



Ordinary Meeting Minutes

27 February 2018

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

Apologies:

Officers:

Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Infrastructure
Mr GJ Steele, General Manager Community & Environment
Mrs A Pafumi, General Manager Organisational Services
Mr M Ellery, Group Manager Development
Mrs A Sapolu, Chief Legal Officer
Mr M Gorey, Executive Officer Communications
Mr W Heidrich, Senior Communications Advisor
Mrs MT Jenner, Executive Assistant Councillors
Miss A Crouch, Executive Assistant General Manager Organisational Services

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

Invocation:

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



Minutes

27 February 2018

Item Number:	File Number:	Part:
B1		Minutes

Subject:

Confirmation of Minutes

0016

Resolution

That the Minutes of the Ordinary Meeting of Council held on 30 January 2018 be taken as read and confirmed.

Moved by Cr HL Blackburn.

Seconded by Cr WR Trevor - and carried unanimously without debate.



Minutes

27 February 2018

Item Number:	File Number:	Part:
C1	.	COUNCILLORS

Portfolio:

Councillors

Subject:

Customer Satisfaction Survey

0017

Resolution

That:-

1. Council commission an independent Customer (Community) Satisfaction Survey to gauge the community's degree of satisfaction regarding the services that it provides across the region; and
2. subject to Council's Procurement Policy, such a survey be conducted by, or in a similar manner to, previous surveys conducted by Market Facts Pty Ltd in 2009, 2010 & 2014 in order to provide an accurate comparison of Councils delivery performance over the interim period.

Moved by Cr GR Barnes.

Seconded by Cr WR Trevor.

The Motion was lost by 5 votes to 6 votes.

For

Cr WR Trevor
Cr GR Barnes
Cr SA Rowleson
Cr CR Sommerfeld
Cr JL Learmonth

Against

Cr JP Bartels
Cr WA Honor
Cr HL Blackburn
Cr JA Peters
Cr JM Dempsey
Cr SR Cooper



Minutes

27 February 2018

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

Organisational Services

Subject:

Financial Summary as at 31 January 2018

0018

Resolution

That the Financial Summary as at 31 January 2018 (as detailed on the 16 pages appended to this report) – **be noted by Council.**

Moved by Cr JM Dempsey.

Seconded by Cr SA Rowleson.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

Item Number: F1	File Number: RG-1-001	Part: GOVERNANCE & COMMUNICATIONS
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Portfolio:

Organisational Services

Subject:

Council to Chief Executive Officer Delegations

0019

Resolution

That the Chief Executive Officer be delegated the powers in accordance with the “Register of Delegations – Bundaberg Regional Council to the Chief Executive Officer” (as detailed on the 216 pages appended to this report).

Moved by Cr HL Blackburn.

Seconded by Cr WA Honor.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

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

Infrastructure Services

Subject:

Arrangement for the Supply of Flood Gates

0020

Resolution

That Bundaberg Regional Council enter into an arrangement with McDougall M K & J H (ABN 61 794 192 442) owing to the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the Local Government to invite quotes or tenders as per *Section 235(b) of the Local Government Regulation 2012* and that this arrangement remain in place until such time as a viable alternative supplier becomes available.

Moved by Cr WA Honor.

Seconded by Cr JP Bartels.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

Item Number:	File Number:	Part:
J1	339.2017.18.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

33 Gooburrum Road, Gooburrum - Request for Street Name

0021

Resolution

That Road 1 in the development located at 33 Gooburrum Road and approved under development approval 321.2017.48117.1, be named as follows:

- **Road 1 – Leacy Place;**

Moved by Cr CR Sommerfeld.

Seconded by Cr GR Barnes.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

Item Number:	File Number:	Part:
J2	339.2018.21.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

1483 Gin Gin Road, Sharon - Request for Street Name

0022

Resolution

That roads A, B and C in the development identified as Pindari Park, located at 1483 Gin Gin Road, Sharon and approved under development approval 321.2018.21.1, be named as follows:

- **Road A – Pindari Drive; and**
- **Road B and C – Conifer Place.**

Moved by Cr CR Sommerfeld.

Seconded by Cr WA Honor.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

Item Number:	File Number:	Part:
J3	TLPI 1/2018	PLANNING

Portfolio:

Planning & Development Services

Subject:

TLPI 1/2018 – Protection of the Mon Repos Turtle Conservation Area

0023

Resolution

That pursuant to section 23 of the *Planning Act 2016* and the Minister's Guidelines and Rules, and subject to and on receipt of approval from the Planning Minister to the making of the TLPI with no conditions:-

- (a) Council adopt Temporary Local Planning Instrument (TLPI) 1/2018 – Protection of the Mon Repos Turtle Conservation Area; and
- (b) the TLPI take effect on 16 March 2018, or if approval is not received before 14 March 2018, the day the notice of adoption of the TLPI is published in the gazette.

Moved by Cr CR Sommerfeld.

Seconded by Cr HL Blackburn.

Cr JM Dempsey tabled an article from the Courier Mail of 27 February 2018 regarding the removal of turtle eggs from Mon Repos and their relocation to Brisbane and the Sunshine Coast.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

Item Number:	File Number:	Part:
K1	322.2014.41207.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

1 Von Deest Street, Branyan - Material Change of Use for Special Use (Cemetery)

0024

Resolution

That Development Application 322.2014.41207.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use for Special Use (Cemetery)

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 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	3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deemed Approval

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

2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

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

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

4. CODES FOR SELF ASSESSABLE DEVELOPMENT

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

The relevant codes identified in the:

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

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

Not Applicable

6. SUBMISSIONS

There were three (3) 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. John & Helen Clare	10 Norgrove Road, BRANYAN, QLD 4670
2. Ross & Carolyn Orpin	210 Cummins Road, BRANYAN, QLD 4670
3. Stephen & Sharon Bradley	12 Norgrove Road, BRANYAN, 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 and/or document/s for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
Z14-272 P Sheet 1 of 1	Material Change of Use – Special Use (Crematorium and Cemetery)	June 2014

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. 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
5,6,7,8,9,42,43,44	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.

Amended Plans

4. Submit to and have approved by the Assessment Manager amended plans which incorporate the following:
 - a. Amended burial plot layout to accommodate the conditions of approval, particularly plot size, landscaping and access; and
 - b. The constructed car parking area.

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

Access

5. Driveways must comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments*.
6. Submit a completed copy of Council's 'Application to carry out works in, on, over or under Council owned and maintained property' form prior to works on the access being undertaken.
7. Provide certification from a Registered Professional Engineer Queensland (RPEQ) that the access has been designed and constructed with the conditions of this and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the access where the works are certified by a RPEQ.

Car Parking

8. Design and construct additional off-street car parking and vehicle manoeuvring areas with a minimum of 24 parking spaces. Such car parking, access and manoeuvring areas must be generally in accordance with the Approved Plans and be:-
 - a. constructed and sealed with bitumen, asphalt, concrete or approved pavers;
 - b. line-marked into parking bays;
 - c. designed to include a manoeuvring areas to allow all vehicles to leave the site in a forward gear;
 - d. designed to include the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;
 - e. sign posted to indicate entry/exit points, in addition to line marking, to indicate the traffic flow through the site;
 - f. drained to the relevant site discharge point; and
 - g. designed in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.
9. Provide certification from a Registered Professional Engineer Queensland (RPEQ) that car parking has been designed and constructed in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the car park where the works are certified by a RPEQ.
10. General angled parking signs are to be installed on the overflow car parking area to the Cummins Road frontage within Lot 1 on RP134181.

11. The landscaping/ vegetation located to the front of the overflow car parking area shown on the approved plans must continue to be trimmed/ maintained behind the concrete barrier for the full length of the parking area.
12. The operator of the approved use must provide one (1) designated employee to control traffic during a ceremony/ service to be held on site. In the first instance, all parks within the site are to be occupied (including the overflow car park) prior to the use of the public roadway.

Construction Management

13. Unless otherwise approved in writing by the Assessment Manager, do not undertake any building, or other work in a way that makes audible noise:
 - a. On a business day or Saturday, before 7.00am or after 6.30pm; or
 - b. On any other day, at any time.
14. Contain all litter, building waste and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or roads.
15. Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

Fences

16. Provide a 1.8 metre high solid no-gap screen fence to the side and rear boundaries of Lot 1 on RP134181 where the cemetery use is to be established (i.e. can exclude the crematorium section), commencing from the road frontage of the subject property, where such fencing does not currently exist. The erection of a second boundary line fence parallel to any existing boundary fence is prohibited.

Nature and extent of the approved use – Cemetery

17. The approved use must be kept open to the public during the hours of operation, specified as:
 - a. Monday to Friday, 7am to 6pm
 - b. Saturday and Sunday, 8am to 5pm
18. Upon the commencement of the use (burials undertaken), the subject land is to remain as a cemetery use in perpetuity.
19. An appropriate identifying plaque must be placed on or adjacent to the place of each burial until an appropriate memorial to the deceased is erected or installed.
20. Consistent nominated plaque and monument sizes are to be approved by the Assessment Manager prior to the use commencing and maintained for the life of approved use. The use of heavy equipment and trucks/ heavy vehicles to transport any monuments is to be limited. The impacts of any monuments on stormwater management must also be considered.

21. A burial or other disposal must not be carried out outside the hours which the cemetery is open to the public (operating hours).
22. All burials in the cemetery must be within an enclosed in a coffin or other form of container, and bodies must be placed within a hermetically sealed bag (pouch).
23. Undertake maintenance of memorials, gravestones and other buildings and structures within the cemetery use for the life of the use by the landowner and/or operator to the satisfaction of the Assessment Manager.
24. A full burial record must be maintained and made available for inspection by the Bundaberg Regional Council upon request, at all times for the life of the cemetery use.
25. The owner/ operator of the cemetery must give the local government notice annually of the burials undertaken at the cemetery for the preceding twelve month period.
26. The minimum dimensions for an adult burial plot must be 2.4m (long) by 1.0m (wide) and include appropriate access between plots for grave digging access and public access in accordance with the Australasian Cemeteries and Crematoria Association 'Guidelines for establishment of a cemetery'.
27. A maximum of two bodies may be buried in a single grave site. Where possible, the second burial is to occur within ten (10) years of the first burial and must be placed on top of the first layer soil (0.3m separation).
28. The placement of headstones/ memorials on graves is to be limited in compact areas where access is restricted, to ensure the preservation of existing graves and memorials.
29. The burials are to commence in the eastern portion of the site (furthest from Cummins Road).
30. Adequate security is to be provided to ensure that public access outside of hours is regulated. Vandal and theft strategies, including lighting and surveillance must be considered and included in any management procedures.
31. Any dirt mounds (temporary storage of dirt from grave digging) must not be visible from the nearby properties and must not cause nuisance. Dust suppression is to be undertaken, particularly during high winds and weather events.
32. Effective sediment and erosion control measures are to be utilised on the site, particularly where dirt mounds are present.
33. The use of machinery and equipment used to excavate grave sites is to be limited to the hours of operation.

Groundwater monitoring

34. A groundwater monitoring bore is to be established on the site in a location approved by the Assessment Manager to enable annual water quality monitoring. A minimum 1m separation distance from the bore to any burials site must be adhered to.
35. Groundwater monitoring is to be undertaken while the use continues in accordance with Terms of reference drafted by the developer and approved by the Assessment Manager. The terms of reference must include:
 - a. Stipulation of appropriate microbiology/ toxins in ground water to be screened and the corresponding safe levels for contact with humans
 - b. Where there is a non-compliance with the accepted levels detected, a Remediation plan must be developed and enacted.
 - c. Continuous water level monitoring is required to establish a minimum 1m separation from the bottom of the grave and the water table level of an aquifer.
36. Aside from monitoring bores, there are to be no future bores established on the subject site.

Landscaping

37. Submit a Landscape Plan to the Assessment Manager for approval prior to the commencement of any landscaping works. The plan must have regard to the conditions of this approval and include, but is not limited to, the following features:
 - a. The area or areas set aside for landscaping;
 - b. Location and name of existing trees and vegetation, which must all be retained;
 - c. A plan and schedule of all proposed trees, shrubs and ground covers which identifies:
 - i. The location and sizes at planting and at maturity of all plants;
 - ii. The utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided.). No exotic plants are to be specified;
 - d. The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;
 - e. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
 - f. Details of any landscaping structures, including entrance statements;
 - g. Details of cutting and filling and all retaining structures and fences and associated finishes;
 - h. Contours or spot levels if appropriate;
 - i. Fence size and materials;

- j. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device;
 - k. Location of any drainage, sewerage and other underground services and any overhead power lines;
 - l. Location of approved grave sites and availability of access to landscaped areas;
 - m. Property boundary garden/landscape bed edge walls must be provided with sleeper or equivalent retaining walls to contain the garden material within the site. Such walls must be constructed to a height that is at or above the sealed car parking areas;
 - n. One (1) tree for each six (6) car parking spaces;
 - o. Vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage;
 - p. A minimum 10 metre wide landscaping buffer along the northern (side), eastern (rear) and western (front) boundaries of the subject site where the cemetery use is to be established, exclusive of the existing memorial gardens and crematorium use area, uncompromised by infrastructure items. This landscaping buffer can incorporate existing vegetation, must reach a minimum height of 3 metres (at maturity) and must include deep rooting trees and shrubs which will dehydrate the soil and supply oxidising conditions;
 - q. Landscaping to the southern edge of the cemetery use (within the subject site) either as isolated planting or landscaping strip, which can be consistent with existing vegetation on site, to provide additional screening from adjoining uses.
 - r. Vegetated screening of the approved cemetery use from Cummins Road, designed such that 80% of the cemetery will be screened within 3 year;
38. Provide certification from a Landscape Architect or other suitably qualified person that the landscaping has been constructed and established in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the landscaping where the works are certified by a Landscape Architect or other suitably qualified person.
39. Complete landscaping shown on the endorsed plans prior to the commencement of the use and maintain all landscape works in accordance with the Approved Plan whilst the use continues.

Lighting

40. 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.

Loading/Unloading

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

Stormwater Management

42. Submit a Site Based Stormwater Management Plan (SBSMP) for the development to the Assessment Manager for approval. The SBSMP must be prepared by a suitably qualified person and include, but is not limited to:
 - a. a summary of stormwater quality, quantity and waterway corridor management objectives. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, i.e., a piped system with a capacity to cater for 10 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;
 - b. a design that ensure that stormwater runoff is shed from the location of the proposed gravesites as quickly as practically possible to the lawful point of discharge without ponding to minimise infiltration.
 - c. identifies proposed lawful points of discharge, easements and any land dedications for drainage reserves;

When approved, the Site Based Stormwater Management Plan will form part of the Approved Plans for this development.

43. Undertake the stormwater management on site in accordance with the approved Site Based Stormwater Management Plan, including the construction of any necessary works.
44. Provide certification from a Registered Professional Engineer Queensland (RPEQ) that stormwater management has been undertaken on site in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the stormwater management where the works are certified by a RPEQ.

Waste Management

45. 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.
46. Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.

PART 1B – ADVICE NOTES

Environmental Harm

- A. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Local Law

- B. Annual licensing is required under *Subordinate Local Law (SLL) No. 1.9 (Operation of Cemeteries) 2011*.

Fencing

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

Nature and Extent of Approved Development

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

Signage

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

Operational Works

- G. This approval provides for some works to be undertaken on a self-assessable basis. Conditions specify where Council does not require the submission of an operational works application for specific works. To be clear, no further development permits for Operational Work are necessary to allow the development to be carried out.

Any Operational Works associated with this Material Change of Use or other engineering work proposed on the lot is subject to relevant assessment under the Bundaberg Regional Council Planning Scheme 2015 or the instrument in effect at the time of assessment. This can include works for on-site landscaping, internal vehicle circulation, manoeuvring and car parking areas, on-site stormwater management and access driveways.

Moved by Cr CR Sommerfeld.

Seconded by Cr SA Rowleson.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

Item Number:	File Number:	Part:
K2	525.2017.2.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

123 Takalvan Street, 58 Johnston Street, AVOCA (Part being Easement A) - Combined Application for Material Change of Use (Shop – Supermarket) and Operational Works (Advertising Device)

0025

Resolution

That the Development Application 525.2017.2.1 detailed below be decided as follows:

1. Location details

Street address: 58 Johnston Street and 123 Takalvan Street, AVOCA
 Real property description: Lot 22 on SP166702, Lot 1 on RP175009
 Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use (Shop – Supermarket) and Operational Works (Advertising Device – Pylon Sign)

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: Material Change of Use				
Existing/ Demolition Site Plan	PA Architects	30.10.2017	DA-01	B
Proposed Site Plan	PA Architects	30.10.2017	DA-02	D
Site Pack Plan Proposed Floor Plan	PA Architects	30.10.2017	DA-04	B
Proposed Elevations	PA Architects	30.10.2017	DA-06	B
Proposed Sections	PA Architects	30.10.2017	DA-07	B
Proposed Roof Plan	PA Architects	30.10.2017	DA-05	B
ALDI Takalvan Street, Avoca - DA Noise Assessment	Wilkinson Murray Pty Ltd - Acoustics and Air	October 2017	Report no: 00768-A	B
Aspect of development: Operational Works				
Proposed Signage Plan (As Amended)	PA Architects	30.10.2017	DA-03	B

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

7. Properly made submissions

There were no properly made submissions for this application.

8. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>State-controlled road Schedule 10, Subdivision 2, Table 4, Item 1: <i>Development application for a material change of use, that is assessable development under a local categorising instrument, if all of part of the premises –</i></p> <p>(a) are within 25m of a State transport corridor (b) ... (c) ...</p>	Department of Infrastructure, Local Government and Planning	Concurrence Agency	<p>State Assessment and Referral Agency (SARA) E: WBBSARA@dndip.qld.gov.au P: PO Box 979 Bundaberg Qld 4670</p>

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. 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

ALL DEVELOPMENT

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.

MATERIAL CHANGE OF USE

Air Conditioners

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

Building Design

6. Prior to approval of building works for the development, submit to and gain approval from Council for a revised south- eastern elevation of the building incorporating materials or façade treatments that will enhance the Takalvan Street frontage.

Note: Compliance with this condition may include the provision of decorative screens, trellises, artwork, patterns and inclusion of glazing or material variation.

7. Ensure that all materials and finishes selected are easily maintained and do not readily stain, discolour or deteriorate.

Car Parking and access

8. Provide off-street car parking and vehicle manoeuvring areas with a minimum of 105 parking spaces and 2 dedicated loading bays, including the area shown for the compactor. Such car parking, access and manoeuvring areas must be generally in accordance with the Approved Plans and be:-
 - a. constructed and sealed with bitumen, asphalt, concrete or approved pavers;
 - b. line-marked into parking bays;
 - c. designed to include a manoeuvring areas to allow all vehicles to leave the site in a forward gear;
 - d. designed to include the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;
 - e. sign posted to indicate entry/exit points, in addition to line marking, to indicate the traffic flow through the site;
 - f. drained to the relevant site discharge point;
 - g. be available free-of-charge to staff and customers during operating hours; and
 - h. designed in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.
9. Submit a completed copy of Council's 'Application to carry out works in, on, over or under Council owned and maintained property' form prior to works on the access being undertaken.
10. Driveways must comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments*.

Construction Management

11. 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.
12. Contain all litter, building waste and sediments on the building site by the use of a skip/s and any other reasonable means during construction to prevent release to neighbouring properties or roads.

13. Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

Electricity, Street lighting and Telecommunications

14. Enter into an agreement with an approved electricity provider, to ensure that underground electricity will be available to the development site.
15. Padmount transformers must be located within the road reserve fronting proposed or existing park or drainage reserves, unless otherwise agreed in writing by the Assessment Manager.

End of Trip Facilities – Cycle Parking

16. Install and maintain two (2) secure bicycle parking spaces for employees and six (6) secure bicycle parking spaces for customers. Customer cycle parking must be located in a visible area close the entrance of each building.
17. Provide one (1) locker for every two (2) staff cycle parking spaces.
18. Provide informational and directional signage where necessary to direct cyclists to bicycle parking spaces and advise the public of their presence.

External Storage of Materials

19. Ensure goods, equipment, packaging material or machinery is not stored or left exposed outside the building so as to be visible from any public road or thoroughfare. Any storage on site is required to be screened from view from all roads and adjacent properties and must be above levels of inundation from both flood and localised events.

Fences

20. Where there is not an acoustic fence proposed to be provided, provide a 1.8 metre high solid no-gap screen fence to the side and rear boundaries (where an acoustic fence is not provided) of Lot 1 RP175009, excluding the internal boundary with Easement A on SP166702, commencing from the road frontage of the subject property. The erection of a second boundary line fence parallel to any existing boundary fence is prohibited.

Hours of Operation

21. Unless otherwise approved in writing by the Assessment Manager, the hours of the approved use are limited to:
 - a. Monday to Friday – 6am to 10pm;
 - b. Saturday, Sunday and public holidays - 8am to 6pm;

Note: Deliveries may be undertaken outside of these hours where in accordance with normal store practice.

Landscaping

22. Undertake landscaping in accordance with the approved landscape plan, modified as follows:
 - a. Contours or spot levels if appropriate;
 - b. Fence size and materials;
 - c. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device;
 - d. Location of any drainage, sewerage and other underground services and any overhead power lines;
 - e. Property boundary garden/landscape bed edge walls must be provided with sleeper or equivalent retaining walls to contain the garden material within the site. Such walls must be constructed to a height that is at or above the adjacent sealed car parking areas;
 - f. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
 - g. Ensure species selection utilises those indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection). No exotic plants are to be specified.
23. Provide certification from a Landscape Architect or other suitably qualified person that the landscaping has been constructed and established in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the landscaping where the works are certified by a Landscape Architect or other suitably qualified person.
24. Complete landscaping shown on the endorsed plans prior to the commencement of the use and maintain all landscape works in accordance with the Approved Plan whilst the use continues.

Lighting

25. 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.
26. Lighting must comply with the guidelines in 'Lighting in the Vicinity of Airports- Advice to Designers (Civil and Aviation Safety Authority).
27. All external lighting, other than security lighting, must be switched off for the evening within one hour after close of trade.

Loading/Unloading

28. Loading and unloading of all vehicles associated with the use must occur on the subject site. Loading and unloading is not to occur in the areas specified for taxis and set-downs.

Noise Attenuation

29. All works must be carried out in accordance with section 6 'Conclusion' of the 'DA Noise Assessment' (report no: 00768-A Version B) by Wilkinson Murray (Acoustics and Air) listed within this Decision Notice, (including 3.0m barrier on the west, housed mechanical plant and 1.8m barrier on the rear boundary), with the exception of the following:
- a. Modification of the minimum surface density for the recommended acoustic barrier is to be increased to a minimum of 12kg/m²; and
 - b. Modification of the acoustic barrier along the rear boundary (common boundary with the retirement village on Lot 22 on SP166702) shown on the reference 'Notes: 1' on Figure 5-1 of the report, to include a return on the western end.
 - c. Suggested complaint management process to be implemented in the event of a validated noise complaint or demonstrated non-compliance, including the option for any potential further noise controls and noise management practices to be engineered to bring the operation into compliance with relevant noise standards.

The report must be resubmitted to the Assessment Manager incorporating the above amendments prior to the issue of any Development Permit for Building Works.

30. Certification must be submitted to the Assessment Manager from a suitably qualified person which certifies that the development has been constructed in accordance with the approved (refer to condition 32) section 6 'Conclusion' of the 'DA Noise Assessment' (report no: 00768-A Version B) by Wilkinson Murray (Acoustics and Air) listed within this Decision Notice.
31. Certification must be submitted to the Assessment Manager from a suitably qualified person which certifies that an acoustic barrier has been constructed in accordance with the requirements of this Decision Notice.

Public Safety

32. During operating hours, all parking areas, pedestrian areas and entrances/exits to all stairwells, travelators, lifts, foyers and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of Australian Standard AS1158 "Public Lighting Code". Lighting must be designed to reduce the contrast between shadows and well lit areas. In particular, appropriate security lighting must be provided in the location shown as loading bay and compactor and services areas and customer car parking area in the north-eastern corner of the lot Approved Plans, with a recessed doorway or concealment place.
33. Ensure that appropriate surveillance of the loading area is provided to ensure that it is not a vulnerable place for public safety purposes.

34. After hours access to loading docks, storage areas must be restricted by a security gate, lockable doors and/or other suitably appropriate means, such as roller shutters.

Sewerage

35. Make provision for a new sewerage connection (as required) suitable to meet the requirements of the development. All live sewer work, including the point of connection, must be undertaken by Council.
36. Existing sewer point(s) of connection are to be disconnected and sealed at Developer's expense as necessary.

Note: an application is required to be made to the Service Provider through Council Service Centre's. Water & Wastewater Operations & Reticulation section requests written confirmation lodged with application when removal or demolition of building is scheduled.

Sewer point(s) of connection disconnection to Council infrastructure will not be granted until approval is issued from Service Provider. Disconnection of sewer point of connection shall be carried out prior to removal or demolition of building. All associated fees to be paid by the Developer before approvals are issued;

Stormwater Management

37. Undertake the stormwater management on site in accordance with the approved Site Based Stormwater Management Plan prepared by ACOR Consultants dated 30 October 2017, Reference BR170304 Issue 1, including the construction of any necessary works.
38. Provide certification from a Registered Professional Engineer Queensland (RPEQ) that stormwater management has been undertaken on site in accordance with the conditions of this and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the stormwater management where the works are certified by a RPEQ.

Waste Management

39. Provide a sufficient area for the storage of all waste bins. This area must be sealed, screen fenced and designed so as to prevent the release of contaminants to the environment.
40. Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.
41. An impervious bin storage area (Bin Enclosure) for waste receptacles, must be provided in accordance with the following:
 - a. the bin storage area must be sufficient to accommodate all refuse containers required by the Assessment Manager for the scale of the development;
 - b. the bin storage area must be aesthetically screened from the road frontage and adjoining properties by landscaping or constructed screening;

- c. a suitable hose cock (with backflow prevention) and hoses must be provided at the refuse container area, and wash down to be drained to sewer and fitted with an approved stormwater diversion valve arrangement.

- 42. The bin storage enclosure must be maintained in a clean and sanitary manner at all times.
- 43. Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.

Water

- 44. The Developer is to make provision for a metered service, and internal infrastructure as required to satisfy the firefighting and water supply demands of the proposed development.
- 45. Any 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.

PART 1B – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER- OPERATIONAL WORKS (ADVERTISING DEVICES)

- 1. This approval authorises the following signs as defined by the planning scheme and shown on the Approved Plans:
 - a. Two (2) pylon signs.
- 2. The approved signs must not exceed the dimensions and sign areas as shown on the Approved Plans as Sign 01 and Sign 03. Sign 02 does not form part of this approval.
- 3. Position the sign wholly within the property boundaries of the subject site.
- 4. All construction and maintenance work for the sign must be carried out completely within the property boundaries.
- 5. The sign must be maintained to a standard satisfactory to the Assessment Manager. Any structural damage must be made safe and repaired as soon as practical.
- 6. Lighting used to illuminate the approved sign must:
 - a. 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;
 - b. Be switched off between the hours of 11.00pm and 5.00am or at any time the business is not operating between these hours; except where the shopping centre is operating outside of these hours.
- 7. Illumination resulting from direct, reflected or other incidental light emanating from the approved signs has a maximum luminance of 350 candelas per m² when measured at any point within a residential dwelling.

8. The sign must not include any flashing or moving lights.
9. The sign must be static and contain no moving elements.
10. All conduits, wiring, switches or other electrical apparatus installed on an advertising device must be concealed from general view.
11. No electrical equipment is mounted on exposed surfaces of the advertising device.

PART 1C – ADVICE NOTES

Environmental Harm

- A. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse affect, or potential adverse affect 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.

Infrastructure Charges Notice

- B. Please find attached the Infrastructure Charges Notice (Ref: 331.2018.988.1) applicable to the development.

Nature and Extent of Approved Development

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

Noise Management

- D. The owner/operator is advised that noise complaints made to Council regarding the operation of the approved use will be investigated and regulated utilising the parameters of the Environmental Protection (Noise) Policy 1997 under the Environmental Protection Act 1994.

Existing Services and Structures

- E. Relevant Building Works approval is necessary for the existing short term accommodation use building (and any outbuildings) to be removed/ demolished on existing Lot 1 RP175009 upon commencement of the works for the development.

Any works to Council's infrastructure is to be covered by relevant permits and licensing.

Other Development Permits

- F. This Approval does not represent a development approval for Building Works under the *Building Act 1975*.
- G. This approval provides for some works to be undertaken on a self-assessable basis. Conditions specify where Council does not require the submission of an operational works application for specific works. To be clear, development permits for Operational Work for the following works are necessary to allow the development to be carried out:
 - a. Earthworks
 - b. Car parking construction

Food handling

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

Signage

- J. With the exception of two (2) pylon signs at the entry to the development (proximate to Takalavan Street and on the building) 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 'Accepted, subject to requirements' criteria of the Planning Scheme in effect at the time of the proposed works.

Water and Sewer

- K. One only point of connection will be provided and maintained by Council. This means only one connection to the water main although there may be a potable and fire service feeding from that connection.
- L. Water and sewer connections to Council infrastructure will not be granted until approval is issued from Service Provider;

An application for water connection for proposed development is to be made to the Service Provider through any one of Council Service Centre's. Water & Wastewater

Operations & Reticulation Section requests the following requirements to be lodged with application:

- Site plan;
- Floor plan;
- Hydraulic plans showing proposed meter locations and sizes;
- All plans are to be scaled and at minimum size of A3.

M. The Developer should engage an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including fire fighting requirements in accordance with AS2419.

N. Arrangements for the installation of any new metered service and sub-meters, or removal of an existing service, must be made with Council's Water and Wastewater Infrastructure Planning Technical Support Section.

PART 2—CONCURRENCE AGENCY CONDITIONS

The Department of Infrastructure, Local Government and Planning, by letter dated 8 December 2017 (copy letter attached for information).

Moved by Cr CR Sommerfeld.

Seconded by Cr HL Blackburn.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

Item Number:	File Number:	Part:
K3	522.2017.34.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

1B Targo Street, Bundaberg Central - Material Change of Use for Multiple Dwelling (12 residential units)

0026

Resolution

That the Development Application 522.2017.34.1 detailed below be decided as follows:

1. Location details

Street address: 1B Targo Street, Bundaberg Central
 Real property description: Lot 9 on SP187629
 Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use for Multiple Dwelling (12 Residential Units)

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: Material Change of Use				
Site Layout Plan	ASCOT Commercial and Industrial	13.02.2018	BP-05 –SK001	D
Carpark Floor Plan	ASCOT Commercial and Industrial	13.02.2018	BP-05 –SK002	D
Ground Floor Plan	ASCOT Commercial and Industrial	13.02.2018	BP-05 –SK003	D
First and Second Floor Plan	ASCOT Commercial and Industrial	13.02.2018	BP-05 –SK004	D
Elevation Sheet 1 (East Elevation and West Elevation)	ASCOT Commercial and Industrial	13.02.2018	BP-05 –SK005	D
Elevation Sheet 2 (North Elevation and South Elevation)	ASCOT Commercial and Industrial	13.02.2018	BP-05 –SK006	D
Typical Section and Typical Section 2	ASCOT Commercial and Industrial	13.02.2018	BP-05 –SK007	D
3D Views Sheet 1	ASCOT Commercial and Industrial	13.02.2018	BP-05 –SK008	D
3D Views Sheet 2	ASCOT Commercial and Industrial	13.02.2018	BP-05 –SK009	D

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 Building Work
- All Plumbing and Drainage Work

- All Operational Work

7. Properly made submissions

Not applicable — No part of the application required public notification.

8. Referral agencies for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>State-controlled road Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1</p> <p><i>Making a material change of use of premises if any part of the premises:</i></p> <p>(a) <i>Is within 25m of a State-transport corridor; or</i></p> <p>(b) <i>Are a future State transport corridor; or</i></p> <p>(c) <i>Are –</i></p> <p style="padding-left: 20px;">a. <i>Adjacent to a road that intersects with a State controlled road; and</i></p> <p style="padding-left: 20px;">b. <i>Within 100m of the intersection</i></p>	Department of Infrastructure, Local Government and Planning	Concurrence Agency	<p>State Assessment and Referral Agency (SARA)</p> <p>E: WBBSSARA@dsdip.qld.gov.au</p> <p>P: PO Box 979 Bundaberg Qld 4670</p>

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. 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

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.

Air Conditioners

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

Amended Plans

6. Submit to and have approved by the Assessment Manager amended plans which incorporate the following:
 - a. Breaks, openings, and softening architectural features such as a green wall, to reduce the bulk of the solid wall on the site frontage shown on the Northern Elevation presenting to RSL Lane;
 - b. Breaks and openings, such as the inclusion of glass panelling, to the rendered walls of the common areas (courtyards) on the ground level (where non-structural); and
 - c. Internal staircases to connect the approved building to the open space below (this may be for private use only); and
 - d. Provision of delineated pedestrian pathway from the entrance of the building to the intersection of Targo Street and RSL Lane to ensure safe pedestrian movement.

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

Building Design and Setbacks

7. All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the like, except where required to satisfy any privacy condition of this Decision Notice.
8. The 'selected aluminium feature screens' shown on the approved plans must remain a design feature to ensure privacy to habitable windows. No reduction in screening capacity (i.e. increase in transparency) is permitted.
9. On the site frontage, for a minimum distance of 20m from the corners (measured from the western and eastern boundary point), breaks and openings are to be incorporated into the solid block wall on the site frontage shown on the Northern Elevation presenting to RSL Lane. *Note: The inclusion of traditional fencing panels (minimum 25% transparency) may be used to address this requirement.*
10. Softening architectural features, such as a green wall or visual art, are to be incorporated to the wall presenting to the full site frontage (southern boundary to RSL Lane).
11. Architectural treatment is to be provided to the pedestrian street entrance from Targo Street.

Car Parking

12. Provide off-street car parking and vehicle manoeuvring areas with a minimum of 36 parking spaces and 1 dedicated carwash bay. Such car parking, access and manoeuvring areas must be generally in accordance with the Approved Plans and be:-
 - a. constructed and sealed with bitumen, asphalt, concrete or approved pavers;
 - b. line-marked into parking bays;

- c. designed to include a manoeuvring areas to allow all vehicles to leave the site in a forward gear;
- d. designed to include the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;
- e. sign posted to indicate entry/exit points, in addition to line marking, to indicate the traffic flow through the site;
- f. drained to the relevant site discharge point and;
- g. designed in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.

Construction Management

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

Land dedication

16. Prior to the commencement of the use, obtain a registered easement in favour of Council in terms generally as follows:-
 - a. A public thoroughfare and services easement over the land immediately adjacent to the Burnett River and along the eastern side boundary from Targo Street, measured 1.5m from the outermost projection of the building (including the fire booster), burdening proposed Lot 9 on SP187629.
 - b. The terms of the easement must be included in the Form 20 schedule of the easement document and allow for:
 - i. Access for the public from Targo Street to the existing public footpath on the site, with or without vehicles;
 - ii. Maintenance and reconstruction of the public footpath;
 - iii. Landscaping in the easement area;
 - iv. Installation and maintenance of embellishments including, but not limited to, seating, water bubblers and shade structures;
 - v. Installation and maintenance of lighting and associated infrastructure; and
 - vi. Protection of existing Council infrastructure, including any stormwater pipes.

17. Draft easement documentation must be submitted to the Assessment Manager for endorsement prior to lodgement with Land Titles.

Earthworks

- 17A. Any placement of fill material with the subject land must comply with the relevant Planning Scheme codes. All fill material placed on the subject site must be tested and structurally certified, and must allow for any overland stormwater flows from adjacent properties.
18. Any material removed from site must comply with the *Environmental Protection (Waste Management) Regulation 2000* and Bundaberg Regional Council's waste disposal procedures.
19. Provide a site specific geotechnical assessment prepared by a qualified person to address the impacts of the proposed development that includes;
 - a. Cutting / excavation of the south side of the RSL access laneway embankment and
 - b. The impact / mitigation of both stormwater and flood water flows that could potentially flow between the embankment and the proposed developments southern wall.

The assessment report must address the geotechnical impacts during both the construction and operational life of the development and comply with all of the relevant provisions of the Steep land overlay code, Coastal Management overlay code and the Flood hazard overlay code of the Bundaberg Region Planning Scheme 2015.

20. Once approved by the Assessment Manager, all development and site works are to be undertaken and maintained in accordance with the site specific geotechnical assessment.

Easements

21. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.
22. Ensure that any easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plans or the conditions of this approval. Proof of the registration or surrender of any easements are to be submitted to the Assessment Manager at the time of the submission of a Plan of Subdivision for compliance assessment and signing.

Electricity, Street lighting and Telecommunications

23. Provide electricity service to the development under standard tariff conditions and without further capital contributions by supplying all necessary materials, including structures and equipment, and performing all necessary works.
24. 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.

Existing structures and services

25. Unless otherwise approved in writing by the Assessment Manager, the developer cannot commence construction until the existing plaque on the site for the 'James Charles Burnett Walkway' has been relocated by the asset owner.
 26. Ensure all existing and proposed utility services and connections (eg. electricity, telecommunications, water and sewerage) are wholly located within the lot they serve.
 27. Certification must be submitted to the Assessment Manager from an appropriately qualified person which certifies that:
 - a. all constructed access and roadwork (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement;
 - b. all existing and proposed utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible;
 - c. all retaining walls and structures are fully contained within the lot they retain; and
 - d. any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.
 28. Ensure all three (3) existing Manual Flood Gauges located within the proposed building footprint are relocated to the satisfaction of the asset owner.
 29. Ensure the existing overhead electricity supply and associated infrastructure (including cameras) located within the proposed building footprint is removed prior to the commencement of construction to the satisfaction of the asset owner. *Note: The electricity infrastructure may need to be placed underground.*
-
- Flood Management**
30. Position electrical and data equipment, including switchboards, power points and light switches, above the Defined Flood Level (DFL).

31. Plant and equipment (excluding lift/ elevators) are not to be located in the basement, where possible, to reduce risk of damage in a flood event.
32. A personal exit door must be incorporated into the basement area at each end of the building to allow emergency exit.
33. In the event of a flood, vehicles (and any relevant equipment) must be evacuated when the flood waters breach the building footprint, being the footings of building at approximately RL3.0m.
34. In the event of a flood, the occupants of the approved building must be evacuated when the flood waters breach the building basement level at approximately RL7.0m.
35. Personal storage cages and fixed structures are not to be erected in the basement area.
36. A Flood Evacuation Plan must be submitted to and approved by the Assessment Manager prior to the commencement of the use. The plan must demonstrate how people and vehicles may be evacuated from the site to a safe gathering point above the defined flood level and must include, but not be limited to, the following features:
 - a. The defined flood level for the site;
 - b. The river height at which the property floods;
 - c. The evacuation route from the property to an evacuation centre/point and the method by which staff and residents will be transported;
 - d. The estimated time required to reach an evacuation centre;
 - e. The forecast river height/level at which to evacuate in accordance with the above requirements (Bundaberg City Gauge);
 - f. Information availability/where flood warnings will be acquired from;
 - g. The appointment of a site flood coordinator who will disseminate information to staff and residents;
 - h. Procedures for assisting those with a disability or who do not speak English;
 - i. A contact information collection process for all current staff and residents;
 - j. A plan showing primary and secondary evacuation routes and assembly areas for the building; and
 - k. An agreed method of how the evacuation information and flood warnings will be distributed to the occupants of the building.

The approved Flood Evacuation Plan must form part of any community management statement for the building.
37. Display floor plans showing evacuation routes and exits in prominent locations throughout the building. The manager/operator of the facility is to have access to, and a detailed understanding of, their obligations/requirements under the Approved Flood Evacuation Plan.
38. The minimum habitable floor level must be 300mm above the defined flood level of RL 9.45m AHD.

39. Ensure materials stored on-site, where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood or are readily able to be moved in a flood event.
40. No bulk storage of hazardous material below the defined flood level is permitted, including storage within the basement.

Landscaping

41. A landscape plan must be submitted to and approved by the Assessment Manager prior to the commencement of any landscaping works. The plan must be generally in accordance with the Approved Plans, have regard to the conditions of this approval and include, but not be limited to, the following features:
 - a. The area or areas set aside for landscaping;
 - b. Location and name of existing trees;
 - c. A plan and schedule of all proposed trees, shrubs and ground covers which identifies:
 - a. The location and sizes at planting and at maturity of all plants;
 - b. The utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided.). No exotic plants are to be specified;
 - d. The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;
 - e. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
 - f. Details of any landscaping structures, including entrance statements;
 - g. Details of cutting and filling and all retaining structures and fences and associated finishes;
 - h. Contours or spot levels if appropriate;
 - i. Fence size and materials;
 - j. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device;
 - k. Location of any drainage, sewerage and other underground services and any overhead power lines;
 - l. Property boundary garden/landscape bed edge walls must be provided with sleeper or equivalent retaining walls to contain the garden material within the site. Such walls must be constructed to a height that is at or above the adjacent kerb or sealed car parking areas;
 - m. landscaping to the street entry of the building (where not interfering with vehicle movements), including an entry statement planting;
 - n. sealing (or provision of low maintenance option) of the embankment void between the approved building and the frontage to RSL Lane;

- o. increased landscaping to the common areas at the end of the approved building (east and west) to provide a feature for residents/ visitors, including a minimum of 50% in non-hardstand area. *Note: This landscaping is to be included in conjunction with the amendments to reduce building bulk in this location and must consider viewpoints to the Burnett River;*
 - p. landscaping to the front of the building (presenting to RSL Lane) to a minimum width of 1.2m. This landscaping is to enhance the building frontage. *Note: This landscaping is to be included in conjunction with the amendments to reduce building bulk in this location.*
 - q. Vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage;
 - r. A minimum 2.0 metre wide landscaping strip along the Burnett River frontage of the approved building, exclusive of any access points, uncompromised by infrastructure items. The landscaping is to be low maintenance and consider CPTED principles for public safety, avoid concealment opportunities.
42. Complete landscaping shown on the endorsed plans prior to the commencement of the use and maintain all landscape works in accordance with the Approved Plan whilst the use continues.

Lighting

43. 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.

Maintenance of building/ site

44. The developer is to be responsible for the maintenance of all areas of the site in a tidy, clean and safe manner, including the building undercroft, aluminium screens to the car park and footings level and voids to the front and sides of the building, including below the common areas on either end of the building.

Mail Service

45. Provide one (1) letterbox for each unit. Such letterboxes are to be suitably grouped adjacent to the footpath and constructed of materials consistent with the character of the development.

Privacy

46. To ensure privacy is protected from public access areas and pathways, the large window located on the northern building face of each unit must either:
- a. be fitted with translucent glazing; or
 - b. be fitted with a fixed external screen.
47. To ensure privacy is protected from the common areas, any windows located on the eastern and western building faces (end of building) of Apartment 1 and Apartment 4 must either (in addition to the screening proposed):

- a. have a minimum window sill height of 1.7 metres above floor level;
- b. be fitted with translucent glazing.

Property access & driveways

48. Driveways to the development 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.

Street Identification

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

Water

51. Provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the proposed development.
52. 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.
53. Install sub-meters in accordance with the relevant Acts and Codes. Arrangements for the installation of any metered service and sub-meters, or removal of an existing service, are to be made with Council's Operations Centre. All works are to be undertaken by Council at the Developer's expense.

Sewerage

54. Make provision for a new sewerage connection suitable to meet the requirements of the development. All live sewer work, including the point of connection, must be undertaken by Council.
55. Provide a reticulated sewerage service the development by supplying all necessary materials, including structures and equipment, and performing all necessary works. The sewerage specifics must be determined as part of an application for Operational Work.
56. All live sewer work, including the main replacement and new sewer point of connection, are to be undertaken by Council at the Developer's expense;

Stormwater

57. 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 shown on the Approved Preliminary Plans (Concept Stormwater Management Plans (41-30978 SK001 and SK002)) as described in section 2 Stormwater Management Plan of GHD Supporting Engineering Reports letter dated 29 November 2017.
 - b. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, i.e., a piped system with a capacity to cater for Q10 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI (including global warming and climate change to 2100) less piped flow;
 - c. Upon completion of the development, the Developer must supply a certificate from a Registered Professional Engineer of Queensland confirming that the development has been constructed in accordance with the approved plans and that the buildings have been structurally designed and constructed to withstand the extreme event stormwater loads during a flood event. *Note: The applicant is to utilise the Bridge Design Code.*
 - d. extension of the site stormwater system to accommodate stormwater from external to the site, including registration of any drainage easements;
 - e. The design for the site drainage system, fill, car parking and access must be undertaken so that flows from adjacent properties will not be impeded by the development;
58. The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2017 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.
59. The drainage system for the development should incorporate stormwater quality improvements.

Waste Management

60. 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.
61. Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.

62. The bin storage enclosure must be maintained in a clean and sanitary manner at all times.
63. Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.

PART 1B – ADVICE NOTES

Environmental Harm

- A. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Fencing

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

Flood Evacuation Plan

- D. In order to protect and/or minimise the damage to property and aid in business continuity post-flood, a flood preparation checklist may be included in the Flood Evacuation Plan for the development which addresses matters such as:
 - a. The preparation of an emergency flood kit;
 - b. The packing of critical documentation (legal, financial, insurance) in a waterproof container;
 - c. The backing up of critical data to a portable storage device and its storage in a safe place;
 - d. Raising of items to a higher level;
 - e. Securing hazardous items (e.g. gas bottles);
 - f. Moving or elevating dangerous items (e.g. chemicals);

- g. Switching off electricity at the switchboard;
- h. Turning gas and water off at the meter; and
- i. Blocking toilet bowls and covering drains with a strong plastic bag filled with earth or sand.

Infrastructure Charges Notice

- E. Please find attached the Infrastructure Charges Notice (Ref No.: 331.2018.985.1) applicable to the approved development.

Nature and Extent of Approved Development

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

Infrastructure

- G. A BOM capillary line connecting automatic gauge station (located in the nearby park on Targo Street) to the Flood instrumentation (located in the Burnett River north of the proposed development frontage) is in close proximity of the development site. Although appearing to be just clear of the proposed works, it is a critical piece of infrastructure that must not be damaged.
- H. Manual Flood Gauges located within the proposed building footprint are the asset of Bureau of Meteorology, National Observing Observations. The developer is to engage with this owner for their removal.
- I. The Bundaberg CBD locality is currently undergoing master planning and infrastructure planning review. As a consequence, there may be changes to the infrastructure. For further/ ongoing information, please see Council's website.
- J. The developer would benefit from engaging with the relevant energy provider prior to construction in regards to existing infrastructure on site.

Signage

- K. 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.

Acid Sulphate Soils

- L. Acid sulphate soils may be located on the subject site. All relevant precautions are to be taken if this soil type is encountered during site works.

Water and Sewer

- M. Water and sewer connection to Council infrastructure will not be granted until approval is issued from Service Provider;
An application for water connection for proposed development is to be made to the Service Provider through any one of Council Service Centre's. Water & Wastewater

Operations & Reticulation Section requests the following requirements to be lodged with application:

- Site plan;
- Floor plan;
- Hydraulic plans showing proposed meter locations and sizes;
- All plans are to be scaled and at minimum size of A3.

PART C – PROPERTY NOTES

PN1 Development Approval 522.2017.34.1 – Burnett River Flood Event

The following notation applies to all properties on parent Lot 9 on SP187629, this lot was subject to a level of flood inundation in the 2013 Burnett River flood event. Specific details of the 2013 flood event as it relates to the subject land are available from the Bundaberg Regional Council. A Flood Evacuation Plan is available for this site and should be adhered to.

PART 2—CONCURRENCE AGENCY CONDITIONS

The Department of Infrastructure, Local Government and Planning, by letter dated 22 December 2017 (copy letter attached for information).

Moved by Cr CR Sommerfeld.

Seconded by Cr HL Blackburn.

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 SA Rowleson
Cr CR Sommerfeld
Cr JA Peters
Cr JM Dempsey
Cr SR Cooper
Cr JL Learmonth

Against

Cr GR Barnes



Minutes

27 February 2018

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

Community & Environment

Subject:

Cinema Operations - Moncrieff Entertainment Centre

0027

Resolution

That Council changes the Moncrieff Entertainment Centre operations to reflect a new model of programming that is more responsive to community demand as of 1 July 2018. This new model would involve removing existing theatrical release cinema programming and investing this effort into more live events.

Moved by Cr JA Peters.

Seconded by Cr JP Bartels.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

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

Community & Environment

Subject:

RADF Project Approval

0028

Resolution

That Council approve in accordance with RADF recommendation for Cynthia Hoogstraten and Unity Drummers to receive an out of round RADF Grant of \$2,635 to cover artists' fees, travel, accommodation, workshop materials, facilitators' fees and ticketing costs in support of their application for a Drum Making Workshop.

Moved by Cr JA Peters.

Seconded by Cr WA Honor.

Pursuant to Section 173 of the "Local Government Act 2009", Cr JA Peters declared a perceived Conflict of Interest in relation to this item - due to a personal relationship with the applicant but not Unity Drummers; but had considered her position and was firmly of the opinion that she could participate in debate and vote on this matter in the public interest.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

Item Number: N3	File Number: .	Part: COMMUNITY & CULTURAL SERVICES
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Portfolio:

Community & Environment

Subject:

Enter into agreement with Wide Bay Kids Community Inc. for delivery of "First 5 Forever" literacy program.

0029

Resolution

That Bundaberg Regional Council enter into a contract with Wide Bay Kids Community Inc. (ABN 31 768 083 831) to deliver the First 5 Forever (F5F) program from 12th March 2018 up until 14th December 2018.

Due to the specialised nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders as set out under Section 235(b) of the Local Government Regulation 2012.

Moved by Cr JA Peters.

Seconded by Cr WA Honor.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

Item Number: P1	File Number: .	Part: ENVIRONMENT & NATURAL RESOURCES
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Portfolio:

Community & Environment

Subject:

Burger Van Moore Park Beach pursuant to “Commercial Use of Local Government Controlled Areas and Roads” Policy

0030

Resolution

That approval be granted for The Bundy Burger Company to operate a food van on weekends and public holidays on the grassed area adjacent to the car park for the Moore Park Beach Surf Life Saving Club, on Surf Club Drive, Moore Park Beach - subject to ordinary conditions, the conditions of Council’s “Commercial Use of Local Government Controlled Areas and Roads” Policy, and payment of the prescribed Annual Fee.

Moved by Cr WR Trevor.

Seconded by Cr JP Bartels.

The Motion was put - and carried unanimously.

The Mayor advised at this stage due to the confidential nature of the following 3 item(s) – pursuant to Section 275(h) of the “Local Government Regulation 2012”, the meeting would now have to be closed to the public.

Procedural Motion

That the meeting be closed to the public – and discussion on the following 3 item(s) be held in Confidential.

Moved by Cr JA Peters.

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

Meeting closed to the public at 11.15am

Procedural Motion

Cr Jason Bartels moved a Procedural Motion requesting permission to leave the Council Meeting to attend a funeral

Moved by Cr JP Bartels.

Seconded by Cr SA Rowleson.

Cr JP Bartels left the meeting at 11.15am and took no further part in the Meeting.

Procedural Motion

That the meeting now be reopened.

Moved by Cr WR Trevor.

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

Meeting was reopened to the public at 11.22am.



Minutes

27 February 2018

Item Number:	File Number:	Part:
T1	A3460361	CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Request for Reduction in Water Consumption Charges for Lot 3 RP897942

0031

Resolution

In view of the circumstances pertaining to this matter – that in terms of Section 120 of the Local Government Regulation 2012, Council provide relief of \$608.00 to reduce the water consumption charges attaching to Lot 3 on RP897942, County Cook, Parish of Gooburrum.

Moved by Cr HL Blackburn.

Seconded by Cr WA Honor.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

Item Number:	File Number:	Part:
T2	A100614	CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Request for Water Leak Relief – Lot 144 RP 859399

0032

Resolution

In view of the circumstances pertaining to this matter - that in terms of Section 120 of the Local Government Regulation 2012, Council provide additional relief of \$1,071.64 to reduce the water consumption charges attaching to property Lot 144 on RP859399, County Cook, Parish Gooburrum.

Moved by Cr HL Blackburn.

Seconded by Cr JA Peters.

The Motion was put - and carried by 9 votes to 1 vote.

For

Cr WR Trevor
 Cr WA Honor
 Cr HL Blackburn
 Cr GR Barnes
 Cr CR Sommerfeld
 Cr JA Peters
 Cr JM Dempsey
 Cr SR Cooper
 Cr JL Learmonth

Against

Cr SA Rowleson



Minutes

27 February 2018

Item Number: T3	File Number: TEN/0373	Part: CONFIDENTIAL
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Portfolio:

Executive Services

Subject:

TEN/0373 Region's Economic Performance

0033

Resolution

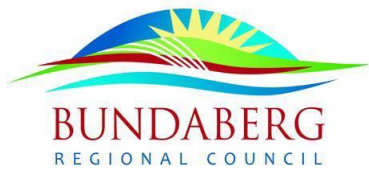
That Council engage I.D. Consulting Pty Ltd (ABN 44 084 054 473) under Section 235 (b) of the *Local Government Regulation 2012*, specifically:

- a) Enter into a 3 year arrangement under a subscription fee model for access to profile.id, atlas.id and econmony.id; and
- b) The contract to commence from approximately March 2018 to March 2021, to be renegotiated after and without CPI increase during the term.

Moved by Cr JM Dempsey.

Seconded by Cr HL Blackburn.

The Motion was put - and carried unanimously.



Minutes

27 February 2018

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

Meeting Close

In closing the Meeting the Mayor congratulated and thanked Cr John Learmonth and Cr Steve Cooper on their first Council meeting. The Mayor also acknowledged the visit of His Royal Highness Prince Charles to Bundaberg scheduled for early April 2018.

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.26am.

Confirmed on 27 day of March 2018.

Mayor/Chairman