

26 April 2022

10.00 am

Present:

Cr WR Trevor OAM (Acting Mayor - Chairman), Cr JP Bartels, Cr WA Honor, Cr TM McPhee, Cr TM McLoughlin (Via Teams), Cr VJ Habermann OAM (Via Teams), Cr SA Cooper, Cr MBE Mitchell and Cr JD Learmonth

Leave of Absence:

Moved by Cr Trevor, seconded by Cr Cooper, That Cr Dempsey's Leave of Absence be accepted. Carried unanimously.

Moved by Cr Bartels, seconded by Cr Habermann, That Cr Barnes' apology 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 A Keleher, Acting 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 Mr S Muggeridge, Chief Financial Officer Mrs WE Saunders, Executive Services Co-ordinator Ms B Kao, Executive Assistant/Researcher

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

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



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Subject:

Confirmation of Minutes

Resolution

Cr WR Trevor moved:-

That the minutes of the Ordinary meeting of Council held on 29 March 2022 be taken as read and confirmed.

Seconded by Cr TM McPhee - and carried unanimously.



Subject:

Declaration of Conflict Interest - Cr TM McPhee

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr McPhee advised she has a declarable conflict of interest in item G1 of today's agenda as her company, Alowishus Delicious, wholesale purchases from a business owned by the Spoor Family – and will therefore leave the meeting while the item is discussed and voted on.

	Minutes		26 April 2022
BUNDABERG			
Item Number:	File Number:	Part:	
F1		FINANCE	
Portfolio:			
Executive Services			
Subject:			
Financial Summary as a	t 31 March 2022		
2901			
Resolution			
Cr SA Cooper presente	d the report; and moved	:-	
That the Financial Su	nmary as at 31 March 2	2022 be noted by Cou	ncil.
	A14 1 11		

Seconded by Cr MBE Mitchell.



FINANCE

F2

Portfolio:

Executive Services

Subject:

Fees and Charges Register 2022/2023 and Holiday Park Fees and Charges 2023/2024

2902

Resolution

Cr SA Cooper presented the report; and moved:-

That Council's:-

- 1. 2022/2023 Fees and Charges, as detailed in the Fees and Charges Register appended to this report, be adopted by Council, to take effect from 1 July 2022; and
- 2. 2023/2024 Fees and Charges Holiday Parks, as detailed in the Register appended to this report, be adopted by Council, to take effect from 1 July 2023.

Seconded by Cr VJ Habermann.

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 Against Cr WA Honor



Portfolio:

Organisational Services

Subject:

Lease Renewal - Spoor Family Pty Ltd as Trustee - River Cruz Cafe

Cr McPhee left the meeting, the time being 10.13 am.

2903

Resolution

Cr SA Cooper presented the report; and moved:-

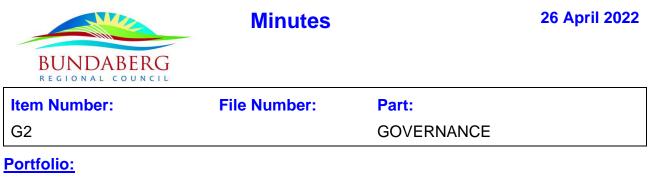
That:-

- 1. Council apply the exception contained in section 236(1)(c)(iii) of the Local Government Regulation 2012; and
- 2. the Chief Executive Officer be authorised to enter into a Lease to Spoor Family Pty Ltd ACN 124 760 989 as trustee for the Spoor Family Trust for Lot 2 on SP162005 for a term of approximately 1 year and 3 months.

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.

Cr McPhee returned to the meeting, the time being 10.16 am.



Organisational Services

Subject:

Childers CWA - Lease renewal

2904

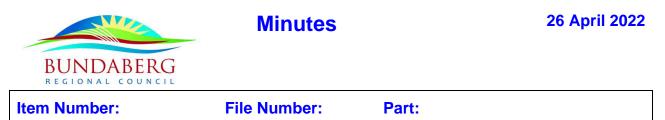
Resolution

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 Queensland Country Women's Association for Lot 50 on SP283922 for a term of 10 years.

Seconded by Cr JP Bartels.



GOVERNANCE

G3

Portfolio:

Organisational Services

Subject:

Sale of Lot 29 on SP311608, Bundaberg Regional Aviation and Aerospace Precinct

2905

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 29 on SP311608; 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 TM McPhee.



GOVERNANCE

G4

Portfolio:

Organisational Services

Subject:

Council Policy Review

2906

Resolution

Cr SA Cooper presented the report; and moved:-

That Council:

- 1. rescind the following policies:
 - Alcohol and Drug Policy, version 2.1 (CP-3-007);
 - Arts and Cultural Services Fundraising and Sponsorship Policy, version 2 (CP-3-030);
 - Asset Management Policy, version 2.1 (CP-3-008);
 - Bundaberg Regional Aviation and Aerospace Precinct Land Use Policy, version 1.1 (CP-3-054);
 - Burial on Private Property Policy, version 2 (CP-3-010);
 - Cemetery Management Policy, version 2 (CP-3-011);
 - Commemorative Plaques and Memorials Policy, version 2 (CP-3-013);
 - Community Engagement Policy, version 2.1 (CP-3-014);
 - Community Grants Policy, version 2 (CP-3-015);
 - Community Housing Rent Policy, version 1 (CP-3-040);
 - Delegations Policy, version 1.1 (CP-3-055);
 - Eat Safe Bundaberg Region Policy, version 2 (CP-3-020);
 - ECO Certification Scheme Policy, version 1 (CP-3-057);
 - Employee Code of Conduct, version 1 (CP-3-021);
 - Environmental Policy, version 2 (CP-3-023);
 - Equal Employment Opportunity Policy, version 1 (CP-3-024);
 - Exhibitions Policy, version 2 (CP-3-025);

- Non-Current Asset Recognition Policy, version 1 (CP-3-034);
- Recordkeeping Policy, version 3.1 (CP-3-037);
- Trade Waste Policy, version 1 (CP-3-041); and
- Water Leak Relief Policy, version 2 (CP-3-042).
- 2. adopt the following policies:
 - Alcohol and Drug Policy, version 3 (CP-3-007);
 - Arts and Cultural Services Fundraising and Sponsorship Policy, version 3 (CP-3-030);
 - Asset Management Policy, version 3 (CP-3-008);
 - Bundaberg Regional Aviation and Aerospace Precinct Land Use Policy, version 2 (CP-3-054);
 - Burial on Private Property Policy, version 3 (CP-3-010);
 - Cemetery Management Policy, version 3 (CP-3-011);
 - Commemorative Plaques and Memorials Policy, version 3 (CP-3-013);
 - Community Engagement Policy, version 3 (CP-3-014);
 - Community Grants Policy, version 3 (CP-3-015);
 - Community Housing Rent Policy, version 2 (CP-3-040);
 - Delegations Policy, version 2 (CP-3-055);
 - ECO Certification Scheme Policy, version 2 (CP-3-057);
 - Employee Code of Conduct, version 2 (CP-3-021);
 - Environmental Policy, version 3 (CP-3-023);
 - Equal Employment Opportunity Policy, version 2 (CP-3-024);
 - Exhibitions Policy, version 3 (CP-3-025);
 - Internal Audit Policy, version 3 (CP-3-029);
 - Non-Current Asset Recognition Policy, version 2 (CP-3-034);
 - Recordkeeping Policy, version 4 (CP-3-037);
 - Trade Waste Policy, version 2 (CP-3-041); and
 - Water Leak Relief Policy, version 3 (CP-3-042) to be effective from 1 July 2022.

Seconded by Cr VJ Habermann.

	Minutes		26 April 2022
BUNDABERG			
Item Number:	File Number:	Part:	
G5		GOVERNANCE	
Portfolio:			
Organisational Services			
Subject:			
2021/2022 Operational Plan	- Quarter 3		
2907			
Resolution			
Cr SA Cooper presented the	e report; and moved:-		

That the 2021/2022 Operational Plan Quarter 3 review be received and noted.

Seconded by Cr JD Learmonth.



PLANNING

Portfolio:

K1

Planning & Development Services

Subject:

Amendment to the Bundaberg Regional Council Planning Scheme

Nil

2908

Resolution

Cr WR Trevor presented the report; and moved:-

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

- (a) decide to make a qualified state interest amendment, and minor/administrative amendments to the Bundaberg Regional Council Planning Scheme, to incorporate changes as detailed in the attachments provided;
- (b) give the Planning Minister written notice of Council's decision to make a qualified state interest amendment to the planning scheme and requesting approval to commence public consultation of the proposed amendment; and
- (c) subject to approval from the Planning Minister, publicly consult on the proposed amendments to the Planning Scheme.

Seconded by Cr SA Cooper.

The motion was put - and carried.

For

Against Cr WA Honor

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



item Number:	File Number:	Part:
L1		DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

23 Greenview Drive, Bargara - Reconfiguring a Lot for Community Title Subdivision (1 Lot into 2 Lots)

2909

Resolution

Cr WR Trevor presented the report; and moved:-

That the Development Application 521.2022.268.1 detailed below be decided as follows:

1. Location details

Street address:	23 Greenview Drive, Bargara
Real property description:	Lot 1 on SP320226
Local government area:	Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Reconfiguring a Lot for Subdivision (1 Lot into 2 Lots)

3. Decision

Decision details: Approved in full with conditions. These conditions are set out in <u>Schedule 1</u> and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval			

4. Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version /issue
Aspect of developmer	nt: Reconfiguring a	Lot		
Plan of Proposed ROL – STD Format CTS	Insite SJC	28/03/2022	GC22-051-P2 Sheet 1 of 1	-
Proposed Lots 1, 2 & Common Property, Cancelling Lot 1 on SP320226				
23 Greenview Drive, Bargara				

5. Conditions

This approval is subject to the conditions in <u>Schedule 1</u>. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

6. Further development permits

Not applicable

7. Properly made submissions

Not applicable — No part of the application required public notification.

8. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
 State-controlled road Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 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— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— 	Department of State Development, Infrastructure, Local Government & Planning	Concurrence Agency	State Assessment and Referral Agency (SARA) <i>E:</i> wbbregionalservices@d sdmip.qld.gov.au <i>P:</i> PO Box 979 Bundaberg Qld 4670

(i) adjacent to a road that intersects with a State- controlled road; and (ii) within 100m of the intersection		
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9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

10. Agreements under Section 49(4)(b) or 66(2)(b) or (c) of the Planning Act 2016

There are no agreements about these matters.

11. Conditions about infrastructure

No conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*.

12. 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.

An applicant may also have a right to appeal to the Development tribunal. For more information, see Schedule 1 of the *Planning Act 2016*.

<u>Appeal by a submitter</u>

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

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

<u>Schedule 2</u> is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

NO	CONDITION	TIMING
GENE	RAL	
1.	Comply with all conditions of this development approval and maintain compliance whilst the use continues.	As indicated
2.	Where there is any conflict between the conditions of this Development approval and details shown on the Approved plans, the conditions prevail.	At all times
3.	The full cost of all work and any other requirements associated with this development must be met by the developer, unless specified in a particular condition or Infrastructure agreement.	At all times
4.	Prior to Council endorsing the Community Titles Scheme Standard Format Plan, a Community Management Statement must be lodged for Council's notation.	Prior to the endorsement of the survey plan
5.	The requirements of the associated Building Approval for Dual Occupancy (Council Reference: 301.2022.87129.1) on the land must be complied with prior to Council Endorsing the Community Title.	Prior to the endorsement of the survey plan
	OPERATIONAL WORK ASSOCIATED WITH THE ROL	
6.	Ensure all Operational work that is Accepted development complies with the nominated assessment benchmarks or a Development application for Operational work is submitted to and approved by Council.	Prior to the commencem ent of work
	<i>Note:</i> Where Accepted Development does not comply with a nominated requirement for Accepted Development, a Development Application for Operational Work must be submitted to Council.	
7.	Provide certification from a Registered Professional Engineer of Queensland (RPEQ) that any operational work that is Accepted Development has been designed and constructed in accordance with the conditions of this	Prior to the endorsement of the survey plan

	Development Approval and any other relevant approval issued by Council.	
	Note: Council does not require the submission of an Operational Works development application for work that is nominated as Accepted Development where the works comply with the nominated requirements for Accepted Development and are certified by a RPEQ.	
CONS		
8.	Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from work is made: a. on a business day or Saturday, before 6.30 am or	At all times during construction
	after 6.30 pm b. on any other day, at any time.	
	b. on any other day, at any time.	
9.	Provide to the Assessment Manager certification from a Registered Professional Engineer of Queensland (RPEQ) that the Earthworks have been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by the Assessment Manager.	Prior to the endorsement of the survey plan
STOR	MWATER	
10.	Design and implement a stormwater drainage system connecting to the lawful point of discharge at Greenview Drive in accordance with the applicable Planning Scheme codes and the Planning scheme policy for development works.	Prior to the endorsement of the survey plan
ROAD	WORKS	
11.	Repair any damaged kerb and channel, footpath, or road (including removal of concrete slurry from footpath, roads, kerb and channel, and stormwater gullies and drainlines) and reinstate existing traffic signs and pavement markings that have been removed or damaged during any works carried out in association with the approved development.	Prior to the endorsement of the survey plan
12.	Submit a completed copy of Council's 'Application to carry out works in, on, over or under Council owned and maintained property' form for approval prior to work within the road reserve being undertaken.	Prior to the endorsement of the survey plan
EASE	MENT	
13.	Obtain specific approval from the Grantee of Easement A on RP224846 prior to construction of any proposed	At all times

driveway within the easement to ensure that any rights pertaining to the land associated with the easement are maintained.	
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PART 1B – ADVICE NOTES

NO	ADVICE	TIMING			
WATE	WATER AND WASTEWATER				
1.	Water and sewer connections to Council infrastructure will not be granted until approval is issued from Service Provider.	Prior to the endorsement of the survey			
	An application for water and sewer connections for proposed development is to be made to the Service Provider through any one of Council Service Centre's. Water Services - Planning & Delivery Team requests the following requirements to be lodged with application:	plan			
	Site plan				
	Floor plan				
	 Hydraulic plans showing proposed meter locations and sizes 				
	 All plans are to be scaled and at minimum size of A3 				
RATE	S AND CHARGES				
2.	In accordance with the <i>Planning Act 2016</i> , all rates, charges, or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.	Prior to the endorsement of the survey plan			
ENVIF	ONMENTAL HARM				
3.	The Environmental Protection Act 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an	At all times			

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PART 2—CONCURRENCE AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government & Planning, by letter dated 8 March 2022 (copy letter attached for information).

Seconded by Cr SA Cooper.



SERVICES

Portfolio:

Community & Environment

Subject:

Specialised Supplier Arrangement for Freegal (emusic) Subscription Renewal

2910

Resolution

Cr JD Learmonth presented the report; and moved:-

That:

- a) Council enter into an arrangement with Library Ideas LLC for the supply of Freegal eMusic Service without first inviting written quotes pursuant to Section 235(b) of the Local Government Regulation 2012; and
- b) this arrangement be in place until 28 October 2024 when the current Tender Consideration Plan for the library expires, unless a true competitor enters the market and offers an authorised alternative available within Queensland.

Seconded by Cr VJ Habermann.

The motion was put - and lost.

For Cr WA Honor Cr TM McLoughlin Cr VJ Habermann Cr JD Learmonth Against

Cr JP Bartels Cr WR Trevor Cr TM McPhee Cr SA Cooper Cr MBE Mitchell



Portfolio:

Community & Environment

Subject:

Specialised Supplier Arrangements for Celebrity Chefs - 2022 Taste Festival

2911

Resolution

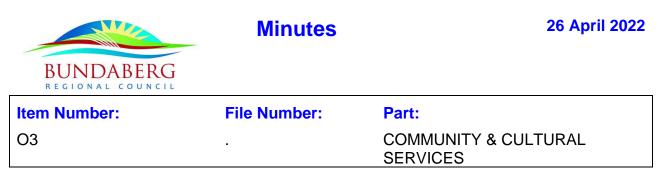
Cr JD Learmonth presented the report; and moved:-

That Council engage the following companies for the provision of celebrity chefs for the 2022 Taste Festival without first seeking written quotations, pursuant to Section 235(b) of the *Local Government Regulation 2012*:

(a) Willow and Jo Pty Ltd for Colin Fassnidge

(b) Jones Louros & Associates Pty Ltd for Kirstin Tibballs

Seconded by Cr JP Bartels.



Portfolio:

Community & Environment

Subject:

Declaration of Conflict of Interest – Cr TM McPhee

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr McPhee advised she has a declarable conflict of conflict in item O3 below as Bridges Health & Community Care Ltd have a Development Application before Council (522.2022.306.1) which is yet to be decided which will have a food and beverage component, and Cr McPhee also has similar business entities – but believed she could participate in the decision on the matter in the public's interest and stay in the meeting while the item is discussed and voted on.

Resolution

The remaining eligible Councillors determined that Cr McPhee does not have a conflict of interest in the item as there is no conflict between the Councillors personal interest and the public interest – and therefore can stay and vote on the matter.

Subject:

RADF Funding Recommendations Round 1

2912

Resolution

Cr JD Learmonth presented the report; and moved:-

That Council approve the release of \$27,150 Regional Arts Development Funding for Round 1 of the 2021-22 program in accordance with the recommendations of the RADF Advisory Committee as follows:

- 1. (a) Bridges Health & Community Care Ltd Stories of the Old Fire Station (\$7,350)
 - (b) That the allocation of funding be subject to the applicant receiving a planning approval for DA522.2022.306.1.
- 2. Makers' Shopfront Design CQ (\$10,000)
- 3. Hinkler House Memorial Museum & Research Association Inc The Hinkler Story (\$3,000)
- 4. Mrs Cilla Pershouse Theatre Mentoring and Showcase Program for Children in the Bundaberg Region (\$6,800)

Seconded by Cr SA Cooper.

The motion was put - and carried.

For

Cr WR Trevor Cr WA Honor Cr TM McPhee Cr TM McLoughlin Cr VJ Habermann Cr SA Cooper Cr MBE Mitchell Cr JD Learmonth Against Cr JP Bartels



WASTE & RECYCLING

P1 Portfolio:

Community & Environment

Subject:

Wide Bay Burnett Regional Waste & Recycling Services

2913

Resolution

Cr TM McLoughlin presented the report; and moved:-

That the Branch Manager of Waste and Recycling and the Portfolio Councillor for Waste and Recycling be delegates for Bundaberg Regional Council on the Wide Bay Burnett Regional Waste Management Plan Working Group (RWMP).

Seconded by Cr VJ Habermann.



P2

Portfolio:

Community & Environment

Subject:

Amendment to Waste Collections Days

2914

Resolution

Cr TM McLoughlin presented the report; and moved:-

That Council proceed with the proposal for the amendment of the Region's Waste Collection days from 1 August 2022 as detailed in this report and shown in Attachment 1.

Seconded by Cr TM McPhee.



Portfolio:

Community & Environment

Subject:

Specialised Supplier Arrangement for simPRO Job Management System

2915

Resolution

Cr WA Honor presented the report; and moved:-

That:

- 1. Council continue the agreement with the simPRO Group Pty Ltd for the supply of support, updates, licencing and service of Parks and Gardens job management system without seeking competitive quotations or tenders pursuant to section 235(b) of the *Local Government Regulation 2012*; and
- 2. this arrangement be in place until April 2024.

Seconded by Cr SA Cooper.



Subject:

Meeting Close

There being no further business – the Acting Mayor declared this Ordinary Meeting closed at 11.00 am.

Confirmed on 31 May 2022.

Mayor