



Ordinary Meeting Minutes

28 June 2016

Council Chambers, Bundaberg

10.00 am

Present:

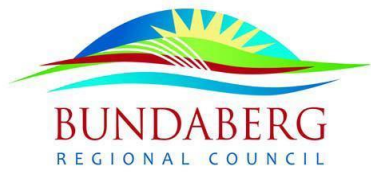
Cr JM Dempsey (Mayor - Chairman), Cr WR Trevor OAM (Deputy Mayor), Cr JP Bartels, Cr WA Honor, Cr HL Blackburn, Cr GR Barnes, Cr SA Rowleson, Cr CR Sommerfeld, Cr DJ Batt, Cr JA Peters and Cr PR Heuser.

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

28 June 2016

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

Confirmation of Minutes

1742

Resolution

Cr JM Dempsey moved:-

That the minutes of the Ordinary Meeting of Council held on 7 June 2016, be taken as read and confirmed.

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



Minutes

28 June 2016

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

Organisational Services

Subject:

Financial Summary as at 1 June 2016

1743

Resolution

Cr JM Dempsey presented the report; and moved:-

That the Financial Summary as at 1 June 2016 (as detailed on the 14 pages appended to this report) – **be noted by Council.**

Seconded by Cr WA Honor.

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



Minutes

28 June 2016

Item Number:	File Number:	Part:
E2	A2570493	FINANCE

Portfolio:

Organisational Services

Subject:

Bucca Rural Fire Levy

1744

Resolution

Cr JM Dempsey presented the report; and moved:-

Taking into consideration the advice to Council from the Acting Inspector, Area Director for the Bundaberg Region, Rural Fire Service Queensland, viz:-

I acknowledge the Brigade's democratic right to reject the levy, however in the end it is a Council decision. In keeping with the Council's vote for a standard rate of levy across all Brigades, I believe the levy still needs to be collected.

- that the Bucca Rural Fire Brigade be advised the levy to the 136 ratepayers in the Bucca Rural Fire Brigade area for the 2016/17 Financial Year will remain.

Further, that the matter of collection of all levies be reviewed during the deliberations on 2017/2018 Budget.

Seconded by Cr DJ Batt.

Following discussion thereto during which Cr WA Honor spoke against the Motion - the Motion was put - and carried by 8 votes to 3 votes.

For

Cr WR Trevor
 Cr GR Barnes
 Cr SA Rowleson
 Cr CR Sommerfeld
 Cr DJ Batt
 Cr JA Peters
 Cr PR Heuser
 Cr JM Dempsey

Against

Cr JP Bartels
 Cr WA Honor
 Cr HL Blackburn



Minutes

28 June 2016

Item Number: H1	File Number: .	Part: ROADS & DRAINAGE
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Portfolio:

Infrastructure & Planning Services

Subject:

Principal Cycle Network Plan (PCNP) Priority Route Maps – Council Endorsement

1745

Resolution

Cr WA Honor presented the report; and moved:-

That Council:-

- (a) endorse the Principal Cycle Network Plan (PCNP) - Priority Route Maps for Bundaberg Regional Council, prepared by the Department of Transport and Main Roads;
- (b) incorporate the PCNP Priority Route Maps into existing and future infrastructure plans, planning scheme documents and other corporate plans and strategies; and
- (c) align provision and extension of cycle facilities with the PCNP Priority Route Maps.

Seconded by Cr GR Barnes.

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



Minutes

28 June 2016

Item Number:	File Number:	Part:
J1	Nil	PLANNING

Portfolio:

Infrastructure & Planning Services

Subject:

Request to renew Memorandum of Understanding - Urban Development Institute of Australia (Bundaberg Branch)

1746

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That the Mayor and Chief Executive Officer be authorised to renew the Memorandum of Understanding with the Urban Development Institute of Australia Bundaberg Branch.

Seconded by Cr HL Blackburn.

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



Minutes

28 June 2016

Item Number:	File Number:	Part:
J2	321.2014.41451.2	PLANNING

Portfolio:

Infrastructure & Planning Services

Subject:

Lot 12 on RP224846, Lot 11 on RP224846 and Lot 1 on RP175045 - Request to reduce Infrastructure Charges – Development Application 321.2014.41451.2 – Reconfiguring a Lot for Subdivision (3 lots into 30 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.

1747

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That the Applicant be advised Council does not agree to vary the charge under Adopted Infrastructure Charges Resolution (No 1) 2014 applicable to Development Permit 321.2014.41451.2, for Reconfiguring a Lot for Subdivision (3 lots into 30 lots), Lots 11 & 12 on RP224846 and Lot 1 on RP175045.

Seconded by Cr DJ Batt.

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



Minutes

28 June 2016

Item Number:	File Number:	Part:
K1	322.2016.45490.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

109 and 99 Henkers Road, Oakwood - Material Change of Use for Transport Depot (Storage of Caravans and RVs)

Summary:

APPLICATION NO	322.2016.45490.1
PROPOSAL	Material Change of Use for Transport Depot (Storage of Caravans and RVs)
APPLICANT	G A Routledge & L I Routledge c/- Insite SJC
OWNER	D A Powell (Lot 5 on SP163988) L I and G A Routledge (Lot 2 on RP148958)
PROPERTY DESCRIPTION	Lot 5 on SP163988 and Lot 2 on RP148958
ADDRESS	109 and 99 Henkers Road, Oakwood
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Rural Zone
OVERLAYS	<ul style="list-style-type: none"> • Flood hazard area (Riverine defined flood event) • Land steeper than 15% • Class A1 agricultural land
LEVEL OF ASSESSMENT	Impact
SITE AREA	Lot 5 = 3.682 ha and Lot 2 = 6.389 ha
CURRENT USE	<u>Lot 5</u> Residential dwelling with avocado orchard <u>Lot 2</u> Residential dwelling with avocado orchard
PROPERLY MADE DATE	7 April 2016
STATUS	The 20 business day decision period ends on 8 June 2016
REFERRAL AGENCIES	Nil
NO OF SUBMITTERS	Two (2)
PREVIOUS APPROVALS	Z-2000128-000 – Material Change of Use for Poultry farm comprising up to 42,000 hens. Approved by the former Burnett Shire Council on 10 August 2000
SITE INSPECTION CONDUCTED	12 April 2016
LEVEL OF DELEGATION	Level 3

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.

1748

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That Development Application 322.2016.45490.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use for Transport Depot (Storage of Caravans and RVs)

SUBJECT SITE

109 and 99 Henkers Road, Oakwood; described as Lot 5 on SP163988 and Lot 2 on RP148958

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

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

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. Andrew Harrison	110 Mingera Street, Mansfield QLD 4122
2. Denise Powell	109 Henkers Road, Oakwood QLD 4670

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 for this development approval are listed in the following table:

Plan number	Plan name	Date
DA01 Revision A	Site Plan	08 April 2016
DA02 Revision A	Existing and Proposed Floor Plans	08 April 2016
DA03	Existing Elevations	16 March 2016
DA04 Revision A	Proposed Elevations	08 April 2016
DA05	Locality Plan	08 April 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	Provision under which the Condition was imposed
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 commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.

Date Development Must be Completed By (Lapsing Date)

4. In accordance with section 342 of the *Sustainable Planning Act 2009*, this Development Approval to the extent it relates to development not completed will lapse eight (8) years from the date of this approval.

Construction Management

5. 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.
6. 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.

Development in Stages

7. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition is complied with.

Car Parking

8. Provide off-street car parking and vehicle manoeuvring areas generally in accordance with the Approved Plans and be:-

- a. designed to include a manoeuvring area to allow all vehicles to leave the site in a forward gear; and
- b. sign posted to indicate entry/exit points and indicate traffic flow through the site.

Nature and Extent of the Approved Use

9. Unless otherwise approved in writing by the Assessment Manager, the hours of the approved use are limited to:
 - a. Monday to Friday inclusive– 6 am to 6 pm
 - b. Saturday – 8 am to 5 pm; and
 - c. Sunday and public holidays – 9 am to 5 pm.
10. The total number of stored caravans and RVs must not exceed 23.
11. All caravans and RVs are to be stored within the Shed nominated on the approved plans. No storage is permitted outside the shed.
12. Only caravans and RVs are to be stored under this approval unless otherwise agreed in writing by the Assessment Manager.
13. Customers are to deliver and retrieve vehicles by appointment only.
14. Only the operator of the use is permitted to move vehicles into and out of the building.
15. No person is to stay overnight within a caravan or RV at the premises, unless otherwise approved under a subsequent development approval.
16. Vehicles are not to be serviced, repaired, or washed at the premises.

Loading/Unloading

17. Loading and unloading of all vehicles associated with the use must occur on the subject site.

Lighting

18. 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.

PART 1B – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Register No: 331.2016.823.1) applicable to the approved development.

Environmental Harm

- B. 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.

Nature and Extent of Approved Development

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

Signage

D. 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 HL Blackburn.

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



Minutes

28 June 2016

Item Number:	File Number:	Part:
K2	321.2016.44964.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

70-80 Shelley Street, Burnett Heads - Reconfiguring a Lot for Subdivision (1 Lot into 12 lots over 2 stages)

Summary:

APPLICATION NO	321.2016.44964.1
PROPOSAL	Reconfiguring a Lot for Subdivision (1 Lot into 12 lots over 2 stages)
APPLICANT	Matlow Pty Ltd AFF Janron Family Trust c/- Arcadia Australia Pacific
OWNER	R Bullock & JF Bullock
PROPERTY DESCRIPTION	Lot 1 on RP894579
ADDRESS	70-80 Shelley Street, Burnett Heads
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Emerging Community Zone
OVERLAYS	<ul style="list-style-type: none"> • Acid Sulphate Soils (Area 2: 5-20 metres) • Sea Turtle Sensitive Area
LEVEL OF ASSESSMENT	Impact
SITE AREA	2.003ha
CURRENT USE	Vacant
PROPERLY MADE DATE	12 January 2016
STATUS	The 40 business day decision period ended on 19 May 2016
REFERRAL AGENCIES	Nil
NO OF SUBMITTERS	121 (105 properly made)
PREVIOUS APPROVALS	Nil
SITE INSPECTION CONDUCTED	February 2016
LEVEL OF DELEGATION	Level 3

Pursuant to Section 173 of the “Local Government Act 2009”, perceived Conflicts of Interest in relation to this item were declared by

- Cr WA Honor - as his daughter-in-law is the author of the report;
- Cr SA Rowleson - as his father is a submitter to the Application;

but had individually considered their position and were firmly of the opinion that they could participate in debate and vote on this matter in the public interest.

1749

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That Development Application 321.2016.44964.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Reconfiguring of a Lot for Subdivision (1 Lot into 12 lots over 2 stages)

SUBJECT SITE

70-80 Shelley Street, Burnett Heads; described as Lot 1 on RP894579

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 Regulation 2009, schedule 3	Development Permit	Preliminary Approval
Reconfiguring a lot	Part 1, table 3, item 1		<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 2015 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
Subdivision Plan	The matters or things listed in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>	Bundaberg Regional Council	In the time stated in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>

6. SUBMISSIONS

There were 121 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. Chris Anderson	8/9 Maryborough Street, Bundaberg QLD 4670
2. Diane Anderson	3 Shelley Street, Burnett Heads QLD 4670
3. Thomas Anderson	3 Shelley Street, Burnett Heads QLD 4670
4. Luke Barrowcliffe	8 Bushman Crt, Pomona QLD 4568
5. Stephen Bennett, MP	Shop 7, Bargara Beach Plaza, Bargara QLD 4670
6. Gary Brandon, President, Sea Turtle Alliance Inc	PO Box 1530, Bundaberg QLD 4670
7. Geoff Brittingham, Regional Director, Department of National Parks Sport & Racing	Level 6, Mike Ahern Building, 12 First Avenue, Maroochydore QLD 4558
8. Linda Buchholz	19 Rufus Street, Blackwater QLD 4717
9. Burnett Mary Regional Group	PO Box 501, Bundaberg QLD 4670
10. Skye Byrnes	33 Babbler Walk, Gloucester NSW 2422
11. Neil S Campbell	7 Wendouree Crescent, Westlake 4074
12. Madonna Chesham	174 Shelley Street, Burnett Heads QLD 4670
13. Carmel Coney	9 Ripple Street, Burnett Heads QLD 4670
14. David Cook	16 Shell Street, Burnett Heads QLD 4670
15. Davina Cook	16 Shell Street, Burnett Heads QLD 4670
16. Jennifer Cook	16 Shell Street, Burnett Heads QLD 4670
17. Jodee Deatta	5 Neptune Street, Burnett Heads QLD 4670
18. Gloria Edmondson	1 Ripple Street, Burnett Heads QLD 4670
19. Shaun Edmondson	1 Ripple Street, Burnett Heads QLD 4670
20. Margo Edwards	1 Shell Street, Burnett Heads QLD 4670
21. Trevor Edwards	1 Shell Street, Burnett Heads QLD 4670
22. Ken Eveleigh	2 Cook Street, Gloucester NSW 2422
23. Maddison-roze Eveleigh	2 Cook Street, Gloucester NSW 2422
24. Elizabeth Flintoff	39 Byron Street, Burnett Heads QLD 4670
25. Patricia Francey	27 Cove Street, Burnett Heads QLD 4670
26. Heath Greville	39 Hunter Street, Burnett Heads QLD 4670
27. Cynnamon Gusdorf	1/5 Whalley Street, Bargara QLD 4670

28.	Lynette Hair & Lawrence Hair	22 Monash Place, Ferny Grove QLD 4055
29.	Benjamin Harper	3 Moore Street, Burnett Heads QLD 4670
30.	Margaret Hobson	7 Ripple Street, Burnett Heads QLD 4670
31.	William J Hobson	7 Ripple Street, Burnett Heads QLD 4670
32.	Fergus Hogg	16 Dorothea Mackellar Street, Burnett Heads QLD 4670
33.	Craig Holland	Unit 1, 78 Crofton Street, Bundaberg QLD 4670
34.	Carol Holzheimer	126 Woondooma Street, Bundaberg QLD 4670
35.	Cathryn Andrew Ingham	93 Shelley Street, Burnett Heads QLD 4670
36.	Kenneth Stanley Ingham	93 Shelley Street, Burnett Heads QLD 4670
37.	Sharon Jackson	2 Marine Terrace, Burnett Heads QLD 4670
38.	Ann Jarman, Hon Secretary, Bundaberg Wildlife	Wildlife Preservation Society of Queensland, PO Box 1215, Bundaberg QLD 4670
39.	Trevor D Jennings	8 Dawn Parade, Thabeban QLD 4670
40.	Mervyn Johnston	19 Byron Street, Burnett Heads QLD 4670
41.	Andreas Kirchhof	35 Aldridge Street, Burnett Heads QLD 4670
42.	Karen Kirchhof	17 Dorothea-Mackellar Street, Burnett Heads QLD 4670
43.	D Knight	45 Shell Street, Burnett Heads QLD 4670
44.	Margaret Knight	45 Shell Street, Burnett Heads QLD 4670
45.	John Krosch	131 Shelley Street, Burnett Heads QLD 4670
46.	Debra Langerak	83 Shelley Street, Burnett Heads QLD 4670
47.	Mark Langerak	83 Shelley Street, Burnett Heads QLD 4670
48.	Kathy McCombes	8 Woodland Crescent, Browns Plains QLD 4118
49.	Mark McCombes	8 Woodland Crescent, Browns Plains QLD 4118
50.	Kylie McEwan	3 Shell Street, Burnett Heads QLD 4670
51.	Shane McEwan	3 Shell Street, Burnett Heads QLD 4670
52.	Cherie Mackenzie	84 Powers Street, Burnett Heads QLD 4670
53.	Pamela McNee	87 Shelley Street, Burnett Heads QLD 4670
54.	Wayne McNee	87 Shelley Street, Burnett Heads QLD 4670
55.	Glen Matthews	135 Shelley Street, Burnett Heads QLD 4670
56.	Jenette Matthews	135 Shelley Street, Burnett Heads QLD 4670
57.	Ashley Miranda	Rangeview Camp, Mawa Street, Blackwater QLD 4717
58.	Phillip Mitchell	31 Nielson Street, Burnett Heads QLD 4670
59.	Ange Mitchell	39 Hunter Street, Burnett Heads QLD 4670
60.	Maureen Montgomery	131 Shelley Street, Burnett Heads QLD 4670
61.	Mrs Shane Muller	15/21 Walters Street, Bundaberg QLD 4670
62.	Sean Murphy	43 Shell Street, Burnett Heads QLD 4670
63.	Bruce Neilsen	5 Shell Street, Burnett Heads QLD 4670
64.	Jackalyn Neilsen	5 Shell Street, Burnett Heads QLD 4670
65.	Fiona Noble	81 Shelley Street, Burnett Heads QLD 4670
66.	Shelley Patten	3 Ripple Street, Burnett Heads QLD 4670
67.	Edward Pearce	53 Shell Street, Burnett Heads QLD 4670
68.	Norma Pearce	53 Shell Street, Burnett Heads QLD 4670
69.	Grace Picton	12 Shell Street, Burnett Heads QLD 4670
70.	John Picton	12 Shell Street, Burnett Heads QLD 4670
71.	B Pill	123 Shelley Street, Burnett Heads QLD 4670
72.	Denise Pill	123 Shelley Street, Burnett Heads QLD 4670
73.	Stephen Plant	2/73 Electra Street, Bundaberg QLD 4670
74.	Theodore Alford Potter	43 Schell Street, Burnett Heads QLD 4670
75.	Rhonda Reck	5/8 Williams Road, Bundaberg QLD 4670
76.	Lynette J Regan	31 Hunter Street, Burnett Heads QLD 4670
77.	Peter Regan	64 Nielson Avenue, Burnett Heads QLD 4670
78.	Mrs Tracie Regan	64 Nielson Avenue, Burnett Heads QLD 4670
79.	Michael Reynolds	37 Shell Street, Burnett Heads QLD 4670
80.	Ruth Reynolds	37 Shell Street, Burnett Heads QLD 4670
81.	Rebekah Robert	46 Neville Drive, Branyan QLD 4670
82.	Reon Robert	13 Black Beauty Court, Bundaberg QLD 4670
83.	Reon Antoni Robert	46 Neville Drive, Branyan QLD 4670
84.	Ruth Robert	13 Black Beauty Court, Kensington QLD 4670
85.	Sandra Rounsevell-Aidon	115 Shelley Street, Burnett Heads QLD 4670

86.	Sandra Rounsevell-Aidon	22 Shell Street, Burnett Heads QLD 4670
87.	Sandra Rounsevell-Aidon	65 Gibson Street, Burnett Heads QLD 4670
88.	Sandra Rounsevell-Aidon	117 Shelley Street, Burnett Heads QLD 4670
89.	Sandra Rounsevell-Aidon	67 Gibson Street, Burnett Heads QLD 4670
90.	Cr Danny Rowleson	7 Shelley Street, Burnett Heads QLD 4670
91.	The Greens, Queensland	10 Cossart Crescent, Bargara QLD 4670
92.	Tracey Senyard	41 Byron Street, Burnett Heads QLD 4670
93.	Ms Pam Soper	29 Watson's Road, Bargara QLD 4670
94.	Linda Gaye Stone, Director, C & K Kindergarten, Burnett Heads	12 Maike Street, Kalkie QLD 4670
95.	Carly Sugars	17 Scott Street, Burnett Heads QLD 4670
96.	Stan Thomas	81 Shelley Street, Burnett Heads QLD 4670
97.	Reg Trevor	6/179A Bargara Road, Kalkie QLD 4670
98.	Kay Tuck	15 Scott Street, Burnett Heads QLD 4670
99.	Jan Can Harskamp	91 Shelley Street, Burnett Heads QLD 4670
100.	Marion Watson	25/145 Egerton Street, Emerald QLD 4720
101.	Ms Rita Wechsler	2 Ocean Street, Burnett Heads QLD 4670
102.	Mrs Grethlyn May White	126 Woondooma Street, Bundaberg QLD 4670
103.	Stephen James Whitton	35 Rickert's Road, Burnett Heads QLD 4670
104.	Wendy-Anne Whitton	35 Rickert's Road, Burnett Heads QLD 4670
105.	David Lillywhite	31 Hunter Street, Burnett Heads QLD 4670

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/Document number	Plan/Document name	Date
AA008868-01 Revision B	Subdivision and Staging Plan	6 May 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*:

Conditions	Provision under which the Condition was imposed
9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 28 and 31	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.

New Street Names

4. Street names must be submitted to and approved by the Assessment Manager prior to the commencement of Operational Works associated with this approval. A written request for the proposed naming of streets must be submitted that includes three (3) suggested road names for each new street in the development that:
 - a. Reflect aspects of the area in which the streets are located, including historical names, unless otherwise determined by the Assessment Manager. The order of preference in allocating street names will be:
 - i. Historical persons / Historical place names;
 - ii. Other relevant aspects (eg. local flora and fauna); and
 - iii. Themed street names. Where ‘themed’ names are proposed, a list of street names for the entire development must be submitted as part of the Operational Works application for Stage One of the development;
 - b. Are nouns and generally contain one (1) word. Composite words may be acceptable when they supplement the primary name; and
 - c. Are unique and unambiguous to the Bundaberg Regional Council local government area.

(Note: where a street is extended, the new section created will retain the name of the street extended.)
5. Supply and erect all necessary street signs and posts.

Date Development Must be Completed By (Lapsing Date)

6. In accordance with section 342 of the *Sustainable Planning Act 2009*, this Development Approval to the extent it relates to development not completed will lapse four (4) years from the date of this approval.

Staging

7. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.
8. Comply with the conditions of each respective stage of this Development Permit prior to the endorsement of a Plan of Subdivision for that stage unless otherwise stated within this notice.

Water

9. Provide a 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. Works must include network modelling with main sizing to be finalised as part of an application for Operational Works.

Stormwater

10. 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 must include in particular:
 - a. the works described in Engineering Solutions Qld Conceptual Stormwater Management Report dated December 2015, with the exception of the following:
 - i. Section 5.4 envisages handover one (1) year after the bio-retention system is constructed with the initial stage. Council will not consider accepting the bio-retention facility until a minimum of two (2) years after the final lot is sealed and expects the developer to maintain the system for the entire interim period.
 - b. Provision of Q100 ARI inter-allotment drainage for contributing external lots identified by detailed terrain modelling;
 - c. Shape the surface of each lot to drain directly to either a Road or Drainage Reserve as no internal inter-allotment drainage will be permitted for any new lot. The drainage specifics must be determined as part of an application for Operational Works; and
 - d. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council.
11. The Lawful Point of Discharge for the development is the existing open channel in Nielson Avenue.

12. 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.

Roadworks and Access

All Stages

13. No vehicular access is permitted from Sea Esplanade.
14. The new roads must be dedicated as road reserve.
15. Intersection designs and speed restriction devices must be in accordance with Main Roads Road Planning and Design Manual and, where applicable, Austroads *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
16. Provide truncations to all street intersection types to a minimum of six (6) metre three (3) chord configuration. The truncation must be dedicated as road reserve.
17. Construct all new roads in accordance with SC 6.3 *Planning scheme policy for development works* for Access Street Classification.
18. Where the staged road layout does not allow a commercial vehicle to manoeuvre within the roadway in a forward gear, provide a temporary sealed turn-around facility. The temporary turn-around facilities must be in accordance with an Operational Works approval and provide a minimum twenty (20) metre turning circle, measured from the edge of the pavement.
19. Install Road Closed to Traffic Signage and barriers to effect the closure of Sea Esplanade so that:
 - a. No pre or post construction traffic for Stage 1 or Stage 2 use Sea Esplanade;
 - b. Proposed Lots 5, 6 and 7 cannot be accessed by vehicles to Sea Esplanade; and
 - c. Sea Esplanade cannot be accessed from Dryden Street.

Stage 1

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

Property access and driveways

Stage 2

22. Access strips and driveways to proposed Lots 6 and 7 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.

Pedestrian and Bicycle Facilities

23. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include a 1.5 metre (minimum) concrete ribbon pathway within the road verge from the end of the new Dryden Street extension in Stage 2 to the existing footpath that runs north to south along the east side of the Sea Esplanade Road Reserve, (ATP.00124), generally in accordance with Council's Standard Drawing R1030 for Footpaths and Cycle Paths;

Electricity and Telecommunications

24. 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.
25. 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.
26. Telecommunication conduits (ducts) and pits, including trenching and design, must be provided to service the development in accordance with 'Fibre-Ready' standards or the NBN Co Installing Pit and Conduit Infrastructure - *Guidelines for Developers*, to the satisfaction of the Assessment Manager.

Street Lighting

27. Street lighting must be low pressure sodium vapour lighting fitted with hoods or fully screened and directed away from the foreshore and from the area north of the Mon Repos Turtle Rockery.
28. Street lighting to new roads, multi-modal pathways and intersections must be by way of provision of poles and street lights. The design and provision of street lighting must be in accordance with Australian Standard 1158:2005. The applicable lighting category is P4 for all roadways.

Existing Services and Structures

29. Ensure all existing and proposed utility services and connections (eg. electricity, telecommunications, water and sewerage) are wholly located within the lot they serve.
30. Certification must be submitted to the Assessment Manager from an appropriately qualified surveyor which certifies that:
- a. the boundary clearances for any existing shed remaining on the proposed Lot 8 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) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible.

Easements

31. Lodge for registration at the office of the Land Registry the following easement(s):
 - a. a reciprocal access and services easement of minimum three (3) metre width for proposed Lot 6 and 7. The easements must extend for the full length of the access handles;
 - b. sewerage easements having a minimum width of three (3) metres to the benefit of Council as shown on the Approved Plan for Stage 1 and Stage 2 that includes any sewerage main proposed traversing the land located within the easement.
32. Easement documentation must be submitted to the Assessment Manager for endorsement.
33. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

PART 1B – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Register No: 331.2016.821.1) 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.

Water and Sewer

- C. 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 firefighting requirements in accordance with AS2419.
- D. 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.
- E. In order for agreed Council work to be performed on existing live water and sewer infrastructure:
 - a. ensure a detailed design proposal is submitted to the Assessment Manager, marked 'For Construction';
 - b. complete and return the '*Application for Water & Sewer*' forms available from the Assessment Manager;
 - c. pay the applicable lodgment fee;
 - d. if necessary, a quote will be prepared by Council's Water and Wastewater Operations & Maintenance Department once the detailed design proposal is approved; and
 - e. follow instructions provided with the quotation and pay the quoted fee.

Note: The 'Application for Water & Sewer' forms can cater for both water and sewer connection requirements in the one application. The applicable lodgment fee will be adjusted at the time of lodgment according to the features requested.

PART 1C – PROPERTY NOTES

A. Development Approval 321.2016.44964.1 – Sewerage

The following notation applies to approved Lots 1 to 12:

This property is not serviced by the Council's reticulated sewerage network. Any future development must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use.

The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 "On-site Domestic Wastewater Management".

B. Development Approval 321.2016.44964.1 – Access

The following notation applies to approved Lots 1, 5, 8 and 11 (corner lots):

Any access driveway is required to maintain a minimum six (6) metre separation to truncations.

C. Development Approval 321.2016.44964.1 – Access (Sea Esplanade)

The following notation applies to approved Lots 5, 6 and 7:

No vehicular access is permitted from Sea Esplanade.

D. Development Approval 321.2016.44964.1 – Sea Turtle Sensitive Area

The following notations apply to approved Lots 1 to 12:

D1 This property is located within a sea turtle sensitive area.

Any noise or vibration generated during the construction and operation of a future development should be managed to ensure it does not have an adverse impact on sea turtles.

All windows and glass doors facing or within line-of sight of the coast in a sea turtle sensitive area, are recommended to be tinted or otherwise screened to reduce light spill from indoor lighting.

All exterior lighting provided as part of any future development or building work in a sea turtle sensitive area, should reduce light pollution and sky glow by:-

- a. minimising the use and intensity of external lighting to that required to achieve the light's purpose and to avoid reflection from the ground, buildings or other surfaces;
- b. using lighting that is fully shielded, directed and mounted as low as possible so as to cast little or no upward light (above the horizontal) or light spill towards the coast;

- c. using lighting of a wavelength less likely to cause nuisance to sea turtles or other fauna (e.g. amber lighting); and
- d. fitting lights with light motion detection sensors and/or timers to ensure lighting is turned off when not required.

Seconded by Cr DJ Batt.

Following discussion thereto during which:-

- Cr SA Rowleson spoke against the Motion;
- Cr PR Heuser spoke about the Motion;

- the Motion was put - and carried by 7 votes to 4 votes.

For

Cr WR Trevor
Cr HL Blackburn
Cr CR Sommerfeld
Cr DJ Batt
Cr JA Peters
Cr PR Heuser
Cr JM Dempsey

Against

Cr JP Bartels
Cr WA Honor
Cr GR Barnes
Cr SA Rowleson



Minutes

28 June 2016

Item Number:	File Number:	Part:
K3	322.2016.45849.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

132 Potters Road, Qunaba - Material Change of Use for Community Infrastructure

Summary:

APPLICATION NO	322.2016.45849.1
PROPOSAL	Material change of Use for Community Use (Animal Management Facility)
APPLICANT	Bundaberg Regional Council
OWNER	Reserve For Local Government
PROPERTY DESCRIPTION	Lot 243 on CK2823
ADDRESS	132 Potters Road, Qunaba
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Community Facilities Zone (Other Zones)
OVERLAYS	Flood Hazard, Infrastructure, Heritage and Neighbourhood Character.
LEVEL OF ASSESSMENT	Code
SITE AREA	46.9 ha
CURRENT USE	Waste Management Facility
PROPERLY MADE DATE	1 June 2016
STATUS	The 20 business day decision period ends on 29 June 2016
REFERRAL AGENCIES	Nil.
NO OF SUBMITTERS	N/A.
PREVIOUS APPROVALS	322.2014.40261.1 – Public Utility Undertaking (Waste Management Facility)
SITE INSPECTION CONDUCTED	8 June 2016
LEVEL OF DELEGATION	Level 3

1750

Resolution

Cr PR Heuser presented the report; and moved:-

That Development Application 322.2016.45849.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use/Reconfiguring of a Lot/Operational Works/Building Works for Community Infrastructure

SUBJECT SITE

132 Potters Road, Qunaba described as Lot 243 on CK2823

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

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

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 PLAN/S

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

Plan/Document number	Plan/Document name	Date
41-29656-A001 (as amended in red)	Site Layout	24.03.16
41-29656-A100	Floor Layout	24.03.16
41-29656-A150	Roof Plan	24.03.16
41-29656-A400	Elevations	24.03.16
41-29656-A450	Sections	24.03.16
121228 Rev A	Qunaba Animal Management Facility Intersection Layout Plan	
121227 Rev A	Qunaba Animal Management Facility Intersection Control Line Setout Details & Typical Cross Sections	

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
Conditions 16-24	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.

Extent of Approved Use

4. The approval does not include those areas shown as “future” extensions on the approved plans.

Landscaping

5. The site must be landscaped. Such landscaping must:
 - a. Consist of the construction of permanent garden beds planted with trees and shrubs, with particular attention to the street frontages of the site;
 - b. Include species recognised for their low water requirements and is to be provided with an approved controlled underground or drip watering system. Any such system is to be fitted with an approved testable backflow prevention device;
 - c. Include a minimum of two shade trees within the car parking area;
 - d. Use locally endemic or other natives species specified in the Planning Scheme Policy for Development Works;
 - e. Provide a densely planted buffer consisting of large trees and shrubs to the boundaries of the proposed animal management facility area as shown on the approved plans. The buffer must effectively soften the appearance of the development when viewed from any public space to the satisfaction of the Assessment Manager; and
 - f. Include trees or other landscape elements to provide shade to the proposed building to assist with microclimate management and energy conservation.
6. Landscaping must be completed prior to the use commencing and is to be maintained in a state satisfactory to the Assessment Manager while the use of the premises continues.

Fencing

7. Construct a 1.8 metre high chain wire fence around the perimeter of the approved use in the location generally shown on the approved plan.
8. Fencing provided on the site must be designed to prevent the escape of animals from the facility and the intrusion of animals into the site.

Lighting

9. 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.
10. Unless otherwise approved in writing by the Assessment Manager, external lighting must be low pressure sodium vapour lighting fitted with hoods or fully screened and directed away from the beach.
11. Internal lighting must be shaded through glass tinting on all windows facing or seen from the beach with a transmittance value of 45% or less.

New Street Name

12. A street name must be submitted to and approved by the Assessment Manager for the unnamed road over which access to the site is to be obtained, prior to the commencement of the approved use. A written request for the proposed naming of the street must be submitted that includes three (3) suggested road names for the street that:
- Reflect aspects of the area in which the streets are located, including historical names, unless otherwise determined by the Assessment Manager. The order of preference in allocating street names will be:
 - Historical persons / Historical place names;
 - Other relevant aspects (eg local flora and fauna); and
 - Themed street names. Where 'themed' names are proposed, a list of street names for the entire development must be submitted as part of the Operational Works application for Stage One of the development;
 - Are nouns and generally contain one (1) word. Composite words may be acceptable when they supplement the primary name; and
 - Are unique and unambiguous to the Bundaberg Regional Council local government area.

(Note: where a street is extended, the new section created will retain the name of the street extended.)

13. Supply and erect all necessary street signs and posts.

Waste Management

14. 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.
15. Maintain and operate an adequate waste disposal service, including the disposal of animal wastes, maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.

Water

16. Provide a reticulated water supply service to the facility 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.
17. Provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the development.

Effluent Disposal

18. Provide an on-site sewerage facility that is designed, constructed, operated and maintained in accordance with the Queensland Plumbing and Wastewater Code and Australian Standard AS 1547-2000 under the Plumbing and Drainage Act 2002. Wastewater must be treated to a minimum secondary standard.

Stormwater

19. Install a stormwater drainage system connecting to lawful points of discharge. The stormwater drainage system must include:
 - a. detention storage 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;
 - b. stormwater management components including perimeter sediment drains, sediment control and retention basins, which must be completed prior to the commencement of the use;
 - c. measures to ensure that the flows from adjacent properties and existing development drainage paths will not be impeded.

Roadworks and Access

20. The new access road to be constructed must be constructed within the existing 20 metre wide unnamed road reserve located along the subject site's south property boundary.
21. Construct the new road and associated intersection with Potters Road generally in accordance with the approved plans.
22. The Developer must design and construct the Potters Road / Site Access Road intersection in accordance with Main Roads Road Planning and Design Manual and where applicable Austroads *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*. The requirements must include BAR turn treatments on Potters Road into the Site Access Road. The road geometries must be designed such that swept paths of turning vehicles do not cross the road centrelines and encroach on the paths of oncoming traffic.

Property Access & Driveways

23. The driveway to the facility must comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments*.

Car Parking

24. Provide off-street car parking and vehicle manoeuvring areas with a minimum of 10 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, approved pavers or other treatment as agreed to in writing by the Assessment Manager;
 - 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; and

- g. designed in accordance with AS/NZS2890 .1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.

PART 1B – ADVICE NOTES

Environmental Harm

- A1 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.

Signage

- A2 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 CR Sommerfeld.

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



Minutes

28 June 2016

Item Number:	File Number:	Part:
K4	321.2015.43354.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

27 Kirbys Road, Kalkie - Development Permit for Reconfiguring a Lot (1 into 3 Lots)

Summary:

APPLICATION NO	321.2015.43354.1
PROPOSAL	Development Permit for Reconfiguring a Lot (1 into 3 Lots)
APPLICANT	RJ Bauer & KA Bauer
OWNER	RJ Bauer & KA Bauer
PROPERTY DESCRIPTION	Lot 6 on RP812667
ADDRESS	27 Kirbys Road, Kalkie
PLANNING SCHEME	Planning Scheme for Bundaberg City
ZONING	Non-Urban Zone (Local Area 6)
OVERLAYS	Acid Sulfate Soils, Bundaberg Airport
LEVEL OF ASSESSMENT	Impact
SITE AREA	20.24 ha
CURRENT USE	Single Dwelling Unit
PROPERLY MADE DATE	4 June 2015
STATUS	The 20 business day decision period ends on 4 November 2015
REFERRAL AGENCIES	Nil.
NO OF SUBMITTERS	One (1) Submitter
PREVIOUS APPROVALS	Nil.
SITE INSPECTION CONDUCTED	25 June 2015
LEVEL OF DELEGATION	Level 3

1751

Resolution

Cr CR Sommerfeld moved:-

That this Application be deferred to the next round of meetings - with Council's Planning and Development Staff to prepare reasons and conditions of approval for consideration by Council.

Seconded by Cr JA Peters.

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



Minutes

28 June 2016

Item Number:	File Number:	Part:
M1	231.2016.104.1	HEALTH & REGULATORY SERVICES

Portfolio:

Community & Environment

Subject:

Pedal Cart Bargara

1752

Resolution

Cr PR Heuser presented the report; and moved:-

That approval be granted to Jason Loft for the Commercial Use of Local Government Controlled Areas and Roads for a stationary coffee cart at the following locations:-

- (a) Nielson Park Road Reserve (between Fred Courtice Avenue and Bargara Beach Holiday Park Road) between the hours of 6.00 am – 6.00 pm, excluding between the hours of 7.00 am to 12.00 noon weekdays and 7.00 am to 1.00 pm on weekends;**
- (b) The entrance near Christsen Park, Bargara (opposite No 13 Esplanade) on the grassed area between the hours of 6.00 am – 6.00 pm Monday to Sunday.**

Seconded by Cr HL Blackburn.

Following discussion thereto during which:-

- Cr GR Barnes requested that the Motion be amended to include an additional proviso viz:-
 - (c) That the Chief Executive Officer be delegated the power to vary the hours of operation in consultation with the applicant and other established business operators in the area;
- Cr WR Trevor clarified the intent behind Cr GR Barnes' amendment;
- the Mover and Secunder agreed to the inclusion of the additional proviso as detailed above;

the Motion as amended, viz:-

That approval be granted to Jason Loft for the Commercial Use of Local Government Controlled Areas and Roads for a stationary coffee cart at the following locations:-

- (a) Nielson Park Road Reserve (between Fred Courtice Avenue and Bargara Beach Holiday Park Road) between the hours of 6.00 am – 6.00 pm, excluding between the hours of 7.00 am to 12.00 noon weekdays and 7.00 am to 1.00 pm on weekends;**
- (b) The entrance near Christsen Park, Bargara (opposite No 13 Esplanade) on the grassed area between the hours of 6.00 am – 6.00 pm Monday to Sunday; and**
- (c) That the Chief Executive Officer be delegated the power to vary the hours of operation in consultation with the applicant and other established business operators in the area.**

was then put - and carried unanimously.



Minutes

28 June 2016

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

Community & Environment

Subject:

Request for Moncrieff Entertainment Centre Fee relief for Bundaberg Municipal Band

1753

Resolution

Cr JA Peters presented the report; and moved:-

In recognition of the generous gesture of the Australian Army Band after the floods of 2013 when they came to the region and put on a free concert

- that Council waive the fees for the Australian Army Band's Concert (to be hosted by the Bundaberg Municipal Band) at the Moncrieff Entertainment Centre on Friday, 8 July, 2016.

Seconded by Cr GR Barnes.

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 ITEMS – PURSUANT TO SECTION 275 OF THE “LOCAL GOVERNMENT REGULATION 2012”, THE MEETING WOULD NOW HAVE TO BE CLOSED TO THE PUBLIC.

RESOLUTION

CR JA PETERS MOVED:-

THAT THE ORDER OF BUSINESS OF TODAY’S MEETING BE AMENDED, AND ITEM T4 BE THE NEXT ITEM FOR CONSIDERATION. FURTHER THAT THE MEETING BE CLOSED TO THE PUBLIC TO ENABLE DISCUSSION ON THIS ITEM BE HELD IN COMMITTEE.

SECONDED BY CR ROWLESON - AND CARRIED UNANIMOUSLY WITHOUT DEBATE.

PURSUANT TO SECTION 172 OF THE “LOCAL GOVERNMENT ACT 2009” CR DJ BATT DECLARED A PERCEIVED MATERIAL PERSONAL INTEREST IN RELATION TO THE FOLLOWING ITEM (T4) - AS A BOARD MEMBER OF ANOTHER SPORTING CLUB - AND WITH THE CONSENT OF THE MAYOR LEFT THE COUNCIL CHAMBERS.

RESOLUTION

CR GR BARNES MOVED:-

THAT THE MEETING NOW BE REOPENED.

SECONDED BY CR WR TREVOR - AND CARRIED UNANIMOUSLY WITHOUT DEBATE.



MINUTES

28 JUNE 2016

ITEM NUMBER:

T4

FILE NUMBER:

A2595833

PART:

GENERAL BUSINESS

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

LOT 1 ON EH18727 - REQUEST FOR A REVIEW OF RATES
1754

RESOLUTION

CR HL BLACKBURN MOVED:-

AS COUNCIL CONSIDERS THE PROPERTY IS INCLUDED IN THE CORRECT COMMERCIAL GENERAL RATING CATEGORY, AND THE PROPERTY OWNER WAS PREVIOUSLY FULLY ADVISED BY LETTER DATED 25 JULY 2013, OF THE REASONS FOR THE INCLUSION IN THE COMMERCIAL GENERAL RATING CATEGORY

- THAT THE OWNER OF LAND DESCRIBED AS LOT 1 ON EH18727 BE ADVISED IT IS REGRETTED COUNCIL IS UNABLE TO GRANT A REDUCTION IN RATES AND CHARGES FOR THE SUBJECT LAND.

SECONDED BY CR GR BARNES.

THERE BEING NO DISCUSSION ON THIS ITEM – THE MOTION WAS PUT – AND CARRIED UNANIMOUSLY.

CR DJ BATT THEN RETURNED TO THE COUNCIL CHAMBERS.

THE MAYOR ADVISED AT THIS STAGE DUE TO THE CONFIDENTIAL NATURE OF THE FOLLOWING 5 ITEMS (ITEMS T1, T2, T3, T5 AND T6, RESPECTIVELY) – PURSUANT TO SECTION 275 OF THE “LOCAL GOVERNMENT REGULATION 2012”, THE MEETING WOULD NOW HAVE TO BE CLOSED TO THE PUBLIC.

RESOLUTION

CR WA HONOR MOVED:-

THAT THE MEETING BE CLOSED TO THE PUBLIC – AND DISCUSSION ON THE FOLLOWING 5 ITEMS BE HELD IN COMMITTEE.

SECONDED BY CR DJ BATT - AND CARRIED UNANIMOUSLY WITHOUT DEBATE.

RESOLUTION

CR DJ BATT MOVED:-

THAT THE MEETING NOW BE REOPENED.

SECONDED BY CR PR HEUSER - AND CARRIED UNANIMOUSLY WITHOUT DEBATE.

**ITEM****28 JUNE 2016**

ITEM NUMBER:	FILE NUMBER:	PART:
T1	FM/0019	CONFIDENTIAL

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

FEES AND CHARGES 2016/2017

1755

RESOLUTION

CR JM DEMPSEY MOVED:-

THAT THE SCHEDULE OF FEES & CHARGES FOR 2016/2017 (AS DETAILED ON THE 80 PAGES APPENDED TO THIS REPORT) BE ADOPTED BY COUNCIL – TO TAKE EFFECT FROM 1 JULY 2016.

SECONDED BY CR DJ BATT.

FOLLOWING DISCUSSION THERETO DURING WHICH CR WR TREVOR SPOKE AGAINST THE FOOD LICENCE APPLICATION FEE COMPONENT ONLY - THE MOTION WAS PUT - AND CARRIED BY 10 VOTES TO 1 VOTE.

FOR

CR WR TREVOR
CR JP BARTELS
CR WA HONOR
CR GR BARNES
CR SA ROWLESON
CR CR SOMMERFELD
CR DJ BATT
CR JA PETERS
CR PR HEUSER
CR JM DEMPSEY

AGAINST

CR HL BLACKBURN



MINUTES

28 JUNE 2016

ITEM NUMBER:

T2

FILE NUMBER:

.

PART:

CONFIDENTIAL

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

ENDORSEMENT OF INDIGENOUS LAND USE AGREEMENT (ILUA)

1756

RESOLUTION

CR HL BLACKBURN PRESENTED THE REPORT; AND MOVED:-

THAT THE PROPOSED INDIGENOUS LAND USE AGREEMENT (AS DETAILED ON THE 94 PAGES APPENDED TO THIS REPORT) BE ENDORSED BY COUNCIL; AND THE QUEENSLAND STATE NATIVE TITLE SERVICES BE ADVISED ACCORDINGLY.

SECONDED BY CR WA HONOR.

THERE BEING NO DISCUSSION ON THIS ITEM - THE MOTION WAS PUT - AND CARRIED UNANIMOUSLY.



MINUTES

28 JUNE 2016

ITEM NUMBER:

T3

FILE NUMBER:

A72987

PART:

CONFIDENTIAL

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

LOT 19 ON RP904972 - REQUEST FOR WATER LEAK RELIEF

RESOLUTION

CR JA PETERS MOVED:-

PURSUANT TO SECTION 120(1) OF THE LOCAL GOVERNMENT REGULATION 2012, AND AS COUNCIL IS SATISFIED THAT IN THIS INSTANCE THE EXCESSIVE WATER CONSUMPTION CHARGES WILL CAUSE HARDSHIP TO THE LAND OWNER

- THAT IN THIS INSTANCE A CONCESSION OF \$7,118.24 BE GRANTED TO THE OWNER OF LAND DESCRIBED AS LOT 19 ON RP904972, PARISH KALKIE, TO OFFSET THE WATER CONSUMPTION CHARGES.

FURTHER, THAT IT BE RESPECTFULLY SUGGESTED TO THE LAND OWNER THAT REGULAR MAINTENANCE AND WATER METER READINGS BE UNDERTAKEN TO PREVENT A RECURRENCE OF EXCESSIVE WATER CONSUMPTION AND RELATED CHARGES.

SECONDED BY CR HL BLACKBURN.

THERE BEING NO DISCUSSION ON THIS ITEM - THE MOTION WAS PUT - AND CARRIED UNANIMOUSLY.

**MINUTES****28 JUNE 2016****ITEM NUMBER:**

T5

FILE NUMBER:

A2559457

PART:

CONFIDENTIAL

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

LOT 129 ON SP182592 - REQUEST FOR RATES RELIEF

1757

RESOLUTION

CR HL BLACKBURN MOVED:-

THAT:-

1. AS THE FORMER LESSEE OF LAND DESCRIBED AS LOT 129 ON SP182592 HAS BEEN DECLARED INSOLVENT, THE RATES AND CHARGES OWING FOR THE PERIOD 1 JANUARY TO 13 APRIL 2016, APPLICABLE TO THE SAID PROPERTY, BE WRITTEN OFF; AND
2. PURSUANT TO SECTION 120(1) OF THE LOCAL GOVERNMENT REGULATION 2012, AND AS COUNCIL IS SATISFIED THAT PAYMENT OF RATES AND CHARGES WILL CAUSE HARDSHIP TO THE CURRENT LESSEE - IN THIS INSTANCE A CONCESSION OF \$294.90 BE GRANTED FOR RATES AND CHARGES FOR THE PERIOD 14 APRIL TO 30 JUNE 2016, ATTACHING TO LAND DESCRIBED AS LOT 129 ON SP182592.

FURTHER, THAT THE LESSEE OF LAND DESCRIBED AS LOT 129 ON SP182592 BE ADVISED IT IS RESPONSIBLE FOR ALL RATES AND CHARGES FOR THE SUBJECT LAND COMMENCING FROM 1 JULY 2016.

SECONDED BY CR SA ROWLESON.

THERE BEING NO DISCUSSION ON THIS ITEM - THE MOTION WAS PUT - AND CARRIED UNANIMOUSLY.



MINUTES

28 JUNE 2016

ITEM NUMBER:	FILE NUMBER:	PART:
T6	322.2013.39042.1	CONFIDENTIAL

PORTFOLIO:

INFRASTRUCTURE & PLANNING SERVICES

SUBJECT:

LOT 32 ON RP144101 - REQUEST TO REDUCE INFRASTRUCTURE CHARGES – DEVELOPMENT APPLICATION 322.2013.39042.1

1758

RESOLUTION

CR JM DEMPSEY PRESENTED THE REPORT; AND MOVED:-

THAT THE APPLICANT BE ADVISED COUNCIL DOES NOT AGREE TO VARY THE CHARGE UNDER ADOPTED INFRASTRUCTURE CHARGES RESOLUTION (NO 1) 2012 APPLICABLE TO DEVELOPMENT PERMIT 322.2013.39042.1, ON LOT 32 ON RP144101.

SECONDED BY CR HL BLACKBURN.

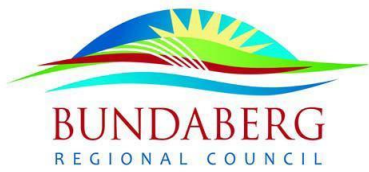
THERE BEING NO DISCUSSION ON THIS ITEM - THE MOTION WAS PUT - AND CARRIED BY 10 VOTES TO 1 VOTE.

FOR

CR WR TREVOR
CR JP BARTELS
CR WA HONOR
CR HL BLACKBURN
CR GR BARNES
CR SA ROWLESON
CR DJ BATT
CR JA PETERS
CR PR HEUSER
CR JM DEMPSEY

AGAINST

CR CR SOMMERFELD



Minutes

28 June 2016

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

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.36 am.

Confirmed this nineteenth day of July 2016.

MAYOR