensuring that the records of the Council are complete and I find it disturbing that as an elected member I need to go down this path in an attempt to achieving that goal.

The motion was put and lost.

For

Cr WA Honor
Cr TM McPhee
Cr GR Barnes
Cr MBE Mitchell

Against

Cr JP Bartels
Cr WR Trevor
Cr TM McLoughlin
Cr VJ Habermann
Cr SA Cooper
Cr JD Learmonth
Cr JM Dempsey



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28 June 2022

Item Number: D1	File Number:	Part: EXECUTIVE SERVICES
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Portfolio:

Executive Services

Subject:

Organisational Structure

2936

Resolution

Cr JM Dempsey presented the report; and moved:-

That the Organisational Structure (as at 1 July 2022) be adopted by Council.

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



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28 June 2022

Item Number: F1	File Number:	Part: FINANCE
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Portfolio:

Executive Services

Subject:

Financial Summary as at 1 June 2022

2937

Resolution

Cr SA Cooper presented the report; and moved:-

That the Financial Summary as at 1 June 2022 be noted by Council.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

28 June 2022

Item Number:

F2

File Number:**Part:**

FINANCE

Portfolio:

Executive Services

Subject:

Lease - See Street, Bargara

2938

Resolution

Cr SA Cooper presented the report; and moved:-

That:

1. Council does not exercise the option to renew the lease for the premises at Lot 4 on RP900930; and
2. the Chief Executive Officer be authorised to attend to providing notice to the landlord and all other items required to finalise the lease.

Seconded by Cr TM McLoughlin.

The motion was put - and carried.

For

Cr JP Bartels
Cr WR Trevor
Cr TM McLoughlin
Cr VJ Habermann
Cr SA Cooper
Cr MBE Mitchell
Cr JD Learmonth
Cr JM Dempsey

Against

Cr WA Honor
Cr TM McPhee
Cr GR Barnes



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28 June 2022

Item Number: G1	File Number:	Part: GOVERNANCE
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Portfolio:

Organisational Services

Subject:

Sale of 10 Heritage Drive, Childers

2939

Resolution

Cr SA Cooper presented the report; and moved:-

That:

1. Council rescind the resolution made in relation to Item G1 “Sale of Lots 35, 36, 37 and 38 on SP210113 – Heritage Oaks Estate, Childers” on 25 January 2022 at its Ordinary Meeting to the extent it relates to Lot 37 only;
2. Council apply the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012* (Qld) to the disposal of Lot 37 on SP210113; and
3. the Chief Executive Officer be authorised to enter into a Contract of Sale with the Buyer and attend to all items required to finalise the sale of the Lot.

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



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28 June 2022

Item Number: G2	File Number:	Part: GOVERNANCE
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Portfolio:

Organisational Services

Subject:

Sale of Lot 9 on SP311608, Bundaberg Regional Aviation and Aerospace Precinct

Cr WA Honor left the meeting, the time being 10.42 am.

2940**Resolution**

Cr SA Cooper presented the report; and moved:-

That:

- 1. Council rescind the resolution made in relation to Item G4 “Sale of Lot 9 on SP311608” on 22 February 2022 at its Ordinary Meeting;**
- 2. Council apply the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012 (Qld)* to the disposal of Lot 9 on SP311608; and**
- 3. the Chief Executive Officer be authorised to enter into a Contract of Sale with the Buyer and attend to all items required to finalise the sale of the Lot.**

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.

Cr WA Honor returned to the meeting, the time being 10.44 am.



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28 June 2022

Item Number:

G3

File Number:**Part:**

GOVERNANCE

Portfolio:

Organisational Services

Subject:

Lease Renewal - Telstra - Moore Park Beach Water Tower

2941

Resolution

Cr SA Cooper presented the report; and moved:-

That:

1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and
2. the Chief Executive Officer be authorised to enter into a 3 year Lease with Telstra Limited ABN 64 086 174 781 for part of the land at Lot 89 on RP92606.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



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28 June 2022

Item Number:

G4

File Number:**Part:**

GOVERNANCE

Portfolio:

Organisational Services

Subject:

Lease Renewal - DTMR - 25 Quay Street, Bundaberg

2942

Resolution

Cr SA Cooper presented the report; and moved:-

That:

1. Council apply the exception contained in section 236(1)(b)(i) of the *Local Government Regulation 2012*; and
2. the Chief Executive Officer be authorised to enter into a 5 year Lease with The State of Queensland (Represented by Department of Transport and Main Roads) for the land at Lot 5 on CP B15860.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



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28 June 2022

Item Number: G5	File Number:	Part: GOVERNANCE
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Portfolio:

Organisational Services

Item G5 was removed from the agenda prior to the meeting.



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28 June 2022

Item Number:

G6

File Number:

Part:

GOVERNANCE

Portfolio:

Organisational Services

Subject:

Specialised Supplier Arrangement - SAI Global

2943

Resolution

Cr SA Cooper presented the report; and moved:-

That:

- 1. Council enters into an arrangement with SAI Global for the provision of access to Australian Codes and Standards without seeking competitive quotations or tenders pursuant to Section 235(b) of the *Local Government Regulation 2012*; and**
- 2. this arrangement be in place for the period 1 July 2022 to 30 June 2025.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

28 June 2022

Item Number:	File Number:	Part:
K1	344.2021.29.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

DA522.2021.256.1 - Request for Extended Completion Date and Application of Discounts - Building Bundaberg Region 2020 Incentives

Cr WA Honor left the meeting, the time being 10.48 am.

2944**Resolution**

Cr JM Dempsey moved:-

That Council agree to enter into a Deed of Variation to the Building Bundaberg Region 2020 Infrastructure Agreement for DA522.2021.1301.1 dated 2 July 2021, so that the following changes are made:

- A. The eligible development is changed to DA526.2021.309.1**
- B. An Applicable Discount is applied to a gross floor area of 2,424 m² and an impervious area of 4,937 m² of the proposed development;**
- C. The balance of infrastructure charges remain payable as detailed in Charges Notice 331.2021.1301.1 dated 11 March 2022.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

28 June 2022

Item Number:	File Number:	Part:
K2	344.2021.38.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

DA522.2021.22.1 - Request for Extended Completion Date Building Bundaberg Region 2020 Incentives

2945

Resolution

Cr JM Dempsey moved:-

That Council agree to an extension of the Completion Date in the Building Bundaberg Region 2020 infrastructure agreement for DA525.2021.22.1 to 31 December 2023.

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



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28 June 2022

Item Number:	File Number:	Part:
K3	344.2021.25.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

DA522.2020.182.1 - Request for Extended Completion Date Building Bundaberg Region 2020 Incentives

Cr Mitchell left the meeting, the time being 10.56 am.

2946

Resolution

Cr JM Dempsey moved:-

That Council agree to an extension of the Completion Date in the Building Bundaberg Region 2020 infrastructure agreement for DA522.2020.182.1 to 14 June 2023.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.

Cr Mitchell returned to the meeting, the time being 10.57 am.



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28 June 2022

Item Number:	File Number:	Part:
K4	344.2021.27.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

DA526.2020.239.1 - Request for extended Completion Date Building Bundaberg Region 2020 Incentives

2947

Resolution

Cr JM Dempsey moved:-

That Council agree to an extension of the Completion Date in the Building Bundaberg Region 2020 infrastructure agreement for DA526.2020.239.1 to 14 June 2023.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



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28 June 2022

Item Number:	File Number:	Part:
K5	344.2021.33.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

DA522.2021.261.1 - Request for Approval for Building Bundaberg Region 2020 Incentives

2948

Resolution

Cr JM Dempsey moved:-

That the Chief Executive Officer or their nominated delegate be authorised to enter into a Building Bundaberg Region 2020 infrastructure agreement for DA522.2021.261.1 with a Completion Date of 30 June 2023.

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



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28 June 2022

Item Number:	File Number:	Part:
K6	322.2008.20378.4	PLANNING

Portfolio:

Planning & Development Services

Subject:

DA322.2008.20378.4 - Request for Extended Completion Date Bundaberg Open for Development 2016 Incentives - 52 Heaps Street, Avenell Heights

2949

Resolution

Cr JM Dempsey moved:-

That Council agree to an extension of the Completion Date in the Bundaberg Open for Development Infrastructure Agreement for DA322.2008.20378.4 to 26 June 2023.

Seconded by Cr JP Bartels.

The motion was put - and carried.

ForCr JP Bartels
Cr WR Trevor
Cr GR Barnes
Cr VJ Habermann
Cr SA Cooper
Cr JD Learmonth
Cr JM Dempsey**Against**Cr TM McPhee
Cr TM McLoughlin
Cr MBE Mitchell

Cr Honor returned to the meeting, the time being 11.02 am.



Minutes

28 June 2022

Item Number:	File Number:	Part:
K7		PLANNING

Portfolio:

Planning & Development Services

Subject:

Proposed Acquisition of Part of Mountney Street Park by Spring Lakes Resorts Pty Ltd

2950

Resolution

Cr JM Dempsey moved:-

That Council provide a letter of support to Spring Lakes Resort Properties Pty Ltd for the proposal to acquire part of Mountney Street Park as shown on plan GC19-401-PARK 1, subject to them preparing and entering into an Infrastructure Agreement that provides:

1. That the Developer is responsible for all necessary approvals and permits related to the proposal as well as any costs associated with these;
2. In the event that the transfer of land is successful, that Spring Lakes Resort provide:
 - a. the embellishment works shown on plan GDSL18521 LD Issue C, dated Sept 2021 and prepared by Greenscape Design within 6 months of the transfer; and
 - b. A fence on the new common boundary with Mountney St Park and the development land consisting of a 1.8 metre high Vanguard tubular fence.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

28 June 2022

Item Number:	File Number:	Part:
O1		COMMUNITY & CULTURAL SERVICES

Portfolio:

Community & Environment

Subject:

Renewal of Lease BA - Bundaberg Regional Airport - BP Australia

2951

Resolution

Cr SA Cooper presented the report; and moved:-

That:-

1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and
2. the Chief Executive Officer be authorised to enter into a Lease to BP Australia Pty Ltd for part of Lot 35 on SP254546 being lease area BA for an initial term of 5 years with a further 5 year option.

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



Minutes

28 June 2022

Item Number:	File Number:	Part:
O2		COMMUNITY & CULTURAL SERVICES

Portfolio:

Community & Environment

Subject:

Lease Renewal - Community Lifestyle Support Ltd - School Lane, Windermere

Cr Mitchell left the meeting, the time being 11.06 am.

Resolution

Cr SA Cooper presented the report; and moved:-

That:

1. Council rescind the resolution made in relation to Item O2 “Renewal of Lease – Community Lifestyle Support Ltd – Lot 218 on SP170700” on 15 December 2021 at its Ordinary meeting in its entirety;
2. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and
3. the Chief Executive Officer be authorised to enter into a 10 year Lease with the Community Lifestyle Support Ltd ACN 615 836 630 for part of the land at Lot 218 on SP170700.

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.

Cr Mitchell returned to the meeting, the time being 11.07 am.



Minutes

28 June 2022

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

Portfolio:

Community & Environment

Subject:

Bargara Legends Pro-Am Sponsorship - 2022

2952

Resolution

Cr VJ Habermann presented the report; and moved:-

That Council, under the Partnerships and Sponsorships Grant program, agree to be a Gold Sponsor of the 2022 Bargara Legends Pro-Am to be held at the Bargara Golf Club in July 2022, with cash sponsorship to the value of \$1,950 (inc GST).

Seconded by Cr WR Trevor.

The motion was put - and carried.

For

Cr JP Bartels
 Cr WR Trevor
 Cr WA Honor
 Cr TM McPhee
 Cr GR Barnes
 Cr VJ Habermann
 Cr SA Cooper
 Cr MBE Mitchell
 Cr JM Dempsey

Against

Cr TM McLoughlin
 Cr JD Learmonth

Cr Barnes requested that his concerns be noted in relation to the inclusions that are provided in the Gold Sponsor Package (Attendance at sponsors only golf day, free rounds of golf, vouchers, etc).

Cr Dempsey advised that the normal practice is to donate any such gifts to community groups and/or volunteers.

Cr Barnes requested that going forward any items included in sponsorship packages be detailed in the report.



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28 June 2022

Item Number:	File Number:	Part:
R2	.	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

Portfolio:

Community & Environment

Subject:

Netball Queensland - Financial Support for the 2022 Primary Schools Cup

2953

Resolution

Cr VJ Habermann presented the report; and moved:-

That Council, under the Sponsorship and Partnership Program, enter into a Sponsorship Agreement with Netball Queensland for the 2022 Primary Schools Cup. The financial value of the sponsorship to be \$15,000 cash.

Seconded by Cr GR Barnes.

The motion was put - and carried.

For

Cr JP Bartels

Cr WR Trevor

Cr WA Honor

Cr TM McPhee

Cr GR Barnes

Cr VJ Habermann

Cr SA Cooper

Cr MBE Mitchell

Cr JM Dempsey

Against

Cr TM McLoughlin

Cr JD Learmonth



Minutes

28 June 2022

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

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.25 am.

Confirmed on 26 July 2022.

Mayor