



Ordinary Meeting Minutes

24 November 2020

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

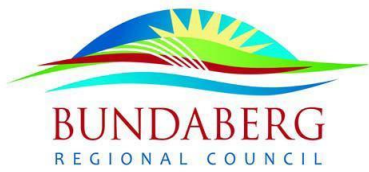
Leave of Absence:

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 M Ellery, Group Manager Development
Mrs C Large, Chief Legal Officer
Ms N Stevens, Revenue Manager
Ms S Watts, Principal Planner
Mr E Fritz, Manager Strategic Planning
Mr S Muggeridge, Deputy Chief Financial Officer
Miss C Dobbins, Executive Assistant/Researcher
Miss B Kao, Executive Assistant/Researcher

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

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



Minutes

24 November 2020

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 27 October 2020 be taken as read and confirmed.

Seconded by Cr SA Cooper - and carried unanimously.



Minutes

24 November 2020

Item Number:

File Number:

Part:

C1

COUNCILLORS

Subject:

Declaration of Conflict of Interests – Cr WR Trevor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Trevor declared a conflict of interest in item K3 of today's agenda as he and his wife Gayle Trevor own shares in Isis Central Sugar Limited which is mentioned in the report and will leave the meeting while this item is discussed and voted on.



Minutes

24 November 2020

Item Number:

File Number:

Part:

C2

General Business

Subject:

Declaration of Conflict of Interests - Cr WR Trevor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Trevor declared a conflict of interest in item K4 of today's agenda as he and his wife Gayle Trevor own shares in Isis Central Sugar Limited which is mentioned in the report and will leave the meeting while this item is discussed and voted on.



Minutes

24 November 2020

Item Number:

C3

File Number:

Part:

General Business

Subject:

Declaration of Conflict of Interests - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor declared a conflict of interest in item H1 of today's agenda, as his son, Dwayne Honor, in his professional role as a Council employee was author of report – but wished to stay and vote on the matter.

Resolution

The remaining eligible Councillors determined that Cr WA Honor may participate in a decision about the matter including voting on the matter.



Minutes

24 November 2020

Item Number:

C4

File Number:

Part:

General Business

Subject:

Declaration of Conflict of Interests - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor declared a conflict of interest in item K1 of today's agenda as his company, Coachtrail Investments Pty Ltd have an uncompleted Material Change of Use application with Council and in regard to these works will leave the meeting while this item is discussed and voted on.



Minutes

24 November 2020

Item Number:

File Number:

Part:

C5

General Business

Subject:

Declaration of Conflict of Interests - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor declared a conflict of interest in item K4 of today's agenda as he is a primary producer and the land neighbouring his may be subdivided under the current planning scheme and as such will leave the meeting while this item is discussed and voted on.



Minutes

24 November 2020

Item Number:

File Number:

Part:

C6

General Business

Subject:

Declaration of Conflict of Interests - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor declared a conflict of interest in item T4 of today's agenda as his company, Coachtrail Investments Pty Ltd have an uncompleted Material Change of Use application with Council and will leave the meeting while this item is discussed and voted on.

**Minutes****24 November 2020****Item Number:**

C7

File Number:**Part:**

General Business

Subject:

Declaration of Conflict of Interests - Cr TM McPhee

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr McPhee declared a conflict of interest in item O6 of today's agenda as her business, Alowishus Delicious, holds a peppercorn lease over the refectory at CQUniversity. As this item doesn't relate to the lease or have any bearing on the lease, Cr TM McPhee wished to stay and vote on the matter.

Resolution

The remaining eligible Councillors determined that Cr TM McPhee may participate in a decision about the matter including voting on the matter.



Minutes

24 November 2020

Item Number:

File Number:

Part:

C8

General Business

Subject:

Declaration of Conflict of Interests - Cr MBE Mitchell

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Mitchell declared a conflict of interest in item O4 of today's agenda as her friend, Paul Mooney, has an interest in the matter being that he wishes to enter into a lease with Council and as such Cr MBE Mitchell will leave the meeting while this item is discussed and voted on.

**Item****24 November 2020**

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

Organisational Services

Subject:

Financial Summary as at 2 November 2020

2636**Resolution**

Cr SA Cooper presented the report; and moved:-

That the Financial Summary as at 2 November 2020 be noted by Council.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.

**Item****24 November 2020**

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

Organisational Services

Subject:

Sale of Lot 8, Lot 12, Lot 15, Lot 39 and Lot 43 on SP 205671 - Kinkuna Waters Estate

2637

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 2021 (Qld)* to the disposal of Lot 8, Lot 12, Lot 15, Lot 39 and Lot 43 on SP205671; and**
- 2. the Chief Executive Officer be authorised to enter into a Contract of Sale with each of the Buyers for each of the Lots and attend to all items required to finalise the sale of the properties.**

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.

**Item****24 November 2020****Item Number:**

G2

File Number:**Part:**

GOVERNANCE

Portfolio:

Organisational Services

Subject:Sale of Lot 19 and Lot 21 on SP 210113 - Heritage Oaks Estate, Childers
2638**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 19 and Lot 21 on SP210113; 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 WA Honor.

The motion was put - and carried unanimously.



Item

24 November 2020

Item Number: H1	File Number:	Part: INFRASTRUCTURE
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Portfolio:

Infrastructure Services

Subject:

Active Transport Strategy 2020 - 2025
2639

Resolution

Cr WR Trevor presented the report; and moved:-

That Council adopt the Active Transport Strategy 2020-2025 document.

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.

**Item****24 November 2020**

Item Number:	File Number:	Part:
K1		PLANNING

Portfolio:

Planning & Development Services

Subject:

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

Cr Wayne Honor left the meeting, the time being 10.23 am

2640**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) adopt the proposed amendment to the Bundaberg Regional Council Planning Scheme Policy for Development Works as detailed in the attachment; and
- b) incorporate the amended version of the Planning Scheme Policy for Development Works into the Bundaberg Regional Council Planning Scheme, effective 4 December 2020.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.

Cr Wayne Honor returned to the meeting, the time being 10.25 am

**Item****24 November 2020**

Item Number: K2	File Number:	Part: PLANNING
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Portfolio:

Planning & Development Services

Subject:

Proposed Amendment to the Bundaberg Regional Council Planning Scheme 2015

2641**Resolution**

Cr JM Dempsey presented the report; and moved:-

That:

- a) pursuant to the *Planning Act 2016* and the Minister's Guidelines and Rules, Council decide to make an amendment to the Bundaberg Regional Council Planning Scheme.
- b) the Chief Executive Officer be authorised to write to the Planning Minister to request an extension of Temporary Local Planning Instrument No. 1 of 2019, as it relates to building heights at Bargara, for a minimum of 12 months to allow sufficient time for the amendment to be prepared and adopted in accordance with the Minister's Rules and Guidelines.

Seconded by Cr SA Cooper.

The motion was put - and carried.

For

Cr JP Bartels
Cr WR Trevor
Cr WA Honor
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

**Item****24 November 2020**

Item Number: K3	File Number:	Part: PLANNING
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Portfolio:

Planning & Development Services

Subject:

Proposed Minor Amendment to the Bundaberg Regional Council Planning Scheme 2015

Cr Bill Trevor left the meeting, the time being 10.28 am

2642**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) **decide to make a minor amendment to the Bundaberg Regional Council Planning Scheme (Zone Maps ZM-8 and ZM-31 at Schedule 2 of the Planning Scheme), to add Community facilities zone annotation 14 – Utility installation to Lots 2, 3 and 6 on W39500 and Lot 2 on RP 14424 located at Goodwood Road and Browns Road, Childers; and**
- b) **decide to adopt the proposed minor amendment and incorporate the amended Zone Maps into the Bundaberg Regional Council Planning Scheme, effective 4 December 2020.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.

**Item****24 November 2020**

Item Number: K4	File Number:	Part: PLANNING
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Portfolio:

Planning & Development Services

Subject:

Planning Scheme Policy for Agricultural Buffers

Cr Wayne Honor left the meeting, the time being 10.35 am

2643**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) adopt the Planning Scheme Policy for Agricultural Buffers incorporating changes as a consequence of submissions made through public consultation, noting that the changes have not resulted in the policy being significantly different to the version released for public consultation.**
- b) make an administrative amendment to Part 1, Table 1.2.5 Planning Scheme Policy of the Planning scheme to reflect the adoption of the Planning Scheme Policy for Agricultural Buffers: and**
- c) incorporate the policy into the Bundaberg Regional Council's Planning Scheme, effective 4 December 2020.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.

Cr Bill Trevor and Cr Wayne Honor returned to the meeting, the time being 10.35 am



Item

24 November 2020

Item Number:	File Number:	Part:
K5	522.2018.89.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

Material Change of Use for Mixed Use Development (Burnett Harbour Marina Village) - Office, Shop, Food and Drink Outlet, Indoor Sport and Recreation, Short Term Accommodation and Multiple Dwellings - 67 Harbour Esplanade, Burnett Heads

2644

Resolution

Cr JM Dempsey presented the report; and moved:-

That the Development Application 522.2018.89.1 detailed below be decided as follows:

1. Location details

Street address: 67 Harbour Esplanade, Burnett Heads

Real property description: Lot 1 on SP157913

Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use (Mixed Use Development (Burnett Harbour Marina Village) - Office, Shop, Food and Drink Outlet, Indoor Sport and Recreation, Short Term Accommodation and Multiple Dwellings)

3. Decision

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 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		<input type="checkbox"/>	<input type="checkbox"/>

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 development: All				
Overall Master Plan	BDA	02/10/2019	4.2 - 387700	A
Master plan	BDA	02/10/2019	4.3 - 387700	A
Concept Sketches (1)	BDA	23/10/2018	4.4 - 387700	H
Concept Sketches (2)	BDA	23/10/2018	4.5 - 387700	H
Staging Plan	BDA	02/10/2019	4.6 - 387700	A
Boundary Setback Plan	BDA	02/10/2019	4.7 - 387700	A
Building typology/ Use diagram	BDA	02/10/2019	4.8 - 387700	A
Building Height Diagram	BDA	02/10/2019	4.9 - 387700	A
Waste Typical Basement Plan	BDA	23/10/2018	4.10 - 387700	H
Waste Management Plan	BDA	02/10/2019	4.11 - 387700	A
Visitor Parking	BDA	02/10/2019	4.14 - 387700	A
Traffic Network	BDA	23/10/2018	4.15 - 387700	H
Pedestrian Network	BDA	02/10/2019	4.16 - 387700	A
Streetscapes	BDA	23/10/2018	4.17 - 387700	H

Site section A & B	BDA	23/10/2018	4.18 - 387700	H
Site section C & D	BDA	23/10/2018	4.19 - 387700	H
Site Section E	BDA	23/10/2018	4.20 - 387700	H
Perspective View 1	BDA	23/10/2018	6.2 - 387700	H
Perspective View 2	BDA	23/10/2018	6.3 - 387700	H
Perspective View 3	BDA	23/10/2018	6.4 - 387700	H
Perspective View 4	BDA	23/10/2018	6.5 - 387700	H
Perspective View 5	BDA	23/10/2018	6.6 - 387700	H
Perspective View 6	BDA	23/10/2018	6.7 - 387700	H
Perspective View 7	BDA	23/10/2018	6.8 - 387700	H
Perspective View 8	BDA	23/10/2018	6.9 - 387700	H
Perspective View 9	BDA	23/10/2018	6.10 - 387700	H
Perspective View 10	BDA	23/10/2018	6.11 - 387700	H
Mixed Use Building – Colours and Materials	BDA	23/10/2018	6.12 - 387700	H
Mixed Use Building - Colours and Materials	BDA	23/10/2018	6.13 - 387700	H
Apartment Building – Colours and Materials	BDA	23/10/2018	6.14 - 387700	H
Mixed Use Buildings A & B – Ground Floor Plan	BDA	23/10/2018	7.1 - 387700	H
Mixed Use Building A & B – Level 1 Floor Plan	BDA	23/10/2018	7.2 - 387700	H
Mixed Use Building A & B – Level 2 Floor Plan	BDA	23/10/2018	7.3 - 387700	H
Mixed Use Building A & B – Roof Plan	BDA	23/10/2018	7.4 - 387700	H
Mixed Use Building A & B – Elevations (1)	BDA	02/10/2019	7.5 - 387700	A
Mixed Use Building A & B – Elevations (2)	BDA	02/10/2019	7.6 - 387700	A
Mixed Use Building A & B – Sections	BDA	23/10/2018	7.7 - 387700	H
Retail Building C – Ground Floor Plan	BDA	23/10/2018	7.8 - 387700	H
Retail Building C – First Floor Plan	BDA	23/10/2018	7.9 - 387700	H

Retail Building C – Roof Plan	BDA	23/10/2018	7.10 - 387700	H
Retail Building C – Elevations (1)	BDA	23/10/2018	7.11 - 387700	H
Retail Building C – Elevations (2)	BDA	23/10/2018	7.12 - 387700	H
Retail Building C – Elevations (3)	BDA	23/10/2018	7.13 - 387700	H
Retail Building C – Sections	BDA	23/10/2018	7.14 - 387700	H
Apartment Building D – Basement Plan	BDA	23/10/2018	7.15 - 387700	H
Apartment Building D – Ground Floor Plan	BDA	23/10/2018	7.16 - 387700	H
Apartment Building D – Level 1 Floor Plan	BDA	23/10/2018	7.17- 387700	H
Apartment Building D – Level 2 Floor Plan	BDA	23/10/2018	7.18 - 387700	H
Apartment Building D – Level 3 Floor Plan	BDA	23/10/2018	7.19 - 387700	H
Apartment Building D – Level 4 Floor Plan	BDA	23/10/2018	7.20 - 387700	H
Apartment Building D – Roof Plan	BDA	23/10/2018	7.21- 387700	H
Apartment Building D – Elevation (1)	BDA	23/10/2018	7.22 - 387700	H
Apartment Building D – Elevation (2)	BDA	23/10/2018	7.23 - 387700	H
Apartment Building D – Elevation (3)	BDA	23/10/2018	7.24 - 387700	H
Apartment Building D – Elevation (4)	BDA	23/10/2018	7.25 - 387700	H
Apartment Building D – Section	BDA	23/10/2018	7.26 - 387700	H
Apartment Building E – Basement Plan	BDA	23/10/2018	7.27 - 387700	H
Apartment Building E – Ground Floor Plan	BDA	23/10/2018	7.28 - 387700	H
Apartment Building E – Level 1 Floor Plan	BDA	23/10/2018	7.29 - 387700	H
Apartment Building E – Level 2 Floor Plan	BDA	23/10/2018	7.30 - 387700	H

Apartment Building Level 3 Floor Plan	E –	BDA	23/10/2018	7.31 - 387700	H
Apartment Building Level 4 Floor Plan	E –	BDA	23/10/2018	7.32 - 387700	H
Apartment Building Roof Plan	E –	BDA	23/10/2018	7.33 - 387700	H
Apartment Building Elevation (1)	E –	BDA	23/10/2018	7.34 - 387700	H
Apartment Building Elevation (2)	E –	BDA	23/10/2018	7.35 - 387700	H
Apartment Building Elevation (3)	E –	BDA	23/10/2018	7.36 - 387700	H
Apartment Building Elevation (4)	E –	BDA	23/10/2018	7.37 - 387700	H
Apartment Building Section	E –	BDA	23/10/2018	7.38 - 387700	H
Apartment Building Basement Plan	F –	BDA	23/10/2018	7.39 - 387700	H
Apartment Building Ground Floor Plan	F –	BDA	23/10/2018	7.40 - 387700	H
Apartment Building Level 1 Floor Plan	F –	BDA	23/10/2018	7.41 - 387700	H
Apartment Building Level 2 Floor Plan	F –	BDA	23/10/2018	7.42 - 387700	H
Apartment Building Level 3 Floor Plan	F –	BDA	23/10/2018	7.43 - 387700	H
Apartment Building Level 4 Floor Plan	F –	BDA	23/10/2018	7.44 - 387700	H
Apartment Building Roof Plan	F –	BDA	23/10/2018	7.45 - 387700	H
Apartment Building Elevation (1)	F –	BDA	23/10/2018	7.46 - 387700	H
Apartment Building Elevation (2)	F –	BDA	23/10/2018	7.47 - 387700	H
Apartment Building Elevation (3)	F –	BDA	23/10/2018	7.48 - 387700	H
Apartment Building Elevation (4)	F –	BDA	23/10/2018	7.49 - 387700	H
Apartment Building Section	F –	BDA	23/10/2018	7.50 - 387700	H

Typical Apartment Plans – Type A & B	BDA	23/10/2018	7.51 - 387700	H
Typical Apartment Plans – Type C & C1	BDA	23/10/2018	7.52- 387700	H
Typical Apartment Plans – Type C2, C3 & D	BDA	23/10/2018	7.53- 387700	H
Typical Apartment Plans – Type E	BDA	23/10/2018	7.54 - 387700	H
Typical Apartment Plans – Type E1	BDA	23/10/2018	7.55 - 387700	H
Typical Apartment Plans – Type F	BDA	23/10/2018	7.56 - 387700	H
Typical Apartment Plans – Type G & H	BDA	23/10/2018	7.57 - 387700	H
Typical Apartment Plans – Type I & D1	BDA	23/10/2018	7.58 - 387700	H
Typical Short Term Accommodation – Type A and B	BDA	23/10/2018	7.59 - 387700	H
Burnett Harbour Marina Village: Marine Turtle Management Plan	Pendoley Environmental Pty Ltd	21/2/2020	J71001	0
Open Space Plan	Bundaberg Regional Council	11/11/2020	1	A
Traffic Impact Assessment	RMA	14/01/2020	13100	0
Rock Revetment Wall Inspection Report	Lonjac	November 2019	191003 R03	Final
Stormwater Management Plan	RMA	14/01/2020	13100	0

5. Conditions

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

6. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Plumbing and Drainage Work
- All Operational Work

7. Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
Andrew Kulibab	8 Chantilly Street Burnett Heads	andybab@hotmail.com
Mark Simpson	22 Shelley Street BURNETT HEADS	masimp@protonmail.com
Dale Sumner	83 Esplanade BARGARA	drkjsun@outlook.com
Margaret Faulkner	14 Harbour Esplanade BURNETT HEADS	faulkner@moranh.net.au
Michael Moller	17 Cypress Street WOODGATE BEACH	mmoller57@gmail.com
Wide Bay Burnett Environment Council Inc (WBEC) C/- Mike Moller	PO Box 97 MARYBOROUGH	manager@wbec.org.au
Noela Shortman	54 Garson Drive BARGARA	noelashortman@hotmail.com
Pam Vercoe	26 Scotton Street KEPNOCK	pamsylvania@yahoo.com
Peter Brown	17 Hunter Street BURNETT HEADS	colvillea@bigpond.com
Rob Quivooy	563 Branyan Drive BRANYAN	robquivooy@gmail.com
Anne Schmidt	3 Samuels Road BRANYAN	amschmidt608@gmail.com
Jennifer Thomson	332/3 Carlyle Court BARGARA	trojen33@aapt.net.au
Ainsley Gatley	42 Avenell Street Avenell Heights	ainsley.g006@optusnet.com.au
Clinton Brett	49 Nielson Avenue Burnett Heads	clinton@dieselhelp.com.au
George Martin	12 Goodwin Street Bundaberg	geomartin55@gmail.com
Janina Rozycki	PO Box 688 CURRUMBIN	janina_lace@hotmail.com
Vicki Townson	137 Shelley Street BURNETT HEADS	vicki_3l@hotmail.com
George Robert Thomson	Unit 332/3 Carlyle Court BARGARA	trojen33@aapt.net.au
Janina Rozycki	PO Box 688 CURRUMBIN	janina_lace@hotmail.com
Sandra Kent	16 Baldry St BURNETT HEADS	sandrakent4670@yahoo.com.au

Jamie Young	3 Schleger Street BURNETT HEADS	jamiedyoung72@gmail.com
Karen Tulk	33 Farquhars Road Qunaba	karen.tulk@bigpond.com
Pam Soapa	29 Watsons Road BARGARA	pam.environment@gmail.com
Wayne Smith	34 Bisdee Street Coral Cove	ethylthefrog48@gmail.com
Gary Brandon	PO Box 8143 BARGARA	glbrandon@gmail.com
Diane R Anderson	3 Shelley Street BURNETT HEADS	tomdianderson@gmail.com
Erwin and Fiona Hoffmann	135 Woongarra Scenic Drive BARGARA	e.hoffmann@bigpond.com
Gail Walton-Hill	10 Cove Street BURNETT HEADS	bob47gail43@gmail.com
Scott Rowleson	58 Rickerts Road BURNETT HEADS	rowleson@outlook.com
Danny Rowleson	PO Box 413	oaksbeach@hotmail.com
Ian Gaffel	4496 Goodwood Road BUNDABERG	ian@austchilli.com.au
Daniel Wick	2 Milton Street Burnett Heads	dan@wick.id.au
Sue Sargent	94 Crofton Street BUNDABERG	sue.sargent65@gmail.com
Maureen Schmitt	565 Branyan Drive Branyan	schmittm@bigpond.net.au
Mary Walsh	24 Scherer Bvd Kepnock	marywalsh6@bigpond.com
Des Gellert	19 Sorrento Drive BARGARA	des.gellert@outlook.com
Alison Vercoe	31 Hurst Street Walkervale	vivalamusique@yahoo.com .au
Peter Shaw	5/72 Quay Street BUNDABERG WEST	thorold598@gmail.com
Rebecca Coulombe	111 Sea Esplanade BURNETT HEADS	rebecca.coulombe14@gmail.com

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
<p>Tidal works or work in a coastal management district</p> <p>Schedule 10, Part 17, Division 3, Table 6, Item 1 Development application for a material change of use that is assessable development under a local categorising instrument, if carrying out the change of use will involve—</p> <p>(a) operational work that—</p> <p>(i) is carried out completely or partly in an erosion prone area in a coastal management district; and</p> <p>(ii) is extracting, excavating or filling 1,000m³ or more, or clearing native vegetation from an area of 1,000m² or more; or</p> <p>(b) building work, carried out completely or partly in an erosion prone area in a coastal management district, if the building work involves increasing the gross floor area on the premises by 1,000m² or more</p>	Queensland Treasury	Concurrence Agency	<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>

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

The following conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*:

Condition/s	Provision under which the condition was imposed
48, 49, 52, 53, 57, 58, 60, 61, 62, 65, 66 & 67	Section 145 – Non-trunk Infrastructure
35, 35, 50 & 51	Section 128 – Trunk Infrastructure

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*.

Appeal by a submitter

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*.

Schedule 2 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
GENERAL		
1.	Comply with all conditions of this development approval and maintain compliance whilst the use continues.	At all times unless otherwise stated
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
APPROVED PLANS		
4.	<p>Submit to and have approved by the Assessment Manager amended plans and/or documents which incorporate the following:</p> <p>a. Plans to be amended to provide for a promenade footpath area landward of the seawall within:</p> <p style="padding-left: 20px;">i. a minimum 10m wide corridor clear of lockable structures (e.g. Buildings, fences etc) where adjacent to Building D, E and F; and</p> <p style="padding-left: 20px;">ii. a minimum 5 metre wide corridor elsewhere.</p> <p>b. Plans be amended to remove access to Lot 4 on SP190481 (public boat ramp)</p> <p>Once approved, the amended plans will form part of the Approved plans.</p>	Prior to the submission of an Operational work or Building Work application, or commencement of work, whichever comes first
DEVELOPMENT IN STAGES		
5.	Development is to be carried out in accordance with the stages identified on the Approved plans. Stages do not need to be carried out sequentially, however all relevant infrastructure is to be provided for each stage prior to the commencement of the use for that stage.	As indicated
6.	Buildings D, E and F must not be constructed until a new Volunteer Marine Rescue (VMR) facility servicing the same catchment commences use and all buildings forming part of the existing facility are demolished.	Prior to the commencement of the use for building D, E and F.
USE SPECIFIC		
7.	The street number of the site must be clearly displayed and visible from the primary street frontage.	Prior to the commencement of the use and

		then to be maintained
8.	Where habitable room windows look directly at habitable room windows in an adjacent dwelling or rooming unit within 3m at the ground floor or 9m at levels above the ground floor. Privacy is protected by: a. Window sill heights must be a minimum of 1.5m above floor level b. fixed opaque glazing must be applied to any part of a window below 1.5m above floor level c. fixed external screens	Prior to the commencement of the use and then to be maintained
9.	Provide one (1) letter box for each dwelling unit plus one (1) letter box for the use of the body corporate or management. All letter boxes must form an integral part to the building / landscape design and must be located on the primary road frontage.	Prior to the commencement of the use and then to be maintained
10.	Communal recreation area/s must be provided as generally shown on the approved plans and are available to residents, guests and their visitors at all times excluding any limitations on hours of operation Note: these facilities are not approved for use by the general public.	At all times
11.	The main entrance to the building must be easily identifiable, and directly accessible from the primary street frontage.	Prior to the commencement of the use and then to be maintained
12.	Provide informational and directional signage where necessary to direct cyclists to bicycle parking spaces and advise the public of their presence.	Prior to the commencement of the use and then to be maintained
13.	Access after hours to loading docks, storage areas, and any basement carparks must be restricted by a security gate, lockable doors, and/or other suitably appropriate means. The basement carparks for the commercial uses must be kept closed and locked at all times while these uses are not operating.	At all times
14.	Ensure the development provides: a. entry areas for the residential users of the development. These areas are provided separately from entrances for the non-residential users of the development; b. clearly marked, safe and secure parking areas for the residential users of the development. These areas are provided separately from parking areas for non-residential users of the development; and security measures such that non-residential users of the development do not have access to areas that are intended	Prior to the commencement of the use and then to be maintained

	for the exclusive use of residents and their visitors to the residential component of the development.	
15.	A supermarket must not establish in any of the approved commercial tenancies.	At all times
BUILDING HEIGHT		
16.	The maximum height of the development must not exceed 5 storeys above ground level in accordance with the approved plans.	At all times
COMMUNITY MANAGEMENT STATEMENT		
17.	Any proposed Community Management Statement required for the development pursuant to the <i>Body Corporate and Community Management Act 1997</i> must be submitted to council for approval at the same time as submission of the plan of subdivision and must accord with the conditions of this Decision Notice.	Prior to the endorsement of Plan of Survey and then to be maintained
BUILDING APPEARANCE		
18.	All air conditioning units or other mechanical equipment must be visually integrated into the design and finish of the building, or otherwise fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties.	Prior to the commencement of the use and then to be maintained
19.	All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvers, glass panelling or the like, except where required to satisfy any privacy or turtle management condition of this decision notice.	Prior to the commencement of the use and then to be maintained
20.	Building materials and hard surfaces used in landscape or streetscape works must not be highly reflective, or likely to create glare, slippery or otherwise hazardous conditions.	Prior to the commencement of the use and then to be maintained
21.	Unless otherwise approved in writing by the Assessment Manager, the colour palette, materials and finishes used for all buildings must be in accordance with the approved plans with and in particular plans number 6.12 <i>Mixed use Building Colours and Materials</i> , 6.13 <i>Mixed use Building Colours and Materials</i> and 6.14 <i>Apartment Building Colours and Materials</i> .	Prior to the commencement of the use and then to be maintained
CLOTHES DRYING FACILITIES		
22.	Each dwelling unit must be provided with a non-mechanical (natural) clothes drying area, or alternatively, each dwelling unit must have access to a communal outdoor clothes drying area that is fitted with robust clothes lines. Where individual clothes drying areas are provided	Prior to the commencement of the use and then to be maintained

	on balconies, they are to be concealed or screened from public view.	
HOURS OF OPERATION		
23.	The operating hours of the yacht club must be restricted to 8:00am to 9:00pm Sunday, 8:00am to 10:00pm Monday to Thursday, 8:00am to midnight Friday and Saturday.	At all times
24.	The operating hours of Cafes/Restaurants must be restricted to 6:00am to 11:00pm.	At all times
25.	No amplified music from the yacht club, cafés or restaurants is to be discernible immediately outside of a sensitive receptor (including short term accommodation and multiple dwelling units): <ul style="list-style-type: none"> • After 5:00pm Sunday. • After 8:00pm Monday to Thursday. After 10:00pm Friday and Saturday.	At all times
26.	Any communal pools and recreation facilities associated with the short term accommodation/ multiple dwelling units must be closed from the hours of 10pm- 6am daily.	At all times
27.	Deliveries, loading/unloading activities, and refuse collection must be undertaken between the hours of 6.30am to 6.30pm Monday to Saturday; 9am to 5pm Sunday.	At all times
BUILDING WORK ASSOCIATED WITH THE MCU		
28.	Demolish or relocate all buildings/structures on the site in accordance with the Approved plans, including the removal of all existing concrete slabs, foundations, and the disconnection of services. Where necessary work must be in accordance with a valid approval from the service provider or Building development approval.	Prior to the commencement of use
WASTE MANAGEMENT		
29.	Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.	At all times
30.	Prepare and submit for approval to the Assessment Manager a Waste management plan for the construction phase of development prior to approval of the first operational works application. The Waste management plan will specifically address the measures proposed to ensure no escape of rubbish from the site to marine waters including Burnett Heads Boat Harbour.	
31.	Prepare and submit for approval to the Assessment Manager a Waste Management Plan in accordance with the applicable Planning scheme codes and the Planning	Prior to the commencement of the use and

	<p>scheme policy for waste management. The plan is to include, but not be limited to, the following:</p> <ol style="list-style-type: none"> the waste management process, including the type and size of refuse bins to be utilised (e.g. 240 litre mobile garbage bins, 1m³ bulk bins) for general waste and recycling the location of bin storage areas and collection points how waste collection vehicles will be able to safely and effectively access bins if bins are to be collected from the kerbside, demonstrate that this location has the capacity to adequately contain the maximum number of bins to be collected on collection day how it is proposed to maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance. specifically address the measures proposed to ensure no escape of rubbish from the site to Burnett Heads Boat Harbour. <p>Not cause nuisance.</p>	then to be maintained
32.	Development must be carried out in accordance with the approved Waste Management Plan.	At all times
33.	<p>Provide an impervious bin storage area (bin enclosure) for the storage of refuse bins in accordance with the following:</p> <ol style="list-style-type: none"> designed so as to prevent the release of contaminants into the environment sufficiently sized to accommodate all refuse bins required by the Assessment Manager for the scale of the development screened from the road frontage or other public space, and adjoin properties by landscaping or constructed screening a suitable hose cock (with backflow prevention) and hoses must be provided at the bin storage area, and wash down to be drained to the sewer and fitted with an approved stormwater diversion valve arrangement must be maintained in a clean and sanitary manner 	Prior to the commencement of the use and then to be maintained
ECOLOGY – MARINE TURTLES		
34.	Mitigate the effects of lighting on turtles by doing all things necessary to comply with the Recommended Conditions of Development Approval for Marine Turtle Management contained within appendix C of the approved <i>Marine Turtle Management Plan J71001</i> dated 20 February 2020.	Prior to the commencement of the use and then to be maintained
OPEN SPACE		
35.	To ensure that sufficient open space is available for use by residents and users of the approved development dedicate in fee simple to the Bundaberg Regional Council	Prior to the commencement of the first use

	for park purposes the area identified on approved plan titled " <i>Open Space Plan</i> ". Prior to the dedication of this park submit to Council a condition report for the existing toilet block and rectify any identified defects to the satisfaction of Council	
36.	Establish a landscape buffer in accordance with condition 46 prior to the park being dedicated to Council.	Prior to the commencement of the first use
OPERATIONAL WORK ASSOCIATED WITH THE MCU		
37.	<p>Ensure all assessable external operational work is carried out in accordance with a development permit for operational work.</p> <p>Ensure all internal 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.</p> <p>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.</i></p>	Prior to the commencement of work
38.	<p>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 development approval and any other relevant approval issued by Council.</p> <p>Note: <i>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.</i></p>	Prior to the commencement of the use
CONSTRUCTION MANAGEMENT		
39.	<p>Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from work is made:</p> <ol style="list-style-type: none"> a. on a business day or Saturday, before 6:30am or after 6:30pm b. on any other day, at any time. 	At all times during construction
40.	<p>Submit for approval a Construction Management Plan in accordance with section SC6.3.13 of the Planning Scheme Policy for development Works. The plan must also specifically include:</p> <ol style="list-style-type: none"> a. Construction traffic plan requiring construction vehicles to utilise Bonaventure Drive only for site 	As indicated

	<p>access – ie construction traffic must not use Harbour Esplanade to the east of the site;</p> <p>b. Erosion and sediment control measures;</p> <p>c. Litter, waste and spill management measures;</p> <p>d. Management principles for rock encounter;</p> <p>e. Management of works around a marine environment;</p> <p>f. Dust management; and</p> <p>g. Measures to control dust and noise from any rock breaking that may be required.</p> <p>Note: <i>Submission of the Construction Management Plan must form part of an Operational works application for the first stage of the development.</i></p>	
41.	Carry out all works on the site in accordance with the approved Construction Management Plan	At all times during construction
42.	Unless otherwise approved by the Assessment Manager, no rock breaking is to be undertaken outside of trenches. No rock crushing is to be undertaken.	At all times during construction
CONTAMINATED LAND		
43.	Provide evidence to the satisfaction of the Assessment Manager that all necessary permits for the relevant authorities have been obtained and any required remediation works undertaken to address any potential contaminated land conflicts such that the premises are suitable for the proposed use.	Prior to the commencement of the use
EARTHWORKS		
44.	Carry out all earthworks in accordance with the approved plans, the applicable Planning scheme codes, and the Planning scheme policy for development works. Note: <i>Earthworks that comply with the applicable requirements for accepted development do not require the submission of an Operational works development application. Where the applicable requirements for accepted development are not met, an Operational works development application must be submitted to Assessment Manager.</i>	At all times
45.	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 commencement of the use

LANDSCAPING		
46.	<p>Prepare and submit for approval to the Assessment Manager a landscape plan generally in accordance with the details provided in accordance with FORM landscape design intent 190809 dated 29 November 2019. The plan must be prepared in accordance with the applicable Planning scheme codes, the Planning scheme policy for development works, and the conditions of this approval. The plan is to include, but not be limited to the following:</p> <ul style="list-style-type: none"> a. the area set aside for landscaping b. location and name of existing trees c. a plan and schedule of all species which identifies: <ul style="list-style-type: none"> i. the location and sizes at planting and at maturity ii. the botanical and common names iii. the location of all areas to be covered by turf or other surface materials including pavement d. measures to ensure that the landscaping will be retained and managed to allow growth to maturity e. details of any landscape structures, including entrance statements f. details of cutting and filling and all retaining structures, fences and associated finishes g. contours or spot levels if appropriate h. fences size and materials i. inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved testable backflow prevention device j. location of any overhead or underground services that traverse the site e.g. drainage, sewerage, electricity k. property boundary garden/landscape bed edge walls to be provided with sleeper or equivalent retaining walls to contain the garden material within the site. l. Landscaping in front of at grade carparks along Harbour Esplanade to be maximised where space permits m. provide shade trees in car parking areas at a minimum ratio of one (1) tree for every six (6) parking spaces n. vegetated screening of any electrical transformers, bin storage areas and the like from adjacent public spaces o. Any solid screen fence or wall greater than 1.2m in height provided along a street frontage is set behind landscaping strips or articulated by recesses to allow for dense vegetative screening. p. the provision of street furniture within the esplanade promenade footpath area. 	<p>Prior to the site work commencing and at all times during construction and then to be maintained</p>

	<p>q. Provision of street trees along Harbour Esplanade as shown on the approved plans.</p> <p>r. Details regarding the interface of the promenade footpath, the Burnett Heads Boat Harbour and the development including provision of street furniture.</p> <p>s. Establish a landscape buffer generally as shown on the approved open space plan this buffer is to be planted in accordance with the Sea turtle sensitive areas overlay code</p> <p>Note: <i>Submission of the landscape plan must form part of an Operational works application.</i></p>	
47.	Provide and maintain landscaping works in accordance with the approved Landscaping plan.	Prior to commencement of the first use and then at all times.
REVETMENT WALL		
48.	<p>Re-design and construct the rock revetment wall between chainages 0 to 68 in accordance with Lonjac’s Inspection Report 20086(B) dated 15 November 2019.</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application either prior to or accompanying the first stage of the development.</i></p>	As indicated
49.	<p>Remediate the rock revetment wall between chainages 68 to 280 in accordance with Lonjac’s Inspection Report 20086(B) dated 15 November 2019.</p> <p>The detailed design must incorporate the considerations outlined in the report (RRWC-01 through to RRWC-08).</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application either prior to or accompanying the first stage of the development.</i></p>	As indicated
ROADWORKS, ACCESS, AND CAR PARKING		
50.	<p>Upgrade Harbour Esplanade from the Harbour Esplanade/Donaldson Street intersection (approximate chainage 350) to the Harbour Esplanade/boat ramp access intersection (approximate chainage 750) to trunk collector standard in accordance with Council’s standard drawing R2002.</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application.</i></p>	Prior to the commencement of use

51.	Provide a sealed bus bay generally as shown in the RMA Traffic Impact Assessment 13101 dated 14 January 2020	As indicated
52.	Provide access, manoeuvring and servicing (waste management) areas in accordance with RMA traffic impact assessment 13101 dated 14 January 2020 (section 7). Note: <i>Submission of the detail design must form part of an Operational works application.</i>	Prior to the commencement of use and then to be maintained
53.	Car parking, access, and manoeuvring areas must: a. provide a minimum of 379 parking spaces; b. provide a minimum of 63 bicycle spaces; c. be designed and constructed in accordance with AS2890 Parking facilities – off-street car parking; d. provide parking spaces for people with a disability in accordance with the Building Code of Australia and AS2890.6 Off-street parking for people with disabilities; e. provide on-site loading, unloading, and manoeuvring for all necessary service vehicles; f. allow all design vehicles to enter and exit the site in a forward gear; g. be constructed and sealed with asphalt; h. be signed and delineated in accordance with the Queensland manual of uniform traffic control devices; i. allow for the provision of fill and/or boundary retaining walls and the containment and management of site stormwater drainage; j. be drained to a legal point of discharge; k. be available free of charge to staff and customers during operating hours; and l. Provide shade trees in car parking areas at a minimum ratio of one (1) tree for every six (6) parking spaces. Note: <i>Submission of the detail design must form part of an Operational works application.</i>	Prior to the commencement of use and then to be maintained
54.	Access to the development from the existing boat ramp driveway on Lot 4 on SP190481 is prohibited unless otherwise approved by the Assessment Manager.	At all times
55.	Submit to the assessment manager for approval, an amended Traffic Impact Assessment (TIA) including requirements of condition 54 and any changes to access that are necessary as a result.	As indicated

	<p>Note: <i>Submission of the TIA may be submitted prior to or accompanying the Operational works application for the first stage of the development.</i></p>	
56.	<p>Submit an amended car park plan which includes the provision for passenger transport facilities including set down/pick up areas.</p> <p>Note: <i>Submission of the amended plans and detail design for taxi provisions must form part of an Operational works application.</i></p>	Prior to the commencement of use and then to be maintained
57.	<p>Ensure all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, and sewerage) are wholly located within the site or within a suitable easement to the satisfaction of the Assessment Manager.</p>	Prior to the commencement of the use
<p>PEDESTRIAN CONNECTIVITY</p>		
58.	<p>Provide the proposed promenade footpath landward of the seawall as illustrated on BDA's Pedestrian Network drawing 4.16, Issue A, dated 2 October 2019. The promenade must be constructed of concrete and be located within a corridor as required by Condition 4(a). All other footpaths are to be provided as indicated on the approved plans and must be kept clear of lockable structures.</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application.</i></p>	Prior to the commencement of use and then to be maintained
59.	<p>Submit a safety assessment for the pedestrian connectivity shown on BDA's Pedestrian Network drawing 4.16, Issue A, dated 2 October 2019, including the main boardwalk. The safety assessment must be in accordance with the Austroads Guide to Road Design - Part 6A - Implementing Road Safety Audits (2019).</p> <p>Note: <i>Submission of the safety assessment and detail design of the pedestrian connectivity must form part of an Operational works application.</i></p>	As indicated
<p>SEWERAGE</p>		
60.	<p>Connect sanitary drainage for the development to Council's sewerage lift station SE.2008 (fronting lot 1 on SP157913 near Moss Street).</p> <p>Note: <i>Sanitary drainage infrastructure must be designed by an appropriately qualified hydraulic consultant to assess the</i></p>	Prior to the commencement of the use and then to be maintained

	<i>suitability of the sanitary drainage system to cater for the proposed development.</i>	
61.	<p>Undertake all necessary upgrades of Council's sewerage infrastructure to ensure other users are not adversely affected by the increased demand on the sewerage system.</p> <p>Prepare and submit for approval to the Assessment Manager detail design of all necessary upgrades of Council's sewerage infrastructure. The design is to:</p> <ol style="list-style-type: none"> ensure other users are not adversely affected by the increased demand on the sewage network; and be in accordance with the applicable Planning scheme codes and the Planning scheme policy for development works. <p>All work to Council's sewerage infrastructure must be carried out in accordance with an Operational works approval.</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application.</i></p>	Prior to the commencement of the use and then to be maintained
STORMWATER		
62.	<p>Provide stormwater drainage in accordance with RMA Stormwater Management Plan 13101 dated 14 January 2020.</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application.</i></p>	Prior to the commencement of the use and then to be maintained
STORM SURGE		
63.	Ensure the development maintains a minimum finished habitable floor level of 3.9m AHD.	At all times
64.	<p>Submit a Flood Emergency Management Plan to the assessment manager for approval. The plan must be certified by a Registered Professional Engineer of Queensland (RPEQ). The Flood Emergency Management Plan must be prepared in accordance with <i>Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia (AIDR 2017)</i>; and accompanying guidelines and must detail the following:</p> <ol style="list-style-type: none"> nature of the flood threat; flooding constraints and flood risks for the site and access/egress of the site (including consideration of any residual flood risk); sources of flood intelligence; considerations for flood management; procedures to manage the flood risk; 	Prior to the commencement of the use and then to be maintained

	<ul style="list-style-type: none"> f. roles and responsibilities before, during and after the flood episodes; g. triggers for plan activation; h. arrangements for education of workers and residents; i. resources needed to shelter in place during a flood episode; j. management of a medical emergency during a flood episode; k. duration of isolation; and l. recovery. 	
65.	Ensure all infrastructure necessary to service the development is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation from flood waters.	At all times
WATER SUPPLY		
66.	<p>Provide a metered water service, and internal infrastructure as required, to satisfy the firefighting and water supply demands of the development.</p> <p>Note: <i>Water infrastructure must be designed by an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting requirements in accordance with AS2419 – Fire hydrant installation.</i></p>	Prior to the commencement of the use and then to be maintained
67.	<p>Undertake all necessary upgrades of Council’s water supply infrastructure to ensure other users are not adversely affected by the increased demand on the water network.</p> <p>Prepare and submit for approval to the Assessment Manager detailed design of all necessary upgrades of Council’s water supply infrastructure. The design is to:</p> <ul style="list-style-type: none"> a. ensure other users are not adversely affected by the increased demand on the water network b. be in accordance with the applicable Planning scheme codes and the Planning scheme policy for development works <p>All work to Council’s water supply infrastructure must be carried out in accordance with an Operational works approval.</p> <p>Note: <i>Submission of the detail design must form part of an Operational works application.</i></p>	Prior to the commencement of the use
EASEMENTS		
68.	Lodge to the State (Titles office) for registration, a public right of way easement over the promenade footpath, and the approved footpaths to the east of building F and in	Prior to the commencement of the use

	between buildings C and D incorporating the maintenance requirements as conditioned under this approval.	
69.	Submit draft easement documentation to the Assessment Manager for endorsement.	Prior to the commencement of the use

PART 1B – ADVICE NOTES

NO.	ADVICE	TIMING
GENERAL AMENITY		
1.	Storage of flammable and /or combustible liquids must comply with the minor storage provisions of AS1940 – the storage and handling of flammable and combustible liquids.	At all times
INFRASTRUCTURE CHARGES		
2.	Infrastructure charges notice (331.2020.1181.1) applicable to the development is attached to this Development approval.	At all times
ENVIRONMENTAL HARM		
3.	The <i>Environmental Protection Act 1994</i> 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 environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil, or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.	At all times
SEWERAGE		
4.	Connection to sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.	Prior to the commencement of the use

	No plumbing and drainage works are to commence prior to the issuing of the Plumbing and Drainage Approval by Council.	
WATER CONNECTIONS		
5.	<p>Connection to Council's water infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.</p> <p>Council permits only one water service for each property. This means only one connection to the water main although there may be a potable and fire service feeding from that connection.</p> <p>Arrangements for the installation of any new metered service and sub-meters, or removal of an existing service, must be made with Council's Water and Wastewater Infrastructure Planning Technical Support Section.</p>	Prior to the commencement of the use
6.	Sub-meters must be installed in accordance with the Plumbing and Drainage Act 2018.	Prior to the commencement of the use and then to be maintained
NATURE AND EXTENT OF THE APPROVED DEVELOPMENT		
7.	This decision notice does not represent an approval to commence Building work.	At all times
SUBMISSION OF AMENDED PLANS FOR APPROVAL		
8.	The conditions of this Decision notice require submission of amended plan(s) or report(s) to the Assessment Manager. Address the amended documents to the Assessment Manager and reference 525.2018.10.1. To avoid delays and assessment issues with the Operational works application, it is recommended the amended documents be submitted prior to lodgement of any Operational works application.	Prior to the commencement of the use and then to be maintained
FOOD ACT REQUIREMENTS		
9.	<p>All operators of the approved use will be required to comply with the <i>Food Act 2006</i> and Council's minimum requirements for food premises. All necessary approvals should be obtained from the Environment, regulatory, and public health section of Council.</p> <p>Note: <i>For further information about these requirements please contact Council's Environmental health services section on 1300 883 699.</i></p>	Prior to the commencement of the use and then to be maintained

NEW ROAD DEDICATION		
10.	Lot 4 on SP190481 (public boat ramp) includes an access handle to Harbour Esplanade. The portion south of the proposed access is intended to be dedicated as new road through negotiation between the developer and the owner (Port Authority). If this land is not dedicated as new road, the access to this handle is proposed to be deleted without compromising the wider traffic management plan.	At all times
PROMENADE FOOTPATH MAINTENANCE		
11.	The maintenance of the Promenade Footpath will be the responsibility of the land owner and not Council and is to be in accordance with easement documentation as required by conditions of this approval.	At all times
TRAFFIC MANAGEMENT		
12.	<p>Council requires the use of Asignit software for documentation and reporting of Traffic management control plans. Developers, Principal Contractors, Sub-contractors, and Suppliers are required to use Asignit software.</p> <p>Council provides Asingit software and training free of charge. Contact Asingit directly at adfmin@asignit.com for the software to be delivered to your business.</p> <p>Following uploading your Traffic management control plan to the Asingit system, confirmation is to be sent to development@bundaberg.qld.gov.au.</p>	At all times
ACID SULFATE SOILS		
13.	An acid sulfate soils management plan will be required to be submitted as part of an application for Operational Works.	Prior to the submission of the first application for Operational Works
REVETMENT WALL		
14.	Works to be undertaken on the Revetment Wall will require further development approvals for operational works and may require referral to the chief executive for assessment against the State development assessment provisions.	At all times

RATES AND CHARGES		
15.	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
NATURE AND EXTENT OF THE APPROVED DEVELOPMENT		
16.	This decision notice does not represent an approval to commence Building work.	At all times
17.	An Operational Works permit is required to be obtained for all signs and advertising devices associated with the development that do not comply with the self assessable criteria of the Planning Scheme in effect at the time of the proposed works.	At all times
18.	This Decision Notice does not represent an approval to commence Operational Works. Any Operational Works associated with this Material Change of Use or other engineering work proposed on the lot is subject to relevant assessment under the Bundaberg Regional Council Planning Scheme 2015 or the instrument in effect at the time of assessment. This can include works for on-site landscaping, internal vehicle circulation, manoeuvring and car parking areas, on-site stormwater management and access driveways.	At all times

PART 1C – PROPERTY NOTES

ECOLOGY - MARINE TURTLES	
1.	Development approval 522.2018.89 – Marine Turtles The following notation applies to all dwellings and subsequent Body Corporates A Marine Turtle Management Plan is approved over the site which includes requirements for owners/ body corporates to reduce artificial light glow. A copy of this plan and associated approved documents are available from Council. Landowners or purchasers are advised to seek further details by contacting Council's Development Group.

PART 2—CONCURRENCE AGENCY CONDITIONS

Queensland Treasury, by letter dated 4 November 2020 (copy letter attached for information).

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.

**Item****24 November 2020**

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

Community & Environment

Subject:

Lease - Lot 35 on SP 254546 - Hobi & Hobi

2645**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 (Qld)*; and
2. the Chief Executive Officer be authorised to enter into a five (5) year Lease with a five (5) year option to Jorg Hobi and Gerda Hobi for aviation hangar site CN located on Lot 35 on SP254546 at Bundaberg Regional Airport.

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.

**Item****24 November 2020**

Item Number: O2	File Number:	Part: COMMUNITY & CULTURAL SERVICES
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Portfolio:

Community & Environment

Subject:

Lease - Lot 35 on SP 254546 - Costi

2646**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 (Qld)*; and**
- 2. the Chief Executive Officer be authorised to enter into a five (5) year Lease with a five (5) year option to Costi Group Pty Ltd as Trustee for the P & K Costi Superannuation Fund for aviation hangar site AE located on Lot 35 on SP254546 at Bundaberg Regional Airport.**

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.

**Item****24 November 2020**

Item Number: O3	File Number:	Part: COMMUNITY & CULTURAL SERVICES
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Portfolio:

Community & Environment

Subject:

Lease - Lot 35 on SP 254546 - Corpe

2647**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* (Qld); and**
- 2. the Chief Executive Officer be authorised to enter into a five (5) year Lease with a five (5) year option to Corpe Super Co Pty Ltd ACN 161 024 460 as Trustee for aviation hangar site CB located on Lot 35 on SP254546 at Bundaberg Regional Airport.**

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.

**Item****24 November 2020**

Item Number: O4	File Number:	Part: COMMUNITY & CULTURAL SERVICES
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Portfolio:

Community & Environment

Subject:

Lease - Lot 35 on SP 254546 - Mooney & Hetherington

Cr May Mitchell left the meeting, the time being 10.42 am

2648**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 (Qld)*; and**
- 2. the Chief Executive Officer be authorised to enter into a five (5) year Lease with a five (5) year option to Paul Mooney and Loretta Hetherington for aviation hangar site AC located on Lot 35 on SP254546 at Bundaberg Regional Airport.**

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.

Cr May Mitchell returned to the meeting, the time being 10.43 am

**Item****24 November 2020**

Item Number: O5	File Number:	Part: COMMUNITY & CULTURAL SERVICES
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Portfolio:

Community & Environment

Subject:

Lease of Part of 160 Hughes Road, Bargara (Lot 2 on SP 314446) - Bargara Administration Building

2649**Resolution**

Cr SA Cooper presented the report; and moved:-

That:

- 1. Council rescind the resolution made in relation to Item T1 “Lease of Part of 160 Hughes Road, Bargara (Lot 11 on RP7268) Bargara Administration Building” on 25 August 2020 at its Ordinary Meeting;**
- 2. Council apply the exception contained in section 236(1)(e) of the *Local Government Regulation 2012 (Qld)*; and**
- 3. the Chief Executive Officer be authorised to enter into a Lease for one (1) year with two (2) x one (1) year options to Milbank Investment Trust for part of the Bargara Administration Centre, known as Lot 2 on SP314446.**

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.

**Item****24 November 2020**

Item Number: O6	File Number: FA179088	Part: COMMUNITY & CULTURAL SERVICES
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Portfolio:

Community & Environment

Subject:

Sole Supplier – Collaborative Regions Project (Regional Arts Development Fund)

2650**Resolution**

Cr JD Learmonth presented the report; and moved:-

That Council award the \$32,540 Collaborative Regions Contract to Central Queensland University to provide extended Regional Arts services as a Sole Supplier in accordance with section 235(a) of the *Local Government Regulation 2012* (Qld).

Seconded by Cr VJ Habermann.

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 4 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 4 items be held in Committee:

- T1 Request for Waiver of Waste Collection Charges - Lot 2 on RP 847117**
- T2 Land Sale to Recover Rate Arrears**
- T3 Request for Waiver of Sewerage Charges - Lot 33 RP 24800**
- T4 Request to vary terms of Bundaberg Open for Development Infrastructure Agreement – DA 526.2018.68.1**

Seconded by Cr GR Barnes - and carried unanimously.

The meeting closed to the public at 10.49 am.

Cr Wayne Honor left the meeting during discussion on item T4, the time being 10.56 am.

Cr Wayne Honor returned to the meeting, the time being 10.59 am.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened to the public. The time being 10.59 am

Seconded by Cr JP Bartels - and carried unanimously.

**Item****24 November 2020**

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

Organisational Services

Subject:

Request for Waiver of Waste Collection Charges - Lot 2 on RP 847117

Confidential Reason:

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

2651**Resolution**

Cr JM Dempsey moved:-

That Council provide a further reduction of \$2000 to waste collection charges to the property known as Lot 2 RP847117.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Item

24 November 2020

Item Number:	File Number:	Part:
T2		CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Land Sale to Recover Rate Arrears

Confidential Reason:

Local Government Regulation 2012 Section 275(e) (e) contracts proposed to be made by it; AND legal advice obtained by the local government or legal proceedings involving the local government.

2652

Resolution

Cr JM Dempsey moved:-

1. That pursuant to the provisions of Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* - Council commence sale action for recovery of outstanding rates against the registered owners of the following properties on which rates have remained unpaid for three years or more:
 Lot: 149 B: 15876, Lot: 5 RP: 55614, Lot: 13 RP: 13414, Lot: 1 RP: 66677, Lot: 29 RP: 126003, Lot: 18 RP:117672, Lot: 1 RP:91830, Lot: 56 RP:13441, Lot: 205 RP:47844, Lot: 162 RP:59321, Lot: 2 RP:141036, Lot: 1 RP:144569, Lot: 13 RP:66706, Lot: 8 RP:64881, Lot: 7 RP:70344, Lot: 6 RP:67281, Lot: 6 RP:68135, Lot: 1 RP:148965, Lot: 156 SP:166871, Lot: 28 RP:65442, Lot: 36 RP:65442, Lot: 804 SP:235155, Lot: 1 SP:160532, Lot: 35 RP:7183, Lot: 1 RP:142868, Lot: 69 RP:908200, Lot: 10 RP:840136, Lot: 166 RP:215568, Lot: 7 RP:200185, Lot: 3 RP:211396, Lot: 89 RP:143958, Lot: 65 RP:818806, Lot: 21 SP:158528, Lot: 2 RP:119011, Lot: 2 SP:205434, Lot: 5 SP:202244, Lot: 2 RP:99337, Lot: 15 RP:14448 & Lot: 16 RP:14448, Lot: 5 RP:814856, Lot: 28 RP:893360, Lot: 66 & Lot: 67 SP:111851
2. That Council delegates to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to effect the sale of the land including, the power to end sale procedures in terms of section 141(3) of the *Local Government Regulation 2012*.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.

**Item****24 November 2020**

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

Organisational Services

Subject:

Request for Waiver of Sewerage Charges - Lot 33 RP 24800

Confidential Reason:

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

2653**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 33 RP 24800.

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



Item

24 November 2020

Item Number:	File Number:	Part:
T4	526.2018.68.1	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) (g) any action to be taken by the local government under the sustainable planning act 2016; AND negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Cr Wayne Honor left the meeting, the time being 11.01 am

2654

Resolution

Cr JM Dempsey moved:-

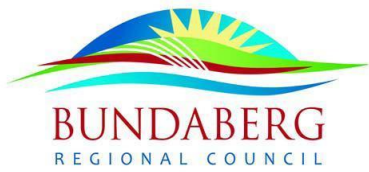
That:

- a) **Planning Initiatives on behalf of Prime Projects Pty Ltd and Janam Pty Ltd be advised that Bundaberg Regional Council does not agree to vary the maximum discount amount of \$1 million for DA526.2018.68.1 under the current draft Bundaberg Open for Development 2016 Infrastructure Agreement;**
- b) **the request to amend the draft infrastructure agreement to confirm that the footpath in Sanatalucia Boulevard need only be constructed to the standard required in the conditions of approval if the option to build it to trunk standard is not exercised be agreed to; and**
- c) **the request to change the date for Substantial Commencement of the development in the draft IA to 31 July 2021 be agreed to.**

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.

Cr Wayne Honor returned to the meeting, the time being 11.03 am



Minutes

24 November 2020

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 11.03 am.

Confirmed on 15 December 2020.

Mayor/Chairman