

Ordinary Meeting Minutes

19 November 2019

10.00 am

Council Chambers, Bundaberg

Present:

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

Leave of Absence: Nil

Apologies: Moved Cr Barnes, seconded Cr Blackburn 'That the apology of Cr WA Honor be accepted'. Carried unanimously.

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
Mr M Gorey, Executive Officer Communications
Mr M Ellery, Group Manager Development
Mrs C Large, Chief Legal Officer
Mrs WE Saunders, Executive Services Co-ordinator
Miss CE Dobbins, Executive Assistant/Researcher

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

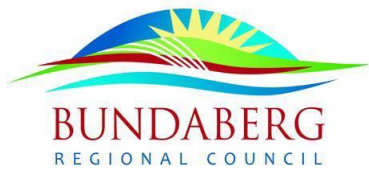
The Mayor also acknowledged those Australians who have given the ultimate sacrifice in service to our country.

Invocation:

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

Presentation:

The Mayor presented Cr WR Trevor with a certificate from the Local Government Association of Queensland for completing 26 years of service to local government in the Bundaberg Region.



Minutes

19 November 2019

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 22 October 2019 be taken as read and confirmed.

Seconded by Cr SA Cooper - and carried unanimously .



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19 November 2019

Item Number:	File Number:	Part:
C1	.	COUNCILLORS

Portfolio:

Councillors

Subject:

Declaration of Conflict of Interest - Cr Blackburn

Pursuant to section 175E of the *Local Government Act 2009*, Cr Blackburn advised that she has a perceived conflict of interest in item T1 due to a perceived relationship with the applicant of that item and will leave the meeting while the matter is discussed and voted on.



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19 November 2019

Item Number: C2	File Number:	Part: COUNCILLORS
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Subject:

Declaration of Conflict of Interest - Cr JD Learmonth

Pursuant to section 175E of the *Local Government Act 2009* Cr Learmonth advised that he has a perceived conflict of interest in item T9 of today's agenda as a local business owner and will leave the meeting while the matter is discussed and voted on.



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Item Number:	File Number:	Part:
C3		COUNCILLORS

Subject:

Declaration of Conflict of Interest - Cr WR Trevor

Pursuant to section 175E of the *Local Government Act 2009* Cr Trevor advised that he has a conflict of interest in item K1 of today's agenda – as the body of the report mentions Isis Sugar Mill, which Cr Trevor and his wife, Mrs Gayle Trevor are shareholders – and that he will leave the meeting while the matter is discussed and voted on.



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19 November 2019

Item Number:	File Number:	Part:
D1		EXECUTIVE SERVICES

Subject:

Petition – Bargara Over 50's Social Club Inc

2424

Resolution

Cr JM Dempsey moved:-

That the petition received from the Bargara Over 50's Social Club Inc be received and noted.

Seconded by Cr CR Sommerfeld - and carried unanimously.



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19 November 2019

Item Number:	File Number:	Part:
D2	A4822949	EXECUTIVE SERVICES

Subject:

Petition - Residents of Dahl's Road Requesting Upgrades to the road

2425

Resolution

Cr JM Dempsey moved:-

That the petition received from the Residents of Dahl's Road be received and noted.

Seconded by Cr WR Trevor - and carried unanimously .



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19 November 2019

Item Number:	File Number:	Part:
F1	.	FINANCE

Portfolio:

Organisational Services

Subject:

Financial Summary as at 1 November 2019

2426

Resolution

Cr SA Cooper presented the report; and moved:-

That the Financial Summary as at 1 November 2019 be noted by Council.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



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Item Number:	File Number:	Part:
G1	.	GOVERNANCE

Portfolio:

Organisational Services

Subject:

Delegation to Chief Executive Officer - Write-off Rates and Charges

2427

Resolution

Cr JM Dempsey presented the report; and moved:-

Pursuant to section 257 of the *Local Government Act 2009*, the *Register of Delegations – Bundaberg Regional Council to the Chief Executive Officer* be updated to include the following the power:

- **Legislation:** Section 9(1) of the Local Government Act 2009.
- **Delegated Power:** Power to do anything that is necessary or convenient for the good rule and local government of its local government area.
- **Conditions to which the delegation is subject:**

Rates and Charges – write-off:

- a) irrecoverable rates debt owed to Council up to \$5,000 provided the following criteria is met:
 - the write-off is likely to generate proportionate benefits to the local government area; *and*
 - all other appropriate mechanisms to recover the debt have been exhausted (ie debt collection, rate recovery policy); *and*
 - it is uneconomical to pursue recovery of the debt.
- b) water consumption relating to a water leak relief up to \$500 for events/particular occurrences outside of Council's Water Leak Relief Policy.

Seconded by Cr JP Bartels.

For

Cr JP Bartels
Cr WR Trevor
Cr SA Rowleson
Cr SA Cooper
Cr JD Learmonth
Cr JM Dempsey

Against

Cr HL Blackburn
Cr GR Barnes
Cr CR Sommerfeld
Cr JA Peters

The motion was put - and carried.



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19 November 2019

Item Number:	File Number:	Part:
K1	.	PLANNING

Portfolio:

Planning & Development Services

Subject:

Consideration of Submissions to Planning Scheme Amendment No 5 (Major Amendment) and Amendment No 6 (Qualified State Interest – Mon Repos/ Sea Turtle Amendment)

Cr Bill Trevor left the meeting, the time being 10.22 am.

2428

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That pursuant to the *Planning Act 2016* and the Minister's Guidelines and Rules – Council:

- (a) respond to properly made submissions to the proposed planning scheme amendments as detailed in the attached consultation reports, and provide a response and copy of the relevant consultation report/s to each person who made a properly made submission;
- (b) proceed with the proposed planning scheme amendments, being Amendment No 5 (Major Amendment) and Amendment No 6 (Mon Repos/Sea Turtle Amendment) and with changes detailed in Attachment 3 appended to the agenda item;
- (c) considers that the changes detailed in Attachment 3, including changes to address matters raised in submissions, are minor and do not result in the planning scheme amendment being significantly different to the version released for public consultation; and
- (d) write to the Planning Minister, and to the Department of State Development, Manufacturing, Infrastructure and Planning, seeking approval to adopt the proposed planning scheme amendments.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.

Cr WR Trevor returned to the meeting, the time being 10.27 am.



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19 November 2019

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

Portfolio:

Community & Environment

Subject:

Partnership & Sponsorship Grant Application - Bargara Golf Club

2429

Resolution

Cr JA Peters presented the report; and moved:-

That Council provide financial support under Council's Partnerships and Sponsorships Grants Program, to the Bargara Golf Club (ABN 41 009 863 325), for their New Year's Eve event, in the sum of \$5,000 (plus GST where applicable).

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



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19 November 2019

Item Number:	File Number:	Part:
O2	A4843041	COMMUNITY & CULTURAL SERVICES

Portfolio:

Community & Environment

Subject:

Regional Arts Development Fund Recommendations for Funding

2430

Resolution

Cr JA Peters presented the report; and moved:-

That Council approve the release of Regional Arts Development Funding in accordance with the recommendations of RADF Advisory Committee as follows:

- 1. Archie's Beach Community Mosaics - \$6,000**
- 2. FOUND! Studio Dog - \$3,086.08**
- 3. CQ Shopfront – Bundaberg - \$6,560**
- 4. Experience in Fremantle (professional development) - \$1,000**
- 5. Screenwriting Mentorship (professional development) - \$1,000**

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



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19 November 2019

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

Community & Environment

Subject:

Bundaberg Velodrome Lighting Assistance Request

2431

Resolution

Cr JM Dempsey presented the report; and moved:-

That Council provide financial support of \$23,000 (ex GST) under the Partnerships and Sponsorships Grant Program to assist with the cost of temporary lighting for the 2020 Cycle Fest International Event in February 2020.

Seconded by Cr HL Blackburn.

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 9 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 9 items be held in Committee:

- T1 Request for Rating Concession - Lot 2 on RP94171**
- T2 Land Sale to Recover Rate Arrears**
- T3 Lease of the State of Queensland (Represented by the Department of Community Safety) on behalf of Coonarr Rural Fire Brigade**
- T4 Lease to Wide Bay Hospital Health Service - Lot 76 on CP817945**
- T5 Sole Supplier Arrangement with Non-Government Utility Owners**
- T6 Specialist Supplier Arrangement with Assetic Pty Ltd for the provision of Predictor 5 (Upgrade) and continuation of the Assetic Annual Service Agreement**
- T7 Specialised Supplier Arrangement for Federally Funded Regional Employment Trial (RET) Project**
- T8 Request for Extended Completion Date Bundaberg Open for Development Incentives – DA 521.2019.106.1**
- T9 Request to vary terms of Bundaberg Open for Development Infrastructure Agreement - DA 526.2018.68.1**

Seconded by Cr JA Peters - and carried unanimously .

Meeting closed to the public at 10.37 am.

Cr HL Blackburn left the meeting, during discussion on item T1 - the time being 10.37 am.

Cr HL Blackburn returned to the meeting, the time being 10.38 am.

Cr John Learmonth left the meeting during discussion on item T9 - the time being 10.49 am.

Cr John Learmonth returned to the meeting, the time being 10.50 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 10.51 am.



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19 November 2019

Item Number:	File Number:	Part:
T1		CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Request for Rating Concession - Lot 2 on RP94171

Confidential Reason:

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

Cr HL Blackburn left the meeting, the time being 10.52 am.

2432

Resolution

Cr JM Dempsey moved:-

That Council grant a rating concession of \$1,700.00 for the property known as Lot 2 on RP94171 for the financial year 2019/2020.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.

Cr HL Blackburn returned to the meeting, the time being 10.52 am.



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19 November 2019

Item Number:	File Number:	Part:
T2	.	CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Land Sale to Recover Rate Arrears

Confidential Reason:

Local Government Regulation 2012 Section 275(f) starting or defending legal proceedings involving it. (Local Government Regulation 2012 Chapter 4, Part 12, Division 3 Sale of land to recover arrear rates.)

2433

Resolution

Cr JM Dempsey moved:-

1. That pursuant to the provisions of Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* - Council commence sale action for recovery of outstanding rates against the registered owners of the following properties on which rates have remained unpaid for 3 years or more:

Lot 149 on B15876, Lot 27 on RP13500, Lot 54 on RP24800, Lot 5 on RP847117, Lot 24 on RP808014, Lot 11 on RP70252, Lot 4 on RP811778, Lot 2 on RP7191, Lot 35 on RP7183, Lot 4 on RP163817, Lot 9 on RP179916, Lots 8-10 on SP202244, Lot 3 on RP908838, Lot 11 on SP212112 and Lot 25 on RP230680.
2. That Council delegates to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the Local Government Regulation 2012 in relation to overdue rates and charges.

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



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Item Number:	File Number:	Part:
T3	.	CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Lease of the State of Queensland (Represented by the Department of Community Safety) on behalf of Coonarr Rural Fire Brigade

Confidential Reason:

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

2434

Resolution

Cr JM Dempsey 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 ten year lease with no option period for an increased lease area with the State of Queensland (Represented by the Department of Community Safety) on behalf of Coonarr Rural Fire Brigade for part of Lot 85 on RP814890 located at 165 Herbert Hall Road, Coonarr.**

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



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Item Number: T4	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Lease to Wide Bay Hospital Health Service - Lot 76 on CP817945

Confidential Reason:

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

2435**Resolution**

Cr JM Dempsey 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 five year lease with Wide Bay Hospital Health Service for part of Lot 76 on CP817945 being known as the former Tourist Information Centre located at 271 Bourbong Street, Bundaberg West.**

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



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19 November 2019

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

Infrastructure Services

Subject:

Sole Supplier Arrangement with Non-Government Utility Owners

Confidential Reason:

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

2436

Resolution

Cr JM Dempsey moved:-

That:

- a) Council enter into an arrangement, as required, with Non-Government Utility Owners including but not limited to Telstra Corporation Limited, Visionstream, APA Group and Optus for the provision of relocation and/or removal of the respective Non-Government Utility Owner's infrastructure without first inviting written quotes pursuant to section 235(a) of the *Local Government Regulation 2012*; and
- b) this arrangement be made for an initial period of three years.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



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Item Number: T6	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Infrastructure Services

Subject:

Specialist Supplier Arrangement with Assetic Pty Ltd for the provision of Predictor 5 (Upgrade) and continuation of the Assetic Annual Service Agreement

Confidential Reason:

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

2437

Resolution

Cr JM Dempsey moved:-

That:

- a) Council negotiate with Assetic Pty Ltd for the provision of Predictor 5 without first inviting written quotes pursuant to section 235(b) of the *Local Government Regulation 2012*.
- b) the purchase of Predictor 5 be added to the MyData Annual service agreement for the extent of the remainder of this financial year to 30 June 2020.
- c) Council contract with Assetic Pty Ltd for another one-year contract period from 1 July 2020 to 30 June 2021 that would include Assetic MyData, Asset myValuer, Assetic SMP, Assetic Fleet and Predictor 5 subscriptions.

Seconded by Cr JD Learmonth.

The motion was put - and carried unanimously.



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Item Number: T7	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Executive Services

Subject:

Specialised Supplier Arrangement for Federally Funded Regional Employment Trial (RET) Project

Confidential Reason:

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

2438**Resolution**

Cr JM Dempsey moved:-

That Council enter into an arrangement to proceed with the Regional Employment Trials Project (RET) with:

- **Impact Community Services:**
- **Community Lifestyle Support: and**
- **CQUniversity**

- for the provision of the RET Project services without first inviting written quotations pursuant to Section 235(b) of the *Local Government Regulation 2012*.

Seconded by Cr JA Peters.

The motion was put - and carried unanimously.



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19 November 2019

Item Number:	File Number:	Part:
T8	521.2019.106.1	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Request for Extended Completion Date Bundaberg Open for Development Incentives – DA 521.2019.106.1

Confidential Reason:

Local Government Regulation 2012 Section 275(g) any action to be taken by the local government under the Planning Act 2016, including deciding applications made to it under that Act.

2439

Resolution

Cr JM Dempsey moved:-

That the Council authorise the Chief Executive Officer or his nominated delegate to enter into a modified Bundaberg Open for Development Infrastructure Agreement for DA 521.2019.106.1 with an extended completion date of 30 June 2021.

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.



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19 November 2019

Item Number:	File Number:	Part:
T9	526.2018.68.1	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Request to vary terms of Bundaberg Open for Development Infrastructure Agreement - DA 526.2018.68.1

Confidential Reason:

Local Government Regulation 2012 Section 275(g) any action to be taken by the local government under the Planning Act 2016, including deciding applications made to it under that Act.

Cr JD Learmonth left the meeting, the time being 11.00 am.

2440

Resolution

Cr JM Dempsey moved:-

That:

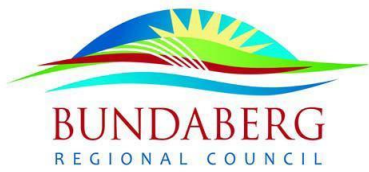
- A. That the Council agree to vary the draft Bundaberg Open for Development Infrastructure Agreement for DA 526.2018.68.1 by including the following obligations:

 1. The Developer to construct a 2.0 metre wide footpath from the intersection of FE Walker Street along the new road to link with the existing footpath in Santalucia Boulevard;
 2. The Developer to construct footpath LGIP ID: P.FP.00443 between Que Hee Street and the new intersection of Santalucia Boulevard; and
 3. The Council to provide offsets against trunk infrastructure charges for the actual cost of the footpath works.**
- B. Council not agree to vary the definition of Substantial Commencement in the draft Bundaberg Open for Development Infrastructure Agreement for DA 526.2018.68.1; and**
- C. Council not agree to the removal of Clause 8 of the draft Bundaberg Open for Development Infrastructure Agreement for DA 526.2018.68.1**

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.

Cr JD Learmonth returned to the meeting, the time being 11.01 am.



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19 November 2019

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 11.02 am.

Confirmed on 17 December 2019.

Mayor