



Ordinary Meeting Minutes

25 May 2021

10.00 am

Council Chambers, Bundaberg

Present:

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

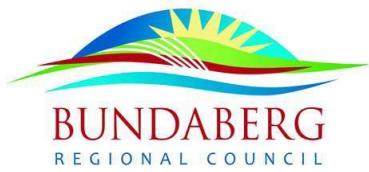
Leave of Absence: Nil

Officers:

Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Infrastructure
Mr GJ Steele, General Manager Community & Environment
Mrs AK Pafumi, General Manager Organisational Services
Mr B Artup, Executive Director Strategic Projects and Economic Development
Mr M Ellery, Group Manager Development
Mrs C Large, Chief Legal Officer
Mrs WE Saunders, Executive Services Co-ordinator
Ms B Kao, Executive Assistant/Researcher

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

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



Minutes

25 May 2021

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 April 2021 be taken as read and confirmed.

Seconded by Cr WR Trevor - and carried unanimously.



Minutes

25 May 2021

Item Number:	File Number:	Part:
C1		Councillors

Subject:

Declaration of Conflict of Interest - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor advised he has a declarable conflict of interest in item T2 of today's agenda as his daughter-in-law, Lindsay Honor, is employed by the subject entity – and will therefore leave the meeting while the item is discussed and voted on.



Minutes

25 May 2021

Item Number:	File Number:	Part:
C2		Councillors

Subject:

Declaration of Conflict of Interest - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor advised he has a declarable conflict of interest in item H2 of today's agenda as his son, Dwayne Honor, in his professional role with Council is the author of the report – but wished to stay and vote on the matter.

Recommendation:

The remaining eligible Councillors determined that Cr Honor does not have a conflict of interest in item H2 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest – and therefore can stay and vote on the matter.



Minutes

25 May 2021

Item Number:	File Number:	Part:
C3		Councillors

Subject:

Declaration of Conflict of Interest - Cr TM McPhee

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr McPhee advised she has a declarable conflict of interest in item T1 of today's agenda as she was an active member of one of the churches that this item relates to – and therefore will leave the meeting while the item is discussed and voted on.



Minutes

25 May 2021

Item Number:	File Number:	Part:
C4		Councillors

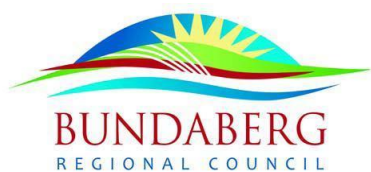
Subject:

Declaration of Conflict of Interest - Cr TM McLoughlin

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr McLoughlin advised she has a declarable conflict of interest in item O3 of today's agenda as her husband, Chris McLoughlin, is an employee of Wide Bay Hospital and Health Services – but wished to stay and vote on the matter.

Recommendation:

The remaining eligible Councillors determined that Cr McLoughlin does not have a conflict of interest in item O3 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest – and therefore can stay and vote on the matter.



Minutes

25 May 2021

Item Number:	File Number:	Part:
C5		Councillors

Subject:

Declaration of Conflict of Interest - Cr VJ Habermann

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Habermann advised he has a declarable conflict of interest in item T3 of today's agenda as he is a life member of Bundaberg Cricket Association who are the host of the subject event – but wished to stay and vote on the matter.

Recommendation:

The majority of the remaining eligible Councillors determined that Cr Habermann does not have a conflict of interest in item T3 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest – and therefore can stay and vote on the matter.



Minutes

25 May 2021

Item Number: C6	File Number:	Part: Councillors
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Subject:

Declarable Conflict of Interest – Cr JD Learmonth

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Learmonth advised he has a declarable conflict of interest in item T2 of today's agenda as his daughter, Candice Learmonth, is an employee of the subject entity – and will therefore leave the meeting while the item is discussed and voted on.



Minutes

25 May 2021

Item Number: D1	File Number: A5679663	Part: EXECUTIVE SERVICES
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Portfolio:

Executive Services

Subject:

Petition - Request for Installation of Speed Limiting Devices for Traffic in Shelley Street, Burnett Heads

2731

Resolution

Cr JM Dempsey moved:-

That the petition be received and noted.

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



Minutes

25 May 2021

Item Number:	File Number:	Part:
D2	A5687653	EXECUTIVE SERVICES

Portfolio:

Executive Services

Subject:

Petition - Request for a Path/Cycleway along Woodgate Road from Woodgate to Kinkuna Waters Estate

2732

Resolution

Cr JM Dempsey moved:-

That the petition be received and noted.

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



Minutes

25 May 2021

Item Number:	File Number:	Part:
E1		STRATEGIC PROJECTS & ECONOMIC DEVELOPMENT

Portfolio:

Executive Services

Subject:

Specialised Supplier Arrangement - Council Community Satisfaction Survey

2733

Resolution

Cr JM Dempsey presented the report; and moved:-

That:

- a) Council enters into an arrangement with Jetty Research for the provision of the 2021 Community Satisfaction Survey without first inviting written quotes pursuant to Section 235(b) of the *Local Government Regulation 2012*; and
- b) this arrangement be in place until 31 March 2024.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



Minutes

25 May 2021

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

Organisational Services

Subject:

Financial Summary as at 4 May 2021

2734

Resolution

Cr SA Cooper presented the report; and moved:-

That the Financial Summary as at 4 May 2021 be noted by Council.

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



Minutes

25 May 2021

Item Number:

F2

File Number:

Part:

FINANCE

Portfolio:

Organisational Services

Subject:

Fees and Charges Register 2021/2022

2735

Resolution

Cr SA Cooper presented the report; and moved:-

That Council's 2021/2022 Fees and Charges, as detailed in the Fees and Charges Register appended to the report be adopted by Council, to take effect from 1 July 2021.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

25 May 2021

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

Organisational Services

Subject:

Audit & Risk Committee Minutes & Charter

2736

Resolution

Cr SA Cooper presented the report; and moved:-

That the:

- a) Minutes of the Audit and Risk Committee meeting held on 28 January 2021 be received and noted; and
- b) Audit & Risk Committee Charter be adopted by Council.

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



Minutes

25 May 2021

Item Number:

G2

File Number:**Part:**

GOVERNANCE

Portfolio:

Organisational Services

Subject:

Sale of Properties at Kinkuna Waters Estate

2737

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 1 on SP205671 and Lot 74 on SP227071; and
2. the Chief Executive Officer be authorised to enter into Contracts of Sale with the Buyers and attend to all items required to finalise the sale of the Properties.

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



Minutes

25 May 2021

Item Number:

G3

File Number:**Part:**

GOVERNANCE

Portfolio:

Organisational Services

Subject:

Sole Supplier Arrangement - NEOS Human Resources Pty Ltd

2738

Resolution

Cr SA Cooper presented the report; and moved:-

That:

- a) Council continues the arrangement with NEOS Human Resources Pty Ltd (ABN 20 608 116 212) for the provision of NEOS Online Job Evaluation without first inviting written quotes pursuant to Section 235(a) of the *Local Government Regulation 2012*; and
- b) this arrangement be made for an initial period 01 May 2021 – 01 May 2024.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

25 May 2021

Item Number:	File Number:	Part:
H1	.	INFRASTRUCTURE

Portfolio:

Infrastructure Services

Subject:

Sole Supplier Arrangement - Supply of Lintels and Lids - Holcim Humes

2739

Resolution

Cr WR Trevor presented the report; and moved:-

That:

- A. Council enter into an arrangement with Holcim Humes for the provision of Lintels and Lids without first inviting quotes pursuant to Section 235(b) of the *Local Government Regulation 2012*; and**
- B. this arrangement be made for an initial period of 3 years.**

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



Minutes

25 May 2021

Item Number: H2	File Number: .	Part: INFRASTRUCTURE
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Portfolio:

Infrastructure Services

Subject:

Sole Supplier Arrangement - Wagners CFT Pedestrian Bridge Decking

Cr Honor left the meeting, the time being 10.22 am.

2740

Resolution

Cr WR Trevor presented the report; and moved:-

That:

- a) **Council enter into an arrangement with Wagners CFT Manufacturing Pty Ltd for the supply of Wagners Composite Fibre Mesh Decking without first inviting written quotes pursuant to section 235(a) of the *Local Government Regulation 2012*; and**
- b) **this arrangement be made for this one-off engagement.**

Seconded by Cr JD Learmonth.

The motion was put - and carried unanimously.

Cr Honor returned to the meeting, the time being 10.23 am.



Minutes

25 May 2021

Item Number:	File Number:	Part:
L1	521.2020.165.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

35 Kirbys Road, Kalkie - Reconfiguring a Lot - One lot into seven lots

2741

Resolution

Cr JM Dempsey presented the report; and moved:-

That the Development Application 521.2020.165.1 detailed below be decided as follows:

1. Location details

Street address: 35 Kirbys Road, Kalkie
 Real property description: Lot 20 on SP291214
 Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Reconfiguring a Lot (Subdivision (1 lot into 7 lots))

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 checked="" 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: Reconfiguring a Lot				
Plan of Proposed Lot Reconfiguration	InsiteSJC	26/03/2021	GC17-171-P8, Pages 1-5 of 5	-
Plan of Proposed Lot Configuration	InsiteSJC	26/03/2021 amended in red by Council on 10/05/2021	GC17-171-P8, Pages 1-5 of 5	-
Management Plan Voluntary Declaration under the <i>Vegetation Management Act 1999</i>	InsiteSJC	01/04/2021	GC17-171-T02	0
Flood Impact Assessment	Empire engineering	May 2020	CC-5530	C

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 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
Merv and Maureen Lee and Others	101 Kirbys Road, Rubyanna, QLD 4670	maureenlee42@bigpond.com

8. Referral agencies for the application

Not applicable

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
Conditions 11-15	Section 145 – Non-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 development 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
EXISTING SERVICES AND STRUCTURES		
4.	Ensure all existing and proposed utility services and connections (eg electricity, telecommunications, water, and sewerage) are wholly located within the lot they serve.	Prior to the endorsement of the survey plan
5.	All existing effluent disposal areas must be wholly located within the lot they serve and comply with the boundary setback requirements of the <i>Plumbing and Drainage Act 2018</i> and associated codes.	Prior to the endorsement of the survey plan
6.	<p>Submit to the Assessment Manager certification from an appropriately qualified person that confirms:</p> <ul style="list-style-type: none"> a. The boundary clearances for any existing buildings or structures remaining on the site comply with the relevant provisions of the Planning scheme and the Building Act 1975, unless varied by an appropriate approval b. all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, and sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible c. all existing effluent disposal areas are wholly located within the lot they serve and comply with the boundary setback requirements of the <i>Plumbing and Drainage Act 2018</i> and associated codes 	Prior to the endorsement of the survey plan

	<p>d. all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement</p> <p>e. all dams (including ponded water, dam walls, and associated spillway structures) are wholly located within the boundaries of a single lot</p> <p>f. all retaining walls and structures are fully contained within the lot they retain</p> <p>g. any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.</p>	
OPERATIONAL WORK ASSOCIATED WITH THE ROL		
7.	Ensure all assessable Operational work is carried out in accordance with a valid Operational work approval.	Prior to the commencement of work
CONSTRUCTION MANAGEMENT		
8.	<p>Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from work is made:</p> <p>a. on a business day or Saturday, before 6.30 am or after 6.30 pm.</p> <p>b. on any other day, at any time.</p>	At all times during construction
9.	Contain all litter, building waste, and sediment on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or public spaces.	At all times during construction
10.	Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction.	At all times during construction
STORMWATER		
11.	<p>Carry out stormwater drainage work in accordance with Empire Engineering's Flood Impact Assessment CC-5530 Revision C dated May 2020 and the following:</p> <p>a. The stormwater model must be updated with detail design levels to ensure the conditioned amendments to the stormwater management concept plan remain within the constraints of 'no actionable nuisance';</p> <p>b. Provide a shape file with the amended defined flood event extent for updating Council's defined flood event mapping;</p> <p>c. Maintain the low flow path across proposed lot 20 linking the existing flow path from lot 2 on SP158809 (247 Sauers Road – invert ~RL8.25) to the low flow path into</p>	Prior to site work commencing and at all times during construction

	<p>lot 10 on SP172455 (71 Kirbys Road – invert ~RL7.25) such that minor event storms upstream catchment is channelled across lot 20 instead of falling to Kirbys Road;</p> <p>d. Ensure the existing dam ~100m west of the existing residence on proposed lot 20 overflows south back to the above low flow path before it overflows west and toward Kirbys Road; and</p> <p>e. Provide subsoil drainage for the base of the excavation area.</p> <p>Detail to be addressed as part of the operational work assessment.</p>	
<p>ACCESS</p>		
<p>12.</p>	<p>Design and construct accesses to proposed lots 1 to 6 in accordance with BRC standard drawing R1012 – Driveways and the following:</p> <p>a. Access to each lot meets low hazard criteria for the purpose of emergency access during the defined flood event; and</p> <p>b. Access to each lot includes sloping headwalls per standard drawing note 9.</p> <p>Detail to be addressed as part of the operational work assessment.</p>	<p>Prior to being placed on-maintenance</p>
<p>STREET TREES</p>		
<p>13.</p>	<p>Provide street trees along the southern side of Kirbys Road at a rate of 1 tree per 15 m of road frontage of approved Lots 1-6. Street trees must:</p> <p>a. Be of a species listed in Council’s Planning scheme for development works and approved in writing by the Assessment Manager</p> <p>b. Be a minimum 100 litre bag type at the time of planting</p> <p>c. Have a root barrier system installed to the satisfaction of the Assessment Manager</p> <p>d. Be installed and maintained to best horticultural practice standards during the maintenance period.</p> <p>e. Be positioned at a location generally to align with other street trees in the area and be confirmed by the Assessment Manager.</p> <p>Details of street trees must form part of an Operational Works application.</p>	<p>Prior to being placed on-maintenance for Lots 1-3 & 4-6 (ie can be separated into two stages)</p>

ELECTRICITY & TELECOMMUNICATIONS		
14.	Provide for electrical reticulation in accordance with Council's planning scheme policy for development works SC6.3.8. Assessment will be managed through the operational work phase.	Prior to the endorsement of the survey plan
15.	Provide for telecommunications in accordance with Council's planning scheme policy for development works SC6.3.11. Assessment will be managed through the operational work phase.	Prior to the endorsement of the survey plan
EASEMENTS		
16.	Lodge to the State (Titles office) for registration the following easements: a. drainage easement in gross replacing drainage easement A in SP291213 with dimensions per GC17-171-P8 over the excavation area except extended to contain the low flow paths (within the watercourse) and associated control structures across proposed lot 20; and b. right of way easement replacing right of way easement B in SP291213 with equivalent terms over extent per GC17-171-P8 for agricultural buffer area purposes.	When the survey plan is endorsed
17.	The drainage easement and right of way easement must be registered at the time of submission of the first plan of subdivision to Council for the development.	As indicated
18.	The existing drainage and right of way easement must be surrendered at the same time as the registration of the drainage and right of way easement required by Condition 16.	As indicated
19.	Submit draft easement documentation to the Assessment Manager.	When the survey plan is endorsed
DEVELOPMENT IN STAGES		
20.	The development may be staged in accordance with the stage boundaries shown on the Approved plans. Where the development is to be staged, the lots are not required to be released sequentially or in any particular order, provided that relevant works to create each approved lot have been completed.	As indicated
BUILDING ENVELOPES		
21.	Prepare and submit for approval to the Assessment Manager a Building envelope plan for the development (Lots 1-6) that: a. is prepared by a Surveyor	Prior to the endorsement of the survey plan

	<p>b. identifies by metes and bounds a building envelope for each lot identified on the approved plans as having a building envelope</p> <p>c. provides for building setbacks in accordance with the provisions of the Dwelling House Code (10m from the front property boundary and 3m from all other boundaries)</p> <p>d. Where the plan of survey is for approved Lots 101 and 102, a building envelope must be provided that would fit wholly within approved Lots 1, 2 or 3 (for Lot 101) or Lots 4, 5 or 6 (for Lot 102), to ensure residential development does not prejudice the ability to develop the remaining allotments.</p> <p>e. The building envelope must only contain land above the Defined Flood Level (DFL), the earthworks of which have been approved under an Operational Works permit.</p> <p>Once approved, amendments to the Building envelope can only be made with the agreement of the Assessment Manager. Any agreement must be obtained in writing.</p>	
22.	<p>Prepare and submit for approval to the Assessment Manager a Building envelope plan for the development (Lot 20) that:</p> <p>a. is prepared by a Surveyor</p> <p>b. identifies by metes and bounds a building envelope for each lot identified on the approved plans as having a building envelope</p> <p>c. provides for building setbacks in accordance with the provisions of the Dwelling House Code (10 m from the front property boundary and 3m from all other boundaries)</p> <p>d. generally replicates the area identified in red on the Plan of Proposed Reconfiguration, amended by Bundaberg Regional Council on 10/05/2021</p> <p>e. Does not include areas included for a drainage easement, right of way easement, 50m watercourse buffer or revegetation of the watercourse area</p>	Prior to the endorsement of the survey plan
23.	<p>Ensure a copy of the Building envelope plan is included in the contract of sale, together with a clause which requires future dwellings and associated buildings and structures to be constructed in accordance with the plan, for each and every lot of the development.</p>	As indicated
CONTAMINATED LAND		
24.	<p>Provide evidence to the satisfaction of the Assessment Manager that all necessary permits from 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</p>	Prior to the submission of a development application for

	<p>proposed use and that proposed earthworks will not result in the release of contaminated soils to the environment.</p> <p><i>Note: Such evidence would include a Contaminated Land Investigation Document (CLID), including a Site Suitability Statement (prepared by a Suitably Qualified Person) and certified by a Contaminated Land Auditor (CLA) confirming that the land is suitable for rural residential development and earthworks will not result in the release of contaminated soils to the environment.</i></p> <p>OR</p> <p>Provide evidence to the satisfaction of the Assessment Manager that the premises has been removed from the Environmental Management Register/Contaminated Land Register.</p>	Operational Works.
WATERCOURSE		
25.	Earthworks must incorporate bank stabilisation measures where they locate near the watercourse that traverses the site to ensure bank conservation. Details are to be provided as part of the Operational Works application.	As indicated
26.	Undertake revegetation of the watercourse in accordance with “ <i>Management Plan</i> ” dated 1 April 2021 and prepared by InsiteSJC. A minimum of 500 trees must be planted prior to the creation of approved Lots 1, 2 or 3 and a total of 1000 trees must be planted prior to the creation of approved Lot 6.	As indicated
27.	Maintain the vegetation in accordance with the “ <i>Management Plan</i> ”.	As indicated

PART 1B – ADVICE NOTES

NO	ADVICE	TIMING
INFRASTRUCTURE CHARGES		
1.	Infrastructure charges notice (331.2020.1193.1) applicable to the development is attached to this Development approval.	At all times
DRAINAGE		
2.	The existing low flow paths entering proposed lot 20 from the east and south need to maintain their connection to the west for the purpose of low flow. The relatively flat excavation area in the north portion of proposed lot 20 will need to manage the risk of water logging, presumably through infiltration drains or surface design that does not undermine the major event stormwater model. Detail to be addressed as part of the operational work assessment.	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
ABORIGINAL CULTURAL HERITAGE		
4.	All development should proceed in accordance with the Duty of care guidelines under the <i>Aboriginal Cultural Heritage Act 2003</i> . Penalties may apply where duty of care under that act has been breached.	At all times

PART 1C - PROPERTY NOTES

NO.	ADVICE	TIMING
1.	Development approval 521.2020.165.1 – Flood hazard area The following notation applies to approved lots 1 to 6: The land has been filled to address the defined flood event. Council's flood planning control property report will be updated in due course.	
2.	Development approval 521.2020.165.1 – Finished floor level The following notation applies to approved lots 1 to 6: Minimum floor level is recommended to be a minimum of 300 mm above the defined flood event in accordance with the subdivision development stormwater management plan.	
3.	Development approval 521.2020.165.1 – Access The following notation applies to approved lots 1 to 6: Access to this lot has been constructed to suit flood management and speed environment considerations as part of the subdivision development. Any modification of the access or additional accesses will need to be assessed through an application to carry out work within Council's road to ensure safe access is maintained.	

4.	<p>Development approval 521.2020.165.1 – Vegetated swale The following notation applies to approved lot 20:</p> <p>The low flow paths crossing the land have been vegetated and stabilised as part of the subdivision work with allowance for bed level crossings and fish passage. The drainage easement is in part to protect these efforts.</p>	
5.	<p>Development approval 521.2020.165.1 – Rural activity The following notation applies to approved lots 1 to 6: All future purchasers of the subject land should note that there are rural activities surrounding the land and such activity may impact on the residential amenity of residents.</p>	
6.	<p>Development approval 521.2020.165.1 – Vegetated buffer The following notation applies to approved lots 1 to 6 & 20: It is recommended that a vegetated buffer be established on this property between dwellings and cropping areas to help mitigate any impacts (eg spray drift, noise etc.) from the neighbouring current and future agricultural activities.</p>	
7.	<p>Development approval 521.2020.165.1 – Water The following notation applies to approved lots 1 to 6 & 20: This property is not serviced by Council’s reticulated water network. At the time of the final Building approval for a residential dwelling, the owner must provide a potable water supply through connection of the dwelling to a rainwater storage tank, or tanks, having a capacity of not less than 45,000 litres.</p>	
8.	<p>Development approval 521.2020.165.1 – Sewerage The following notation applies to approved lots 1 to 6 & 20: This property is not serviced by Council’s reticulated sewerage network. Any future development or dwelling must be provided with on-site wastewater treatment and effluent disposal system having capacity sufficient for the use. The establishment of a wastewater treatment and disposal system for the site requires a Compliance permit to be obtained from Council under the <i>Plumbing and Drainage Act 2018</i>. The system must be designed in accordance with the Queensland plumbing and wastewater code (department of State Development and Infrastructure and planning, 2007) and AS1547 – On-site domestic wastewater management.</p>	
9.	<p>Development approval 521.2020.165.1 – Building envelope The following notation applies to the approved lot(s) 1-6: Building envelope restrictions apply in respect to the use and development of this property. A copy of the Plan of development or Building envelope plan is available from Council. Landowners or purchasers are strongly advised to seek further details by contacting Council’s Development Assessment Branch.</p>	
10.	<p>Development approval 521.2020.165.1 – Building envelope The following notation applies to the approved lot(s) 20:</p>	

	<p>Building envelope restrictions apply in respect to the use and development of this property. A copy of the Plan of development or Building envelope plan is available from Council. Landowners or purchasers are strongly advised to seek further details by contacting Council's Development Assessment Branch. The building envelope has been applied to ensure the preservation of land for future dedication for the purposes of a public use (parkland).</p>	
<p>11.</p>	<p>Development approval 521.2020.165.1 – Management Plan The following notation applies to the approved lot(s) 20: A Management Plan dated 1 April 2021 prepared by InsiteSJC applies to the land. Current and future landowners must maintain the vegetation in accordance with the Management Plan. Landowners or purchasers are strongly advised to seek further details by contacting Council's Development Assessment Branch. A copy of the Management Plan is available from Council.</p>	

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



Minutes

25 May 2021

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

Portfolio:

Community & Environment

Subject:

Partnership and Sponsorship Program – Donation to Royal Flying Doctor Service (RFDS)

2742

Resolution

Cr TM McPhee presented the report; and moved:-

That Council provide a financial donation of \$50,000, under the Partnership and Sponsorship Program, for the 2020/21 financial year to the Royal Flying Doctor Service (Queensland Section) in support of the ongoing operations of their Bundaberg base.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

25 May 2021

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

Portfolio:

Community & Environment

Subject:

Lease Renewal - Lot 127 on CP CK3280 - Rum City Motorcycle Club Inc

2743

Resolution

Cr SA Cooper presented the report; and moved:-

That:

- 1. Council apply the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012 (Qld)*; and**
- 2. the Chief Executive Officer be authorised to enter into a ten-year Lease to Rum City Motorcycle Club Inc over Lot 127 on CP CK3280.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

25 May 2021

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

Portfolio:

Community & Environment

Subject:

Lease - 271 Bourbong Street, Bundaberg West - Wide Bay Hospital and Health Services

2744

Resolution

Cr SA Cooper presented the report; and moved:-

That:

- 1. Council rescinds part 2 of the resolution made in relation to Item T4 “Lease to Wide Bay Hospital Health Services – Lot 76 on CP817945” on 19 November 2019 at its Ordinary meeting, viz**
 - “2. the Chief Executive Officer be authorised to enter into a five year lease with Wide Bay Hospital Health Service for Lot 76 on CP817945 being known as the former Information Tourist Information Centre located at 271 Bourbong Street, Bundaberg West.”***
- and**
- 2. the Chief Executive Officer be authorised to enter into a lease to Wide Bay Hospital and Health Services over Lot 76 on CP817945 for a term proposed to end on 2 June 2027.**

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



Minutes

25 May 2021

Item Number:	File Number:	Part:
O4	A5658111	COMMUNITY & CULTURAL SERVICES

Portfolio:

Community & Environment

Subject:

Regional Arts Development Fund Recommendations for Funding

2745

Resolution

Cr JD Learmonth presented the report; and moved:-

That Council approve the release of \$46,745 Regional Arts Development Funding in accordance with the recommendations of the RADF Advisory Committee as follows:

- 1. Galleries – Kiara Mangalow residency and art acquisition (Artist in Residence Project) - \$5,000**
- 2. First Nations programming curation of Milbi Festival 2021 (Emerging Arts Leader) - \$10,000**
- 3. CQRASN Shine Bright Festival (Shine Bright Recovery Project) - \$15,000**
- 4. Regeneration Project (Regeneration for the New Generation Project) - \$9,745**
- 5. Creative Regions (Dancing in the Rainbow) - \$7,000 (with \$4,000 carried over from 2019-20 Financial Year)**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

25 May 2021

Item Number:	File Number:	Part:
R1	.	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

Portfolio:

Community & Environment

Subject:

Bundaberg Cycling Club

2746

Resolution

Cr VJ Habermann presented the report; and moved:-

That the previously approved Year 3 allocation of \$5,000 for the now cancelled 2021 Cycle Fest International Event be reallocated to support the 2021 Bundaberg Spectacular Track Carnival.

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.

The Mayor advised at this stage, pursuant to Section 254J(3) of the “Local Government Regulation 2012”, the meeting would be closed to the public to discuss the following 3 items which are considered confidential in accordance with Section 254J(3).

Resolution

Cr JM Dempsey moved:-

That the meeting be closed to the public – and discussion on the following 3 items be held in Committee:

T1 Land held in Trust for Religious Purposes

T2 Infrastructure Charges - DA 522.2020.202.1

T3 Partnership and Sponsorships Program - Financial Support for 2021 Bulls Masters Youth Cup

Seconded by Cr TM McPhee - and carried unanimously.

The meeting was closed to the public and the livestream suspended at 10.41 am.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened to the public.

Seconded by Cr TM McPhee - and carried unanimously.

The meeting reopened to the public and the livestream recommenced at 10.45 am.



Minutes

25 May 2021

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

Organisational Services

Subject:

Land held in Trust for Religious Purposes

Confidential Reason:

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

Cr McPhee left the meeting, the time being 10.41 am.

2747

Resolution

Cr JM Dempsey moved:-

That Council exempt the following properties from general rates as the properties are owned in trust on behalf of religious entities.

Lot 1 on RP199921, Lot 2 on RP94172, Lot 1 on RP111334, Lot 6 on RP83015, Lot 24 on SP171454, Lot 1 on RP123857, Lot 5 on SP283967, Lot 15 on RP61650, Lot 40 on RP13432.

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.

Cr McPhee returned to the meeting, the time being 10.47 am.



Minutes

25 May 2021

Item Number:	File Number:	Part:
T2	522.2020.202.1	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Infrastructure Charges - DA 522.2020.202.1

Confidential Reason:

Local Government Regulation 2012 Section 254J(3)(e) legal advice obtained by the local government or legal proceedings involving the local government.

Cr Honor and Cr Learmonth left the meeting, the time being 10.48 am.

2748

Resolution

Cr JM Dempsey moved:-

That Council authorise the Chief Executive Officer to enter into a Building Bundaberg Region 2020 Infrastructure Agreement for DA 522.2020.202.1 with the following variations:

- 1. An extended completion date of 5 years from the date that the agreement is executed; and**
- 2. An offset for previous sewerage headworks contributions of \$128,976.96 to be applied against the infrastructure charges for DA 522.2020.202.1.**

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.

Cr Honor and Cr Learmonth returned to the meeting, the time being 10.49 am.



Minutes

25 May 2021

Item Number:	File Number:	Part:
T3	.	CONFIDENTIAL

Portfolio:

Community & Environment

Subject:

Partnership and Sponsorships Program - Financial Support for 2021 Bulls Masters Youth Cup

Confidential Reason:

Local Government Regulation 2012 Section 254J(3)(g) 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.

2749

Resolution

Cr JM Dempsey moved:-

That Council provide \$30,000 in financial support under the Partnership and Sponsorship Program to host the 2021 Bulls Masters Youth Cup.

Seconded by Cr VJ Habermann.

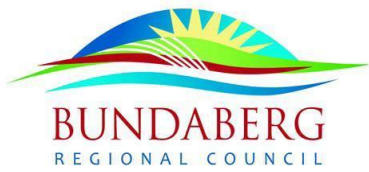
The motion was put - and carried.

For

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

Against

Cr GR Barnes
 Cr TM McLoughlin



Minutes

25 May 2021

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 10.50 am.

Confirmed on 29 June 2021.

Mayor