



Ordinary Meeting Minutes

21 December 2021

10 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:

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 M Ellery, Group Manager Development
Mrs C Large, Chief Legal Officer
Mr MJ Gorey, Mayor's Chief of Staff (Councillor Advisor)
Mrs R Kurtz, Executive Assistant to the CEO
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.



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21 December 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 30 November 2021 be taken as read and confirmed.

Seconded by Cr VJ Habermann - and carried unanimously.



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21 December 2021

Item Number:	File Number:	Part:
C1		Councillors

Subject:

Declaration of Conflict of Interest - Cr JM Dempsey

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Dempsey advised he has a declarable conflict of interest in Item K1 of today's agenda. Cr Dempsey advised the following "The nature of the conflict of interest is that a person could reasonably believe that I may be biased given the management officers of the entity to which this report relates and the possible connection with other ongoing matters. Due to the confidentiality of these matters I am restricted from disclosing any further information. Having stated this conflict of interest I am going to leave the room and not vote on the matter."



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21 December 2021

Item Number:	File Number:	Part:
C2		Councillors

Subject:

Declaration of Conflict of Interest - Cr JM Dempsey

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Dempsey advised he has a declarable conflict of interest in Item L3 of today's agenda, as a family member lives in close proximity to the subject land in the report and they may obtain a benefit or detriment depending upon the outcome of the matter - so will therefore leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C3		Councillors

Subject:

Declaration of Conflict of Interest - Cr JM Dempsey

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Dempsey advised he has a declarable conflict of interest in Item L5 of today's agenda as the entity or a director of the entity to which the report relates may have been a donor when he was a candidate for State election - so will therefore leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C4		Councillors

Subject:

Declaration of Conflict of Interest - Cr JM Dempsey

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Dempsey advised he has a declarable conflict of interest in Item T2 of today's agenda as that a person could reasonably believe that he may be biased given the person to which this report relates and the possible connection with other ongoing matters - so will therefore leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C5		Councillors

Subject:

Declaration of Conflict of Interest - Cr JP Bartels

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Bartels advised he has a declarable conflict of interest in item T2 of today's agenda as he has known the subject person for many years and has a close working relationship with this person and classes them as a friend – so will leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C6		Councillors

Subject:

Declaration of Conflict of Interest - Cr WR Trevor OAM

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Trevor advised he has a declarable conflict of interest in item T2 of today's agenda. The nature of the conflict of interest is that a person could reasonably believe that he may be biased given the person to which this report relates to - so will therefore leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C7		Councillors

Subject:

Declaration of Conflict of Interest - Cr WR Trevor OAM

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Trevor advised he has a declarable conflict of interest in item L1 of today's agenda as his family trust (Arianna Trust) has a previous business relationship with the current owner of the land - so will therefore leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C8		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 conflict of interest in item H1 as his son, Dwayne Honor, is the branch manager of Engineering Services – but believe he could participate in the discussion on the matter in the public's interest and stay in the meeting while the item is discussed and voted on.

Resolution:

The remaining eligible Councillors determined that Cr 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.



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21 December 2021

Item Number:	File Number:	Part:
C9		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 conflict of interest in item L5 as he has a similar infrastructure agreement with the Bundaberg Regional Council that is currently outstanding – and will leave the meeting room while the item is discussed and voted on.

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Item Number: C10	File Number:	Part: Councillors
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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 conflict of interest in item T1 as he has an outstanding open for development infrastructure agreement with Bundaberg Regional Council – and will leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C11		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 K2 of today's agenda as her sister owns vacant land which is one of the 7 property that have been identified as being changed out of the flood hazard area – but believe she could participate in the decision on the matter in the public's interest and stay in the meeting.

Resolution:

The remaining eligible Councillors determined that Cr McPhee does not have a conflict of interest in item K2 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.



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21 December 2021

Item Number:	File Number:	Part:
C12		Councillors

Subject:

Declaration of Conflict of Interest - Cr SA Cooper

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Cooper advised he has a declarable conflict of interest in item O1 of today's agenda as the applicant is his business partner - so will therefore leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C13		Councillors

Subject:

Declaration of Conflict of Interest - Cr SA Cooper

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Cooper advised he has a declarable conflict of interest in item T2 of today's agenda as he was asked to supply information in relation to the matter – so will therefore leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C14		Councillors

Subject:

Declaration of 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 L5 of today's agenda as he is a close personal friend of the applicant – so will therefore leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C15		Councillors

Subject:

Declaration of Conflict of Interest - Cr GR Barnes

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Barnes has advised he has a declarable conflict of interest in K1 of today's agenda as two former Council colleagues currently work or act as consultants on the project – so will therefore leave the meeting room while the item is discussed and voted on.



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21 December 2021

Item Number:	File Number:	Part:
C16		Councillors

Subject:

Declaration of Conflict of Interest - Cr GR Barnes

Pursuant to section 150EQ of the *Local Government Act 2009*, Cr Barnes advised the following “The nature of the declarable conflict of interest is that, notwithstanding the provision of any Act of Parliament, I am not qualified, nor have I received training, to fulfill the role outlined in this Agenda Item. As such and in the interests of natural justice, I have no intention of being a party to this matter. Accordingly, I believe that this position creates a real and declarable conflict of Interest for me – so will therefore leave the meeting while the matter is considered and voted on”.



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21 December 2021

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

Organisational Services

Subject:

Financial Summary as at 1 December 2021

2848

Resolution

Cr SA Cooper presented the report; and moved:-

That the Financial Summary as at 1 December 2021 be noted by Council.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



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21 December 2021

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

Organisational Services

Subject:

2021/2022 Budget - Budget Review #2

2849

Resolution

Cr SA Cooper presented the report; and moved:-

That

1. pursuant to section 170(3) and section 173 of the *Local Government Regulation 2012*, Council adopt the amended budget as tabled; and
2. Council endorse the following policies:
 - a) Revenue Policy, version 5 (Policy No: CP-3-001)
 - b) Revenue Statement, version 4 (Policy No: CP-3-004)

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



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21 December 2021

Item Number:	File Number:	Part:
G1		GOVERNANCE

Portfolio:

Organisational Services

Subject:

Lease - Part of Lot 292 on SP236009 and Lot 89 on SP147971 - Cleanaway Operations Pty Ltd

2850

Resolution

Cr SA Cooper presented the report; and moved:-

That:-

- 1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a Lease to Cleanaway Operations Pty Ltd for parts of Lot 292 on SP236009 and Lot 89 on SP147971 for a term of 3 years.**

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



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21 December 2021

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

Organisational Services

Subject:

Lease - Part of Lot 2 on SP314446 - Milbank and Milbank as trustee

2851

Resolution

Cr SA Cooper presented the report; and moved:

That:-

- 1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a Lease to Milbank and Milbank as Trustees for part of the Bargara Administration Centre, known as Lot 2 on SP314446 for an initial term of 1 year with a further 2 options of 1 year each.**

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.



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21 December 2021

Item Number: G3	File Number:	Part: GOVERNANCE
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Portfolio:

Organisational Services

Subject:

Lease - Part of Lot 2 on SP314446 - Complete Autonomous Unmanned Vehicles Pty Ltd and Bennet & Coulombe as trustees

2852**Resolution**

Cr SA Cooper presented the report; and moved:-

That:-

- 1. Council apply the exception contained in section 236(1)(e) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a Lease to Complete Autonomous Unmanned Vehicles Pty Ltd and Bennet and Coulombe as trustees for part of the Bargara Administration Centre, known as Lot 2 on SP314446 for an initial term of 3 years with a further 2 options of 2 years each.**

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



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21 December 2021

Item Number:	File Number:	Part:
H1		INFRASTRUCTURE

Portfolio:

Infrastructure Services

Subject:

Specialised Supplier Arrangement – Artificial Intelligence (AI) Pedestrian Data Collection

2853

Resolution

Cr WR Trevor moved:-

That:

- a. Council enters into an arrangement with Bicycle Network Inc without first inviting written quotes pursuant to section 235(b) of the *Local Government Regulation 2012*; and
- b. this arrangement be in place for a period of 3 years from 7 December 2021 through to 7 December 2024.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



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21 December 2021

Item Number:	File Number:	Part:
K1		PLANNING

Portfolio:

Planning & Development Services

Subject:

Request for Elliott Heads Local Area Plan

The Mayor called for Deputy Mayor to preside over the meeting in his absence.

Cr Dempsey and Cr Barnes left the meeting, the time being 10.34 am.

2854

Resolution

Cr WR Trevor moved:-

That InsiteSJC be advised that Council agrees to undertake local area planning for Elliott Heads, commencing in the 2023/2024 financial year.

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.

Cr Dempsey and Cr Barnes returned to the meeting, the time being 10.35 am.



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21 December 2021

Item Number:	File Number:	Part:
K2	objective://id:fA146996/	PLANNING

Portfolio:

Planning & Development Services

Subject:

Resolution to designate Flood Hazard Area

2855

Resolution

Cr JM Dempsey moved:-

That effective from 1 March 2022:-

- (a) Council declares under section 8 of the *Building Regulation 2021* –
- (i) flood hazard areas for the Bundaberg Region as identified in the Flood Hazard Area Maps contained in the Hazard Evaluation Report – Flood (December 2021, Revision 7.0);
 - (ii) the defined flood level and maximum flow velocity of water (where available) are the flood levels and velocities for the adopted defined flood events derived from the flood modelling for each catchment of the flood hazard area.
- (b) this resolution replaces flood hazard areas previously declared by Council, including Council's resolution of 17 December 2019 (Ordinary Meeting Item K1, Resolution 2449).

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

21 December 2021

Item Number:	File Number:	Part:
L1	525.2021.23.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

Material Change of Use for Service Station & Food and Drink Outlet & Reconfiguration of a Lot (3 Lots into 2 Lots and 2 Access Easements) - 28696 Bruce Highway, Childers.

Cr Trevor left the meeting, the time being 10.38 am.

Resolution

Cr JM Dempsey moved:-

That the Development Application 525.2021.23.1 detailed below be decided as follows:

1. Location details

Street address: 28696 Bruce Highway, Childers

Real property description: Lots 1, 2 and 3 on RP14425

Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use for Service Station & Food and Drink Outlet & Reconfiguring a Lot (3 Lots into 2 Lots and 2 access easements).

3. Decision

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

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input type="checkbox"/>	<input type="checkbox"/>

4. Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no	Version/issue
Aspect of development: Material Change of Use				
Title Sheet	Verve Building Design Co	25.03.2021	DA00	P5
Building Elevations & Perspectives	Verve Building Design Co	25.03.2021	DA02	P6
Building Elevations & Perspectives	Verve Building Design Co	25.03.2021	DA03	P7
Proposed Site Plan	Verve Building Design Co	17.11.2021	DA01	P11
Building Floor Plan	Verve Building Design Co	03.03.2021	DA06	P3
Aspect of development: Reconfiguring a Lot				
Proposed Reconfiguration of Lot 1-3 on RP14425 (Bruce Highway, Childers)	Land Partners Surveyors and Planners	19/03/2021	BRLS7690-000-18-4	4

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

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

8. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1	Department of State Development, Infrastructure, Local Government & Planning	Concurrence Agency	State Assessment and Referral Agency (SARA) <i>E:</i> wbbregionalservices@dsd mip.qld.gov.au <i>P:</i> PO Box 979 Bundaberg Qld 4670

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
20-31	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
4.	The survey plan for the subdivision (3 Lots into 2 Lots) and access easements must be endorsed.	Prior to the commencement of the use
AMENITY		
HOURS OF OPERATION		
5.	Operating hours of the approved use are 24 hours a day 7 days per week.	At all times
6.	Deliveries, loading/unloading activities must only be undertaken between the hours of 7 am – 10 pm Monday to Sunday.	At all times
7.	Refuse collection must only be undertaken between the hours of 7 am to 6 pm weekdays.	At all times
LIGHTING		
8.	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
NOISE		
9.	Noise levels from the use must achieve the acoustic environment and acoustic quality objectives for sensitive receiving environments set out in the Environment Protection (Noise) Policy 2008.	At all times
SCREENING OF PLANT AND SERVICES		
10.	Install and maintain suitable screening to all air conditioning, lift motor rooms, plant, service facilities, or similar equipment located on the rooftop or to an external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the building façade or as an architectural feature of and visually consistent with the profile of the building.	Prior to the commencement of the use and then to be maintained

LANDSCAPING		
11.	<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 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
FENCES		
12.	<p>Provide and maintain a solid screen fence along all side and rear boundaries of the development site.</p> <p>The fence is to have a minimum height of 1.8 m behind the front building line or 6 m from the front boundary (whichever is lesser) and a height of 1.2 m in front of this point.</p> <p>Where side boundary fencing is continuous, the height may be tapered from 1.2 m up to 1.8 m over a maximum distance of 2.5 m.</p> <p>The erection of a second boundary fence parallel to any existing fence is prohibited.</p>	Prior to the commencement of the use
WASTE MANAGEMENT		
13.	<p>Provide an impervious bin storage area (bin enclosure) for the storage of refuse bins in accordance with the following:</p> <ol style="list-style-type: none"> a. designed so as to prevent the release of contaminants into the environment b. sufficiently sized to accommodate all refuse bins required by the Assessment Manager for the scale of the development 	Prior to the commencement of the use and then to be maintained

	<p>c. screened from the road frontage or other public space, and adjoin properties by landscaping or constructed screening</p> <p>d. a suitable hose cock (with backflow prevention) and hoses must be provided at the bin storage area, and wash down to be drained to the sewer and fitted with an approved stormwater diversion valve arrangement</p> <p>e. must be maintained in a clean and sanitary manner</p>	
14.	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
15.	Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.	At all times
BUILDING WORK ASSOCIATED WITH THE MCU		
16.	Demolish or relocate all existing buildings/structures on the site including the removal of all existing concrete slabs, foundations, and the disconnection of services. Where necessary work must be in accordance with a valid approval from the service provider or Building development approval.	Prior to the endorsement of the survey plan
OPERATIONAL WORK ASSOCIATED WITH THE MCU		
17.	<p>Ensure all assessable Operational work is carried out in accordance with a valid Operational work approval.</p> <p>Note: <i>Where Accepted development does not comply with a nominated requirement for accepted development, a Development application for Operational work must be submitted to Council.</i></p>	Prior to the commencement of work
18.	<p>Provide certification from a Registered Professional Engineer of Queensland (RPEQ) that any operational work that is Accepted development has been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by Council.</p> <p>Note: <i>Council does not require the submission of an Operational works development application for work that is nominated as Accepted development where the</i></p>	Prior to the commencement of the use

	<i>works comply with the nominated requirements for Accepted development and are certified by a RPEQ.</i>	
CONSTRUCTION MANAGEMENT		
19.	Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from work is made: <ul style="list-style-type: none"> a. on a business day or Saturday, before 6.30 am or after 6.30 pm b. on any other day, at any time. 	At all times during construction
STORMWATER		
20.	Design and implement a stormwater drainage system for lot 1, as per the Stormwater Management Report prepared by Kehoe Myers connecting to the lawful point of discharge located on the shared boundary with lot 284 on SP285167.	Prior to site work commencing and at all times during construction
21.	Design and implement a stormwater drainage system for lot 2, as per the Stormwater Management Report prepared by Kehoe Myers connecting to the lawful point of discharge located on the shared boundary with lot 284 on SP285167.	Prior to site work commencing and at all times during construction
22.	Submit a discharge agreement noting Lot 284 <i>SP285167</i> accepts ongoing stormwater discharge from proposed lot 1.	Prior to the commencement of construction
23.	Submit a discharge agreement noting Lot 284 <i>SP285167</i> accepts ongoing stormwater discharge from proposed lot 2.	Prior to the commencement of construction
WATER		
24.	Provide a metered water service and internal infrastructure as required to each proposed lot, to satisfy the firefighting and water supply demands of the development. <p>Note:</p> <p><i>Water infrastructure must be designed by an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting</i></p>	Prior to the commencement of the use and then to be maintained

	<i>requirements in accordance with AS2419 – Fire hydrant installation.</i>	
SEWERAGE		
25.	Provide a reticulated sewerage service to each proposed lot in accordance with the applicable Planning scheme codes and Planning scheme policy for development works.	Prior to the endorsement of the survey plan
26.	All sewerage infrastructure must be clear of all proposed and existing buildings.	At all times
ROADWORKS, ACCESS, AND CAR PARKING		
27.	Remove all disused or redundant vehicular crossings, kerb drainage outlets, and footpath crossovers and reinstate kerb and channel, and footpaths as required.	Prior to the commencement of the use
28.	<p>Design and construct off-street car parking, access, and manoeuvring areas for lot 1 in accordance with the Approved plans, applicable Planning scheme codes, and the Planning scheme policy for development work.</p> <p>Car parking, access, and manoeuvring areas must:</p> <ol style="list-style-type: none"> a. provide a minimum of 10 parking spaces b. be designed and constructed in accordance with AS2890 Parking facilities – off-street car parking c. provide parking spaces for people with a disability in accordance with the Building Code of Australia and AS2890.6 Off-street parking for people with disabilities d. provide on-site loading, unloading, and manoeuvring for all necessary service vehicles, including: <ul style="list-style-type: none"> • Medium Rigid Vehicle • Refuse collection vehicle e. allow all design vehicles to enter and exit the site in a forward gear f. be constructed and sealed with asphaltic concrete or concrete. g. be signed and delineated in accordance with the Queensland manual of uniform traffic control devices h. allow for the provision of fill and/or boundary retaining walls and the containment and management of site stormwater drainage 	Prior to the commencement of use and then to be maintained

	<ul style="list-style-type: none"> i. be drained to a legal point of discharge j. be available free of charge to staff and customers during operating hours k. Provide shade trees in car parking areas at a minimum ratio of one (1) tree for every six (6) parking spaces. 	
<p>29.</p>	<p>Design and construct off-street car parking, access, and manoeuvring areas for lot 2 in accordance with the Approved plans, applicable Planning scheme codes, and the Planning scheme policy for development work.</p> <p>Car parking, access, and manoeuvring areas must:</p> <ul style="list-style-type: none"> a. provide a minimum of 15 parking spaces b. provide a minimum of 2 vehicles with trailer parking spaces c. be designed and constructed in accordance with AS2890 Parking facilities – off-street car parking d. provide parking spaces for people with a disability in accordance with the Building Code of Australia and AS2890.6 Off-street parking for people with disabilities e. provide on-site loading, unloading, and manoeuvring for all necessary service vehicles, including: <ul style="list-style-type: none"> • Medium Rigid Vehicle • Refuse collection vehicle f. allow all design vehicles to enter and exit the site in a forward gear g. be constructed and sealed with asphaltic concrete or concrete. h. be signed and delineated in accordance with the Queensland manual of uniform traffic control devices i. allow for the provision of fill and/or boundary retaining walls and the containment and management of site stormwater drainage j. be drained to a legal point of discharge k. be available free of charge to staff and customers during operating hours l. Provide shade trees in car parking areas at a minimum ratio of one (1) tree for every six (6) parking spaces. 	<p>Prior to the commencement of use and then to be maintained</p>

30.	Repair any damaged kerb and channel, footpath, or road (including removal of concrete slurry from footpath, roads, kerb and channel, and stormwater gullies and drainlines) and reinstate existing traffic signs and pavement markings that have been removed or damaged during any works carried out in association with the approved development.	Prior to the commencement of the use
31.	Provide six (6) secure bicycle parking spaces for customers of the Service Station on Lot 1 and four (4) secure bicycle parking spaces for customers of the Food and Drink Outlet on Lot 2. Customer bicycle parking must be located in a visible area close to the entrance of each building.	Prior to the commencement of the use and then to be maintained
ELECTRICITY AND TELECOMMUNICATIONS		
32.	Provide for telecommunications to each proposed lot in accordance with the Planning scheme policy for development works.	Prior to the endorsement of the survey plan
33.	Provide for electrical reticulation to each proposed lot in accordance with the Planning scheme policy for development works.	Prior to the endorsement of the survey plan
EASEMENTS		
34.	Lodge to the State (Titles office) for registration the following easement(s): <ul style="list-style-type: none"> a. access easements as shown on Drawing 19115-DA01, Rev P11 burdening Lot 1 to the benefit of Lot 2. b. minimum 3m wide sewerage easement in gross over all existing and proposed reticulated sewerage traversing the site 	Prior to the endorsement of the survey plan
35.	Submit draft easement documentation to the Assessment Manager for endorsement.	Prior to the endorsement of the survey plan

PART 1B – ADVICE NOTES

NO	ADVICE	TIMING
CONCURRENCE AGENCY PRE-RESPONSE FOR ASSOCIATED BUILDING WORK		
1.	This decision notice can also be taken as Council's Concurrence agency pre-response for the removal/demolition of existing structures located on the land plans against Council's Amenity and aesthetics, and building work involving removal or rebuilding policy (November 2017) and for security matters under Schedule 9, Division 2, Tables 1 and 7 of the <i>Planning regulation 2017</i> .	For the life of the approval
AMENITY		
2.	Ensure the development does not cause environmental nuisance or environmental harm as per the <i>Environmental Protection Act 1994</i> .	At all times
3.	Storage of flammable and /or combustible liquids must comply with the minor storage provisions of AS1940 – the storage and handling of flammable and combustible liquids.	At all times
ENVIRONMENTAL HARM		
4.	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

FOOD ACT		
5.	<p>All operators of the approved use will be required to comply with the <i>Food Act 2006</i> and Council's minimum requirements for food premises. All necessary approvals should be obtained from the Environment, regulatory, and public health section of Council.</p> <p>Note: <i>For further information about these requirements please contact Council's Environmental health services section on 1300 883 699.</i></p>	Prior to the commencement of the use and then to be maintained
ABORIGINAL CULTURAL HERITAGE		
6.	<p>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.</p>	At all times
WATER AND SEWERAGE		
7.	<p>In order for agreed Council work to be performed on existing live water and sewer infrastructure:</p> <ol style="list-style-type: none"> a. ensure a detailed design proposal is submitted to the Assessment Manager, marked 'For construction' b. complete a Notice to Service Provider application at https://www.bundaberg.qld.gov.au/water-sewer-connections c. pay the applicable lodgment fee d. if necessary, a quote will be prepared by Council's Water Service section once the detailed design proposal is approved e. follow instructions provided with the quotation and pay the quoted fee <p>Note: <i>The Notice to Service Provider application can cater for both water and sewer connection requirements in the one application. The applicable lodgment fee will be adjusted at the time of lodgment according to the features requested.</i></p>	At all times
8.	<p>Connection to water or sewer infrastructure is subject to further approvals. For further information about these requirements, please contact Council's Water Services section on 1300 883 699.</p>	Prior to commencement of the use

	No plumbing and drainage works are to commence prior to the issuing of the Plumbing and Drainage Approval by the Council.	
SIGNAGE		
9.	All signage must comply with the applicable acceptable outcomes contained in the Planning Scheme unless a valid operational works approval is obtained.	At all times
RATES AND CHARGES		
10.	In accordance with the <i>Planning Act 2016</i> , all rates, charges, or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.	Prior to the endorsement of the survey plan

PART 2—CONCURRENCE AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government & Planning, by letter dated 12 October 2021 (copy letter attached for information).

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.

Cr Trevor returned to the meeting, the time being 10.43 am.



Minutes

21 December 2021

Item Number:	File Number:	Part:
L2	522.2021.268.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

Material Change of Use for Telecommunication Facility - 1A Kensington Street, Norville.

2856

Resolution

Cr JM Dempsey moved:-

That item L2 to be deferred to a future meeting of Council at the request of the applicant's planning consultant.

Seconded by Cr TM McPhee.

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

21 December 2021

Item Number:	File Number:	Part:
L3	522.2020.229.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

Material Change of Use for Service Station, Shopping Centre and Showroom - 60 Rifle Range Road, Bargara

The Mayor called for the Deputy Mayor to preside over the meeting in his absence.

Cr Dempsey left the meeting, the time being 10:45 am.

2857

Resolution

Cr WR Trevor moved:-

That the Development Application 522.2020.229.1 detailed below be decided as follows:

1. Location details

Street address: 60 Rifle Range Road, Bargara

Real property description: Lot 7 on SP228667

Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use for Service Station, Shopping Centre and Showroom

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 title	Prepared by	Date	Reference no	Version
Aspect of development: Material Change of Use				
Stage Key Plan	Caddco Pty Ltd	25.3.21	052-2019 TP01	G
Floor Plan	Caddco Pty Ltd	25.3.21	052-2019 TP02	G
Elevations	Caddco Pty Ltd	25.3.21	052-2019 TP03	G
Elevations	Caddco Pty Ltd	25.3.21	052-2019 TP04	G
Plans & Elevations	Caddco Pty Ltd	25.3.21	052-2019 TP05	G
Plans & Elevations	Caddco Pty Ltd	25.3.21	052-2019 TP06	G
Plans & Elevations	Caddco Pty Ltd	25.3.21	052-2019 TP07	G
Plans & Elevations	Caddco Pty Ltd	25.3.21	052-2019 TP08	G
Plans & Elevations	Caddco Pty Ltd	25.3.21	052-2019 TP09	G
Plans & Elevations	Caddco Pty Ltd	25.3.21	052-2019 TP10	G
Environmental Noise Impact Report	CRG Acoustics Pty Ltd	12 April 2021	20157	Rev 2
Stormwater Management Plan	Storm Water Consulting Pty Ltd	8 October 2021	J8670 v1.0	v1.0
Waste Management Plan	RMA Engineers	14 December 2020	15908	0

5. Conditions

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

6. Further development permits

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

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

7. Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
Palm Lake Works	PO Box 10479, Southport BC QLD 4215	AlexanderE@palllake.com.au
Deb Annesley	Unknown	debannesley@hotmail.com
Jenny Tyler	378/39 Wearing Road, Bargara QLD 4670	ralphtyler@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
25, 28, 29, 30, 31, 33, 35, 37, 38	Section 145 – Non-trunk Infrastructure
34, 43	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
DEVELOPMENT IN STAGES		
1.	Development is to be carried out in accordance with the stages identified on the Approved plans.	As indicated
2.	The development may be staged in accordance with the stage boundaries shown on the Approved plans. Staging must be completed sequentially in the stage order indicated	As indicated

	on the Approved plans unless otherwise agreed to in writing by the Assessment Manager.	
USE SPECIFIC		
3.	Provide informational and directional signage where necessary to direct cyclists to bicycle parking spaces and advise the public of their presence.	Prior to the commencement of the use and then to be maintained
4.	The Showroom use (Bulky Goods 1 – 4) on the site must not to exceed a maximum Gross floor area of 1,231 m ² . Each showroom building must be individually tenanted, with the amalgamation of tenancies not permitted.	At all times
5.	The Showroom use (Bulky Goods 1 – 4) may be used for the approved Shopping centre use.	At all times
BUILDING WORK ASSOCIATED WITH THE MCU		
6.	Ensure all assessable building work is carried out in accordance with a valid Building development approval.	Prior to the commencement of work
7.	Ensure all external finishes, including façade treatments and materials, are in accordance with the Approved plans.	Prior to the issue of a Certificate of classification/ final inspection and then to be maintained
AMENITY		
DUST		
8.	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
HOURS OF OPERATION		

9.	<p>Operating hours of the use are limited to:</p> <ul style="list-style-type: none"> a. Bulky Goods, Supermarket, Retail and Speciality Shop (where not specified) 7 am to 9 pm Monday to Sunday b. Café/Restaurants 7 am to 11 pm Monday to Sunday c. Bottle Shop (Specialty Shop 2) 10 am to 10 pm Monday to Sunday d. Gym (Specialty Shop 5) 24 hours, Monday to Sunday e. Service Station 24 hours, Monday to Sunday 	At all times
10.	Deliveries, loading/unloading activities, and refuse collection must be undertaken between the hours of 7 am to 6 pm Monday to Sundays.	At all times
LIGHTING		
11.	During operating hours, all parking, pedestrian areas, and entrances/exits must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of AS1158 – Public Lighting Code.	Prior to the commencement of the use and then to be maintained
12.	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
13.	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
NOISE		
14.	Noise levels from the use must achieve the acoustic environment and acoustic quality objectives for sensitive receiving environments set out in the Environment Protection (Noise) Policy 2008.	At all times
15.	Work must be carried out in accordance with the recommendations contained within the Environmental Noise Impact Report prepared by CRG Acoustics Pty Ltd dated 12 April 2021 with the exception of the following:	Prior to the commencement of the use and then

	<p>a. The location of the acoustic barrier to be provided in Stage 3b must return into the site to screen the bin storage area, in accordance with the Response to Information Request prepared by Saunders Havill Group dated 29 April 2021.</p> <p>b. Acoustic barriers exceed a height of 2 m, the part exceeding this height must utilise Perspex or similar clear materials which have a minimum surface mass of 11kg/m².</p>	to be maintained
16.	Submit to the Assessment Manager certification from a suitably qualified person confirming the recommendations of the approved Acoustic report have been complied with.	Prior to the commencement of the use
17.	<p>Amplified noise associated within the approved Gym (Speciality Shop 5) use must not operate outside the hours of 7 am to 8 pm Monday to Sunday.</p> <p>Note: <i>This condition does not apply to background pre-recorded music (eg music played through a stereo system) that does not emit audible noise beyond the boundary of the premises.</i></p>	At all times
SCREENING OF PLANT AND SERVICES		
18.	Install and maintain suitable screening to all air conditioning, lift motor rooms, plant, service facilities, or similar equipment located on the rooftop or to an external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the building façade or as an architectural feature of and visually consistent with the profile of the building.	Prior to the commencement of the use and then to be maintained
OPERATIONAL WORK ASSOCIATED WITH THE MCU		
19.	<p>Ensure all Operational work that is Accepted development complies with the nominated assessment benchmarks or a Development application for Operational work is submitted to and approved by Council.</p> <p>Note: <i>Where Accepted development does not comply with a nominated requirement for accepted development, a Development application for Operational work must be submitted to Council.</i></p>	Prior to the commencement of work
20.	Provide certification from a Registered Professional Engineer of Queensland (RPEQ) that any operational work that is Accepted development has been designed and	Prior to the commence-

	<p>constructed in accordance with the conditions of this Development approval and any other relevant approval issued by Council.</p> <p>Note: <i>Council does not require the submission of an Operational works development application for work that is nominated as Accepted development where the works comply with the nominated requirements for Accepted development and are certified by a RPEQ.</i></p>	ment of the use
CONSTRUCTION MANAGEMENT		
21.	<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
EARTHWORKS		
22.	<p>Carry out all earthworks in accordance with the approved plans, the applicable Planning scheme codes, and the Planning scheme policy for development works.</p> <p>Note: <i>Earthworks that comply with the applicable requirements for accepted development do not require the submission of an Operational works development application.</i></p> <p><i>Where the applicable requirements for accepted development are not met, an Operational works development application must be submitted to Assessment Manager.</i></p>	At all times
23.	<p>Provide to the Assessment Manager certification from a Registered Professional Engineer of Queensland (RPEQ) that the Earthworks have been designed and constructed in accordance with the conditions of this Development approval and any other relevant approval issued by the Assessment Manager.</p>	Prior to the commencement of the use
EROSION AND SEDIMENT CONTROL		
24.	<p>Prepare and implement an Erosion and sediment control (ESC) management plan for the site in accordance with the Environment Protection Agency's (EPA – Guideline – <i>EPA Best Practice Urban Stormwater Management</i> – Erosion and Sediment Control and International Erosion Control Association's (IECA) – <i>Best Practice Erosion and Sediment Control</i>, and the <i>Queensland Urban Drainage Manual (QUDM)</i>.</p>	Prior to site work commencing and at all times during construction

ACID SUFLATE SOILS		
25.	<p>Perform relevant investigation into the presence of Acid Sulfate Soils and if present, prepare an Acid Sulfate Soils treatment and management plan for the works, that facilitates compliance with the Bundaberg Regional Council's Acid Sulfate Soils Overlay Code performance outcomes. All works on site must be undertaken in accordance with appropriate ASS management practices.</p> <p>Testing results and any subsequent management plan must be submitted to the Assessment Manager.</p>	Prior to site work commencing
STORMWATER		
26.	<p>Carry out all stormwater drainage work in accordance with Storm Water Consulting's Stormwater Management Plan dated 8 October 2021.</p> <p>Note: <i>Submission of the stormwater management plan must form part of an Operational works application.</i></p>	Prior to the commencement of the use and then to be maintained
27.	<p>Prepare and submit for approval to the Assessment Manager, detailed design of the pump out system for the management of stormwater.</p> <p>Note: Submission of the detailed design may form part of an Operational works application.</p>	Prior to the site work commencing
28.	<p>Prepare and submit for approval to the Assessment Manager an updated Stormwater management plan in accordance with the applicable Planning scheme codes and the Planning scheme policy for development works.</p> <p>The plan is to include, but not be limited to the following:</p> <ol style="list-style-type: none"> the detail design and layout of all necessary stormwater drainage systems and stormwater quality management systems for the whole of the development including stage 3B; the provision of any required on-site detention/retention necessary to limit discharge to pre-development generated peak levels up to and including the Q100 ARI return interval (or 1% AEP); the provision of stormwater quality improvement devices; and 	As indicated

	<p>d. demonstration that the development will not result in actionable nuisance on upstream or downstream properties.</p> <p>All stormwater drainage work must be carried out in accordance with the approved Stormwater management plan.</p> <p>Note:</p> <p>Submission of the stormwater management plan must form part of the Operational works application for Stage 3B.</p>	
29.	<p>Maintain the stormwater management pump out system as per the inspection regime noted in Storm Water Consulting's Stormwater Management Plan dated 8 October 2021.</p> <p>A detailed log of all maintenance activities of the system is to be recorded and retained for submission to Council when requested.</p>	At all times
WATER		
30.	<p>Provide a reticulated water supply service in accordance with the applicable Planning scheme codes and the Planning scheme policy for development works.</p>	Prior to the commencement of the use and then to be maintained
31.	<p>Provide a metered water service, and internal infrastructure as required, to satisfy the firefighting and water supply demands of the development.</p> <p>Note:</p> <p><i>Water infrastructure must be designed by an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting requirements in accordance with AS2419 – Fire hydrant installation.</i></p>	Prior to the commencement of the use and then to be maintained
SEWERAGE		
32.	<p>Provide a reticulated sewerage service in accordance with the applicable Planning scheme codes and Planning scheme policy for development works.</p>	Prior to the commencement of use
33.	<p>All sewerage infrastructure must be clear of all proposed and existing buildings.</p>	At all times
ROADWORKS, ACCESS, AND CAR PARKING		
34.	<p>Design and construct the site accesses and driveways in accordance with Bundaberg Regional Council's standard</p>	Prior to the commence-

	<p>drawing R1011, the Approved plans, applicable Planning scheme codes, and the Planning scheme policy for development work.</p> <p>Note: <i>Detailed design must be determined from swept path analysis for the largest design vehicle and incorporated as part of the assessment for Operational works for each stage incorporating the access.</i></p>	ment of the use and then to be maintained
35.	<p>Provide pavement widening including but not limited to, underground drainage, kerb and channel, 2.5 m wide pedestrian path and street trees to the Rifle Range Road frontage of the development site in accordance with the Planning scheme policy for development works and the following requirements:</p> <ol style="list-style-type: none"> Rifle Range Road must be widened on the side fronting the development to an Urban Road – Trunk Collector standard; Rifle Range Road roadway must be paved to a minimum half width of 7.7 metres measured from the invert of the kerb and channel to road centreline; and The overall design for Rifle Range Rd must incorporate channelised right and auxiliary left turn treatments as generally shown in RMA's Traffic Impact Assessment Report, dated 15 December 2020. <p>Note: <i>Detailed design of the overall road upgrade must be determined as part of the assessment for Operational works at the first stage of development, however construction may be staged to correspond with the relevant stages of the development and associated access points.</i></p>	As indicated
36.	<p>Provide a dedicated left turning lane along Hughes Rd for access 1. The length of this lane is to be determined from further traffic modelling.</p> <p>Note: <i>Detailed design must be determined as part of the assessment for Operational works for the first stage of the development.</i></p>	As indicated
37.	<p>Remove all disused or redundant vehicular crossings, kerb drainage outlets, and footpath crossovers and reinstate kerb and channel, and footpaths as required.</p>	Prior to the commencement of the use
38.	<p>Design and construct off-street car parking, access, and manoeuvring areas in accordance with the Approved plans, applicable Planning scheme codes, and the Planning scheme policy for development work.</p> <p>Car parking, access, and manoeuvring areas must:</p>	Prior to the commencement of use and then to

	<p>a. provide a minimum of 204 car parking spaces staged as per table 7.2 in RMA's Traffic Impact Assessment Report, dated 15 December 2020</p> <p>b. provide a minimum of 42 bicycle parking spaces staged as per table 7.3 in RMA's Traffic Impact Assessment Report, dated 15 December 2020</p> <p>c. be designed and constructed in accordance with AS2890 Parking facilities – off-street car parking</p> <p>d. provide parking spaces for people with a disability in accordance with the Building Code of Australia and AS2890.6 Off-street parking for people with disabilities</p> <p>e. provide on-site loading, unloading, and manoeuvring for all necessary service vehicles</p> <p>f. allow all design vehicles to enter and exit the site in a forward gear</p> <p>g. be constructed and sealed with asphalt</p> <p>h. be signed and delineated in accordance with the Queensland manual of uniform traffic control devices</p> <p>i. allow for the provision of fill and/or boundary retaining walls and the containment and management of site stormwater drainage</p> <p>j. be drained to a legal point of discharge</p> <p>k. be available free of charge to staff and customers during operating hours</p> <p>l. provide shade trees in car parking areas at a minimum ratio of one (1) tree for every six (6) parking spaces.</p> <p>Note: <i>Where there is any conflict between the Approved plans and the Planning Scheme provisions, the Approved plans prevail.</i></p>	be maintained
39.	Repair any damaged kerb and channel, footpath, or road (including removal of concrete slurry from footpath, roads, kerb and channel, and stormwater gullies and drainlines) and reinstate existing traffic signs and pavement markings that have been removed or damaged during any works carried out in association with the approved development.	Prior to the commencement of the use
40.	Dedicate all new road, including widening and truncations, as road reserve.	Prior to the commencement of the use
41.	Amend the bin store area and loading area in Stage 3B as per option B in the applicant's response to Council's Information Request, dated 29 April 2021. Detail must be determined as part of the assessment for Operational works for Stage 3B.	Prior to the commencement of the use
42.	Provide appropriate line marking at the internal conflict area in stage 3B as identified in Council's Information Request, generally in accordance with the applicant's response to	Prior to the commence-

	Council's Information Request, dated 29 April 2021, to avoid vehicle manoeuvring confusion. Detail must be determined as part of the assessment for Operational works for stage 3B.	ment of the use
43.	Ensure all existing and proposed utility services and connections (eg electricity, telecommunications, water, and sewerage) are wholly located within the site or within a suitable easement to the satisfaction of the Assessment Manager.	Prior to the commencement of the use
PEDESTRIAN AND CYCLIST PATHS		
44.	Provide a 2.5m wide pathway for the full frontage of the site along Rifle Range Road, extending to the eastern boundary of Lot 2 on RP812670. Note: <i>Submission of the detail design must form part of an Operational works application for the first stage of development.</i>	Prior to the commencement of the use
WASTE MANAGEMENT		
45.	Maintain and operate an adequate waste disposal service in accordance with the submitted Waste Management Plan and the Planning Scheme Policy for Waste Management, including the maintenance of refuse bins and associated storage areas so as not to cause an environmental nuisance.	At all times

PART 1B – ADVICE NOTES

NO.	ADVICE	TIMING
INFRASTRUCTURE CHARGES		
1.	Infrastructure charges notice (331.2021.1260.1) applicable to the development is attached to this Development approval.	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	At all times

	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.	
GENERAL		
3.	<p>An audit check of the Operational Works drawings has been undertaken in relation to the proposed works. A detailed check of the calculations and drawings has not been undertaken, as they have been certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The RPEQ bears full responsibility for all aspects of the engineering design, including the identification and resolution of any design faults that may arise throughout the course of the Operational works. The Assessment Manager reserves the right to require further amendments and/or additions at a later date should design errors become apparent.</p>	At all times
4.	Inspections by Council are independent of, and do not negate, the Registered Professional Engineer of Queensland (RPEQ) inspections that ensure compliance with the decision notice for Operational work.	At all times
AMENITY		
5.	Ensure the development does not cause environmental nuisance or environmental harm as per the Environmental Protection Act 1994.	At all times
6.	Storage of flammable and /or combustible liquids must comply with the minor storage provisions of AS1940 – the storage and handling of flammable and combustible liquids.	At all times
WATER AND SEWERAGE		
7.	<p>In order for agreed Council work to be performed on existing live water and sewer infrastructure:</p> <ol style="list-style-type: none"> ensure a detailed design proposal is submitted to the Assessment Manager, marked 'For construction' complete a Notice to Service Provider application at https://www.bundaberg.qld.gov.au/water-sewer-connections 	Prior to commencement of the use

	<p>c. pay the applicable lodgment fee</p> <p>d. if necessary, a quote will be prepared by Council's Water Service section once the detailed design proposal is approved</p> <p>e. follow instructions provided with the quotation and pay the quoted fee</p> <p>Note:</p> <p><i>The Notice to Service Provider application can cater for both water and sewer connection requirements in the one application. The applicable lodgment fee will be adjusted at the time of lodgment according to the features requested.</i></p>	
8.	<p>Connection to water or sewer infrastructure is subject to further approvals. For further information about these requirements, please contact Council's Water Services section on 1300 883 699.</p> <p>No plumbing and drainage works are to commence prior to the issuing of the Plumbing and Drainage Approval by the Council.</p>	Prior to commencement of the use
9.	<p>Sub-meters shall be installed in accordance with the relevant Acts and Codes. Arrangements for the installation of any metered service and sub-meters, or removal of an existing service, are to be made with Council's Water Services section. All works are to be undertaken by Council at the Developer's expense.</p>	Prior to commencement of the use
ROADWORKS		
10.	<p>It should be noted that the existing pathway along Hughes Rd is located hard against the property boundary. Due to this, widening of the road reserve in this location should be considered. At a minimum, service integration and finished levels should be closely checked at this location due to limited room to make adjustments.</p>	Prior to construction works commencing
11.	<p>Council's Roads and Drainage Department have secured funding for the upgrade of a portion of Rifle Range Rd. The applicant is encouraged to work collaboratively with Council when undertaking the detailed design for submission of the operational works application with regards to the conditioned works required in Rifle Range Rd, to ensure clashes are mitigated.</p>	As indicated
TRAFFIC MANAGEMENT		
12.	<p>Council requires the use of Asignit software for documentation and reporting of Traffic management control plans. Developers, Principal Contractors, Sub-contractors, and Suppliers are required to use Asignit software.</p>	At all times

	<p>Council provides Aassignit software and training free of charge. Contact Aassignit directly at adfmin@assignit.com for the software to be delivered to your business.</p> <p>Following uploading your Traffic management control plan to the Aassignit system, confirmation is to be sent to development@bundaberg.qld.gov.au.</p>	
NATURE AND EXTENT OF THE APPROVED DEVELOPMENT		
13.	<p>This decision notice does not represent an approval to commence Building work.</p>	At all times

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.

Cr Dempsey returned to the meeting, the time being 10.48 am.



Minutes

21 December 2021

Item Number:	File Number:	Part:
L4	521.2021.239.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

67 Harbour Esplanade, Burnett Heads - Reconfiguring a Lot for Subdivision (One Lots into Four Lots)

2858

Resolution

Cr JM Dempsey moved:-

That the Development Application 521.2021.239.1 detailed below be decided as follows:

1. Location details

Street address: 67 Harbour Esplanade, Burnett Heads
 Real property description: Lot 1 on SP157913
 Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Reconfiguring a Lot (Subdivision (One Lots into Four 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: All				
Plan of Proposed Lot Reconfiguration	Insite SJC	18/08/2021	GC21-311-P2 Sheet 1 of 4	-
Plan of Proposed Lot Reconfiguration	Insite SJC	18/08/2021	GC21-311-P2 Sheet 2 of 4	-
Plan of Proposed Lot Reconfiguration	Insite SJC	18/08/2021	GC21-311-P2 Sheet 3 of 4	-
Plan of Proposed Lot Reconfiguration	Insite SJC	18/08/2021	GC21-311-P2 Sheet 4 of 4	-

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 Plumbing and Drainage Work
- All Operational Work

7. Properly made submissions

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

8. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Schedule 10, Part 17, Division 3, Table 5, Item 1 of the Planning Regulation 2017 - Development application for reconfiguring a lot in a coastal management district, involving creating a lot within an erosion prone area	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence Agency	State Assessment and Referral Agency (SARA) E: WBBSARA@dilg.p.qld.gov.au P: PO Box 979 Bundaberg Qld 4670

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
6, 7, 8, 9, 10 & 11	Section 145 – Non-trunk Infrastructure
NA	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 development.	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

OPERATIONAL WORK ASSOCIATED WITH THE ROL		
4.	Ensure all Operational work that is Accepted development complies with the nominated assessment benchmarks or a Development application for Operational work is submitted	Prior to the commencement of work
CONSTRUCTION MANAGEMENT		
5.	Unless otherwise approved in writing by the Assessment Manager, ensure no audible noise from work is made: <ol style="list-style-type: none"> a. on a business day or Saturday, before 6.30 am or after 6.30 pm b. on any other day, at any time. 	At all times during construction
WATER		
6.	Provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works.	<ol style="list-style-type: none"> a. Prior to the first new use commencing on any of the created lots; or b. At the time that either Development approval 522.2018.89 or 522.2018.90 lapses or is cancelled. Whichever is the sooner.
7.	Extend Council's water main WP.04441 (100 mm AC main terminating at the existing jetty within lot 4 on SP190481) to service proposed lot 1 (1,010 m ² part north of existing lot 4 on SP190481). Details to be determined through code assessable development application for Operational Work.	<ol style="list-style-type: none"> a. Prior to the first new use commencing on any of the created lots; or b. At the time that either Development approval 522.2018.89 or 522.2018.90 lapses or is cancelled. Whichever is the sooner.

	SEWERAGE	
8.	Provide a reticulated sewerage service to each proposed lot by supplying all necessary materials, including structures and equipment, and performing all necessary works.	<p>a. Prior to the first new use commencing on any of the created lots; or</p> <p>b. At the time that either Development approval 522.2018.89 or 522.2018.90 lapses or is cancelled.</p> <p>Whichever is the sooner.</p>
9.	Extend Council's gravity sewer main from SMH.13681 (control manhole east of the Harbour Esplanade Sewerage Pump Station (SE.2008) to service proposed lots 1 (1,010 m ² part north of existing lot 4 on SP190481), 11, 12 & 13. Details to be determined through code assessable development application for operational work.	<p>a. Prior to the first new use commencing on any of the created lots; or</p> <p>b. At the time that either Development approval 522.2018.89 or 522.2018.90 lapses or is cancelled.</p> <p>Whichever is the sooner.</p>
	ELECTRICITY, STREET LIGHTING, TELECOMMUNICATIONS	
10.	Provide for telecommunications in accordance with the Planning scheme policy for development works. Note: <i>Submission of the detail design must form part of an Operational works application.</i>	<p>a. Prior to the first new use commencing on any of the created lots; or</p> <p>b. At the time that either Development approval 522.2018.89 or 522.2018.90</p>

		lapses or is cancelled. Whichever is the sooner.
11.	Provide for electrical reticulation in accordance with the Planning scheme policy for development works. Note: <i>Submission of the detail design must form part of an Operational works application. No additional street lighting is required in association with this subdivision – considered open space lighting per SC6.3.8.4.5.</i>	a. Prior to the first new use commencing on any of the created lots; or b. At the time that either Development approval 522.2018.89 or 522.2018.90 lapses or is cancelled. Whichever is the sooner.
	EASEMENTS	
12.	Lodge to the State (Titles office) for registration the following easements: a. a minimum 3 m wide sewerage easement in gross over any sewerage main existing or proposed traversing the land b. a minimum 3 m wide water supply easement in gross over any water mains existing or proposed traversing the land	When the survey plan is endorsed
13.	Submit all draft easement documentation to the Assessment Manager with the lodgement of the survey plans for endorsement.	When the survey plan is endorsed
14.	All works must be clear of any existing or proposed easements on the subject land, unless agreed in writing by the Grantee.	At all times

PART 1B – ADVICE NOTES

No	ADVICE	TIMING
GENERAL		
1.	An audit check of the Operational Works drawings has been undertaken in relation to the proposed works. A detailed check of the calculations and	At all times

	drawings has not been undertaken, as they have been certified by a Registered Professional Engineer of Queensland (RPEQ). The RPEQ bears full responsibility for all aspects of the engineering design, including the identification and resolution of any design faults that may arise throughout the course of the Operational works. The Assessment Manager reserves the right to require further amendments and/or additions at a later date should design errors become apparent.	
2.	Inspections by Council are independent of, and do not negate, the Registered Professional Engineer of Queensland (RPEQ) inspections that ensure compliance with the Operational works approval.	At all times
GENERAL AMENITY		
3.	Ensure the development does not cause environmental nuisance or environmental harm as per the <i>Environmental Protection Act 1994</i> .	At all times
RATES AND CHARGES		
4.	In accordance with the <i>Planning Act 2016</i> , all rates, charges, or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.	Prior to the endorsement of the survey plan
INFRASTRUCTURE CHARGES		
5.	Infrastructure charges notice (331.2021.1368.1) applicable to the development is attached to this Development approval.	At all times
ENVIRONMENTAL HARM		
6.	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	At all times

	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.	
ABORIGINAL CULTURAL HERITAGE		
7.	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	
PROPERTY NOTES		
1.	Development approval 521.2021.239.1 – Water Prior to the first new use commencing on any of the created lots or at the time that Development approval 522.2018.89 or 522.2018.90 lapses or are cancelled, provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works in accordance with conditions 6 and 7 of Development approval 521.2021.239.1.	
2.	Development approval 521.2021.239.1 – Sewerage Prior to the first new use commencing on any of the created lots or at the time that Development approval 522.2018.89 or 522.2018.90 lapses or are cancelled, provide a reticulated sewerage service to each proposed lot by supplying all necessary materials, including structures and equipment, and performing all necessary works in accordance with conditions 8 and 9 of Development approval 521.2021.239.1.	
3.	Development approval 521.2021.239.1 – Sewerage The following notation applies to the approved lot 1: The 1,010 m ² part of approved lot 1 is not serviced by Council's gravity reticulated sewerage network. Any future development must be provided with a low-	

	<p>pressure sewer (LPS) system having capacity sufficient for the use.</p> <p>The 1.349 ha part of approved lot 1 is not fully serviced by Council's gravity reticulated sewerage network. Any future development must be provided with a low-pressure sewer (LPS) system having capacity sufficient for the use if it cannot reach of the nearby gravity main servicing approved lot 11.</p>	
4.	<p>Development approval 521.2021.239.1 – Telecommunications</p> <p>Prior to the first new use commencing on any of the created lots or at the time that Development approval 522.2018.89 or 522.2018.90 lapses or are cancelled, provide telecommunications infrastructure to each proposed lot by supplying all necessary materials, including structures and equipment, and performing all necessary works in accordance with conditions 10 of Development approval 521.2021.239.1.</p>	
5.	<p>Development approval 521.2021.239.1 – Electricity Reticulation</p> <p>Prior to the first new use commencing on any of the created lots or at the time that Development approval 522.2018.89 or 522.2018.90 lapses or are cancelled, provide electrical reticulation to each proposed lot by supplying all necessary materials, including structures and equipment, and performing all necessary works in accordance with conditions 11 of Development approval 521.2021.239.1.</p>	

PART 2—CONCURRENCE AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning, by letter dated 12 November 2021 (copy letter attached for information).

Seconded by Cr TM McLoughlin.

The motion was put - and carried unanimously.



Minutes

21 December 2021

Item Number:	File Number:	Part:
L5	322.2013.38453.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

DA 322.2013.38453.1 - Request for Extended Completion Date Building Bundaberg Region 2020 Incentives.

The Mayor called for the Deputy Mayor to preside over the meeting in his absence.

Cr Dempsey, Cr Honor and Cr Learmonth left the meeting, the time being 10.50 am.

2859

Resolution

Cr WR Trevor moved:-

That Council agree to an extension of the Completion Date in the Building Bundaberg Region 2020 infrastructure agreement for DA 322.2013.38453.1 to 18 November 2022.

Seconded by Cr VJ Habermann.

The motion was put - and carried.

For

Cr WR Trevor
 Cr TM McPhee
 Cr GR Barnes
 Cr TM McLoughlin
 Cr VJ Habermann
 Cr SA Cooper
 Cr MBE Mitchell

Against

Cr JP Bartels

Cr Dempsey, Cr Honor and Cr Learmonth returned to the meeting, the time being 10.52 am.



Minutes

21 December 2021

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

Portfolio:

Community & Environment

Subject:

Lease AY - Bundaberg Regional Airport - PSA Super Pty Ltd

Cr Cooper left the meeting, the time being 10.52 am.

2860

Resolution

Cr JM Dempsey presented the report; and moved:-

That:-

- 1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and**
- 2. the Chief Executive Officer be authorised to enter into a Lease to PSA Super Pty Ltd for part of Lot 35 on SP254546 for an initial term of 5 years with a further 5 year option.**

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.

Cr Cooper returned to the meeting, the time being 10.53 am.



Minutes

21 December 2021

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

Portfolio:

Community & Environment

Subject:

Sole Supplier Arrangement with Skidata Australasia Pty Ltd

2861

Resolution

Cr GR Barnes presented the report; and moved:-

That Council authorise the Chief Executive Office to enter into an arrangement with Skidata Australasia Pty Ltd (ACN 164 259 750) for the provision of maintenance services for the airport car park access management system without seeking competitive quotations or tenders pursuant to section 235(a) of the *Local Government Regulation 2012*.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.

The Mayor advised at this stage that the meeting would be closed to the public to discuss the following 2 items which are considered confidential in accordance with Section 254J(3) of the *Local Government Regulation 2012*.

2862

Resolution

Cr JM Dempsey moved:-

That the meeting be closed to the public – and discussion on the following 2 items be held in Committee:

T1 Charges Resolution (No 1) 2021 and Incentives for Projects of Regional Significance

T2 Suspected Inappropriate Conduct

Seconded by Cr TM McPhee - and carried unanimously.

The meeting closed to the public and the livestream suspended at 10.58 am

2863

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened to the public.

Seconded by Cr VJ Habermann - and carried unanimously.

The meeting reopened to the public and the livestream recommenced at 11.05 am



Minutes

21 December 2021

Item Number:	File Number:	Part:
T1	objective://:qA1536859	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Charges Resolution (No 1) 2021 and Incentives for Projects of Regional Significance

Confidential Reason:

Local Government Regulation 2012 Section 254J(3)(e) contracts proposed to be made by it.

Cr Honor left the meeting, the time being 11.05 am.

2864

Resolution

Cr JM Dempsey moved:-

That:

1. **Bundaberg Regional Council Charges Resolution (No 1) 2021 is adopted by Council pursuant to Section 113 of the *Planning Act 2016*, to take effect on 1 March 2022.**
2. **Bundaberg Regional Council Adopted Infrastructure Charges Resolution (No 1) 2020 is repealed and will cease to have effect on 1 March 2022.**
3. **Council determine to implement the Project of Regional Significance infrastructure Charges Incentives Scheme in accordance with the prepared rules and procedures detailed in Attachment 2 to this report (to also take effect on 1 March 2022).**
4. **the Chief Executive Officer or his nominated delegate be authorised to enter into an infrastructure agreement that allows for the recalculation of an infrastructure charge levied prior to 1 March 2022 in accordance with the new Charges Resolution where that charge is unpaid but not overdue.**

Seconded by Cr VJ Habermann.

The motion was put - and carried.

For

Cr WR Trevor
Cr TM McPhee
Cr GR Barnes
Cr TM McLoughlin
Cr VJ Habermann
Cr SA Cooper
Cr MBE Mitchell
Cr JD Learmonth
Cr JM Dempsey

Against

Cr JP Bartels

Cr Honor returned to the meeting, the time being 11.07 am.



Minutes

21 December 2021

Item Number:	File Number:	Part:
T2		CONFIDENTIAL

Portfolio:

Executive Services

Subject:

Suspected Inappropriate Conduct

Confidential Reason:

Local Government Regulation 2012 Section 254J(3)(i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the commonwealth or a state.

Cr Dempsey, Cr Trevor, Cr Barnes, Cr Cooper and Cr Bartels left the meeting, the time being 11.07am.

The Chief Executive Officer called for nominations to preside over the meeting in the Mayor's absence in accordance with section 2.1.3 of Council's Standing Orders for Council Meetings Policy.

Resolution:

Moved Cr McPhee, seconded Cr Habermann, that Cr Honor assume the chair for this item in the Mayor's absence. Carried unanimously.

2865

Resolution

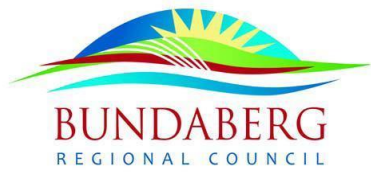
Cr TM McLoughlin moved:-

That Item T2 be deferred to the Ordinary Council meeting on 25 January 2022 to allow Councillors time to obtain further information.

Seconded by Cr VJ Habermann.

The motion was put - and carried unanimously.

Cr Dempsey, Cr Trevor, Cr Barnes, Cr Cooper and Cr Bartels returned to the meeting, the time being 11.10am



Minutes

21 December 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 11.13 am.

Confirmed on 25 January 2022.

Mayor