



Ordinary Meeting Minutes

30 September 2019

10.00 am

Council Chambers, Bundaberg

Present:

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

Leave of Absence: Cr JA Peters and Cr SA Rowleson

Moved Cr Blackburn, seconded Cr Bartels, that the apology of Cr JD Learmonth be accepted. Carried unanimously.

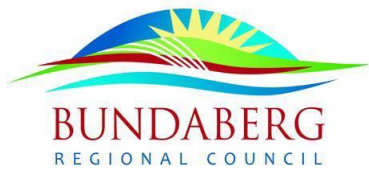
Moved Cr Bartels, seconded Cr Trevor, that the apology of Cr WA Honor be accepted. Carried unanimously.

Officers:

Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Infrastructure
Mr GJ Steele, General Manager Community & Environment
Mrs AK Pafumi, General Manager Organisational Services
Mr B Artup, Executive Director Strategic Projects and Economic Development
Mr M Gorey, Executive Officer Communications
Mr R Jenner, Acting Group Manager Development
Mrs C Large, Chief Legal Officer
Mrs WE Saunders, Executive Services Co-ordinator
Miss CE Dobbins, Executive Assistant/Researcher

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

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



Minutes

30 September 2019

Item Number: B1	File Number:	Part: Minutes
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Subject:

Confirmation of Minutes

Resolution

Cr JM Dempsey moved:-

That the minutes of the Ordinary Meeting of Council held on 20 August 2019 be taken as read and confirmed.

Seconded by Cr SA Cooper - and carried unanimously.



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30 September 2019

Item Number:	File Number:	Part:
C1	.	COUNCILLORS

Portfolio:

Councillors

Subject:

Declaration of Conflict/Material Personal Interests - Cr JM Dempsey

Pursuant to section 175E of the *Local Government Act 2009* Cr Dempsey advised that he has a conflict of interest in item T4 of today's agenda as he has had contact with the applicant and intends to leave the meeting while the matter is discussed in confidential session and also voted on.

**Minutes****30 September 2019****Item Number:**

C2

File Number:**Part:**

COUNCILLORS

Subject:

Declaration of Conflict of Interest - Cr JM Dempsey

Pursuant to section 175E of the *Local Government Act 2009* Cr Dempsey advised that he has a conflict of interest in item T16 of today's agenda as the applicant is a friend of a family member and he intends to leave the meeting while the matter is discussed in confidential session and also voted on.



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

Organisational Services

Subject:

Financial Summary as at 2 September 2019

2386

Resolution

Cr SA Cooper presented the report; and moved:-

That the Financial Summary as at 2 September 2019 be noted by Council.

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.



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Item Number: G1	File Number: .	Part: GOVERNANCE
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Portfolio:

Organisational Services

Subject:

Audit & Risk Committee Minutes

2387

Resolution

Cr HL Blackburn presented the report; and moved:-

That the minutes of the Audit and Risk Committee meeting held on 10 May 2019 be received and noted.

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



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30 September 2019

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

Organisational Services

Subject:

Council Policy Review

2388

Resolution

Cr HL Blackburn presented the report; and moved:-

That Council:

- 1. Rescind CP-3-043 Hardship Policy, version 1; and**
- 2. Adopt CP-3-043 Hardship Policy, version 2.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



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30 September 2019

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

Portfolio:

Community & Environment

Subject:

Donation to Royal Flying Doctors Service

2389

Resolution

Cr SA Cooper presented the report; and moved:-

That Council;

- 1. provide the Royal Flying Doctor Service (Queensland Branch) with a financial donation of \$50,000 from the 2019/2020 Airport operational budget to assist with the funding required to construct a joint aero-medical base at the Bundaberg Aviation and Aerospace Precinct and,**
- 2. consider as part of future budget deliberations, ongoing support to RFDS either through direct donation or waiving of fees for operations locally.**

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.

The Mayor advised at this stage, pursuant to Section 275 of the “*Local Government Regulation 2012*”, the meeting would be closed to the public to discuss the following 19 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 19 items be held in Committee:

- T1 Request for Water Leak Relief - Lot 4 on RP197175**
- T2 Request for Water Leak Relief - Lot 68 on RP154326**
- T3 Request for Water Leak Relief - Lot 132 on RP803342**
- T4 Request for Water Leak Relief - Lot 22 on SP166864**
- T5 Request for waiver of sewerage charges - Lot 2 on RP96755**
- T6 Request for waiver of sewerage charges - Lot 20 on RP22133**
- T7 Specialised Supplier Arrangement with Mandalay Technologies Pty Ltd**
- T8 Specialised Supplier Arrangement with LTech Australia Pty Ltd**
- T9 Specialised Supplier Arrangement with Bentley Systems International**
- T10 Specialised Supplier Arrangement with 12D Solutions Pty Ltd**
- T11 Specialised Supplier Arrangement with BMT Eastern Australia Pty Ltd**
- T12 Lease to Qantas Airways Limited - Lease DI on SP254546**
- T13 Lot 5 on SP289057 and WA4537 on CP-AP6975 - Disposal of land**
- T14 Application of current Charges Resolution to Non-Profit Organisations**
- T15 Request for Infrastructure Agreement – DA 522.2019.145.1**
- T16 Request for Infrastructure Charges Relief - DA 322.2013.39054.1**
- T17 Extension Request - Bundaberg Open for Development Infrastructure Agreement - DA 321.2015.44711.1**
- T18 Request to vary terms of Bundaberg Open for Development Infrastructure Agreement - DA 526.2018.68.1**
- T19 Lease to Moore Park Beach Bowls Club Inc**

Seconded by Cr JP Bartels - and carried unanimously.

Meeting closed to the public 10.13 am.

Cr JM Dempsey left the meeting during discussion on item T4 and T16, the time being 10.25 am.

Cr HL Blackburn left the meeting during discussion on item T16, the time being 10.30 am.

Cr JM Dempsey and Cr HL Blackburn returned to the meeting, the time being 10.35 am.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened to the public.

Seconded by Cr JP Bartels - and carried unanimously.

Meeting reopened to the public at 10.48 am.

**Minutes****30 September 2019**

Item Number: C3	File Number:	Part: COUNCILLORS
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Subject:

Declaration of Conflict of Interest – Cr HL Blackburn

Pursuant to section 175C of the *Local Government Act 2009* Cr Blackburn declared a conflict of interest in item T16 of today's agenda as she is an acquaintance of the applicant and left the meeting while the item was discussed in confidential session and will leave the meeting when the item is voted on.



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30 September 2019

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

Organisational Services

Subject:

Request for Water Leak Relief - Lot 4 on RP197175

Confidential Reason:

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

2390

Resolution

Cr JM Dempsey moved:-

That Council apply section 120(1)(c) of the *Local Government Regulation 2012* and Council's Water Leak Relief Policy to provide relief of \$1,428.80 to reduce the water consumption charges attaching to property described as Lot 4 on RP197175.

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



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Item Number: T2	File Number:	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Request for Water Leak Relief - Lot 68 on RP154326

Confidential Reason:

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

2391

Resolution

Cr JM Dempsey moved:-

That Council apply section 120(1)(c) of the *Local Government Regulation 2012* and Council's Water Leak Relief Policy to provide relief of \$339.84 to reduce the water consumption charges attaching to property described as Lot 68 on SP154326.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



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Item Number: T3	File Number:	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Request for Water Leak Relief - Lot 132 on RP803342

Confidential Reason:

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

2392

Resolution

Cr JM Dempsey moved:-

That Council apply section 120(1)(c) of the *Local Government Regulation 2012* and the difference between the current water leak consumption and normal water consumption of 157 kilolitres to provide relief of \$2,179.30 to reduce the water consumption charges attaching to property described as Lot 132 on RP803342.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



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Item Number:	File Number:	Part:
T4		CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Request for Water Leak Relief - Lot 22 on SP166864

Confidential Reason:

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

Cr Jack Dempsey left the meeting, the time being 10.53 am.

Cr Trevor chaired the meeting in the Mayor's absence.

2393

Resolution

Cr SA Cooper moved:-

That Council:

- 1. decline the ratepayer's request for water leak relief for property described as Lot 22 on SP166864 for the rate period to 31 December 2019; and**
- 2. considering the unique circumstances delaying the communications to the ratepayer, and the subsequent repairs in this instance, Council apply section 120(1)(c) of the *Local Government Regulation 2012* to provide relief of \$3,908.02 to the water consumption charges for the rates period ending 30 June 2020 attaching to property described as Lot 22 on SP166864.**

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.

Cr Dempsey returned to the meeting, the time being 10.57 am.



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Item Number:	File Number:	Part:
T5		CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Request for waiver of sewerage charges - Lot 2 on RP96755

Confidential Reason:

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

2394

Resolution

Cr JM Dempsey moved:-

That in view of the circumstances outlined in the request to refund sewerage charges, a refund of \$7,561.00 be provided to the owner of land described as Lot 2 on RP96755.

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



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

Organisational Services

Subject:

Request for waiver of sewerage charges - Lot 20 on RP22133

Confidential Reason:

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

2395

Resolution

Cr JM Dempsey moved:-

That in view of the circumstances outlined in the request to refund sewerage charges, a refund of \$7,404.00 be provided to the owner of land described as Lot 20 on RP22133.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



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

Community & Environment

Subject:

Specialised Supplier Arrangement with Mandalay Technologies Pty Ltd

Confidential Reason:

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

2396

Resolution

Cr JM Dempsey moved:-

That

- a) **Council enter into an arrangement with Mandalay Technologies Pty Ltd for the provision of Software Hosting Subscription and Support without first inviting written quotes pursuant to Section 235(b) of the *Local Government Regulation 2012*; and**
- b) **this arrangement be made for the period November 2019 – November 2022.**

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



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Item Number: T8	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Infrastructure Services

Subject:

Specialised Supplier Arrangement with LTech Australia Pty Ltd

Confidential Reason:

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

2397

Resolution

Cr JM Dempsey moved:-

That

- a) Council enter into an arrangement with LTech Australia Pty Ltd for the provision of LIMS1 – Laboratory Information System Annual Maintenance Contract without first inviting written quotes pursuant to Section 235(b) of the Local Government Regulation 2012; and
- b) this arrangement be made for an initial period 1 October 2019 – 30 September 2020.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



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Item Number: T9	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Infrastructure Services

Subject:

Specialised Supplier Arrangement with Bentley Systems International

Confidential Reason:

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

2398

Resolution

Cr JM Dempsey moved:-

That

- a) **Council enter into an arrangement with Bentley International for the provision of a SELECT Program Agreement (Software Maintenance) for three years without first inviting written quotes pursuant to Section 235(b) of the Local Government Regulation 2012; and**
- b) **this arrangement be made for an initial period 1 September 2019 – 31 August 2022.**

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



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Item Number: T10	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Infrastructure Services

Subject:

Specialised Supplier Arrangement with 12D Solutions Pty Ltd

Confidential Reason:

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

2399

Resolution

Cr JM Dempsey moved:-

That

- a) **Council enter into an arrangement with 12D Solutions Pty Ltd for the provision of 12D Software Annual Maintenance without first inviting written quotes pursuant to Section 235(b) of the Local Government Regulation 2012; and**
- b) **this arrangement be made for an initial period 1 September 2019 – 31 August 2020 with an option for a further three years.**

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.



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Item Number: T11	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Infrastructure Services

Subject:

Specialised Supplier Arrangement with BMT Eastern Australia Pty Ltd

Confidential Reason:

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

2400

Resolution

Cr JM Dempsey moved:-

That

- a) Council enter into an arrangement with BMT Eastern Australia Pty Ltd for the provision of TUFLOW – Network – Purchase Licences and Annual Maintenance & Support without first inviting written quotes pursuant to Section 235(b) of the Local Government Regulation 2012; and
- b) this arrangement be made for an initial period September 2019 – August 2020 with an option for a further three years.

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



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Item Number: T12	File Number: .	Part: GOVERNANCE
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Portfolio:

Organisational Services

Subject:

Lease to Qantas Airways Limited - Lease DI on SP254546

Confidential Reason:

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

2401

Resolution

Cr JM Dempsey 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 five year lease with Qantas Airways Limited (ABN 16 009 661 901) for Lease DI on SP254546 being part of the airport terminal.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



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Item Number: T13	File Number: .	Part: GOVERNANCE
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Portfolio:

Organisational Services

Subject:

Lot 5 on SP289057 and WA4537 on CP-AP6975 - Disposal of land

Confidential Reason:

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

2402

Resolution

Cr JM Dempsey moved:-

That Council apply the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012* to the disposal of land described as Lot 5 on SP289057 and WA4537 on CP-AP6975 - and 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 WR Trevor.

The motion was put - and carried unanimously.



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30 September 2019

Item Number:	File Number:	Part:
T14	N/A	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Application of current Charges Resolution to Non-Profit Organisations

Confidential Reason:

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

2403

Resolution

Cr JM Dempsey moved:-

That Council authorise the Chief Executive Officer or his nominated delegate to provide a partial refund of paid development infrastructure charges for the following non-profit organisations:

- (a) A refund of \$1,400 for DA 321.2014.40050.1 at 2 Osborn St, Svensson Heights.**
- (b) A refund of \$23,568.75 for DA 322.2011.33273.1 at 9 Fitzgerald St, Norville.**

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.



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Item Number:	File Number:	Part:
T15	N/A	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Request for Infrastructure Agreement – DA 522.2019.145.1

Confidential Reason:

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

2404

Resolution

Cr JM Dempsey moved:-

That Council authorise the Chief Executive Officer or his nominated delegate to enter into a modified Bundaberg Open for Development Infrastructure Agreement for DA 522.2019.145.1 that includes:

- (a) An extended Completion Date;**
- (b) Sets the value of trunk infrastructure offsets; and**
- (c) Allows for payment of charges on a per unit basis.**

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.



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Item Number:	File Number:	Part:
T16	N/A	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Request for Infrastructure Charges Relief - DA 322.2013.39054.1

Confidential Reason:

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

Cr Dempsey left the meeting, the time being 11.08 am.

Cr Blackburn left the meeting, the time being 11.08 am

Cr Trevor chaired the meeting in the Mayor's absence and advised that there were insufficient members present to form a quorum.

Cr Dempsey returned to the meeting, the time being 11.11 am.

Cr Blackburn returned to the meeting, the time being 11.11 am.

The Mayor resumed the chair.

2405

Resolution

Cr JM Dempsey moved:-

That Council delegate authority to the Chief Executive Officer to determine item T16 – being Request for Infrastructure Charges Relief DA 322.2013.39054.1 – pursuant to section 175E and section 257 of the *Local Government Act 2009*.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



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30 September 2019

Item Number:	File Number:	Part:
T17	337.2018.313.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

Extension Request - Bundaberg Open for Development Infrastructure Agreement - DA 321.2015.44711.1

Confidential Reason:

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

2406

Resolution

Cr JM Dempsey moved:-

That Council authorise the Chief Executive Officer or his nominated delegate to enter into a Deed of Variation to change the completion date in the Bundaberg Open for Development Infrastructure Agreement for DA 321.2015.44711.1 to 26 June 2020.

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.



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30 September 2019

Item Number:	File Number:	Part:
T18	331.2016.837.1	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

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

Confidential Reason:

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

2407

Resolution

Cr JM Dempsey moved:-

That Council authorise the Chief Executive Officer or his nominated delegate to vary the draft Bundaberg Open for Development Infrastructure Agreement for DA 526.2018.68.1 by extending the date for Substantial Commencement to 30 June 2021 and changing the definition of Substantial Commencement to include the construction of civil works associated with the material change of use.

Seconded by Cr HL Blackburn.

The motion was put - and carried.

For

Cr JP Bartels
 Cr WR Trevor
 Cr HL Blackburn
 Cr CR Sommerfeld
 Cr SA Cooper
 Cr JM Dempsey

Against

Cr GR Barnes



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Item Number: T19	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Governance

Subject:

Lease to Moore Park Beach Bowls Club Inc

Confidential Reason:

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

2408

Resolution

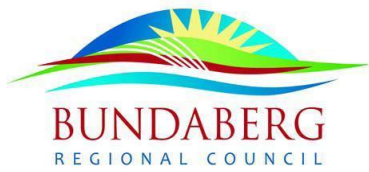
Cr JM Dempsey moved:-

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 10 year community lease with Moore Park Beach Bowls Club Inc. for part of the premises at 28 Club Avenue, Moore Park Beach being part of Lot 2 on RP847129.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

30 September 2019

Item Number: V1	File Number:	Part: Meeting Close
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Subject:

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.18 am.

Confirmed on 22 October 2019.

Mayor