



## Ordinary Meeting Minutes

31 August 2021

10.00 am

Council Chambers, Bundaberg

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### **Present:**

Cr JM Dempsey (Mayor - Chairman), Cr JP Bartels, Cr WA Honor, Cr TM McPhee, Cr TM McLoughlin, Cr VJ Habermann OAM, Cr SA Cooper, Cr MBE Mitchell and Cr JD Learmonth

### **Leave of Absence:** Nil

Moved by Cr JP Bartels, seconded by Cr WA Honor, That Cr WR Trevor's apology for today's meeting be accepted. Carried unanimously.

Moved by Cr VJ Habermann, seconded by Cr TM McLoughlin, That Cr Barnes' apology for today's meeting be accepted. Carried unanimously.

With permission of the Chair, Cr TM McPhee attended the meeting via telephone.

### **Officers:**

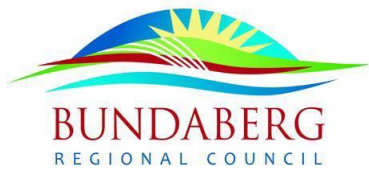
Mr SD Johnston, Chief Executive Officer  
Mr SJ Randle, General Manager Infrastructure  
Mr GJ Steele, General Manager Community & Environment  
Mrs AK Pafumi, General Manager Organisational Services  
Mr B Artup, Executive Director Strategic Projects and Economic Development  
Mr M Ellery, Group Manager Development  
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, Pastor Errol Buckle (Honorary Chaplain) gave a short address and led this Ordinary meeting of Council in prayer.



## Minutes

31 August 2021

<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 27 July 2021 be taken as read and confirmed.**

Seconded by Cr VJ Habermann - and carried unanimously.


		<b>Minutes</b>	<b>31 August 2021</b>
<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>	
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 L1 of today's agenda and would leave the meeting room while the item was discussed and voted on.


"After seeing the application, I undertook my own research and discovered that one of the applicants is related to a person who's involved in a high-profile public campaign against the Council. I'm concerned that whichever way I might vote on this application, it could be misconstrued. I've also discovered through careful due diligence, that the relative of the applicant who I'm referring to provides professional services to a developer. Earlier this year, it was brought to my attention that the developer in question made a donation to my political campaign when I was the State Member for Bundaberg. I was unaware of this at the time and only became aware of the donation earlier this year. The connection may be tenuous, but there could be a perception of undue influence. From an abundance of caution, I declare this conflict and will not be voting on the matter."

 <p><b>BUNDABERG</b> REGIONAL COUNCIL</p>	<b>Minutes</b>	<b>31 August 2021</b>
<b>Item Number:</b> C2	<b>File Number:</b>	<b>Part:</b> 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 J1 of today's agenda as he has a Sunwater Allocation - and will leave the meeting while the item is discussed and voted on.

 <p><b>BUNDABERG</b> REGIONAL COUNCIL</p>	<b>Minutes</b>	<b>31 August 2021</b>
<b>Item Number:</b> C3	<b>File Number:</b>	<b>Part:</b> 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 he has an Open for Development Contract with Council that is not completed - and will leave the meeting while the item is discussed and voted on.

 <p><b>BUNDABERG</b> REGIONAL COUNCIL</p>	<b>Minutes</b>	<b>31 August 2021</b>
<b>Item Number:</b> C4	<b>File Number:</b>	<b>Part:</b> 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 L1 of today's agenda as his domestic animals are cared for by Vet Cross who he believes are connected with Offida Holdings - and will leave the meeting while the item is discussed and voted on.

 <p><b>BUNDABERG</b> REGIONAL COUNCIL</p>	<b>Minutes</b>	<b>31 August 2021</b>
<b>Item Number:</b> C5	<b>File Number:</b>	<b>Part:</b> 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 H1 of today's agenda as her husband Dale Mitchell is employed as a mechanic in the Fleet Section of Council – but wished to stay and vote on the matter.

**Resolution:**

**The remaining eligible Councillors determined that Cr Mitchell 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.**

 <p><b>BUNDABERG</b> REGIONAL COUNCIL</p>	<b>Minutes</b>	<b>31 August 2021</b>
<b>Item Number:</b> C6	<b>File Number:</b>	<b>Part:</b> 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 H2 of today's agenda as her husband Dale Mitchell is employed as a mechanic in the Fleet Section of Council – but wished to stay and vote on the matter.

**Resolution:**

**The remaining eligible Councillors determined that Cr Mitchell does not have a conflict of interest in item H2 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.**



 <p><b>Minutes</b> <b>31 August 2021</b></p>		
<b>Item Number:</b> C7	<b>File Number:</b>	<b>Part:</b> 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 H3 of today's agenda as her husband Dale Mitchell is employed as a mechanic in the Fleet Section of Council – but wished to stay and vote on the matter.

**Resolution:**

**The remaining eligible Councillors determined that Cr Mitchell does not have a conflict of interest in item H3 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

31 August 2021

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

**Portfolio:**

Executive Services

**Subject:**

Motion for Local Government Association of Queensland 2021 Annual Conference - Hydrogen

**2788**

**Resolution**

Cr JM Dempsey presented the report; and moved:-

**That the Mayor submits the following motion for consideration at the Local Government Association of Queensland Annual Conference 2021:**

**The LGAQ calls on the State and Federal Government to provide:**

- **Funding for local governments across Queensland to investigate and support the uptake of hydrogen use within their own operations and across local industry,**
- **A state hydrogen fuel subsidy program to incentivise commercial use of hydrogen, for example a subsidy of \$1.00 for every kilo of commercial hydrogen when purchased in Queensland, and**
- **Loan facilities for private investment in hydrogen refuelling infrastructure across Queensland.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

**Item Number:**

D2

**File Number:**

**Part:**

EXECUTIVE SERVICES

**Portfolio:**

Executive Services

**Subject:**

Gift of Land 1 and 3 Ford Street, Bundaberg South (Lot 17 and 18 on RP59785)

2789

**Resolution**

Cr JM Dempsey presented the report; and moved:-

**That:**

- 1. Council accepts the gift of 1 and 3 Ford Street, Bundaberg South (Lot 17 and 18 on RP59785); and**
- 2. the Chief Executive Officer be authorised to enter into a Deed of Gift with the landowner and attend to all things necessary to complete the transfer of the land to Council.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

<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 2 August 2021

**2790**

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That the Financial Summary as at 2 August 2021 be noted by Council.**

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

<b>Item Number:</b> F2	<b>File Number:</b>	<b>Part:</b> FINANCE
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**Portfolio:**

Organisational Services

**Subject:**

2021/2022 Budget - Budget Review #1 (Capital reprovision)

2791

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That**

1. Pursuant to section 170(3) and section 173 of the *Local Government Regulation 2012*, Council adopt the amended budget as tabled; and
2. That Council endorse the following policies:
  - a) Revenue Policy, version 5 (Policy No: CP-3-001); and
  - b) Revenue Statement, version 4 (Policy No: CP-3-004).

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

**Item Number:**

G1

**File Number:**

**Part:**

GOVERNANCE

**Portfolio:**

Organisational Services

**Subject:**

Sale of Lot 196 on RP24483 - 15 Hull Street, Buxton

2792

**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 196 on RP24483; 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 WA Honor.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

<b>Item Number:</b> G2	<b>File Number:</b> .	<b>Part:</b> GOVERNANCE
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**Portfolio:**

Organisational Services

**Subject:**

Council Policy Review

2793

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That Council:**

**1. Rescind the following policies:**

- **Hardship Policy, version 3;**
- **Procurement Policy, version 2.1; and**
- **Buy Local Policy, version 3.**

**2. Adopt the following policies:**

- **Hardship Policy, version 4;**
- **Procurement Policy, version 3; and**
- **Buy Local Policy, version 4.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

**Item Number:**

H1

**File Number:**

**Part:**

INFRASTRUCTURE

**Portfolio:**

Infrastructure Services

**Subject:**

Specialised Supplier Arrangement - Kubota Parts and Repairs

2794

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That:**

- Council enter into an arrangement with Formatt Machinery Pty Ltd for the supply of Kubota Parts and Repairs, without first inviting written tenders pursuant to section 235(b) of the *Local Government Regulation 2012*; and
- this arrangement be made for a period of 3 years from September 2021 to September 2024.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.





## Minutes

31 August 2021

**Item Number:**

H2

**File Number:**

**Part:**

INFRASTRUCTURE

**Portfolio:**

Infrastructure Services

**Subject:**

Specialised Supplier Arrangement - Massey Ferguson Parts and Repairs

2795

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That:**

- **Council enter into an arrangement with Seng's Sales and Service for the supply of Massey Ferguson Parts and Repairs, without first inviting written tenders pursuant to section 235(b) of the *Local Government Regulation 2012*; and**
- **this arrangement be made for a period of 3 years: from September 2021 – September 2024.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

**Item Number:**

H3

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

INFRASTRUCTURE

**Portfolio:**

Infrastructure Services

**Subject:**

Specialised Supplier Arrangement - Howard Parts and Repairs

2796

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That:**

- Council enter into an arrangement with NQAS Powershed for the supply of Howard Parts and Repairs, without first inviting written tenders pursuant to section 235(b) of the *Local Government Regulation 2012*; and
- this arrangement be made for a period of 3 years from September 2021 – September 2024.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

**Item Number:**

J1

**File Number:**

**Part:**

WATER & WASTEWATER

**Portfolio:**

Infrastructure Services

**Subject:**

Temporary Transfer of Water Allocation - WA7190 on CP AP6975

Cr Honor left the meeting, the time being 10.31 am.

**2797**

**Resolution**

Cr JP Bartels presented the report; and moved:-

**That:**

- 1. Council endorse that 220ML from water allocation WA7190 on CP AP6975 be made available by way of auction for temporary transfer for the 2021/22 water year; and**
- 2. the Chief Executive Officer be authorised to do all things necessary to enable the auction to occur and facilitate the temporary transfer.**

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K1	321.2008.50212.1	PLANNING

**Portfolio:**

Planning & Development Services

**Subject:**

DA321.2008.50212.1 - Request to vary terms of Bundaberg Open for Development 2016 Infrastructure Agreement

Cr Honor remained out of the meeting room while this item was discussed and voted on.

**2798**

**Resolution**

Cr JM Dempsey moved:-

**That Gairloch Developments Pty Ltd be advised that Council does not agree to vary the Bundaberg Open for Development Infrastructure Agreement for DA321.2008.50212.1.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
L1	525.2020.19.1	DEVELOPMENT ASSESSMENT

### Portfolio:

Planning & Development Services

### Subject:

Wearing Road, Bargara - Material Change of Use for Veterinary Service and Reconfiguring a Lot for Subdivision

Cr Honor remained out of the meeting room while this item was discussed and voted on.

Cr Dempsey left the meeting, the time being 10.36 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 Cooper, seconded Cr Learmonth, That Cr Bartels assume the chair for this item in the Mayor's absence. Carried unanimously.

**2799**

### Resolution

Cr JP Bartels moved:-

**That the Development Application 525.2020.19.1 detailed below be decided as follows:**

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

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Street address: Wearing Road, Bargara

Real property description: Lot 5 on SP259466

Local government area: Bundaberg Regional Council

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

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Development Permit for Combined (MCU, ROL,) (Veterinary Service, Subdivision & Access Easement)

#### **3. Decision**

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Decision details: Refused

#### 4. Referral agencies for the application

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Nil

#### 5. Details of refusal

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

#### 6. Reasons for refusal

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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 3.3.3 and 3.3.5 of the Strategic Framework settlement pattern theme, because:
    - (i) The development of local development areas and other major greenfield areas must be undertaken in accordance with local structure planning undertaken by the Council.
    - (ii) Council has not yet undertaken local structure planning for the area bounded by Seaview Road, Windermere Road, Hughes Road and Watsons Road which includes the subject site.
    - (iii) Approval of the development will prejudice Council's ability to create a well-planned and integrated urban community within the surrounding Emerging Community zoned land.
    - (iv) The development supports the expansion of the nearby Local activity centre (60 Rifle Range Road) to a size consistent with a District activity centre which is not anticipated within the Central Urban Coastal Growth Area.
    - (v) Compliance with key concept 3.3(d) and strategic outcome 3.3.3 and 3.3.5 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 key concept (b) and strategic outcome 3.4.2 of the Strategic Framework economic development theme, because:
    - (i) The development proposes the establishment of a centre activity outside of an identified activity centre.
    - (ii) The proposal does not provide sufficient evidence to demonstrate that the proposed development could not appropriately locate in an established or planned centre.
    - (iii) The proposal supports the spread of strip commercial development conducive to a Specialised Centre, however, sufficient evidence has not been provided to demonstrate that there is a need for an additional

Specialised Centre in the Central Coastal Urban Growth Area Local Plan area.

- (iv) As a consequence of items (i)-(iii) above, the development will undermine the activity centre network described by Strategic Outcome 3.4.2 of the economic development theme.
- (c) The proposed development does not comply with the key concept (a) and strategic outcome 3.6.2 of the infrastructure and services theme, because:
- (i) The proposed development is located outside of the Priority Infrastructure Area (PIA) which identifies land in which the provision of trunk infrastructure is prioritised.
  - (ii) Despite the development site being within close proximity to existing infrastructure services in the locality, the capacity of these systems are planned and based around the development yields within the PIA and not the surrounding greenfield areas.
  - (iii) As a consequence of items (i) & (ii) above, it is considered that the capacity of existing infrastructure systems are not adequate to service the proposed development.
  - (iv) As a consequence of items (i)-(iii) above, it is considered that the development is out of sequence. Any infrastructure that would be provided to service the development would not be done in an integrated, timely, coordinated and efficient manner that is consistent with community needs and expectations, minimises impacts on the environment and makes best use of public resources.
- (d) The proposed development does not comply with the purpose of the Central Coastal Urban Growth Area Local Plan Code, because:
- (i) The development does not facilitate the creation of a complete and vibrant community comprising of interconnected residential neighbourhoods and supporting local services, community facilities and open space.
  - (ii) The development does not reflect a pattern of settlement, land use composition and configuration of movement networks in accordance with a local area structure plan undertaken by the Council.
- (e) The proposed development does not comply with the Overall Outcomes of the Central Coastal Urban Growth Area Local Plan Code, because:
- (i) The development undermines the network of centres anticipated for the broader Central coastal area by locating a business use with a “district centre” catchment outside of the nominated district centre zone.
  - (ii) The development does not demonstrate a need for a new activity centre for a “district centre” catchment in the proposed location of the Veterinary Service.
  - (iii) The development does not include a mix of uses associated with the establishment of a new activity centre.
- (f) The proposed development does not comply with the purpose of the Emerging Community Zone Code, because:
- (i) The development has not been designed and prepared in accordance with a local structure plan undertaken by the Council.
  - (ii) As a result of (i) the development does not provide for the timely conversion of non-urban land to land for urban purposes.

- (g) The proposed development does not comply with the Overall Outcomes and Performance Outcomes 1, 9, 13 & 15 of the Emerging Community Zone Code, because:
- (i) The development does not facilitate the creation of a complete and vibrant community comprising of interconnected residential neighbourhoods, integrated with existing communities or provided with necessary supporting services, facilities, infrastructure and open space.
  - (ii) The development has not been designed and prepared in accordance with a local structure plan undertaken by the Council.
  - (iii) As a result of (ii), the development has not appropriately addressed the outcomes of the local plan which applies to the premises.
  - (iv) The development locates outside of the PIA where it is considered that Council's existing infrastructure systems do not have capacity for the proposed development.
  - (v) As a result of (i)-(v) the proposal development is not considered to occur in a logical sequence of development which facilitates the efficient and timely provision of infrastructure and services or for the timely conversion of non-urban land to land for urban purposes.
- (h) The proposed development does not comply with the purpose of the Business Uses Code, because:
- (i) The development is for a business activity and locates outside of an existing or planned activity centre.
  - (ii) The proposal is of a size, scale and anticipated catchment consistent with a business activity which would ordinarily locate within a District activity centre.
  - (iii) The proposal does not demonstrate a need for an additional District activity centre in the Central Coastal Growth Area, nor does it demonstrate that the development could not already be accommodated on appropriately zoned land.
  - (iv) As a result of (i)-(iii), the proposed development is considered to be inconsistent with the Bundaberg Region Activity Centre Network.
- (i) The proposed development does not comply with the Overall Outcomes and Performance Outcome 1 of the Business Uses Code, because:
- (i) The proposed development does not locate within an existing or planned activity centre.
  - (ii) The proposal does not demonstrate a need for a new activity centre.
  - (iii) As a result of (i) & (ii) above, the proposed development is not of a type, scale and intensity which is consistent with the role, function and intentions of the zone it is located within.
- (j) The development does not comply with the purpose of the local government infrastructure plan (LGIP), because:
- (i) A local structure plan has not been completed by the Council to inform land use planning or infrastructure provision and corridors for the subject site and the immediate land located within the Emerging community zone.
  - (ii) As a result, the LGIP has not anticipated infrastructure required to be provided as part of the development or broader locality. The LGIP has therefore not integrated infrastructure planning with the land use planning identified in the planning scheme.
  - (iii) The proposal bases infrastructure provision on unproven assumptions that have not been borne from local structure planning. Approval of such



- infrastructure provision strategies prejudices Council's ability to undertake future infrastructure and planning for the locality.
- (iv) As the proposal locates outside of the PIA it cannot be assumed that Council's existing infrastructure network has the capacity for the proposed development.
  - (v) As the proposal is outside of the PIA and beyond the assumptions of the LGIP, trunk infrastructure has not been planned and cannot be provided in an efficient and orderly manner.
- (k) The development will cause a significant economic impact because:
- (i) The proposed development would result in unnecessary competition with existing and planned activity centres in the Central Coastal Growth Area.
  - (ii) Development of the site and the expansion of the Local activity centre would result in an oversupply of commercial land where there is already an abundance of vacant or underdeveloped commercial land.
  - (iii) Such competition and oversupply of commercial land will result in significant economic impact to existing and planned activity centres in the Central Coastal Growth Area.
  - (iv) Existing and planned activity centres would remain underdeveloped and residents of those communities would not be provided with a range of different services as anticipated.
  - (v) The creation of a new District activity centre in Bargara will conflict with its role in the regional economy by directly competing with the higher role and function of Bundaberg as the main employer and service provider of the region.
- (l) Given the identified conflicts with the Strategic Framework, LGIP, Emerging Community Zone Code and the Business Uses Code approval of the use would unreasonably prejudice the Council's land use and infrastructure planning for this area.
- (m) There is no need for the proposal to be located on this land when appropriately zoned land is sufficiently available within the intended catchment of the use. The identified non-compliance with the planning scheme warrants refusal because:
- (i) The proposal is premature in that the land use and infrastructure planning necessary to allow for conversion of the Emerging Community zoned land to urban purposes has not been completed;
  - (ii) If approved, that proposal would fetter or unreasonably prejudice Council's land use and infrastructure planning;
  - (iii) The ad-hoc creation of an unplanned commercial use and activity centre does not facilitate the orderly or efficient provision of necessary infrastructure including sewerage and drainage;
  - (iv) The development relies on the creation of an extension of the existing identified Local Activity Centre on Rifle Range Road to support its approval in circumstances where such extension is not planned for and inconsistent with the level of centre designated;
  - (v) An expansion of the Rifle Range Road Local Activity Centre of the nature envisaged would result in a higher order centre in circumstances where there is no identified need for another District Activity Centre; and
  - (vi) If approved, the proposal and subsequent creation of a District Activity Centre would be likely to have a significant adverse impact on existing established and planned centres.

- (n) The proposed development is inconsistent with the purpose of the Planning Act 2016, because:
- (i) The development has not been prepared in accordance with a local structure plan which would ordinarily be undertaken in accordance with a major planning scheme amendment requiring extensive community engagement
  - (ii) The development, if approved, would prejudice Council's ability to undertake such community engagement associated with future local structure planning in a way that was inclusive and appropriate, and undertaken in an open, honest and meaningful way.
  - (iii) The development, if approved, would undermine the processes provided for in the Act in order to establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning.

### **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 Material Change of Use for Veterinary Service and Reconfiguring a Lot for Subdivision and Access Easement on 15 September 2020.
- The subject site is located at Lot 5 on SP259466, Wearing Road, and is adjacent to the Hughes and Wearing Road intersection comprising an area of 4.591ha.
- The land to the east of the subject site is predominantly located within the Low density residential zone and improved by residential activities commensurate to the intent of the zone. The land immediately to the north, south and west of the subject site is located within the Emerging community zone and is improved by single Dwelling houses, rural activities such as Animal Husbandry or Cropping or otherwise is unimproved.
- Local area structure planning for the subject site and the land immediately surrounding the site within the Emerging community zone 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**

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Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
Robert Elliott Pearson	23 Pandanus Crescent, Innes Park	<a href="mailto:Robandrob8@bigpond.com">Robandrob8@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 TM McLoughlin.

#### **For**

Cr JP Bartels  
 Cr TM McPhee  
 Cr TM McLoughlin  
 Cr VJ Habermann  
 Cr SA Cooper  
 Cr JD Learmonth

#### **Against**

Cr MBE Mitchell

The motion was put - and carried.

Crs Dempsey and Honor returned to the meeting, the time being 10.42 am.



## Minutes

31 August 2021

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

**Portfolio:**

Community & Environment

**Subject:**

Lease - Part of Lot 1 on SP199509 - Creative Regions Limited

**2800**

**Resolution**

Cr SA Cooper 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 Lease to Creative Regions Limited for part of Lot 1 on SP199509.**

Seconded by Cr JD Learmonth.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

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

Community & Environment

**Subject:**

Lease - Part of Lot 2 on SP314446 - Bargarra Administration Centre - Bundaberg Fruit and Vegetable Growers Cooperative Limited

**2801**

**Resolution**

Cr SA Cooper 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 Lease to Bundaberg Fruit and Vegetable Growers Cooperative Limited for part of the Bargarra Administration Centre, known as Lot 2 on SP314446.**

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

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

Community & Environment

**Subject:**

Lease Renewal - Lot 1 on RP146536 - Bundaberg and District Meals on Wheels Incorporated

**2802**

**Resolution**

Cr SA Cooper presented the report; and moved:-

**That:**

- 1. Council rescinds part 2 of the resolution made in relation to Item O1 “Lease Renewal – Lot 1 on RP146536 – Bundaberg and District Meals on Wheels Incorporated)” on 29 June 2021 at its Ordinary meeting, viz**  
***“2. the Chief Executive Officer be authorised to enter into a 10-year Lease to Bundaberg and District Meals on Wheels Incorporated over Lot 1 on RP146536.”; and***
- 2. the Chief Executive Officer be authorised to enter into a 10-year Lease with a 1 x 10 year option to Bundaberg and District Meals on Wheels Incorporated over Lot 1 on RP146536.**

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

<b>Item Number:</b> O4	<b>File Number:</b>	<b>Part:</b> COMMUNITY & CULTURAL SERVICES
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**Portfolio:**

Community & Environment

**Subject:**

Specialised Supplier Arrangement - Entertainment Acts, 2021 Milbi Festival - The Harbour Agency Pty Ltd

**2803**

**Resolution**

Cr JD Learmonth presented the report; and moved:-

**That Council engage The Harbour Agency Pty Ltd (ABN 36 001 672 555) for the provision of entertainment acts for the 2021 Milbi Festival without first seeking written quotations, pursuant to Section 235(b) of the *Local Government Act 2012*.**

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

<b>Item Number:</b> O5	<b>File Number:</b>	<b>Part:</b> COMMUNITY & CULTURAL SERVICES
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**Portfolio:**

Community & Environment

**Subject:**

Specialised Supplier Arrangement - Entertainment Acts, 2021 Milbi Festival - Bella Management Group Pty Ltd

This item was withdrawn prior to today's meeting.



The Mayor advised at this stage that the meeting would be closed to the public to discuss the following 2 items which 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 2 items be held in Committee:**

**T1 Request for waiver of waste collection charges - Lot 3 on RP126227, Lot 1 on SP146358, Lot 3 on RP31486, Lots 1 & 3 on RP49246 and Lots 1 & 2 on RP903134**

**T2 Lot 2 on RP211157 - Request for a concession of waste collection charges**

Seconded by Cr JP Bartels - and carried unanimously.

**Meeting closed to the public and the livestream suspended at 10.54 am.**

### Resolution

Cr JM Dempsey moved:-

**That the meeting now be reopened to the public.**

Seconded by Cr WA Honor - and carried unanimously.

**The meeting reopened to the public at 11.04 am.**



## Minutes

31 August 2021

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

### Portfolio:

Organisational Services

### Subject:

Request for waiver of waste collection charges - Lot 3 on RP126227, Lot 1 on SP146358, Lot 3 on RP31486, Lots 1 & 3 on RP49246 and Lots 1 & 2 on RP903134

### Confidential Reason:

*Local Government Regulation 2012 Section 254J(3)(d) rating concessions.*

**2804**

### Resolution

Cr JM Dempsey moved:-

**That Council provide a reduction of \$2,049.00 for waste collection charges to the property known as Lot 3 on RP126227, Lot 1 on SP146358, Lot 3 on RP31486, Lots 1 & 3 on RP49246 and Lots 1 & 2 on RP903134.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

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

Organisational Services

**Subject:**

Lot 2 on RP211157 - Request for a concession of waste collection charges

**Confidential Reason:**

*Local Government Regulation 2012 Section 254J(3)(d) rating concessions.*

**2805**

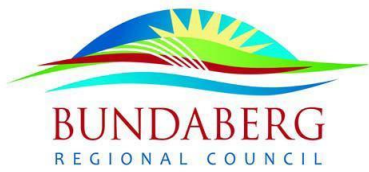
**Resolution**

Cr JM Dempsey moved:-

**In accordance with Section 120(1)(c) of the *Local Government Regulation 2012*, that Council provides a concession for one waste collection service to the property known as Lot 2 on RP211157 for the 2021/2022 financial year.**

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



## Minutes

31 August 2021

<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 11.07 am.

Confirmed on 28 September 2021.

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Mayor