

- (4) Driveways to permit free and unimpeded passage of vehicles including a standard fully laden articulated vehicle (semi-trailer), as specified in Main Roads Department document 'Urban Design Manual Volume 1'.
- (5) The provision of an articulated vehicle parking space to a design and location which is satisfactory to Council Engineer.
Such space to be promoted by way of a sign at an appropriate position to the point of ingress.
- (6) Provide kerb and channelling to the property frontage on approximately 3.6 metre alignment or as directed on site and bitumen seal roadway construction between existing roadway and the new kerb and channel.
- (7) Provide an industrial crossing of reinforced concrete across the footpath at entry and exit points.
- (8) Construct a sewerage connection into the property.
- (9) The rear 10 metres of the property is to be kept free of fill or any development to allow continued use for overland flow of water and to contribute \$5,000 towards stormwater drainage headworks.
- (10) Contribute to headworks at a rate applicable at the time of rezoning for water supply and sewerage -
- | | | |
|-----------------|----------|---------|
| Current charges | Water | \$1,422 |
| | Sewerage | \$ 960. |
- (11) Construction of building to comply with the provisions of the Queensland Building Act 1975 - 1981.
- (12) All works to be complete before the building is occupied.
- (13) All external conditions to be bonded with Council prior to the rezoning being forwarded to the Minister, to ensure their successful completion.
Such bonding to include the cost of landscaping those areas so designated and the maintenance of that area for a period of not less than 12 months following completion.
The bond shall be increased at the rate of 10% per annum or such other rate of increase that Council may determine and where in the opinion of the Engineer it is considered expedient so to do, funds called up against bonds held, and works executed.
- (14) Relocation of public utilities to be at Applicant's expense".
T/4

Town Planning Consent - G.S. & P.C. Thompson *

"That application for Town Planning Consent to develop land described as Portion 177 Special Lease 29872 Parish of Vernon for the purpose of erecting a Caretaker's Residence be approved in accordance with submitted Drawing, subject to the following conditions:-

- (1) All buildings constructed to comply with the provisions of the Queensland Building Act 1975 - 1981.
- (2) The applicant shall discharge all waste water from the proposed building and existing building to Council pump station.
- (3) This approval is for the construction and maintenance of a Manager's Residence as part of the existing public boat hire facility and shall lapse if the dwelling ceases

- 3 -

for any reason to be occupied by a person engaged permanently in the operation of the boat hire business or upon the discontinuance of the boat hire business and in the occurrence of either event the house shall be removed from the site." T/4

Interim Development Consent - Bunny Industries Limited (In Receivership)

"That the application for Interim Development Consent to develop land described as Lot 235 on Registered Plan Number 170898 and Lots 236 to 239 on Registered Plan Number 169029 Parish of Burrum, to enable extensions to existing building and addition of 4 additional units be approved in accordance with submitted Design Report by Antony Todd and Partners Pty. Ltd. dated March 1984, subject to the following conditions:-

- (1) This approval is relevant to those facilities shown on Drawings No. 8044/1/2 of the submitted design report and does not apply to those facilities denoted 'future'.
- (2) The approval so granted is not relevant until such additional work is undertaken on the present unit structure so as to conform with the provisions of the Building Act pertaining to motel useage.
- (3) Licensing Commission approval be obtained and any such condition of that approval to be in addition to the approval of Council.
- (4) Airlocks required to proposed lounge/bar facilities.
- (5) Kitchen to be constructed and equipped in accordance with the Food Hygiene Regulations.
- (6) Refuse disposal site to be located to the satisfaction of Council.
- (7) Applicant to increase water supply storage based on 400 litre per person per day useage.
- (8) Driveways to be bitumen sealed or equivalent.
- (9) Applicant to provide a 6.7 metre sealed vehicle reversing area to carparking facilities proposed.
- (10) No expansion beyond the uses as stated in the design report without expansion of services.
- (11) The development to conform to all relevant Council By-Laws and Policies at the time of construction.
- (12) Septic waste disposal to be to the satisfaction of Council's Engineer". T/4

Town Planning Consent - S.E. & E.M. Duncan

"That the application for Town Planning Consent to develop land described as Lot 3 on Registered Plan Number 156629 Parish of Urangan to establish a fruit juice distribution outlet be rejected on the following grounds:-

- (1) That the proposed use is not considered appropriate in the relevant zone, and that facilities and services necessary to sustain such occupation are injurious to residential neighbourhood amenity.
- (2) The proposal does not comply with By-Law requirements in respect of the nature and horsepower of the proposed refrigerator motors to be utilised". T/4

T 4
Rezoning

PD/04/86

RFB:PLJ

14th April, 1986

Mr R.F. Becker

R.A. & J.I. O'Reilly
C/- Gatakers Bay Boat Hire
The Esplanade
POINT VERNON Q 4655

Dear Sir/Madam,

RE: Proposed Rezoning - SL.29872 - Portion 177,
Parish of Vernon, County of March

I refer to the abovementioned application and convey hereunder Council's decision:-

"That the application by R.A. & J.I. O'Reilly to rezone Special Lease No.29872 - Portion 177, Parish of Vernon, County of March, from Special Facilities - Boat Hire and Fishing Tackle to Special Facilities - Boat Hire, Fishing Tackle and Catering Shop, be approved subject to the following conditions:-

- (1) The approval of the Beach Protection Authority to the development shall be obtained prior to the issue of the Building Approval.
- (2) Building to be designed and constructed as an integral part of the existing boat shed facility such that it forms part of a single complex. The design and architectural treatment of such complex to be in keeping with the character of the area and to be approved by Council.
- (3) A parking plan shall be submitted indicating contours of the land and provision of 11 car parking spaces to the satisfaction of Council, prior to submittance of the application to the Department of Local Government.
- (4) Driveways, car parking and reversing areas shall be bitumen sealed or equivalent and spaces permanently marked to the satisfaction of Council prior to occupation.
- (5) No part of the public reserve bordering the subject lease area shall be used for the storage of boats or ancillary equipment or vehicles which are directly related to site facilities.
- (6) Construct a reinforced concrete industrial type crossing at the entry/exit point to the satisfaction of Council.

.../2

- (7) Premises to comply with the Food Hygiene Regulations 1976 and the Refuse Management Regulations of 1983 and Council's minimum requirements for food establishments. Detail plans of the restaurant are to be submitted for approval prior to commencement of building.
- (8) Restaurant approval is subject to the applicants satisfactorily trapping and disposing of fumes, odours, vapours associated with the preparation of food stuffs.
- (9) Refuse storage facilities to be provided in an approved location. Area to be paved and provided with a hose cock to enable cleaning.
- (10) Air conditioning, refrigerator units and/or mechanical facilities shall at all times operate within the limits imposed by the Noise Abatement Act.
- (11) The applicant shall discharge all waste water from the proposed building and existing building to Council's pump station at the public toilet block.
- (12) At the time of completion of the building and prior to occupation, landscape those areas not covered by building, car parking and driveway (including areas marked for landscaping on the approved plan) and maintain same to the satisfaction of Council.
Alternatively, the applicant may enter into a bond in a form and amount satisfactory to Council to guarantee the satisfactory completion of the landscape works and maintenance of those landscaped areas for a period of 12 months following completion. # 55 =>
- (13) All external conditions shall be bonded with Council prior to the rezoning application being forwarded to the Minister, to ensure their successful completion. Such bonding to include the cost of landscaping so designated and shall be increased at the rate of 10% per annum or such other rate of increase that Council may determine, based on the C.P.I. and where in the opinion of Council, it is considered necessary to do so, funds will be called up against bonds held and works executed.

Council request the applicants to remove the existing caravan presently being used as a caretaker's residence within 6 months or alternatively, to submit a building application for such residence, in accordance with Council approval of 10th October 1984, and upon approval of same, the caravan to remain for a period of three (3) months."

Where an application is refused, or granted subject to conditions, a right of appeal exists to the Local Government Court against the Council's refusal or against any condition imposed. A copy of the relevant provisions of the Local Government Act is enclosed.

Yours faithfully,



light industry and Chapter 14 with relation to parking.

The proposed subdivision layout appears to not be acceptable and a complete layout of the subdivision road, Old Maryborough Road and Urraween Road, will be required so that this can be properly judged and amended as may be required."

Carried. T/4

Mr Bennett hereupon reattended the Meeting.

Planning Application - R.A. & J.I. O'Riley

Carey moved - seconded by Ald. Graham -
the application by R.A. & J.I. O'Riley to rezone Special No. 29872 - Portion 177, Parish of Vernon, County of March, Special Facilities - Boat Hire and Fishing Tackle, to Special Facilities - Boat Hire, Fishing Tackle and Catering to be approved subject to the following conditions:-

The approval of the Beach Protection Authority to the development shall be obtained prior to the issue of the Building Approval.

Building to be designed and constructed as an integral part of the existing boat shed facility such that it forms part of a single complex. The design and architectural treatment of such complex to be in keeping with the character of the area and to be approved by Council.

A parking plan shall be submitted indicating contours of the land and provision of 11 car parking spaces to the satisfaction of Council, prior to submittance of the application to the Department of Local Government.

Driveways, car parking and reversing areas shall be bitumen sealed or equivalent and spaces permanently marked to the satisfaction of Council prior to occupation.

No part of the public reserve bordering the subject lease area shall be used for the storage of boats or ancillary equipment or vehicles which are directly related to site facilities.

Construct a reinforced concrete industrial type crossing at the entry/exit point to the satisfaction of Council.

Premises to comply with the Food Hygiene Regulations 1976 and the Refuse Management Regulations of 1983 and Council's minimum requirements for food establishments. Detail plans of the restaurant are to be submitted for approval prior to commencement of building.

Restaurant approval is subject to the applicants satisfactorily trapping and disposing of fumes, odours, vapours associated with the preparation of food stuffs.

Refuse storage facilities to be provided in an approved location. Area to be paved and provided with a hose cock to enable cleaning.

Air conditioning, refrigerator units and/or mechanical facilities shall at all times operate within the limits imposed by the Noise Abatement Act.

JAR

- 7 -

The applicant shall discharge all waste water from the proposed building and existing building to Council's pump station at the public toilet block.

At the time of completion of the building and prior to occupation, landscape those areas not covered by building, car parking and driveways (including areas marked for landscaping on the approved plan) and maintain same to the satisfaction of Council.

Alternatively, the applicant may enter into a bond in a form and amount satisfactory to Council to guarantee the satisfactory completion of the landscape works and maintenance of those landscaped areas for a period of 12 months following completion.

All external conditions shall be bonded with Council prior to the rezoning application being forwarded to the Minister, to ensure their successful completion. Such bonding to include the cost of landscaping so designated and shall be increased at the rate of 10% per annum or such other rate of increase that Council may determine, based on the C.P.I. and where in the opinion of Council, it is considered necessary to do so, funds will be called up against bonds held and works executed.

I shall request the applicants to remove the existing caravan presently being used as a caretaker's residence within 6 months alternatively, to submit a building application for such residence, in accordance with Council approval of 10th October 1974 and upon approval of same, the caravan to remain for a period of three (3) months." . Carried. T/4

Rezoning Application - R. Cantrell (Bells Transport Cooroy Pty.Ltd).

Ald. Searle moved - seconded by Ald. Graham -

Application to rezone Lot 2 on Registered Plan Number 149741, Orangan, County of March, by Bells Transport (Cooroy) Pty Cooroy, to be approved subject to the following conditions:-

Dedication of a ten (10) metre strip of land along the Boat Harbour Drive frontage for the purpose of future road widening. Such strip to be maintained in a natural state without fixed improvements.

Setback of any buildings or structures shall be not less than nine (9) metres from the widening strip to Boat Harbour Drive.

Construct a reinforced concrete heavy duty type crossing from the kerb and channelling to the property alignment in an approved location, satisfactory to Council.

Construct kerbing and channelling to the road frontage of the property, to the satisfaction of Council.

Construct bitumen seal roadway between the new kerb and channel and the existing bitumen roadway.

Landscaped buffer strip to be constructed three (3) metres wide.



Hervey Bay City Council

77 TAVISTOCK STREET TORQUAY HERVEY BAY Q 4655
P O Box 5045, Torquay Q 4655 Phone 4197 4501 Fax 4197 4595

Development Application Decision Notice

Integrated Planning Act 1997

File No: 513/3-021963 Date of Decision: 1 JULY 2003

1. APPLICANT DETAILS

Name JEFFREY P STRANEY

Postal Address ESPLANADE, GATAKERS BAY POINT VERNON QLD 4655

2. OWNER DETAILS

Name POINT VERNON MARINE PTY LTD

3. SITE DETAILS

Property Address

ESPLANADE POINT VERNON QLD 4655

Property Description

Lot 177 MCH 5264

4. REFERRAL AGENCIES

Referral Agency	Address	Basis
Not Applicable		

5. DECISION TYPE

Development	Approved Plans	Preliminary Approval	Development Permit
Material Change of Use - Retail Plant Nursery	Plan submitted by the applicant.	N/A	APPROVED

.../2...

HERVEY BAY CITY Council IDAS Development Application Decision Notice

- 2 -

6. CONDITIONS

Council's conditions are attached.

7. FURTHER DEVELOPMENT PERMITS REQUIRED

Type of Development Permit required	Subject of the required Development Permit
BUILDING WORK	All Building Work
PLUMBING AND DRAINAGE WORK	All Plumbing and Drainage Work
OPERATIONAL WORK	All Operational Work

8. CODES FOR SELF ASSESSABLE DEVELOPMENT

TRANSITIONAL PLANNING SCHEME & RELEVANT POLICIES

9. PROPERLY MADE SUBMISSIONS ABOUT THE APPLICATION

NIL

10. REFUSAL DETAILS

Was refusal directed by a Concurrency Agency?

If yes, Name of Concurrency Agency

NOT APPLICABLE

Reasons for Refusal

NOT APPLICABLE

11. RIGHTS OF APPEAL

Rights of appeal in relation to this application are attached.

12. ASSESSMENT MANAGER, PER

Name: TREVOR BOHEIM

Signature:

Date: 10 JULY 2003



Hervey Bay City Council Conditions

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT
APPLICATION

DEVELOPMENT PERMIT NO 021963

The following conditions shall be met prior to the commencement of the use of the land or at such other time as may be specified in any particular condition:

1. Any proposed excavation below RL 5.0 AHD and the permanent water table level in the locality of the excavation shall be subject to an acid sulphate soil investigation in accordance with the DNR publication "Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils (ASS) in Queensland 1998" prior to approval of an application for Operational Works. Any identification of acid sulphate soils shall require the preparation of an environmental management plan to be submitted to Council and approved as part of the Operational Works application.
2. Car parking spaces, associated access aisles and driveways shall be constructed to the dimensions detailed in Council's Transitional Planning Scheme Policy No 19. Manoeuvring areas shall be provided to ensure that vehicles ingress and egress the property in a forward direction. Driveways, car parking and reversing areas are to be constructed to the standards defined in Council's development manual and car parking spaces are to be permanently marked.
3. Parking areas and access lanes shall be kept available for these purposes at all times.
4. The loading and unloading of goods from vehicles shall only be carried out on the land.
5. The costs of all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the Developer. The Developer is responsible to accurately locate all existing services before any development works commence.
6. Lodgement of a bond in the amount of \$5,000 in accordance with Section 6.2 of Council's Development Manual (General performance Bond), either prior to the commencement of any building or operational work associated with the development, or prior to the lodgement of an application to approve the plan of subdivision, where applicable.

This bond (less any deductions for purposes defined in Section 6.2 of the Development Manual) will be refunded when:

- a) works to revert to Council have been accepted "on maintenance", and
- b) all Building and Operational Works on the site have been completed and a Final Certificate (if applicable) issued by Council.

In staged developments, if substantial compliance problems are experienced in any stage, the bond amount may be increased by Council to reflect the conditions of the site. The increased bond is to be paid prior to commencement of any subsequent stage.

7. No work that will revert to Council control or any works that are within a Council controlled road reserve shall commence unless the name of the Principal Contractor has been advised to Council and evidence has been provided to Council that all notifications under the Workplace Health and Safety Act have been completed. In the event that a Principal Contractor is not appointed by the Applicant, the Applicant shall be the Principal Contractor and shall be responsible to ensure compliance with the Workplace Health & Safety Act.

8. Stormwater runoff from the site shall be collected within the site and discharged via a silt/grease trap facility designed to detain and treat the first 12 mm of rainfall runoff from the site before discharging into the underground stormwater system or to a drainage reserves as approved by Council and in accordance with an engineering design approved by Council.
9. An underground drainage system shall be provided to collect and convey all minor stormwater flows from impervious areas within the property to an existing underground drainage system at a location approved by Council. The minor drainage system shall be designed and constructed in accordance with Council policy and to ensure that existing stormwater discharge from surrounding property is not detrimentally affected.
10. A bitumen sealed access from the existing sealed roadway to the property boundary shall be provided at every point of entry and exit to the site. Where required by Council policy culverts of adequate size complete with headwalls or concrete invert crossings shall be provided at access crossings of the road table drain. A sketch design of the access is to be submitted to Council for approval and a Principal Contractor is to be appointed before any works commence in the road reserve.
11. Maintenance of the access to the site from the through traffic lane to the property boundary shall remain the responsibility of the property owner, who shall undertake such maintenance within 14 days of a direction of Council to do so.
12. An Operational Works application is to be submitted for the civil site works required for the development. The design is to be prepared by a registered professional engineer to the standards defined in Council's Development Manual and shall include calculations for the on site retardation of stormwater.
13. Payment of a contribution towards water headworks, such amount being in accordance with Council's policy at the time of payment. The contribution is to be paid prior to the issue of a Building Works or Operational Works approval for the development, or prior to the approval of the plan of subdivision, if applicable.
14. Payment of a contribution towards sewerage headworks, such amount being in accordance with Council's policy at the time of payment. The contribution is to be paid prior to the issue of a Building Works or Operational Works approval for the development, or prior to the approval of the plan of subdivision, if applicable.
15. No fewer than five car parking spaces shall be provided within the subject land for use of customers of the Retail Plant Nursery. These five spaces are additional to those required pursuant to the 1986 rezoning approval.
16. All car parking spaces provided for the Retail Plant Nursery use and all associated manoeuvring areas are to be wholly contained within the boundaries of Lot 177 MCH5264.
17. The developer shall provide appropriate measures to ensure that the Retail Plant Nursery does not result in the release of any nutrients to the adjacent seafront.

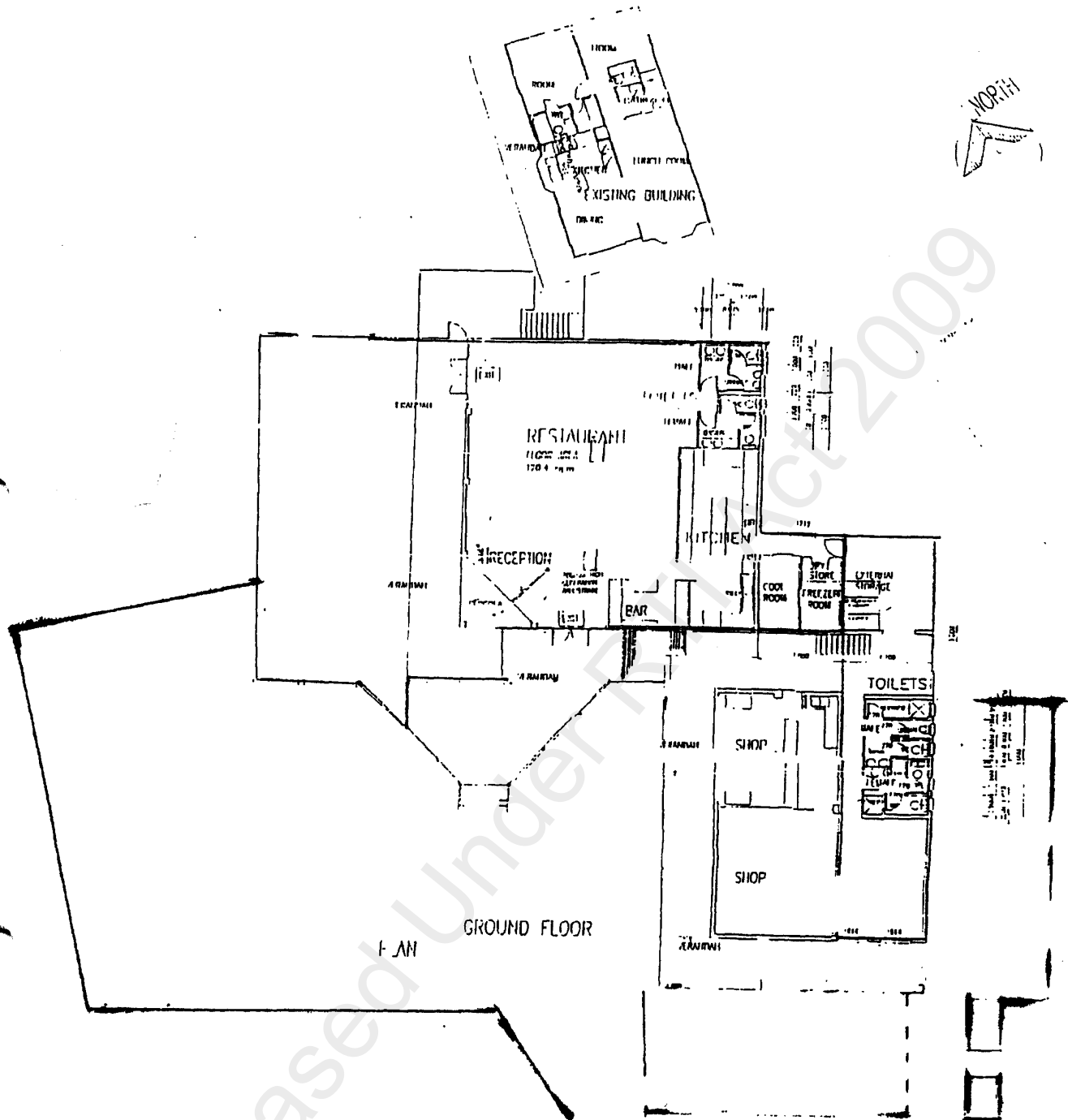
Formal Advice:

The amounts payable for headwork and stormwater drainage contributions in accordance with the current policy are:

- *Water Headworks: \$6,993.00 (being additional 7.5EP x \$932.40/EP)*
- *Sewerage Headworks: \$3,907.00 (being additional 6EP x \$651.21/EP)*

Headwork contributions are paid with the proviso that if a development with a higher density occurs further contributions may be payable.

Released Under RTI Act 2009



HERVEY BAY CITY COUNCIL
These are the plans referred to in
Decision Notice No.

02196301 JUL 03

J. Bolan
.....
For Assessment Mgr.

ATT. STEVE
STEVE. A TREVOR.

App 513/3-021963



**Queensland
Government**

HERVEY BAY CITY COUNCIL
TO TREVOR FOR ACTION

Author Dawn Vanderwolf
File Number SL 31/50128
Directorate State Land Asset Management
Phone 4121 1760
Your Reference

20 AUG 2002
FILE NO. 513/3-021963
COPIES

Natural Resources and Mines

RECEIVED
19 AUG 2002
BY: 3pm

Mr Jeff Straney
Point Vernon Marine Pty Ltd
The Esplanade
Gataker's Bay
POINT VERNON Q 4655

Dear Sir

RE: DEVELOPMENT APPLICATION WITH HERVEY BAY CITY COUNCIL

I refer to your query with regard to requirements by Hervey Bay City Council in relation to your development application.

Please be advised that the purpose for which the lease was granted is for "Business (Boat Hire Services, Caretaker's Residence and Restaurant and Retail Shop). Therefore I advise that this Department has no objection to you using the required area as a retail shop for plant nursery purposes, provided it conforms with the Hervey Bay City Council's requirements.

Yours faithfully

Dawn Vanderwolf

for Doug Courtney
Senior Land Officer

Station Chambers, 120 Lennox Street
PO Box 212
Maryborough 4650
Queensland, Australia
Telephone + 61 7 41211760
Facsimile + 61 7 41224007
Website www.dnr.qld.gov.au
Email: Dawn.Vanderwolf@dnr.qld.gov.au

Hervey Bay City Council
ABN: 47 689 673 629

TAX INVOICE OFFICIAL RECEIPT

15/08/2001 Receipt No: 1219727

TO JEFFREY F STRANEY

ESPLANADE, SATAMERS BAY
POINT VERNON QLD 4655

Released Under RTI Act 2009

Qty/ Applic	Reference	Amount
1	dNotify Signs	\$31.82
GI Receipt 1		
	GIGST	\$3.18
GI Receipt		
To GI Receipt:		
	513/3-021961798	\$1,345.63
Rams		

To Rams: ESPLANADE
POINT VERNON QLD 4655

Total Amount: \$1,380.63
Includes GST of: \$3.18

Amounts Tendered

Cheque	\$1,380.63
Total	\$1,380.63
Rounding	\$0.00
Change	\$0.00
Nett	\$1,380.63

Printed 15/08/2001 11:29:11 AM
Cashier: glenn

From: Peter Smith <peter@taskconsultants.com.au>
Sent: Tuesday 30 November 2021 12:08 PM
To: James Cockburn
Subject: Gatakers Landing
Attachments: Gatakers - GIA Submission.docx

Hi Jamie

Thanks for your time recently to discuss the above project.
As requested, please find attached a document outlining the development history of the site and a recommendation that the redevelopment plans as attached be considered as generally in accordance with the previous approvals issued.

Regards

Peter

[Peter Smith](#)
Director, TASK Consultants
Ph: 0409905812

Released Under RTI Act 2009

Gatakers Restaurant Site

Background

The subject land is described as L177 MCH5264, is located on the Esplanade, Point Vernon and has an area of 2864 m². The land is included in the Open Space zone pursuant to the Fraser Coast Planning Scheme 2014.

A lease has been granted from the Queensland Government to Kiljoh Pty Ltd for a 50 year period commencing on 15 September 2015. The purpose of the lease is for commercial/business purposes.

The site has a long history of a range of uses including boat hire, sale of fishing tackle, shop, retail nursery, caretakers' residence and restaurant.

Planning Approvals

Town Planning Consent – Caretakers Residence. A town planning consent number 843 was granted by Hervey Bay Council in October 1984 for a caretakers residence as a part of an existing public boat hire facility.

Rezoning – In April 1986, Hervey Bay Council approved the rezoning of the land from Special Facilities – Boat hire and fishing tackle to Special Facilities – Boat hire, fishing tackle and catering shop. Included in the approval were the following conditions:

(8) Premises to comply with the Food Hygiene Regulations 1976 and Councils minimum requirements for food establishments. Detail plans of the restaurant are to be submitted for approval prior to the commencement of building.

(9) Restaurant approval is subject to the applicants satisfactorily trapping and disposing of fumes, odours, vapours associated with the preparation of food.

These conditions clearly indicate the intent of the approval for the catering shop to be a restaurant. Whilst there does not appear to be records showing food business licences being issued in the period from 1986 to 2010, records do show that Councils Health department has issued food business licences from 2010 again supporting the fact that the site has been used as a restaurant/function facility for an extended period of time. Anecdotal evidence provided from long term Hervey Bay residents also support the use of the site as a restaurant and function centre.

Material Change of Use – Retail Nursery – Permit Number 021963 dated 1 July 2003 was issued by Hervey Bay City Council for a Retail Nursery. This approval continued the use of the site for business/ commercial purposes. A copy of the plan forming part of this approval is attached as Attachment 1. This plan clearly shows the uses of shops and restaurant as a part of the approval. This plan also depicts a dedicated bar inside the restaurant area which

is in a location to service patrons seated inside the restaurant but also those patrons wishing to be seated on the outside deck. This historical use supports the proposed new bar to be constructed outside of the restaurant area which will service patrons wishing to be seated outside on the renovated deck and other outside areas. Whilst it is acknowledged that the new bar area is larger than the original bar, the intent of the use is the same and provides a facility to meet the demands of patrons wishing to enjoy the alfresco dining concept found extensively throughout contemporary hospitality venues Australia wide.

Summary

The above planning approvals information demonstrates that the subject land has been used for a range of commercial uses and caretakers' residence for a long period of time. In particular, the uses of caretaker's residence, restaurant and shops have been predominant uses. This is supported by the plan which formed part of the Material Change of Use approval dated 1 July 2003 (Attachment 1) and the food licences issued by Council from 2010.

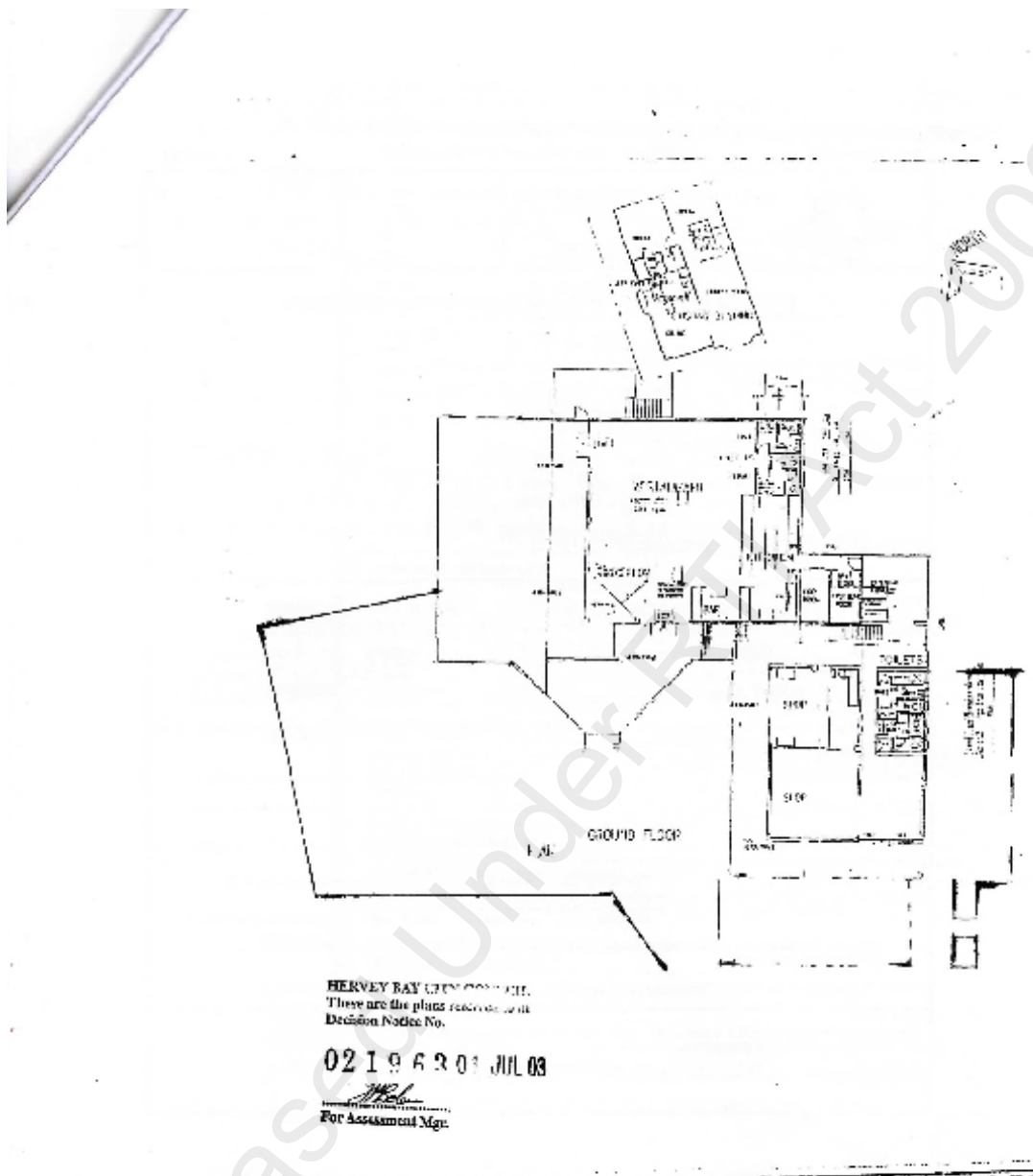
The plans included in Attachment 2 show the proposed redevelopment of the site. It is clear from these plans that the predominant uses will continue to be a caretaker's residence, restaurant/ function facility and shops with the redevelopment being designed to meet the current demands of users of such a facility. In fact, the existing restaurant, outdoor deck, caretakers' residence on the first floor and the shops will be of the same area as existing only with internal layout alterations. The only changes proposed is the inclusion of an external bar which replaces the bar previously located inside the restaurant which serviced inside and outside patrons and the use of temporary market vans which will come to the site for themed events and then leave the site.

It is acknowledged that the future accommodation shown on the redevelopment plans will be the subject of a separate, future planning application to be submitted for Councils consideration.

Recommendation

That based on the approval information provided above and the anecdotal evidence provided from residents of Hervey Bay who have used the facility over a long period of time as a hospitality facility incorporating restaurant, function/wedding venue and shops, the proposed redevelopment of the site generally as depicted on the plans included in Attachment 2 be considered to be generally in accordance with the approvals/previous uses of the site.

Attachment 1.

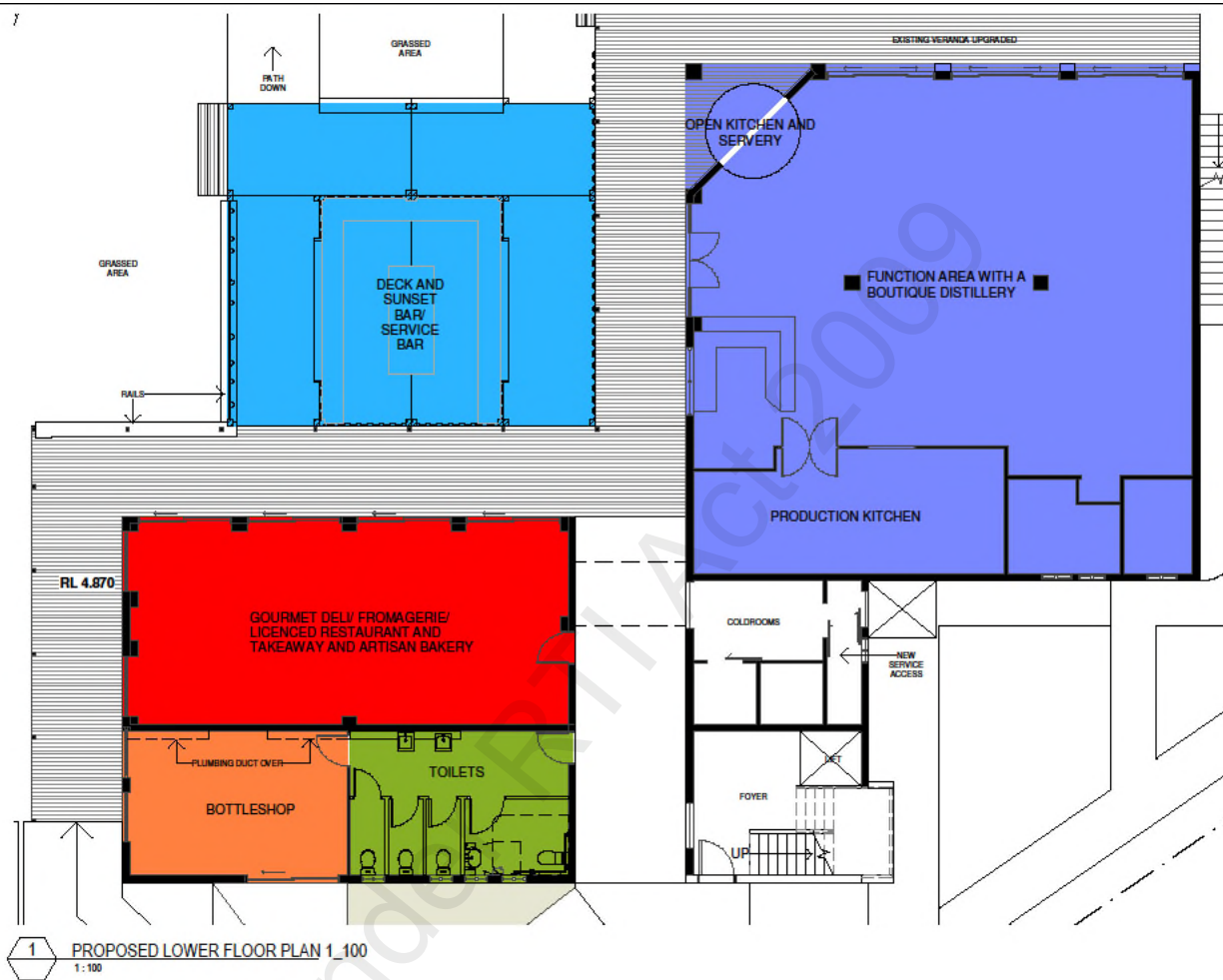


HERVEY BAY LCN COMM.
These are the plans received with
Decision Notice No.

02196303 JUL 03

[Signature]
For Assessment Mgr.

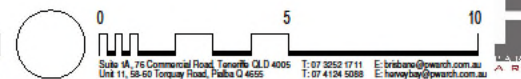
Attachment 2



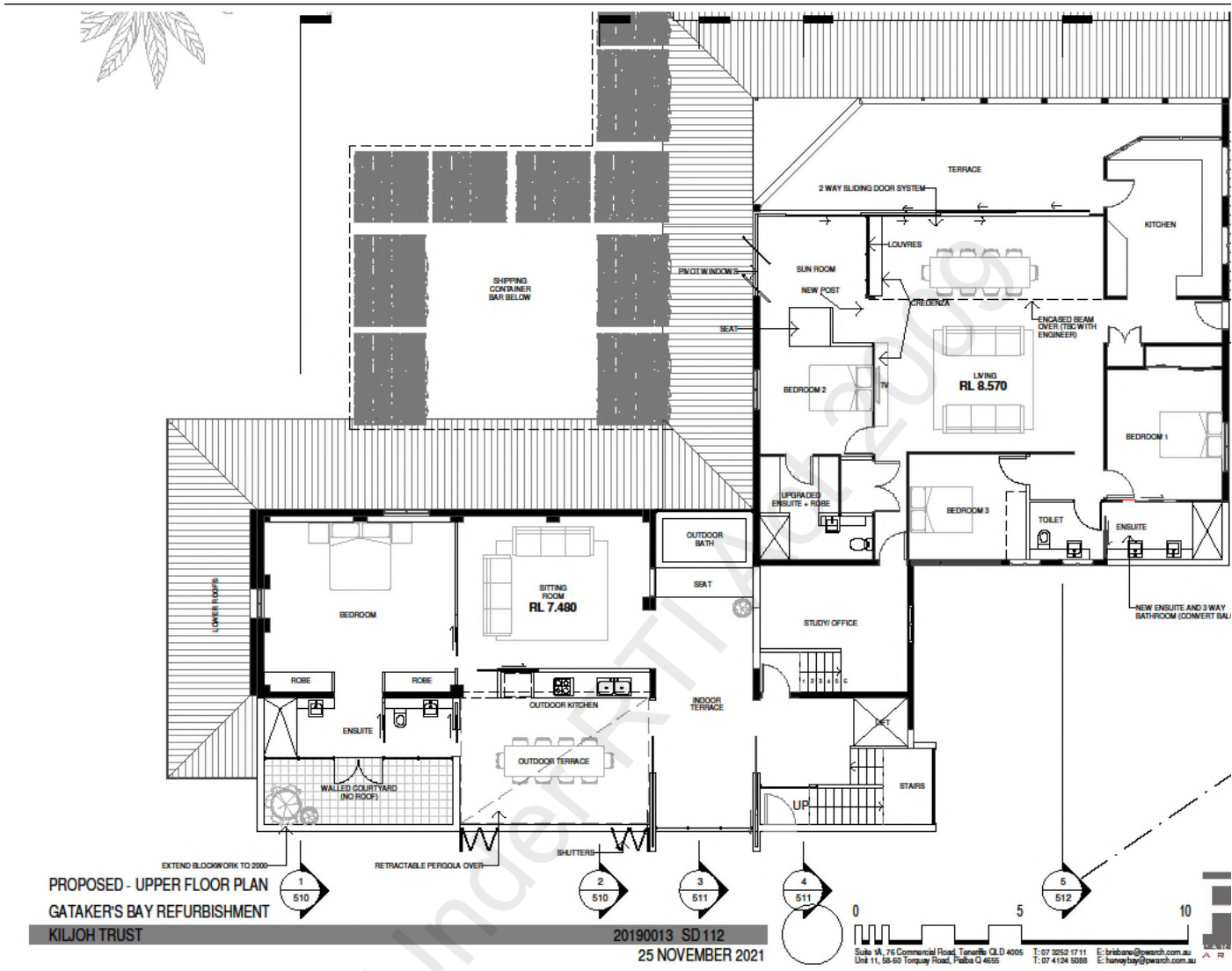
1 PROPOSED LOWER FLOOR PLAN 1_100
1:100

PRELIMINARY - PROPOSED LOWER FLOOR PLAN
GATAKER'S BAY REFURBISHMENT
KILJOH TRUST

20190013 SD111
28 OCTOBER 2021



Released Under



Released Under

From: James Cockburn
Sent: Tuesday 30 November 2021 12:45 PM
To: Jeff Brannan
Cc: Development Planning
Subject: FW: Gatakers Landing
Attachments: Gatakers - GIA Submission.docx

Hi Jeff, can you allocate for review and then discuss the outcome.

DP Can this be registered against the property please.

Regards

James Cockburn

Executive Manager

Planning and Growth

T 1300 79 49 29 | M 0418 763 392 | E james.cockburn@frasercoast.qld.gov.au

From: Peter Smith <peter@taskconsultants.com.au>
Sent: Tuesday 30 November 2021 12:08 PM
To: James Cockburn <James.Cockburn@frasercoast.qld.gov.au>
Subject: Gatakers Landing

Hi Jamie

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As requested, please find attached a document outlining the development history of the site and a recommendation that the redevelopment plans as attached be considered as generally in accordance with the previous approvals issued.

Regards

Peter

[Peter Smith](#)

Director, TASK Consultants

Ph: 0409905812

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The site has a long history of a range of uses including boat hire, sale of fishing tackle, shop, retail nursery, caretakers' residence and restaurant.

Planning Approvals

Town Planning Consent – Caretakers Residence. A town planning consent number 843 was granted by Hervey Bay Council in October 1984 for a caretakers residence as a part of an existing public boat hire facility.

Rezoning – In April 1986, Hervey Bay Council approved the rezoning of the land from Special Facilities – Boat hire and fishing tackle to Special Facilities – Boat hire, fishing tackle and catering shop. Included in the approval were the following conditions:

(8) Premises to comply with the Food Hygiene Regulations 1976 and Councils minimum requirements for food establishments. Detail plans of the restaurant are to be submitted for approval prior to the commencement of building.

(9) Restaurant approval is subject to the applicants satisfactorily trapping and disposing of fumes, odours, vapours associated with the preparation of food.

These conditions clearly indicate the intent of the approval for the catering shop to be a restaurant. Whilst there does not appear to be records showing food business licences being issued in the period from 1986 to 2010, records do show that Councils Health department has issued food business licences from 2010 again supporting the fact that the site has been used as a restaurant/function facility for an extended period of time. Anecdotal evidence provided from long term Hervey Bay residents also support the use of the site as a restaurant and function centre.

Material Change of Use – Retail Nursery – Permit Number 021963 dated 1 July 2003 was issued by Hervey Bay City Council for a Retail Nursery. This approval continued the use of the site for business/ commercial purposes. A copy of the plan forming part of this approval is attached as Attachment 1. This plan clearly shows the uses of shops and restaurant as a part of the approval. This plan also depicts a dedicated bar inside the restaurant area which

is in a location to service patrons seated inside the restaurant but also those patrons wishing to be seated on the outside deck. This historical use supports the proposed new bar to be constructed outside of the restaurant area which will service patrons wishing to be seated outside on the renovated deck and other outside areas. Whilst it is acknowledged that the new bar area is larger than the original bar, the intent of the use is the same and provides a facility to meet the demands of patrons wishing to enjoy the alfresco dining concept found extensively throughout contemporary hospitality venues Australia wide.

Summary

The above planning approvals information demonstrates that the subject land has been used for a range of commercial uses and caretakers' residence for a long period of time. In particular, the uses of caretaker's residence, restaurant and shops have been predominant uses. This is supported by the plan which formed part of the Material Change of Use approval dated 1 July 2003 (Attachment 1) and the food licences issued by Council from 2010.

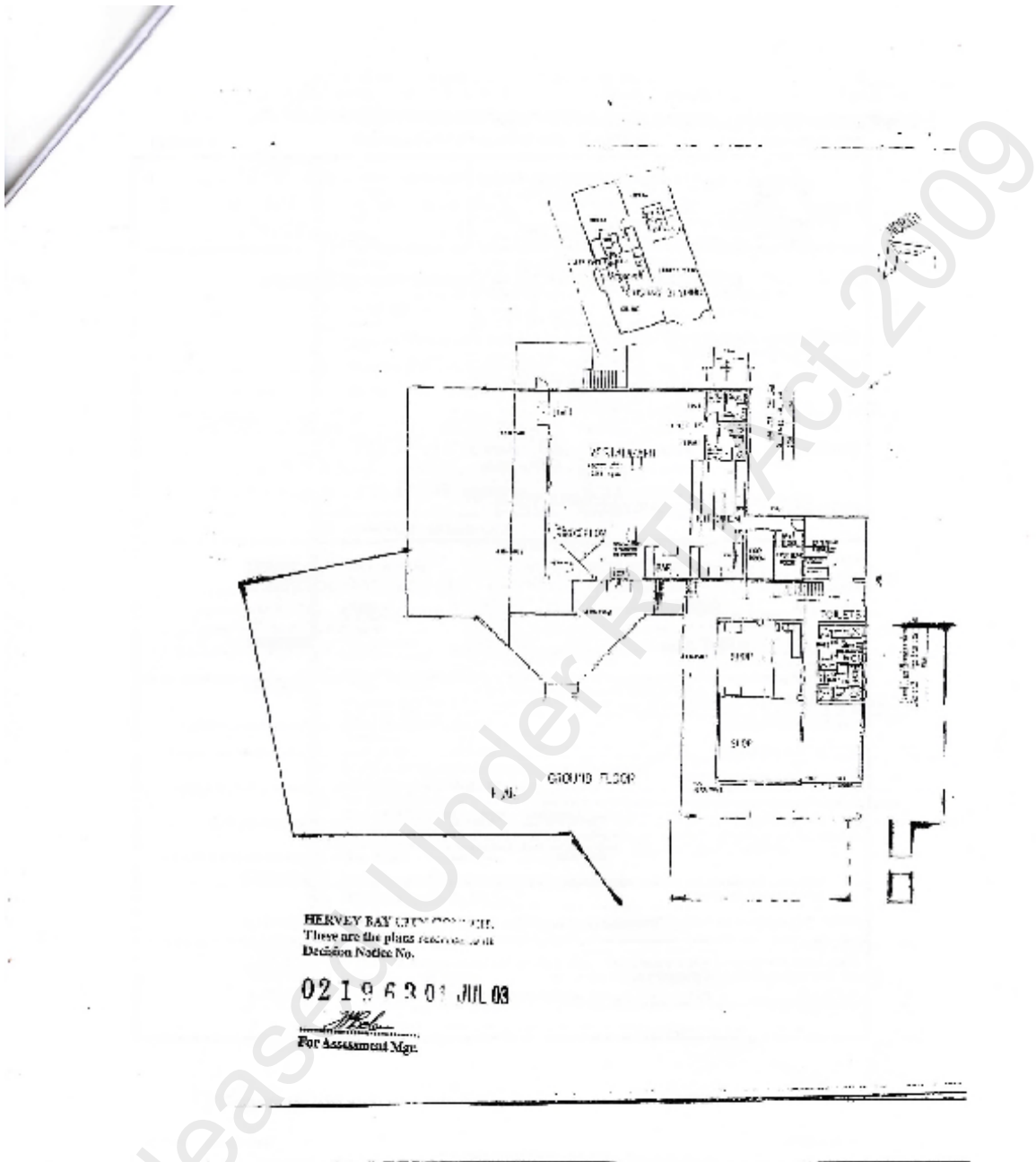
The plans included in Attachment 2 show the proposed redevelopment of the site. It is clear from these plans that the predominant uses will continue to be a caretaker's residence, restaurant/ function facility and shops with the redevelopment being designed to meet the current demands of users of such a facility. In fact, the existing restaurant, outdoor deck, caretakers' residence on the first floor and the shops will be of the same area as existing only with internal layout alterations. The only changes proposed is the inclusion of an external bar which replaces the bar previously located inside the restaurant which serviced inside and outside patrons and the use of temporary market vans which will come to the site for themed events and then leave the site.

It is acknowledged that the future accommodation shown on the redevelopment plans will be the subject of a separate, future planning application to be submitted for Councils consideration.

Recommendation

That based on the approval information provided above and the anecdotal evidence provided from residents of Hervey Bay who have used the facility over a long period of time as a hospitality facility incorporating restaurant, function/wedding venue and shops, the proposed redevelopment of the site generally as depicted on the plans included in Attachment 2 be considered to be generally in accordance with the approvals/previous uses of the site.

Attachment 1.

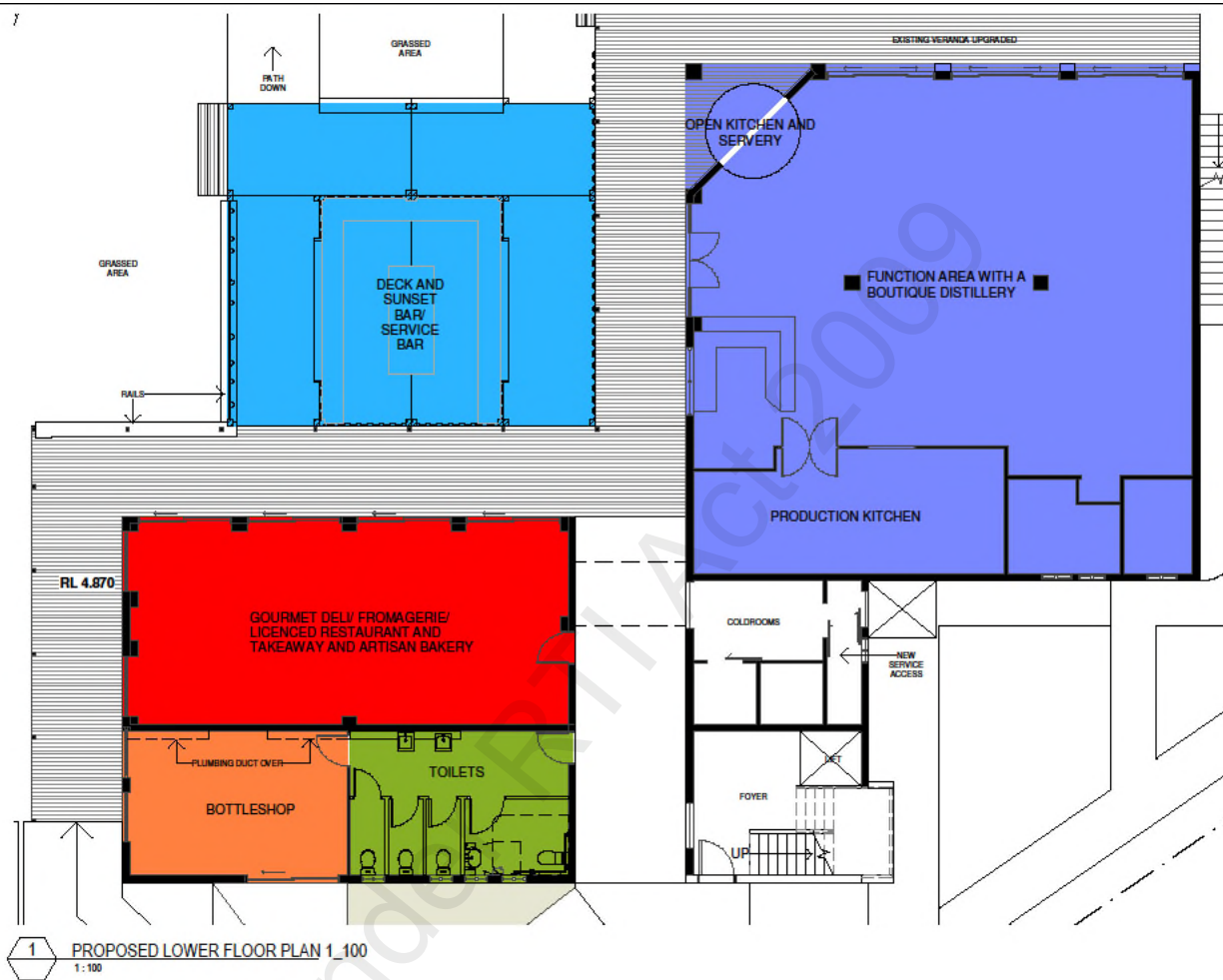


HERVEY BAY LINC COMPANY
These are the plans received with
Decision Notice No.

02196303 JUL 03

[Signature]
For Assessment Mgr.

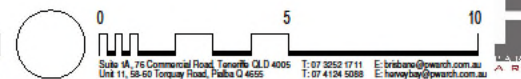
Attachment 2



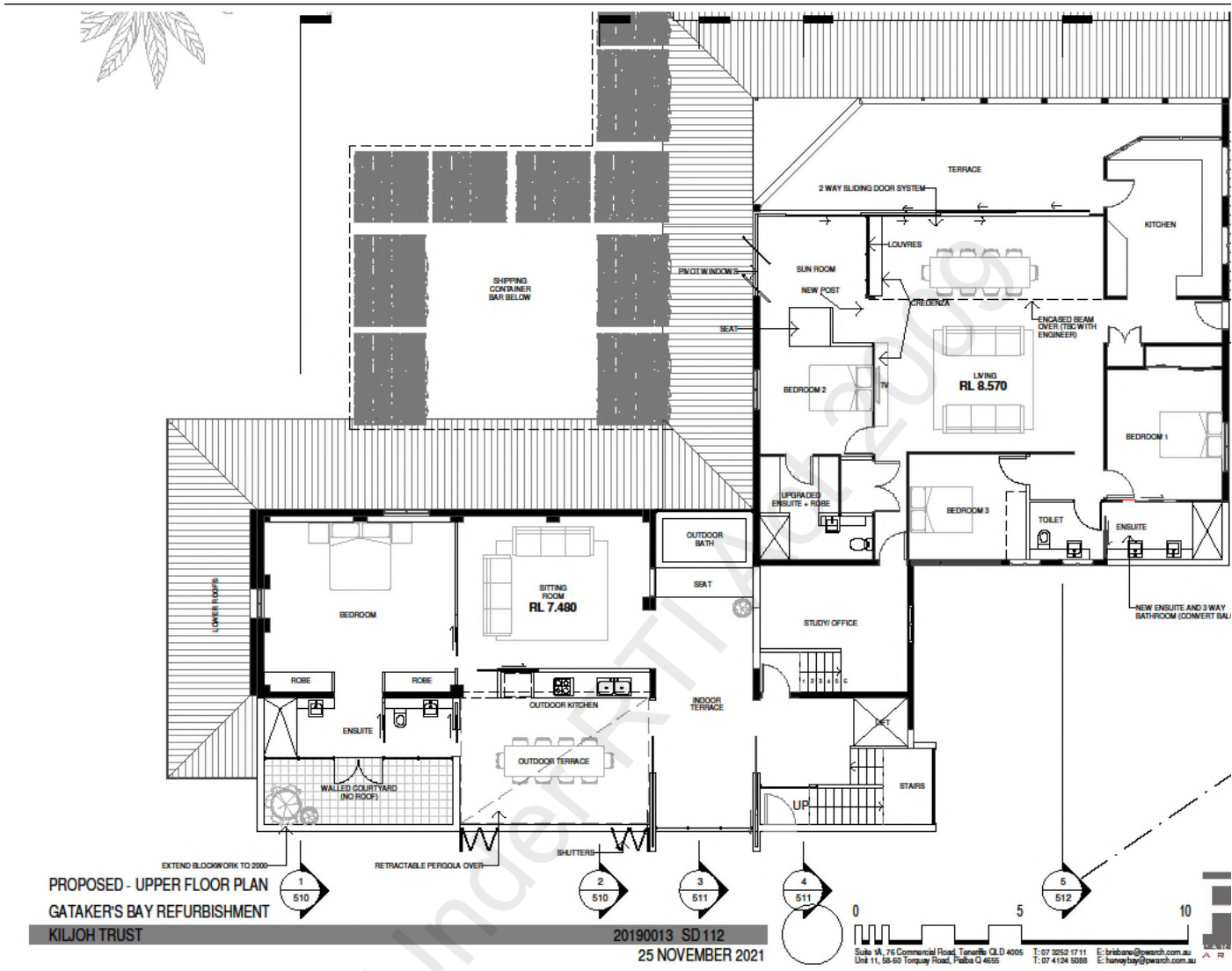
1 PROPOSED LOWER FLOOR PLAN 1_100
1:100

PRELIMINARY - PROPOSED LOWER FLOOR PLAN
GATAKER'S BAY REFURBISHMENT
KILJOH TRUST

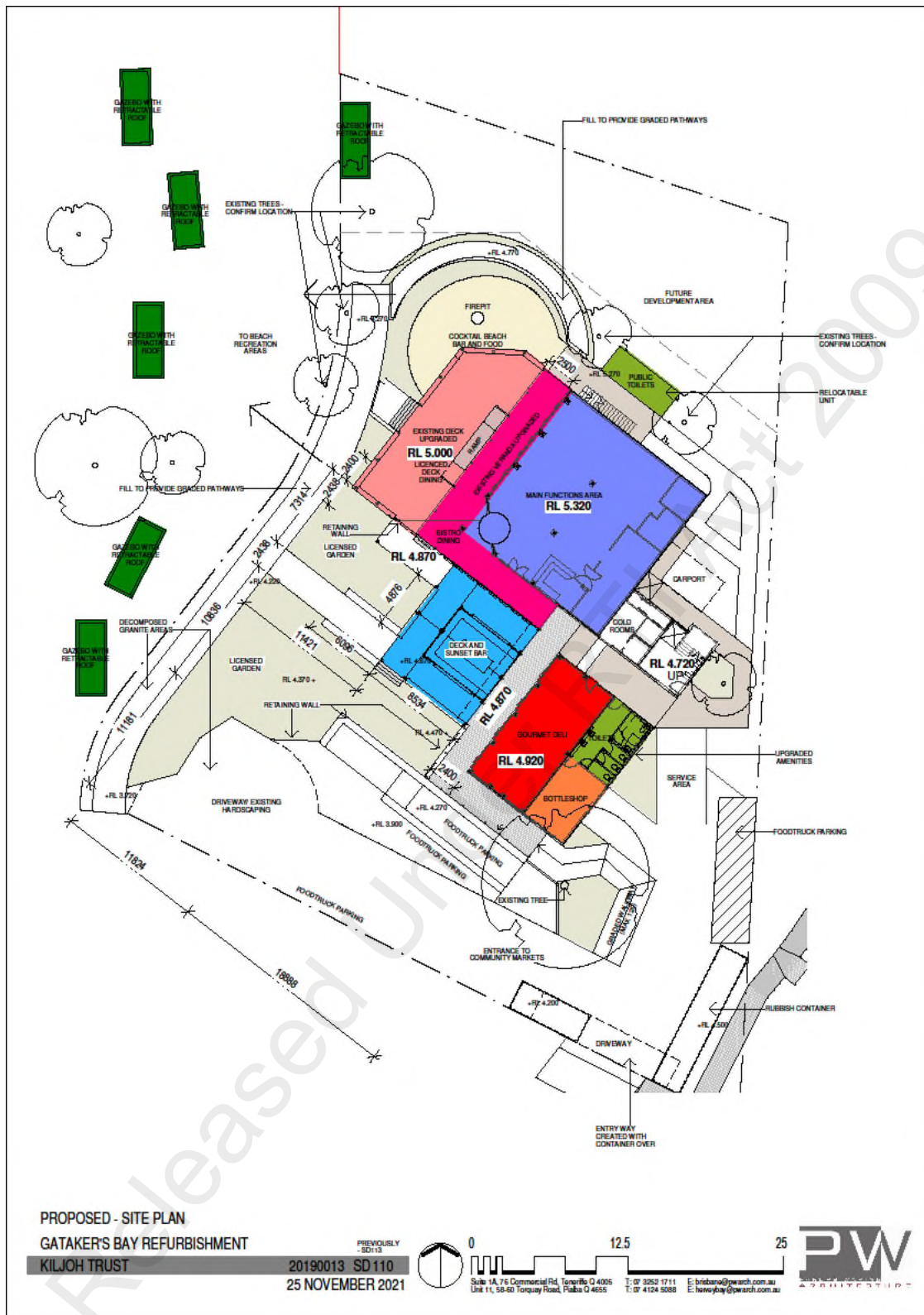
20190013 SD111
28 OCTOBER 2021



Released Under

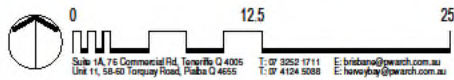


Released Under



PROPOSED - SITE PLAN
 GATAKER'S BAY REFURBISHMENT
 KILJOH TRUST

PREVIOUSLY
 SD113
 20190013 SD110
 25 NOVEMBER 2021



From: Jeff Brannan
Sent: Monday 6 December 2021 3:47 PM
To: Peter Smith (peter@taskconsultants.com.au)
Subject: Town Planning Advice - Gatakers Landing
Attachments: Gatakers - GIA Submission.docx; 20190013 - GATAKER'S RESTAURANT - SD003 - 3D VIEWS.pdf; 20190013 - GATAKER'S RESTAURANT - SD110 - PRELIMINARY - PROPOSED SITE PLAN.pdf; 20190013 - GATAKER'S RESTAURANT - SD111 - PRELIMINARY - PROPOSED LOWER FLOOR PLAN.pdf; 20190013 - GATAKER'S RESTAURANT- SD112 - PRELIMINARY - PROPOSED UPPER FLOOR PLAN.pdf; 20190013 - GATAKER'S RESTAURANT- SD500 - SECTIONS.pdf; DOC050421-05042021140228.pdf; Gatakers Landing liquor licence change - supporting document.pdf

Peter,

Thank you for your email. With regard to your query involving the proposed re-use of Gatakers Restaurant located at Gatakers Bay Esplanade Hervey Bay (Lot 177 MCH5264) I have reviewed your representations to qualify the landuse activity of site and advise the following;

- S260-262 of the Planning Act 2016 recognises '*existing uses and rights protected*'. The landuse activity and lawful use of premises is considered to be established with an '*Of use right*' in place factoring;
- 1986 rezoning approval for boat hire, fishing tackle and catering shop. Identification of a caretakers residence was noted.
- Restaurant established as part of food premise operations (catering shop) with food premise licenses issued between 1986 to 2018. These licenses identify function purpose as part of restaurant operations.
- 513/3-021963 – MCU Retail Plant Nursery approved 1.7.03. This permit identifies the caretaker's residence, outdoor dining and use areas, restaurant and bar.
- Landuse operations / activity is not considered to be lapsed as per S261 of the Act, as Council's record, real estate marketing and land tenure have been consistently maintained.
- Internal bar is noted to be moved from internal to external, however this is not deemed as enacting a material change as the landuse is already established and is only moving its location within the premise / use areas on site. It is noted that the previous retail nursery approval identified an external bar server area to the decks.
- With regard to the liquor licensing the current mix of landuses would provide for the ability to be considered for a hotels license which is subject to application to Liquor Licensing. Council does not raise any object to pursuance of a hotel license.
- With regard to the proposed food vans if they are infrequent in use they would be considered against the local laws as part of event management (local law permit). If the food vans were to be of a permanent nature that involved weekly usage this is considered a landuse activity (food and drink outlet) which would constitute a material change, therefore a material change of use application is to be lodged to legitimise this component (minor change to the existing permit over the site).

Council considers the re-use of the existing premise for its historical purpose as a restaurant, function facility, bar, shop and caretakers accommodation (value adding) to be consistent with the established historical operations that are protected by the Act, therefore does not enact a material change of use application for landuse or refurbishment.

Regards

Jeff Brannan

Manager Development Assessment

Planning & Growth

T (07) 4197 4383

M 0437 119 482

E jeff.brannan@frasercoast.qld.gov.au

From: Peter Smith <peter@taskconsultants.com.au>

Sent: Tuesday 30 November 2021 12:08 PM

To: James Cockburn <James.Cockburn@frasercoast.qld.gov.au>

Subject: Gatakers Landing

Hi Jamie

Thanks for your time recently to discuss the above project.

As requested, please find attached a document outlining the development history of the site and a recommendation that the redevelopment plans as attached be considered as generally in accordance with the previous approvals issued.

Regards

Peter

[Peter Smith](#)

Director, TASK Consultants

Ph: 0409905812

Released Under RTI Act 2009

Gatakers Restaurant Site

Background

The subject land is described as L177 MCH5264, is located on the Esplanade, Point Vernon and has an area of 2864 m². The land is included in the Open Space zone pursuant to the Fraser Coast Planning Scheme 2014.

A lease has been granted from the Queensland Government to Kiljoh Pty Ltd for a 50 year period commencing on 15 September 2015. The purpose of the lease is for commercial/business purposes.

The site has a long history of a range of uses including boat hire, sale of fishing tackle, shop, retail nursery, caretakers' residence and restaurant.

Planning Approvals

Town Planning Consent – Caretakers Residence. A town planning consent number 843 was granted by Hervey Bay Council in October 1984 for a caretakers residence as a part of an existing public boat hire facility.

Rezoning – In April 1986, Hervey Bay Council approved the rezoning of the land from Special Facilities – Boat hire and fishing tackle to Special Facilities – Boat hire, fishing tackle and catering shop. Included in the approval were the following conditions:

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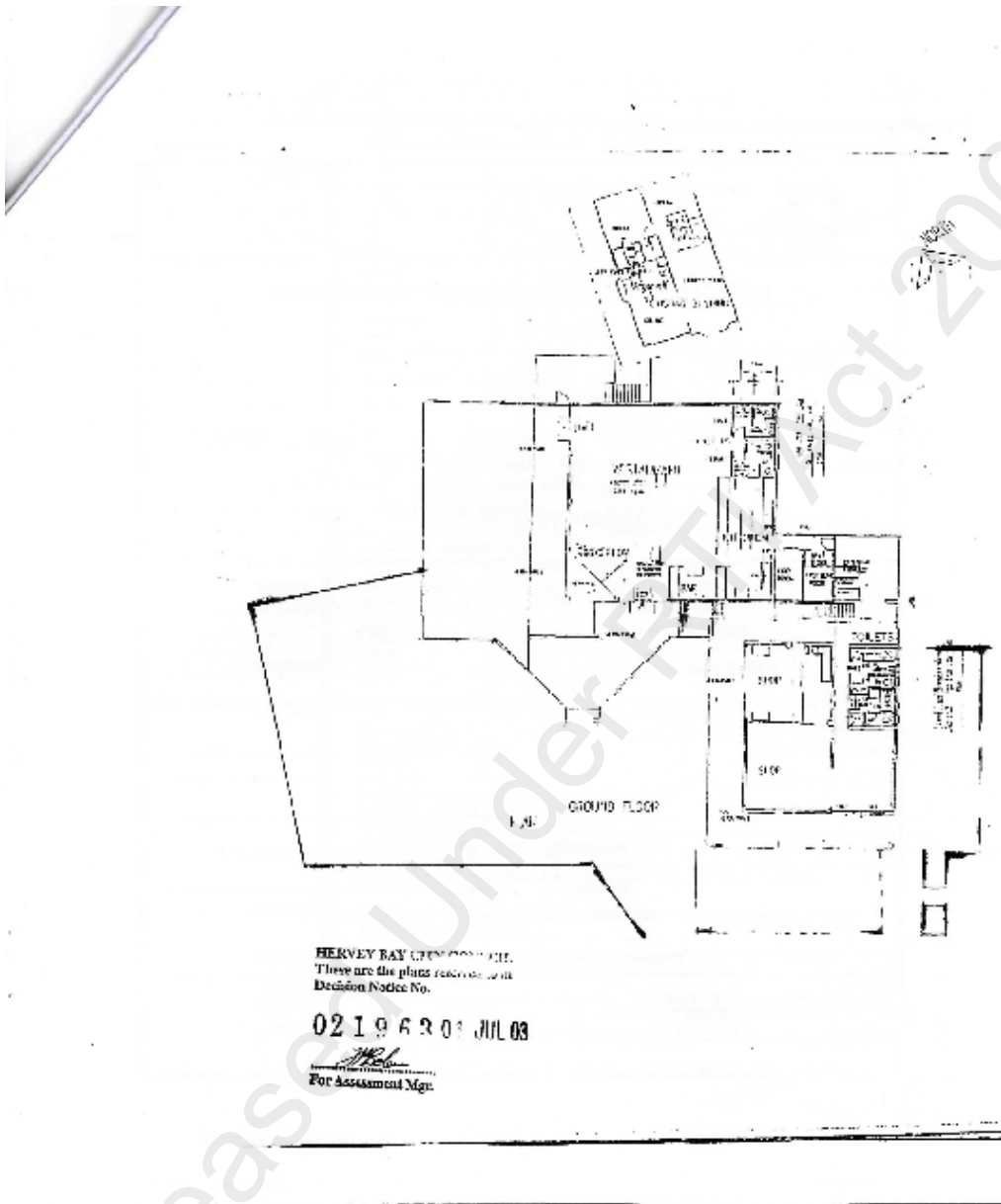
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It is acknowledged that the future accommodation shown on the redevelopment plans will be the subject of a separate, future planning application to be submitted for Councils consideration.

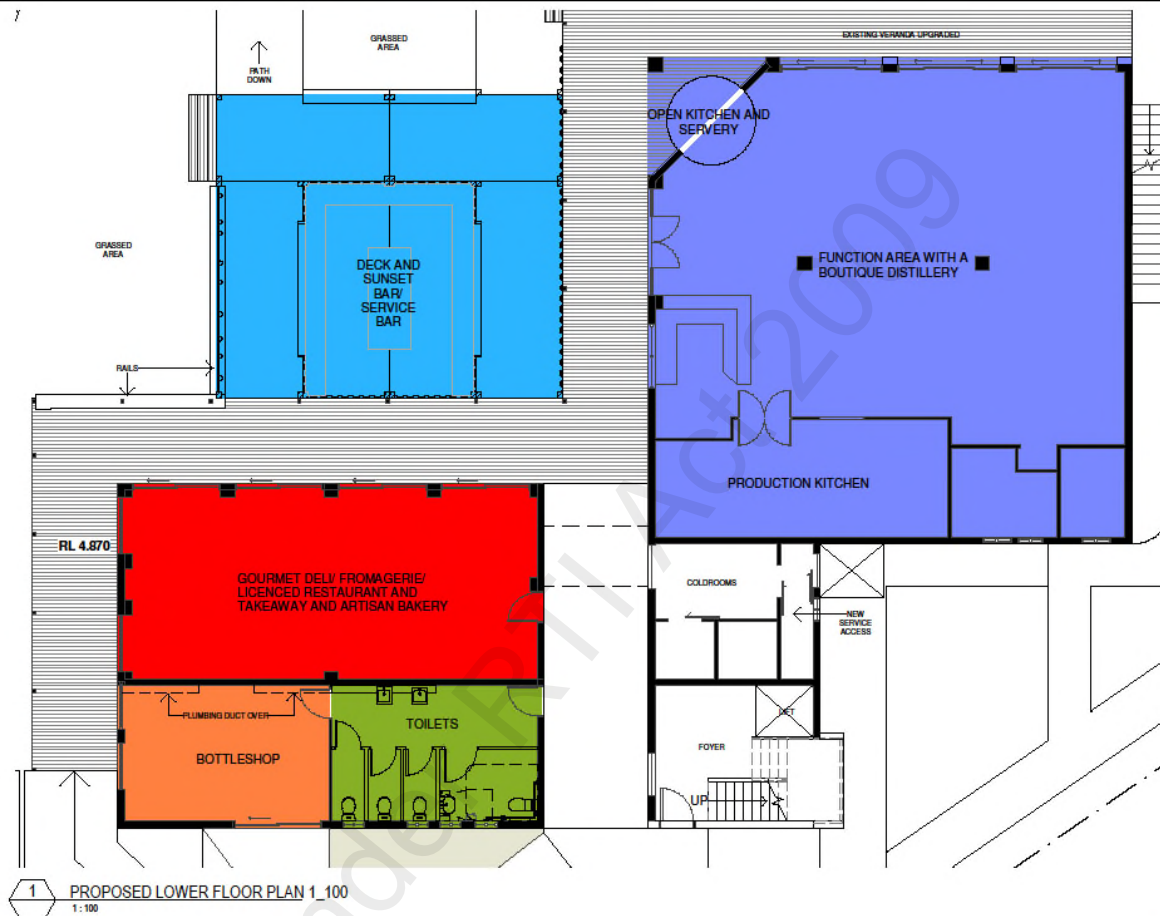
Recommendation

That based on the approval information provided above and the anecdotal evidence provided from residents of Hervey Bay who have used the facility over a long period of time as a hospitality facility incorporating restaurant, function/wedding venue and shops, the proposed redevelopment of the site generally as depicted on the plans included in Attachment 2 be considered to be generally in accordance with the approvals/previous uses of the site.

Attachment 1.



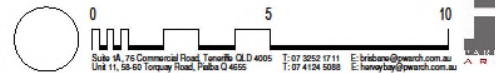
Attachment 2



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1:100

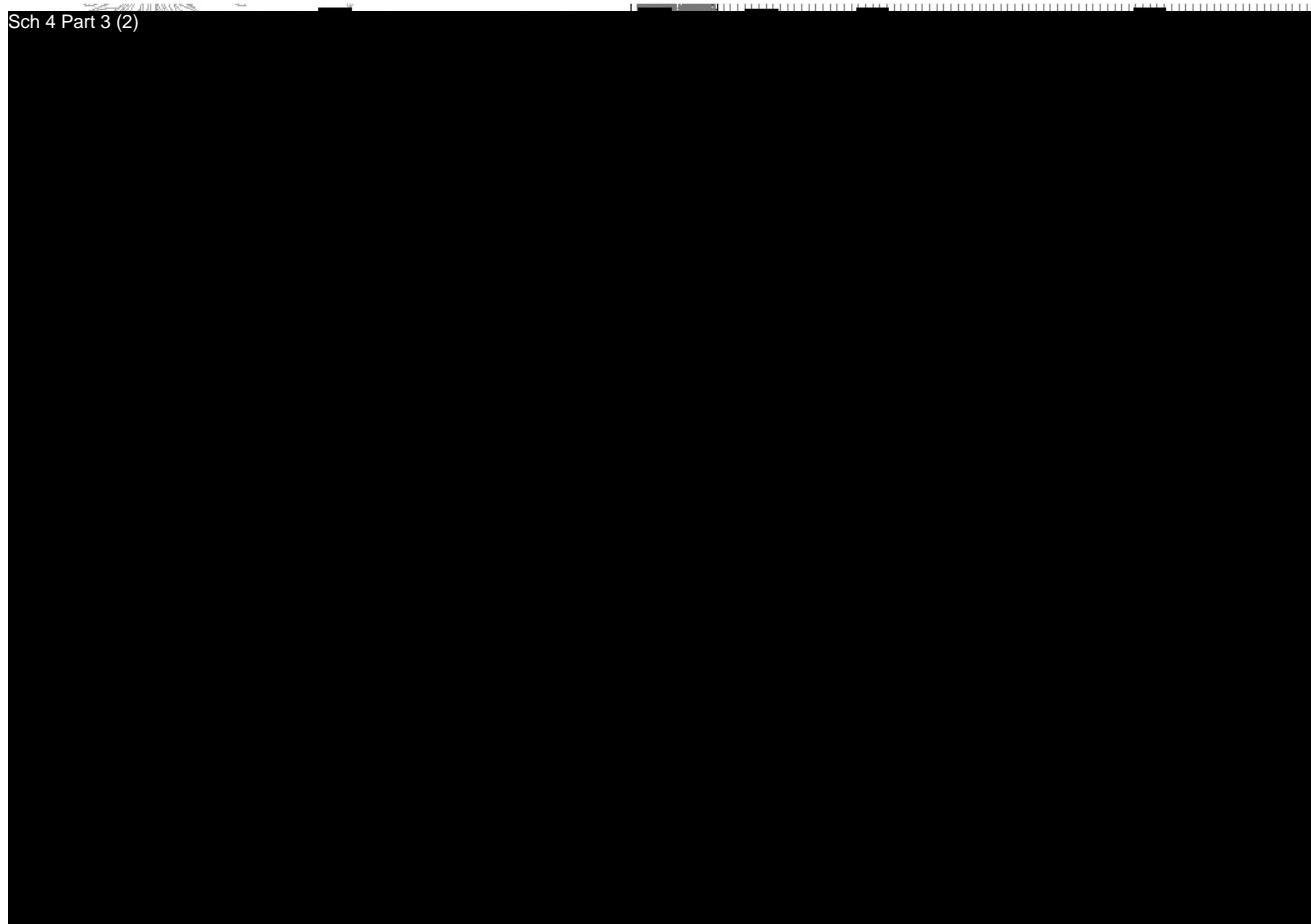
PRELIMINARY - PROPOSED LOWER FLOOR PLAN
GATAKER'S BAY REFURBISHMENT
KILJOH TRUST

20190013_SD111
28 OCTOBER 2021



Released Under GIP 2019

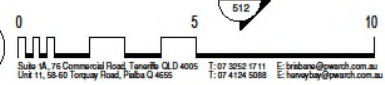
Sch 4 Part 3 (2)



PROPOSED - UPPER FLOOR PLAN
GATAKER'S BAY REFURBISHMENT
KILJOH TRUST



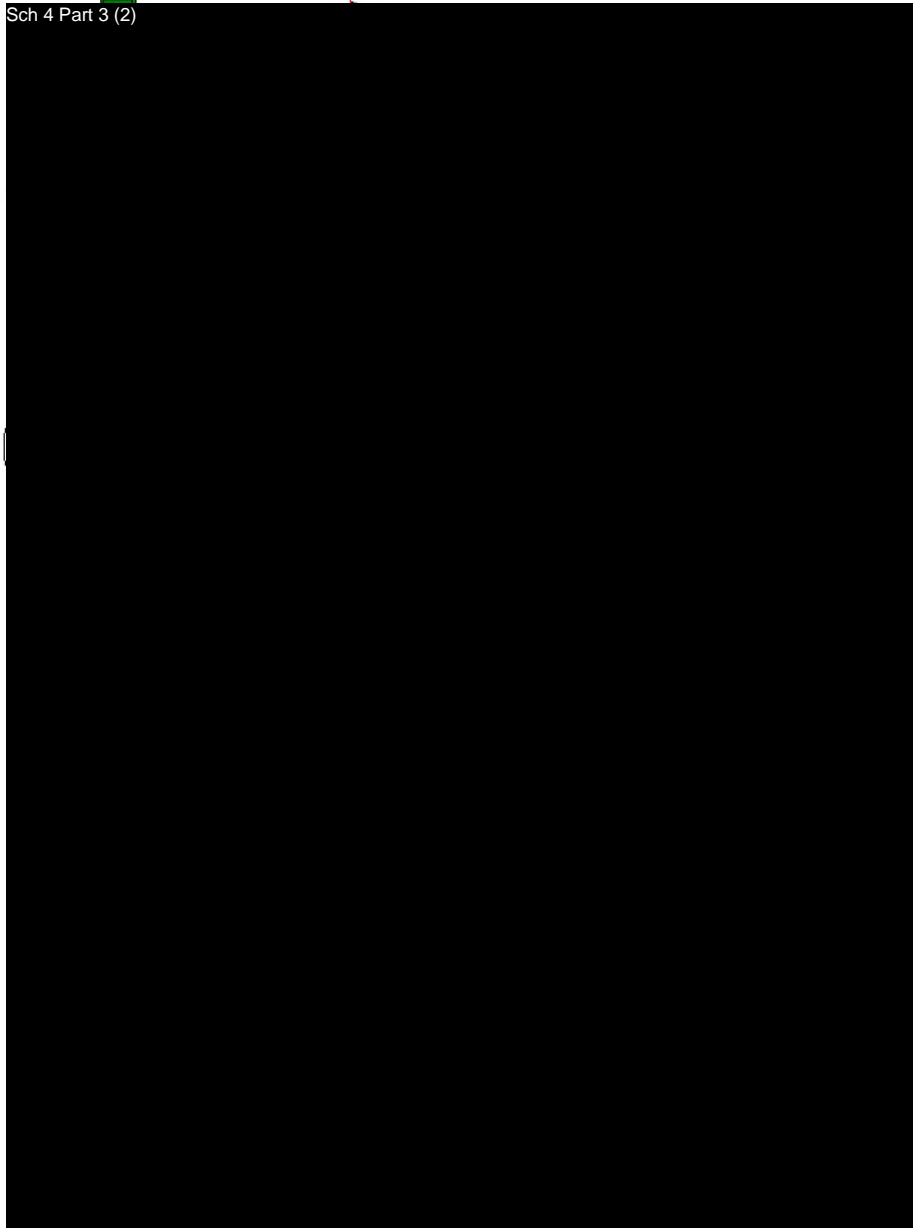
20190013 SD 112
25 NOVEMBER 2021



Site A, 76 Commercial Road, Torquay QLD 4205
Unit 11, 58-60 Torquay Road, Palmyra Q 4655
T: 07 3252 1711 E: brisbane@pwrch.com.au
T: 07 4124 5888 E: honoybay@pwrch.com.au

Released Under

Sch 4 Part 3 (2)

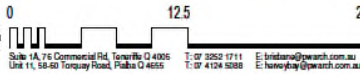


EXISTING TREES -
FORM LOCATION

AVAILABLE

PROPOSED - SITE PLAN
GATAKER'S BAY REFURBISHMENT
KILJOH TRUST

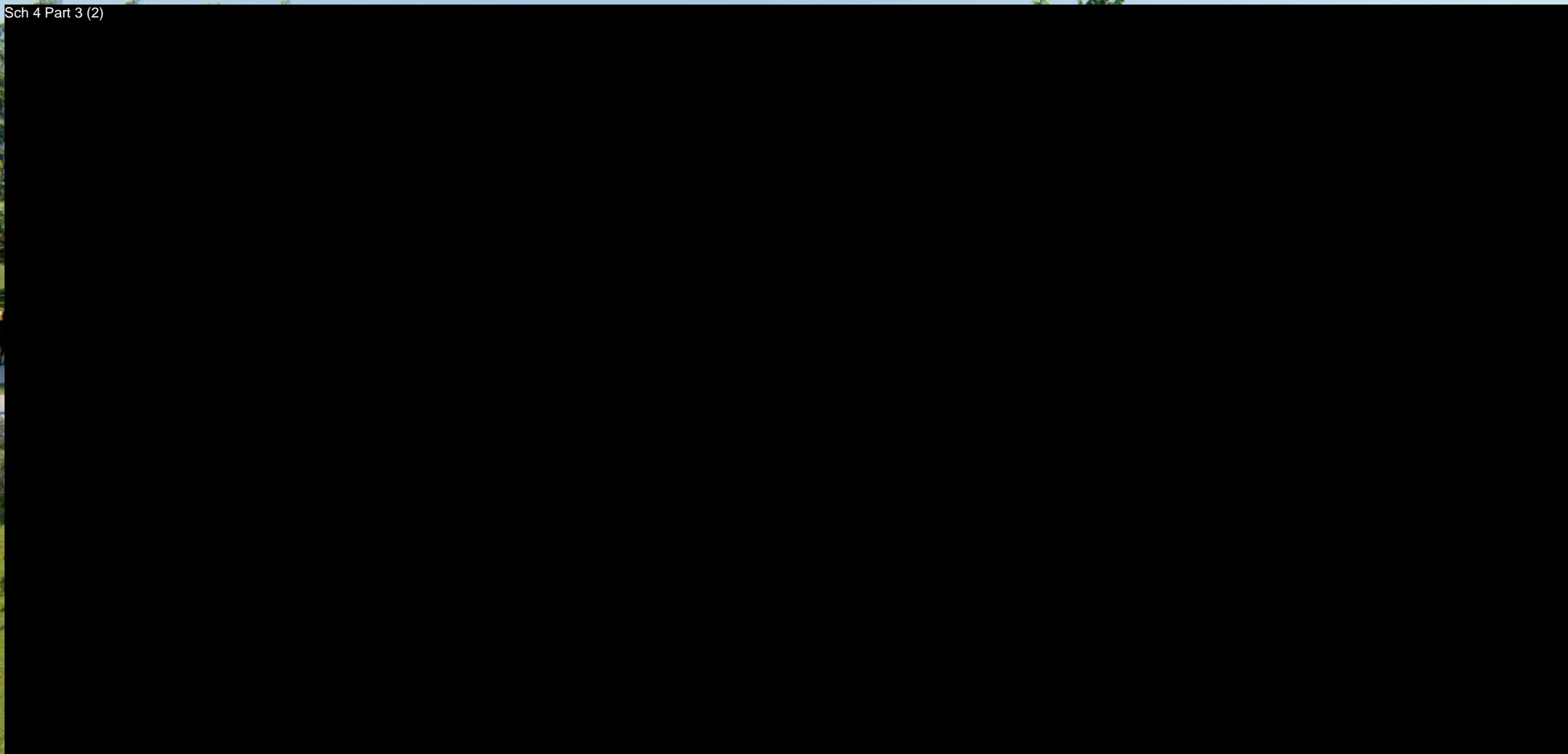
PREVIOUSLY
-SD13
20190013 SD 110
25 NOVEMBER 2021



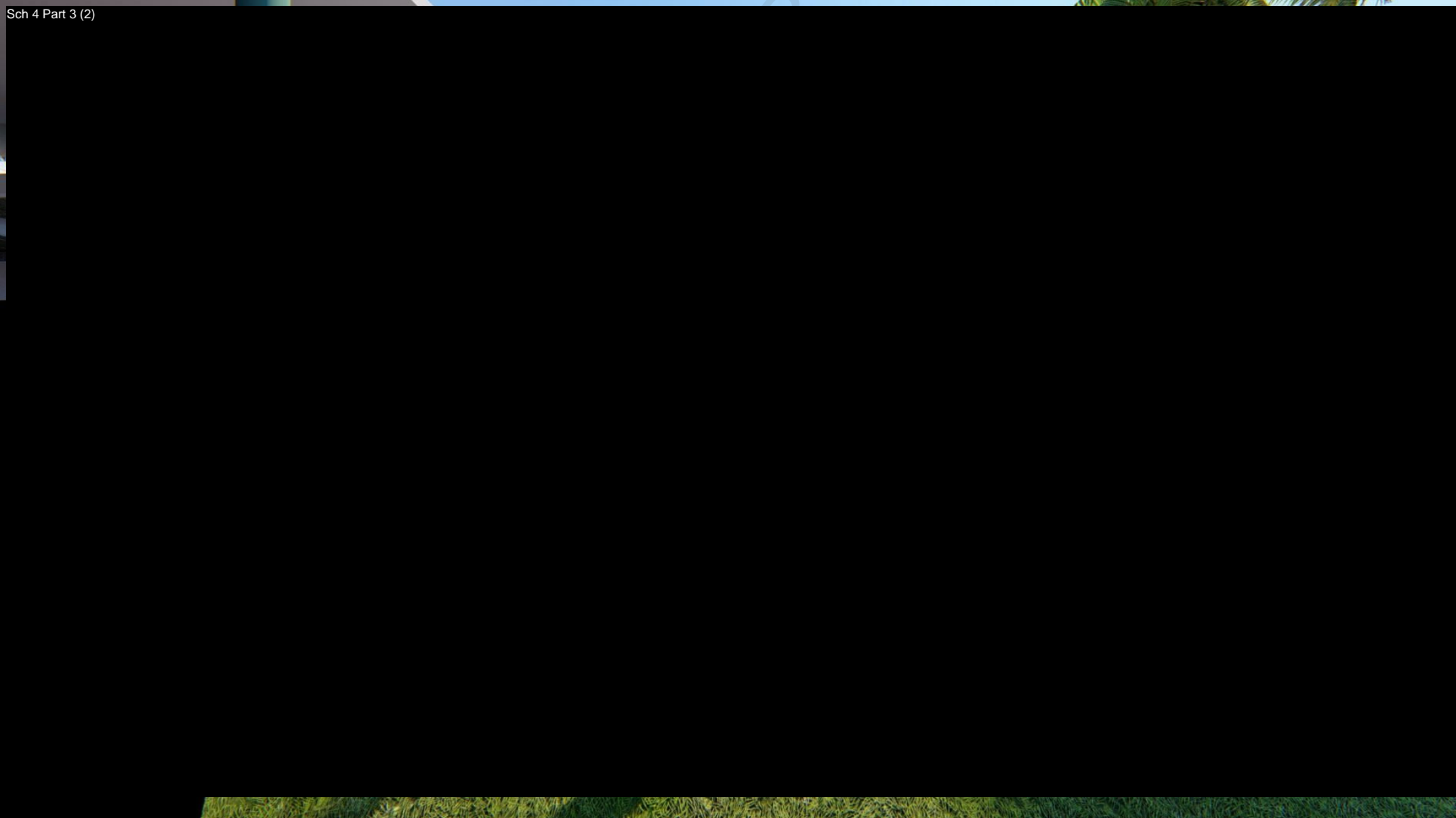
Scale: 1A, 75 Commercial Rd, Torquay VIC 3205 T: 07 3920 1711 E: brad@pwarch.com.au
Unit 11, 56-60 Torquay Road, Potts Point NSW 1565 T: 07 4124 8088 E: harvey@pwarch.com.au



Sch 4 Part 3 (2)



Sch 4 Part 3 (2)



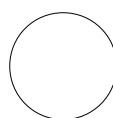
3D VIEWS

GATAKER'S BAY REFURBISHMENT

KILJOH TRUST

20190013 SD003

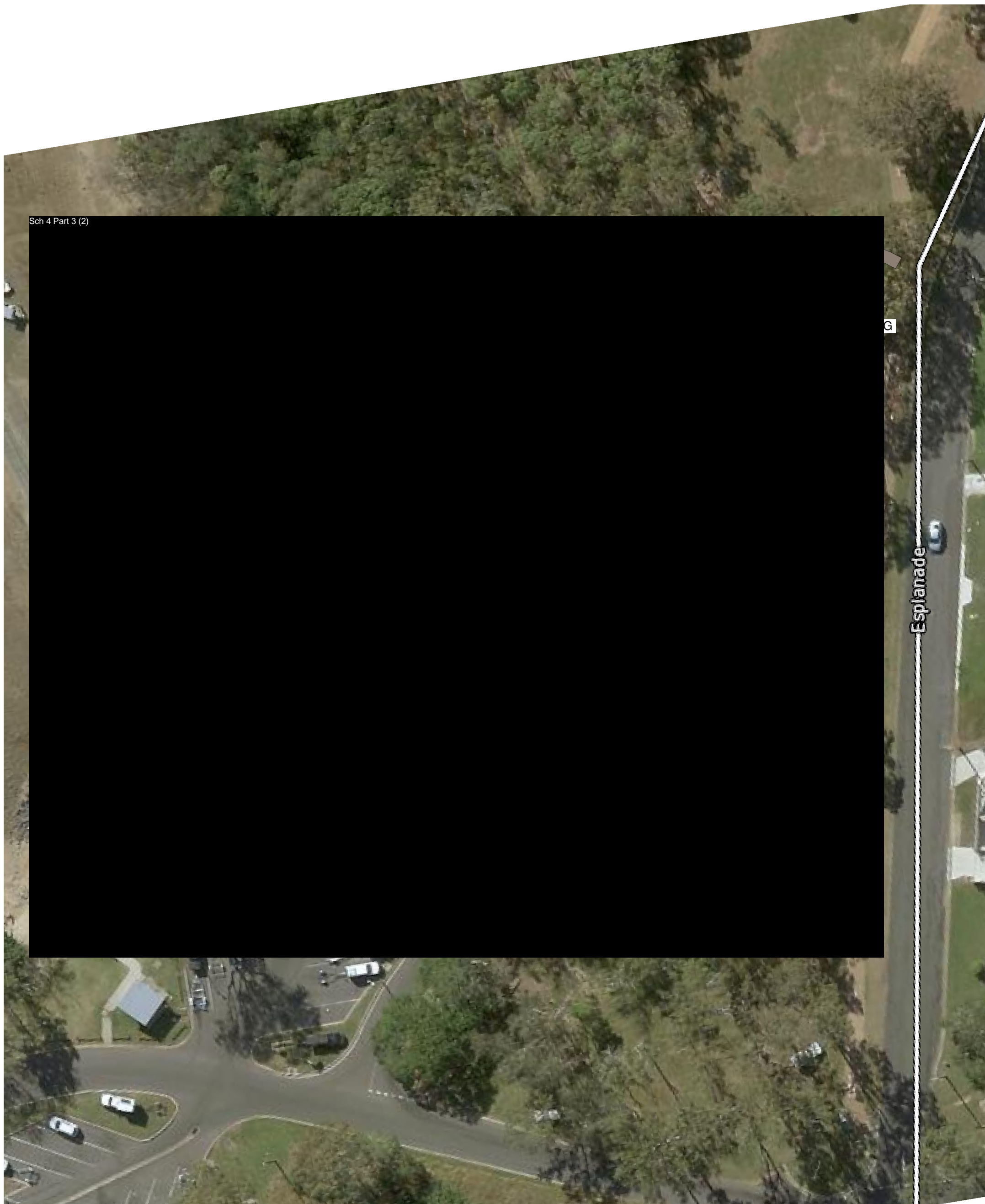
22 FEBRUARY 2021



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Suite 1A, 76 Commercial Rd, Teneriffe Q 4005	T: 07 3252 1711	E: brisbane@pwarch.com.au
Unit 11, 58-60 Torquay Road, Pialba Q 4655	T: 07 4124 5088	E: herveybay@pwarch.com.au





1 SITE PLAN
1:500

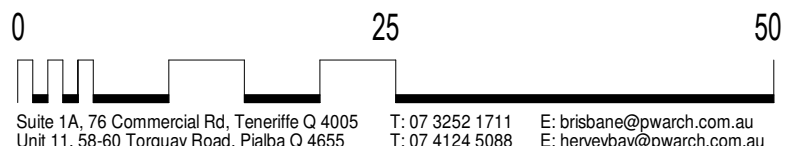
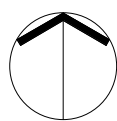
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GATAKER'S BAY REFURBISHMENT

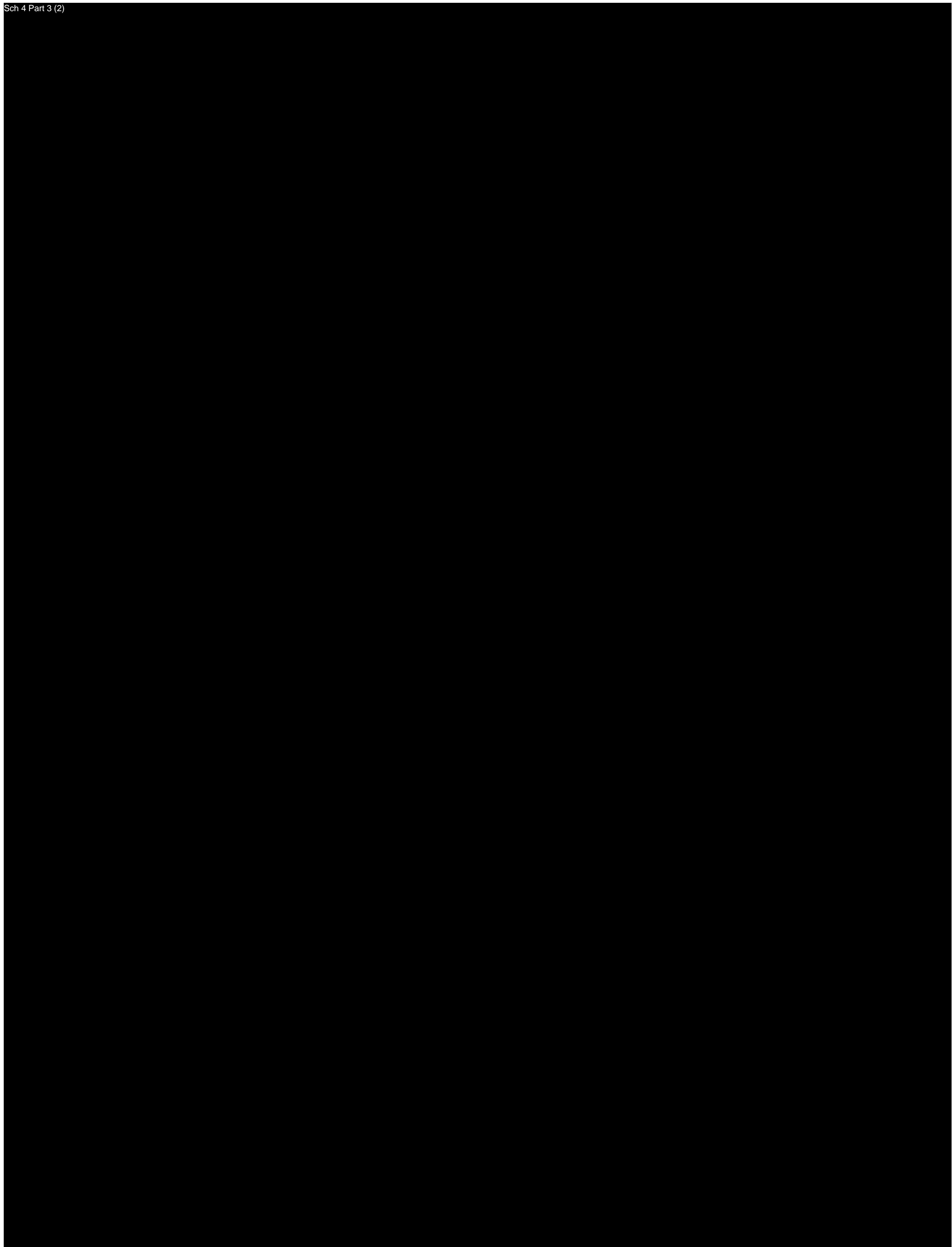
KILJOH TRUST

20190013 SD 110

22 FEBRUARY 2021



Sch 4 Part 3 (2)



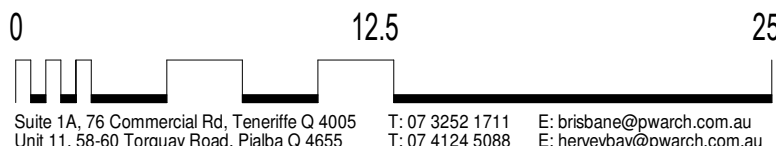
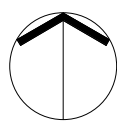
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GATAKER'S BAY REFURBISHMENT

KILJOH TRUST

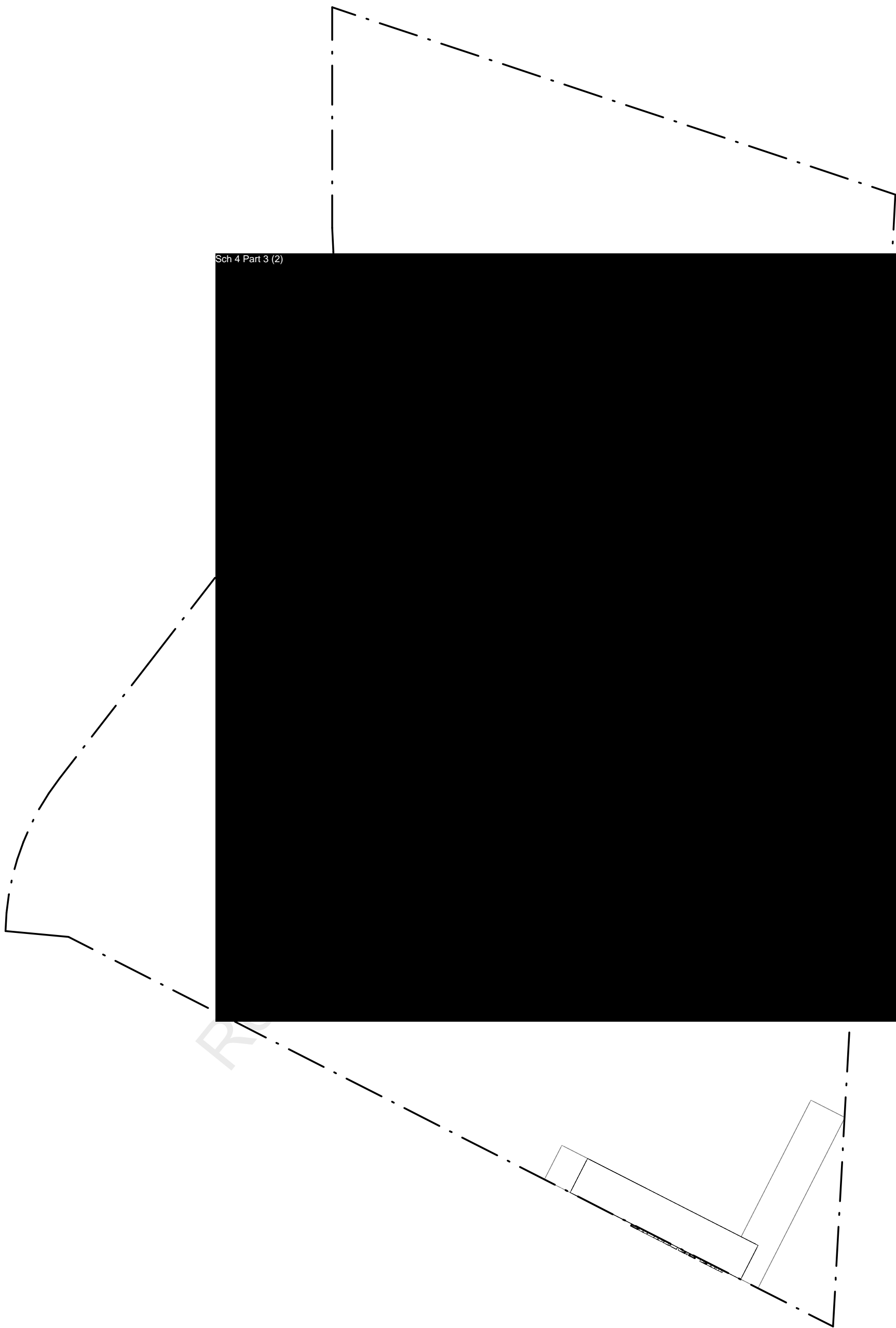
20190013 SD111

23 FEBRUARY 2021



Suite 1A, 76 Commercial Rd, Teneriffe Q 4005 T: 07 3252 1711 E: brisbane@pwarch.com.au
Unit 11, 58-60 Torquay Road, Pialba Q 4655 T: 07 4124 5088 E: herveybay@pwarch.com.au





Sch 4 Part 3 (2)

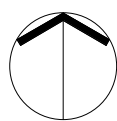
PRELIMINARY - PROPOSED UPPER FLOOR PLAN

GATAKER'S BAY REFURBISHMENT

KILJOH TRUST

20190013 SD112

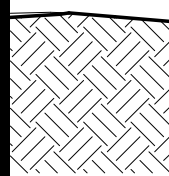
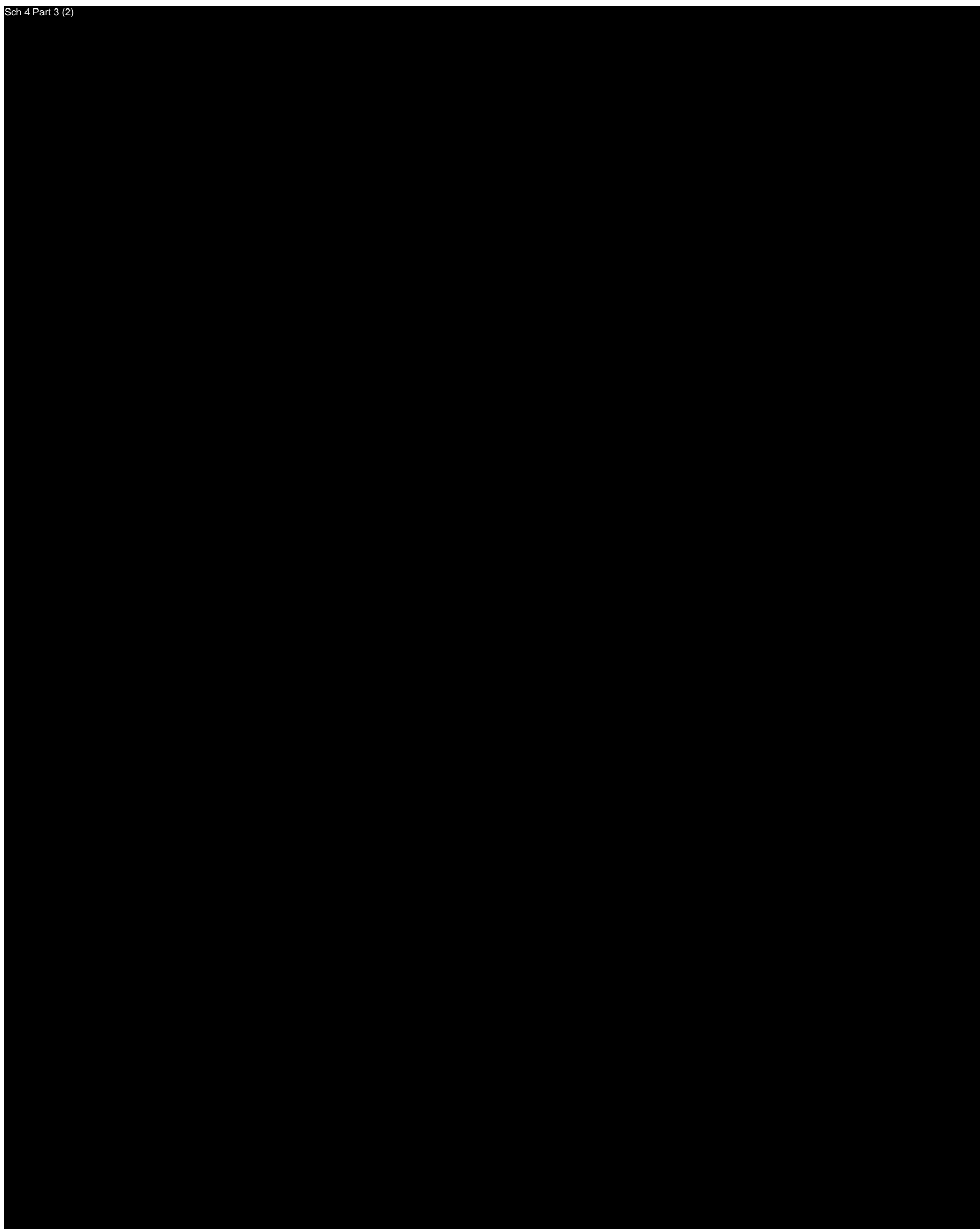
23 FEBRUARY 2021



Suite 1A, 76 Commercial Rd, Teneriffe Q 4005 T: 07 3252 1711 E: brisbane@pwarch.com.au
Unit 11, 58-60 Torquay Road, Pialba Q 4655 T: 07 4124 5088 E: herveybay@pwarch.com.au



Sch 4 Part 3 (2)



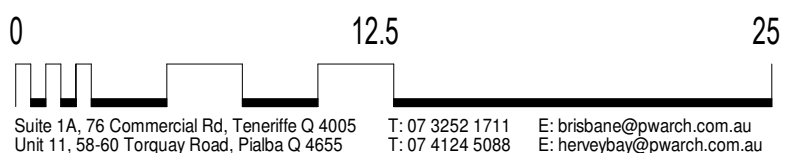
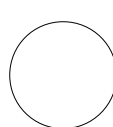
SECTIONS

GATAKER'S BAY REFURBISHMENT

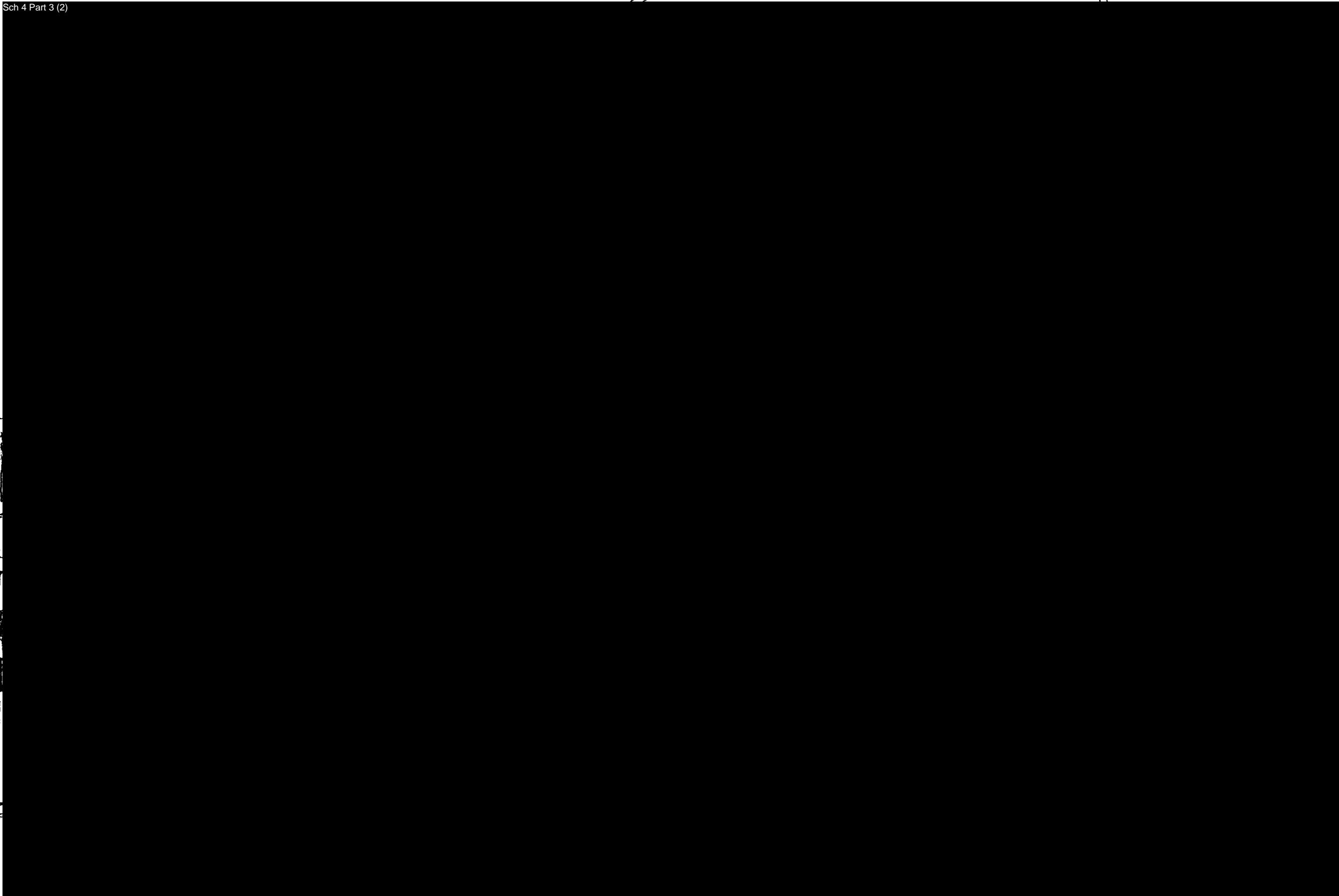
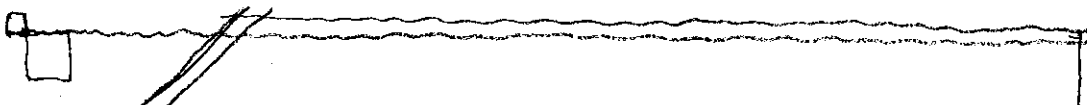
KILJOH TRUST

20190013 SD500

23 FEBRUARY 2021



Sch 4 Part 3 (2)



glazed roof over

grid level entrance below (lift under)



GATAKERS ~ REVISED UPSTAIRS - Concept 2

PWA 5 $\frac{4}{21}$



Gatakers Landing, Point Vernon Hervey Bay Licence Change For Discussion purposes 12.10.2021.

Gatakers Landing New Boutique World Class Destination Tourist Stop Over

DATED: 18 October 2021

OVERVIEW:

Gatakers Landing is a long-time institutional hospitality venue situated on the foreshore of Gatakers Bay, Hervey Bay. For some years this world class location has sat unoccupied and in disrepair.

Sch 4 Part 3 (2)
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- [Redacted list item]



- Sch 4 Part 3 (2)
- [Redacted list items]

[Redacted text block]

For further information, Please contact the team below:

Sch 4 Part 3 (2)

[Redacted contact details]



Released Under RTI Act 2009

OFF MARKET GROUP

LA Balsa BUILDING
106/45 BRISBANE ROAD
MOOLOOLABA QLD 4557

0477 271 875
INFO@OFFMARKETHOTELS.COM.AU
WWW.OFFMARKETGROUP.COM.AU

From: Department of Resources <vegetation@dnrme.qld.gov.au>
Sent: Friday 25 February 2022 3:14 PM
To: Marg Ison
Subject: Vegetation management report request
Attachments: VegetationManagementPropertyReport-20220225151022555000.pdf

Vegetation management report request

This is an automated message from MapsOnline. Your Vegetation management report request request has been processed and is attached to this email.

If you have any feedback about your request please reply to this email.

Kind regards,
Department of Resources



**Queensland
Government**

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Vegetation management report

For Lot: 177 Plan: MCH5264

25/02/2022

This publication has been compiled by Operations Support, Department of Resources.

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Recent changes

Updated mapping

Updated vegetation mapping was released on 8 September 2021 and includes the most recent Queensland Herbarium scientific updates to the Regulated Vegetation Management Map, regional ecosystems, wetland, high-value regrowth and essential habitat mapping.

The Department of Environment and Science have also updated their protected plant and koala protection mapping to align with the Queensland Herbarium scientific updates.

Overview

Based on the lot on plan details you have supplied, this report provides the following detailed information:

Property details - information about the specified Lot on Plan, lot size, local government area, bioregion(s), subregion(s) and catchment(s);

Vegetation management framework - an explanation of the application of the framework and contact details for the Department of Resources who administer the framework;

Vegetation management framework details for the specified Lot on Plan including:

- the vegetation management categories on the property;
- the vegetation management regional ecosystems on the property;
- vegetation management watercourses or drainage features on the property;
- vegetation management wetlands on the property;
- vegetation management essential habitat on the property;
- whether any area management plans are associated with the property;
- whether the property is coastal or non-coastal; and
- whether the property is mapped as Agricultural Land Class A or B;

Protected plant framework - an explanation of the application of the framework and contact details for the Department of Environment and Science who administer the framework, including:

- high risk areas on the protected plant flora survey trigger map for the property;

Koala protection framework - an explanation of the application of the framework and contact details for the Department of Environment and Science who administer the framework; and

Koala protection framework details for the specified Lot on Plan including:

- the koala district the property is located in;
- koala priority areas on the property;
- core and locally refined koala habitat areas on the property;
- whether the lot is located in an identified koala broad-hectare area; and
- koala habitat regional ecosystems on the property for core koala habitat areas.

This information will assist you to determine your options for managing vegetation under:

- the vegetation management framework, which may include:

- exempt clearing work;
- accepted development vegetation clearing code;
- an area management plan;
- a development approval;

- the protected plant framework, which may include:

- the need to undertake a flora survey;
- exempt clearing;
- a protected plant clearing permit;

- the koala protection framework, which may include:

- exempted development;
- a development approval;
- the need to undertake clearing sequentially and in the presence of a koala spotter.

Other laws

The clearing of native vegetation is regulated by both Queensland and Australian legislation, and some local governments also regulate native vegetation clearing. You may need to obtain an approval or permit under another Act, such as the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Section 8 of this guide provides contact details of other agencies you should confirm requirements with, before commencing vegetation clearing.

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1. Property details

1.1 Tenure and title area

All of the lot, plan, tenure and title area information associated with property Lot: 177 Plan: MCH5264, are listed in Table 1.

Table 1: Lot, plan, tenure and title area information for the property

Lot	Plan	Tenure	Property title area (sq metres)
177	MCH5264	Lands Lease	2,864

The tenure of the land may affect whether clearing is considered exempt clearing work or may be carried out under an accepted development vegetation clearing code.

1.2 Property location

Table 2 provides a summary of the locations for property Lot: 177 Plan: MCH5264, in relation to natural and administrative boundaries.

Table 2: Property location details

Local Government(s)
Fraser Coast Regional

Bioregion(s)	Subregion(s)
Southeast Queensland	Burnett - Curtis Coastal Lowlands

Catchment(s)
Burrum

2. Vegetation management framework (administered by the Department of Resources)

The *Vegetation Management Act 1999* (VMA), the *Vegetation Management Regulation 2012*, the *Planning Act 2016* and the *Planning Regulation 2017*, in conjunction with associated policies and codes, form the Vegetation Management Framework.

The VMA does not apply to all land tenures or vegetation types. State forests, national parks, forest reserves and some tenures under the *Forestry Act 1959* and *Nature Conservation Act 1992* are not regulated by the VMA. Managing or clearing vegetation on these tenures may require approvals under these laws.

The following native vegetation is not regulated under the VMA but may require permit(s) under other laws:

- grass or non-woody herbage;
- a plant within a grassland regional ecosystem prescribed under Schedule 5 of the *Vegetation Management Regulation 2012*; and
- a mangrove.

2.1 Exempt clearing work

Exempt clearing work is an activity for which you do not need to notify the Department of Resources or obtain an approval under the vegetation management framework. Exempt clearing work was previously known as exemptions.

In areas that are mapped as Category X (white in colour) on the regulated vegetation management map (see section 4.1), and where the land tenure is freehold, indigenous land and leasehold land for agriculture and grazing purposes, the clearing of vegetation is considered exempt clearing work and does not require notification or development approval under the vegetation management framework. For all other land tenures, contact the Department of Resources before commencing clearing to ensure that the proposed activity is exempt clearing work.

A range of routine property management activities are considered exempt clearing work. A list of exempt clearing work is available at

<https://www.qld.gov.au/environment/land/management/vegetation/clearing-approvals/exemptions>.

Exempt clearing work may be affected if the proposed clearing area is subject to development approval conditions, a covenant, an environmental offset, an exchange area, a restoration notice, or an area mapped as Category A. Exempt clearing work may require approval under other Commonwealth, State or Local Government laws, or local government planning schemes. Contact the Department of Resources prior to clearing in any of these areas.

2.2 Accepted development vegetation clearing codes

Some clearing activities can be undertaken under an accepted development vegetation clearing code. The codes can be downloaded at

<https://www.qld.gov.au/environment/land/management/vegetation/clearing-approvals/codes>

If you intend to clear vegetation under an accepted development vegetation clearing code, you must notify the Department of Resources before commencing. The information in this report will assist you to complete the online notification form.

You can complete the online form at

<https://apps.dnrm.qld.gov.au/vegetation/>

2.3 Area management plans

Area Management Plans (AMP) provide an alternative approval system for vegetation clearing under the vegetation management framework. They list the purposes and clearing conditions that have been approved for the areas covered by the plan. It is not necessary to use an AMP, even when an AMP applies to your property.

On 8 March 2020, AMPs ended for fodder harvesting, managing thickened vegetation and managing encroachment. New notifications cannot be made for these AMPs. You will need to consider options for fodder harvesting, managing thickened vegetation or encroachment under a relevant accepted development vegetation clearing code or apply for a development approval.

New notifications can be made for all other AMPs. These will continue to apply until their nominated end date.

If an Area Management Plan applies to your property for which you can make a new notification, it will be listed in Section 3.6 of this report. Before clearing under one of these AMPs, you must first notify the Department of Resources and then follow the conditions and requirements listed in the AMP.

<https://www.qld.gov.au/environment/land/management/vegetation/clearing-approvals/area-management-plans>

2.4 Development approvals

If under the vegetation management framework your proposed clearing is not exempt clearing work, or is not permitted under an accepted development vegetation clearing code, or an AMP, you may be able to apply for a development approval.

Information on how to apply for a development approval is available at

<https://www.qld.gov.au/environment/land/management/vegetation/clearing-approvals/development>

2.5. Contact information for the Department of Resources

For further information on the vegetation management framework:

Phone 135VEG (135 834)

Email vegetation@resources.qld.gov.au

Visit <https://www.resources.qld.gov.au/?contact=vegetation> to submit an online enquiry.

3. Vegetation management framework for Lot: 177 Plan: MCH5264

3.1 Vegetation categories

The vegetation categories on your property are shown on the regulated vegetation management map in section 4.1 of this report. A summary of vegetation categories on the subject lot are listed in Table 3. Descriptions for these categories are shown in Table 4.

Table 3: Vegetation categories for subject property. Total area: 0.28ha

Vegetation category	Area (ha)
Category Water	< 0.1
Category X	0.3

Table 4: Description of vegetation categories

Category	Colour on Map	Description	Requirements / options under the vegetation management framework
A	red	Compliance areas, environmental offset areas and voluntary declaration areas	Special conditions apply to Category A areas. Before clearing, contact the Department of Resources to confirm any requirements in a Category A area.
B	dark blue	Remnant vegetation areas	Exempt clearing work, or notification and compliance with accepted development vegetation clearing codes, area management plans or development approval.
C	light blue	High-value regrowth areas	Exempt clearing work, or notification and compliance with managing Category C regrowth vegetation accepted development vegetation clearing code.
R	yellow	Regrowth within 50m of a watercourse or drainage feature in the Great Barrier Reef catchment areas	Exempt clearing work, or notification and compliance with managing Category R regrowth accepted development vegetation clearing code or area management plans.
X	white	Clearing on freehold land, indigenous land and leasehold land for agriculture and grazing purposes is considered exempt clearing work under the vegetation management framework. Contact the Department of Resources to clarify whether a development approval is required for other State land tenures.	No permit or notification required on freehold land, indigenous land and leasehold land for agriculture and grazing. A development approval may be required for some State land tenures.

Property Map of Assessable Vegetation (PMAV)

There is no Property Map of Assessable Vegetation (PMAV) present on this property.

3.2 Regional ecosystems

The endangered, of concern and least concern regional ecosystems on your property are shown on the vegetation management supporting map in section 4.2 and are listed in Table 5.

A description of regional ecosystems can be accessed online at <https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/descriptions/>

Table 5: Regional ecosystems present on subject property

Regional Ecosystem	VMA Status	Category	Area (Ha)	Short Description	Structure Category
non-rem	None	X	0.27	None	None
ocean	None	Water	0.01	None	None

Please note:

1. All area and area derived figures included in this table have been calculated via reprojecting relevant spatial features to Albers equal-area conic projection (central meridian = 146, datum Geocentric Datum of Australia 1994). As a result, area figures may differ slightly if calculated for the same features using a different co-ordinate system.
2. If Table 5 contains a Category 'plant', please be aware that this refers to 'plantations' such as forestry, and these areas are considered non-remnant under the VMA.

The VMA status of the regional ecosystem (whether it is endangered, of concern or least concern) also determines if any of the following are applicable:

- exempt clearing work;
- accepted development vegetation clearing codes;
- performance outcomes in State Code 16 of the State Development Assessment Provisions (SDAP).

3.3 Watercourses

Vegetation management watercourses and drainage features for this property are shown on the vegetation management supporting map in section 4.2.

3.4 Wetlands

There are no vegetation management wetlands present on this property.

3.5 Essential habitat

Under the VMA, essential habitat for protected wildlife is native wildlife prescribed under the *Nature Conservation Act 1992* (NCA) as critically endangered, endangered, vulnerable or near-threatened wildlife.

Essential habitat for protected wildlife includes suitable habitat on the lot, or where a species has been known to occur up to 1.1 kilometres from a lot on which there is assessable vegetation. These important habitat areas are protected under the VMA.

Any essential habitat on this property will be shown as blue hatching on the vegetation supporting map in section 4.2.

If essential habitat is identified on the lot, information about the protected wildlife species is provided in Table 6 below. The numeric labels on the vegetation management supporting map can be cross referenced with Table 6 to outline the essential habitat factors for that particular species. There may be essential habitat for more than one species on each lot, and areas of Category A, Category B and Category C can be mapped as Essential Habitat.

Essential habitat is compiled from a combination of species habitat models and buffered species records. Regional ecosystem is a mandatory essential habitat factor, unless otherwise stated. Essential habitat, for protected wildlife, means an area of vegetation shown on the Regulated Vegetation Management Map -

- 1) that has at least 3 essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential habitat database. Essential habitat factors are comprised of - regional ecosystem (mandatory for most species), vegetation community, altitude, soils, position in landscape; or

2) in which the protected wildlife, at any stage of its life cycle, is located.

If there is no essential habitat mapping shown on the vegetation management supporting map for this lot, and there is no table in the sections below, it confirms that there is no essential habitat on the lot.

Category A and/or Category B and/or Category C

Table 6: Essential habitat in Category A and/or Category B and/or Category C

No records

3.6 Area Management Plan(s)

Nil

3.7 Coastal or non-coastal

For the purposes of the accepted development vegetation clearing codes and State Code 16 of the State Development Assessment Provisions (SDAP), this property is regarded as*

Coastal

*See also Map 4.3

3.8 Agricultural Land Class A or B

The following can be used to identify Agricultural Land Class A or B areas under the "Managing regulated regrowth vegetation" accepted development vegetation clearing code:

Does this lot contain land that is mapped as Agricultural Land Class A or B in the State Planning Interactive Mapping System?

No Class A

No Class B

Note - This confirms Agricultural Land Classes as per the State Planning Interactive Mapping System only. This response does not include Agricultural Land Classes identified under local government planning schemes. For further information, check the Planning Scheme for your local government area.

See Map 4.4 to identify the location and extent of Class A and/or Class B Agricultural land on Lot: 177 Plan: MCH5264.

4. Vegetation management framework maps

Vegetation management maps included in this report may also be requested individually at:

<https://www.resources.qld.gov.au/qld/environment/land/vegetation/vegetation-map-request-form>

Regulated vegetation management map

The regulated vegetation management map shows vegetation categories needed to determine clearing requirements. These maps are updated monthly to show new [property maps of assessable vegetation \(PMAV\)](#).

Vegetation management supporting map

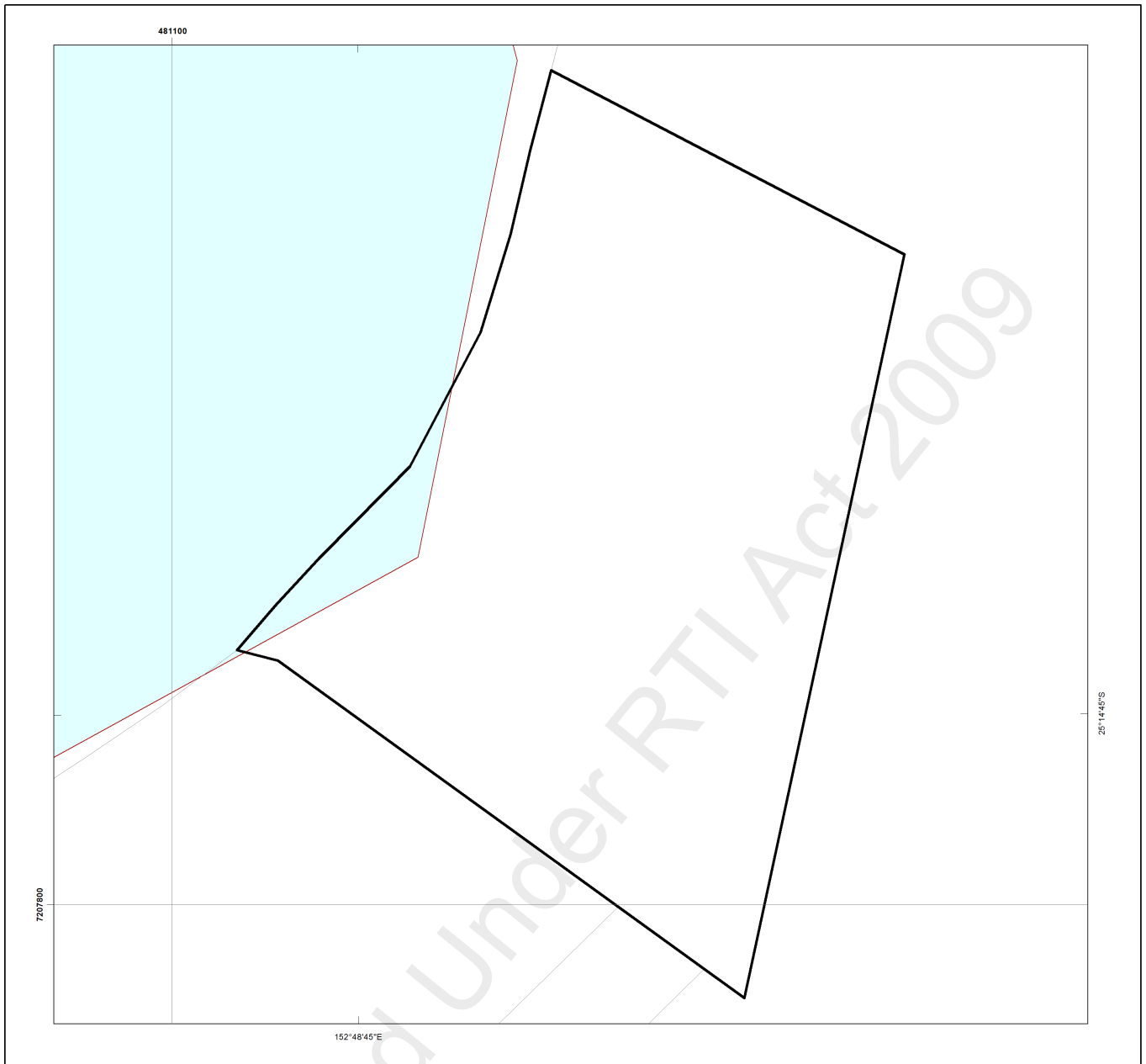
The vegetation management supporting map provides information on regional ecosystems, wetlands, watercourses and essential habitat.

Coastal/non-coastal map

The coastal/non-coastal map confirms whether the lot, or which parts of the lot, are considered coastal or non-coastal for the purposes of the accepted development vegetation clearing codes and State Code 16 of the State Development Assessment Provisions (SDAP).










Agricultural Land Class A or B as per State Planning Policy: State Interest for Agriculture

The Agricultural Land Class map confirms the location and extent of land mapped as Agricultural Land Classes A or B as identified on the State Planning Interactive Mapping System. Please note that this map does not include areas identified as Agricultural Land Class A or B in local government planning schemes. This map can be used to identify Agricultural Land Class A or B areas under the "Managing regulated regrowth vegetation" accepted development vegetation clearing code.



Regulated Vegetation Management Map

Legend

-  Selected Lot and Plan
-  Category A area (Vegetation offsets/compliance notices/VDecs)
-  Category B area (Remnant vegetation)
-  Category C area (High-value regrowth vegetation)
-  Category R area (Reef regrowth watercourse vegetation)
-  Category X area (Exempt clearing work on Freehold, Indigenous and Leasehold land)
-  Water
-  Area not categorised
-  Other land parcel boundaries



This product is projected into:
GDA 1994 MGA Zone 56

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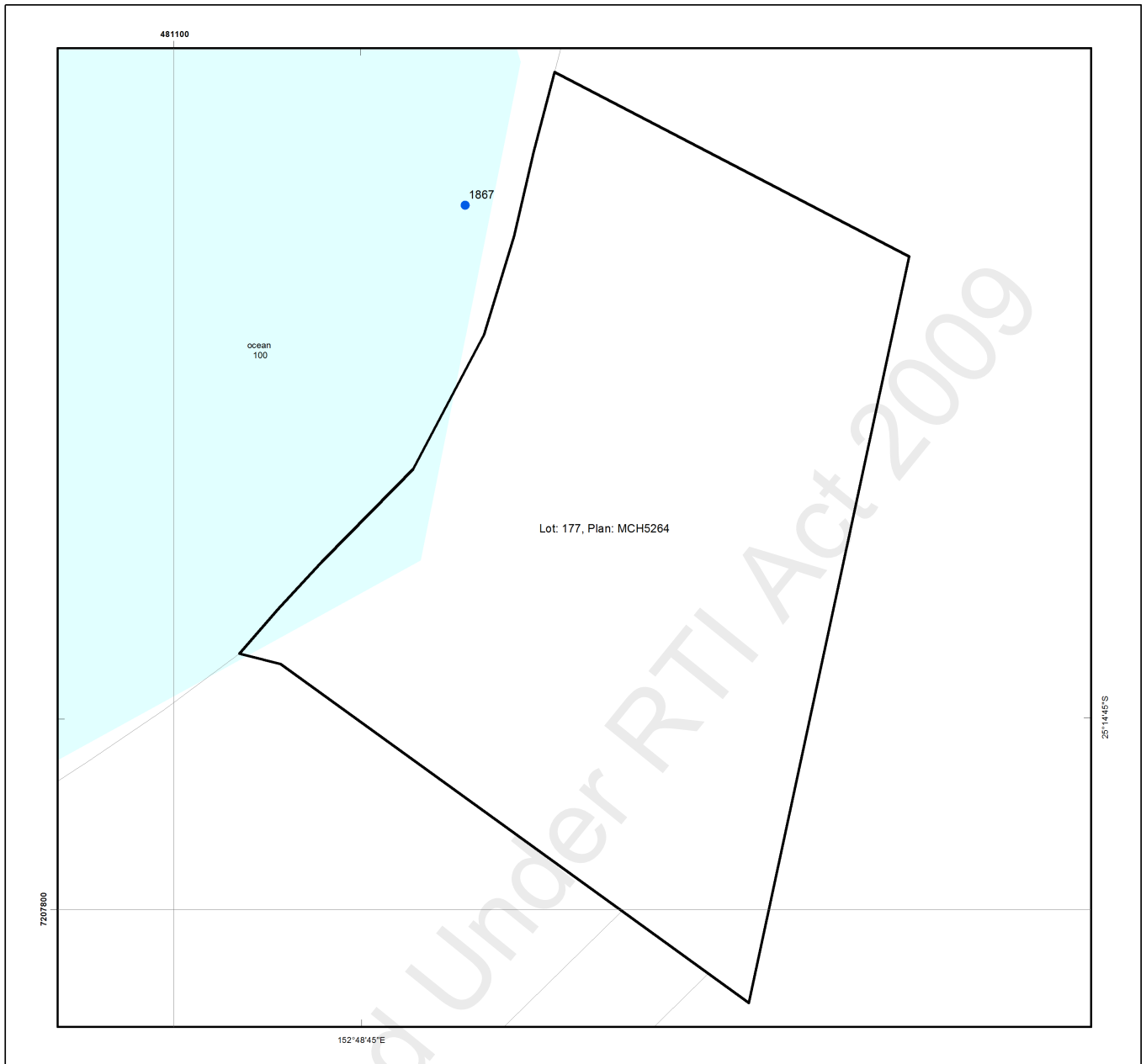
Additional information required for the assessment of vegetation values is provided in the accompanying "Vegetation Management Supporting map". For further information go to the web site: www.resources.qld.gov.au or contact the Department of Resources.

Digital data for the regulated vegetation management map is available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

Land parcel boundaries are provided as locational aid only.

This map is updated on a monthly basis to ensure new PMAVs are included as they are approved.





Vegetation Management Supporting Map

Legend

- Selected Lot and Plan
- Category A or B area containing endangered regional ecosystems
- Category A or B area containing of concern regional ecosystems
- Category A or B area that is a least concern regional ecosystem
- Category C or R area containing endangered regional ecosystems
- Category C or R area containing of concern regional ecosystems
- Category C or R area that is a least concern regional ecosystem
- Category X area
- Water
- Wetland on the vegetation management wetlands map
- Essential habitat on the essential habitat map
- Essential habitat species record
- Watercourses and drainage features on the vegetation management watercourse and drainage features map (Stream order shown as black number against stream where available)
- Highway
- Connector
- Street/Local Road
- National Parks, State Forest and other reserves
- Other land parcel boundaries

Queensland Government

LOCALITY DIAGRAM

N

0 3.5 7 10.5 14 17.5 m

This product is projected into:
GDA 1994 MGA Zone 56

Labels for Essential Habitat are centred on the area of enquiry.

Regional ecosystem linework has been compiled at a scale of 1:100 000, except in designated areas where a compilation scale of 1:50 000 is available. Linework should be used as a guide only. The positional accuracy of RE data mapped at a scale of 1:100 000 is +/- 100 metres.

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Additional information may be required for the purposes of land clearing or assessment of a regional ecosystem map or PMAV applications. For further information go to the web site: www.resources.qld.gov.au or contact the Department of Resources.





Digital data for the vegetation management watercourse and drainage feature map, vegetation management wetlands map, essential habitat map and the vegetation management remnant and regional ecosystem map are available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

Land parcel boundaries are provided as locational aid only.



Coastal/Non Coastal Map

Legend

-  Selected Lot and Plan
-  Coastal
-  Non Coastal
-  Other land parcel boundaries



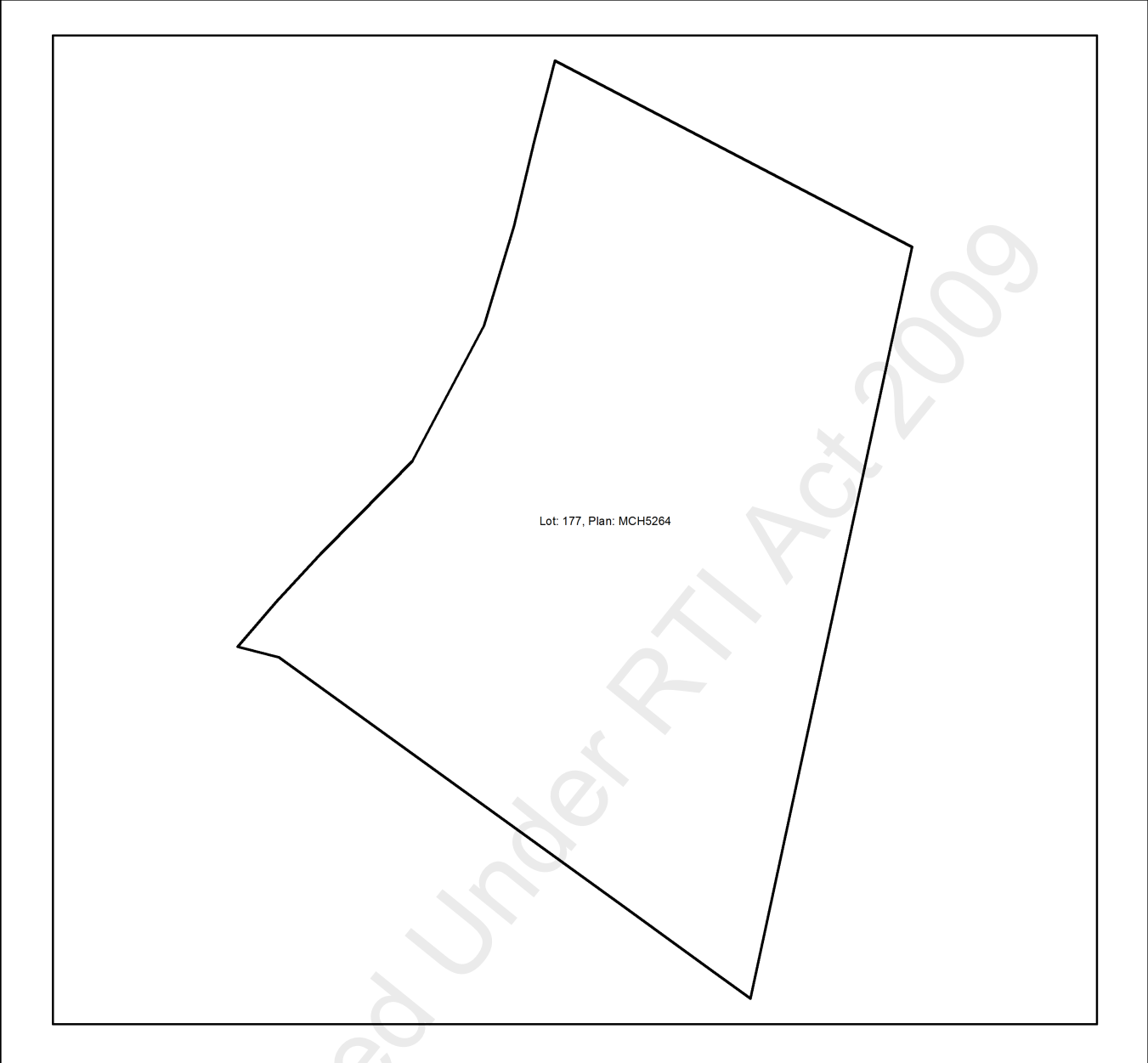
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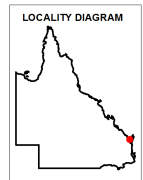
4.4 Agricultural Land Class A or B as per State Planning Policy: State Interest for Agriculture



Agricultural Land Class A or B as per State Planning Policy: State Interest for Agriculture

Legend

- Selected Lot and Plan
- Towns
- Rivers and creeks
- Freeways / motorways; Highways
- Secondary roads; Streets
- Agricultural land class A or B
 - A
 - B
 - Not class A or B



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5. Protected plants framework (administered by the Department of Environment and Science (DES))

In Queensland, all plants that are native to Australia are protected plants under the [Nature Conservation Act 1992](#) (NCA). The NCA regulates the clearing of protected plants 'in the wild' (see [Operational policy: When a protected plant in Queensland is considered to be 'in the wild'](#)) that are listed as critically endangered, endangered, vulnerable or near threatened under the Act.

Please note that the protected plant clearing framework applies irrespective of the classification of the vegetation under the *Vegetation Management Act 1999* and any approval or exemptions given under another Act, for example, the *Vegetation Management Act 1999* or *Planning Regulation 2017*.

5.1 Clearing in high risk areas on the flora survey trigger map

The flora survey trigger map identifies high-risk areas for endangered, vulnerable or near threatened (EVNT) plants. These are areas where EVNT plants are known to exist or are likely to exist based on the habitat present. The flora survey trigger map for this property is provided in section 5.5.

If you are proposing to clear an area shown as high risk on the flora survey trigger map, a flora survey of the clearing impact area must be undertaken by a suitably qualified person in accordance with the [Flora survey guidelines](#). The main objective of a flora survey is to locate any EVNT plants that may be present in the clearing impact area.

If the flora survey identifies that EVNT plants are not present within the clearing impact area or clearing within 100m of EVNT plants can be avoided, the clearing activity is exempt from a permit. An [exempt clearing notification form](#) must be submitted to the Department of Environment and Science, with a copy of the flora survey report, at least one week prior to clearing.

If the flora survey identifies that EVNT plants are present in, or within 100m of, the area to be cleared, a clearing permit is required before any clearing is undertaken. The flora survey report, as well as an impact management report, must be submitted with the [clearing permit application form](#).

5.2 Clearing outside high risk areas on the flora survey trigger map

In an area other than a high risk area, a clearing permit is only required where a person is, or becomes aware that EVNT plants are present in, or within 100m of, the area to be cleared. You must keep a copy of the flora survey trigger map for the area subject to clearing for five years from the day the clearing starts. If you do not clear within the 12 month period that the flora survey trigger map was printed, you need to print and check a new flora survey trigger map.

5.3 Exemptions

Many activities are 'exempt' under the protected plant clearing framework, which means that clearing of native plants that are in the wild can be undertaken for these activities with no need for a flora survey or a protected plant clearing permit. The Information sheet - General exemptions for the take of protected plants provides some of these exemptions.

Some exemptions under the NCA are the same as exempt clearing work (formerly known as exemptions) under the *Vegetation Management Act 1999* (i.e. listed in Schedule 21 of the Planning Regulations 2017) while some are different.

5.4 Contact information for DES

For further information on the protected plants framework:

Phone 1300 130 372 (and select option four)

Email palm@des.qld.gov.au

Visit <https://www.qld.gov.au/environment/plants-animals/plants/protected-plants>

5.5 Protected plants flora survey trigger map

This map included may also be requested individually at: <https://apps.des.qld.gov.au/map-request/flora-survey-trigger/>.

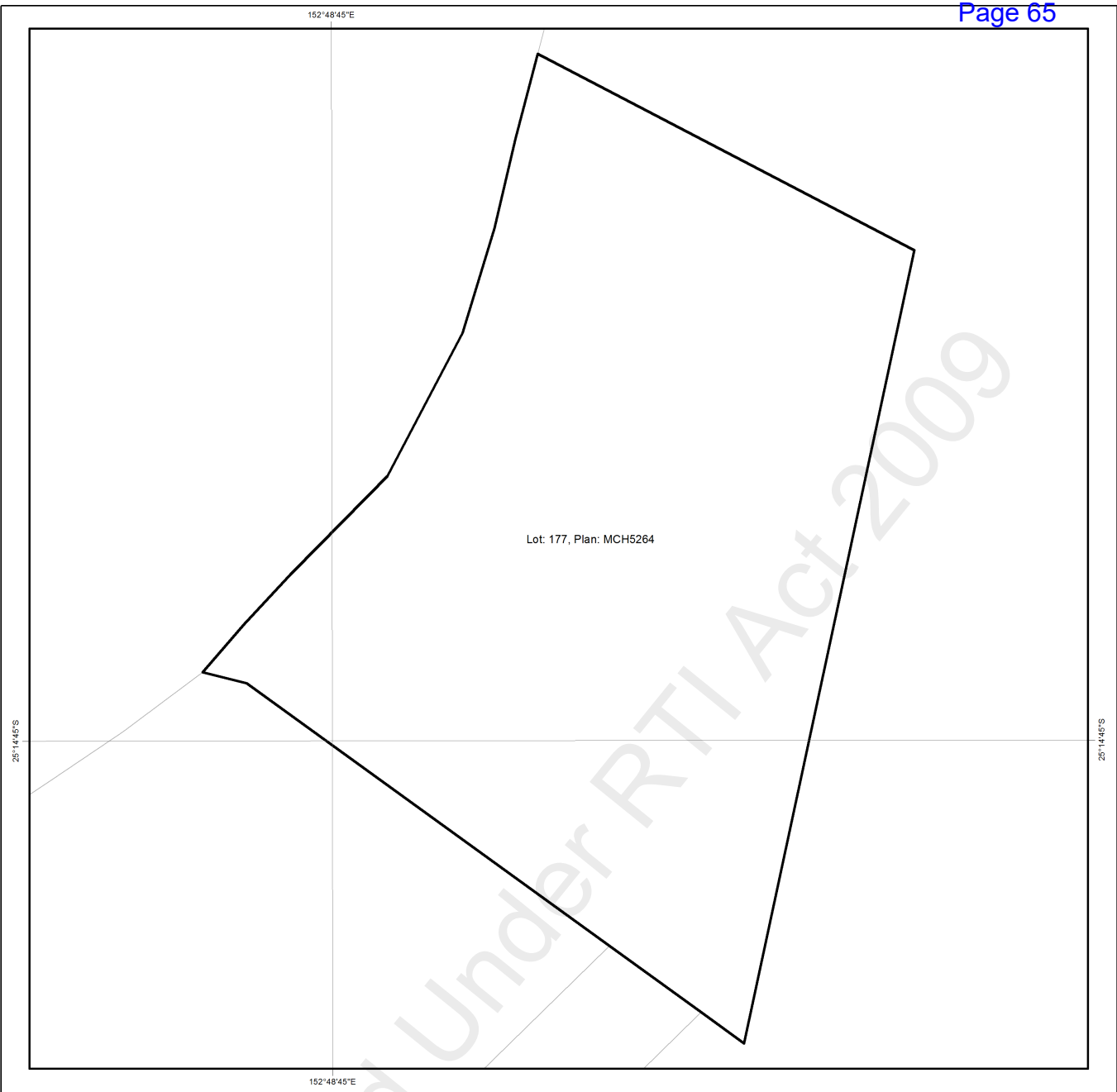
Updates to the data informing the flora survey trigger map

The flora survey trigger map will be reviewed, and updated if necessary, at least every 12 months to ensure the map reflects the most up-to-date and accurate data available.

Species information






Please note that flora survey trigger maps do not identify species associated with 'high risk areas'. While some species information may be publicly available, for example via the [Queensland Spatial Catalogue](#), the Department of Environment and Science does not provide species information on request. Regardless of whether species information is available for a particular high risk area, clearing plants in a high risk area may require a flora survey and/or clearing permit. Please see the Department of Environment and Science webpage on the [clearing of protected plants](#) for more information.

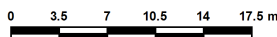
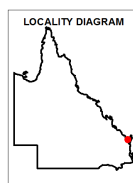
Released Under RTI Act 2009



Protected Plants Flora Survey Trigger Map

Legend

-  Selected Lot and Plan
-  High risk area
-  Other land parcel boundaries.
-  Freeways / motorways / highways
-  Secondary roads / streets



This product is projected into:
GDA 1994 MGA Zone 56

This map shows areas where particular provisions of the Nature Conservation Act 1992 apply to the clearing of protected plants.

Land parcel boundaries are provided as locational aid only.

This map is produced at a scale relevant to the size of the area selected and should be printed as A4 size in portrait orientation.

For further information or assistance with interpretation of this product, please contact the Department of Environment and Science at palm@des.qld.gov.au

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6. Koala protection framework (administered by the Department of Environment and Science (DES))

The koala (*Phascolarctos cinereus*) is listed in Queensland as vulnerable by the Queensland Government under *Nature Conservation Act 1992* and by the Australian Government under the *Environment Protection and Biodiversity Conservation Act 1999*.

The Queensland Government's koala protection framework is comprised of the *Nature Conservation Act 1992*, the Nature Conservation (Animals) Regulation 2020, the Nature Conservation (Koala) Conservation Plan 2017, the *Planning Act 2016* and the Planning Regulation 2017.

6.1 Koala mapping

6.1.1 Koala districts

The parts of Queensland where koalas are known to occur has been divided into three koala districts - koala district A, koala district B and koala district C. Each koala district is made up of areas with comparable koala populations (e.g. density, extent and significance of threatening processes affecting the population) which require similar management regimes.

Section 7.1 identifies which koala district your property is located in.

6.1.2 Koala habitat areas

Koala habitat areas are areas of vegetation that have been determined to contain koala habitat that is essential for the conservation of a viable koala population in the wild based on the combination of habitat suitability and biophysical variables with known relationships to koala habitat (e.g. landcover, soil, terrain, climate and ground water). In order to protect this important koala habitat, clearing controls have been introduced into the Planning Regulation 2017 for development in koala habitat areas.

Please note that koala habitat areas only exist in koala district A which is the South East Queensland "Shaping SEQ" Regional Plan area. These areas include the local government areas of Brisbane, Gold Coast, Logan, Lockyer Valley, Ipswich, Moreton Bay, Noosa, Redland, Scenic Rim, Somerset, Sunshine Coast and Toowoomba (urban extent).

There are two different categories of koala habitat area (core koala habitat area and locally refined koala habitat), which have been determined using two different methodologies. These methodologies are described in the document [Spatial modelling in South East Queensland](#).

Section 7.2 shows any koala habitat area that exists on your property.

Under the Nature Conservation (Koala) Conservation Plan 2017, an owner of land (or a person acting on the owner's behalf with written consent) can request to make, amend or revoke a koala habitat area determination if they believe, on reasonable grounds, that the existing determination for all or part of their property is incorrect.

More information on requests to make, amend or revoke a koala habitat area determination can be found in the document [Guideline - Requests to make, amend or revoke a koala habitat area determination](#).

The koala habitat area map will be updated at least annually to include any koala habitat areas that have been made, amended or revoked.

Changes to the koala habitat area map which occur between annual updates because of a request to make, amend or revoke a koala habitat area determination can be viewed on the register of approved requests to make, amend or revoke a koala habitat area available at: <https://environment.des.qld.gov.au/wildlife/animals/living-with/koalas/mapping/koalamaps>. The register includes the lot on plan for the change, the date the decision was made and the map issued to the landholder that shows areas determined to be koala habitat areas.

6.1.3 Koala priority areas

Koala priority areas are large, connected areas that have been determined to have the highest likelihood of achieving conservation outcomes for koalas based on the combination of habitat suitability, biophysical variables with known relationships to koala habitat (e.g. landcover, soil, terrain, climate and ground water) and a koala conservation cost benefit analysis.

Conservation efforts will be prioritised in these areas to ensure the conservation of viable koala populations in the wild including a focus on management (e.g. habitat protection, habitat restoration and threat mitigation) and monitoring. This includes a prohibition on clearing in koala habitat areas that are in koala priority areas under the Planning Regulation 2017 (subject to some exemptions).

Please note that koala priority areas only exist in koala district A which is the South East Queensland "Shaping SEQ" Regional Plan area. These areas include the local government areas of Brisbane, Gold Coast, Logan, Lockyer Valley,

Section 7.2 identifies if your property is in a koala priority area.

6.1.4 Identified koala broad-hectare areas

There are seven identified koala broad-hectare areas in SEQ. These are areas of koala habitat that are located in areas committed to meet development targets in the SEQ Regional Plan to accommodate SEQ's growing population including bring-forward Greenfield sites under the Queensland Housing Affordability Strategy and declared master planned areas under the repealed *Sustainable Planning Act 2009* and the repealed *Integrated Planning Act 1997*.

Specific assessment benchmarks apply to development applications for development proposed in identified koala broad-hectare areas to ensure koala conservation measures are incorporated into the proposed development.

Section 7.2 identifies if your property is in an identified koala broad-hectare area.

6.2 Koala habitat planning controls

On 7 February 2020, the Queensland Government introduced new planning controls to the Planning Regulation 2017 to strengthen the protection of koala habitat in South East Queensland (i.e. koala district A).

More information on these planning controls can be found here:

<https://environment.des.qld.gov.au/wildlife/animals/living-with/koalas/mapping/legislation-policy>.

As a high-level summary, the koala habitat planning controls make:

- development that involves interfering with koala habitat (defined below) in an area that is both a koala priority area and a koala habitat area, prohibited development (i.e. development for which a development application cannot be made);
- development that involves interfering with koala habitat (defined below) in an area that is a koala habitat area but is not a koala priority area, assessable development (i.e. development for which development approval is required); and
- development that is for extractive industries where the development involves interfering with koala habitat (defined below) in an area that is both a koala habitat area and a key resource area, assessable development (i.e. development for which development approval is required).

Interfering with koala habitat means:

- 1) Removing, cutting down, ringbarking, pushing over, poisoning or destroying in anyway, including by burning, flooding or draining native vegetation in a koala habitat area; but
- 2) Does not include destroying standing vegetation by stock or lopping a tree.

However, these planning controls do not apply if the development is exempted development as defined in Schedule 24 of the [Planning Regulation 2017](#). More information on exempted development can be found here:

<https://environment.des.qld.gov.au/wildlife/animals/living-with/koalas/mapping/legislation-policy>.

There are also assessment benchmarks that apply to development applications for:

- building works, operational works, material change of use or reconfiguration of a lot where:
 - the local government planning scheme makes the development assessable;
 - the premises includes an area that is both a koala priority area and a koala habitat area; and
 - the development does not involve interfering with koala habitat (defined above); and
- development in identified koala broad-hectare areas.

The [Guideline - Assessment Benchmarks in relation to Koala Habitat in South East Queensland assessment benchmarks](#) outlines these assessment benchmarks, the intent of these assessment benchmarks and advice on how proposed development may meet these assessment benchmarks.

6.3 Koala Conservation Plan clearing requirements

Section 10 and 11 of the [Nature Conservation \(Koala\) Conservation Plan 2017](#) prescribes requirements that must be met when clearing koala habitat in koala district A and koala district B.

These clearing requirements are independent to the koala habitat planning controls introduced into the Planning Regulation 2017, which means they must be complied with irrespective of any approvals or exemptions offered under other legislation.

Unlike the clearing controls prescribed in the Planning Regulation 2017 that are to protect koala habitat, the clearing requirements prescribed in the Nature Conservation (Koala) Conservation Plan 2017 are in place to prevent the injury or death of koalas when koala habitat is being cleared.

6.4 Contact information for DES

For further information on the koala protection framework:

Phone 13 QGOV (13 74 68)

Email koala.assessment@des.qld.gov.au

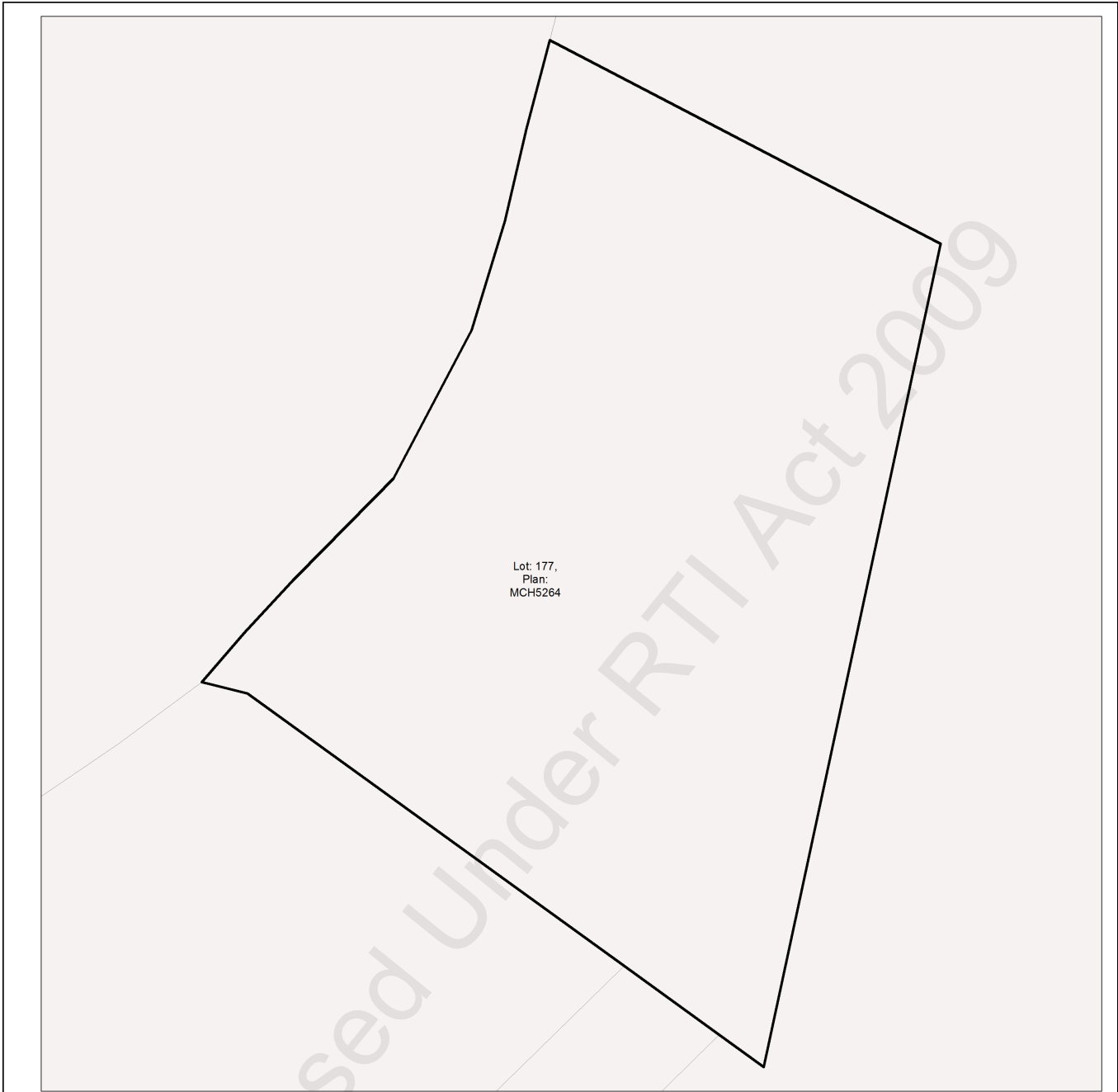
Visit <https://environment.des.qld.gov.au/wildlife/animals/living-with/koalas/mapping>

7. Koala protection framework details for Lot: 177 Plan: MCH5264

7.1 Koala districts

Koala District B

7.2 Koala priority area, koala habitat area and identified koala broad-hectare area map

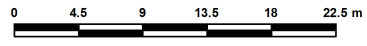
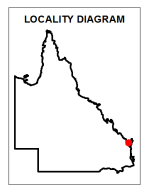


Koala priority area, koala habitat area and identified koala broad-hectare area map

Legend

- Selected Lot and Plan
- Koala habitat area (core)
- Koala habitat area (locally refined)
- Koala priority area
- Identified koala broad-hectare area
- Cadastral Boundaries
- Towns
- Highway
- Connector
- Street/Local Road
- Major rivers/creeks
- Queensland

The koala habitat mapping within South East Queensland uses regional ecosystem linework compiled at a scale varying from 1:25,000 to 1:100,000. Linework should be used as a guide only. The positional accuracy of regional ecosystem data mapped at a scale of 1:100,000 is +/- 100 metres.

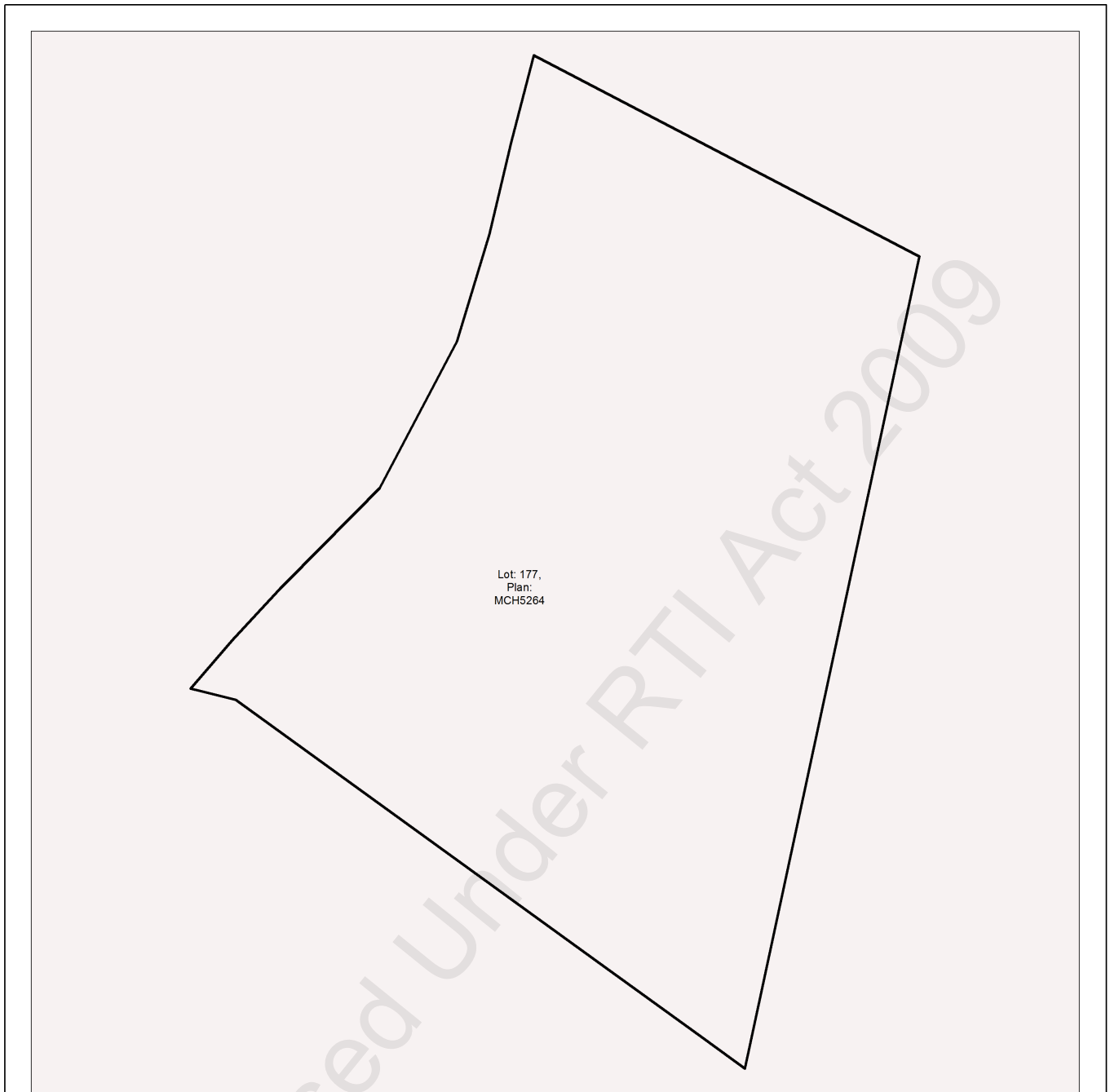


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The koala conservation plan maps will be updated at least annually to include any koala habitat areas that have been made, amended or revoked.

In order to ensure that the most recent map for an area of interest can be accessed, prior to the annual update, a register of changes made to koala habitat areas as a result of the map amendment process will be available at:
<https://environment.des.qld.gov.au/wildlife/animals/living-with/koalas/mapping/>.
The register will include lot on plan for the change, the date the decision was made and the map issued to the landholder which shows areas determined to be koala habitat areas.

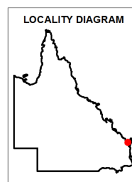
7.3 Koala habitat regional ecosystems for core koala habitat areas



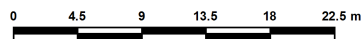
Koala habitat regional ecosystems for core koala habitat areas

Legend

- Selected Lot and Plan
- Koala habitat area (core)
- Towns
- Highway
- Connector
- Street/Local Road
- Major rivers/creeks
- Queensland



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The koala habitat mapping within South East Queensland uses regional ecosystem linework compiled at a scale varying from 1:25,000 to 1:100,000. Linework should be used as a guide only. The positional accuracy of regional ecosystem data mapped at a scale of 1:100,000 is +/- 100 metres.

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This product is projected into GDA 1994 MGA Zone 56

8. Other relevant legislation contacts list

Activity	Legislation	Agency	Contact details
<ul style="list-style-type: none"> • Interference with overland flow • Earthworks, significant disturbance 	<i>Water Act 2000</i> <i>Soil Conservation Act 1986</i>	Department of Regional Development, Manufacturing and Water (Queensland Government) Department of Resources (Queensland Government)	Ph: 13 QGOV (13 74 68) www.rdmw.qld.gov.au www.resources.qld.gov.au
<ul style="list-style-type: none"> • Indigenous Cultural Heritage 	<i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i>	Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships	Ph: 13 QGOV (13 74 68) www.datsip.qld.gov.au
<ul style="list-style-type: none"> • Mining and environmentally relevant activities • Infrastructure development (coastal) • Heritage issues 	<i>Environmental Protection Act 1994</i> <i>Coastal Protection and Management Act 1995</i> <i>Queensland Heritage Act 1992</i>	Department of Environment and Science (Queensland Government)	Ph: 13 QGOV (13 74 68) www.des.qld.gov.au
<ul style="list-style-type: none"> • Protected plants and protected areas 	<i>Nature Conservation Act 1992</i>	Department of Environment and Science (Queensland Government)	Ph: 1300 130 372 (option 4) palm@des.qld.gov.au www.des.qld.gov.au
<ul style="list-style-type: none"> • Koala mapping and regulations 	<i>Nature Conservation Act 1992</i>	Department of Environment and Science (Queensland Government)	Ph: 13 QGOV (13 74 68) Koala.assessment@des.qld.gov.au
<ul style="list-style-type: none"> • Interference with fish passage in a watercourse, mangroves • Forestry activities on State land tenures 	<i>Fisheries Act 1994</i> <i>Forestry Act 1959</i>	Department of Agriculture and Fisheries (Queensland Government)	Ph: 13 QGOV (13 74 68) www.daf.qld.gov.au
<ul style="list-style-type: none"> • Matters of National Environmental Significance including listed threatened species and ecological communities 	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Department of Agriculture, Water and the Environment (Australian Government)	Ph: 1800 803 772 www.environment.gov.au
<ul style="list-style-type: none"> • Development and planning processes 	<i>Planning Act 2016</i> <i>State Development and Public Works Organisation Act 1971</i>	Department of State Development, Infrastructure, Local Government and Planning (Queensland Government)	Ph: 13 QGOV (13 74 68) www.dsdmip.qld.gov.au
<ul style="list-style-type: none"> • Local government requirements 	<i>Local Government Act 2009</i> <i>Planning Act 2016</i>	Department of State Development, Infrastructure, Local Government and Planning (Queensland Government)	Ph: 13 QGOV (13 74 68) Your relevant local government office
<ul style="list-style-type: none"> • Harvesting timber in the Wet Tropics of Qld World Heritage area 	<i>Wet Tropics World Heritage Protection and Management Act 1993</i>	Wet Tropics Management Authority	Ph: (07) 4241 0500 www.wettropics.gov.au

From: Jeff Brannan
Sent: Thursday 6 October 2022 8:57 AM
To: David Lewis
Cc: James Cockburn; Gerard Carlyon
Subject: CP1517747 - Gatakers Landing - restaurant, hotel etc

David,

Thank you for your email. I have reviewed your query involving the re-use of the Gatakers Restaurant for its historical purpose as a restaurant, function facility, bar, shop and caretakers' accommodation and advise the following;

- S260-262 of the Planning Act 2016 recognises '*existing uses and rights protected*'. The landuse activity and lawful use of premises is considered to be established with an '*Of use right*' in place factoring;
- 1986 rezoning approval for boat hire, fishing tackle and catering shop. Identification of a caretakers residence was noted.
- Restaurant established as part of food premise operations (catering shop) with food premise licenses issued between 1986 to 2018. These licenses identify 'function' purpose as part of restaurant operations.
- 513/3-021963 – MCU Retail Plant Nursery approved 1.7.03. This permit identifies the caretaker's residence, outdoor dining and use areas, restaurant and bar.
- Landuse operations / activity is not considered to be lapsed as per S261 of the Act, as Council's record, real estate marketing and land tenure have been consistently maintained.
- Council's review of the matter factoring the 'of use rights' and extent of re-use / redevelop proposed has deemed the matter to not constitute a 'material change' in accordance to the Planning Act 2016, therefore no planning application is enacted.
- An internal bar is noted to be moved from internal to external, however this is not deemed as enacting a material change as the landuse is already established and is only moving its location within the premise / use areas on site. It is noted that the previous retail nursery approval identified an external bar servery area to the decks.
- Coffee shop, bread shop, bottle shop etc are all defined as 'shop' which is currently captured by the 'of use rights' as landuse. This is not the primary landuse activity and are ancillary and support (value adding). Council is not aware of any drive thru bottle shop as this has not formed part of any advice request from the operator or provided by Council.
- Restaurant and Café are defined as 'food and drink' in which the current 'of use right' includes restaurant, therefore café is deemed to be part of the 'of use right'.
- With regard to the liquor licensing the current mix of landuses provides for the ability to be considered for a hotel license which was subject to application to Liquor Licensing.
 - The premises currently holds a commercial other – subsidiary on premises (meals) licence.
 - Current trading hours for the site are 10am to 12am – Monday to Sunday.
 - No gaming machine licence has been lodged in association with the liquor license application.
 - Liquor licensing govern noise as part of operations, and they would apply requirements to protect amenity. This enacts the EPA Act relative to amenity / nuisance protection measures.
- Carparking arrangements are as per the existing historical permits issued that are protected by the established 'of use rights'. Council does not have the ability to require additional parking. The site operated previously with parking as per on-site that included utilisation of public parking. The external parking arrangement was changed by Council many years ago when the boat ramp was acquired (from Gatakers)

and changed the public parking area into boat parking. This does not change the 'of use rights'. Public on street parking and also what area is available within proximity at Gatakers (reserve) is likely to be utilised.

- Environmental matters (amenity / turtles). Lighting would be restricted within the area as per the Australian Standards and EPA Act requirements relative to protecting amenity. The applicant will need to liaise with DES as part of lighting to ensure that the turtles are not impacted upon.
- Foreshore access. The site has an established pedestrian access point to the foreshore that includes use of a grassed area fronting the site. Due to the site being re-developed the area has been separated / secured from public access in order to meet safety requirements. Access will be re-established once works have been finalised.

I hope this sufficiently answers your query.

Regards

Jeff Brannan

Manager Development Assessment
Planning & Growth Department

T (07) 4197 4383

M 0437 119 482

E jeff.brannan@frasercoast.qld.gov.au

From: David Lewis <David.Lewis@frasercoast.qld.gov.au>

Sent: Tuesday 4 October 2022 6:28 PM

To: Fraser Coast Regional Council - Councillor Requests <councillor.requests@frasercoast.qld.gov.au>

Subject: URGENT - Gatakers Landing - restaurant, hotel etc

Dear Team,

Could you please arrange for the appropriate officer (presumably planning?) to advise me on the matters below?

I have had several residents contact me about the proposed redevelopment of the Gatakers restaurant, which is currently the subject of a liquor licence application. While as far as I am aware, there is no current planning application before Council, I recall that we did advise the applicant some time ago that the existing (previous) use was sufficient planning authority for him to proceed without further consent.

I was sent a copy of Council's correspondence some time ago, but the auto-archiving function has sent that email into the ether, and I cannot locate it. It would assist me if someone could resend that material to me.

I will detail the concerns from the various residents under appropriate headings. I have not sent in any particular complaint, as a number of different parties have raised concerns, some overlapping, and some by phone. It will be simpler if a reply can be sent to me and I can get back to each of them. However a CP number will assist if any of them want to take the matter further.

I also mention that *the closing date for licensing objections is 12 October*, and as I am on leave from the 7th, it would be great if someone can have a look at this in the next couple of days.

Planning consent

As mentioned, I believe the planning issues are (said to be) covered by the previous lawful use. **However I raise this at this stage, as some have questioned whether the prior consent/use is sufficient, given that there seems to be an expansion of use, as to both type and perhaps scale.** The previous use was, as I recall, for a licensed restaurant. Historically, other uses included a boat hire business and a plant nursery. The licensing application is for a commercial hotel with amplified music, and includes both on and off premises liquor sales. The hours are from 10am until 12 midnight. Other information provided suggests that the owners will also operate a coffee shop and bread shop, and a function room.

Some have asked whether the added uses, ie hotel, bottle sales in particular amount to a new use. Further, is it appropriate to limit the scale of the new establishment to not being significantly larger than the previous use? Obviously it is one thing to have a restaurant of a particular size, and presumably ok to double as a function room of similar size, but quite a different thing to say double the size. Similarly, some say that while selling takeaway wine from a wine bar might be of no consequence, it is quite another thing to build a drive-through liquor store. Compare the pre-existing establishment to say the Beach House Hotel. Other matters raised below will also be relevant, eg parking.

We also need to take into account that whatever the intentions of the current applicant, later owners may pursue larger options if not sufficiently conditioned.

Noise – amplified music

Some have raised concerns about the possible ramifications of this aspect. **Again, please advise if these matters are controlled or conditioned in any way.**

Traffic and parking

Residents have pointed out that the roads in this area are narrow and one suspects not designed for heavy (volume and weight) traffic. A larger establishment will mean both increased traffic during trade, and also larger vehicles during construction and for deliveries.

Parking is very limited. I have inspected the area and advise that the current off-site parking is as follows:

Car parks (on road) – 8 spaces

Car and trailer (in the main parking area) – 35 (10 all sealed, 25 part seal, part grass)

Car and trailer adjacent to the ramp – 9, all sealed, including 2 disability parks.

The car/trailer parks are marked as such, so not available for cars *at any time* so there are in effect only 8 parks for uses of the hotel.

One resident contacted the liquor licensing staff and was informed that the application was catering for 120 patrons, although it is not known how this figure was arrived at. Clearly 8 parks is insufficient for this usage. I don't know what if any provision is made for onsite parking, nor how or if it will be conditioned.

Accordingly, please advise what conditions or controls exist for these issues.

Environmental matters – turtles and vegetation

The Gatakers area is a known turtle nesting area of particular significance. Further, turtles frequent the boat ramp area and basis, especially in strong northerlies. **What conditions exist to control lighting in turtle appropriate ways? Further, what conditions exit to limit vegetation clearing for construction of this expanded use?**

Foreshore access

Currently, areas of the foreshore appear to be closed off to the public. Absent survey pegs delineating the lease area, it is difficult to be certain that public areas are still accessible. **Can you please advise me of the current position, and as to conditions to ensure continued public access?**

Thank you as always, I look forward to your advice.

Kind regards

David Lewis
Councillor for Division 6
Fraser Coast Regional Council

T 1300 79 49 29 | M 0429 860 190 | E David.Lewis@frasercoast.qld.gov.au



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