



Ordinary Meeting Minutes

15 December 2020

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
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

15 December 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 24 November 2020 be taken as read and confirmed.

Seconded by Cr TM McPhee - and carried unanimously.



Minutes

15 December 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 L1 of today's agenda as a house he rents at Woodgate is managed by Woodgate First National of which the owners, Patrick and Michelle Cocking are submitters to the subject application of L1 – and will therefore leave the meeting while the matter is discussed and voted on.



Minutes

15 December 2020

Item Number:	File Number:	Part:
C2		COUNCILLORS

Subject:

Declaration of Conflict of Interests - Cr WA Honor

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Honor advised he has a declarable a conflict of interest in item H1 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.

Resolution

The remaining eligible Councillors determined that Cr Honor does not have a conflict of interest in item H1 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest – and therefore can stay and vote on the matter.



Minutes

15 December 2020

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

Declaration of Conflict of Interests - Cr TM McPhee

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr TM McPhee declared a conflict of interest in item E1 of today's agenda as her company, Alowishus Delicious, holds a peppercorn lease with CQUniversity over the campus refectory at University Drive – but wished to stay and vote on the matter.

Resolution

The remaining eligible Councillors determined that Cr McPhee does not have a conflict of interest in item E1 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

15 December 2020

Item Number:	File Number:	Part:
C4		COUNCILLORS

Subject:

Declaration of Conflicts of Interest - Cr VJ Habermann

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr VJ Habermann declared a conflict of interest in item T1 of today's agenda as he is a long-time friend of the Chairman of the subject organisation – but wished to stay and vote on the matter.

Resolution

The remaining eligible Councillors determined that Cr Habermann does not have a conflict of interest in item T1 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

15 December 2020

Item Number: D1	File Number: A5431023	Part: EXECUTIVE SERVICES
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Portfolio:

Executive Services

Subject:

Petition - Request for Bus Stop on Bargara Road to facilitate Grace Family Practice patients

2655

Resolution

Cr JM Dempsey moved:-

That the petition be received and noted.

Seconded by Cr MBE Mitchell.

The motion was put - and carried unanimously.



Minutes

15 December 2020

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

Executive Services

Subject:

Bundaberg AgTech Hub Consortium Arrangement with CQUniversity

2656

Resolution

Cr JM Dempsey presented the report; and moved:-

That the Chief Executive Officer be authorised to enter into a consortium arrangement with CQUniversity.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

15 December 2020

Item Number: E2	File Number: .	Part: STRATEGIC PROJECTS & ECONOMIC DEVELOPMENT
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Portfolio:

Executive Services

Subject:

Memorandum of Understanding with Queensland Department of Education

2657

Resolution

Cr JM Dempsey presented the report; and moved:-

That the Chief Executive Officer be authorised to enter into a Memorandum of Understanding with the Queensland Department of Education to progress the development of the Bundaberg Challenger Learning Centre.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

15 December 2020

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

Organisational Services

Subject:

Financial Summary as at 1 December 2020

2658

Resolution

Cr SA Cooper presented the report; and moved:-

That the Financial Summary as at 1 December 2020 be noted by Council.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



Minutes

15 December 2020

Item Number: F2	File Number:	Part: FINANCE
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Portfolio:

Organisational Services

Subject:

Debt Policy

2659

Resolution

Cr SA Cooper presented the report; and moved:-

That Council:

- 1. rescind CP-3-002 Debt Policy, version 5; and**
- 2. adopt CP-3-002 Debt Policy, version 6.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

15 December 2020

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

Organisational Services

Subject:

Delegations Register Review

2660

Resolution

Cr SA Cooper presented the report; and moved:-

Pursuant to section 257 of the *Local Government Act 2009*, the “Register of Delegations – Council to the Chief Executive Officer” be varied to reflect the new and changed powers as outlined in the report and the table as appended to the report.

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



Minutes

15 December 2020

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

Organisational Services

Subject:

Sale of Lots 13, 35 & 36 on SP205671 - Kinkuna Waters Estate

2661

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 Lots 13, 35 and 36 on SP205671; and
2. the Chief Executive Officer be authorised to enter into a Contract of Sale for each of Lot 13, 35 and 36 on SP205671 and attend to all items required to finalise the sale of the properties.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

15 December 2020

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

Infrastructure Services

Subject:

Specialised Supplier - MetroCount ATLYST platform

2662

Resolution

Cr WR Trevor presented the report; and moved:-

That:

- a) Council enter into an arrangement with MetroCount for subscription to ATLYST software without first inviting written quotes pursuant to section 235(b) of the *Local Government Regulation 2012*; and
- b) this arrangement be made for an initial period from January 2021 – December 2023.

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



Minutes

15 December 2020

Item Number:	File Number:	Part:
L1	522.2020.211.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

86, 87 and 88 Esplanade, Woodgate - Material Change of Use for Tourist Park (Extension)

Cr WR Trevor left the meeting, the time being 10.19 am.

2663

Resolution

Cr JM Dempsey moved:-

That the Development Application 522.2020.211.1 detailed below be decided as follows:

1. Location details

Street address: 86, 87 and 88 Esplanade, Woodgate

Real property description: Lot 30 on SP257628, Lot 1 on RP131730 and Lot 31 on SP111188

Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use (Tourist Park- Extension)

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: Material Change of Use				
Site Plan- MCU	InsiteSJC	Aug 2020	GC18-324-Site	Sheet 1 of 2
Site Plan- MCU	InsiteSJC	Aug 2020	GC18-324-Site	Sheet 2 of 2
Proposed Boundary Realignment and Material Change of Use Plan	Integrated Site Design	Aug. 2020	WB-01	
Twin ensuites floor plan	Raymond Design		WFY21	ens-01
Twin ensuites elevation and section	Raymond Design		WFY21	ens-02

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
Darren Hull	7 Pine Court, Woodgate	darrenhull@hotmail.com
Lynette Taylor	5 Wattle Street, Woodgate	
Margaret Jolly	PO Box 28, The Gap	margaret@margaretjolly.com.au
Mick Gimaj	8 Wattle Street, Woodgate	minogi7@gmail.com
Robert Taylor	78 Straits Outlook, Craignish	rbw3t@outlook.com
Wendy Taylor	6 Pine Court, Woodgate	wat02@bigpond.com
P & M Cocking C/- Angello Olliaro	56 Honiton Street, Hervey Bay	aoliaro@bigpond.net.au
Clifford Vacher	85 Esplanade, Woodgate	cliffvacher@icloud.com
Coral Vacher	85 Esplanade, Woodgate	cliffvacher@icloud.com
Code Projects Pty Ltd C/- Matt Wheal	31 Ormonde Road, Yeronga	matt@codeprojects.com.au
Diana Lessels	3 Pine Court, Woodgate	dianalesless1@westnet.com.au
Kemsley Kelly	101/682 Rode Road, Chermside	kemsleykelly@bigpond.com
Patrick & Michelle Cocking	8 Pine Court, Woodgate	sheli71@hotmail.com.au
Lyn & Desley Bartlett	6 Macadamia Court, Woodgate	
Matthew Stokes	1 Pine Court, Woodgate	mstokes@gmail.com
Tony & Sue Zocchi	PO Box 310, Woodgate Beach	suezoc@gmail.com
Jenny Tobin	2 Pine Court, Woodgate	bluffview17@bigpond.com
Mr & Mrs Martell	2 Macadamia Court, Woodgate	
Sharon Davis	1/23 Barrmundi Drive, Woodgate	shazpaul2010@gmail.com
John Kingston	79 Knockroe Road, Childers	

Tanya Bedrow	17 Banksia Court, Woodgate	bedrowbt@bigpond.com
Peggy Harkin	84 Esplanade, Woodgate	vipoutlet@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
30, 31, 34	Section 145 – Non-trunk Infrastructure
N/A	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
CONSTRUCTION MANAGEMENT		
4.	Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from building work is made: <ol style="list-style-type: none"> on a business day or Saturday, before 6:30am or after 6:30pm on any other day, at any time. 	At all times during construction
5.	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
6.	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
BUILDING SETBACKS		

7.	The approved ensuite as identified on the approved plans must be sited a minimum of 3 metres from the north-eastern property boundary adjacent to Lots 2 and 3 on SP315551, with all setbacks measured from the outermost projection of the building.	At all times
FLOOD MANAGEMENT		
8.	Locate all electrical and data equipment, including switchboards, power points, and light switches, above the defined flood level.	Prior to the commencement of the use and then to be maintained
9.	Prepare and submit for approval to the Assessment Manager a Flood evacuation plan. The plan must demonstrate how people may be evacuated from the site to a safe gathering point above the defined flood level and must include, but not be limited to, the following: <ul style="list-style-type: none"> a. the defined flood level for the site b. the height at which the property is inundated by the storm tide inundation c. the evacuation route from the property to an approved evacuation centre/point and the method by which staff and patrons will be transported d. the estimated time required to reach the designated evacuation centre/point e. the forecast event at which to evacuate f. the appointment of a site Flood coordinator who will distribute information to staff g. procedures for assisting those with a disability or who do not speak English h. a contact information collection process for all current staff i. a plan showing primary and secondary evacuation routes and assembly areas for the building 	Prior to the commencement of the use
10.	Ensure the Manager/Operator of the facility has access to, and a detailed understanding of, their obligations/requirements under the Approved flood evacuation plan.	At all times
11.	Display in prominent locations throughout the site floor plans showing evacuation routes and exits.	At all times
EXTENT OF THE APPROVED USE		
12.	Ensure the development is limited to 186 sites with a maximum of 19 sites located within the proposed extension area on Plan Number GC18-324- Site prepared by Insite SJC dated Aug.2020.	At all times
13.	The proposed ensuite in the extension area are only to be used for guests associated with sites 6-9 (inclusive) only.	At all times

14.	The Tourist Park must at all times operate under the supervision and management of a Tourist Park manager. The Tourist Park manager is to be familiar with the relevant development permit conditions relating to the site and ensure compliance with conditions at all times.	At all times
AMENITY		
NOISE		
15.	Submit a noise and environmental impact assessment report to the assessment manager for approval. The report must demonstrate how noise levels from Pine Court will achieve the acoustic environment and acoustic quality objectives for sensitive receiving environments set out in the Environment Protection (Noise) Policy 2008.	Prior to the commencement of the use
16.	Implement the recommendations of the approved noise and environmental impact assessment report to the satisfaction of the Assessment Manager.	Prior to the commencement of the use and then to be maintained
17.	Submit to the Assessment Manager certification from a suitably qualified person confirming the recommendations of the approved noise and environmental impact assessment report have been complied with.	Prior to the commencement of the use
AMENITY		
LIGHTING		
18.	Design and install all external lighting in accordance with <i>AS4282 – Control of the obtrusive effects of outdoor lighting</i> so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.	Prior to the commencement of the use and then to be maintained
19.	Design and install all external lighting to be the most energy efficient, dark sky compliant (which prevents the light from escaping upward and direct light down and away from the foreshore) and amber lighting available in the National Electricity Market Load Tables for Unmetered Connection Points (AEMO 2015).	Prior to the commencement of the use and then to be maintained
20.	Design and install internal lighting to be shaded through glass tinting on all windows facing or seen from the foreshore with a transmittance value of 45% or less.	Prior to the commencement of the use and then to be maintained
AMENITY		
DUST		

21.	Ensure dust emissions do not result in levels at sensitive land uses which exceed the Air quality objectives set out in the Environmental Protection (Air) Policy 2008 and do not cause environmental nuisance by dust deposition.	Prior to the commencement of the use and then to be maintained
22.	<p>In the event of a complaint about dust or airborne nuisance emanating from the site, if it is determined by the Assessment Manager that the complaint is substantiated, the proprietor must submit to the Assessment Manager and have approved an Airborne Nuisance Management Plan which prescribes actions to be taken to immediately suppress dust/airborne nuisance and to also provide a long term preventative solution. An Airborne Nuisance Management Plan must address at least, but not be limited to, the following matters:-</p> <ol style="list-style-type: none"> a. identification of potential sources and activities which cause, or have potential to cause, dust and/or airborne nuisance; b. the control or abatement measures that will be undertaken to immediately reduce airborne dust/pollution to acceptable levels; and c. the longer-term measures and strategies that will be implemented to alleviate sources of dust and/or airborne nuisance. 	At all times
LANDSCAPING		
23.	Provide landscaping strips with a minimum width of 3 metres within the site boundaries as identified on the approved plan.	Prior to the commencement of the use and then to be maintained
24.	<p>Landscape the site in accordance with the approved plans. Landscaping must:</p> <ol style="list-style-type: none"> a. consist of permanent garden beds planted with trees and shrubs, with particular attention to the street frontage(s) of the site b. include species recognised for their tolerance for low water conditions c. be provided with a controlled underground or drip watering system. Any such system is to be fitted with an approved testable backflow prevention device <p>Note: <i>Council does not require the submission of an Operational works development application for landscaping that is nominated as Accepted development</i></p>	Prior to the commencement of the use and then to be maintained

	<i>where the works comply with the nominated requirements for Accepted development.</i>	
25.	<p>Provide certification from a Landscape Architect or other suitably qualified person that the landscaping has been constructed and established in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager.</p> <p>Note: <i>Council does not require the submission of an Operational works development application for landscaping that is nominated as Accepted development where the works comply with the nominated requirements for Accepted development.</i></p>	Prior to the commencement of the use and then to be maintained
26.	<p>Construct and maintain a 2 metre high solid scree fence along the Northern and Eastern boundary on the extension area nominated on Site Plan- MCU- Ref: GC18-324- Site dated Aug. 2020.</p> <p>The fence must be extended to the north western corner of Lot 24 on RP895039.</p> <p>Note: This fence must represent the minimum standard for fencing as a consequence of any recommendation born by the required noise and environmental impact assessment report.</p>	Prior to the commencement of the use and then to be maintained
27.	Access via Pine Court is prohibited	At all times
WASTE MANAGEMENT		
28.	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
29.	<p>Prepare and submit for approval to the Assessment Manager a Waste management plan in accordance with the applicable Planning Scheme codes and the Planning scheme policy for waste management. The plan is to include, but not be limited to, the following:</p> <ol style="list-style-type: none"> a. the waste management process, including the type and size of refuse bins to be utilised (eg 240 litre mobile garbage bins, 1 m³ bulk bins) for general waste and recycling b. the location of bin storage areas and collection points c. how waste collection vehicles will be able to safely and effectively access bins d. if bins are to be collected from the kerbside, demonstrate that this location has the capacity to 	Prior to the commencement of the use and then to be maintained

	adequately contain the maximum number of bins to be collected on collection day Activity is at all times required to comply with the approved Waste management plan.	
WATER		
30.	Provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the development.	Prior to the commencement of the use and then to be maintained
SEWERAGE		
31.	Make provision for sewerage connection suitable to meet the requirements of the development. All live sewer work, including installation of any new point of connection, must be undertaken by Council.	Prior to the commencement of the use
32.	All sewerage infrastructure must be clear of all proposed and existing buildings. If new sewerage infrastructure is required, detailed design must be determined as part of an application for Operational Works.	Prior to the commencement of the use
STORMWATER		
33.	Submit a Site Based Stormwater Management Plan (SBSMP) for the development of the additional 19 caravan sites as shown on Proposed Boundary Realignment and Material Change of Use Plan, prepared by Integrated Sit Design Dwg No: WB-01 to the Assessment Manager for approval prior to commencement of works. The SBSMP must be prepared by a suitably qualified person and include, but is not limited to:- <ul style="list-style-type: none"> a. a summary of stormwater quality, quantity and waterway corridor management objectives. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, ie, a piped system with a capacity to cater for Q5 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow; b. a description of those Stormwater Quality Best Management Practices (SQBMPs), stormwater quantity management measures, and waterway corridor protection measures that have been selected for the site for the operational phase; c. SQBMPs that have been selected for the site during the construction and operational phases (focusing 	Prior to the lodgement of operational works application

- on erosion and sediment controls and including an Erosion and Sediment Control Plan);
- d. site plans showing key features (e.g. drainage pathways) as well as the location of the items identified for the development in (b) and (c);
- e. identifies proposed lawful points of discharge, easements and any land dedications for drainage reserves;
- f. a program indicating the timing and sequence of installation of the items identified in (c);
- g. responsibilities for installation, inspection, maintenance and decommissioning of the items identified in (b) and (c);
- h. an inspection and maintenance program for the abovementioned measures;
- i. Maintenance Plans for large structural Stormwater Quality Improvement Devices whether on private or Council land;
- j. a simple audit program to check the installation and maintenance of SQBMPs that have been selected for the site during the construction phase;
- k. a description of how records are to be kept on site performance (including incidents, complaints, etc);
- l. emergency procedures to protect stormwater quality (eg how to manage the collapse of a sediment basin or burst hydraulic hose); and
- m. training requirements for construction and maintenance personnel (including an onsite induction program).

When approved, the Site Based Stormwater Management Plan will form part of the Approved Plans for this development.

34. Undertake the stormwater management on site in accordance with the approved SBSMP, including the construction of any necessary works.

Prior to the commencement of the use and then to be maintained
Prior to the commencement of the use

35. Provide certification from a Registered Professional Engineer Queensland (RPEQ) that stormwater management has been undertaken on site in accordance with the conditions of this approval, the approved SBSMP, and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the stormwater management where the works are certified by a RPEQ.

PART 1B – ADVICE NOTES

NO.	ADVICE	TIMING
INFRASTRUCTURE CHARGES		
1.	Infrastructure charges notice (331.2020.1215.1) applicable to the development is attached to this Development approval.	At all times
RATES AND CHARGES		
2.	In accordance with the <i>Planning Act 2016</i> , all rates, charges, or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.	Prior to the commencement of the use
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 no connected with the use.	At all times
FENCES		
4.	Should timber be used in the noise barrier fence construction, the minimum paling thickness must be 16 mm. For 100 mm wide palings, a minimum overlap of 35 mm is required. Posts must be treated to H4 hazard and spaced at 1.5 m to 3 m intervals. Top, middles, and bottom railings are required. As the railing will be in contact with the ground, it must be treated to H4 hazard standard. There must be no gaps in the noise barrier	Prior to the commencement of the use and then to be maintained

	fence, at the contact between the noise barrier fence and the ground and between the noise barrier fence and any other structure. Railings must be placed on the elevation internal to the lot.	
ABORIGINAL CULTURAL HERITAGE		
5.	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
NATURE AND EXTENT OF THE APPROVED DEVELOPMENT		
6.	This decision notice does not represent an approval to commence Building work.	At all times
SUBMISSION OF AMENDED PLANS FOR APPROVAL		
7.	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 522.2020.211.1. 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.	
FLOOD EVACUATION PLAN		
8.	In order to protect and/or minimise the damage to property and aid in business continuity post-flood, a flood preparation checklist may be included in the Flood Evacuation Plan.	

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.

Cr Trevor returned to the meeting, the time being 10.22 am.



Minutes

15 December 2020

Item Number:	File Number:	Part:
L2	522.2018.90.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

67 Harbour Esplanade, Burnett Heads - Preliminary Approval for a Material Change of Use (Mixed Use Development - Burnett Harbour Marina Village) - Resort Complex (including: ancillary shop, restaurant, bar, recreation and conference facilities), Short Term Accommodation and Multiple Dwellings incorporating a (s.61) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015

2664

Resolution

Cr JM Dempsey moved:-

That the Development Application 522.2018.90.1 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

Preliminary Approval for Material Change of Use (Preliminary Approval (Mixed Use Development - Burnett Harbour Marina Village) - Resort Complex (including: ancillary shop, restaurant, bar, recreation and conference facilities), 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 checked="" 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				
Statement of Urban Design intent	BDA	23/10/2018	4.1	F
Statement of Urban Design intent	BDA	23/10/2018	4.2	F
Overall Masterplan	BDA	23/10/2018	4.3	F
Masterplan	BDA	23/10/2018	4.4	F
Concept Sketches (1)	BDA	23/10/2018	4.5	F
Concept Sketches (2)	BDA	23/10/2018	4.6	F
Boundary Setback Plan	BDA	23/10/2018	4.7	F
Building Typology & Use diagram	BDA	23/10/2018	4.8	F
Building height diagram (as	BDA	1/12/2020	4.9	F

annotated in red by Council)				
Traffic Network	BDA	23/10/2018	4.10	F
Parking	BDA	23/10/2018	4.11	F
Pedestrian & open space (as annotated in red by Council)	BDA	1/12/2020	4.12	F
Site sections F & G	BDA	23/10/2018	4.13	F
Site sections H-H (as annotated by Council in red)	BDA	23/10/2018	4.14	F
Architectural Design	BDA	23/10/2018	6.1	F
Perspective view 1	BDA	23/10/2018	6.2	F
Burnett Harbour Marina Village: Marine Turtle Management Plan	Pendoley Environmental Pty Ltd	21/2/2020	J71001	0

5. Variation approval details

A preliminary approval which includes a variation approval is given and the assessment manager has approved a **variation to the local planning instrument(s)**:

- Bundaberg Regional Council Planning Scheme 2015.

The variation approved is:/The variations approved are:

Local Planning Instrument	Variation Approved
Bundaberg Regional Council Planning Scheme 2015	Part 5 – Tables of Assessment - Table 5.4.14 Community Facilities Zone – Levels of Assessment for material change of use is overridden by the provisions Table 5.4.3 High Density Zone Code

	<p>Part 5 – Tables of Assessment – Table 5.4.3 High Density Zone Code insert for all uses Impact assessable where exceeding 6 storeys in height.</p> <p>Part 5 – Tables of Assessment – Table 5.4.3 High Density Zone Code is varied by removing Relocatable home parks and Tourist parks from this table.</p> <p>Part 6- Zone Codes – 6.2.3 High Density Residential Zone Code – Table 6.2.3.3.1 insert AO5.3 Residential and resort complex development in relation to the preliminary approval development approval over Lot 1 on SP157913 is to be in accordance with BDA Architecture document “Burnett Harbour Marina Village Bundaberg Stage 2 Preliminary Approval Application”, Section ‘4.9 Building Height Diagram’ as amended in red by Council.</p>
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6. 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.

7. Further development permits

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

- Development Permit for a Material Change of Use
- All Building Work
- All Plumbing and Drainage Work
- All Operational Work

8. 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
Noela Shortman	67 Harbour Esplanade Burnett Heads	noelashortman@hotmail.com

Margaret Faulkner	14 Harbour Esplanade Burnett Heads	faulkner@moranh.net.au
Pamela Sylvania	67 Harbour Esplanade Burnett Heads	pamsylvania@yahoo.com
Sumner Dale	83 Esplanade Bargara	drkjsun@outlook.com
Anne Schmidt	3 Samuels Road Bundaberg	amschmidt608@gmail.com
Jennifer Thomson	332/3 Carlyle Court Bargara	trojen33@aapt.net.au
John Brown	17 Hunter Street Burnett Heads	colvillea@bigpond.com
Rob Quivooy	563 Branyan Drive Branyan	robquivooy@gmail.com
Michael Moller	17 Cypress Street Woodgate	mmoller57@gmail.com
Wide Bay Burnett Environmental Council	Po Box 97 Maryborough	manager@wbbec.org.au
Clinton Brett	49 Nielson Avenue Burnett Heads	clinton@dieselhelp.com.au
Vicki Townson	137 Shelley Street Burnett Heads	vicki_3l@hotmail.com
George Robert Thomson	332/3 Carlyle Court Bargara	trojen33@aapt.net.au
Sandra Kent	16 Baldry Street Burnett Heads	sandrakent4670@yahoo.com.au
Jamie Young	3 Schleger Street Burnett Heads	jamiedyoung72@gmail.com
George Martin	12 Goodwin Street Bundaberg	geomartin55@gmail.com
Wayne Smith	34 Bisdee Street Coral Cove	ethylthefrog48@gmail.com

Brandon Gary	PO Box 8143 Bargara	glbrandon@gmail.com
Edwin & Fiona Hoffman	135 Woongarra Scenic Bargara	e.hoffmann@bigpond.com
Gail Walton-Hill	10 Cove Street Burnett Heads	bob47gail43@gmail.com
Ian Gaffel	4496 Goodwood Road Bundaberg	ian@austchilli.com.au
Bess Martin	12 Goodwin Street Bundaberg	bessmartin57@gmail.com
Daniel Wick	2 Milton Street Burnett Heads	dan@wick.id.au
Diane Anderson	3 Shelley Street Burnett Heads	tomdianderson@gmail.com
Des Gellert	19 Sorrento Drive Bargara	des.gellert@outlook.com
Mary Walsh	24 Scherer Bvd Kepnock	marywalsh6@bigpond.com
Mark Herron	7 Breaker Ct Bargara	wabster@gmil.com
Moya Jackson	7 Breaker Court Bargara	emmjay55@gmail.com
Alison Vercoe	31 Hurst Street Walkervale	vivalamusique@yahoo.com.au
Peter Shaw	5/72 Quay Street Bundaberg West	thorold598@gmail.com
Cath Rehbein	4 Reid Crescent Innes Park	61456188118@online.telstra.com.au andlestercath@westnet.com.au
Dr Chris Barnes	1 Rosewood Place Bundaberg North	birds4chris@icloud.com

Sue Sargent	94 Crofton Street Bundaberg	sue.sargent65@gmail.com
Danny Rowleson	PO Box 413 Bli Bli	oaksbeach@hotmail.com
Pam Soper	29 Watsons Road Bargara	pam.environment@gmail.com
Karen Tulk	33 Farquhars Rd Qunaba	karen.tulk@bigpond.com
Terry & Karen Kelly	2 Harbour Esplanade Burnett Heads	monterey2@bigpond.com
Maureen A Schmidt	565 Branyan Drive Branyan	schmittm@bigpond.net.au
Jodi Brett	49 Nielson Avenue Burnett Heads	jodicollings@gmail.com
Les and Barbie Quinn	36 Burnett Heads Road Burnett Heads	-
Genevieve Kerbaul	27 Nielson Avenue Burnett Heads	gkerbaul@icloud.com

9. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State Transport Infrastructure Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) Development impacting on state transport and thresholds Development application for an aspect of development stated in schedule 20 that is	Department of Treasury	Concurrence	State Assessment and Referral Agency (SARA) E: WBBSARA@dsdmip.qld.gov.au P: PO Box 979 Bundaberg Qld 4670

<p>assessable development under a local categorising instrument or section 21, if— (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold— (i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or (ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and (c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area</p>			
<p>Tidal works or work in a coastal management district 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— (a) operational work that—</p>	<p>Department of Treasury</p>	<p>Concurrence</p>	<p>State Assessment and Referral Agency (SARA) <i>E:</i> WBBSARA@dsmip.qld.gov.au <i>P:</i> PO Box 979 Bundaberg Qld 4670</p>

<p>(i) is carried out completely or partly in an erosion prone area in a coastal management district; and (ii) is extracting, excavating or filling 1,000 m³ or more, or clearing native vegetation from an area of 1,000 m² or more; or (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 1,000 m² or more</p>			
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10. Currency period for the approval

Unless lawfully extended, the currency period for this development approval is 12 years starting the day that this development approval first took effect (Refer to Section 85 “Lapsing of approval at end of currency period” of the Planning Act 2016).

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

There are no agreements about these matters.

12. 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
21-32	Section 145 – Non-trunk Infrastructure
-	Section 128 – Trunk Infrastructure

13. 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>i. a minimum 10 m wide corridor clear of lockable structures where adjacent to Buildings J and K (eg Buildings, fences etc)</p> <p>ii. A minimum 5m corridor elsewhere.</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
NATURE AND EXTENT OF APPROVED USE		
5.	Development authorised by this approval must be undertaken in accordance with the approved Masterplan and requirements of the Bundaberg Regional Council Planning Scheme 2015 relating to the High Density Residential Zone other than where varied by this approval.	At all times
6.	Any development application for development permit made pursuant to this approval must comply with the Bundaberg Regional Council Planning Scheme 2015 V5.0 or the Planning Scheme in force at the time of lodgement, except where varied by this preliminary approval and any conditions attached to it.	At all times
7.	Any business use located on the site must be ancillary and complementary to any resort complex established on the subject site.	At all times
8.	A supermarket must not establish within the Preliminary Approval area.	At all times
DATE DEVELOPMENT MUST BE COMPLETED BY (LAPSING DATE)		
9.	All development related to this variation approval for development must be completed fifteen (15) years from the date of this approval. To the extent that any development under this approval is not completed within that time the approval will lapse pursuant to section 88(2)(a) of the <i>Planning Act 2016</i>	At all times

ARCHITECTURAL BUILDING DETAIL		
10.	<p>Submit a detailed materials palette to be used for all stages of the development for assessment by Council. The materials palette must show the final details of the facade treatment, the ground interface and the rooftop/building capping elements of the proposed buildings. The architectural drawings must nominate materials, colours and finishes.</p>	<p>Prior to the submission of the first application for a Development Permit</p>
11.	<p>For each subsequent application for a Material Change of Use for a Development Permit, architectural drawings must be prepared and submitted to the Assessment Manager for review against the relevant codes. The architectural drawings must show the final developed details of the facade treatment, the ground level interface with the street and the rooftop/building capping elements of the approved buildings, and must depict a higher level of documentation detail than that shown on the Approved Plans. The architectural drawings must:</p> <ol style="list-style-type: none"> a. demonstrate compliance with the approved materials palette pursuant to Condition 11 of this approval; b. have title blocks, revision numbers, scale details, north point and be cross referenced to larger scaled drawings; c. include elevation and facade treatment drawings for all floor levels that demonstrate the final design outcome for all elevations of the built form including: <ol style="list-style-type: none"> i. all servicing and infrastructure, including but not limited to, padmount transformers, pump rooms, fire hydrant boosters etc. ii. rooftop or building capping elements, awnings and soffits d. include for rendered perspectives (from the north, east, south and west e. include dimensions for the extent of projecting elements, balustrade height and door and windows/glazing configurations f. show how the building/s coordinates with fencing and landscaping for the site; g. enhanced privacy screening (or the like), on all elevations of the buildings that have the potential to overlook adjoining buildings to address overlooking of adjoining residential uses; and h. showing the intended finished built form which should incorporate high quality urban design 	

	outcomes and take into account the “coastal beach’ vernacular and subtropical design elements.	
BUILDING HEIGHT		
12.	The maximum height of any building or structure must not exceed six storeys above natural ground level as shown on the amended approved plan <i>4.9 Building Height Diagram</i> dated 1/12/2020.	At all times
COMMUNAL FACILITIES		
13.	Submit with each application plans outlining communal open spaces for each building.	As indicated
ECOLOGY – MARINE TURTLES		
14.	Each subsequent development application for a development permit must incorporate measures to 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</i> J71001 dated 20 February 2020.	Prior to the commencement of the use and then to be maintained
OPERATIONAL WORK ASSOCIATED WITH THE MCU		
STORMWATER		
15.	A site-based Stormwater Management Plan must be submitted as part of the first development application seeking a development permit for Material Change of Use. The Stormwater Management Plan must be prepared by a suitably qualified practising Registered Professional Engineer of Queensland and must address the following: a) Lawful point/s of discharge; b) Saltwater intrusion impacts; c) Mitigation measures addressing the saltwater intrusion impacts; d) Stormwater quality improvement measures to meet water quality objectives; e) Requirements under the Queensland Urban Drainage Manual and Bundaberg Regional Councils Planning Scheme (current versions at time of development application submission); and f) Other such issues contained in, but not limited to, this Preliminary Approval.	As indicated
WATER		
16.	A Water Supply Plan prepared by a suitably qualified practising Registered Professional Engineer of Queensland must be submitted as part of the first development application seeking a development permit for Material Change of Use.	As indicated

	<p>The Water Supply Plan must:</p> <ol style="list-style-type: none"> a) demonstrate that Councils current infrastructure can cater for the additional demand generated by the development (Stage 2) without adversely impacting other users on the network; and b) include the demands of the Stage 1 development within the assessment. 	
SEWERAGE		
17.	<p>Submit a Sewer Assessment Report prepared by a suitably qualified practising Registered Professional Engineer of Queensland, determining the most suitable sewer connection that will ultimately extend from Harbour Esplanade Sewerage Pump Station (SE.2008) and service the broader development (Stage 1 and 2).</p> <p>The Sewer Assessment Report must be submitted as part of the first development application seeking a development permit for Material Change of Use for Stage 2 unless already submitted as part of the development application for operational work - Stage 1.</p>	As indicated
18.	<p>A Sewer Master Plan, prepared by a suitably qualified practising Registered Professional Engineer of Queensland, must be submitted as part of the first development application seeking a development permit for Material Change of Use. The Sewer Master Plan must:</p> <ol style="list-style-type: none"> a) demonstrate that Councils current infrastructure can cater for the additional demand generated by the development (Stage 2) without adversely impacting other users on the network; b) include the demands of the Stage 1 development within the assessment; and c) be based on the connection requirements recommended from the engineering assessment (LPS or gravity extension) as per conditions of this approval. 	As indicated
FLOOD HAZARD		
19.	<p>Submit a Flood hazard assessment and impact report as part of the first development application seeking a development permit for Material Change of Use. The plan must be prepared by a suitably qualified practising Registered Professional Engineer of Queensland.</p>	As indicated
20.	<p>Submit a Flood Emergency Management Plan as part of the first development application seeking a development permit for Material Change of Use. The plan must be prepared by a suitably qualified practising Registered Professional Engineer of Queensland.</p> <p>The Flood Emergency Management Plan must be prepared in accordance with <i>Australian Disaster</i></p>	As indicated

	<p><i>Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia (AIDR 2017); and accompanying guidelines</i> and must detail the following:</p> <ul style="list-style-type: none"> a) nature of the flood threat; b) flooding constraints and flood risks for the site and access/egress of the site (including consideration of any residual flood risk); c) sources of flood intelligence; d) considerations for flood management; e) procedures to manage the flood risk; 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. 	
OPEN SPACE NETWORK		
21.	<p>A Beach Management Plan must be submitted as part of the development application seeking a development permit for Material Change of Use. The Beach Management Plan must address the following at a minimum:</p> <ul style="list-style-type: none"> a) Mitigation measure against impacts of storm surge; b) Maintenance schedule including waste management; c) Operational guidelines including opening times, any restricted access, rules and regulations imposed; d) Safety management plan; and e) Seasonal considerations against all areas of management. 	As indicated
22.	<p>A Landscaping Master Plan, prepared by a suitably qualified person, must be submitted as part of the development application seeking a development permit for Material Change of Use and must incorporate landscaping elements as required by the Bundaberg Regional Council Planning Scheme 2015.</p>	As indicated
ROADWORKS, ACCESS, AND CAR PARKING		
23.	<p>Submit an updated Traffic Impact Assessment prepared by a suitably qualified practising Registered Professional Engineer of Queensland. The assessment must be submitted as part of the development application seeking a development permit for Material Change of Use.</p>	Prior to the commencement of the use

	<p>The Traffic Impact Assessment must include, but not be limited to:</p> <ul style="list-style-type: none"> • Updated calculations utilising accurate, up to date traffic count data; • Car parking requirements and provision; • Bicycle parking requirements and provision; • Site access design requirements; and • Servicing management plan. 	
PEDESTRIAN CONNECTIVITY		
24.	Submit an updated Pedestrian & Open Space Network Plan including all proposed internal and external pedestrian pathways including corridor widths as specified within condition 4 as part of the development application seeking a development permit for Material Change of Use.	As indicated
25.	Submit a safety assessment for the pedestrian connectivity as part of the development application seeking a development permit for Material Change of Use. The safety assessment must be in accordance with the Austroads Guide to Road Design - Part 6A - Implementing Road Safety Audits (2019).	As indicated

PART 1B – ADVICE NOTES

NO.	ADVICE	TIMING
INFRASTRUCTURE CHARGES		
1.	Infrastructure charges will be applied to future Material Change of Use applications or a Development Permit within the Preliminary Approval area. These charges will be calculated in line with Infrastructure Charging Policy in force at that time.	At all times

ENVIRONMENTAL HARM		
2.	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
NATURE AND EXTENT OF THE APPROVED DEVELOPMENT		
3.	This decision notice does not represent an approval to commence Building work.	At all times
SUBMISSION OF AMENDED PLANS FOR APPROVAL		
4.	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 525.2018.90.1. To avoid delays and assessment issues with the first application for a Development Permit for a Material Change of Use, it is recommended the amended documents be submitted prior to lodgement of any application for a Development Permit for a Material Change of Use.	Prior to the submission of the first application for a Development Permit for a Material Change of Use
SIGNAGE		
5.	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

WATER		
6.	The existing point of connection for water supply to lot 1 on SP157913 must be used. No additional point of connection for water supply at this location will be approved.	At all times
CONTAMINATED LAND		
7.	Any future application for a Development Permit will need to 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

Seconded by Cr TM McLoughlin.

Cr Barnes moved the following amendment to the motion:

“That Condition 12 be dealt with in two parts:-

12A the maximum height of any building or structure associated with Stage 1 must not exceed 6 storeys above natural ground level as shown on the amended approval plan 4.9, building diagram dated 1.12.20; and

12B - the maximum height for any subsequent stage will be assessed by the Council on the day against the planning scheme as may be adopted from time to time by the Council and in consultation with the community of the day. As such this approval does not constitute a preliminary approval for any subsequent stage of the development.”

Cr Barnes’ amended motion was deemed to be contrary to the original motion as per Section 8.4.1 of Council’s *Standing Orders for Meetings Policy No CP-3-016* - and was not accepted by the Chair.

Cr Barnes moved a procedural motion of dissent against the Chair’s decision.

The procedural motion was put to the vote and lost.

FOR

Cr GR Barnes

AGAINST

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

Cr Barnes foreshadowed that should the original motion be lost, he will move an alternate motion which would include his amendments to Condition 12.

The original motion was put - and carried.

For

Cr JP Bartels
Cr WR Trevor
Cr TM McPhee
Cr TM McLoughlin
Cr VJ Habermann
Cr SA Cooper
Cr JD Learmonth
Cr JM Dempsey

Against

Cr WA Honor
Cr GR Barnes
Cr MBE Mitchell



Minutes

15 December 2020

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

Portfolio:

Community & Environment

Subject:

Lease - Lot 218 on SP170700 - Bargara Lions

2665

Resolution

Cr TM McPhee presented the report; and moved:-

That:

- 1. Council apply the exception contained in section 236(1)(b)(ii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a 10 year Lease with the Lions Club of Bargara Inc for part of the land at Lot 218 on SP170700.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



Minutes

15 December 2020

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

Portfolio:

Community & Environment

Subject:

Renewal of Lease - Community Lifestyle Support Ltd - Lot 218 on SP170700

2666

Resolution

Cr TM McPhee presented the report; and moved:-

That:

- 1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a 5 year Lease with the Community Lifestyle Support Ltd ACN 615 836 630 for part of the land at Lot 218 on SP170700.**

Seconded by Cr SA Cooper.

The motion was put - and carried unanimously.



Minutes

15 December 2020

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

Community & Environment

Subject:

Renewal of Lease - Telstra Corporation Limited - Lot 4 on SP298190

2667

Resolution

Cr SA Cooper presented the report; and moved:-

That:

1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and
2. the Chief Executive Officer be authorised to enter into consecutive 10 year Leases with the Telstra Corporation Limited ABN 33 05 775 556 for part of the land at Lot 4 on SP298190.

Seconded by Cr TM McPhee.

The motion was put - and carried unanimously.



Minutes

15 December 2020

Item Number:	File Number:	Part:
S1	.	TOURISM & REGIONAL GROWTH

Portfolio:

Community & Environment

Subject:

Sole Supplier Arrangement with Qantas Airways Ltd

Pursuant to section 150EQ of the Local Government Act 2009 Cr GR Barnes advised of a declarable conflict of interest in this item as approximately 10 years ago he was gifted return flights to Bundaberg as part of Qantas' 10 year celebration of its relationship with the City of Bundaberg.

The remaining Councillors determined that Cr Barnes could stay and vote on the matter.

2668

Resolution

Cr GR Barnes presented the report; and moved:-

That Council authorise the CEO to enter into an arrangement with Qantas Airways Ltd for the provision of services eligible for funding by the Domestic Aviation Route Restart Program without seeking competitive quotations or tenders pursuant to section 235 of the *Local Government Regulation 2012*.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

15 December 2020

Item Number:	File Number:	Part:
S2	.	TOURISM & REGIONAL GROWTH

Portfolio:

Community & Environment

Subject:

Partnership & Sponsorship Grant Application - YMCA of Bundaberg Ltd (Bundaberg Disability Resource Centre incorporating the Toy Library)

2669

Resolution

Cr TM McPhee presented the report; and moved:-

That Council provide financial support in the amount of \$10,000 (plus GST where applicable) pursuant to Council's Partnerships Grant Program to the YMCA of Bundaberg Ltd (ABN 14 652 841361).

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.

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

Resolution

Cr JM Dempsey moved:-

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

T1 Request to write off sewerage and waste charges - Lot 131 on CK1374

Seconded by Cr SA Cooper - and carried unanimously.

The meeting closed to the public and the livestream was suspended at 11.10 am.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened.

Seconded by Cr WR Trevor - and carried unanimously.

The meeting reopened to the public and the livestream recommenced at 11.34 am.



Minutes

15 December 2020

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

Organisational Services

Subject:

Request to write off sewerage and waste charges - Lot 131 on CK1374

Confidential Reason:

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

2670**Resolution**

Cr JM Dempsey moved:-

That Council provides no further relief to the part lessee of land described as Lot 131 on CK1374.

Seconded by Cr JP Bartels.

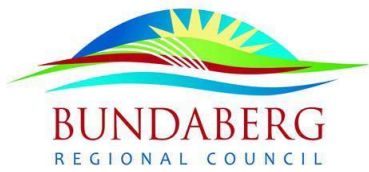
The motion was put - and carried.

For

Cr JP Bartels
Cr WR Trevor
Cr WA Honor
Cr TM McPhee
Cr GR Barnes
Cr TM McLoughlin
Cr SA Cooper
Cr MBE Mitchell
Cr JD Learmonth
Cr JM Dempsey

Against

Cr VJ Habermann



Minutes

15 December 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 11.38 am.

Confirmed on 27 January 2021.

Mayor