



Ordinary Meeting Minutes

13 December 2016

Council Chambers, Bundaberg

10.00 am

Present:

Cr JM Dempsey (Mayor - Chairman), Cr JP Bartels, Cr WA Honor, Cr HL Blackburn, Cr GR Barnes, Cr SA Rowleson, Cr CR Sommerfeld, Cr DJ Batt, and Cr PR Heuser

Apologies:

Moved by Cr DJ Batt, That Cr WR Trevor OAM, and Cr JA Peters' respective apologies for today's meeting be accepted. Seconded by Cr GR Barnes - and carried unanimously without debate.

Officers:

Mr PJ Byrne, Chief Executive Officer
Mr AD Ireland, 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

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

13 December 2016

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

Confirmation of Minutes

1856

Resolution

Cr HL Blackburn moved:-

That the minutes of the Ordinary Meeting of Council held on 22 November 2016, be taken as read and confirmed.

Seconded by Cr Rowleson - and carried unanimously without debate.



Minutes

13 December 2016

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

Organisational Services

Subject:

Financial Summary as at 21 November 2016

1857

Resolution

Cr JM Dempsey presented the report; and moved:-

That the Financial Summary as at 21 November 2016 (as detailed on the 11 pages appended to this report) – **be noted by Council.**

Seconded by Cr PR Heuser.

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



Minutes

13 December 2016

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

Portfolio:

Organisational Services

Subject:

140 Rangeview Road, Gin Gin - Renewal of Term Lease 232938 - Lot 156 on CP880941

1858

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 renewal of Term Lease 232938, for a term of 10 years, over land described as Lot 156 on CP880941, 140 Rangeview Road, Gin Gin – for grazing purposes.

Seconded by Cr WA Honor.

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



Minutes

13 December 2016

Item Number: F2	File Number: .	Part: GOVERNANCE & COMMUNICATIONS
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Portfolio:

Organisational Services

Subject:

Agnes Street, Bundaberg North - Renewal of Term Lease 232126 - Lot 4 on SP224553

1859

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 renewal of Term Lease 232126 over land described as Lot 4 on SP224553, located off Agnes Street, Bundaberg North, for a term of 10 years – for marine purposes.

Seconded by Cr JP Bartels.

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



Minutes

13 December 2016

Item Number: F3	File Number: .	Part: GOVERNANCE & COMMUNICATIONS
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Portfolio:

Organisational Services

Subject:

Esplanade, Bundaberg East - Renewal of Term Lease 232223 - Lot 26 on SP212127

1860

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 renewal of Term Lease 232223 over land described as Lot 26 on SP212127, located on the Esplanade, Bundaberg East, for a term of 10 years – for marine purposes.

Seconded by Cr GR Barnes.

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



Minutes

13 December 2016

Item Number: F4	File Number: .	Part: GOVERNANCE & COMMUNICATIONS
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Portfolio:

Organisational Services

Subject:

1458 Childers Road, South Bingera - Renewal of Term Lease 209835 - Lot 26 on CK2590

1861

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 renewal of Term Lease 209835 over land described as Lot 26 on CK2590, 1458 Childers Road, South Bingera, for a term no greater than 10 years – for community purposes.

Seconded by Cr DJ Batt.

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



Minutes

13 December 2016

Item Number: F5	File Number: .	Part: GOVERNANCE & COMMUNICATIONS
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Portfolio:

Organisational Services

Subject:

Council Policy Adoption

1862

Resolution

Cr HL Blackburn presented the report; and moved:-

That:-

1. the:

- **Asset Management Policy** (as detailed on the 3 pages appended to this report) – **be adopted.**

2. the:

- **Moncrieff Entertainment Centre – Fee Relief Subsidy Governance Policy** (adopted by Council at its meeting of 16 December 2008) **be rescinded; and**
- **Moncrieff Entertainment Centre Community Access Policy** (as detailed on the 4 pages appended to this report) – **be adopted.**

3. the:

- **Water Leak Relief Policy** (adopted by Council at its meeting of 17 April 2013) **be rescinded; and**
- **Water Leak Relief Policy** (as detailed on the 6 pages appended to this report) – **be adopted.**

Seconded by Cr WA Honor.

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



Minutes

13 December 2016

Item Number:	File Number:	Part:
G1	339.2016.8.1	INFRASTRUCTURE

Portfolio:

Infrastructure & Planning Services

Subject:

Request for Street Naming, Wearing Road, Bargara

1863

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That roads A, B and C in the development identified as Bargara Outlook Estate, located at Wearing Road, Bargara, and approved under Development Approval 321.2015.43944.1, be named as follows:-

- **Road A - Pelican Drive;**
- **Road B - Plover Street; and**
- **Road C - Cormorant Court.**

Seconded by Cr WA Honor.

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



Minutes

13 December 2016

Item Number:	File Number:	Part:
G2	qA1021746 - Project IAS2222.2016	INFRASTRUCTURE

Portfolio:

Infrastructure & Planning Services

Subject:

Bundaberg CBD Revitalisation

1864

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That in accordance with the *Local Government Regulation 2012, Chapter 6, Part 3, Clause 228* - because of the complexity and diversity of the project, Expressions of Interest be called for the Bundaberg CBD Streetscape Design Guidelines and Detailed Drawings for Elements S1 and S2 as depicted on the site plan appended to this report.

Seconded by Cr HL Blackburn.

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



Minutes

13 December 2016

Item Number:	File Number:	Part:
K1	321.2016.47063.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

Buxton Road, Isis River - Reconfiguring a Lot - Boundary realignment - 4 Lots into 4 Lots

1865

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That Development Application 321.2016.47063.1:-

DESCRIPTION OF PROPOSAL

Reconfiguring of a Lot for Boundary Realignment - 4 lots into 4 lots

SUBJECT SITE

Buxton Road, Isis River, described as Lot 4 on RP182418, Lot 1 on RP216831 and Lots 1 and 2 on RP24496

be deferred for consideration by Council following receipt of Concurrence Agency advice.

Seconded by Cr Heuser.

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



Minutes

13 December 2016

Item Number:	File Number:	Part:
K2	322.2016.45432.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

3 Boundary Street, Bundaberg South - Material Change of Use for Office

1866

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That as the:-

1. Site forms part of a small cluster of commercial and other non-residential uses;
2. Proposal is not materially different in terms of its impacts than what could establish within the building as a home-based business without the need for any development permit (ie self-assessable development);
3. Proposal would not compromise the development of the surrounding Low Density Residential Zone with “low density residential activities”;
4. Proposal would provide a service to local residents, providing a conveniently-accessible professional office;
5. Scale, density and layout provides for “an attractive, open and low density form”; and
6. Development makes a positive contribution to the streetscape, is sympathetic to its local setting, maintains the low intensity character and maintains a high level of residential amenity;

Development Application 322.2016.45432.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Development Permit for Material Change of Use for Office (Accounting Firm)

SUBJECT SITE

3 Boundary Street, Bundaberg South, described as Lot 44 on RP13448

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

Not Applicable

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

Not Applicable

6. SUBMISSIONS

There were two (2) submissions received for the application. The name and address of the principal submitter for each properly made submission are as follows:-

Name of principal submitter	Address
1. Jim Thorpe	5 Boundary Street, Bundaberg South
2. W R Horsman	1 Boundary Street, Bundaberg South

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

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument:-

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<ul style="list-style-type: none"> • The development is in conflict with the Low Density Residential Zone Code and the Business Use Code; and • The proposed development is in conflict with the Strategic Framework of the Bundaberg Regional Council Planning Scheme, in particular: <ul style="list-style-type: none"> ○ The Settlement Pattern Theme; and ○ The Economic Development Theme. 	<ul style="list-style-type: none"> • The site forms part of a small cluster of commercial and other non-residential uses; • The proposal is not materially different in terms of its impacts than what could establish within the building as a Home based business without the need for any development permit (i.e. self-assessable development); • The proposal would not compromise the development of the surrounding Low Density Residential Zone with 'low density residential activities'; • The proposal would provide a service to local residents, providing a conveniently-accessible professional office; • The scale, density and layout provides for 'an attractive, open and low density form'; and • The development makes a positive contribution to the streetscape, is sympathetic to its local setting, maintains the low intensity character, and maintains a high level of residential amenity.

8. REFERRAL AGENCY

Not Applicable

9. APPROVED PLANS

The approved plans for this development approval are listed in the following table:

Plan number	Plan name	Date
160207- DA01 Rev A	Locality Plan	11/11/16
160207- DA02 Rev A	Existing Site Plan	11/11/16
160207- DA03 Rev A	Proposed Site Plan	11/11/16
160207- DA04 Rev A	Existing Floor Plan	17/03/16
160207- DA05 Rev A	Proposed Floor Plan	17/03/16
160207- DA06 Rev A	Existing Elevations	17/03/16
160207- DA07 Rev A	Proposed elevations	17/03/16

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
23, 28, 33	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 – Conditions and Advice

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.

Amended Plans

4. Submit to and have approved by the Assessment Manager amended plans which incorporate the following:-
 - a. Inclusion of the landscaping outcomes in accordance with conditions 16 and 18.
 - b. A new car parking layout that complies with the condition 23.

Once approved, the amended plans will form part of the Approved Plans for this development.

Nature and Extent of the Approved Use

5. Unless otherwise approved in writing by the Assessment Manager, the hours of the approved use are limited to:
 - a. Monday to Friday inclusive– 8 am to 6 pm; and
 - b. Saturday – 9 am to 2 pm
6. 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 and Saturday 8 am to 5 pm. No delivery activities are to be undertaken on Sunday.

7. The tenancy located at 3 Boundary Street, Bundaberg South, as shown on the Approved Plans must not be used for any purpose other than the following uses as defined in the planning scheme:-
 - a. Office for an Accounting Firm
8. No more than six (6) customers or clients are to be present at any one time and no more than twenty (20) customers or clients are to be present in any one day.

Staffing

9. The maximum number of staff engaged in the approved use on the subject site must not exceed five (5) at any one time.
10. Staff must park their vehicles within the subject site.

Air Conditioners

11. All new 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.
12. 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*.

Construction Management

13. 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.
14. 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.
15. 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.

Landscaping

16. 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 Plans, have regard to the conditions of this approval and include, but not be limited to, the following features:-
 - a. Provide landscaped strip along the side and rear boundaries of the subject site;

- b. The landscape strip must measure a minimum 1.5 metres wide and must be planted and maintained for the life of the use, with species that reach a mature growth height of at least 1.8 metres;
 - c. The plant numbers and plant locations must be sufficient to screen the use when viewed from the adjoining properties.
17. Retain the existing vegetation as indicated on the approved plans.
18. Provide one (1) shade tree within the carpark for each six (6) car parking spaces. The required tree/s must be planted at ground level and be sufficiently protected by raised kerbs, wheel stops or bollards.

Fences

19. Provide a 1.8 metre high solid no-gap screen fence to the side and rear boundaries of Lot 44 on RP13448, commencing from the road frontage of the subject property / from the front building line, where such fencing does not currently exist. 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. The cost of the required fence is to be borne by the developer.
20. Any fence/ wall along the street frontage must:
- a. Have a maximum height of 1.2 metres from natural ground level; or
 - b. Be setback from the front boundary to sufficiently screen the fence with dense vegetative screening.

Lighting

21. 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.

Noise

22. Noise produced by the use must not exceed the background noise level plus 5db(A) (6 am – 6 pm) or background noise level plus 3db(A) (6 pm – 10 pm) or background noise level (10 pm – 6 am) (measured as LAeq at any noise sensitive place).

Car Parking

23. Provide off-street car parking and vehicle manoeuvring areas with a minimum of nine (9) parking 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 areas to allow all vehicles to 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. sign posted to indicate entry/exit points, in addition to line marking, to indicate the traffic flow through the site;
 - f. drained to the relevant site discharge point;
 - g. be available free-of-charge to staff and customers during operating hours; and
 - h. designed in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.
24. No carport shade structure or other similar structures are permitted over the car parking area.

Easements

25. Lodge for registration at the office of the Land Registry a stormwater drainage easement having a minimum width of three (3) metres over the inter-allotment drainage where it traverses the lot.
26. Draft easement documentation must be submitted to the Assessment Manager for endorsement.
27. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

Roadworks and Access

28. Provide pavement construction and asphaltic concrete (AC) sealing to the full site frontage of Boundary Street from the kerb and channel to the edge of the existing pavement (Pavement Widening). 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.
29. Remove the linemarked parking bay to the north of the proposed entry and provide a replacement linemarked parking bay within the Pavement Widening.
30. Remove the existing crossover and reinstate the kerb and channel where the crossover traverses into the roadway.
31. Reinstate the footpath/verge. The specifics must be determined as part of an application for Operational Works;
32. Vehicle parking and manoeuvring within the subject site must only occur within the metes and bounds of the approved concrete driveway.

Stormwater

33. 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. Design and construct inter-allotment piped drainage to cater for the flows from the upstream lots. The design of the system must be of sufficient capacity to convey up to Q100 ARI flows from upstream allotments, or lesser ARI as directed by the Assessment Manager, in accordance with the Queensland Urban Drainage Manual. The drainage specifics must be determined as part of an application for Operational Works;
 - b. A grated trench drain must be provided at the entry/exit to the property where the Q10 ARI flows are not contained within the site;
 - c. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, ie, a piped system with a capacity to cater for Q10 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;
 - d. Detention storage must be provided to cater for increased stormwater runoff as a result of this development. Stormwater discharge from the subject land must be limited to pre-development generated peak levels up to and including Q100 ARI flows via the provision of on-site detention storage. The detention storage must be visually integrated into the surrounding landscape and designed with a high level of visual amenity;

External Storage of Materials

34. Ensure goods and equipment are 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.

Street Identification

35. 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.

End of Trip Facilities – Cycle Parking

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

Waste Management

39. 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.
40. 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.

PART 1B – ADVICE NOTES

Fencing

- A. 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.
- B. 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.

Nature and Extent of Approved Development

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

Resubmission of Amended Plans Required

- D. The conditions of this Decision Notice require resubmission of plan/s to Council with amendments. Please address the amended plan/s to Council's Development Assessment Branch with the Register No. 322.2016.45432.1

Signage

- E. 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.

Seconded by Cr GR Barnes.

Following discussion thereto during which:-

- Cr JP Bartels spoke against the Motion;
- Cr GR Barnes spoke for the Motion;

- the Motion was put - and carried by 8 votes to 1 vote.

For

Cr WA Honor
 Cr HL Blackburn
 Cr GR Barnes
 Cr SA Rowleson
 Cr CR Sommerfeld
 Cr DJ Batt
 Cr PR Heuser
 Cr JM Dempsey

Against

Cr JP Bartels

It being noted that the Planning Officers had recommended:-

That Development Application 322.2016.45432.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Development Permit for Material Change of Use for Office (Accounting Firm)

SUBJECT SITE

3 Boundary Street, Bundaberg South, described as Lot 44 on RP13448

DECISION

Refused

1. REFERRAL AGENCY

Not Applicable

2. REFUSAL DETAILS

Direction to refuse

The assessment manager was not directed to refuse the application by a concurrence agency

Reasons for Refusal

1. *The development is in substantial conflict with the Low Density Residential Zone Code and the Business Use Code given:-*
 - a. *The proposed use does not meet the intent of the Codes;*
 - b. *The proposal would increase and have unreasonable impacts on the low density residential uses established adjacent and proximate to the subject site;*
 - c. *The proposed use is inconsistent and incompatible with the surrounding land uses; and*
 - d. *The proposal undermines the Activity Centre strategy (a key performance indicator of the Codes) of the Council Planning Scheme).*
2. *The applicant has failed to provide sufficient information to fully assess all aspects of the development, including economic justification demonstrating a need for the proposed commercial development in the Low Density Residential Zone.*

3. *The proposed development is in conflict with the Strategic Framework of the Bundaberg Regional Council Planning Scheme, in particular:-*
 - a. *The Settlement Pattern Theme; and*
 - b. *The Economic Development Theme.*

4. *There are not sufficient grounds to approve the development despite the identified conflicts with the Bundaberg Regional Council Planning Scheme 2015.*

however Council has not accepted this recommendation.



Minutes

13 December 2016

Item Number:	File Number:	Part:
K3	321.2016.46585.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

8 River Terrace, Millbank - Reconfiguring a Lot for Subdivision (1 Lot into 2 Lots)

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 daughter-in-law is the author of the report; 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.

1867

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That as:-

1. The proposal does not comply with the Low Density Residential Zone Code;
2. The proposal does not comply with the Reconfiguring a Lot Code;
3. The proposal is in conflict with the Settlement Pattern Theme of the Strategic Framework of the Bundaberg Regional Council Planning Scheme 2015; and
4. There are not sufficient grounds to approve the development despite the identified conflicts with the Bundaberg Regional Council Planning Scheme 2015;

Development Application 321.2016.46585.1 be determined as follows:-

DESCRIPTION OF PROPOSAL

Reconfiguring a Lot for Subdivision (1 Lot into 2 Lots)

SUBJECT SITE

8 River Terrace, Millbank; described as Lot 13 on RP13414

DECISION

Refused

1. SUBMISSIONS

There were five (5) submissions received for the application. The name and address of the principal submitter for each properly made submission are as follows:-

Name of principal submitter	Address
1. Ray Lassig	10 River Terrace, Millbank QLD 4551
2. Robyn Spence	PO Box 129, Caloundra QLD 4551
3. Cynthia Skinner	6 River Terrace, Millbank QLD 4670
4. Lance Lampres	23 Penny Street, Millbank QLD 4670
5. Eileen Lampres	23 Penny Street, Millbank QLD 4670

2. REFERRAL AGENCY

Not Applicable

3. REFUSAL DETAILS

Direction to refuse

- The assessment manager was not directed to refuse the application by a concurrence agency or

Reasons for Refusal

1. The proposal does not comply with the Low Density Residential Zone Code given:
 - a. The scale, density and layout of the development does not provide for an attractive, open and low density form; and
 - b. The development is not sympathetic to its local setting and does not maintain the low intensity character of the zone.
2. The proposal does not comply with the Reconfiguring a Lot Code given:
 - a. The proposed reconfiguration is not compatible with the prevailing character and density of development within the local area;
 - b. The site is not within easy walking distance of an activity centre; and
 - c. The proposed lot sizes are well below the acceptable solution for minimum size of lots in the Low Density Residential Zone.
3. The proposed development is in conflict with the Settlement Pattern Theme of the Strategic Framework of the Bundaberg Regional Council Planning Scheme 2015; and
4. There are not sufficient grounds to approve the development despite the identified conflicts with the Bundaberg Regional Council Planning Scheme 2015.

Seconded by Cr HL Blackburn.

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

It being noted that the Planning Officers had recommended:-

That Development Application 321.2016.46585.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Reconfiguring a Lot for Subdivision (1 Lot into 2 Lots)

SUBJECT SITE

8 River Terrace, Millbank; described as Lot 13 on RP13414

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 Regulation 2009, schedule 3 reference	Planning 2009, Permit	Preliminary Approval
<i>Reconfiguring a lot</i>	<i>Part 1, table 3, item 1</i>	<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 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 and Associated Planning Scheme Policies

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

Compliance assessment is required under chapter 6, part 10 of SPA for the following documents or works in relation to the development:-

Documents or works requiring compliance assessment	Matters or things against which the document or work must be assessed	Compliance assessor	When the request for compliance assessment must be made
<i>Subdivision Plan</i>	<i>The matters or things listed in Schedule 19, Table 1 of the Sustainable Planning Regulation 2009</i>	<i>Bundaberg Regional Council</i>	<i>In the time stated in Schedule 19, Table 1 of the Sustainable Planning Regulation 2009</i>

6. SUBMISSIONS

There were five (5) submissions received for the application. The name and address of the principal submitter for each properly made submission are as follows:

Name of principal submitter	Address
<i>1. Ray Lassig</i>	<i>10 River Terrace, Millbank QLD 4551</i>
<i>2. Robyn Spence</i>	<i>PO Box 129, Caloundra QLD 4551</i>
<i>3. Cynthia Skinner</i>	<i>6 River Terrace, Millbank QLD 4670</i>
<i>4. Lance Lampres</i>	<i>23 Penny Street, Millbank QLD 4670</i>
<i>5. Eileen Lampres</i>	<i>23 Penny Street, Millbank QLD 4670</i>

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 PLAN

The approved plan for this development approval are listed in the following table:

Plan number	Plan/Document name	Date
<i>46585-101</i>	<i>Proposed Subdivision Plan (1 Lot into 2 Lots)</i>	<i>26 September 2016</i>
<i>46585-102</i>	<i>Detailed Site Plan</i>	<i>26 September 2016</i>

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
4, 5, 6 and 8	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 submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

Water

4. Provide an independent reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. The works must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of the development.

Sewerage

5. Provide an independent reticulated sewerage service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. Where a point of connection is required to Council's reticulated sewerage network, Council will nominate a point of connection. The nominated point of connection must be provided by Council.

Stormwater

6. 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. collection and discharge of stormwater to the River Terrace kerb and channel, including the provision of kerb adapters for all new lots;
 - b. extension of the site stormwater system to accommodate stormwater from adjoining upstream allotments external to the site, including registration of drainage easements; and
 - c. design and construction of inter-allotment drainage of sufficient capacity to convey up to Q100 ARI flows from upstream allotments, or lesser ARI as directed by the Assessment Manager, in accordance with the Queensland Urban Drainage Manual. The drainage specifics must be determined as part of an application for Operational Works.
7. The Lawful Point of Discharge for the development is the River Terrace kerb and channel in the site frontage.

Property access & driveways

8. The proposed access strip and driveway to Lot 2 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.

Access Handles

9. Ensure that the access handle to Lot 2 is:

- a. *Provided with a 1.8 metre high screen privacy fence to each boundary of the Access Strip, including provision of a 300mm wide concrete mower strip commencing from the road frontage of the subject property where such fencing does not currently exist. 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.*
- b. *Provided with conduits and/or services for water supply, underground power, stormwater and telecommunications within the Access Strip prior to pavement construction.*

Electricity and Telecommunications

10. *Enter into an agreement with an approved electricity provider, to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions. Provide evidence of such an agreement, along with associated bonding arrangements, to the Assessment Manager prior to the approval of the Plan of Subdivision.*
11. *Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.*

Existing Services and Structures

12. *Certification must be submitted to the Assessment Manager from an appropriately qualified person which certifies that:*
 - a. *the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the Building Act 1975, unless varied by this Decision Notice; and*
 - b. *all existing and proposed utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible.*

Easements

13. *Lodge for registration at the office of the Land Registry the following easement(s):*
 - a. *a stormwater drainage easement having a minimum width of three (3) metres OR such lesser width as determined in an application for Operational Works, to the benefit of Council, that includes:*
 - i. *all stormwater flow paths traversing the land from upstream properties;*
 - ii. *Q100 ARI stormwater overland flow paths traversing the site from upstream properties;*
 - iii. *any stormwater main proposed to traverse the land conveying flows from upstream properties located within the easement and a minimum of one (1) metre from the easement boundary; and*
 - b. *a sewerage easement having a minimum width of three (3) metres to the benefit of Council that includes any sewerage main traversing the land located within the easement and a minimum of one (1) metre from the easement boundary.*
14. *Draft easement documentation must be submitted to the Assessment Manager for endorsement.*
15. *All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.*

Fencing

16. *Provide a 1.8 metre high solid no-gap screen fence to the southern (rear) boundaries of Lot 1 where such fencing does not currently exist. The erection of a second boundary line fence parallel to any existing boundary fence is prohibited.*

PART 1B – ADVICE NOTES**Infrastructure Charges Notice**

- A. Please find attached the Infrastructure Charges Notice (Ref No.: 331.2016.861.1) applicable to the approved development.

Rates and Charges

- B. In accordance with the Sustainable Planning Act 2009, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.

Other Development Permits

- C. Development permits for Operational Work for the following works are necessary to allow the development to be carried out:
- a. Stormwater drainage; and
 - b. Access strip and driveway to Lot 2.

Water and Sewer

- D. 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.
- E. 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.
- F. 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.
- G. 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.

Fencing

- H. 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.
- I. 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.

however Council has not accepted this recommendation.



Minutes

13 December 2016

Item Number: N1	File Number: A2815121	Part: COMMUNITY & CULTURAL SERVICES
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Portfolio:

Community & Environment

Subject:

Mayor's Annual Christmas Appeal

1868

Resolution

Cr DJ Batt presented the report; and moved:-

That a donation of \$2,500 be provided to the 2016 Mayor's Christmas Appeal.

Seconded by Cr WA Honor.

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



Minutes

13 December 2016

Item Number: N2	File Number: A2893536	Part: COMMUNITY & CULTURAL SERVICES
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Portfolio:

Community & Environment

Subject:

Sole Supplier Approval - Library Software

1869

Resolution

Cr DJ Batt presented the report; and moved:-

That pursuant to Section 235(b) of the Local Government Regulation 2012, Council enter into a new three-year contractual arrangement with Civica Spydus to continue to provide library software, support and maintenance services to Council.

Seconded by Cr HL Blackburn.

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



Minutes

13 December 2016

Item Number:	File Number:	Part:
O1	qA9718	WASTE & RECYCLING

Portfolio:

Community & Environment

Subject:

Community Consultation Draft Regional Council Waste Management and Resource Recovery Strategy 2016-2025

1870

Resolution

Cr SA Rowleson presented the report; and moved:-

That Community Consultation be undertaken for a period of 28 days (commencing in February 2017) on the Draft Waste Management and Resource Recovery Strategy 2016-2025; and submissions received be considered by Council prior to the adoption of the Waste Management and Resource Recovery Strategy 2016-2025.

Seconded by Cr DJ Batt.

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



Minutes

13 December 2016

Item Number:	File Number:	Part:
O2	A2893535	WASTE & RECYCLING

Portfolio:

Community & Environment

Subject:

Sole Supplier Approval - Waste Management Software

1871

Resolution

Cr SA Rowleson presented the report; and moved:-

That pursuant to Section 235(b) of the Local Government Regulation 2012, Council enter into a further three year contractual arrangement with Mandalay Technologies to continue to provide the Mandalay Weighbridge and Waste Management software, support and maintenance services to Council.

Seconded by Cr GR Barnes.

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



Minutes

13 December 2016

Item Number: Q1	File Number: A2710344	Part: SPORT, RECREATION, VENUES & DISASTER MANAGEMENT
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Portfolio:

Community & Environment

Subject:

parkrun Bundaberg – Queens Park

1872

Resolution

Cr DJ Batt presented the report; and moved:-

That approval be granted to ‘parkrun Bundaberg’ to hold weekly events at Queens Park on Saturdays between the hours of 6.30 am and 8.30 am.

Further, that Council provide financial assistance to ‘parkrun Bundaberg’ including waiving of park hire fee and contribution to start-up costs up to \$2,500.00.

Seconded by Cr HL Blackburn.

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

The Mayor advised at this stage due to the confidential nature of the following 7 items:-

- T1 Request for Reduction in Water Charges
- T2 Request for Financial Assistance
- T3 Response to Ministerial Letters – Amendment of Planning Scheme and Temporary Local Planning Instrument for Turtle Protection
- T4 Australia Day Awards 2017
- T5 Appointment of Chief Executive Officer
- T6 Construction of Multiplex Stage 2
- T7 Eggmolesale Street – Johanna Boulevard Road Connection

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

Pursuant to Section 173 of the “Local Government Act 2009” Cr DJ Batt declared a perceived Conflict of Interest in relation to the following Item (T6) - as a Board Member of the PCYC - and with the consent of the Mayor left the Council Chambers.

Resolutions

Cr JM Dempsey moved:-

That the order of business of today’s meeting be amended, and item T6 be the next item for consideration.

Seconded by Cr HL Blackburn - and carried unanimously without debate.

Cr JP Bartels moved:-

That the meeting be closed to the public – and discussion on item T6 to be held in Committee.

Seconded by Cr HL Blackburn - and carried unanimously without debate.

Cr WA Honor then moved:-

That the meeting now be reopened.

Seconded by Cr Blackburn - and carried unanimously without debate.



Minutes

13 December 2016

Item Number: T6	File Number: TEN/0137	Part: CONFIDENTIAL
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Portfolio:

Infrastructure & Planning Services

Subject:

Construction Multiplex Stage 2 - Civic Avenue, Bundaberg

1873

Resolution

Cr JM Dempsey presented the report; and moved:-

That the tender of Murchie Constructions Pty Ltd (dated 29 November 2016) in the sum of \$11,086,605.00 excluding GST - for the construction of the Bundaberg Multiplex – Stage 2 (TEN/0137) be accepted.

Seconded by Cr HL Blackburn.

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

Cr DJ Batt then returned to the Council Chambers.

Cr GR Barnes moved:-

That the meeting be closed to the public – and discussion on items T1, T2, T3, T4, T5 and T7 to be held in Committee.

Seconded by Cr WA Honor - and carried unanimously without debate.

Cr Depmsey then moved:-

That the meeting now be reopened.

Seconded by Cr Heuser - and carried unanimously without debate.



Minutes

13 December 2016

Item Number:	File Number:	Part:
T1	A2665022	CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Lot 41 on RP7200 - Request for Reduction in Water Charges

1874

Resolution

Cr DJ Batt moved:-

That the property owner of Lot 41 on RP7200 be advised that his request for a further reduction in his property's water charges for the 2014 year, is refused.

Seconded by Cr GR Barnes.

Following discussion thereto during which:-

- Cr SA Rowleson spoke against the Motion and foreshadowed his intention to move an alternative Motion in the event this Motion is lost;
- the Motion was put - and carried by 6 votes to 3 votes.

For

Cr WA Honor
 Cr HL Blackburn
 Cr GR Barnes
 Cr CR Sommerfeld
 Cr DJ Batt
 Cr JM Dempsey

Against

Cr JP Bartels
 Cr SA Rowleson
 Cr PR Heuser



Minutes

13 December 2016

Item Number: T2	File Number: A2665054	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Lot 220 on SP154063 (Lease D on SP249607) - Request for Financial Assistance

1875

Resolution

Cr GR Barnes presented the report; and moved:-

That provided the Pacifique Surfriders Club continues to allow the use of CWA Bargara Hall by the community - the hall remain in the Council's Community Service Obligations category which provides for rating concessions up to \$1,700 per annum (\$850.00 each half year), with the exception of water consumption.

Seconded by Cr HL Blackburn.

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



Minutes

13 December 2016

Item Number:	File Number:	Part:
T3	Nil	CONFIDENTIAL

Portfolio:

Infrastructure & Planning Services

Subject:

Response to Ministerial Letters – Amendment of Planning Scheme and Temporary Local Planning Instrument for Turtle Protection

1876

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That a submission be made to the Minister for Local Government in relation to the Notice issued on 18 November 2016, pursuant to Section 125(1) of the Sustainable Planning Act in the form detailed in Attachment 6 to this report.

Further, that:-

- A. Council prepare a Temporary Local Planning Instrument pursuant to Chapter 3, Part 3 of the *Sustainable Planning Act 2009* that, for the land in the Emerging Community Zone at Shelley Street, Burnett Heads identified by the Minister, seeking to:

 - restrict development other than detached dwelling houses; and
 - regulate the provision of lighting in new dwelling houses for the purpose of reducing impacts on the Mon Repos turtle rookery;**
- B. Council advise the Minister of Council's decision to prepare a Temporary Local Planning Instrument; and**
- C. the Chief Executive Officer be authorised to finalise the drafting of the Temporary Local Planning Instrument and do all things necessary to submit it to the Minister for consideration.**

Seconded by Cr WA Honor.

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



Minutes

13 December 2016

Item Number:	File Number:	Part:
T4	.	CONFIDENTIAL

Portfolio:

Councillors

Subject:

Australia Day Awards 2017

1877

Resolution

Cr JM Dempsey moved:-

That after due consideration of nominations submitted, Council honour the following by presentation of awards at the ceremonial event for Australia Day 2017:-

Citizen of the Year:	Peter Evans
Senior Citizen:	Beres Mooney
Young Citizen:	Ben Nedwich
Community:	Beatrice Jones and Jean Vane
Sporting Spirit:	Bundaberg Rugby League
Junior Sporting Spirit:	Isaac Cooper
Creative Spirit:	Byron Broome
Young Creative Spirit:	Bronte Rotar
Community Event of the Year:	Lighthouse Festival
Business Spirit:	Steeline Roofin Spot

Seconded by Cr DJ Batt.

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



Minutes

13 December 2016

Item Number: T5	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Councillors

Subject:

Appointment of Chief Executive Officer

1878

Resolution

Cr JM Dempsey presented the report; and moved:-

That Mr Stephen Johnston be appointed to the position of Chief Executive Officer on a negotiated contract basis, to commence on a date to be determined.

Seconded by Cr CR Sommerfeld.

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



Minutes

13 December 2016

Item Number:	File Number:	Part:
T7	.	CONFIDENTIAL

Portfolio:

Infrastructure & Planning Services

Subject:

Eggmolesse Street - Johanna Boulevard Road Connection and Associated Infrastructure - TEN/0144

Resolution

Cr JM Dempsey presented the report; and moved:-

That the tender of Development Construction Pty Ltd (dated 6 December 2016) in the sum of \$2,946,531.14 excluding GST – for the construction of the Eggmolesse Street – Johanna Boulevard Road and Pipeline Connection works - be accepted.

Seconded by Cr HL Blackburn.

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



Minutes

13 December 2016

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

Meeting Close

In closing this Ordinary Meeting of Council, Cr JM Dempsey paid tribute to Andy Ireland, General Manager Organisational Services, who will be retiring from Council on Friday, 23 December 2016, and wished him and his family the very best for the future.

Carried by acclamation.

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.23 am, and wished everyone well for Christmas and the New Year.

Confirmed this thirty-first day of January 2017.

MAYOR