



Ordinary Meeting Minutes

16 October 2018

Council Chambers, Bundaberg

10.00 am

Present:

Cr JM Dempsey (Mayor - Chairman), Cr JP Bartels, Cr HL Blackburn, Cr SA Rowleson, Cr CR Sommerfeld, Cr SA Cooper, Cr JA Peters and Cr JD Learmonth

Apologies:

Moved by Cr SA Rowleson, seconded by Cr JA Peters, that the apologies of Cr WR Trevor and Cr WA Honor be accepted. Carried

The Mayor noted Cr GR Barnes' absence and wished him a speedy recovery.

Officers:

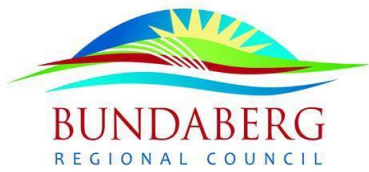
Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Infrastructure
Mr GJ Steele, General Manager Community & Environment
Mrs AK Pafumi, General Manager Organisational Services
Mr B Artup, Executive Director Strategic Projects and Economic Development
Mr M Ellery, Group Manager Development
Mrs MT Jenner, Executive Assistant to Councillors
Mrs WE Saunders, Executive Services Co-ordinator

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

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

Invocation:

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



Minutes

16 October 2018

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

Confirmation of Minutes

Resolution

Cr JM Dempsey moved:-

That the minutes of the Ordinary meeting of Council held on 24 September 2018 be taken as read and confirmed.

Seconded by Cr HL Blackburn - and carried unanimously.



Minutes

16 October 2018

Item Number: C1	File Number: .	Part: Councillors
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Portfolio:

Councillors

Subject:

Declaration of Material Personal Interest - Cr SR Cooper

Pursuant to section 175C of the *Local Government Act 2009* Cr SR Cooper declared a material personal interest in item K2 of today's agenda, as he has a business association with the developer who lodged the application.

Cr SR Cooper advised that he intends to leave the meeting while the matter is discussed and voted on.



Minutes

16 October 2018

Item Number:	File Number:	Part:
D1	A3763066	EXECUTIVE SERVICES

Portfolio:

Executive Services

Subject:

Petition - Stan Tumu - Requesting better consistent maintenance of Goyan Road, New Moonta

2230

Resolution

Cr JM Dempsey moved:-

That the petition be received and noted.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



Minutes

16 October 2018

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

Organisational Services

Subject:

Financial Summary as at 21 September 2018

2231

Resolution

Cr SR Cooper presented the report; and moved:-

That the Financial Summary as at 21 September 2018 be noted by Council.

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

16 October 2018

Item Number: E2	File Number: .	Part: FINANCE
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Portfolio:

Organisational Services

Subject:

2018/2019 Budget Review - First amended Budget for the period ending 30 June 2019

2232

Resolution

Cr SR Cooper presented the report; and moved:-

Pursuant to section 170(3) and section 173 of the *Local Government Regulation 2012*, Council adopt the amended Budget as tabled.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



Minutes

16 October 2018

Item Number: E3	File Number: .	Part: FINANCE
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Portfolio:

Organisational Services

Subject:

Annual Report 2017/18

2233

Resolution

Cr SR Cooper presented the report; and moved:-

That the 2017/18 Annual Report be adopted.

Seconded by Cr JD Learmonth.

The motion was put - and carried unanimously.



Minutes

16 October 2018

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

Organisational Services

Subject:

2018/2019 1st Quarter Operational Plan Review

2234

Resolution

Cr HL Blackburn presented the report; and moved:-

That the 2018-2019 1st Quarter Operational Plan Review be received and noted.

Seconded by Cr SR Cooper .

The motion was put - and carried unanimously.



Minutes

16 October 2018

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

Organisational Services

Subject:

Audit and Risk Committee Minutes

2235

Resolution

Cr HL Blackburn presented the report; and moved:-

That the minutes of the Audit and Risk Committee meeting held on 3 May 2018 be received and noted.

Seconded by Cr SR Cooper.

The motion was put - and carried unanimously.



Minutes

16 October 2018

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

Infrastructure Services

Subject:

Ordering of Garbage Trucks prior to adoption of Budget

2236

Resolution

Cr JM Dempsey presented the report; and moved:-

That Council approve the commencement of the procurement process prior to the adoption of the next budget.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

16 October 2018

Item Number:	File Number:	Part:
K1	522.2018.75.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

5 Mandi Court, Kalkie - Material Change of Use - Dual Occupancy

2237

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That the Development Application 522.2018.75.1 detailed below be decided as follows:

1. Location details

Street address: 5 Mandi Court, Kalkie
 Real property description: Lot 51 on SP279722
 Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use (Dual Occupancy)

3. Decision

Decision details: Refused

4. Referral agencies for the application

Nil

5. Details of refusal

Bundaberg Regional Council was not directed to refuse the application by a referral agency.

6. Reasons for refusal

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

The reasons for this refusal are:

- The proposed dual occupancy does not comply with the purpose and overall outcomes of the Dual Occupancy Code and cannot be conditioned to comply.
- The proposed dual occupancy does not comply with performance outcome PO 1 of the Dual Occupancy Code and cannot be conditioned to comply.
- The proposed dual occupancy does not comply with performance outcome PO7 of the Dual Occupancy Code and cannot reasonably be conditioned to comply.
- The dual occupancy does not make a positive contribution to the streetscape area in which it is located.
- The dual occupancy is not sited and designed to protect the amenity of adjoining and nearby premises
- The dual occupancy would result in unacceptable traffic and car parking impacts on Mandi Court.
- The dual occupancy would result in a dwelling density incompatible with the intended character of the surrounding area.

7. Properly made submissions

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

8. Rights of appeal

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

Appeal by an applicant

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

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

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

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

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

16 October 2018

Item Number:	File Number:	Part:
K2	522.2018.56.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

Rowlands Road & Schleger Street, Burnett Heads - Material Change of Use for Relocatable Home Park (RV Village) and Operational Works for Advertising Devices (4 signs)

Cr SR Cooper left the meeting whilst this item was presented, discussed and voted on, the time being 10.23 am.

2238

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That the Development Application 522.2018.56.1 detailed below be decided as follows:

1. Location details

Street address: Rowlands Road & Schleger Street, Burnett Heads
 Real property description: Lots 2 & 3 on RP7195
 Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Material Change of Use (Relocatable Home Park) and Operational Works (Advertising Devices)

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				
Concept Master Plan	Design Direct Building Designers	03.10.18	SD01	D
Site Staging Plan	Design Direct Building Designers	28.9.18	SD02	A
Illustrative Masterplan	Shane Thompson Architects	12.10.2018 (As Amended)	56-2A	-
Community facilities overall	Shane Thompson Architects	12.10.2018 (As Amended)	56-2A	-
Infrastructure Works – Stage 1	RMA Engineers	08.10.18	181008 Project: 13285	A
Infrastructure works	RMA Engineers	24.09.18	180924 Project: 13285	-
Excerpt of Overall Concept Plan	Insite SJC	09.10.18 (As Amended)	56-1A	-
Stage 1 Communal Facilities	Shane Thompson Architects	09.10.18 (As Amended)	Drawing 0.02	-
Roof plan	Shane Thompson Architects	12.10.2018 (As Amended)	0.04	2
Sections	Shane Thompson Architects	08.04.2018	0.05	2
Perspectives – Sheet 1	Shane Thompson Architects	08.04.2018	0.06	2
Perspectives – Sheet 2	Shane Thompson Architects	08.04.2018	0.07	2

Dwelling Details	Shane Thompson Architects	12.10.2018 (As Amended)	56-AA	-
Building Footprint Plans	Shane Thompson Architects	06.04.18	1.01	1
Duplex	Shane Thompson Architects	06.04.18	1.02	1
Two bedroom house	Shane Thompson Architects	06.04.18	1.03	1
Three bedroom house	Shane Thompson Architects	06.04.18	1.04	1
Aspect of development: Operational Works				
Site Signage – Indicative Elevations and Location Plan	Shane Thompson Architects	06.04.18	0.08	1

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

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
Maurice and Sheryl English	Unit 2/ 80 Burnett Heads Road, Burnett Heads, QLD, 4670	mauriceandsheryl@netspace.net.au
Sandra & Perry Kent	16 Baldry St, Burnett Heads, QLD, 4670	sandrakent4670@yahoo.com.au
Ray & Joanne Schimke	82 Burnett Heads Road, Burnett Heads, QLD, 4670	
Doug Anderson	86 Burnett Heads Rd, Burnett Heads, QLD, 4670	
Michael Haworth	73 Burnett Heads Road, Burnett Heads, QLD, 4670	

Maurice English	Unit 2/80 Burnett Heads Road, Burnett Heads, QLD, 4670	mauriceandsheryl@netspace.net.au
Sheryl English	Unit2/80 Burnett Heads Road, Burnett Heads, QLD, 4670	mauriceandsheryl@netspace.net.au
Bruce McLellan	71 Burnett Heads Road, Burnett Heads, QLD, 4670	
Ray Isackson	69 Burnett Heads Road, Burnett Heads, QLD, 4670	
Jeffrey & Debbie Summers	67 Burnett Heads Road, Burnett Heads, QLD, 4670	
Lois Tonks & Gary Judd	66 Burnett Heads Road, Burnett Heads, QLD, 4670	
Vern & Barbara Lane	13 Schleger St, Burnett Heads, QLD, 4670	
Wayne & Vilette Taylor	11 Schleger Road, Burnett Heads, QLD, 4670	
Zac Wilk	3 Baldry Street, Burnett Heads, QLD, 4670	
Christy Lydiard	7 Baldry Street, Burnett Heads, QLD, 4670	
Mat Loudon	8 Baldry Street, Burnett Heads, QLD, 4670	
Darren Moore	12 Baldry Street, Burnett Heads, QLD, 4670	
Sue & Bob Brown	14 Baldry Street, Burnett Heads, QLD, 4670	
Levi Kent	16 Baldry Street, Burnett Heads, QLD, 4670	
John & Christine Stibbard	7 Schleger Street, Burnett Heads, QLD, 4670	
Ken Graham	5 Schleger Street, Burnett Heads, QLD, 4670	
Brian Savidge	9 Schleger Street, Burnett Heads, QLD, 4670	
Elizabeth Franks	3 Baldry Street, Burnett Heads, QLD, 4670	
Ian Lawson	3 Campbell Street, Burnett Heads, QLD, 4670	
Charlotte Guenther	3 Campbell Street, Burnett Heads, QLD, 4670	
Vicki Selten	1 Campbell Street, Burnett Heads, QLD, 4670	

Dale & Cynthia Workman	46 Marshall Street, Burnett Heads, QLD, 4670	cynthiajk@bigpond.com
Britt M Portelli	151 Rowlands Road, Burnett Heads, QLD, 4670	
Glen Leslie	60 Burnett Heads Road, Burnett Heads, QLD, 4670	
Neil Phythian	63 Burnett Heads Road, Burnett Heads, QLD, 4670	nphythia@hotmail.com
Alex Stephen Casey C/- Shane Doran	15 Schleger Street, Burnett Heads, QLD, 4670	cracker@adam.com.au
Gavin Hales	66 Zunker St, Burnett Heads, QLD, 4670	lighthousehotel@bigpond.com
Ben Gilchrist	15 Ocean Street, Burnett Heads, QLD, 4670	gillyspropertyserv@gmail.com
Susanne Gilchrist	15 Ocean Street, Burnett Heads, QLD, 4670	bsgil@internode.on.net
Kay Tuck	15 Scott Street, Burnett Heads, QLD, 4670	kay@kaysrealestate.com.au
Sandra Kent	16 Baldry Street, Burnett Heads, QLD, 4670	
Kevin J & Katheryn J Robinson	326 Mittelheusers Road, Burnett Heads, QLD, 4670	kjrx2@bilpond.net.au
Val Watkins	C/- 9 Cook Street, SCONE, NSW, 2337	val.watkins@bigpond.com
Gary Hodson	10 Burns Street, Burnett Heads, QLD, 4670	garyhodson1248@gmail.com
Tyrone Podberscek	PO Box 9175, Burnett Heads, QLD, 4670	tyrone@burnettheads.biz
John Kempes	3 Jones Street, Burnett Heads, QLD, 4670	

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</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1</p> <p><i>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—</i></p> <p>(a) <i>are 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>(i) <i>adjacent to a road that intersects with a State-controlled road; and</i></p> <p>(ii) <i>within 100m of the intersection</i></p>	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence Agency	<p>State Assessment and Referral Agency (SARA)</p> <p><i>E:</i> WBBSARA@dsdmip.qld.gov.au</p> <p><i>P:</i> 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. Conditions about infrastructure

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

Condition/s	Provision under which the condition was imposed
28,29,30,31,32,33,36,37(b), 38,39,46	Section 145 – Non-trunk Infrastructure
37(a)	Section 128 – Trunk Infrastructure

12. Rights of appeal

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

Appeal by an applicant

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

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

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

Appeal by a submitter

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

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

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

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

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

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.

Amalgamation

4. Amalgamate Lot 3 on RP7195 and Lot 2 on RP7195 into one allotment. The Plan of Subdivision providing for the amalgamation must be registered prior to the commencement of the first use under this approval.

MATERIAL CHANGE OF USE**Air Conditioners**

5. All air conditioning units or other mechanical equipment for each dwelling 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 external to the site.
6. Air conditioning units must be designed, installed, maintained and operated so that noise emissions are within the limits imposed by the *Environmental Protection Act*, Regulations and Policies.

Construction Management

7. 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.
8. 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.
9. 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.

Development in Stages

10. Undertake and provide the following as part of the specified stage(s) of the development:
 - a. Stage one:
 - i. 100 dwelling sites generally in accordance with the approved plan ref: SD02 Rev A titled 'Site Staging Plan';
 - ii. Drainage works in accordance with RMA Engineers Drawing ref: 181008 Project: 13285, titled 'Infrastructure works – Stage 1'.
 - iii. All of the facilities contained within the visitor parking area and utility area being the non-residential part of the development to the right of the main driveway entering the village annotated 1 on Plan ref: 56-1A, titled 'Excerpt of Overall Concept Plan'. This includes the men's shed, the visitor bays, the washdown shed and the maintenance shed; and
 - iv. Management and reception building, porte cochere, associated car park area and the adjoining service vehicle courtyard

annotated 2 on Plan ref: 56-1A, titled 'Excerpt of Overall Concept Plan' and shown in detail on Plan ref: Drawing 0.02 titled 'Stage 1 Communal Facilities'. This includes the port cochere, lobby, managers & staff offices, meeting room, staff room, arts & craft room, library, and multi-purpose room.

- b. Stage two (balance):
 - i. Remaining 387 dwelling sites generally in accordance with the approved plan ref: SD01 Rev D titled 'Concept Master Plan';
 - ii. Balance of site and community facilities generally in with the approved plan ref: 0.03 Issue 2, dated 06.04.18 by Shane Thompson Architects; and
 - iii. Drainage works generally in accordance with RMA Engineers Drawing ref: 180924 Project: 13285, titled 'Infrastructure works' and dated 24.09.18
11. Unless otherwise agreed to in writing by the Assessment Manager, upon commencement of the first use within the first stage of development, the balance of the subject site must not be used for rural or agricultural purposes.

Easements

12. Lodge for registration at the office of the Land Registry the following easement(s):
 - a. a stormwater drainage easement having a minimum width as determined in an application for Operational Works to the benefit of Council that includes:
 - i. all stormwater overland flow paths traversing the land;
 - ii. At the first stage of development, future Q100 ARI (including global warming and climate change to 2100) stormwater overland flow paths traversing the site as identified on Approved Plan Infrastructure Works – Stage 1; and
 - iii. any underground stormwater main existing or proposed to traverse the land located within the easement and a minimum of one (1) metre from the easement boundary.
13. Draft easement documentation must be submitted to the Assessment Manager for endorsement. The content of the schedule attached to the Form 9 and 20 must be generally in accordance with Council's standard easement document.

Note: a copy of Council's standard schedule may be obtained by contacting development@bundaberg.qld.gov.au

14. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the grantee.

Fences

15. Where an acoustic barrier is not provided, provide a 1.8 metre high solid no-gap screen fence to the side and rear boundaries of Lots 3 on RP7195 and Lot 2 on RP7195 (or subsequent lot reference once amalgamation has been completed), commencing from the road frontage of the subject property. Fencing is to occur with the adjacent or relevant stage of development or dwelling being undertaken, meaning it can be staged. Fencing must not inhibit overland flow and must not be constructed until necessary stormwater infrastructure is in place.
16. Any fencing to the rear of the dwelling sites is to be a maximum height of 1.2 m, tapered from 1.8 m within 2 m from the rear boundary generally in accordance with Concept Plan Dwg 4A.2 v1 Apr 18 by Dragonfly Evolutions P/L (within permaculture landscape design document). The fencing must have a minimum of 50% transparency.

Nature and Extent of Approved Use

17. The maximum number of dwellings approved for the development is 487, comprising 357 detached dwellings and 130 attached dwellings (65 duplex sites).
18. All dwellings must be two or three bedrooms, high clearance RV garages and private outdoor living areas, generally in accordance with the design elements of Drawing number 1.02, 1.03, 1.04 by Shane Thompson Architects (indicatively demonstrated examples of duplex, two-bedroom house and three-bedroom house plans and elevations).
19. All dwellings must be single storey with a maximum height of 5.5 metres.
20. Accommodation Buildings (dwellings) must be situated within building envelopes as shown on 'Building footprint plans', Drawing number 1.01 by Shane Thompson Architects.

Landscaping

21. An overall landscape masterplan 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 and the submitted 'Permaculture Landscape Design of the RV Lifestyle Village' by Dragonfly Evolutions Pty Ltd, received 24.05.18, 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:
 - 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. Maintenance of any such system will be a requirement of any body corporate or site management;
 - 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 area where appropriate;
 - m. One tree for each six car parking spaces;
 - n. Vegetated screening of any electrical transformers, bin storage areas and the like from any external road frontage or communal area (i.e. within Community facility area);
 - o. A minimum 6.0 metre dense buffer planting to southern, western and northern boundaries;
 - p. Road plantings as shown on the Approved plans, including the end of dwelling 'blocks';
 - q. A 3.0 metre wide landscaping strip along the frontage of the dwellings (can include lawn);
 - r. Vegetated screening to the street frontage of any rear boundary fencing on Schleger Street, designed such that 50% of the fence will be screened at maturity. This is to be contained within the subject site;
 - s. A continuous 1.0 metre wide screening buffer must be planted in front of the acoustic barrier for its entire length. Where located on public land, works must be undertaken in accordance with an Operational Works approval and must incorporate sufficient plant foliage to soften its appearance and break its linear nature, with at least 75% of the barrier concealed from the street at maturity;
22. 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

23. 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.
24. A Lighting Plan must be submitted to and approved by the Assessment Manager prior to the commencement of the use. The plan must demonstrate how lighting from the development will avoid or minimise impacts on turtle nesting areas. The plan must include, but not be limited to, the following features:
 - a. The location, purpose, footprint, intensity and spectral composition of each light source;
 - b. Measures to avoid, mitigate or manage the impacts of each light source, including where possible the most energy efficient, dark sky compliant lighting (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); and
 - c. Procedures to reduce the use of lighting during turtle season (October to March). There must be no use of decorative lighting during this period.

When approved, the Lighting Plan will form part of the Approved Plans for this development.
25. All lighting for the development must be designed, installed and maintained in accordance with the approved Lighting Plan, to the satisfaction of the Assessment Manager.

External Storage of Materials

26. Where related to the use of the communal facilities 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.

Pedestrian and Bicycle Facilities

27. Pedestrian and bicycle facilities must be provided at the first stage of the development. The works must be undertaken in accordance with an Operational Works approval and must include:
 - a. A 1.5 metre (minimum) concrete ribbon pathway and pram ramps within the road verge for the entire length of the site's frontage to Schleger Street, generally in accordance with Council's drawing 13977; and
 - b. A 1.5 metre (minimum) concrete ribbon pathway and pram ramps within the road verge for the entire length of the Marshall Street to connect to the Rowlands Street pathway generally in accordance with Council's drawing 13977.

Car Parking

28. Provide off-street visitor car parking and vehicle manoeuvring areas generally in accordance with the Approved Plans. Such visitor 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';
 - i. include the provision of further parking spaces described as follows:
 - i. additional parking spaces along the eastern entry to provide continuous parallel parking between the entry and the community facility, and
 - ii. parallel parking spaces on at least on end of each rectangular block containing between 20 and 22 units; and
 - iii. parallel parking spaces on both ends of each rectangular block containing more than 22 units.

Roadworks and Access

29. Upgrade the Marshall Street/Schleger Street/Development intersection in accordance with Main Roads Road Planning and Design Manual and, where applicable, Austroads *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* inclusive of, but not limited to, the following:
- a. Provide raised medians at all legs;
 - b. Ensure that all regulatory signs are contained in the road reserve;
 - c. Provide a no left turn at the exit lane to the development;
 - d. Provide a no right turn at the Marshall Street leg;
 - e. Position the exit lane from the subject site to ensure that the low beam illumination pattern is clear of the dwelling on 48 Marshall Street;
 - f. provide keep left and pavement markings on all legs of the intersection; and

Sewerage

34. Provide a reticulated sewerage service to the subject site generally in accordance with the Sewer Assessment Report, Report (with internal infrastructure to be maintained at all times by the body corporate), with the exception of the following:
- a. At the first stage of development, provide a DN150 PVC – O trunk pressure main in Rowlands Road and connect directly to the Lutz St pressure main at the corner of Rowlands Road and Hermans Road on an alignment and with fittings, valves, storages, etc., provided to the satisfaction of Council;
 - b. connect the internal sewerage infrastructure, including decommissioning internal pressure mains as applicable, to the Stan Faulkner Road sewerage pump station (or equivalent) upon its completion. Discharge to the pump station is to be via a surge manhole (on site) and gravity main to the collector manhole.

The sewerage specifics must be determined as part of applications for Operational Work.

Street Trees

35. Provide street trees and tree surrounds within the Schleger Street road reserve at minimum 40 metre centres. Species indigenous to the area must be utilised (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 utilised. The specific dimensions for the surrounds are to be finalised as part of the Operational Works application.

Stormwater

36. At the first stage of development install a stormwater drainage system in Schleger Street connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual, and must include in particular:
- a. Lateral underground drainage provided under the proposed new Schleger Street/Marshall Street intersection to a minimum standard of Q10 ARI;
 - b. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, ie, a piped system with a capacity to cater for Q5 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI (including global warming and climate change to 2100) less piped flow; and
37. The Schleger Street drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2017 and Bundaberg Regional Council Stormwater Quality Management Project Definition Study August 2013. 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.

38. At the commencement of works for the second stage of development install a stormwater drainage system connecting to a lawful point of discharge for the subject site as documented in RMA engineering plan 'Infrastructure Works' dated 24 September 2018. The works must be undertaken in accordance with an Operational Works approval and Queensland Urban Drainage Manual, and must include in particular:
- a. the proposed 2/900 RCPs are contained in the road reserve;
 - b. a work method statement that documents how the manning's n value of 0.03 will be maintained in the Rowlands Road drain given Council's the maintenance schedule;
 - c. upgrade work to the bridge crossing to 115 Rowlands Road to reduce the proposed afflux levels in the areas immediately north of the crossing, to the satisfaction of the Assessment Manager; and
 - d. Where an overland component of the Q100 ARI flows (including global warming and climate change to 2100) must be conveyed to or via an open drain through the subject site, such open drains must –
 - i. Have capacity for Q100 flows (including global warming and climate change to 2100) from the existing upstream catchments and this development with a minimum 300 mm to habitable floor height;
 - ii. Have a maximum batter slopes 1V : 6H;
 - iii. Have a maintainable invert (can be vegetated);
 - iv. Drain invert must meander within the general alignment to present a natural appearance; and
 - v. Be provided with a work method statement that documents how the manning's n values will be maintained during the intended use on the subject site;
39. The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2017 and as provided in the Stormwater Management Report by RMA dated 23 May 2018. 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.

Waste Management

40. An on-site Waste Management Plan must be submitted to and approved by the Assessment Manager. The plan must have regard to the conditions of this approval and include, but not be limited to, the following details:
- a. the waste management process, including the type and size of receptacle/s to be utilised (eg 1 m³ bulk bins) for general waste and recycling;
 - b. the location of waste receptacle storage areas and collection points;

- c. how waste collection vehicles will be able to safely and effectively access bins; and
 - d. how any caravan waste dump point is to be managed.
41. Carry out the use in accordance with the approved Waste Management Plan.
42. 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.
43. The bin storage enclosure must be maintained in a clean and sanitary manner at all times.
44. Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.
45. Contain all litter, building waste and sediments on the building site by the use of a skip bin and any other reasonable means during construction to prevent release to neighbouring properties or roads.

Water

46. 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;

OPERATIONAL WORKS (ADVERTISING DEVICE) ONLY

47. This approval authorises the following signs as defined by the planning scheme and shown on the Approved Plans:
- a. One freestanding sign
 - b. Three ground signs.
48. Position the sign wholly within the property boundaries of the subject site.
49. Approved signage must not to be utilised for third party advertising.
50. The positioning of the Approved ground sign at Location 1 must consider the alignment and requirements of the traffic intersection and any required roadworks for the site access. Where required, the sign is to be relocated to further within the development site.
51. The approved signs must not exceed the dimensions and sign areas as shown on the Approved Plans.

52. The approved signs must be positioned wholly within the property boundaries of the subject site, and must not be located within or across any easements.
53. All construction and maintenance work for the approved sign/s must be carried out completely within the property boundaries.
54. The approved signs must be maintained to a standard satisfactory to the Assessment Manager. Any structural damage must be made safe and repaired as soon as practical.
55. The approved signs must be maintained in a clean and tidy state.
56. The approved signs must not be illuminated in any way.
57. The approved signs must not include any flashing or moving lights.
58. The approved signs must be static and contain no moving elements.
59. All conduits, wiring, switches or other electrical apparatus installed on an advertising device must be concealed from general view.
60. The approved signs must not:
 - a. contain colour combinations that could result in it being mistaken for an official traffic sign; or
 - b. contain flashing red, blue or amber point light sources which, when viewed from a road, could give the appearance of an emergency service or other special purpose vehicles warning light/s.

PART 1B – ADVICE NOTES - ALL DEVELOPMENT

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.

Wash Down Facility

- D. All necessary permits to operate the vehicle wash down facility are to be obtained through the relevant authority prior to the commencement of the use.

Infrastructure Charges Notice

- E. Please find attached the Infrastructure Charges Notice (Register No: 331.2018.1031.1) applicable to the approved development.

Lighting

- F. When preparing a Lighting Plan for development within or adjacent to a turtle nesting area, the following measures to reduce light impact are recommended:
- a. Reduce the amount of lighting to the minimum level necessary to for human safety and avoidance of turtle disruption;
 - b. To reduce spillover from indoor lighting, move light fixtures away from windows, apply window tinting that has a transmittance value of 45% or fit curtains or blinds to windows and keep them closed after dark;
 - c. If lights are needed for safety, fit shrouds and direct light downwards onto the ground. Recessed light fixtures are also preferred to exposed ones;
 - d. Use down-lights close to the ground. The use of up-lights are also preferred to exposed ones;
 - e. External lights can be placed on timers so that they automatically switch off when no longer required;
 - f. Decorative lights should be avoided or, at a minimum, remain off during turtle season (October to March);
 - g. Use vegetation to screen light sources from the beach;
 - h. On pathways, use low profile lighting or low bollards with 180° shields on the beach side;
 - i. Where possible, use shielded motion detected lights, set for the shortest time setting; an
 - j. Use lighting of a wavelength less likely to cause nuisance to sea turtles or other fauna (e.g. amber lighting).

The *Environmental Assessment Guideline for Protecting Marine Turtles from Light Impacts*, prepared by the Environmental Protection Agency Western Australia, provides more detailed guidelines on how to reduce the impacts of lighting from development on turtles. The guideline can be accessed at http://www.dmp.wa.gov.au/documents/Turtle_Lighting_impacts_EPA_Guideline_5.pdf.

Nature and Extent of Approved Development

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

Environmental Health

- 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.

Operational Works

- J. This Decision Notice does not represent an approval to commence Operational Works. 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.

Stormwater Easements

- K. Council would accept modification of its standard documentation to allow the provision of necessary infrastructure (eg sewer, footpaths) within the drainage easement.

Water

- L. Water 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 Support Group Plumbing 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. Sub-meters shall be installed in accordance with the relevant Acts and Codes.
- N. 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;

PART 2—CONCURRENCE AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning, by letter dated 12 October 2018 (copy letter attached for information).

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.

Cr SR Cooper returned to the meeting, the time being 10.41 am.



Minutes

16 October 2018

Item Number: O1	File Number: .	Part: WASTE & RECYCLING
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Portfolio:

Community & Environment

Subject:

Booyal Transfer Station Operating Hours

2239

Resolution

Cr SA Rowleson presented the report; and moved:-

That:

1. the opening hours of Booyal Transfer Station be changed from 12 pm - 3 pm Sundays to 8 am - 11 am Sundays – effective from Sunday 28 October 2018;
2. a community awareness program be undertaken to inform the Booyal and surrounding community prior to the change.

Seconded by Cr JA Peters.

The motion was put - and carried unanimously.



Minutes

16 October 2018

Item Number:	File Number:	Part:
R1	A3800055	TOURISM

Portfolio:

Community & Environment

Subject:

Maintenance contract for airport security screening equipment (Sole or Specialised Supplier Arrangements)

2240**Resolution**

Cr JM Dempsey presented the report; and moved:-

That as Council is satisfied that there is only one supplier reasonably available to provide maintenance of the Airport security screening equipment - and in accordance with Section 235(a) of the *Local Government Regulation 2012* – the Chief Executive Officer be authorised to execute the new maintenance contract with Smiths Detection (Australia) Pty Ltd.

Seconded by Cr SR Cooper.

The motion was put - and carried unanimously.



Minutes

16 October 2018

Item Number: S1	File Number: .	Part: STRATEGIC PROJECTS & ECONOMIC DEVELOPMENT
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Portfolio:

Executive Services

Subject:

Specialised Supplier Arrangement for whole of Council future infrastructure requirements modelling tool

2241

Resolution

Cr JM Dempsey presented the report; and moved:-

That Council enter into an arrangement with Integran Pty Ltd (ABN 39 107 256 959) for the supply of infrastructure requirements modelling tool, Outvye, without first inviting written quotes pursuant to Section 235(b) of the *Local Government Regulation 2012*.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.

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

Resolution

Cr SR Cooper moved:-

That the meeting be closed to the public – and discussion on the following item be held in Committee:

T1 Information Services Steering Committee Meeting Minutes

Seconded by Cr HL Blackburn - and carried unanimously.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened.

Seconded by Cr JP Bartels - and carried unanimously.



Minutes

16 October 2018

Item Number: T1	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Information Services Steering Committee Meeting Minutes

Confidential Reason:

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

2242

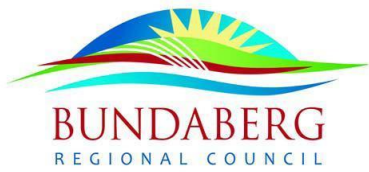
Resolution

Cr JM Dempsey moved:-

That the meeting minutes of the Information Services Steering Committee held 18 July 2018 and 15 August 2018 be received and noted.

Seconded by Cr SR Cooper.

The motion was put - and carried unanimously.



Minutes

16 October 2018

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

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 10.49 am.

Confirmed on 13 November 2018.

Mayor