



## Ordinary Meeting Minutes

30 January 2018

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### **Present:**

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

### **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  
Mrs MT Jenner, Executive Assistant to the Councillors  
Miss A Crouch, Executive Assistant to the 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, Pastor Errol Buckle (Honorary Chaplain) gave a short address and led this Ordinary meeting of Council in prayer.



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|---------------------------|---------------------|-------------------------|
| <b>Item Number:</b><br>B1 | <b>File Number:</b> | <b>Part:</b><br>Minutes |
|---------------------------|---------------------|-------------------------|

**Subject:**

Confirmation of Minutes

**2071**

**Resolution**

Cr HL Blackburn moved:-

**That the Minutes of the Ordinary Meeting of Council held on 12 December 2017 be taken as read and confirmed.**

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



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| Item Number: | File Number: | Part:       |
|--------------|--------------|-------------|
| C1           | .            | Councillors |

### Portfolio:

Councillors

### Notice of Motion:

Cr Greg Barnes - Conduct of Pre-Lodgment Meetings

2072

### Motion

Cr GR Barnes moved:-

**That:**

- 1. Council review its policy(s) regarding the conduct of Pre-Lodgment Meetings with prospective developers and with a view to ensuring that relevant Portfolio and Divisional Councillors are provided with an as-of-right discretion as to whether they participate in such meetings or not;**
- 2. As part of the review, the option for prospective developers to block the attendance of specific Portfolio or Divisional Councillors be removed; and**
- 3. The reviewed (draft) policy be presented to the next meeting of Council scheduled for 27 February 2018.**

The Motion was not seconded.

The Motion lapsed.



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| <b>Item Number:</b><br>E1 | <b>File Number:</b><br>. | <b>Part:</b><br>FINANCE |
|---------------------------|--------------------------|-------------------------|

**Portfolio:**

Organisational Services

**Subject:**

Financial Summary as at 2 January 2018

**2073**

**Resolution**

Cr JM Dempsey presented the Report; and moved:-

**That the Financial Summary as at 2 January 2018** (as detailed on the 16 pages appended to this report) – **be noted by Council.**

Seconded by Cr JP Bartels.

The Motion was put - and carried unanimously.



## Minutes

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|                           |                          |                         |
|---------------------------|--------------------------|-------------------------|
| <b>Item Number:</b><br>E2 | <b>File Number:</b><br>. | <b>Part:</b><br>FINANCE |
|---------------------------|--------------------------|-------------------------|

**Portfolio:**

Organisational Services

**Subject:**

2017/2018 Budget Review for period ending 31 December 2017.

**2074**

**Resolution**

Cr JM Dempsey presented the Report; and moved:-

**That in accordance with Sections 170 and 173 of *Local Government Regulation 2012*, the amended budget for the Financial Year 2017/2018 - be adopted.**

Seconded by Cr SA Rowleson.

The Motion was put - and carried unanimously.



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| <b>Item Number:</b> | <b>File Number:</b> | <b>Part:</b>                |
| F1                  | qA1029847           | GOVERNANCE & COMMUNICATIONS |

### Portfolio:

Organisational Services

### Subject:

Local Law Review

2075

### Resolution

Cr HL Blackburn presented the Report; and moved:-

**Council resolves, pursuant to section 257 of the Local Government Act 2009 (“the Act”), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide—**

- a) **how the public interest test of the local laws and subordinate local laws particularised in the schedule is to be conducted; and**
- b) **the matters with which the public interest test report in relation to the local laws and subordinate local laws particularised in the schedule must deal; and**
- c) **the consultation process for the public interest test and how the process is to be used in the public interest test.**

### SCHEDULE

- **Administration (Amendment) Local Law (No. 1) 2017;**
- **Commercial Use of Local Government Controlled Areas and Roads (Amendment) Subordinate Local Law (No. 1) 2017;**
- **Operation of Public Swimming Pools (Amendment) Subordinate Local Law (No. 1) 2017;**
- **Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2017;**
- **Operation of Shared Facility Accommodation (Amendment) Subordinate Local Law (No. 1) 2017;**
- **Animal Management (Amendment) Local Law (No. 1) 2017;**
- **Animal Management (Amendment) Subordinate Local Law (No. 1) 2017;**

- **Community and Environmental Management (Amendment) Local Law (No. 1) 2017;**
- **Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2017;**
- **Local Government Controlled Areas, Facilities and Roads (Amendment) Local Law (No. 1) 2017;**
- **Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2017;**
- **Local Law No. 8 (Waste Management) 2017.**

Seconded by Cr WA Honor.

The Motion was put – and carried unanimously.

### **Procedural Motion**

Cr GR Barnes moved a Procedural Motion requesting permission to leave the Council Meeting on account of ill health.

Moved by Cr GR Barnes.

Seconded by Cr HL Blackburn.

Cr GR Barnes left the meeting at 10.10am and did not take part in any further voting, including on Item F1.



## Minutes

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|                           |                          |  |
|---------------------------|--------------------------|--|
| <b>Item Number:</b><br>F2 | <b>File Number:</b><br>. | <b>Part:</b><br>GOVERNANCE &<br>COMMUNICATIONS |
|---------------------------|--------------------------|--|

**Portfolio:**

Organisational Services

**Subject:**

2017/2018 2nd Quarter Operational Report

**2076**

**Resolution**

Cr HL Blackburn presented the Report; and moved:-

**That the 2017-2018 – 2<sup>nd</sup> Quarter Operational Report – be received and noted by Council.**

Seconded by Cr SA Rowleson.

The Motion was put - and carried unanimously.





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|                     |                     |                |
|---------------------|---------------------|----------------|
| <b>Item Number:</b> | <b>File Number:</b> | <b>Part:</b>   |
| G1                  | -                   | INFRASTRUCTURE |

**Portfolio:**

Infrastructure Services

**Subject:**

Fleet Management Advisory Committee - 1 December 2017

**2077**

**Resolution**

Cr WA Honor presented the Report; and moved:-

**That the minutes (and associated attachments) of the Fleet Management Advisory Committee meeting held on 1 December 2017, be received and noted by Council**

Seconded by Cr WR Trevor.

The Motion was put - and carried unanimously.



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|                     |                     |              |
|---------------------|---------------------|--------------|
| <b>Item Number:</b> | <b>File Number:</b> | <b>Part:</b> |
| J1                  | A3470074            | PLANNING     |

**Portfolio:**

Planning &amp; Development Services

**Subject:**

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

**2078****Resolution**

Cr CR Sommerfeld presented the Report; and moved:-

**That pursuant to section 23 of the *Planning Act 2016* and the Minister's Guidelines and Rules, Council:-**

- (a) make a Temporary Local Planning Instrument – TLPI 1/2018 Protection of the Mon Repos Turtle Conservation Area; and**
- (b) write to the Minister for State Development, Manufacturing, Infrastructure and Planning requesting the Minister's approval to the making and adoption of the proposed TLPI.**
- (c) the Chief Executive Officer write to landowners affected by the TLPI providing an update on the status of the Planning Scheme amendment required to address the Minister's direction notice, the expected timeframe for consultation with landowners, and advising of the need for Council to renew the TLPI to provide an interim policy response pending finalisation of the Planning Scheme Amendment.**

Seconded by Cr HL Blackburn.

The Motion was put - and carried unanimously.



## Minutes

30 January 2018

| Item Number: | File Number:     | Part:                  |
|--------------|------------------|------------------------|
| K1           | 322.2008.50225.3 | DEVELOPMENT ASSESSMENT |

### Portfolio:

Planning & Development Services

### Subject:

160 Hughes Road BARGARA - Material Change of Use for Request to Change Development Approval

2079

### Resolution

Cr CR Sommerfeld presented the Report; and moved:-

**That the request to Change a Development Approval made on 30 June 2017 for Development Application 322.2008.50225.3 being a Request to Change Development Approval for Material Change of Use (Cultural and Community Centre) for land located at 160 Hughes Road BARGARA described as Lot: 11 RP: 7268 be determined as follows.**

### **DECISION**

Approved in full subject to conditions

The approved changes are set out as follows:

- Amend Condition 9 to read as follows:
  9. All external lighting is to be mounted as low as possible and screened LED lighting (being amber lighting and the most energy efficient, dark sky compliant, (which prevents the light from escaping upward and direct light down and away from the beach) available in the National Electricity Market Load Tables for Unmetered Connection Points (AEMO 2015)), Use of external lighting in the turtle season (October to March) should be minimised.
- Amend Condition 14 to read as follows:
  14. Provide off-street car parking and vehicle manoeuvring areas with a minimum of 32 car parking spaces (inclusive of 29 spaces for Stage 1 with additional 3 spaces for Stage 2). 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 the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;
  - d. sign posted to indicate entry/exit points, in addition to line marking, to indicate the traffic flow through the site;
  - e. drained to the relevant site discharge point; and
  - f. be available free-of-charge to staff and customers during operating hours.
- Delete Condition 13
  - Delete Condition 23
  - Amend Part 3 – Approved Plans and Condition 1 to include reference to:

|   |                               |  |   |
|---|-------------------------------|--|---|
| <b><i>322.2008.50225.3 –<br/>Plan 1A Dwg No:<br/>127079 Rev A</i></b> | <b><i>Car Park Layout</i></b> | <b><i>Bundaberg<br/>Regional<br/>Council</i></b> | <b><i>As<br/>Amended<br/>08.01.2018</i></b> |
|---|-------------------------------|--|---|

A copy of the decision notice for the original application is included within Schedule 1, showing the changes in ***bold italics***.

**SCHEDULE 1**

9 January 2018

Burnett Shire Council  
Locked Bag 1  
BARGARA QLD 4670

This Amended notice shows the changes approved by the Planning and Development Committee on 26 May 2011 and is provided in accordance with Section 376(2)(b) of the *Sustainable Planning Act 2009*. The approved changes are highlighted in ***Bold Italics***.

Dear Sir/Madam

**DECISION NOTICE  
APPROVAL  
Integrated Planning Act 1997 S 3.5.15**

This Decision Notice includes changes approved on 30 January 2018 and 26 May 2011. Changes are in ***bold italics***.

**Proposed Development: Material Change of Use - Special Use (Cultural & Community Centre)**  
**Site Location : 160 Hughes Road BARGARA**  
**Legal Description: Lot: 11 RP: 7268, County of Cook**

I wish to advise that on 05 March 2008, the above development application was approved in full with conditions. The conditions relevant to this approval are attached. These

conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

### 1. Details of the approval

The following type of approval has been issued

|  | Development Permit                  | Preliminary Approval     |
|--|-------------------------------------|--------------------------|
| Material change of use made assessable by the planning scheme; | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### 2. The relevant period

The standard relevant periods stated in section 3.5.21 of Integrated Planning Act (IPA) apply to each aspect of development in this approval.

### 3. Approved Plans

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

Enquiries: Alicia Otto

Our Ref: 322.2008.50225.2

Your Ref: ADM/025

Phone: 1300 883 699

GM: 05 March 2008

Planning Committee Meeting: 26 May 2011

| Plan / Doc No.   | Plan / Doc Name   | Prepared by                       | Date                         |
|--|---|-----------------------------------|------------------------------|
| WD-01 A  | Perspectives  | Mode Design Corp Pty Ltd          | 13.02.08                     |
| WD-001 A   | Site Plan   | Mode Design Corp Pty Ltd          | 13.02.08                     |
| WD-100 A   | Floor Plan  | Mode Design Corp Pty Ltd          | 13.02.08                     |
| WD-201 A   | Elevations D, E, F  | Mode Design Corp Pty Ltd          | 13.02.08                     |
| WD-200 A   | Elevations A, B, C  | Mode Design Corp Pty Ltd          | 13.02.08                     |
| <b>36767</b>   | <b>Proposed Storage Shed Blocks – Locality Plan, Site Plan and Setout</b> | <b>Bundaberg Regional Council</b> | <b>2011</b>                  |
| <b>36768</b>   | <b>Proposed Storage Shed Blocks – Plans and Elevations</b>                | <b>Bundaberg Regional Council</b> | <b>2011</b>                  |
| <b>322.2008.50225.3 – Plan 1A Dwg No: 127079 Rev A</b> | <b>Car Park Layout</b>  | <b>Bundaberg Regional Council</b> | <b>As Amended 08.01.2018</b> |

**4. Other necessary development permits**

The following development permits are necessary to allow the development to be carried out:

- Building Approval
- Plumbing & Drainage Approval
- Operational Works Approval

**5. Codes for self-assessable development**

The following codes must be complied with for self-assessable development related to the development approval -  
N/A

**6. Superseded planning scheme**

N/A

**7. Preliminary approval overriding the planning scheme**

N/A

**8. Conflict with laws and policies and reasons for the decision despite the conflict**

N/A

**9. IDAS referral agencies**

There were no referral agencies required for this application.

**10. Submissions**

There were no properly made submissions about the application.

**11. Appeal rights**

Attached is an extract from the *Integrated Planning Act 1997* which details your appeal rights regarding this decision.

**12. When the development approval takes effect -**

This development approval takes effect -

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the Court;

OR

- when the submitter's appeal period ends, if there is a submitter and the applicant does not appeal the decision to the Court;

OR

- subject to the decision of the Court, when the appeal is finally decided, if an appeal is made to the Court.

If you wish to discuss this matter further, please contact the enquiries officer on telephone (07) 4150 5400.

Yours faithfully

I certify that this is a true copy of the original approval dated 5 March 2008 incorporating the approved changes dated 26 May 2011.

Peter Byrne  
Chief Executive Officer

.....  
**WAYNE PHILLIPS**

Director of Planning & Development

## DEVELOPMENT PERMIT CONDITIONS

### PLAN OF DEVELOPMENT

1. The development is to be generally in accordance with the following plans except as amended by the conditions contained hereunder:

| <b>Plan / Doc No.</b>                                  | <b>Plan / Doc Name</b>   | <b>Prepared by</b>                       | <b>Date</b>                         |
|--|--|--|-------------------------------------|
| WD-01 A  | Perspectives   | Mode Design Corp Pty Ltd                 | 13.02.08                            |
| WD-001 A   | Site Plan  | Mode Design Corp Pty Ltd                 | 13.02.08                            |
| WD-100 A   | Floor Plan   | Mode Design Corp Pty Ltd                 | 13.02.08                            |
| WD-201 A   | Elevations D, E, F   | Mode Design Corp Pty Ltd                 | 13.02.08                            |
| WD-200 A   | Elevations A, B, C   | Mode Design Corp Pty Ltd                 | 13.02.08                            |
| <b>36767</b>   | <b><i>Proposed Storage Shed Blocks – Locality Plan, Site Plan and Setout</i></b> | <b><i>Bundaberg Regional Council</i></b> | <b><i>2011</i></b>                  |
| <b>36768</b>   | <b><i>Proposed Storage Shed Blocks – Plans and Elevations</i></b>                | <b><i>Bundaberg Regional Council</i></b> | <b><i>2011</i></b>                  |
| <b>322.2008.50225.3 – Plan 1A Dwg No: 127079 Rev A</b> | <b><i>Car Park Layout</i></b>  | <b><i>Bundaberg Regional Council</i></b> | <b><i>As Amended 08.01.2018</i></b> |

## **HOURS OF OPERATION**

2. The hours of operation for the approved use shall be limited to between 8.00am and 12 midnight seven days a week unless otherwise agreed to by the Chief Executive Officer or delegate.

## **AMENITY**

3. The approved use is to be undertaken so that no undue disturbance is caused to neighbouring properties by virtue of bright lights, traffic, noise or interference with television or radio reception.
4. Advertising signage is to be limited to a single site identification sign located on the frontage of the subject lot. No signage associated with the use is to be illuminated.
5. The level of illumination from the site does not exceed 8 lux when measured at a distance of 1.5 metres from outside any boundary of the site.
6. Noise emitted from the development is not to exceed the following levels:

| <b>Period</b>                           | <b>Noise Level (measured as the adjusted maximum sound pressure level <math>L_{max,adj,T}</math>)</b> |
|---|---|
| <i>Noise at a noise-sensitive place</i> |   |
| 7 am to 9 pm                            | Not more than 5dB(A) above background noise level   |
| 9 pm to 7 am                            | Not more than 3dB(A) above background noise level   |
| <i>Noise at a business place</i>        |   |
| 7 am to 9 pm                            | Not more than 10dB(A) above background noise level  |
| 9 pm to 7 am                            | Not more than 8dB(A) above background noise level   |

7. Plant and equipment (including air conditioning units) are to be located and fitted with noise attenuation devices to ensure noise levels do not exceed those listed above.

## **LIGHTING**

8. Car parking and open space areas are to be lit in accordance with AS1158 - "Road Lighting", specifically AS1158.3.1.
9. All external lighting is to be ***mounted as low as possible and screened LED lighting (being amber lighting and the most energy efficient, dark sky compliant, (which prevents the light from escaping upward and direct light down and away from the beach) available in the National Electricity Market Load Tables for Unmetered Connection Points (AEMO 2015))***, Use of external lighting in the turtle season (October to March) should be minimised.



### **INTERNAL ROADS**

10. The internal roads shall be asphalt sealed and are to be a minimum of 5.5 metres wide.
11. The internal roads are to be designed and constructed in accordance with the Development Works Planning Scheme Policy with all constructed car parking and manoeuvring areas to be imperviously sealed with asphalt. Plans are to be submitted to the Infrastructure Services Department for approval prior to construction.
12. Where not required for manoeuvring areas, the internal road on the western boundary is to be located three (3) metres off the boundary to limit construction over the Western Bypass sewer.

### **PEDESTRIAN ACCESS**

13. *Deleted.*

### **CAR PARKING & ACCESS**

14. ***Provide off-street car parking and vehicle manoeuvring areas with a minimum of 32 car parking spaces (inclusive of 29 spaces for Stage 1 with additional 3 spaces for Stage 2). 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 the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;***
  - d. ***sign posted to indicate entry/exit points, in addition to line marking, to indicate the traffic flow through the site;***
  - e. ***drained to the relevant site discharge point; and***
  - f. ***be available free-of-charge to staff and customers during operating hours.***
15. The required number of disabled car parking spaces under the Building Code of Australia is to be provided within proximity to the building.
16. Provision shall be made for a nominal 22 seat bus to access and set down in proximity to the building, allowing for buses to turn and exit the site in a forward gear.
17. The grassed overflow car parking area is to be provided with a suitable gated all weather access to allow a standard vehicle to access the area. Suitable directional signage is also to be provided to direct vehicles to the informal car parking areas.

18. Car parking is to be designed and constructed in accordance with Australian Standard AS2890.1.
19. Construction of the car parking spaces is to comply with the 'Development Works Planning Scheme Policy'.
20. Provision for secure bicycle parking is to be provided in proximity to the building.
21. All vehicles associated with the use are to enter and exit the site in a forward direction.
22. A gated access from Watsons Road is permitted for access by full size buses and other service vehicles if required. This access is not to be signed or identified in any way for general access.
23. ***Deleted.***

### **BUILDING**

24. All building work for the development is to be in accordance with the *Queensland Building Act 1975*, the *Building Regulations 2006*, and the *Building Code of Australia*.

### **WASTE MANAGEMENT**

25. Waste management (storage, screening, collection etc.) is to be undertaken in accordance with the 'Waste Management Planning Scheme Policy' and the *Environmental Protection (Interim Waste) Regulation 1996* at no cost to Council.
26. A washdown bay is to be provided in proximity to the storage area and in accordance with the 'Waste Management Planning Scheme Policy'.
27. No wastes or rubbish are to be burnt on-site.

### **STORMWATER**

28. A stormwater drainage system, including all surface and underground components, is to be provided to effectively drain all stormwater falling on and coming to the proposed development to a point of legal discharge.
29. A stormwater management plan is to be prepared in accordance with the 'Stormwater Management Planning Scheme Policy' and the 'Queensland Urban Drainage Manual' and approved by Council, prior to commencement of any site works, through compliance assessment in accordance with Schedule 12 of the *Integrated Planning Regulation 1998*.
30. Water to be collected and discharged from within the development is to be treated to remove hydrocarbons and silt prior to discharge to Council's stormwater system.

31. During construction, sediment and erosion control is to be undertaken in accordance with the 'Stormwater Management Planning Scheme Policy' and the 'Development Works Planning Scheme Policy'.
32. Works undertaken to comply with the stormwater management plan are to be completed in accordance with the 'Stormwater Management Planning Scheme Policy' and the 'Development Works Planning Scheme Policy'.

### **LANDSCAPING**

33. Landscaping works are to be designed by a suitably qualified person and constructed in accordance with the Landscaping Code and the Landscaping and Landscaping Plans Planning Scheme Policy. Landscaping is to incorporate advanced trees and shrubs planted to soften the bulk of the buildings. Prior to commencement of works, landscaping plans are to be submitted and approved by Council through compliance assessment in accordance with Schedule 12 of the *Integrated Planning Regulation 1998*. Particular consideration should be given to methods to minimise vehicle headlight nuisance to residential properties.
34. Landscaping works are to be completed prior to commencement of the use.

### **SEWERAGE**

35. The development is to have only one (1) point of connection to Council's reticulated sewerage system.
36. All sewerage pipework and fittings are to be constructed in accordance with the 'Development Works Planning Scheme Policy' and any relevant Australian Standard.
37. The footings to all buildings and structures are to be at a level so that the sewer pipe is outside the zone of influence from the footing loadings, and that no load is placed on the sewer pipe.
38. Except where perpendicular to or intersecting a property boundary, a sewer main is not to be situated closer than 1.5 metres to a fence.
39. The Western Bypass will be installed along the western boundary of the property and where possible the proposed internal rear access road should avoid being constructed over this sewer.

### **WATER**

40. The development is to be connected to Council's reticulated Water Supply system.
41. One (1) connection with a single water meter is to be provided to the Council water supply system.
42. All water supply pipework and fittings are to be designed and constructed in accordance with the 'Development Works Planning Scheme Policy' and relevant Australian Standards.

43. Fire fighting capacity is to be provided to all components of the development.
44. All potable water storage facilities are to be protected from contamination by the fitting of backflow prevention or similar devices.

### **SITE DEVELOPMENT**

45. Construction work on the site is not to commence on any day before 7.00am, or continue any such work after 6.00pm. No construction work is to be undertaken on a Sunday or Public Holiday.
46. Adequate precautions, are to be taken to ensure dust does not cause annoyance to adjacent sites or dwellings during construction on the site. This may mean the cessation of work during periods of adverse climatic conditions, if directed by Council.

### **AS CONSTRUCTED DRAWINGS**

47. Two (2) full sets of hard copy “as constructed plans” and one (1) electronic copy (Auto Cad compatible) shall be provided to the Council at the completion of operational works and any internal works. As Constructed details shall include but not be limited to;
  - a. Sewer line and level and points of connection;
  - b. Water supply line and level and points of connection; and
  - c. Stormwater line and level and points of discharge;
  - d. Location and levels of both surface and underground stormwater drainage components;
  - e. Layout and sizing of internal services eg water services, recycled water lines and sewerage lines; and
  - f. Location, extent and depth of site fill.
48. A clear direction to the Contractor to provide “as constructed details” to the Superintendent at critical inspection hold points shall appear in the Contract Specifications and Plans.
49. All works and services shall be completed as approved, prior to commencement of the use.

### **WORKS**

50. Any works necessary to join the new works to the existing construction is to be undertaken in accordance with the ‘Development Works Planning Scheme Policy’ and detailed in any subsequent operational works application.

### **ALTERATION/DAMAGE TO SERVICES & UTILITIES**

51. Alterations to public utilities, mains and services made necessary in connection with any of the works arising from this approval including works to restore and reinstate all roads are to be completed.

### **RELEVANT PERIOD**

52. The relevant period for the development is:
- a. For Stage 1 – 4 years; and
  - b. For Stage 2 – 10 years.

### **ADVICES**

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### **LEGAL ADVICE**

- [C] The applicants be advised they have twenty (20) business days after the day the decision notice is given to the applicant to appeal against the conditions of approval, in accordance with Section 4.1.27 of the *Integrated Planning Act 1997*.

The applicant be supplied with a copy of Section 4.1.27 of the said Act.

Seconded by Cr WA Honor.

The Motion was put - and carried unanimously.



## Minutes

30 January 2018

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| <b>Item Number:</b> | <b>File Number:</b> | <b>Part:</b>           |
| K2                  | 321.2017.48418.1    | DEVELOPMENT ASSESSMENT |

### Portfolio:

Planning & Development Services

### Subject:

160 Hughes Road BARGARA - Reconfiguring a lot for Subdivision (1 lot into 2 lots)

2080

### Resolution

Cr CR Sommerfeld presented the Report; and moved:-

**That Development Application 321.2017.48418.1 over Lot 11 on RP 7268, situated at 160 Hughes Road, Bargara, be approved in full, subject to the conditions detailed in this report**

### 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:

|                     | <b>Sustainable Planning Regulation 2009, schedule 3 reference</b> | <b>Development Permit</b>           | <b>Preliminary Approval</b> |
|---------------------|---|-------------------------------------|-----------------------------|
| Reconfiguring a lot | Part 1, table 3, item 1   | <input checked="" type="checkbox"/> | <input type="checkbox"/>    |

### Deemed Approval

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

### 2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

**3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS**

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

- All 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**

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

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

**6. SUBMISSIONS**

Not Applicable

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

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

**8. REFERRAL AGENCY**

Not Applicable

## 9. APPROVED PLANS

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

| Plan/Document number                       | Plan/Document name               | Date              |
|--|----------------------------------|-------------------|
| 321.2017.48418.1 – Plan 1A                 | Proposed Lot Reconfiguration     | As amended 5.1.18 |
| BRC Drawings 126872 Rev B and 127079 Rev A | Attachment 1 – Part A and Part B | 9 November 2017   |
| BRC Drawing 126818 Rev B                   | Attachment 2                     | 9 November 2017   |

## 10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

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

## 11. REFUSAL DETAILS

Not Applicable

## 12. CONDITIONS ABOUT INFRASTRUCTURE

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

| Condition/s     | Provision under which the Condition was imposed |
|-----------------|---|
| 11, 12, 14 - 21 | Section 665 – Non-trunk Infrastructure          |
| N/A             | Section 646 – Identified Trunk Infrastructure   |
| N/A             | Section 647 – Other Trunk Infrastructure        |

## SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

### PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

#### General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.



3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

### **Easements**

4. Lodge for registration at the office of the Land Registry the following easement(s):
  - a. an access easement (if opting for the temporary access arrangement in condition 11b below) having a minimum width as identified on the Approved Plan/s burdening proposed Lot 1 (Admin Lot) to the benefit of proposed Lot 2 (Community Lot)
  - b. a stormwater drainage easement having a minimum width of three (3) metres and as identified on the Approved Plan/s whichever is the greater, to the benefit of Council that includes:
    - i. all stormwater overland flow paths traversing the land;
    - ii. Q100 ARI stormwater overland flow paths traversing the site;
    - iii. any stormwater main existing or proposed to traverse the land located within the easement and a minimum of one (1) metre from the easement boundary;
    - iv. all Q100 ARI stormwater overland flow paths downstream of the land to an agreed lawful point of discharge;
  - c. a stormwater drainage easement over stormwater detention basin in Lot 2 (Community Lot) and associated treatment facilities as determined in any approval for operational works to the benefit of Council.
5. Draft easement documentation must be submitted to the Assessment Manager for endorsement.
6. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.
7. 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.

### **Existing Services and Structures**

8. Ensure all existing and proposed utility services and connections (eg. electricity, telecommunications, water and sewerage) are wholly located within the lot they serve.
9. Certification must be submitted to the Assessment Manager from an appropriately qualified person which certifies that:

- a. the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice;
- b. all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement; and
- c. all existing and proposed utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible.

### Lighting

10. Outdoor lighting must be the most energy efficient, dark sky compliant (which prevents the light from escaping upward and direct light down and away from the beach) and amber lighting available in the National Electricity Market Load Tables for Unmetered Connection Points (AEMO 2015).

### Roadworks and Access

11. Provide:
  - a. pavement construction and asphaltic concrete (AC) sealing to Hughes Road and the internal access road generally in accordance with Attachment 1 (BRC Drawings 126872 Rev B and 127079 Rev A) or Attachment 2 (BRC Drawing 126818 Rev B) of the Supplementary Report dated 9 November 2017. The pavement must be designed in accordance with *Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06)*. The pavement specifics must be determined as part of an application for Operational Works.

OR

  - b. access to the proposed Community Lot, temporarily, by creating an access easement over the existing access arrangements from the Admin Lot to the Community Lot and bond the works for pavement construction and asphaltic concrete (AC) sealing to Hughes Road and the internal access road generally in accordance with Attachment 1 (BRC Drawings 126872 Rev B and 127079 Rev A) or Attachment 2 (BRC Drawing 126818 Rev B) of the Supplementary Report dated 9 November 2017. The pavement must be designed in accordance with *Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06)*. The pavement specifics must be determined as part of an application for Operational Works.

### Road Dedication

12. Dedicate land shown on the Approved Plans defined as follows:
  - a. The land shown on Survey Plan 297195 as new road (Plan No: 321.2017.48418.1 – Plan 1A) must be dedicated as new road (Hughes Road Extension),

prior to or at the same time as the endorsement of the plan of subdivision for this Development Approval.

13. The land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses, at the time of dedication.

### **Sewer**

14. Provide a reticulated sewerage service to each lot by supplying all necessary materials including structures and equipment, and performing all necessary works.
15. Except where perpendicular to or intersecting with a property boundary, a sewer main must not be situated closer than 1.5 metres to a property boundary, unless otherwise approved by the Assessment Manager.
16. The Developer to provide documentation from a licensed drainer indicating all internal sewer sanitary drainage lines or on-site sewerage facility is retained within the property boundary of each proposed lot.

### **Stormwater**

17. Extend the stormwater drainage system connecting to the 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 Plans
  - b. A grated trench drain must be provided at the entry/exit to the property where the Q10 ARI flows are not contained within the site;
  - c. Stormwater drainage extensions 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 Q5 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;
  - d. 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;
  - e. Detention storage must be upgraded as necessary to cater for increased stormwater runoff as a result of this development. Stormwater discharge from the subject land must be limited to pre-development generated peak levels up to and including Q100 ARI flows via the provision of detention storage.
18. The Lawful Point of Discharge for the development must remain as the outlet of detention basin to Hughes Road.
19. 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.

### **Water**

20. The Developer is required to ensure that all internal water supply pipe work and fittings connected to the existing services and buildings are wholly contained within the boundaries of each proposed lot.
21. 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 proposed development. Works must include network modelling with main sizing to be finalised as part of an application for Operational Works approval.

### **PART 1B – ADVICE NOTES**

#### **Rates and Charges**

- A. In accordance with the *Planning Act 2016*, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.

Seconded by Cr SA Rowleson.

The Motion was put - and carried unanimously.



## Minutes

30 January 2018

|                     |                     |                              |
|---------------------|---------------------|------------------------------|
| <b>Item Number:</b> | <b>File Number:</b> | <b>Part:</b>                 |
| M1                  | A3376289            | HEALTH & REGULATORY SERVICES |

**Portfolio:**

Community & Environment

**Subject:**

Toy Library Bundaberg

**2081**

**Resolution**

Cr JA Peters presented the Report; and moved:-

**That the Bundaberg Disability Resource Centre Incorporating the Toy Library Inc be advised that Council will provide a financial donation of \$10,000 in the 2017/2018 financial year to assist with the operational costs of the organisation.**

Seconded by Cr SA Rowleson.

The Motion was put - and carried unanimously.



## Minutes

30 January 2018

|                     |                     |                              |
|---------------------|---------------------|------------------------------|
| <b>Item Number:</b> | <b>File Number:</b> | <b>Part:</b>                 |
| M2                  | A3416801            | HEALTH & REGULATORY SERVICES |

**Portfolio:**

Community & Environment

**Subject:**

Tender Consideration Plan - Moncrieff Entertainment Centre

**2082**

**Resolution**

Cr JA Peters presented the Report; and moved:-

**That the Council under s230 of the Local Government Regulations CH 6 Contracting adopt the attached Tender Consideration Plan to ensure the timely and effective delivery of the services and movies to the Moncrieff Entertainment Centre.**

Seconded by Cr HL Blackburn.

The Motion was put - and carried unanimously.



## Minutes

30 January 2018

|                           |                                 |  |
|---------------------------|---------------------------------|--|
| <b>Item Number:</b><br>S1 | <b>File Number:</b><br>A3455225 | <b>Part:</b><br>STRATEGIC PROJECTS &<br>ECONOMIC DEVELOPMENT |
|---------------------------|---------------------------------|--|

**Portfolio:**

Executive Services

**Subject:**

Airport Passenger Security Screening Contract

2083

**Resolution**

Cr JM Dempsey presented the Report; and moved:-

**That in accordance with Section 230 of the *Local Government Regulation 2012* and the Airport Passenger Security Screening Contract Tender Consideration Plan a new service contract with MSS Security be entered into for the period 21 March 2018 to 20 March 2021 and include an Option for a further 3 year extension.**

Seconded by Cr CR Sommerfeld.

The Motion was put - and carried unanimously.

The Mayor advised at this stage due to the confidential nature of the following 2 items:-

- T1 Access Easement – Lot 2 on RP159921 - 14A Perry Street, Bundaberg North; and
- T2 Memorandum of Understanding between Bundaberg Regional Council, CQUniversity and Mercy Health and Aged Care CQ Ltd

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

#### Procedural Motion

Cr JM Dempsey moved:-

**That the meeting be closed to the public, pursuant to section 275 of the *Local Government Regulation 2012* to discuss Items T1 and T2 and contracts proposed to be made by the Local Government.**

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

Meeting closed at 10.31am

#### Procedural Motion

Cr WR Trevor moved:-

**That the meeting now be reopened.**

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

Meeting was reopened at 10.36am





## Minutes

30 January 2018

|                     |                     |              |
|---------------------|---------------------|--------------|
| <b>Item Number:</b> | <b>File Number:</b> | <b>Part:</b> |
| T1                  | .                   | CONFIDENTIAL |

### Portfolio:

Governance

### Subject:

Access Easement - Lot 2 on RP159921 - 14A Perry Street, Bundaberg North

2084

### Resolution

Cr HL Blackburn presented the Report; and moved:-

That pursuant to Section 236 of the *Local Government Regulation* the Chief Executive Officer be authorised to finalise an access easement in favour of 16A Perry Street (described as lot 2 on RP157190) through Council land at 14A Perry Street (described as Lot 2 on RP159921) subject to the following requested conditions:

- a) Additional road works at the end of Agnes Street, including the access easement, be consistent with the existing standard and profile of Agnes Street, sealed with asphaltic concrete;
- b) Construct a secure fence along the western boundary of 16A Perry Street;
- c) All works be done in accordance with relevant standards and Bundaberg Regional Council's requirements;
- d) Bundaberg Regional Council officers, servants and agents have free and unrestricted access to from and across the road closure and easement areas;
- e) Pursuant to Section 236 of the *Local Government Regulation* and at the discretion of the Chief Executive Officer Council request any financial consideration from the Owner of 16A Perry Street for granting of the easement through Council land.

Seconded by Cr WA Honor.

The Motion was put - and carried unanimously.



## Minutes

30 January 2018

|                           |                          |                              |
|---------------------------|--------------------------|------------------------------|
| <b>Item Number:</b><br>T2 | <b>File Number:</b><br>. | <b>Part:</b><br>CONFIDENTIAL |
|---------------------------|--------------------------|------------------------------|

**Portfolio:**

Councillors

**Subject:**

Memorandum of Understanding between Bundaberg Regional Council, CQUniversity and Mercy Health and Aged Care CQ Ltd

**2085**

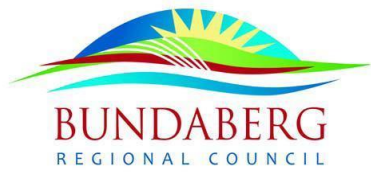
**Resolution**

Cr JM Dempsey presented the Report; and moved:-

**That the Mayor and Chief Executive Officer be authorized to enter into a Memorandum of Understanding with CQUniversity Australia and Mercy Health and Aged Care CQ Ltd.**

Seconded by Cr JP Bartels.

The Motion was put - and carried unanimously.



## Minutes

30 January 2018

|                           |                     |                               |
|---------------------------|---------------------|-------------------------------|
| <b>Item Number:</b><br>V1 | <b>File Number:</b> | <b>Part:</b><br>Meeting Close |
|---------------------------|---------------------|-------------------------------|

**Subject:**

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 10.39am.

Confirmed on 27<sup>th</sup> day of February 2018.

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MAYOR