



## Ordinary Meeting Minutes

29 September 2020

10.11 am

Civic Centre Supper Room,  
Bundaberg

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### **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

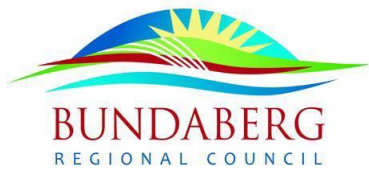
### **Officers:**

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  
Mr M Gorey, Executive Officer Communications  
Mr R Jenner, Acting Group Manager Development  
Ms K Campbell, Legal Officer  
Mrs WE Saunders, Executive Services Co-ordinator  
Miss CE Dobbins, Executive Assistant/Researcher

Meeting attendees stood to observe a minute's silence for National Police Remembrance Day.

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

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



## Minutes

29 September 2020

<b>Item Number:</b> B1	<b>File Number:</b>	<b>Part:</b> Minutes
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**Subject:**

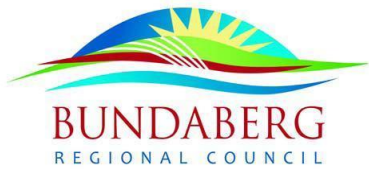
Confirmation of Minutes

**Resolution**

Cr JM Dempsey moved:-

**That the minutes of the Ordinary meeting of Council held on 25 August 2020 be taken as read and confirmed.**

Seconded by Cr VJ Habermann - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b> C1	<b>File Number:</b>	<b>Part:</b> Councillors
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**Subject:**

Declaration of Conflicts/Material Personal Interests – Cr WR Trevor

Pursuant to section 175E of the *Local Government Act 2009* Cr WR Trevor declared a perceived conflict of interest in item T10 of today's agenda as his family are members of the Anglican Church - and will leave the meeting while the item is discussed and voted on.



## Minutes

29 September 2020

Item Number:	File Number:	Part:
C2		Councillors

**Subject:**

Declaration of Conflict/Material Personal Interests – Cr WA Honor

Pursuant to section 175E of the *Local Government Act 2009* Cr Honor declared a perceived conflict in item H1 of today's agenda as his son, Dwayne Honor, in his professional capacity as a Council employee, is a member of CHAS committee – but wished to stay and vote on the matter.

**Resolution**

**The remaining eligible Councillors determined that Cr WA Honor does not have a conflict of interest in item H1 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

29 September 2020

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
C3		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 conflict of interest in item Q1 of today's agenda – due to an Office of the Independent Assessor inquiry against him, (of which he was cleared) - and will leave the meeting while the matter is discussed and voted on.



## Minutes

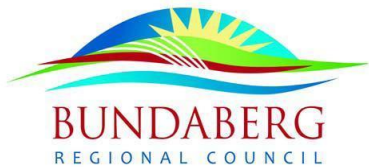
29 September 2020

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
C4		Councillors

**Subject:**

Declaration of Conflict/Material Personal Interests – Cr WA Honor

Pursuant to section 175C of the *Local Government Act 2009* Cr WA Honor declared a material personal interest in item K1 of today's agenda – as his company, Coachtrail Investments Pty Ltd have an uncompleted development with Council and will leave the meeting while the matter is discussed and voted on.



## Minutes

29 September 2020

<b>Item Number:</b> C5	<b>File Number:</b>	<b>Part:</b> Councillors
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**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 O1 of today's agenda – as he has participated in archery with the subject group - but wished to stay and vote on the matter.

**Resolution**

**The remaining Councillors determined that Cr WA Honor did not have a conflict of interest in item O1 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

29 September 2020

<b>Item Number:</b> C6	<b>File Number:</b>	<b>Part:</b> Councillors
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**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 O2 of today's agenda – as the subject lease area shares facilities with the lease area in item O1 of today's agenda - but wished to stay and vote on the matter.

**Resolution**

**The remaining Councillors determined Cr WA Honor did not have a conflict of interest in item O2 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

29 September 2020

<b>Item Number:</b> C7	<b>File Number:</b>	<b>Part:</b> Councillors
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### 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 T1 of today's agenda as his son, Dwane Honor, was involved in preliminary investigations in this matter in his professional capacity as a Council officer – but wished to stay and vote on the matter.

### Resolution

**The remaining Councillors determined that Cr WA Honor did not have a conflict of interest in item T1 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

29 September 2020

<b>Item Number:</b> C8	<b>File Number:</b>	<b>Part:</b> Councillors
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**Subject:**

Declaration of Conflict/Material Personal Interests – Cr TM McPhee

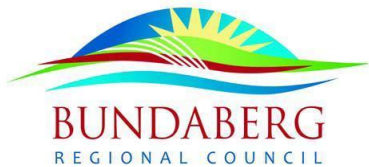
Pursuant to section 175E of the *Local Government Act 2009* Cr TM McPhee declared a perceived conflict of interest in item T10 of today's agenda as 18 months ago her husband held preliminary discussions with the Diocese in relation to their business, Alowishus Delicious, occupying space in the subject building, but as this item only relates to entering into a Memorandum of Understanding, Cr TM McPhee wished to stay and vote on the matter.

Cr WR Trevor left the meeting at 10.27 am whilst the remaining Councillors determined whether Cr TM McPhee had a conflict.

**Resolution**

**The majority of the remaining Councillors determined that Cr TM McPhee did 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.**

**Cr WR Trevor returned to the meeting at 10.33 am.**



## Minutes

29 September 2020

<b>Item Number:</b> C9	<b>File Number:</b>	<b>Part:</b> Councillors
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**Subject:**

Declaration of Conflict/Material Personal Interests – Cr TM McPhee

Pursuant to section 175E Of the *Local Government Act 2009* Cr TM McPhee declared a perceived a conflict of interest in item K2 of today's agenda as she has close friends who live in the vicinity of the subject development – but wished to stay and vote on the matter.

**Resolution**

**The remaining Councillors determined that Cr TM McPhee did not have a conflict in item K2 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

29 September 2020

<b>Item Number:</b> C10	<b>File Number:</b>	<b>Part:</b> Councillors
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**Subject:**

Declaration of Conflict/Material Personal Interests – Cr TM McLoughlin

Pursuant to section 175E of the *Local Government Act 2009* Cr TM McLoughlin declared a perceived conflict in item H1 of today's agenda as her husband was a member of the Community Working Group prior to Cr McLoughlin's appointment to Council - but wished to stay and vote on the matter.

**Resolution**

**The remaining Councillors determined that Cr TM McLoughlin did not have a conflict in item H1 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

29 September 2020

<b>Item Number:</b> C11	<b>File Number:</b>	<b>Part:</b> Councillors
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**Subject:**

Declaration of Conflict/Material Personal Interests – Cr TM McLoughlin

Pursuant to section 175E of the *Local Government Act 2009* Cr TM McLoughlin declared a real conflict of interest in item T10 of today's agenda as she is a member of, and donor to the Anglican Church and is a member of the Guild of St John the Divine Anglican Church at Burnett Heads – and will leave the meeting while the item is discussed and voted on.



## Minutes

29 September 2020

<b>Item Number:</b> C12	<b>File Number:</b>	<b>Part:</b> Councillors
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**Subject:**

Declaration of Conflict/Material Personal Interests – Cr SA Cooper

Pursuant to section 175E of the *Local Government Act 2009* Cr SA Cooper declared a perceived conflict in item K2 of today's agenda as he is a long-term friend of the subject property owner – and will leave the meeting while the item is discussed and voted on.

**Minutes****29 September 2020**

<b>Item Number:</b> C13	<b>File Number:</b>	<b>Part:</b> Councillors
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**Subject:**

Declaration of Conflict/Material Personal Interests - Cr JD Learmonth

Pursuant to section 175E of the *Local Government Act 2009* Cr JD Learmonth declared a perceived conflict of interest in item T10 of today's agenda as his family are long-time members of, and donors to the Anglican Church - and will leave the meeting while the matter is discussed and voted on.

**Minutes****29 September 2020**

<b>Item Number:</b> C14	<b>File Number:</b>	<b>Part:</b> Councillors
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**Subject:**

Declaration of Conflict/Material Personal Interests - Cr GR Barnes

Pursuant to section 175E of the *Local Government Act 2009* Cr GR Barnes declared a conflict of interest in item T9 of today's agenda – as he is the President of the Bargara Remembers Committee who have contracted the subject business to carry out services for the ANZAC Day event on many occasions – and will leave the meeting while the matter is discussed and voted on.





## Minutes

29 September 2020

<b>Item Number:</b> D1	<b>File Number:</b> A5282410	<b>Part:</b> EXECUTIVE SERVICES
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**Portfolio:**

Executive Services

**Subject:**

Petition - Bollards at Walkers Point Boat Ramp

2601

**Resolution**

Cr JM Dempsey moved:-

**That the petition be received and noted.**

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b> F1	<b>File Number:</b> .	<b>Part:</b> FINANCE
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**Portfolio:**

Organisational Services

**Subject:**

Financial Summary as at 1 September 2020

2602

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That the financial summary as at 1 September 2020 be noted by Council.**

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b> G1	<b>File Number:</b>	<b>Part:</b> GOVERNANCE
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**Portfolio:**

Organisational Services

**Subject:**

Audit and Risk Management Committee Minutes

2603

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That the minutes of the Audit and Risk Committee meeting held on 9 June 2020 be received and noted**

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b> H1	<b>File Number:</b> .	<b>Part:</b> INFRASTRUCTURE
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**Portfolio:**

Infrastructure Services

**Subject:**

Bundaberg Region Coastal Hazard Adaptation Strategy

2604

**Resolution**

Cr WR Trevor presented the report; and moved:-

**That Council:**

- a) **respond to public submissions to the draft coastal hazard adaptation strategy, and provide a response and copy of the consultation report to each person who made a submission;**
- b) **adopt the Bundaberg Region Coastal Hazard Adaptation Strategy and Action Plan and release to the public; and**
- c) **provide all technical reports referred to in this report to the QCoast 2100 program and following their acceptance release to the public as supporting information.**

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

Item Number:	File Number:	Part:
K1	N/A	PLANNING

### Portfolio:

Planning & Development Services

### Subject:

Amendment to the Bundaberg Regional Council Planning Scheme Policy for Development Works – Uncompleted Works Bonds

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

**2605**

### Resolution

Cr JM Dempsey presented the report; and moved:-

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

- a) amend the Bundaberg Regional Council Planning Scheme Policy for Development Works to incorporate changes as detailed in the attachment; and
- b) approve the proposed amendment to the Planning Scheme Policy for Development Works for public consultation.

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.

Cr WA Honor returned to the meeting, the time being 10.50 am.



## Minutes

29 September 2020

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K2	525.2020.8.1	PLANNING

### Portfolio:

Planning & Development Services

### Subject:

41-49 Childers Road, Branyan - Material Change of use for Service Station and Operational Work for Advertising Devices

Cr SA Cooper left the meeting, the time being 10.51 am.

**2606**

### Resolution

Cr JM Dempsey presented the report; and moved:-

That the Development Application 525.2018.8.1 detailed below be decided as follows:

#### **1. Location details**

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Street address: 41- 49 Childers Road, Branyan

Real property description: Lot 23-27 on RP13526

Local government area: Bundaberg Regional Council

#### **2. Details of the proposed development**

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Development Permit for Material change of Use for Service Station and Operation Work for Advertising Device

#### **3. Decision**

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Decision details: Refused

#### **4. Referral agencies for the application**

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For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p><b>State-controlled road</b></p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1</p> <p><i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i></p> <p><i>(a) are within 25m of a State transport corridor; or</i></p> <p><i>(b) are a future State transport corridor; or</i></p> <p><i>(c) are—</i></p> <p><i>(i) adjacent to a road that intersects with a State-controlled road; and</i></p> <p><i>(ii) within 100m of the intersection</i></p>	<p>Department of State Development, Manufacturing, Infrastructure and Planning</p>	<p>Concurrence Agency</p>	<p>State Assessment and Referral Agency (SARA)</p> <p>E: WBBSARA@dilgp.qld.gov.au</p> <p>P: PO Box 979 Bundaberg Qld 4670</p>

## 5. Details of refusal

The Bundaberg Regional Council was not directed to refuse the application by a referral agency.

## 6. Reasons for refusal

Under section 63(2)(f)(ii) of the *Planning Act 2016*, the Bundaberg Regional Council must set out reasons for the decision to refuse the application.

The reasons for this refusal are:

1. The proposed development does not comply with the provisions of the Bundaberg Regional Council Planning Scheme 2015, namely:
  - (a) The proposed development does not comply with the key concept 3.3(d) and strategic outcome 3.3.6 and 3.3.11 of the Strategic Framework settlement pattern theme, because:
    - (i) the Branyan identified growth area is not to be developed for urban purposes until such time as local structure planning has been undertaken by the Council and at the time of determination this local structure planning has not been undertaken.
    - (ii) the proposal fails to protect the Branyan identified growth area from a land use activity that is likely to compromise the development of adjoining land for residential purposes and introduces unacceptable impacts on the

- amenity and enjoyment of neighbouring properties with respect to noise, privacy, residential character and streetscape.
- (iii) it fails to effectively manage and protect the residential and future residential interface and protect sensitive land uses from the intrusion of unacceptable amenity impacts, including noise impacts.
  - (iv) and as a consequence of items (i)-(iii) above will result in an unacceptable change in the character of the surrounding area in circumstances that affected residents would have a reasonable expectation that local structure planning for their community, would be finalised, prior to development of this nature being undertaken on the subject land;
  - (v) compliance with the key concept 3.3(d) and strategic outcome 3.3.6 and 3.3.11 of the Strategic Framework settlement pattern theme cannot otherwise be achieved because the local structure planning has not been undertaken.
- (b) The proposed development does not comply with the purpose of the Emerging Community Zone Code, because:
- (i) it does not facilitate the creation of a complete and vibrant community in a way that creates an interconnected residential neighbourhood that integrates with existing surrounding communities.
  - (ii) it does not protect land identified for a future urban purpose from an incompatible land use, because:
    - A. it does not effectively integrate with the established community surrounding the subject land;
    - B. it does not protect the amenity of neighbouring properties in terms of noise, privacy, residential character, and traffic;
    - C. it does not provide necessary supporting services, facilities, or infrastructure to the surrounding community.
  - (iii) as a consequence of items (i) and (ii) above it does not propose to develop land in an efficient, coordinated, and sustainable manner towards the creation of a complete or planned community
- (c) The proposed development does not comply with the Overall Outcomes of the Emerging Community Zone Code, because:
- (i) it puts at risk the timely conversion of land for future residential purposes and compromises the future potential use of land through the establishment of an inappropriate land use;
  - (ii) it is located within the Branyan identified growth area and is not intended to be developed for urban purposes until such time as further investigations into the suitability of land for urban development, and local structure planning has been undertaken by the Council;
  - (iii) it does not respond sensitively to the physical or environmental constraints, scenic amenity values or landscape character elements of the site.
  - (iv) it fragments currently undeveloped land and potentially compromises the orderly development and use of 51 and 53 Childers Road for a future urban purpose.
- (d) The proposed development does not comply with the purpose of the Service Station code, because:
- (i) is not developed in a suitable location where the amenity of the surrounding local area can be protected or maintained;



- (ii) it does not incorporate appropriate management measures to protect the environment and amenity of surrounding premises.
  - (iii) It does not incorporate a high standard of landscaping and built form to ensure that it is compatible with the character of the surrounding area
- (e) The proposed development does not comply with Overall Outcomes (2)(a) – (c) and Performance Outcome PO2, PO3, PO6, and PO9 of the Service Station Code because:
  - (iv) the site is not suitably located for the use, as development of the type and scale proposed is encouraged to locate in the Rural zone, a minimum 15km from any existing or approved service station, to ensure the use does not impact on the amenity of existing or planned residential areas;
  - (v) it has not been demonstrated that the site is capable of accommodating the use without causing adverse offsite impacts to the surrounding community;
  - (vi) it will adversely impact on the amenity of the surrounding local area through noise, privacy impacts, residential character impacts, and traffic;
  - (vii) the development does not incorporate a high standard of landscaping treatment to adequately screen features of the development, including acoustic walls, buildings and structures;
  - (viii) structures associated with the use, including acoustic wall treatments, do not provide adequate separation to adjoining land uses or protect street scape character;
- (f) The proposed development does not comply with the purpose of the Nuisance Code because:
  - (i) it has not been demonstrated that nuisance emissions, particularly noise, from the development will not adversely impact on surrounding sensitive land uses.
  - (ii) the nuisance emissions from the development represent an unacceptable risk to the community wellbeing of surrounding land uses and the environmental values of the local area.
- (g) The proposed development does not comply with Overall Outcomes (2)(a), (b) and Performance Outcome PO1 of the Nuisance Code because:
  - (i) the development will impose unacceptable noise emissions on surrounding sensitive land uses;
  - (ii) environmental values are not protected through the development which will result in environmental nuisance, particularly through noise impacts
  - (iii) the identified environmental nuisance (noise) generated by the development will impact on the ability of adjoining land to establish future sensitive land uses and achieve a satisfactory level of acoustic amenity.

### **Findings on material questions of fact**

- The subject site is located in the Emerging Community Zone of the Bundaberg Regional Council Planning Scheme 2015.
- The development application was made for a service station and advertising device on 6 July 2018. Specific use elements include, fuel sales (including for heavy vehicles), toilets, office, food and drink outlet (kitchen, store room, and drive through), truckers lounge and dining area, and car wash.

- The subject site is located at 41-51 Childers Road, Branyan, comprising five (5) lots with a combined land area of 23,333m<sup>2</sup>.
- The subject land is located on a major road (Childers Road), surrounded predominantly by low density, rural residential type development on larger lots. Land on the opposite side of the major road is designated community facilities zoned land for air services (airport), with industry zoned land fronting the major road (and side road) diagonally opposite the subject land.
- The development application has been modified on three (3) occasions during the assessment process, removing two (2) lots at 51 and 53 Childers Road (Lots 26 & 28 RP13526) with a combined land area of 7050m<sup>2</sup> and modifying the development layout.
- Local area structure planning for the Branyan identified growth area has not been undertaken by the Council.
- Bundaberg Regional Council, as the statutory Assessment Manager, undertook assessment of the development application against the applicable assessment benchmarks identified by the Local categorising instrument and the *Planning Regulation 2017*.

#### Evidence or other material on which the findings were based

- The development application;
- The Bundaberg Regional Council Planning Scheme 2015;
- The *Planning Act 2016*;
- The *Planning Regulation 2017*; and
- State Planning Policy 2017.

#### 7. Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
Coyle Planning		<a href="mailto:coyleplanning@hotmail.com">coyleplanning@hotmail.com</a>
Lorelle Dunn	6 Paradise Lane Branyan	<a href="mailto:lorelledunn@hotmail.com">lorelledunn@hotmail.com</a>
Dale & Helen Robinson	4 Paradise Lane, Branyan	<a href="mailto:helen@gainsite.com.au">helen@gainsite.com.au</a>
Dale & Helen Robinson-Gainsite Plumbing and Gas	PO Box 5213, Bundaberg West	<a href="mailto:admin@gainsite.com.au">admin@gainsite.com.au</a>
Glen Dunn	6 Paradise Lane, Branyan	<a href="mailto:lorelledunn@hotmail.com">lorelledunn@hotmail.com</a>
Nathan Dunn	6 Paradise Lane, Branyan	<a href="mailto:lorelledunn@hotmail.com">lorelledunn@hotmail.com</a>
Russell Garrad	11 Rehbein Avenue Qunaba	<a href="mailto:russell-garrad@stlukes.qld.edu.au">russell-garrad@stlukes.qld.edu.au</a>
Michael Stewart	69 Childers Road Branyan	<a href="mailto:opps@activesec.com.au">opps@activesec.com.au</a>

Wessel Petroleum Pty Ltd	5 Whittred Street, Bundaberg West	Nil
Leanne and Greg Lassig	29 Childers Road, Branyan	<a href="mailto:leannelassig@gmail.com">leannelassig@gmail.com</a> and <a href="mailto:greglassig@gmail.com">greglassig@gmail.com</a>
Alex Peden	223 Cummins Road, Branyan	<a href="mailto:alexpeden8@outlook.com">alexpeden8@outlook.com</a>
Rob Quivooy	563 Branyan Drive, Branyan	Nil
Greg Brady P Darr	4 Norgrove Road, Branyan	<a href="mailto:gregorypbrady@outlook.com">gregorypbrady@outlook.com</a>
David Hoare	37 Childers Road, Branyan	<a href="mailto:dhoare83@hotmail.com">dhoare83@hotmail.com</a>
Nicole Hoare	37 Childers Road, Branyan	<a href="mailto:nicolehoare@yahoo.com.au">nicolehoare@yahoo.com.au</a>
Patricia Garrad	22 Barolin Street, Bundaberg	<a href="mailto:patricia_garrad@rok.catholic.edu.au">patricia_garrad@rok.catholic.edu.au</a>
Matt Griffiths	5 Cordelia Street, Bundaberg	<a href="mailto:griffiths100@westnet.com.au">griffiths100@westnet.com.au</a>
Gary & Janice Scott	8 Crook Street, Kensington	
Steven Cook	11 Norgrove Street, Bundaberg West	<a href="mailto:stevenhelencook@bigpond.com">stevenhelencook@bigpond.com</a>
Tracey Hayes	73 Hutchins Street, Branyan	Nil
Allan Shield	2 Wonderland Avenue, Branyan	Nil
Isabel Shield	2 Wonderland Avenue, Branyan	Nil
Audrie Smith	3 Paradise Lane, Branyan	Nil
Kathleen Hall	2 Cassia Street, Avoca	Nil
KylieBell	19 Allawah Road, Avenell heights	Nil
Robert and Deborah Shield	37 Hutchins Street, Branyan	Nil
Kate Thorne	53 Price Street	Nil
Lindsay Ford	1 Nagas Court, Bundaberg East	<a href="mailto:ford.rotary@optusnet.com.au">ford.rotary@optusnet.com.au</a>
Anne Schmidt	3 Samuels Road, Branyan	<a href="mailto:amschmidt608@gmail.com">amschmidt608@gmail.com</a>
Michelle Merr	12 Sandhills Drive, Bargara	Nil
Mouse Tahlia Isabella Terkieria Smith	44 Takalvan Street, Svensson Heights	Nil
Maureen Schmidt	565 Branyan Drive, Branyan	Nil
David Paul & Rhonda Maree Kapernick	11 Paradise Lane, Branyan	Nil

Helen Cook	11 Norgrove Street, Branyan	
Rylan Bailey	39 Childers Road, Branyan	<a href="mailto:rjb4670@hotmail.com">rjb4670@hotmail.com</a>
Jenny-Lee Stockham	16 Paradise Lane, Branyan	<a href="mailto:jlseahorse@live.com">jlseahorse@live.com</a>
Jim and Sharmane Wetherall	2 Hutchins Street, Branyan	<a href="mailto:jpsdw1@bigpond.com">jpsdw1@bigpond.com</a>
Nathaniel Dolgner	91 Perrott Drive, The Olive Estate, Rockyview	<a href="mailto:natdolgner@hotmail.com">natdolgner@hotmail.com</a>
Lauren Dolgner	92 Perrott Drive, The Olive Estate, Rockyview	<a href="mailto:ldolg1@eq.edu.au">ldolg1@eq.edu.au</a>
Rob Schmidt	3 Samuels Road, Branyan	<a href="mailto:rschm22@eq.edu.au">rschm22@eq.edu.au</a>
Rhonda & David Challen	Evergreen Drive, Branyan	<a href="mailto:drchallen@iclouds.com">drchallen@iclouds.com</a>
Peter Feerick	174 Cummins Road, Branyan	<a href="mailto:peter.feerick@gmail.com">peter.feerick@gmail.com</a>
Sharon Feerick	174 Cummins Road, Branyan	<a href="mailto:sfeerick@gmail.com">sfeerick@gmail.com</a>
Gerrard Feerick	174 Cummins Road, Branyan	<a href="mailto:sfeerick@gmail.com">sfeerick@gmail.com</a>
Michael Siccama	6 Blundell Court	<a href="mailto:Michael.Siccama@svdpqld.org.au">Michael.Siccama@svdpqld.org.au</a>
Dennis Dennien	4 Hutchins Street, Branyan	<a href="mailto:ddennien@live.com.au">ddennien@live.com.au</a>
Bree Siccama	6 Blundell Court, Kalkie	<a href="mailto:bree.johanna@hotmail.com">bree.johanna@hotmail.com</a>
Paul & Damien Sheriff	5 Samuels Road, Branyan	Nil
Ruth Conner	35/107 Esplanade, bargara	<a href="mailto:ruthconnor1@hotmail.com">ruthconnor1@hotmail.com</a>
Wendy & Ian Christensen	5 Wonderland Avenue, Branyan	<a href="mailto:weniankrb@bigpond.com">weniankrb@bigpond.com</a>
Gary Brandon	5 Dooley Street, Bargara	<a href="mailto:glbrandon@gmail.com">glbrandon@gmail.com</a>
Sheena Gallagher	77 Childers Road, Branyan	
Neil and Claireobinson	126 Gahans Road, Bundaberg	<a href="mailto:neil-robinson@stlukes.qld.edu.au">neil-robinson@stlukes.qld.edu.au</a>
Sam and Joyce Galea	115 Cummins Road, Branyan	
Pauline Brandon	5 Dooley Street, bargara	<a href="mailto:paulinebrandon@gmail.com">paulinebrandon@gmail.com</a>
Glenn Hopwood	Post 6 Low Street, Bundaberg	<a href="mailto:gmjmmhopwood@bigpond.com">gmjmmhopwood@bigpond.com</a>

## 8. 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*).

### Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*.

Schedule 1 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights.

Seconded by Cr JD Learmonth.

The motion was put - and carried.

#### **For**

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

#### **Against**

Cr JD Learmonth

Cr SA Cooper returned to the meeting, the time being 10.54 am.



## Minutes

29 September 2020

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
O1		COMMUNITY & CULTURAL SERVICES

### Portfolio:

Community & Environment

### Subject:

Lease for part of 22 Tobins Shortcut Road, Horse Camp - Lot 101 on RP856234 - Gin Gin Field Archers Inc

2607

### Resolution

Cr TM McPhee presented the report; and moved:-

**That:**

- 1. Council apply the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a ten year Lease to Gin Gin Field Archers Inc for part of Tobins Shortcut Road Recreation Reserve, known as Lot 101 on RP856234.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
O2		COMMUNITY & CULTURAL SERVICES

**Portfolio:**

Community & Environment

**Subject:**

Lease for part of land at Tobins Shortcut Road - Lot 101 on RP856234 - The State of Queensland

**2608**

**Resolution**

Cr TM McPhee 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 10 year Lease to The State of Queensland (Represented by Public Safety Business Agency) for part of Lot 101 on RP856234.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b> O3	<b>File Number:</b>	<b>Part:</b> COMMUNITY & CULTURAL SERVICES
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**Portfolio:**

Community & Environment

**Subject:**

Lease of part of Lot 106 on CP880945 - Botanic Gardens

**2609**

**Resolution**

Cr WA Honor presented the report; and moved:-

**That:-**

- 1. Council apply the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a ten year Trustee Lease to Bundaberg Steam Tramway Preservation Society Inc for part of Lot 106 on CP880945.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.





## Minutes

29 September 2020

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

### Portfolio:

Community & Environment

### Subject:

Baldwin Swamp Environmental Park Trust Land Management Plan Amendment

Cr WA Honor left the meeting, the time being 10.59 am.

**2610**

### Resolution

Cr MBE Mitchell presented the report; and moved:-

That:

1. Council approve the amended Baldwin Swamp Environmental Park Trust Land Management Plan; having removed freehold land described as RP67590/19, RP194413/2, RP217696/1, CK1310/162 & SP104390/5, Reserve for Park and Recreation land described as SP205458/214 (in part) and Reserve for Park land described as SP192994/6;
2. the CEO be authorised to submit the amended Baldwin Swamp Environmental Park Trust Land Management Plan to the Department of Natural Resources, Mines and Energy for approval;
3. Council approve ongoing management and maintenance of the reserve land for park and recreation (SP205458/214) and reserve land for park (SP192994/6)
4. Council approve ongoing management and maintenance to protect the environmental value of the freehold land parcels (CK1310/162, RP217696/1, RP194413/2 and RP67590/19)

Seconded by Cr SA Cooper.

The motion was put - and carried.

**For**

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

**Against**

Cr GR Barnes

Cr WA Honor returned to the meeting, the time being 11.05 am.

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 10 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 10 items be held in Committee:**

- T1 Drainage Issue - Lot 1 on SP117736**
- T2 Sale of Lot 65 on RP22109**
- T3 Sale of Lot 35 on SP240528**
- T4 Request for waiver of sewerage charges - Lot 86 on B1587**
- T5 Request for Infrastructure Charges Relief – DA 322.2017.47620.1**
- T6 Request for Infrastructure Charges Relief – DA 322.2015.44764.1**
- T7 Lease to Queensland Capacity Network (QCN) Fibre**
- T8 Sole Supplier Arrangement - Supply of Flush Joint Reinforced Concrete Pipes and Headwalls less than 675 mm**
- T9 Specialised Supplier – Corporate Audio Visual**
- T10 Memorandum of Understanding, Bundaberg Regional Council and The Corporation of the Synod of the Diocese of Brisbane**

Seconded by Cr TM McPhee - and carried unanimously.

The meeting closed to the public at 11.06 am.

Cr GR Barnes left the meeting during discussion on item T9, the time being 11.10 am.

Cr GR Barnes returned to the meeting at 11.11 am.

Crs WR Trevor, TM McLoughlin and JD Learmonth left the meeting during discussion on item T10, the time being 11.11 am.

Crs WR Trevor, TM McLoughlin and JD Learmonth returned to the meeting at 11.17 am.

**Resolution**

Cr JM Dempsey moved:-

**That the meeting now be reopened to the public via livestream – the time being 11.18 am.**

Seconded by Cr WR Trevor - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b> T1	<b>File Number:</b>	<b>Part:</b> CONFIDENTIAL
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**Portfolio:**

Planning & Development Services

**Subject:**

Drainage Issue - Lot 1 on SP117736

**Confidential Reason:**

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

2611

**Resolution**

Cr JM Dempsey moved:-

**That:**

1. having considered the objections raised by the landowner of Lot 1 on SP117736, Council apply to the Minister that the land be taken by way of easement for drainage purposes in accordance with the attached plan; and
2. pursuant to section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer the power under section 9 of the *Acquisition of Land Act 1967* to prepare, execute and apply to the Minister for the taking of land.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b> T2	<b>File Number:</b>	<b>Part:</b> CONFIDENTIAL
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**Portfolio:**

Organisational Services

**Subject:**

Sale of Lot 65 on RP22109

**Confidential Reason:**

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

2612

**Resolution**

Cr JM Dempsey moved:-

**That:**

1. the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012* (Qld) be applied to the disposal of Lot 65 on RP22109; 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 property.

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b> T3	<b>File Number:</b>	<b>Part:</b> CONFIDENTIAL
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**Portfolio:**

Organisational Services

**Subject:**

Sale of Lot 35 on SP240528

**Confidential Reason:**

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

2613

**Resolution**

Cr JM Dempsey moved:-

**That:**

1. the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012* (Qld) be applied to the disposal of Lot 35 on SP240528; 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 property.

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

**Item Number:**

T4

**File Number:****Part:**

CONFIDENTIAL

**Portfolio:**

Organisational Services

**Subject:**

Request for waiver of sewerage charges - Lot 86 on B1587

**Confidential Reason:**

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

**2614****Resolution**

Cr JM Dempsey moved:-

**That in view of the circumstances outlined in the request to refund sewerage charges, a refund of \$4,250.00 be provided to the owner of land described as Lot 86 on B1587.**

Seconded by Cr VJ Habermann.

The motion was put - and carried.

For

Cr WR Trevor

Cr WA Honor

Cr TM McPhee

Cr GR Barnes

Cr VJ Habermann

Cr SA Cooper

Cr MBE Mitchell

Cr JD Learmonth

Cr JM Dempsey

Against

Cr JP Bartels

Cr TM McLoughlin





## Minutes

29 September 2020

Item Number:	File Number:	Part:
T5	322.2017.47620.1	CONFIDENTIAL

### Portfolio:

Planning & Development Services

### Subject:

Request for Infrastructure Charges Relief – DA 322.2017.47620.1

### 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.

2615

### Resolution

Cr JM Dempsey moved:-

**That Council reduce the infrastructure charges payable for Development Approval 322.2017.47620.1, being for a material change of use at 28 River Road, Fairymead, to \$904.61 subject to the owner entering into an Infrastructure Agreement and payment of the outstanding amount by 30 October 2020.**

Seconded by Cr JP Bartels.

The motion was put - and carried.

For

Cr JP Bartels

Cr WR Trevor

Cr WA Honor

Cr GR Barnes

Cr VJ Habermann

Cr SA Cooper

Cr MBE Mitchell

Cr JD Learmonth

Cr JM Dempsey

Against

Cr TM McPhee

Cr TM McLoughlin



## Minutes

29 September 2020

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
T6	322.2015.44764.1	CONFIDENTIAL

**Portfolio:**

Planning & Development Services

**Subject:**

Request for Infrastructure Charges Relief – DA 322.2015.44764.1

**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.

2616

**Resolution**

Cr JM Dempsey moved:-

**That the owner of Lot 143 on RP7266 be advised that Council does not agree to reduce or waive the infrastructure charges payable for Development Approval 322.2015.44764.1.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b> T7	<b>File Number:</b> A5160846	<b>Part:</b> CONFIDENTIAL
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**Portfolio:**

Executive Services

**Subject:**

Lease to Queensland Capacity Network (QCN) Fibre

**Confidential Reason:**

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

2617

**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 Queensland Capacity Network Fibre for Lot 22 on B15881 being known as the Bundaberg Regional Council Administration Centre located at 192 Bourbong Street, Bundaberg Central.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
T8	A5305596	CONFIDENTIAL

**Portfolio:**

Infrastructure Services

**Subject:**

Sole Supplier Arrangement - Supply of Flush Joint Reinforced Concrete Pipes and Headwalls less than 675 mm

**Confidential Reason:**

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

2618

**Resolution**

Cr JM Dempsey moved:-

**That:-**

- A. Council enter into an arrangement with Holcim (Australia) Pty Ltd for the provision of Flush Joint Reinforced Concrete Pipes and Headwalls less than 675 mm 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 from 1 October 2020 to 30 June 2023.**

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



## Minutes

29 September 2020

<b>Item Number:</b> T9	<b>File Number:</b> .	<b>Part:</b> CONFIDENTIAL
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**Portfolio:**

Community & Environment

**Subject:**

Specialised Supplier – Corporate Audio Visual

**Confidential Reason:**

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

Cr GR Barnes left the meeting, the time being 11.25 am.

**2619**

**Resolution**

Cr JM Dempsey moved:-

**That:**

- a) **Council enter into an arrangement with Corporate Audio Visual for the provision of the hire of staging, lighting, audio visual equipment including technical support without inviting written quotes pursuant to Section 235(b) of the *Local Government Regulation 2012*; and**
- b) **This arrangement be for an initial period of three years.**

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.

Cr GR Barnes returned to the meeting, the time being 11.26 am.



## Minutes

29 September 2020

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
T10		CONFIDENTIAL

### Portfolio:

Executive Services

### Subject:

Memorandum of Understanding, Bundaberg Regional Council and The Corporation of the Synod of the Diocese of Brisbane

### Confidential Reason:

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

Crs WR Trevor, TM McLoughlin and JD Learmonth left the meeting, the time being 11.26.

**2620**

### Resolution

Cr JM Dempsey moved:-.

**That the Chief Executive Officer be authorised to enter into a Memorandum of Understanding with The Corporation of the Synod of the Diocese of Brisbane (ACSQ) to progress the Bundaberg Cultural Arts Precinct and that Council conducts community engagement before entry into any contractual arrangements.**

Seconded by Cr SA Cooper.

Cr GR Barnes moved the following procedural motion:-

**This matter be left lie on the table to enable Councillors to access an updated report with a resolution of the information that they require on which to make an informed vote.**

Seconded by Cr WA Honor

The procedural motion on being put was lost.

For  
Cr WA Honor  
Cr GR Barnes

Against  
Cr JP Bartels  
Cr TM McPhee  
Cr VJ Habermann  
Cr SA Cooper  
Cr MBE Mitchell  
Cr JM Dempsey

The original motion, viz:-

***That the Chief Executive Officer be authorised to enter into a Memorandum of Understanding with The Corporation of the Synod of the Diocese of Brisbane (ACSQ) to progress the Bundaberg Cultural Arts Precinct and that Council conducts community engagement before entry into any contractual arrangements.***

- was put - and carried.

For

Cr JP Bartels

Cr TM McPhee

Cr VJ Habermann

Cr SA Cooper

Cr MBE Mitchell

Cr JM Dempsey

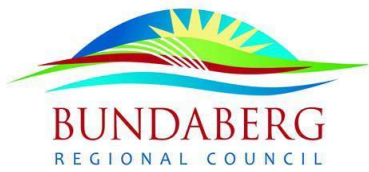
Against

Cr WA Honor

Cr GR Barnes

**NOTE: The agenda report lists the incorrect address for St Peter's Church which should read 21 Bauer Street, Bargara (not Blain Street).**

Crs WR Trevor, TM McLoughlin and JD Learmonth returned to the meeting at 11.32 am.



## Minutes

29 September 2020

<b>Item Number:</b> V1	<b>File Number:</b>	<b>Part:</b> Meeting Close
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**Subject:**

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.35 am.

Confirmed on 27 October 2020.

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Mayor