



Ordinary Meeting Minutes

29 August 2017

Council Chambers, Bundaberg

10.00 am

Present:

Cr JM Dempsey (Mayor - Chairman), Cr WR Trevor OAM (Deputy Mayor), Cr JP Bartels, Cr WA Honor, Cr HL Blackburn, Cr GR Barnes, Cr SA Rowleson, Cr DJ Batt, Cr JA Peters and Cr PR Heuser.

Apology:

Moved by Cr WR Trevor, seconded by Cr SA Rowleson, That Cr CR Sommerfeld's apology for today's meeting be accepted. - Carried unanimously.

Officers:

Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Organisational Services
Mr AW Fulton, General Manager Infrastructure & Planning
Mr GJ Steele, General Manager Community & Environment
Miss NK Launchbury, Senior Executive Assistant
Mrs WE Saunders, Executive Services Co-ordinator

Tribute:

Before commencing the proceedings of the meeting, at the invitation of the Mayor, Cr GR Barnes' paid tribute to former Burnett Shire Councillor, Gail Anderson, who passed away last week. The meeting then paused for a minute's silence.

Invocation:

At the invitation of the Mayor, Pastor Errol Buckle (Honorary Chaplain) gave a short address and lead this Ordinary meeting of Council in prayer.



Minutes

29 August 2017

Item Number: B1	File Number:	Part: Minutes
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Subject:

Confirmation of Minutes

2020

Resolution

Cr HL Blackburn moved:-

That the minutes of the Ordinary Meeting of Council held on 8 August 2017, be taken as read and confirmed.

Seconded by Cr PR Heuser - and carried unanimously without debate.



Minutes

29 August 2017

Item Number: E1	File Number: .	Part: FINANCE
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Portfolio:

Organisational Services

Subject:

Financial Summary as at 15 August 2017

2021

Resolution

Cr JM Dempsey presented the report; and moved:-

That the Financial Summary as at 15 August 2017 (as detailed on the 18 pages appended to this report) – **be noted by Council.**

Seconded by Cr GR Barnes.

There being no discussion on this item - the Motion was put - and carried unanimously.



Minutes

29 August 2017

Item Number: F1	File Number: .	Part: GOVERNANCE & COMMUNICATIONS
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Portfolio:

Organisational Services

Subject:

Tetzlaffs Road, North Gregory - Purchase of Unallocated State Land

2022

Resolution

Cr HL Blackburn presented the report; and moved:-

That the Department of Natural Resources and Mines be advised Council offers no objection to the application to purchase Unallocated State Land, described as Lot 44 on SP273749, located off Tetzlaffs Road, North Gregory.

Seconded by Cr DJ Batt.

There being no discussion on this item - the Motion was put - and carried unanimously.



Minutes

29 August 2017

Item Number:	File Number:	Part:
G1	IPE2177.2016	INFRASTRUCTURE

Portfolio:

Infrastructure & Planning Services

Subject:

Acquisition of Easements at Burnett Heads and Purchase of State Land (East Wastewater Treatment Plant)

2023

Resolution

Cr JP Bartels presented the report; and moved:-

That in respect of:-

- 1. East Wastewater Treatment Plant - approval be granted for the purchase of Lot 166 on CK1271 from DNRM; and**
- 2. Burnett Heads Streetscape - approval be granted to the acquisition of part Lot 163 on CK1104 (Moss Street, Burnett Heads), being 600 m² in area approximately and in addition, a sewerage easement over Lot 163 on CK1104 all as shown on the attached plan in this report.**

Further, that the Chief Executive Officer be authorised to negotiate to finalisation, with the Department of Natural Resources and Mines with respect to the purchases as detailed above.

Seconded by Cr WA Honor.

There being no discussion on this item - the Motion was put - and carried unanimously.



Minutes

29 August 2017

Item Number:	File Number:	Part:
I1	fA101867	WATER & WASTEWATER

Portfolio:

Infrastructure & Planning Services

Subject:

Kinkuna Estate & Marina Drive (Burnett Heads) Sewerage Systems

Resolution

Cr JP Bartels presented the report; and moved:-

That:-

1. provision of \$28,000 be made in the 2017/18 sewerage budget for the replacement of seven non-compliant sewerage pumping units within Kinkuna Estate and these pumps be replaced;
2. as original negotiations were based on provision of gravity sewerage - Council provide a 50% contribution towards the cost of individual sewerage pumping units for properties along Marina Drive and Port of Bundaberg, estimated to cost \$48,000; and provision be made in the 2017/18 budget. It being noted that Council's contribution offer shall be valid until 30 June 2018; and
3. Plumbing Application fees and Notice to Service Provider fees be waived for properties along Marina Drive, if connected before 30 June 2018.

Seconded by Cr WA Honor.

There being no discussion on this item - the Motion was put - and carried unanimously.



Minutes

29 August 2017

Item Number:	File Number:	Part:
K1	322.2017.48423.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

45 Burrum Street, Bundaberg West - Material Change of Use for Tourist Park - Self-contained RV Park

Summary:

APPLICATION NO	322.2017.48423.1
PROPOSAL	Material Change of Use for Tourist Park - Self-contained RV Park
APPLICANT	Campervan & Motorhome Club of Australia Ltd
OWNER	Bundaberg Regional Council
PROPERTY DESCRIPTION	Lot 4 on Pt ZZ SP270831
ADDRESS	45 Burrum Street, Bundaberg West
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Medium Density Residential/Neighbourhood Centre
OVERLAYS	Acid sulfate soils, Biodiversity, Flood hazard, Heritage and neighbourhood character, Infrastructure
LEVEL OF ASSESSMENT	Code
SITE AREA	7.0895 ha
CURRENT USE	Community facilities, including Bundaberg Multiplex on the larger site, toilet block, caretaker's residence.
PROPERLY MADE DATE	30 June 2017
STATUS	The 20 business day decision period ends on 29 August 2017
REFERRAL AGENCIES	Nil.
NO OF SUBMITTERS	Not Applicable
PREVIOUS APPROVALS	322.2013.38342.1 and.2 on parent lot (Multiplex)
SITE INSPECTION CONDUCTED	25 July 2017
LEVEL OF DELEGATION	Level 3

2024

Resolution

Cr HL Blackburn presented the report; and moved:-

That Development Application 322.2017.48423.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use for Tourist Park - Self-contained RV Park

SUBJECT SITE

45 Burrum Street, Bundaberg West, Lot 4 on Pt ZZ SP270831

DECISION

- Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

1. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

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

4. CODES FOR SELF ASSESSABLE DEVELOPMENT

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

- Bundaberg Regional Council Planning Scheme 2015 and Associated Planning Scheme Policies

5. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT

Not Applicable

6. SUBMISSIONS

Not Applicable

7. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

8. REFERRAL AGENCY

Not Applicable

9. APPROVED PLANS

The approved plans and/or document/s for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
GC17-186-T01/P1	Existing site and adjoining uses plan	June 2017
322.2017.48423.1 – Plan 1A	Proposal Site Plan – Tourist Park (RV Park)	As Amended 15.08.2017
SKSG24738 Sheet 1 of 5	Foundation Plan	12.01.2016
SKSG24738 Sheet 2 of 5	Exterior Elevation Plan	12.01.2016

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse four (4) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

11. REFUSAL DETAILS

Not Applicable

12. CONDITIONS ABOUT INFRASTRUCTURE

The following conditions about infrastructure have been imposed under Chapter 8 of the *Sustainable Planning Act 2009*:

Condition/s	Provision under which the Condition was imposed
22,23,24,27,28,29	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development Permit prior to the commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.

Construction Management

4. Unless otherwise approved in writing by the Assessment Manager, do not undertake building work in a way that makes audible noise:
 - a. On a business day or Saturday, before 6.30 am or after 6.30 pm; or
 - b. On any other day, at any time.
5. Contain all litter, building waste and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or roads.
6. Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

Nature and Extent of the Approved Use

7. At all times, the approved use must have an appointed caretaker or a person contractually engaged by the land owners to manage/operate the Tourist Park activities undertaken on the site.
8. Relocatable homes and caravans (including RV's) must be sited:
 - a. A minimum of 3 m from any other RV, caravan, tent, cabin or building;
 - b. A minimum setback of 10 m from the waterway (drainage area) to the northern boundary (fence line);
 - c. A minimum of 1.5 m from any other side or rear lot boundaries;
 - d. A minimum of 2 m setback clearance from any roadways and access ways; and
 - e. A minimum of 12 m from the Burrum Street frontage

9. The total number of caravan/ RV parking areas must not exceed 50 in RV Parking Areas 1 and 2.
10. The approved 50 caravan/ RV parking areas must be used for short term accommodation purposes only. The approved use areas must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises. The requirements of this condition must be included in the Community Management Statement for any Body Corporate for the subject site.
11. No camping (tents) is permitted on the site. All vehicles and RV homes on site must be self-contained (private facilities).
12. The site manager is responsible for ensuring that no off-site amenity impacts occur as a result of the approved use.
13. The waste dump point must be maintained by the site caretaker/ manager at all times.
14. A communal recreational space must be maintained at all times on site, with:
 - a. A minimum dimension of 15 m; and
 - b. A minimum area of 150 m².

Development in Stages

15. Develop the site generally in accordance with the stages identified on the Approved Plans (RV Area 1 and RV Area 2). The Applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.
16. Undertake and provide the following as part of the specified stage(s) of the development:
 - a. The first stage undertaken:
 - i. Provide all road works and an all-weather vehicle access to RV site area.

Lighting

17. External lighting used to illuminate the premises must be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

Vegetation Clearing

18. No clearing of vegetation is permitted on the site unless approval is granted by Council. The following activities must not be carried out on site:
 - a. clearing, cutting down, poisoning, lopping or pruning of vegetation which is indigenous to, or planted within, the zone;
 - b. soil/spoil dumping and/or compacting; and
 - c. soil excavation, other than for planting indigenous native plants.

The following exceptions apply:

- a. declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003, and any Council Listed Environmental Weeds, Exotic Grasses and other plants identified in writing by Council
 - b. trees which pose a well-founded threat to persons or property.
19. Where approved vegetation management practice occurs, the applicant must chip, mulch or dispose of cleared vegetation at a Council approved green waste disposal facility or salvage timber for reuse. No burning of cleared material is permitted.

Waste Management

20. Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.
21. Provide a sufficient area for the storage of all waste bins. This area must be sealed, screen fenced and designed so as to prevent the release of contaminants to the environment.

Water

22. Provide a metered service, and internal infrastructure as required, to satisfy the fire-fighting and water supply demands of the development.

Sewerage

23. Provide a new sewerage connection (dump point) suitable to meet the requirements of the development above the defined flood level, or by utilising alternative solutions in accordance with AS3000.1 and .2. All live sewer work must be undertaken by Council. The waste dump point is to be located on the highest part of the lease area considering any buffer requirements and vehicle manoeuvring.

Stormwater and Flooding

24. Install a stormwater drainage system connecting to a lawful point of discharge.
25. A Flood Evacuation Plan must be submitted to and approved by the Assessment Manager prior to the commencement of the use. The plan must demonstrate how people may be evacuated from the site to a safe gathering point above the defined flood level and must include, but not be limited to, the following features:
 - a. The defined flood level for the site;
 - b. The river height at which the property floods;
 - c. The evacuation route from the property to an evacuation centre/point and the method by which staff and patrons will be transported;
 - d. The estimated time required to reach an evacuation centre;
 - e. The forecast river height/level at which to evacuate (Bundaberg City Gauge);
 - f. Information availability/where flood warnings will be acquired from;
 - g. The appointment of a site flood coordinator who will disseminate information to staff and patrons;
 - h. Procedures for assisting those with a disability or who do not speak English;

- i. A contact information collection process for all current staff and visitors; and
 - j. A plan showing primary and secondary evacuation routes and assembly areas.
26. Position electrical and data equipment, including switchboards, power points and light switches, above the Defined Flood Level (DFL).

Roadworks and Access

27. Provide access via the constructed Pyefinch Boulevard road stub. The access must, unless agreed otherwise in writing with the assessment manager:
- a. be designed appropriately to accommodate the proposed vehicles;
 - b. be paved where between the extended kerb alignment to a depth consistent with the existing Pyefinch Boulevard pavement;
 - c. extend the existing culvert 2 m past the edge of the new access;
 - d. connect to the existing sealed access track; and
 - e. sealed between the Pyefinch Boulevard asphalt and the existing bitumen sealed track.

Property access & driveways

28. Access strips and driveways to the proposed lease area must comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments*. The specific requirements must be determined as part of the Operational Works application.

Electricity, Street lighting and Telecommunications

29. Provide electricity service under standard tariff conditions and without further capital contributions by supplying all necessary materials, including structures and equipment, and performing all necessary works.

Existing Services and Structures

30. Certification must be submitted to the Assessment Manager from an appropriately qualified surveyor which certifies that:
- a. all existing and proposed utility services and connections to be utilised (e.g. electricity, telecommunications, water, sewerage) are wholly located within the associated lease area.

PART 1B – ADVICE NOTES

Environmental Harm

- A. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Fencing

- B. Should any existing fence not comply with the requirements of this approval, the existing fence must be replaced in accordance with the requirements of this approval.
- C. Fencing should be undertaken in accordance with the provisions of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*. This includes appropriate mediation practices and agreements regarding the type of materials, location and retrieval of any materials for any fence removed.

Flood Evacuation Plan

- D. In order to protect and/or minimise the damage to property and aid in business continuity post-flood, a flood preparation checklist may be included in the Flood Evacuation Plan for the development which addresses matters such as:
 - a. The preparation of an emergency flood kit;
 - b. The packing of critical documentation (legal, financial, insurance) in a waterproof container;
 - c. The backing up of critical data to a portable storage device and its storage in a safe place;
 - d. Raising of items to a higher level;
 - e. Securing hazardous items (eg gas bottles);
 - f. Moving or elevating dangerous items (e.g. chemicals);
 - g. Switching off electricity at the switchboard;
 - h. Turning gas and water off at the meter; and
 - i. Blocking toilet bowls and covering drains with a strong plastic bag filled with earth or sand.

Infrastructure Charges Notice

- E. The Adopted Infrastructure Charges Resolution (No 1) of 2015 allows 100% discount for not-for-profit use on land owned by Council. An AICN has not been issued.

Nature and Extent of Approved Development

- F. This Decision Notice does not represent an approval to commence Building Works.

Sewerage

- G. The dump point is regulated under AS3500.1 & .2 and the *Plumbing and Drainage Act*. The proposed dump point is below the defined flood event. Acceptable solutions may include a pumped discharge or relocating the dump point clear of the defined flood event. Seeking advice from a suitably qualified person, such as a plumber or a hydraulic design consultant is recommended.

Signage

- H. An Operational Works permit is required to be obtained for all signs and advertising devices associated with the development that do not comply with the benchmarks of the Planning Scheme in effect at the time of the proposed works. It is noted that directional signage may be included as a defined 'Fence Sign' as 'Accepted development, subject to requirements', where it meets the following requirements:
- a. maximum face area does not exceed 2 m²;
 - b. maximum sign height does not exceed 1.2 m; and
 - c. the sign does not project above the or beyond the fence to which it's attached.

Stormwater

- I. The drainage system for the development should incorporate stormwater quality improvements.

Operational Works

- J. This Decision Notice does not represent an approval to commence Operational Works. Any Operational Works associated with this Material Change of Use or other engineering work proposed on the lot is subject to relevant assessment under the Bundaberg Regional Council Planning Scheme 2015 or the instrument in effect at the time of assessment. This can include works for on-site landscaping, internal vehicle circulation, manoeuvring and car parking areas, on-site stormwater management and access driveways.

Proximity to rail infrastructure

- K. The approved use is located in close proximity to existing rail infrastructure. Any site management is to advise occupants accordingly.

Seconded by Cr WR Trevor.

There being no discussion on this item - the Motion was put - and carried unanimously.



Minutes

29 August 2017

Item Number:	File Number:	Part:
K2	322.2017.47912.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

88 and 90 Quay Street, Bundaberg West - Material Change of Use for Multi-unit Residential/Short Term Accommodation, Function Facility and Food and Drink Outlet (5 Storey development and basement car parking)

Summary:

APPLICATION NO	322.2017.47912.1
PROPOSAL	Material Change of Use Multi-unit Residential/ Short term accommodation, Function Facility and Food and Drink Outlet (5 Storey development and basement car parking)
APPLICANT	R Pitt
OWNER	RJ Pitt & M Pitt
PROPERTY DESCRIPTION	Lot 62 on B15817 and Lot 63 on B15817
ADDRESS	88 and 90 Quay Street, Bundaberg West
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	High Density Zone
OVERLAYS	Acid Sulfate Soils, Airport, Flood Hazard
LEVEL OF ASSESSMENT	Code
SITE AREA	1,837 m ²
CURRENT USE	Vacant land
PROPERLY MADE DATE	26 April 2017
STATUS	The decision period ends on 29 August 2017
REFERRAL AGENCIES	Nil.
NO OF SUBMITTERS	Not Applicable
PREVIOUS APPROVALS	322.2016.46746.1 and 322.2016.46784.1
SITE INSPECTION CONDUCTED	8 May 2017
LEVEL OF DELEGATION	Level 3

2025

Resolution

Cr HL Blackburn presented the report; and moved:-

That Development Application 322.2017.47912.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use for Multi-unit Residential/Short Term Accommodation, Function Facility and Food and Drink Outlet (5 Storey development and basement car parking)

SUBJECT SITE

88 and 90 Quay Street, Bundaberg West, Lot 62 on B15817 and Lot 63 on B15817

DECISION

Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

1. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deemed Approval

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

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

4. CODES FOR SELF ASSESSABLE DEVELOPMENT

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

- Bundaberg Regional Council Planning Scheme 2015 and Associated Planning Scheme Policies

5. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT

Not Applicable

6. SUBMISSIONS

Not Applicable

7. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

8. REFERRAL AGENCY

Not Applicable

9. APPROVED PLANS

The approved plans and/or document/s for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
DA01 Rev A	Basement Plan	04.07.17
DA02 Rev A	Site/ Ground Floor Plan	04.07.17
DA03 Rev A	First Floor Plan, Second to Fourth Floor Plan	02.06.17
DA04 Rev A	Elevations – North and West	04.07.17
DA05 Rev A	Elevations – East and South	04.07.17
DA07 Rev A	3D View – From North East	21.06.17
DA08 Rev A	3D View – From North West	21.06.17
DA09 Rev A	3D View – From South West	21.06.17
DA010 Rev A	3D View – From South East	21.06.17

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse four (4) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

11. REFUSAL DETAILS

Not Applicable

12. CONDITIONS ABOUT INFRASTRUCTURE

The following conditions about infrastructure have been imposed under Chapter 8 of the *Sustainable Planning Act 2009*:

Condition/s	Provision under which the Condition was imposed
21,25,37,41,44,45,46,47,52,53	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development Permit prior to the commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.

Amalgamation

4. Amalgamate Lots 62 on B15817 and 63 on B15817 into one allotment. The Plan of Subdivision providing for the amalgamation must be registered prior to the commencement of the use.

Amenity and Aesthetics

5. The wind turbines (wind energy generator) positioned on the top of the approved building must not cause nuisance to or have unreasonable impact on the amenity of adjoining or nearby premises (including potential nuisance of future adjoining premises).
6. The wind turbines (wind energy generators) must have:
 - a. A maximum rotor/ blade diameter of 3.5m; and
 - b. A maximum height of 4m.
7. A maximum of 12 wind turbines (wind energy generators) are permitted to be placed on the approved building.
8. The maximum sound pressure level (SPL) to be generated by each of the turbines is 70dB(A).

Air Conditioners

9. All air conditioning units or other mechanical equipment must be located at ground level, or otherwise fully enclosed or screened such that they are not visible from the street frontages or adjoining properties.
10. Air conditioning units must be designed, installed, maintained and operated so that noise emissions are within the limits imposed by the *Environmental Protection Act, Regulations and Policies*.

Building Design and Setbacks

11. All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the like, except where required to satisfy any privacy condition of this Decision Notice.

Privacy

12. To ensure privacy is protected between adjoining properties, the windows located on the eastern building face of multi-unit residential units (floors one and above) must either:
 - a. be fitted with translucent glazing; or
 - b. be fitted with a fixed external screen;

The removal of any external screening, pending the future development of the adjoining site, must be approved in writing by the assessment manager.

13. The upper level balcony located on the eastern building face of multi-unit residential units must include either balcony planter boxes, balustrading, extended concrete ledges or fixed external screens, positioned in such a way to obscure direct views into the habitable room windows or private open space areas of the adjoining property.

Nature and Extent of the Approved Use - 'Food and drink outlet' and 'function facility'

14. Unless otherwise approved in writing by the Assessment Manager, the hours of the approved 'Food and drink outlet' and 'function facility' use are limited to:
 - a. Monday to Thursday inclusive– 6 am to 10.00 pm
 - b. Friday and Saturday – 7 am to 12 am; and
 - c. Sunday and public holidays – 8 am to 10.00 pm.

The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

15. All external doors and windows to the function facility and food and drink outlet uses are to be closed at 10pm where the use is operating to reduce noise impacts. The use of the outdoor areas after this time must be restricted.
16. Unless otherwise approved in writing by the Assessment Manager, all deliveries, loading/unloading activities and refuse collection are to be undertaken between the hours of 6 am to 6 pm Monday to Friday inclusive, Saturday 8 am to 5 pm and 9 am to 5 pm Sunday.

The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.
17. The approved Food and drink outlet use must only occur within the area located at ground floor as shown on Drawing No: DA02 Rev A, titled 'Site/ Ground Floor Plan', dated 04.07.2017.

Nature and Extent of the Approved Use - 'Multi-unit residential' and 'Short term accommodation'

18. Each unit must be provided with access to clothes drying facilities (fixed or free standing) provided in accordance with the approved plans.

19. The clothes drying facilities must be fully screened from view at the front property boundary or adjoining properties.
20. Operation of the site when providing for Short Term Accommodation must at all times operate under the supervision and management of a single unit manager.

Car Parking

21. Provide off-street car parking and vehicle manoeuvring areas with a minimum of 72 parking spaces, 1 dedicated loading bay, and 4 bicycle spaces. Such car parking, access and manoeuvring areas must be generally in accordance with the Approved Plans and be:
 - a. constructed and sealed with bitumen, asphalt, concrete or approved pavers;
 - b. line-marked into parking bays;
 - c. designed to include a manoeuvring area to allow all vehicles to enter and leave the site in a forward gear;
 - d. designed to include the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;
 - e. drained to the relevant site discharge point; and
 - f. designed in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.

Construction Management

22. Unless otherwise approved in writing by the Assessment Manager, do not undertake building work in a way that makes audible noise:
 - a. On a business day or Saturday, before 6.30 am or after 6.30 pm; or
 - b. On any other day, at any time.
23. Contain all litter, building waste and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or roads.
24. Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

End of Trip Facilities – Cycle Parking

25. Install and maintain 4 secure bicycle parking spaces for employees and customers. Customer cycle parking must be located in a visible area close the entrance of each building.
26. Provide one (1) locker for every two (2) staff cycle parking spaces.
27. Provide informational and directional signage where necessary to direct cyclists to bicycle parking spaces and advise the public of their presence.

External Storage of Materials

28. Ensure goods, equipment, packaging material or machinery is not stored or left exposed outside the building so as to be visible from any public road or thoroughfare. Any storage on site is required to be screened from view from all roads and adjacent properties.

Flood Management

29. A Flood Evacuation Plan must be submitted to and approved by the Assessment Manager prior to the commencement of the use. The plan must demonstrate how people may be evacuated from the site to a safe gathering point above the defined flood level and must include, but not be limited to, the following features:
- a. The defined flood level for the site;
 - b. The river height at which the property floods;
 - c. The evacuation route from the property to an evacuation centre/point and the method by which staff, residents and patrons will be transported;
 - d. The estimated time required to reach an evacuation centre;
 - e. The forecast river height/level at which to evacuate (Bundaberg City Gauge);
 - f. Information availability/where flood warnings will be acquired from;
 - g. The appointment of a site flood coordinator who will disseminate information to staff and residents and patrons;
 - h. Procedures for assisting those with a disability or who do not speak English;
 - i. A contact information collection process for all current staff and residents; and
 - j. A plan showing primary and secondary evacuation routes and assembly areas for the building.
30. Display floor plans showing evacuation routes and exits in prominent locations throughout the building. The manager/operator of the facility is to have access to, and a detailed understanding of, their obligations/requirements under the Approved Flood Evacuation Plan.
31. Ensure materials stored on-site, where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood or are readily able to be moved in a flood event.

Fences

32. Provide a solid no-gap screen fence or block wall to the side and rear boundaries of Lot 62 and 63 on B15817, where such fencing does not currently exist, with the following dimensions:
- a. For the eastern boundary (on Lot 63 on B15817), a maximum height of 3.0 m at the road frontage of the subject property tapered to a maximum height of 2.0 metre at the rear boundary;
 - b. A maximum height of 2.0 metres for the rear and western boundaries of Lot 62 and 63 on B15817.

- c. From the front building line to the front boundary of the site, fencing must be tapered to a height of 1.2 metres.

The erection of a second boundary line fence parallel to any existing boundary fence is prohibited.

Landscaping

33. A landscape plan must be submitted to and approved by the Assessment Manager prior to the commencement of any landscaping works. The plan must be generally in accordance with the Approved Plan/s, have regard to the conditions of this approval and include, but not be limited to, the following features:
 - a. The area or areas set aside for landscaping;
 - b. A plan and schedule of all proposed trees, shrubs and ground covers which identifies:
 - a. The location and sizes at planting and at maturity of all plants;
 - b. The utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided.). No exotic plants are to be specified;
 - c. The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;
 - d. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
 - e. Details of any landscaping structures, including entrance statements;
 - f. Details of cutting and filling and all retaining structures and fences and associated finishes;
 - g. Contours or spot levels if appropriate;
 - h. Fence size and materials;
 - i. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device;
 - j. Location of any drainage, sewerage and other underground services and any overhead power lines;
 - k. Property boundary garden/landscape bed edge walls must be provided with sleeper or equivalent retaining walls to contain the garden material within the site. Such walls must be constructed to a height that is at or above the adjacent kerb or sealed car parking areas;
 - l. Vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage;
 - m. A 2.4 metre wide landscaping strip along the Quay Street road frontage of the subject site, exclusive of the access driveway, uncompromised by infrastructure items;
 - n. A 1.2 metre wide landscaping strip along the eastern property boundary of the subject site, uncompromised by infrastructure items;

- o. A 2.4 metre wide landscaping strip along the western property boundary of the subject site, uncompromised by infrastructure items;
 - p. Green walls to the exterior of the building.
34. Complete landscaping shown on the endorsed plans prior to the commencement of the use and maintain all landscape works in accordance with the Approved Plan whilst the use continues.

Lighting

35. External lighting used to illuminate the premises must be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

Mail Service

36. Provide residents/ owner with access to a letterbox. Such letterboxes are to be suitably grouped adjacent to the footpath and constructed of materials consistent with the character of the development.

Property access & driveways

37. The driveway must comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments*. The specific requirements must be determined as part of the Operational Works application.

Public Safety

38. During operating hours, all parking areas, pedestrian areas and entrances/exits to all stairwells, lifts, foyers and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of Australian Standard AS1158 "*Public Lighting Code*". Lighting must be designed to reduce the contrast between shadows and well lit areas. In particular, appropriate security lighting must be provided in the basement (below ground level) shown on the Approved Plans.
39. After hours access to loading docks, storage areas and the basement carpark (including the vehicle ramp and all stairwells) must be restricted by a security gate, lockable doors and/or other suitably appropriate means.
40. Security measures are to be installed such that the users of the approved commercial (Food and drink outlet, Function facility) uses do not have access to areas that are intended for the exclusive use of residents and visitors of the residential/ short term accommodation.

Roadworks

41. Provide pavement construction and asphaltic concrete (AC) sealing to the full site frontage of Quay Street from the kerb and channel to the edge of the existing pavement. The pavement must be designed in accordance with *Austrroads Pavement Design for Light Traffic: A supplement to Austrroads Pavement Design Guide (AP-T36/06)*. The pavement specifics must be determined as part of an application for Operational Works.

Street Identification

42. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number and, where appropriate, the building name.
43. The building entrance or reception area must be clearly visible and identifiable from the street or otherwise provided with signage and lighting at strategic locations to direct people to the building entrance.

Sewerage

44. Make provision for a new sewerage connection suitable to meet the requirements of the development. All live sewer work, including the point of connection, must be undertaken by Council.
45. All sewerage infrastructure must be clear of all proposed and existing buildings. Detailed design of the new sewerage infrastructure and its alignment must be determined as part of an application for Operational Works.

Stormwater

46. Install a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual, and must include in particular:
 - a. Provision of a grated trench drain at the entry/exit to the property where the Q10 ARI flows are not contained within the site;
 - b. design and construction in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, ie, a piped system with a capacity to cater for Q10 ARI flows, with overland flowpaths to be provided for a capacity of Q100 ARI less piped flow;
 - c. The design for the site drainage system, fill, car parking and access must be undertaken so that flows from adjacent properties will not be impeded by the development;
47. The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2014 and the Bundaberg Regional Council Stormwater Management Strategies. A Site Based Stormwater Management Plan and Erosion and Sediment Control Management Plan, inclusive of long term maintenance measures, must be submitted as part of an application for Operational Works outlining how the Stormwater Quality Improvements in both the construction and operational phases of the development will be achieved.

Waste Management

48. An on-site Waste Management Plan must be submitted to and approved by the Assessment Manager. The plan must have regard to the conditions of this approval and include, but not be limited to, the following details:
 - a. the waste management process, including the type and size of receptacle/s to be utilised (e.g. 240 litre mobile waste bins, 1m³ bulk bins) for general waste and recycling;
 - b. the location of waste receptacle storage areas and collection points;

- c. how waste collection vehicles will be able to safely and effectively access bins; and
 - d. if bins are to be collected from the kerbside, demonstrate that this location has the capacity to adequately contain the maximum number of bins to be collected on collection day.
49. An impervious bin storage area (Bin Enclosure) for waste receptacles, must be provided in accordance with the following:
- a. the bin storage area must be sufficient to accommodate all refuse containers required by the Assessment Manager for the scale of the development;
 - b. the bin storage area must be aesthetically screened from the road frontage and adjoining properties by landscaping or constructed screening;
 - c. a suitable hose cock (with backflow prevention) and hoses must be provided at the refuse container area, and wash down to be drained to sewer and fitted with an approved stormwater diversion valve arrangement.
50. The bin storage enclosure must be maintained in a clean and sanitary manner at all times.
51. Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.

Water

52. Provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the development.
53. Install sub-meters in accordance with the relevant Acts and Codes.

PART 1B – ADVICE NOTES

Environmental Harm

- A. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

- B. All operators of the approved use will be required to comply with the *Food Act 2006* and Council's minimum requirements for food premises. All necessary approvals should be obtained from the Environmental Health Services Section of Council prior to commencement of the approved use. For further information about these requirements please contact Council's Environmental Health Services Section on 1300 883 699.
- C. Should any of the replacement structures or equipment differ from the business's original approved plans, Council's Environmental Health Services Section must be notified to amend details concerning the license under the *Food Act 2006*. This will enable Council to maintain accurate records and ensure compliance. Copies of the original plans for the premises' food preparation areas can be obtained from Council. Plans detailing any proposed modifications should be provided to Council prior to construction. The operator is required to provide an expected completion date for any proposed work so that a pre-opening inspection can be arranged. For further information about these requirements please contact Council's Environmental Health Services Section on 1300 883 699.

Infrastructure Charges Notice

- D. Please find attached the Infrastructure Charges Notice (Ref No: 331.2017.908.1) applicable to the approved development.

Fencing

- E. Should any existing fence not comply with the requirements of this approval, the existing fence must be replaced in accordance with the requirements of this approval.
- F. Fencing should be undertaken in accordance with the provisions of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*. This includes appropriate mediation practices and agreements regarding the type of materials, location and retrieval of any materials for any fence removed.

Flood Evacuation Plan

- G. In order to protect and/or minimise the damage to property and aid in business continuity post-flood, a flood preparation checklist may be included in the Flood Evacuation Plan for the development which addresses matters such as:
- a. The preparation of an emergency flood kit;
 - b. The packing of critical documentation (legal, financial, insurance) in a waterproof container;
 - c. The backing up of critical data to a portable storage device and its storage in a safe place;
 - d. Raising of items to a higher level;
 - e. Securing hazardous items (e.g. gas bottles);
 - f. Moving or elevating dangerous items (e.g. chemicals);
 - g. Switching off electricity at the switchboard;
 - h. Turning gas and water off at the meter; and
 - i. Blocking toilet bowls and covering drains with a strong plastic bag filled with earth or sand.

Signage

- H. An Operational Works permit is required to be obtained for all signs and advertising devices associated with the development that do not comply with the self assessable criteria of the Planning Scheme in effect at the time of the proposed works.

Operational Works

- I. This Decision Notice does not represent an approval to commence Operational Works. Any Operational Works associated with this Material Change of Use or other engineering work proposed on the lot is subject to relevant assessment under the Bundaberg Regional Council Planning Scheme 2015 or the instrument in effect at the time of assessment. This can include works for on-site landscaping, internal vehicle circulation, manoeuvring and car parking areas, on-site stormwater management and access driveways.

Other Development Permits

- J. This approval provides for some works to be undertaken on a self-assessable basis. Conditions specify where Council does not require the submission of an operational works application for specific works. To be clear, a development permit for Operational Work for the following works are necessary to allow the development to be carried out:
- a. Road shoulder widening;
 - b. Access driveway;
 - c. Stormwater drainage;
 - d. Car parking.

Nature and Extent of Approved Development

- K. This Decision Notice does not represent an approval to commence Building Works.

Water and Sewer

- L. The Developer should engage an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including fire fighting requirements in accordance with AS2419.
- M. Arrangements for the installation of any new metered service and sub-meters, or removal of an existing service, must be made with Council's Water and Wastewater Infrastructure Planning Technical Support Section.
- N. Connection to Council's water and sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.
- O. Council permits only one water service for each property. This means only one connection to the water main although there may be a potable and fire service feeding from that connection.

Seconded by Cr JP Bartels.

There being no discussion on this item - the Motion was put - and carried unanimously.



Minutes

29 August 2017

Item Number:	File Number:	Part:
P1	FM0044	ENVIRONMENT & NATURAL RESOURCES

Portfolio:

Community & Environment

Subject:

Trustee Lease - Greenfleet

2026

Resolution

Cr SA Rowleson presented the report; and moved:-

That Council:-

- A. offer Greenfleet a 30 year Trustee Lease over a 5 hectare portion of land described as Lot 220 on SP154063, County Cook, Parish Barolin.**
- B. delegate to the Chief Executive Officer to formalise the Trustee Lease to incorporate the recommendation from the Department of Natural Resources and Mines which confirms that:-**
 - 1. Council as trustee cannot enter into another agreement under the Carbon Farming Act and the Carbon Abatement Interests provisions of the Land Act; and**
 - 2. Greenfleet will retain ownership of the planted trees for the duration of the lease, after which they become the property of the State.**

Seconded by Cr WR Trevor.

There being no discussion on this item - the Motion was put - and carried unanimously.



Minutes

29 August 2017

Item Number: S1	File Number:	Part: STRATEGIC PROJECTS & ECONOMIC DEVELOPMENT
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Portfolio:

Executive Services

Subject:

Terms of Reference - Business Bundaberg Advisory Committee

2027

Resolution

Cr JM Dempsey presented the report; and moved:-

That the revised Terms of Reference of the Business Bundaberg Advisory Committee (as detailed on the 3 pages appended to this report) be adopted.

Seconded by Cr HL Blackburn.

There being no discussion on this item - the Motion was put - and carried unanimously.

Pursuant to Section 173 of the “Local Government Act 2009”, Cr WA Honor declared a perceived Conflict of Interest in relation to this item - as his son is the Manager for this project; but had considered his position and was firmly of the opinion that he could participate in debate and vote on this matter in the public interest.

The Mayor advised at this stage due to the confidential nature of the following item:-

T1 Tender/0231 - Bundaberg CBD Streetscape Design

- pursuant to Section 275 of the “Local Government Regulation 2012”, the meeting would now have to be closed to the public.

Resolution

Cr WR Trevor moved:-

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

Seconded by Cr JA Peters - and carried unanimously without debate.

Resolution

Cr DJ Batt moved:-

That the meeting now be reopened.

Seconded by Cr SA Rowleson - and carried unanimously without debate.



Minutes

29 August 2017

Item Number: T1	File Number: IAS2222.2016	Part: CONFIDENTIAL
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Portfolio:

Infrastructure & Planning Services

Subject:

Tender/0231 - Bundaberg CBD Streetscape Design

2028

Resolution

Cr JM Dempsey presented the report; and moved:-

That Council enter into a design contract with HASSELL for the Bundaberg CBD Streetscape Design, at a cost of \$1,589,086 (including GST).

Seconded by Cr HL Blackburn.

There being no discussion on this item - the Motion was put - and carried unanimously.



Minutes

29 August 2017

Item Number: V1	File Number:	Part: Meeting Close
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Subject:

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 10.40 am.

Confirmed this nineteenth day of September 2017.

MAYOR