



Ordinary Meeting Minutes

25 June 2019

10.00 am

Council Chambers, Bundaberg

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 SA Cooper, Cr JA Peters and Cr JD Learmonth

Leave of Absence:

Officers:

Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Infrastructure
Mr GJ Steele, General Manager Community & Environment
Mr B Artup, Executive Director Strategic Projects and Economic Development
Mr M Gorey, Executive Officer Communications
Mr M Ellery, Group Manager Development
Mr A Keleher, Chief Financial Officer
Mrs C Large, Acting Chief Legal Officer
Mrs WE Saunders, Executive Services Co-ordinator
Miss CE Dobbins, Executive Assistant/Researcher

Cr JM Dempsey acknowledged the traditional custodian owners of the land and their Elders past, present and emerging.

The Mayor also acknowledged those Australians who have given the ultimate sacrifice in service to our country.

Invocation:

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



Minutes

25 June 2019

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

Confirmation of Minutes

Resolution

Cr JM Dempsey moved:-

That the minutes of the Ordinary Meeting of Council held on 21 May 2019 and the Special Budget Meeting of Council held on 21 June 2019 be taken as read and confirmed.

Seconded by Cr SR Cooper - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
C1	.	Councillors

Subject:

Declaration of Perceived/Material Personal Interest - Cr JD Learmonth

Pursuant to section 175E of the *Local Government Act 2009* Cr JD Learmonth advised that he has a real conflict of interest in item T8 of today's agenda as he is a shareholder in a suburban shopping centre and will therefore leave the meeting while the item is discussed and voted on.



Minutes

25 June 2019

Item Number:	File Number:	Part:
C2	.	Councillors

Subject:

Declaration of Conflict/Material Personal Interests - Cr SA Cooper

Pursuant to section 175E of the *Local Government Act 2009*, Cr SA Cooper advised that he has a perceived conflict of interest in item T1 of today's agenda as the parties involved in the Confidential item are known to Cr Cooper and they assisted with his election campaign - and will therefore leave the meeting while the item is discussed and voted on.



Minutes

25 June 2019

Item Number:	File Number:	Part:
C3	.	Councillors

Subject:

Declaration of Conflict/Material Personal Interests - Cr SA Cooper

Pursuant to section 175E of the *Local Government Act 2009*, Cr SA Cooper advised that he has a real conflict of interest in item T8 of today's agenda as he owns commercial property in the CBD and item T8 - in the Confidential section - could be seen as detrimental to his interests - and will therefore leave the meeting while the item is discussed and voted on.



Minutes

25 June 2019

Item Number:	File Number:	Part:
C4	.	Councillors

Subject:

Declaration of conflict/Material Personal Interests - Cr SA Rowleson

Pursuant to 175E of the *Local Government Act 2009*, Cr SA Rowleson declared a perceived conflict of interest in Item T7 of today's agenda - due to his presence at two meetings held in 2017 with the developer from Wei Enterprises as a Councillor representative on the Nanning Sister City delegation - and will therefore leave the meeting while the item is discussed and voted on.



Minutes

25 June 2019

Item Number:	File Number:	Part:
C5	.	Councillors

Subject:

Declaration of Conflict/Material Personal Interests - Cr WA Honor

Pursuant to section 175E of the *Local Government Act 2009*, Cr WA Honor declared a perceived conflict of interest in item G1 of today's agenda as he has family members who are employed by Council and may be affected by the policy.

Resolution

Cr JM Dempsey moved:-

That the remaining Councillors determined that Cr WA Honor does not have a conflict of interest in item G1 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest - and can therefore stay and vote on the matter.

Seconded by Cr JP Bartels - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
C6	.	Councillors

Subject:

Declaration of Conflict/Material Personal Interest - Cr WA Honor

Pursuant to 175C of the *Local Government Act 2009*, Cr WA Honor declared a Material Personal Interest in item K1 of today's agenda as he is a director of Coachtrail Developments which has an approved quarry and a Development Works application pending. Cr Honor advised he will leave the meeting while the item is discussed and voted on.



Minutes

25 June 2019

Item Number:	File Number:	Part:
C7	.	Councillors

Subject:

Declaration of Conflict/Material Personal Interests - Cr WA Honor

Pursuant to 175C of the *Local Government Act 2009*, Cr WA Honor declared a Material Personal Interest in item T5 of today's agenda as he is a director of Coachtrail Developments which has an approved quarry and a Development Works application pending. Cr Honor advised he will leave the meeting while the item is discussed and voted on.

Pursuant to 175C of the *Local Government Act 2009*, Cr WA Honor declared a Material Personal Interest in item T6 of today's agenda as he is a director of Coachtrail Developments which has an approved quarry and a Development Works application pending. Cr Honor advised he will leave the meeting while the item is discussed and voted on.

Pursuant to 175C of the *Local Government Act 2009*, Cr WA Honor declared a Material Personal Interest in items T7 of today's agenda as he is a director of Coachtrail Developments which has an approved quarry and a Development Works application pending. Cr Honor advised he will leave the meeting while the item is discussed and voted on.

Pursuant to 175C of the *Local Government Act 2009*, Cr WA Honor declared a Material Personal Interest in items T8 of today's agenda as he is a director of Coachtrail Developments which has an approved quarry and a Development Works application pending. Cr Honor advised he will leave the meeting while the item is discussed and voted on.



Minutes

25 June 2019

Item Number:	File Number:	Part:
C8	.	Councillors

Subject:

Declaration of conflict/Material Personal Interest - Cr WR Trevor

Pursuant to section 175E of the *Local Government Act 2009*, Cr WR Trevor declared a perceived conflict of interest in item T7 of today's agenda as he previously declared a conflict of interest at Council's Ordinary Meeting of 24 September 2018 due to his relationship with Mr Wei (developer). Cr Trevor advised he had several meetings with Mr Wei when he was looking to purchase agricultural land in the Bundaberg region, and also led the Council delegation to Nanning, China, and met with Mr Wei several times both receiving and providing hospitality.

Cr Trevor advised he will leave the meeting while the item is discussed and voted on.



Minutes

25 June 2019

Item Number:	File Number:	Part:
C9	.	Councillors

Subject:

Declaration of Conflict/Material Personal Interest - Cr GR Barnes

Pursuant to section 175E of the *Local Government Act 2009*, Cr GR Barnes informed the meeting that he may have a perceived conflict of interest in item T7 as he attended an official Council delegation to Nanning, China in 2017 and met with Mr Wei (developer) - and would therefore leave the meeting while the item is discussed and voted on.



Minutes

25 June 2019

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

Organisational Services

Subject:

Financial Summary as at 31 May 2019

2341

Resolution

Cr SR Cooper presented the report; and moved:-

That the Financial Summary as at 31 May 2019 be noted by the Council

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number: G1	File Number: .	Part: GOVERNANCE
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Portfolio:

Organisational Services

Subject:

Council Policies

2342

Resolution

Cr HL Blackburn presented the report; and moved:-

That Council:

1. rescind the following policies:
 - CP-3-046 Buy Local Policy, version 1;
 - CP-3-017 Council Vehicle Usage Policy, version 1; and
 - CP-3-035 Public Interest Disclosure Policy, version 1.
2. adopt the following policies:
 - CP-3-046 Buy Local Policy, version 2;
 - CP-3-017 Council Vehicle Usage Policy, version 2; and
 - CP-3-035 Public Interest Disclosure Policy, version 2.

Seconded by Cr SR Cooper.

The motion was put - and carried unanimously.



Minutes

25 June 2019

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

Organisational Services

Subject:

Show Holiday Nomination for 2020

2343

Resolution

Cr HL Blackburn presented the report; and moved:-

That application be made to the Office of Industrial Relations for gazettal of Show Holidays for the Bundaberg Region, based on postcode basis, ie:

- 4660 and 4670 – Thursday 28 May 2020; and
- 4671 – Monday 10 August 2020 (Monday prior to People’s Day for the Brisbane Exhibition).

Further, that Council Offices and Depots located in postcodes 4660, 4670 and 4671 be closed on Thursday 28 May 2020; and all Council employees in those locations have this day as their allocated Show Day Holiday.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
K1	Nil	PLANNING

Portfolio:

Planning & Development Services

Subject:

Amendment to the Bundaberg Regional Council Planning Scheme Policy for Development Works

As previously declared, Cr WR Honor left the meeting, the time being 10.26 am.

2344

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That pursuant to the *Planning Act 2016* and the Minister's Guidelines and Rules – Council:-

- (a) adopt the proposed amendment to the Planning Scheme Policy for Development Works and associated Standard Drawings, incorporating changes as detailed in Table 1, noting that the changes have not resulted in the amendment being significantly different to the version released for public consultation; and**
- (b) incorporate the amended version of the proposed Planning Scheme Policy for Development Works and associated Standard Drawings into the Bundaberg Regional Council's Planning Scheme, effective 1 July 2019.**

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.

Cr Wayne Honor returned to the meeting, the time being 10.29 am.



Minutes

25 June 2019

Item Number:	File Number:	Part:
L1	521.2019.101.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

305 Bucca Road, Bucca – Development Permit for Reconfiguring a Lot (1 lot into 3 lots)

2345

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That as:

- The site is located in a “Rural” zone.
- The proposal includes land identified as Agricultural Class Land (ACL - Class A and Class B), however is considered to be of a size and scale that is not considered commercially viable.
- The proposed lots have been configured and conditioned in a manner which is:
 - a) Appropriate for their intended use
 - b) Similar in size to other lots located nearby
 - c) Provides for adequate protection of nearby productive rural land.
- The proposed lots are located close to an existing village being approximately 11 kilometres to the nearest village (South Kolan) identified in the Strategic Framework Map SFM-001.
- The proposed development will not give rise to unacceptable levels of land degradation including erosion, scour and soil salinity.
- The proposal provides sufficient land area to accommodate rural residential development that is not unduly impacted on environmental constraints and natural hazards.
- Appropriate evacuation routes and emergency access is available to maintain community safety and avoid residents being isolated by a natural hazard event.
- The proposed lots are capable of being provided with necessary infrastructure to efficiently and effectively service the development.
- The proposal is not located on land that is required or likely to be required for future urban expansion of an existing settlement.
- The proposal provides for lots that have a suitable and safe means of access to a public road.
- To the extent that the proposal does not comply with any applicable assessment benchmarks, the above points provide sufficient reasons to approve the development despite any no-compliance.

Development Application 521.2019.101.1 detailed below be decided as follows:**1. Location details**

Street address: 305 Bucca Road, Bucca
 Real property description: Lot 1 on RP865676
 Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Reconfiguring a Lot (Subdivision (1 lot into 3 lots))

3. Decision

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

The following approvals are given:

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

4. Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Reconfiguring a Lot				
Plan of Proposed Development	InsiteSJC	Jan.2019	GC18-189-P3	Sheet 1 of 3
Plan of Proposed Development	InsiteSJC	Jan.2019	GC18-189-P3	Sheet 2 of 3
Plan of Proposed Development	InsiteSJC	Jan.2019	GC18-189-P3	Sheet 3 of 3

5. Conditions

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

6. Further development permits

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

- All Operational Work

7. Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
Nikki and Finlay Giloye	359 Bucca Road, Bucca Qld 4670	finnik@bigpond.com

8. Referral agencies for the application

Not applicable

9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

10. Agreements under Section 49(4)(b) or 66(2)(b) or (c) of the *Planning Act 2016*

There are no agreements about these matters.

11. Conditions about infrastructure

The following conditions about infrastructure have been imposed under Chapter 4 of the *Planning Act 2016*:

Condition/s	Provision under which the condition was imposed
10	Section 145 – Non-trunk Infrastructure
N/A	Section 128 – Trunk Infrastructure

12. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval

- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see Schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*.

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant’s appeal rights and the appeal rights of a submitter.

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

NO.	CONDITION	TIMING
GENERAL		
1.	Comply with all conditions of this development approval and maintain compliance whilst the development continues.	At all times unless otherwise stated
2.	Where there is any conflict between the conditions of this Development approval and details shown on the Approved plans, the conditions prevail.	At all times
3.	The full cost of all work and any other requirements associated with this development must be met by the developer, unless specified in a particular condition or Infrastructure agreement.	At all times
Existing Services and Structures		
4.	Ensure all existing and proposed utility services and connections (eg. Electricity and telecommunications) are wholly located within the lot they serve.	Prior to the endorsement of the survey plan
5.	All existing effluent disposal areas must be wholly located within the lot they serve and comply with the boundary setback requirements of the <i>Plumbing and Drainage Act 2002</i> and associated codes and requirements.	Prior to the endorsement of the survey plan

6.	<p>Certification must be submitted to the Assessment Manager from an appropriately qualified surveyor which certifies that:</p> <ol style="list-style-type: none"> a. the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the <i>Building Act 1975</i>, unless varied by this Decision Notice; b. all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement; and c. 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. 	Prior to the endorsement of the survey plan
ELECTRICITY AND TELECOMMUNICATION		
7.	Enter into an agreement with an approved electricity provider, to ensure that underground electricity (and existing overhead where practical) 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.	Prior to the endorsement of the survey plan
8.	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.	Prior to the endorsement of the survey plan
9.	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 - <i>Guidelines for Developers</i> , to the satisfaction of the Assessment Manager.	Prior to the endorsement of the survey plan
ROADWORKS AND ACCESS		
10.	Driveways to proposed lots 1 and 3 must comply with the standards specified in the <i>planning scheme policy for development works – driveways and access to developments</i> . The specific requirements must be determined as part of the Operational Works application.	Prior to the endorsement of the survey plan
11.	Access to the building envelope area within lot 3 must be from Bucca Road. Any future crossover or driveway must not be located within any area within the biodiversity areas identified as Matters of State Environmental Significance (MSES) in the SPP interactive mapping system (plan making).	At all times

12.	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.	Prior to the endorsement of the survey plan
AGRICULTURAL BUFFERS		
13.	<p>Establish a vegetated agricultural buffer over the land as identified on the approved plans on the subject site. The buffer must:</p> <ul style="list-style-type: none"> a. have a minimum width of 40m b. contain random plantings of a variety of tree and shrub species of differing growth habits at spacings of 4-5m for a minimum width of 20m, centrally located within the 40m buffer area c. include species with long, thin, and rough foliage which facilitates the more efficient capture of spray droplets d. provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space) e. foliage is from the base to the crown f. include species which are fast growing and hardy g. have a mature tree height 1.5 times the spray release height or target vegetation height of the adjacent agricultural activity, whichever is higher h. have mature height and width dimensions which do not detrimentally impact upon adjacent agricultural activity i. include an area of at least 10m clear of vegetation (excluding grass) or flammable material to either side of the vegetated area. <p>If the buffer location conflicts with MSES Vegetation, the buffer is not required.</p>	Prior to the endorsement of the survey plan and then to be maintained until such time as agreed to by the Assessment Manager
BUILDING ENVELOPES		
14.	<p>Prepare and submit for approval to the Assessment Manager a Building envelope plan for Lot 3 of the development that:</p> <ul style="list-style-type: none"> a. is prepared by a Surveyor b. identifies by metes and bounds a building envelope for each lot identified on the approved plans as having a building envelope c. is located adjacent to Lot 3 of RP865876 d. is located outside any area identified as MSES vegetation e. dimensions the envelope to a point on the lot boundary with a minimum area of 3,000m², unless otherwise identified on the approved plans f. incorporates any required changes shown in red on the approved plans 	Prior to the endorsement of the survey plan

	Once approved, amendments to the Building envelope can only be made with the agreement of the Assessment Manager. Any agreement must be obtained in writing.	
15.	Any future building works on proposed Lot 3 must be located within the approved Building Envelope, unless otherwise approved in writing by the Assessment Manager	At all times.
16.	Ensure a copy of the Building envelope plan is included in the contract of sale, together with a clause which requires future dwellings and associated buildings and structures to be constructed in accordance with the plan, for each and every lot of the development.	As indicated
FENCES		
17.	Provide and maintain a fauna friendly fence along all boundaries of proposed Lot 3. The fence design must facilitate fauna movement, access and/or use of on-site habitat for fauna that has been identified by a suitably qualified person within the corridors catchment.	Prior to the endorsement of the survey plan and then to be maintained
18.	Maintain all existing and future regrowth vegetation on proposed lot 3 located outside of the nominated building envelope, except where required to maintain fence lines.	At all times.

PART 1B – ADVICE NOTES

NO.	ADVICE	TIMING
RATES AND CHARGES		
1.	In accordance with the <i>Planning Act 2016</i> , all rates, charges, or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.	Prior to the endorsement of the survey plan
INFRASTRUCTURE CHARGES		
2.	Infrastructure charges notice (331.2019.1094.1) applicable to the development is attached to this Development approval.	At all times
ENVIRONMENTAL HARM		
3.	The <i>Environmental Protection Act 1994</i> states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance.	At all times

	Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil, or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property no connected with the use.	
ABORIGINAL CULTURAL HERITAGE		
4.	All development should proceed in accordance with the Duty of care guidelines under the <i>Aboriginal Cultural Heritage Act 2003</i> . Penalties may apply where duty of care under that act has been breached.	At all times

PART 1C – PROPERTY NOTES

PROPERTY NOTES		
5.	Development approval 521.2019.101.1– Rural activity The following notation applies to the approved lot(s) 1, 2 and 3: All future purchasers of the subject land should note that there is a rural activity adjacent to the land and such activity may impact on the residential amenity of residents.	At all times
6.	Development approval 521.2019.101.1 – Bushfire hazard The following notation applies to the approved lot(s) 1,2 and 3: Any dwelling on the subject land must be provided with an adequate water supply for firefighting purposes which is reliable, safely located, and freely accessible.	At all times
7.	Development Approval 521.2019.101.1 – Sewerage The following notation applies to approved Lots 1 and 3: This property is not serviced by the Council’s reticulated sewerage network. Any future residential dwelling on Lots 1 and 3 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 <i>Plumbing and Drainage Act 2002</i> . 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’.	At all times
8.	Development Approval 521.2019.101.1– Driveways The following notation applies to approved Lots 1 and 3: The driveway to the Lot:	At all times

	<ul style="list-style-type: none"> • must be built to the standard specified in the <i>planning scheme policy for development works – driveways and access to developments</i>. • must be constructed in accordance with Council's Policy FM-7-003 <i>Application to carry out works in, on, over or under Council owned and maintained property</i>. • is used to provide the rural number (property address number). Please refer to Bundaberg Regional Council Policy FM-7-115 <i>Rural Number Application</i> for information on how to obtain a rural number for property. <p>For further information please contact the Road and Drainage Technical Officer for your area to obtain guidance on the appropriate driveway for the property and how to obtain a rural number.</p>	
9.	<p>Development Approval 521.2019.101.1– Agricultural Buffer</p> <p>The following notation applies to approved Lots 1 and 3:</p> <p>An agricultural buffer has been established on this property to help mitigate any impact (eg. spray drift, noise etc) from current and future agricultural activities located nearby. The owner is responsible for the maintenance of the agricultural buffer as shown on the Approved Plans</p>	At all times
10.	<p>Development Approval 521.2019.101.1– Water</p> <p>The following notation applies to approved Lots 1, 2 and 3:</p> <p>This property is not serviced by the Council's reticulated water network. At the time of final Building Approval for a residential dwelling, the owner must provide a potable water supply through connection of the dwelling to a rainwater storage tank, or tanks, having a capacity of not less than 45,000 litres.</p>	At all times
11.	<p>Development Approval 521.2019.101.1– Building Envelopes</p> <p>The following notation applies to approved Lot 3:</p> <p>Building Envelope restrictions apply in respect to the use and development of this property, including clearing of vegetation outside of the Building Envelope. A copy of the Building Envelope Plan is available from the Council's. Landowners or purchasers are strongly advised to seek further details by contacting the Council's Development Assessment Branch.</p>	At all times

Seconded by Cr WA Honor

The motion was put - and carried unanimously.

It being noted that the Planning Officers had recommended:-

That the Development Application 521.2019.101.1 detailed below be decided as follows:

1. Location details

Street address: 305 Bucca Road, Bucca

Real property description: Lot 1 on RP865676

Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Reconfiguring a Lot (1 lot into 3 lots)

3. Decision

Decision details: Refused

4. Referral agencies for the application

Nil

5. Reasons for refusal

Under section 63(2)(f)(ii) of the Planning Act 2016, the Bundaberg Regional Council must set out reasons for the decision to refuse the application.

The reasons for this refusal are:

- 1. The proposed development is in conflict with the Bundaberg Regional Council Planning Scheme, specifically the:*
 - Biodiversity Overlay Code, including the Purpose, Overall Outcomes and Performance Outcomes PO1, PO2, PO5, specifically noting the significant impacts to a matter of state environmental significance (vegetation and wildlife habitat);*
 - Rural Zone Code, including the Purpose and Overall Outcomes and Performance Outcomes PO1, PO2, PO3, PO6, PO8, PO11 and PO13;*
 - Reconfiguring a Lot Code, including the Purpose, Overall Outcomes and Performance Outcome PO1, PO2, PO3, PO12, specifically noting the intent to minimise further fragmentation of Rural zoned land; and*
 - Agricultural Land Overlay Code, including the Purpose, Overall Outcomes and Performance Outcomes PO1, PO3 and PO4.*
- 2. The proposed development fragments Good Quality Agricultural Land (Agricultural Land Classification (ALC) Class A and Class b) and diminishes its ongoing use for sustainable agricultural production;*
 - a. There is no demonstrated and justified need for additional rural residential lots to occur within this area given the substantial capacity of nearby rural residential zoned land;*
 - b. The site is not located close to an existing village or settlement; and*

- c. The proposal would fragment land included in Agricultural Land Classification A and B; and*
 - d. The development does not appropriately address the physical and environmental constraints of the land.*
- 3. The proposed development fragments Good Quality Agricultural Land (Agricultural Land Classification (ALC) Class A and Class B) and diminishes its ability to be used for sustainable agricultural production;*
- 4. The applicant has not demonstrated planning or economic need for the proposed development in the location, given the availability of appropriately zoned land elsewhere in the nearby surrounding area;*
- 5. The development impacts adversely on Matters of State Environmental Significance (MSES) relating to the protection and preservation of wildlife habitat, regulated vegetation and watercourse buffer areas;*
- 6. Approval of the proposed development would introduce an accepted use right for additional sensitive land uses to locate within new lots, exacerbating reverse amenity issues and impacting on the use of adjoining land for rural purposes;*
- 7. The proposed development is inconsistent with reasonable community expectations as informed by the Bundaberg Regional Council Planning Scheme 2015 (in terms of minimum lot size, protection of rural character, amenity, managing residential and rural land use conflict, and protecting and preserving rural land) and the expectations of those persons living and investing in the locality in which the proposed development is located, are compromised;*
- 8. The proposed development is inconsistent with the assumptions about the type, scale, location or timing of future development and infrastructure provision in this area;*
- 9. The proposed development results in the progressive increase in residential densities in a way that is not planned or contemplated under the Bundaberg Regional Council Planning Scheme 2015;*
- 10. The extent of inconsistency and conflict with the Bundaberg Regional Planning Scheme are considered to be of such significance that the proposal, if approved, would compromise the achievement of the intended planning outcomes for this area.*

Findings on material questions of fact

- The subject site is located within the Rural Zone of the Bundaberg Regional Council Planning Scheme 2015.*
- The site is predominantly categorised as Agricultural Land Classification A in the Bundaberg Regional Council Planning Scheme Overlays, with a smaller part of the site mapped as Agricultural Land Classification B and some not mapped at all.*
- The site contains areas mapped as being areas of State Environmental Significance, including regulated vegetation, wildlife habitat and a watercourse.*
- The development application was made for Development Permit for Reconfiguring a Lot (1 lot into 3 lots ranging from 2.85 ha to 19.43 ha).*

- *All proposed lots are less than the acceptable solution minimum lot size for rural zoned land under table 9.3.4.3.2 of the Reconfiguring a Lot Code.*
- *Part 5.5 of the planning scheme categorises the creation of additional lots less than 100 ha within the rural zone as requiring impact assessment.*
- *Bundaberg Regional Council, as the statutory Assessment Manager, undertook assessment of the development application under the relevant benchmarks and the provisions of the strategic framework within the Local categorising instrument.*
- *An information request was issued by Council on the 18 February 2019.*
- *An information request response was received by Council on the 6 March 2019.*
- *Public Notification of the proposed development was undertaken between 7 March 2019 and 29 March 2019 (inclusive).*
- *One (1) properly made submission was received by Council.*
- *The proposal would result in the fragmentation of areas mapped as being good quality agricultural land and also areas of state environmental significance.*
- *The land is not contiguous to existing urban zoned land or established village.*
- *The site is approximately 11 kilometres to the nearest village identified in the Strategic Framework Map SFM-001.*
- *There is approximately 205 hectares of undeveloped, rural residential zoned land within 4.2 kilometers to the north west of the site and over 2,800 hectares of rural residential zoned land located within 3.5 km to the south west of the site, the majority of which is undeveloped.*

Evidence or other material on which the findings were based

- *The development application including the information request, information response and submission/s received during the public notification period;*
- *The Bundaberg Regional Council Planning Scheme 2015;*
- *The Planning Act 2016;*
- *The Planning Regulation 2017; and*
- *State Planning Policy 2017.*

6. Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
<i>Nikki and Finlay Gilfoyle</i>	<i>359 Bucca Road, Bucca, QLD 4670</i>	<i>finnik@bigpond.com</i>

7. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the Planning Act 2016. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the Planning Act 2016).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application*
- a provision of the development approval*
- the decision to give a preliminary approval when a development permit was applied for*
- a deemed refusal of the development application.*

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the Planning Act 2016.

Schedule 1 is an extract from the Planning Act 2016 that sets down the applicant's appeal rights.



Minutes

25 June 2019

Item Number: N1	File Number: .	Part: HEALTH & REGULATORY SERVICES
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Portfolio:

Community & Environment

Subject:

Review of Fees for Display of Goods for Sale on Footpath

2346

Resolution

Cr JD Learmonth presented the report; and moved:-

That the annual licence fee for Display of Goods on Footpaths for the 2019/20 financial year be discounted by 50% and Council's Register of Fees & Charges be amended accordingly.

Further, that continuation of this discount be considered in future year's budget deliberations.

Seconded by Cr SR Cooper.

The motion was put - and carried unanimously.



Minutes

25 June 2019

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

Portfolio:

Community & Environment

Subject:

Regional Arts Development Fund Recommendations for Funding

2347

Resolution

Cr JA Peters presented the report; and moved:-

That Council approve the release of \$50,250 Regional Arts Development Funding in accordance with the recommendations of the RADF Advisory Committee as follows:-

- 1. Beverly Whip (Recycled Jellyfish) - \$1,200**
- 2. Kathy Valks (Found, Foraged, Repurposed) - \$1,200**
- 3. Paul Perry (Makin' Milbis) - \$1,500**
- 4. Creative Regions Ltd (Cavern of Wonder) - \$13,850**
- 5. Topology (Video Production Strategic Project) - \$22,500**
- 6. Dylan Sarra (Emerging Arts Leader Intern) - \$10,000**

Further, that the balance of funds available in both funding rounds be made available to support additional strategic programming for the Milbi Festival as the funds were intended. These amounts are \$6,150 (General Funding Strand) and \$6,100 (Pop Up Arts Festival Strand).

Seconded by Cr JD Learmonth.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number: P1	File Number: .	Part: WASTE & RECYCLING
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Portfolio:

Community & Environment

Subject:

Lease - Cleanaway Operations Pty Ltd - University Drive, Branyan

2348

Resolution

Cr SA Rowleson presented the report; and moved:-

That:

1. Council apply the exception contained in section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and
2. the Chief Executive Officer be authorised to enter into a three year lease with Cleanaway Operations Pty Ltd (ACN 010 745 383) for Lease B and C on SP207684 being part of Lot 292 on CK2976 and Lot 89 on SP147971.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
R1	.	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

Portfolio:

Community & Environment

Subject:

Bundaberg Gin Gin Trail Development Plan

2349

Resolution

Cr HL Blackburn presented the report; and moved:-

That the Bundaberg Gin Gin Rail Trail Development Plan (attached) be adopted and Council investigate funding opportunities to progress the development of the Rail Trail.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number: R2	File Number: .	Part: SPORT, RECREATION, VENUES & DISASTER MANAGEMENT
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Portfolio:

Community & Environment

Subject:

Nitro Circus Live 2020 Bundaberg

2350

Resolution

Cr HL Blackburn presented the report; and moved:-

That Council enter into a Sponsorship Agreement with Nitro Circus Touring Australia Pty Ltd with financial support of \$10,000 cash and \$5,000 In-kind to host Nitro Circus 2020 - Bundaberg.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number: R3	File Number: .	Part: SPORT, RECREATION, VENUES & DISASTER MANAGEMENT
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Portfolio:

Community & Environment

Subject:

Bundaberg Basketball - Bulls Sponsorship

2351

Resolution

Cr HL Blackburn presented the report; and moved:-

That Council enter into a three year Sponsorship Agreement with Bundaberg Basketball Inc with cash sponsorship and in-kind use of the Bundaberg Multiplex to host four home games with a total sponsorship value of \$52,860 to be allocated as follows:

- Year 1 (2020) - \$15,000 cash + \$7,620 (In-kind)
- Year 2 (2021) - \$10,000 cash + \$7,620 (In-kind)
- Year 3 (2022) - \$5,000 cash + \$7,620 (In-kind)

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
R4	.	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

Portfolio:

Community & Environment

Subject:

Request for Financial Support for Ms Keziah Mitchell to attend the London International Youth Science Forum

2352

Resolution

Cr HL Blackburn presented the report; and moved:-

That Council provide \$500.00 in financial support to Ms Keziah Mitchell, School Captain at Gin Gin High School, towards program expenses and travel to represent Australia at the London International Youth Science Forum to be held from 24 July – 7 August 2019 at the Imperial College London.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.

The Mayor advised at this stage, pursuant to Section 275 of the “Local Government Regulation 2012”, the meeting would be closed to the public to discuss the following 8 items which are considered confidential in accordance with Section 275.

Resolution

Cr WA Honor moved:-

That the meeting be closed to the public – and discussion on the following 8 items be held in Committee, the time being 11.06 am:

- T1 Request for Refund of Sewerage Charges – Lot 8 on RP419**
- T2 Specialised Supplier Arrangement with SAI Global**
- T3 Sale of Lot 155 Sea Esplanade, Burnett Heads (Lot 155 on SP279709)**
- T4 Planning Scheme Amendment No 5 – Burnett Heads Marina Building Height**
- T5 Request for extended completion date – Bundaberg Open for Development incentives (1)**
- T6 Request for extended completion date – Bundaberg Open for Development incentives (2)**
- T7 Request for extended completion date – Bundaberg Open for Development incentives (3)**
- T8 Request for extended completion date – Bundaberg Open for Development incentives (4)**

Seconded by Cr JA Peters - and carried unanimously.

Cr SA Cooper left the meeting while the remaining Councillors discussed item T1 in closed session, the time being 11.06 am.

Cr SA Cooper returned to the meeting, the time being 11.07 am.

Cr WA Honor left the meeting while the remaining Councillors discussed items T4 to T8 in closed session, the time being 11.09 am.

Cr WR Trevor, Cr SA Rowleson and Cr GR Barnes left the meeting while the remaining Councillors discussed item T7 in closed session, the time being 11.11 am.

Cr WR Trevor, Cr SA Rowleson and Cr GR Barnes returned to the meeting, the time being 11.12 am.

Cr SA Cooper and Cr JD Learmonth left the meeting, while the remaining Councillors discussed item T8 in closed session, the time being 11.12 am.

Cr WA Honor, Cr SA Cooper and Cr JD Learmonth returned to the meeting, the time being 11.13 am.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened to the public.

Seconded by Cr JA Peters - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
T1	A4540195	CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Request for Refund of Sewerage Charges – Lot 8 on RP419

Confidential Reason:

Local Government Regulation 2012 Section 275(d) rating concessions.

As previously declared, Cr SA Cooper left the meeting, the time being 11.14 am.

2353

Resolution

Cr JM Dempsey moved:-

That Council refunds an amount of \$11,655 to the owner of Lot 8 on RP419 for sewerage utility charges.

Seconded by Cr WA Honor.

The motion was put - and carried.

For

Cr WR Trevor
 Cr WA Honor
 Cr HL Blackburn
 Cr GR Barnes
 Cr SA Rowleson
 Cr CR Sommerfeld
 Cr JA Peters
 Cr JD Learmonth
 Cr JM Dempsey

Against

Cr JP Bartels

Cr SA Cooper returned to the meeting, the time being 11.15 am.



Minutes

25 June 2019

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

Governance

Subject:

Specialised Supplier Arrangement with SAI Global

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2354**Resolution**

Cr JM Dempsey moved:-

That Council

1. enter into an arrangement with SAI Global for the supply of technical information without first inviting written quotes pursuant to section 235(b) of the *Local Government Regulation 2012*; and
2. this arrangement be made for the period 1 July 2019 – 30 June 2022.

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
T3	fA142929	CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Sale of Lot 155 Sea Esplanade, Burnett Heads (Lot 155 on SP279709)

Confidential Reason:

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

2355

Resolution

Cr JM Dempsey moved:-

That Council applies the exception contained in section 236(1)(a)(i) of the *Local Government Regulation 2012* (Qld) to the disposal of Lot 155 Sea Esplanade, Burnett Heads (Lot 155 on SP279709) and the Chief Executive Officer be authorised to enter into a Contract of Sale with the Buyer and attend to all items required to finalise the sale of the property.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
T4	Nil	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Planning Scheme Amendment No 5 – Burnett Heads Marina Building Height

Confidential Reason:

Local Government Regulation 2012 Section 275(g) any action to be taken by the local government under the Planning Act 2016, including deciding applications made to it under that Act.

2356

Resolution

Cr JM Dempsey moved:-

That pursuant to the *Planning Act 2016* and the Minister's Guidelines and Rules – Council:-

- (a) **change the major amendment to the Bundaberg Regional Council Planning Scheme proposed at its meeting held 21 August 2018 (Item J1, Resolution 2204), as follows –**
 - (i) **Remove the proposed zoning change of 67 Harbour Esplanade, Burnett Heads described as Lot 1 on SP157913 (Burnett Heads marina development site) from the Zone Maps (the land will remain in the Community Facilities zone as per Council's current planning scheme);**
 - (ii) **Remove proposed Performance Outcome PO27 and corresponding Acceptable Outcomes AO27.1 and AO27.2 from the Central Coastal Urban Growth Area Local Plan at section 7.2.1 of the Planning Scheme; and**
 - (iii) **Re-number subsequent Performance Outcomes and Acceptable Outcomes.**
- (b) **give the Planning Minister written notice of Council's decision to change the major amendment to the planning scheme and request the Minister finalise State interest review and consideration of the balance of the proposed major amendment.**

Seconded by Cr WR Trevor.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
T5	TP/001 DA 522.2018.56.1	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Request for extended completion date – Bundaberg Open for Development incentives (1)

Confidential Reason:

Local Government Regulation 2012 Section 275(g) (h) any action to be taken by the local government under the Planning Act 2016, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

As previously declared, Cr WA Honor left the meeting, the time being 11.17 am.

2357

Resolution

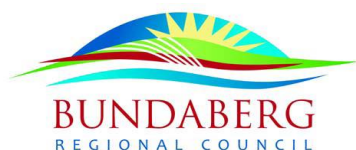
Cr JM Dempsey moved:-

That Council authorise the Chief Executive Officer or his nominated delegate to enter into a Bundaberg Open for Development Infrastructure Agreement for DA 522.2018.56.1 with an extended completion date of 28 June 2024, subject to the inclusion of a requirement for the development to achieve Substantial Commencement by 26 June 2020.

Further, that no other discounts or variations of the standard Bundaberg Open for Development infrastructure agreement be entered into for this development.

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
T6	TP/001 DA 321.2007.52177.1	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Request for extended completion date – Bundaberg Open for Development incentives (2)

Confidential Reason:

Local Government Regulation 2012 Section 275(g) (h) any action to be taken by the local government under the Planning Act 2016, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

2358

Resolution

Cr JM Dempsey moved:-

That Council authorise the Chief Executive Officer or his nominated delegate to enter into a Bundaberg Open for Development Infrastructure Agreement for DA 321.2007.52177.1 with an extended completion date of 28 June 2024, subject to the inclusion of a requirement for the development to achieve Substantial Commencement by 26 June 2020.

Further, that no other discounts or variations of the standard Bundaberg Open for Development infrastructure agreement be entered into for this development.

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.



Minutes

25 June 2019

Item Number:	File Number:	Part:
T7	TP/001 DA 522.2018.44.1	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Request for extended completion date – Bundaberg Open for Development incentives (3)

Confidential Reason:

Local Government Regulation 2012 Section 275(g) (h) any action to be taken by the local government under the Planning Act 2016, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

As previously declared Cr WR Trevor, Cr GR Barnes and Cr SA Rowleson left the meeting, the time being 11.19 am.

2359

Resolution

Cr JM Dempsey moved:-

That Council authorise the Chief Executive Officer or his nominated delegate to enter into a Bundaberg Open for Development Infrastructure Agreement for DA 522.2018.44.1 with an extended completion date of 25 June 2021, subject to the inclusion of a requirement for the development to achieve Substantial Commencement by 26 June 2020.

Further, that no other discounts or variations of the standard Bundaberg Open for Development infrastructure agreement be entered into for these developments.

Seconded by Cr CR Sommerfeld.

The motion was put - and carried unanimously.

Cr WR Trevor, Cr GR Barnes and Cr SA Rowleson returned to the meeting, the time being 11.21 am.



Minutes

25 June 2019

Item Number:	File Number:	Part:
T8	TP/001 DA 526.2018.68.1	CONFIDENTIAL

Portfolio:

Planning & Development Services

Subject:

Request for extended completion date – Bundaberg Open for Development incentives (4)

Confidential Reason:

Local Government Regulation 2012 Section 275(g) (h) any action to be taken by the local government under the Planning Act 2016, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

As previously declared Cr SA Cooper and Cr JD Learmonth left the meeting, the time being 11.21 am.

2360

Resolution

Cr JM Dempsey moved:-

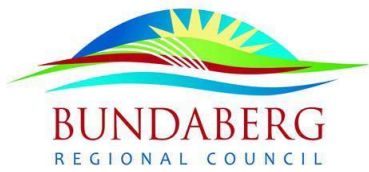
That Council authorise the Chief Executive Officer or his nominated delegate to enter into a Bundaberg Open for Development Infrastructure Agreement for DA 526.2018.68.1 with an extended completion date of 28 June 2024, subject to the inclusion of a requirement for the development to achieve Substantial Commencement by 26 June 2020,

Further, that no other discounts or variations of the standard Bundaberg Open for Development infrastructure agreement be entered into for this development.

Seconded by Cr JA Peters.

The motion was put - and carried unanimously.

Cr WA Honor, Cr SA Cooper and Cr JD Learmonth returned to the meeting, the time being 11.22 am.



Minutes

25 June 2019

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 11.22 am.

Confirmed on 23 July 2019.

Mayor