



Ordinary Meeting Minutes

25 January 2022

10.00 am

Council Chambers, Bundaberg

Present:

Cr JM Dempsey (Mayor - Chairman), 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: Moved by Cr McPhee, seconded by Cr Habermann that the apology of Cr WR Trevor OAM for today's meeting be accepted. Carried unanimously.

Officers:

Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Infrastructure
Mr GJ Steele, General Manager Community & Environment
Mr S Muggerridge, Acting General Manager Organisational Services (via Teams)
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.



Minutes

25 January 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 21 December 2021 be taken as read and confirmed.

Seconded by Cr MBE Mitchell - and carried unanimously.



Minutes

25 January 2022

Item Number:	File Number:	Part:
C1		Councillors

Subject:

Declaration of Conflict of Interest - Cr JM Dempsey

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Dempsey advised he has a declarable conflict of interest in Item T1 of today's agenda as a person could reasonably believe that he may be biased given the person to which this report relates and the possible connection to other ongoing matters – so will therefore leave the meeting room while the item is discussed and voted on.



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25 January 2022

Item Number: C2	File Number:	Part: Councillors
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Subject:

Declaration of Conflict of Interest - Cr JP Bartels

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Bartels declared a conflict of interest in item T1 of today's agenda and advised as follows:

"The nature of the conflict of interest is that I have known the person who the report is about for many years and have a close working relationship with this person and class this person as a friend.

Section 150EN of the *Local Government Act 2009*, states that a declarable conflict of interest could "reasonably be presumed to have" ...

And all training that Councillors have being subjected to which has been provided by the OIA, LGAQ and the Department of Local Government has always advised to err on the side of caution and "if in doubt get out."

Due to this, it could be presumed that someone could reasonably think that my decision may be biased and due to this fact I may be reported for not declaring a perceived conflict of interest and be investigated by the Office of the Independent Assessor. I do not want this to occur and therefore having stated this perceived conflict of interest I am going to leave the room and not vote on the matter."



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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 conflict of interest in item K1 as he has a an outstanding Open for Development infrastructure agreement with Council for his company Coachtrail Pty Ltd – and will leave the meeting room while the item is discussed and voted on.



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25 January 2022

Item Number:	File Number:	Part:
C4		Councillors


Subject:

Declaration of Conflict of Interest - Cr GR Barnes

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Barnes declared a conflict of interest in item T1 of today's agenda and advised the following:-

1. Despite the provisions of the Act and the Council's adopted Investigations Policy, I haven't been offered, and nor have I received, any training which would make me feel confident to properly and fairly review or evaluate the strength or veracity of the evidence acquired by a third party investigator;
2. Similarly, I have not been trained on how to determine what a fitting penalty (if any) would be appropriate under the circumstances. I note that even if a penalty was to be in the nature of a 'slap on the wrist', it would still have the potential to tarnish the integrity and reputation of a subject Councillor;
3. I did not run for election to stand in judgement of a fellow Councillor within a political environment and do not accept that the general public would approve of me acting as a Judge and Jury for one of their duly elected representatives;
4. Given the above concerns, I'm not comfortable in being a party to this process and as such, I believe that that this creates a real conflict of interest for me.
5. Having served on Council with the subject Councillor for the past decade I believe that a reasonable person, aware of all the facts, may consider that my input into the progression of this matter could be biased in nature. To ensure transparency in that process I believe I should remove myself from that process.

I will vacate the Chamber during any related discussion and will not take part in the vote.

 BUNDABERG REGIONAL COUNCIL	Minutes	25 January 2022
Item Number: C5	File Number:	Part: Councillors

Subject:

Declaration of Conflict of Interest - Cr SA Cooper

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Cooper advised he has a declarable conflict of interest in item T1 of today's agenda as he was asked to supply information in relation to the matter – so will therefore leave the meeting room while the item is discussed and voted on.



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25 January 2022

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

Organisational Services

Subject:

Financial Summary as at 24 December 2021

2866

Resolution

Cr SA Cooper presented the report; and moved:-

That the Financial Summary as at 24 December 2021 be noted by Council.

Seconded by Cr JD Learmonth.

The motion was put - and carried unanimously.



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25 January 2022

Item Number:	File Number:	Part:
G1		GOVERNANCE

Portfolio:

Organisational Services

Subject:

Sale of Lots 35, 36, 37 and 38 on SP210113 - Heritage Oaks Estate, Childers

2867

Resolution

Cr SA Cooper presented the report; and moved:-

That:

1. Council rescind the resolution made in relation to Item G3 “Sale of Lots 34, 35 and 38 on SP210113 – Heritage Oaks Estate, Childers” on 28 September 2021 at its Ordinary Meeting to the extent it relates to Lots 35 and 38 only;
2. Council apply the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012* (Qld) to the disposal of Lots 35, 36, 37 and 38 on SP210113; and
3. the Chief Executive Officer be authorised to enter into Contracts of Sale with the Buyers and attend to all items required to finalise the sale of the Lots.

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



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25 January 2022

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

Organisational Services

Subject:

Sale of Lot 1 Buxton Road, Buxton

2868

Resolution

Cr SA Cooper presented the report; and moved:-

That:

- 1. Council apply the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012 (Qld)* to the disposal of Lot 1 on SP298190; and**
- 2. 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 MBE Mitchell.

The motion was put - and carried unanimously.



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25 January 2022

Item Number: G3	File Number:	Part: GOVERNANCE
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Portfolio:

Organisational Services

Subject:

Sale of Lot 33 and Lot 34 on SP254546 at the Airport Precinct

2869

Resolution

Cr SA Cooper presented the report; and moved:-

That:

- 1. Council apply the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012 (Qld)* to the disposal of Lot 33 and Lot 34 on SP254546; and**
- 2. 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 Lots.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



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25 January 2022

Item Number: G4	File Number: .	Part: GOVERNANCE
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Portfolio:

Organisational Services

Subject:

2021/2022 Operational Plan - Quarter 2

2870

Resolution

Cr SA Cooper presented the report; and moved:-

That the 2021/2022 Operational Plan Quarter 2 review be received and noted.

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



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25 January 2022

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

Organisational Services

Subject:

Specialised Supplier Arrangement with AAM Pty Ltd for Geocortex License Agreement Renewal

2871

Resolution

Cr SA Cooper presented the report; and moved:-

That:

- a) Council enter into an arrangement with AAM Pty Ltd (ABN 63 106 160 678) for the supply of Geocortex Essentials software, support and maintenance without first inviting written quotes pursuant to Section 235(b) of the *Local Government Regulation 2012*; and
- b) That this arrangement be for a period of 3 years.

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



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25 January 2022

Item Number:	File Number:	Part:
G6		GOVERNANCE

Portfolio:

Organisational Services

Subject:

Moore Park Surf Lifesaving Club Inc - Surrender and New Lease

2872

Resolution

Cr SA Cooper presented the report; and moved:-

That:-

- 1. the current lease to the Moore Park Surf Lifesaving Club Inc be surrendered;**
- 2. Council apply the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012*; and**
- 3. the Chief Executive Officer be authorised to enter into a lease to Moore Park Surf Lifesaving Club Inc for part of Lot 3 on RP847129 for a term of 10 years and all costs associated with the establishment of the new lease be covered by Bundaberg Regional Council.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

25 January 2022

Item Number:	File Number:	Part:
K1	521.2017.24.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

DA 521.2017.24.1 - Request for Extended Completion Date Bundaberg Open for Development 2016 Incentives

Cr Honor left the meeting, the time being 10.32 am.

2873

Resolution

Cr JM Dempsey presented the report; and moved:-

That the owner of 360 Bourbong Street, Millbank be advised that Council does not agree to an extension of the Completion Date in the Bundaberg Open For Development 2016 Infrastructure Agreement for DA521.2017.24.1.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.

Cr Honor returned to the meeting, the time being 10.34 am.

The Mayor advised at this stage that the meeting would be closed to the public to discuss the following item which is are considered confidential in accordance with Section 254J(3) of the *Local Government Regulation 2012*.

Resolution

Cr JM Dempsey moved:-

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

T1 Suspected Inappropriate Conduct

Seconded by Cr TM McLoughlin - and carried unanimously.

The meeting closed to the public and the livestream suspended at 10.35 am.

Councillors Dempsey, Bartels, Barnes and Cooper left the meeting room while the item was discussed at 10.35 am.

Councillors Dempsey, Bartels, Barnes and Cooper returned to the meeting room at 11.31 am.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened.

Seconded by Cr TM McLoughlin - and carried unanimously.

The meeting reopened to the public and the livestream recommenced at 11.32 am.



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25 January 2022

Item Number: T1	File Number:	Part: CONFIDENTIAL
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Portfolio:

Executive Services

Subject:

Suspected Inappropriate Conduct

Confidential Reason:

Local Government Regulation 2012 Section 254J(3)(i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the commonwealth or a state.

Councillors Dempsey, Bartels, Barnes, Cooper left the meeting room at 11.32 am.

The Chief Executive Officer called for nominations to preside over the meeting in the Mayor's absence in accordance with section 2.1.3 of Council's Standing Orders for Council Meetings Policy.

Resolution:

Moved Cr McPhee, seconded Cr Habermann, that Cr Honor assume the chair for this item in the Mayor's absence. Carried unanimously.

2874

Resolution

Cr TM McPhee moved:-

Following consideration of an independent investigation report, Council finds that Councillor William Trevor has not engaged in inappropriate conduct by breaching Council's Media Relations Policy (CP-3-009, version 1 as in force at that time) when making a statement to the Bundaberg NewsMail concerning the cost of the COVID-19 measures to Council without authorisation from the Mayor.

Seconded by Cr VJ Habermann.

The motion was put - and carried.

For

Cr TM McPhee
Cr VJ Habermann
Cr MBE Mitchell
Cr JD Learmonth

Against

Cr WA Honor
Cr TM McLoughlin

2875

Resolution

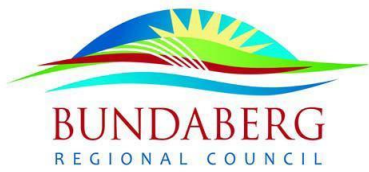
Cr TM McPhee moved:-

That the Chief Executive Officer update the Councillor Conduct Register.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.

Councillors Dempsey, Bartels, Barnes and Cooper returned to the meeting, the time being 11.37 am.



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25 January 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 11.38 am.

Confirmed on 22 February 2022.

Mayor