



Ordinary Meeting Minutes

11 December 2018

Council Chambers, Bundaberg

10.00 am

Present:

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

Leave of Absence: Nil

Officers:

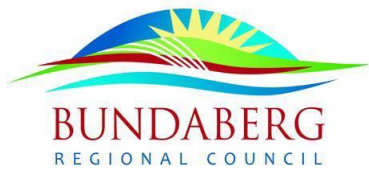
Mr SD Johnston, Chief Executive Officer
Mr SJ Randle, General Manager Infrastructure
Mr GJ Steele, General Manager Community & Environment
Mrs AK Pafumi, General Manager Organisational Services
Mr B Artup, Executive Director Strategic Projects and Economic Development
Mrs A Sapolu, Chief Legal Officer
Mr M Ellery, Group Manager Development
Mr M Gorey, Executive Officer Communications
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

11 December 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 13 November 2018 be taken as read and confirmed.

Seconded by Cr JA Peters - and carried unanimously.



Minutes

11 December 2018

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

Councillors

Subject:

Declaration of perceived conflict of interest - Cr WA Honor

Pursuant to section 175E of the Local Government Act 2009, Cr WA Honor declared a perceived conflict of interest in relation to item G1 of today's agenda, as his son, Dwayne Honor is the author of the report.

2258

Resolution

Cr JM Dempsey moved:-

That the remaining Councillors determined that Cr WA Honor did not have a conflict of interest in item G1 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest.

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number: C2	File Number: .	Part: COUNCILLORS
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Portfolio:

Councillors

Subject:

Declaration of perceived conflict of interest - Cr JM Dempsey

Pursuant to section 175E of the Local Government Act 2009, Cr JM Dempsey declared a perceived conflict of interest in relation to item G1 of today's agenda, as he is Vice Patron of both Surf Life Saving Club Queensland and Surf Life Saving Club Wide Bay Capricorn.

2259

Resolution

Cr SA Cooper moved:-

That the remaining Councillors determined that Cr JM Dempsey did not have a conflict of interest in item P1 of today's agenda as there is no conflict between the Councillor's personal interest and the public interest.

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number: C3	File Number: .	Part: Mayoral Minute
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Subject:

Mayoral Minute - Petition for a new Level 5 Hospital in Bundaberg

On 12 December 2018, I intend, as principal petitioner, to ask the Queensland Parliament to open a petition in terms as follows:

“The petition of residents of the State of Queensland draws to the attention of the House that residents of the Bundaberg Region need a new Level 5 hospital to improve the provision of medical care in their local community. The benefits of a new Level 5 hospital include:

1. *Improved health outcomes through treatment closer to where people live;*
2. *Reduced travel costs for patients, families and governments;*
3. *Less hardship and stress for people who currently have to travel to Brisbane;*
4. *Employment of skilled medical professionals in the Bundaberg Region which will attract new residents, help to retain existing professionals and deliver local economic benefits;*
5. *Develop medical training capability;*
6. *Invigorate construction activity, boost employment and attract other investment.*

Your petitioners therefore request the House to prioritise funding to build a new Level 5 hospital in Bundaberg.”

2260**Resolution**

Cr JM Dempsey moved:-

That Council endorse Mayor Jack Dempsey as Principal Petitioner and endorse the petition to ask the Queensland Parliament to Prioritise funding to build a new Level 5 hospital in Bundaberg.

Carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
C4	.	Councillors

Portfolio:

Councillors

Notice of Motion:

Cr Greg Barnes - Notice of Motion - Customer Satisfaction Survey

2261

Resolution

Cr GR Barnes moved:-

That:

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

Seconded by Cr WA Honor.

Cr GR Barnes then addressed the meeting on his motion.

Cr HL Blackburn moved the following amendment:

That Council instructs the Chief Executive Officer to commission an independent customer satisfaction survey as already planned and budgeted for in the 2018/2019 financial year.

Seconded by Cr Cooper.

The amended motion was put to the vote and carried by 8 votes to 3.

For

Cr JP Bartels
Cr WR Trevor
Cr HL Blackburn
Cr SA Rowleson
Cr CR Sommerfeld
Cr SR Cooper
Cr JD Learmonth
Cr JM Dempsey

Against

Cr WA Honor
Cr GR Barnes
Cr JA Peters

The Mayor then moved the motion:

That Council instructs the Chief Executive Officer to commission an independent customer satisfaction survey as already planned and budgeted for in the 2018/2019 financial year.

Seconded by Cr SR Cooper and carried unanimously.



Minutes

11 December 2018

Item Number: D1	File Number: .	Part: EXECUTIVE SERVICES
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Portfolio:

Executive Services

Subject:

Petition - Burnett Bowls Club

2262

Resolution

Cr JM Dempsey moved:-

That the petition be received.

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

11 December 2018

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

Organisational Services

Subject:

Financial Summary as at 30 November 2018

2263

Resolution

Cr SR Cooper presented the report; and moved:-

That the Financial Summary as at 30 November 2018 be noted by Council.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
F1	qA1017329	GOVERNANCE

Portfolio:

Organisational Services

Subject:

Operational Plan 2018-2019

2264

Resolution

Cr HL Blackburn presented the report; and moved:-

Pursuant to Section 174(4) of the *Local Government Act 2012*, Council adopt the amendments to the Operational Plan 2018-2019 as presented in the attached document.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

11 December 2018

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

Organisational Services

Subject:

Council Policies

2265

Resolution

Cr HL Blackburn presented the report; and moved:-

That Council:

1. rescind the following policies:

- **GP-3-041 Code of Conduct for Councillors Policy;**
- **GP-3-044 Conduct of Council Meetings Policy; and**

2. adopt the following policies:

- **CP-3-012 Councillor Code of Conduct Policy (Version 1);**
- **CP-3-016 Standing Orders for Council Meetings Policy (Version 1);**
- **CP-3-044 Councillor Complaints Investigation Policy (Version 1);**
- **CP-3-018 Acceptable Requests Guidelines Policy (Version 2).**

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



Minutes

11 December 2018

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

Infrastructure Services

Subject:

De-Main part of Lihs Street, Elliott Heads

2266

Resolution

Cr WR Trevor presented the report; and moved:-

That Council agree to the Department of Transport and Main Roads' request to de-main a section of Lihs Street, Elliott Heads. The section of road to be de-mained is in accordance with Plan RD172-7-B enclosed with the Department's letter dated 9 October 2018.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
G2	0	INFRASTRUCTURE

Portfolio:

Infrastructure Services

Subject:

Donation of Surplus Mower to Bundaberg Cricket Association Inc

2267

Resolution

Cr WR Trevor presented the report; and moved:-

That in accordance with the provisions of the *Local Government Regulation 2012*, Section 236 (1)(b) – Council donate 1 x John Deere Zero-Turn Mower (Asset ID #4769/0) to Bundaberg Cricket Association Inc.

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
J1	339.2018.39.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

Request for Street Names - Eggmolesse Street and Edenbrook Drive, Norville

2268

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That roads A and B in the development identified as Edenbrook Estate, located at Edenbrook Drive and Eggmolesse Street, Norville, and approved under development approval 526.2018.21.1, be named as follows:

- **Road A – Verona Street;**
- **Road B – Padua Street.**

Seconded by Cr SR Cooper.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
J2	339.2018.32.1	PLANNING

Portfolio:

Planning & Development Services

Subject:

Logan Road, Innes Park – Request for Street Name

2269

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That New Road A in the development identified as Headlands, located at Logan Road, Innes Park and approved under development approval 526.2018.49.1, be named as follows:

- **Road A – Headlands Esplanade;**

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
J3	nil	PLANNING

Portfolio:

Planning & Development Services

Subject:

Resolution to designate Flood Hazard Areas

2270

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That Council, effective from 11 January 2019:-

- (a) declare under section 13 of the *Building Regulation 2006* –
- (i) flood hazard areas for the Bundaberg Region as identified in the Flood Hazard Area Maps contained in the Hazard Evaluation Report – Flood (December 2018, Revision 5.0);
 - (ii) the defined flood level and maximum flow velocity of water (where available) are the flood levels and velocities for the adopted defined flood events derived from the flood modelling for each catchment of the flood hazard area.
- (b) This resolution replaces flood hazard areas previously declared by Council, including Council's resolution of 12 December 2017 (Ordinary Meeting, resolution no 2064).

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
K1	521.2018.84.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

West Street, Victoria Street, John Street, WJ Bailey Drive, Broom Street, Helmore Street and May Street, Miara - Reconfiguring a Lot (78 lots into 43 lots)

2271

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That the Development Application 521.2018.84.1 detailed below be decided as follows:

1. Location details

Street address: West Street; Victoria Street, John Street, WJ Bailey Drive, Broom Street, Helmore Street and May Street, Miara

Real property description: Lots 3 to 11, 31 to 40, 48 to 102 and 104 to 107 on RP37084

Local government area: Bundaberg Regional Council

2. Details of the proposed development

Development Permit for Reconfiguring a Lot (78 Lots into 43 Lots)

3. Decision

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

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		☒	

4. Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no	Version/issue
Aspect of development: Reconfiguring a Lot (78 lots into 43 lots plus Drainage Area plus Roads)				
Proposed Plan of Lot Reconfiguration – Lots 1-40, 45-47, 101 and 102 (Drainage areas) and New Road – Cancelling Lots 3-11, 31-40, 48-102 and 104-107 on RP37084, WJ Bailey Drive, Miara	InsiteSJC	September 2018	GC18-051-P4	-
Staging Plan – Lots 1-40, 45-47, 101 and 102 (Drainage Reserve) and New Road – Cancelling Lots 3-11, 31-40, 48-102, 104-107 on RP37084, WJ Bailey Drive, Miara	InsiteSJC	September 2018	GC18-051-S1A	-

5. Conditions

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

6. Further development permits

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

- All Operational Work

7. Properly made submissions

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

8. Referral agencies for the application

Not applicable

9. Currency period for the approval

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

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

There are no agreements about these matters.

11. Conditions about infrastructure

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

Condition/s	Provision under which the condition was imposed
4, 5, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26	Section 145 – Non-trunk Infrastructure
Not applicable	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*.

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 the request for approval of plan of subdivision, unless otherwise stated within this notice.

Land Dedication

4. Dedicate land shown on the Approved Plan identified as “new road” and proposed Lots 101 and 102 as follows:
 - a. Land identified as road must be dedicated to the state as road reserve.
 - b. Land identified as drainage must be dedicated to the state as road reserve.
5. The land area to be dedicated must be unencumbered by services such as service easements or similar operational uses.

Staging

6. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage are constructed with that stage. Minimum standards of supporting infrastructure and compliance with conditions of approval will be determined by the Assessment Manager at the time of approval of a plan of subdivision.
7. Comply with the conditions of each respective stage of this Development Permit prior to the endorsement of a Plan of Subdivision for that stage unless otherwise stated within this notice.

New Street Names

8. Street names must be submitted to and approved by the Assessment Manager prior to the commencement of Operational Works associated with this approval. A written request for the proposed naming of streets must be submitted that includes three suggested road names for each new street in the development that:
 - a. Reflect aspects of the area in which the streets are located, including historical names, unless otherwise determined by the Assessment Manager. The order of preference in allocating street names will be:
 - i. Historical persons / Historical place names;
 - ii. Other relevant aspects (eg local flora and fauna); and
 - iii. Themed street names. Where ‘themed’ names are proposed, a list of street names for the entire development must be submitted as part of the Operational Works application for Stage One of the development;

- b. Are nouns and generally contain one word. Composite words may be acceptable when they supplement the primary name; and
- c. Are unique and unambiguous to the Bundaberg Regional Council local government area.

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

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

Building Envelopes

10. All future dwellings on the approved lots must be sited and constructed in accordance with the approved building envelopes shown on the Approved Plans. A copy of the approved Plan of Development must be included in the contract of sale for the approved lots, together with a clause which requires future dwellings to be constructed in accordance with it.

Stormwater

11. Install a stormwater drainage system connecting to a lawful point of discharge. Drainage works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - a. Collection and discharge of stormwater to a designated lawful point of discharge, including registration of drainage easements as necessary.
 - b. Shape the surface of each lot to drain directly to either a road, drainage easement or reserve, unless it can be demonstrated that lot shaping, retaining walls or other methods are not practical. Should inter-allotment drainage be accepted for use by Council, inter-allotment drainage (Level 2 or 3 as required) must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual;
 - c. Undertake design for the site drainage system, fill, roadworks and accesses so that flows from adjacent properties will not be impeded or concentrated in a manner that is likely to cause detrimental impacts upon the downstream properties;
 - d. Where an overland component of the Q100 ARI flows (including global warming and climate change to 2100) must be conveyed through adjoining lots to the natural gullies, such conveyance paths 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 150 mm freeboards;
 - ii. Have maximum swale drain batter slopes 1V : 6H;
 - iii. Have a maintainable invert;
12. 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 & Burnett Mary Regional Group Burnett-Baffle Water Quality Improvement Plan into the drainage system for the development. 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 for each stage of the development will be achieved.

Roadworks

13. Design intersection and speed restriction devices in accordance with Main Roads Road Planning and Design Manual and, where applicable, Austroads *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
14. Provide pavement widening construction and 2 coat bitumen sealing to the unkerbed edge of the existing WJ Bailey Drive roadway to achieve the 7 m full seal width specified in Table SC6.3.3.4.4.3 for village/township access roadway. The pavement widening must be designed in accordance with *Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06)*. Roadway and pavement design specifics must be determined as part of an application for Operational Works.
15. Construct all new roads in accordance with the following requirements:
 - a. New roadway reserves must be of a minimum dedication width of 20 m;
 - b. Roadways must be paved to a width of 7 m;
 - c. Cul-de-sac bulbs must be provided with a minimum 20 m turning circle measured from the nominal kerb line;
 - d. Cul-de-sac local access extension branches must service a maximum of 2 lots only, and must have full pavement construction to a minimum width of 3.5 m;
 - e. All roadway pavements must be sealed with a prime and full width two coat bitumen seal; and
 - f. The specific construction requirements of all roadworks must be determined as part of an Operational Works application.
16. Provide a temporary sealed turn-around facility where the staged road layout does not allow a commercial vehicle to manoeuvre within the constructed roadway in a forward gear. Temporary turn-around facilities must provide a minimum 20 m turning circle, measured from the edge of the pavement, and must be constructed in accordance with an Operational Works approval.

Property access & driveways

17. Provide access strips and driveways to proposed Lots 16 and 23 that comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments* with particular attention to SC6.3.3.4.9.2 (2). The specific construction requirements must be determined as part of the Operational Works application and must include, but are not limited to, the provision of:
 - a. a minimum 3.5 m wide driveway (modified to suit driveway slabs) constructed and sealed with concrete, asphalt, bitumen or approved pavers for full length of the access strip.
 - b. conduits and/or services for underground power, telecommunications (and stormwater if relevant) installed within the access strip prior to driveway construction; and

- c. bitumen sealed pavement designed to connect the driveway to the adjacent new road with 1 on 1 tapers.
18. Provide an access driveway to proposed Lot 29 that complies with the standards specified in the *planning scheme policy for development works – driveways and access to developments* with particular attention to SC6.3.3.4.9.2 (2). The specific requirements must be determined as part of an Operational Works application and must include, but are not limited to, the provision of:
 - a. a minimum 3.5 m wide driveway (modified to suit driveway slabs) constructed and sealed with concrete, asphalt, bitumen or approved pavers for the full length of the access strip;
 - b. conduits and/or services for underground power, telecommunications (and stormwater if relevant) installed within the access strip prior to driveway construction; and
 - c. bitumen sealed pavement designed to connect the driveway to the adjacent new road with one on one tapers.

Electricity, Street lighting and Telecommunications

19. Provide electricity service to each proposed lot under standard tariff conditions and without further capital contributions by supplying all necessary materials, including structures and equipment, and performing all necessary works.
20. Prior to the submission of the Plan of Subdivision for approval, obtain from Ergon Energy a Certificate of Electrical Supply. Provide evidence of the certificate to Council as part of the Submission of the Plan of Subdivision.
21. Padmount transformers must be located within the road reserve fronting proposed or existing park or drainage reserves, unless otherwise agreed in writing by the Assessment Manager.
22. Street lighting to new roads and intersections must be by way of provision of underground conduits and cables, poles and street lights. The design and provision of street lighting must be in accordance with Australian Standard 1158:2005. The applicable lighting category is “flag” lighting for all roadways.
23. Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.
24. Telecommunication conduits (ducts) and pits, including trenching and design, must be provided to service the development in accordance with 'Fibre-Ready' standards or the NBN Co Installing Pit and Conduit Infrastructure - *Guidelines for Developers*, to the satisfaction of the Assessment Manager.

Easements

25. Lodge for registration at the office of the Land Registry the following easement(s):
 - a. stormwater drainage easement/s having a minimum width of three metres OR as determined in an application for Operational Works, whichever is the greater, to the benefit of respective upstream allotments, that includes:
 - i. all stormwater overland flow paths traversing the land;

- ii. Q100 ARI stormwater overland flow paths traversing downstream allotments;
 - iii. any stormwater main proposed to traverse the land located within the easement and a minimum of one (1) metre from the easement boundary; and
 - iv. all Q100 ARI stormwater overland flow paths downstream of the land to an agreed lawful point of discharge.
26. Draft easement documentation must be submitted to the Assessment Manager for endorsement. The content of the schedule attached to the Form 9 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
27. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

PART 1B – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Register No: 331.2018.1048.1) applicable to the approved development.

Rates and Charges

- B. 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.

Property Notes

- C. Development Approval [521.2018.84.1] – Sewerage

The following notation applies to all approved lots:

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

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

- D. Development Approval [521.2018.84.1] – Water

The following notation applies to all approved lots:

This property is not serviced by the Council's reticulated water network. At the time of final Building Approval for a residential dwelling, the owner must provide a potable water supply through connection of the dwelling to a rainwater storage tank, or tanks, having a capacity of not less than 45,000 litres.

- E. Development Approval [521.2018.84.1] – Bushfire Hazard – Fire Fighting

The following notation applies to all approved lots:

Any dwelling house on the lot must be provided with an adequate water supply for fire fighting purposes which is reliable, safely located and freely accessible. Such fire fighting supply must – at a minimum – comply with the Acceptable Outcomes AO1.1, AO1.2, AO9.1 and AO9.2 of the Bushfire Hazard Overlay Code in the Bundaberg Regional Council Planning Scheme 2015.

F. Development Approval [521.2018.84.1] – Building Envelopes

The following notation applies to all approved lots:

Building Envelope restrictions apply in respect to the use and development of this property. A copy of the Building Envelope Plan is available from Council. Landowners or purchasers are strongly advised to seek further details by contacting the Council's Development Group.

Property Note Driveways

G. Development Approval [521.2018.84.1] – Driveways

The following notation applies to all approved lots:

The driveway to the lot:

- must be built to the standard specified in the *planning scheme policy for development works – driveways and access to developments*.
- must be constructed in accordance with Council's Policy FM-7-003 *Application to carry out works in, on, over or under Council owned and maintained property*.

For further information please contact the Road and Drainage Technical Officer for your area to obtain guidance on the appropriate driveway for the property and how to obtain a rural number.

Seconded by Cr JP Bartels.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
K2	522.2018.48.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

417 Branyan Drive, Branyan - Preliminary Approval for Material Change of Use (including Variation Request) for Branyan Neighbourhood Centre

2272

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That the Development Application 522.2018.48.1 detailed below be decided as follows:

1. Location details

Street address: 417 Branyan Drive, Branyan
 Real property description: Lot 200 on SP178783
 Local government area: Bundaberg Regional Council

2. Details of the proposed development

Preliminary Approval for Material Change of Use (including Variation Request) for Branyan Neighbourhood Centre

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 type="checkbox"/>	<input checked="" 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: Preliminary Approval for Material Change of Use				
Branyan Neighbourhood Centre - Plan of Development, over land described as part of Lot 200 on SP178783 (proposed Lots 63 – 65)	Urbicus	30.10.18	Document No: 522.2018.48.1 – 1A,	-
Plan of Development Neighbourhood Centre	GW Surveyors	04.05.18	10066PR3	-

5. Variation approval details

A preliminary approval which includes a variation approval is given and the assessment manager has approved a **variation to the local planning instrument(s)**:

- Bundaberg Regional Council Planning Scheme 2015.

The variation approved is:

- Part 5 – Tables of Assessment - Table 5.4.1 Low density residential Zone – Levels of Assessment for material change of use is overridden by the provisions of **Plan of Development – Branyan Neighbourhood Centre, Appendix A: Categories of development and assessment – Material Change of Use**, over land described as part of Lot 200 on SP178783 (proposed Lots 63 – 65), Document No: 522.2018.48.1 – 1A, as included in the Schedules.

6. 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.

7. Further development permits

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

- All Material Change of Use
- All Building Work
- All Plumbing and Drainage Work
- All Operational Work

8. Properly made submissions

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address	Electronic Address
QIC Retail Pty Ltd, C/- David Robert Higgins	Level 5, 66 Eagle Street, BRISBANE, QLD 4001	c.occhino@qic.com

9. Referral agencies for the application

Not applicable

10. 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*.

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

There are no agreements about these matters.

12. Conditions about infrastructure

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

Condition/s	Provision under which the condition was imposed
10, 11, 13	Section 145 – Non-trunk Infrastructure
N/A	Section 128 – Trunk Infrastructure

13. Rights of appeal

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

Appeal by an applicant

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

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

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

Appeal by a submitter

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

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

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

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

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

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

Assessment Provisions

3. This approval varies the effect of the Bundaberg Regional Council Planning Scheme 2015 to the extent that development for a Neighbourhood centre on the approved lots must be undertaken in accordance with the tables of assessment and codes of the approved Plan of Development (described as Document No: 522.2018.48.1 – 1A, titled 'Plan of Development – Branyan Neighbourhood Centre, dated 30.10.18), included as a Schedule in this decision over land described as part of Lot 200 on SP178783 (proposed Lots 63 – 65).
4. The approved Branyan Neighbourhood centre may incorporate the following uses, where developed as a consolidated and integrated activity centre in accordance

with Plan of Development (described as Document No: 522.2018.48.1 – 1A, titled 'Plan of Development – Branyan Neighbourhood Centre, dated 30.10.18):

- a. Food and drink outlet;
- b. Office;
- c. Shop;
- d. Shopping centre;
- e. Veterinary services;
- f. Service industry;
- g. Community care centre;
- h. Child care centre
- i. Community use;
- j. Health care services;
- k. Caretaker's accommodation;
- l. Multiple dwelling; and
- m. Dwelling unit.

5. Where a use is proposed as a stand alone development application, it must be demonstrated that it can form part of a consolidated neighbourhood centre at a future date.

Date Development Must be Completed By (Lapsing Date)

6. In accordance with section 88(2) of the *Planning Act* 2016, this Development Approval to the extent it relates to development not completed will lapse ten (10) years from the date of this approval.

Amalgamation

7. Amalgamate proposed Lots 63, 64 and 65 shown on the Plan of Development into one allotment. The Plan of Subdivision demonstrating the amalgamation must be registered prior to the lodgement of any subsequent application for Development Permit made pursuant to this preliminary approval.

Sewerage

8. Provide a reticulated sewerage service to the development by supplying all necessary materials, including structures and equipment, and performing all necessary works prior to the commencement of the first material Change of Use authorised under this approval.

Access

9. All heavy vehicle access to the site must be from Penny Lane. No heavy vehicle access is permitted from Freshwater Drive.

Water

10. Provide a reticulated water supply service by supplying all necessary materials, including structures and equipment, and performing all necessary works prior to the commencement of the first Material Change of Use authorised under this approval. Works must include network modelling with internal main sizing to be finalised as part of an application for Operational Works.

PART 1B – ADVICE NOTES

Nature and Extent of Approved Development

- A. Subsequent development on the approved subject site for Neighbourhood centre uses is to be in accordance with the approved Plan of Development (described as Document No: 522.2018.48.1 – 1A, titled 'Plan of Development – Branyan Neighbourhood Centre, dated 30.10.18), included as a Schedule in this decision.
- B. The bio-retention area highlighted on approved marked up plan 10066PR1 Rev B stamped 321.2011.31890.3 for a residential subdivision and dated 9 May 2017 needs to be on public use land and clear of the defined flood event/Q₁₀₀ flood line that appears to have been used to define the boundary of proposed lot 206. This and the 20 m minimum frontage requirement in the residential subdivision approval along Freshwater Drive means the lots adjacent to lot 206, specifically lots 63 & 65, may need their shared boundaries to be amended.
- C. This Decision Notice does not represent an approval to commence any Building or Operational Works.

Environmental Harm

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

Water & Sewer Connections

- E. Council permits one water property service only for each property. This means only one connection to the water main although there may be a potable and fire service feeding from that connection.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
K3	321.2011.33400.1	DEVELOPMENT ASSESSMENT

Portfolio:

Planning & Development Services

Subject:

Cnr 1 Sienna Boulevard and Greathead Road & Bundaberg Ring Road, Ashfield - Reconfiguring a Lot - 1 Lot into 154 Lots (152 residential lots and 2 reserve lots in 15 stages)

2273

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That Development Application 321.2011.33400.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Reconfiguring of a Lot – 1 lot into 154 lots (152 residential lots and two reserve lots in 15 stages)

DECISION

Approved in full subject to conditions

The conditions of this approval are set out in **Attachment 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

1. DETAILS OF APPROVAL

The following approvals are given:

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

Deemed Approval

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

2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

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

- All Operational Work

4. CODES FOR SELF ASSESSABLE DEVELOPMENT

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

The relevant codes identified in the:

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

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

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

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

6. SUBMISSIONS

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

The referral agency for this application is:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State Controlled Roads	Queensland Department Transport and Main Roads	Concurrence	Locked Bay 486 Bundaberg 4670

9. APPROVED PLANS

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

Plan/Document number	Plan/Document name	Date
GC16-026-P4	Proposed Lot Reconfiguration - Lots 1 -152, 200, 201 & 300 - cancelling Lot 2 on SP209621, Sienna Boulevard, Ashfield	As amended 28.11.2018
GDSC 11518 LD Issue C, Drawings SH01 – SH05	Concept Rehabilitation Plan	July 2018

Note: Where conflict exists with the provisions of the 'Lake Water Quality Management Plan' document and the 'Concept Rehabilitation Plan', the Rehabilitation plan prevails.

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse six (6) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

11. REFUSAL DETAILS

Not Applicable.

12. CONDITIONS ABOUT INFRASTRUCTURE

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

Conditions	Provision under which the Condition was imposed
7, 8, 9, 10, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37a, 37c, 37d, 39, 45	Section 665 – Non-trunk Infrastructure
37b.	Section 646 – Identified Trunk Infrastructure
Not applicable	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General – All Stages

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 endorsement and signing, unless otherwise stated within this notice.

Amended Plan

4. Upon lodgement of any application for Operational works, submit to and have approved by the Assessment Manager amended Concept Rehabilitation Landscape Plan Issue C, with additional detail, which incorporates the following:
 - a. Resiting of the pathway on the eastern bank of Approved Lot 201 away from the water's edge, in closer proximity to the road reserve on Plan reference SH02 dated 06.08.18;
 - b. Placement of appropriate bollards within the 'Parkland' area; and
 - c. Removal of the proposed viewing deck.

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

Staging

5. The development may be staged in accordance with the stage boundaries shown on the Approved Plan. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans, except for the following which must occur:
 - a. Stages A and B which must be completed as the first and second stage of development respectively, provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.
 - b. The inclusion of information signage to the corridor perimeter of all Stages adjacent to Approved Lots 200 and 201 addressing the importance of managing domestic animals and entry to the waterbody is not permitted or safe.
6. Comply with the conditions of each respective stage of this Development Permit prior to the endorsement of a Plan of Subdivision for that stage unless otherwise stated within this notice.

Water – All Stages

7. Provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. The works must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of

the development. Works must include network modelling with main sizing to be finalised as part of an application for Operational Works.

Sewerage – All Stages

8. Provide a reticulated sewerage service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. The sewerage specifics must be determined as part of an application for operational work. Where a point of connection is required to Council's reticulated sewerage network, Council will nominate a point of connection. The nominated point of connection must be provided by Council.

Stormwater – All Stages

9. Provide stormwater management in accordance with RMA Stormwater Management Plan 11422 dated 18 October 2017 at each stage of the development. Install a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - a. In accordance with the design philosophy for the stormwater drainage quantity as per section 3 of the RMA Engineering Report – Stormwater Management Plan 11422 dated 18 October 2017, and to be modified to accommodate the effects of the conditioned Rehabilitation and Management Plan.
 - b. Shape the surface of each lot to drain directly to either a Road or Drainage Reserve, as no inter-allotment drainage will be permitted, unless it can be demonstrated that Lot filling, shaping, retaining walls or other methods are not practical. The extent of inter-allotment drainage is to be minimised and negotiated prior to the submission of any associated application for Operational Work. Where inter-allotment drainage is approved such drainage must be designed to a Q100 ARI standard (including global warming and climate change to 2100) and constructed in accordance with the requirements of the Queensland Urban Drainage Manual. The drainage specifics must be determined as part of an application for Operational Works;
 - c. 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 Q100 ARI (including global warming and climate change to 2100) less piped flow;
 - d. Hydraulic calculations must take into account the effect of any in pit RSF 100s (used as part of the treatment train);
 - e. Lateral underground drainage must be provided under the proposed new access roads to a standard of Q10 ARI with the exception of the road across the watercourse which must be constructed to a Q100 ARI standard.
 - f. Where an overland component of the Q100 ARI flows (including global warming and climate change to 2100) must be conveyed to the open drains such open drains must –
 - i. Have capacity for Q100 flows from the existing upstream catchments and this development with a minimum 150 mm freeboards;

- ii. Have a maximum batter slopes 1V : 6H;
 - iii. Have a maintainable invert; and
 - iv. Drain invert must meander within the general alignment to present a natural appearance.
10. Prior to submission of the first Operational work application, the Developer must establish Lawful Points of Discharge for the development from the affected catchment through Lot 4 on SP243478 and Lot 6 on SP182639.
11. 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. The WSUD treatment train must not incorporate the existing dam.
12. Bio-retention measures will remain under a maintenance period a minimum of 24 months after the completion of the last stage of the development which directs water to the measures.
13. With the submission of the first Operational work application, the developer must prepare and submit to the Assessment Manager for approval, a stand-alone detailed Maintenance Plan for the drainage area/ waterbody in Approved Lot 201, including a timing and responsibility schedule/ breakdown.

Note: This information may be taken from the submitted Lake Water Quality Management Plan.

Rehabilitation Plan

14. Prior to the sealing of survey plan for the first stage of development, complete rehabilitation works in accordance with Approved plans SH02, SH04, SH05 and SH03 (following amendments required by condition of this approval) of the Concept Rehabilitation Landscape Plan issue C dated July 2018 prepared by Greenscape Design. The rehabilitation specifics must be determined as part of an application for Operational Work.
15. Certification must be submitted to the Assessment Manager from a suitably qualified person which certifies that the development has been constructed in accordance with the approved rehabilitation plan.
16. Provide a safety-in-design assessment for the rehabilitation of proposed lots 200 & 201 and rehabilitate proposed lots 200 & 201 in accordance with Concept Rehabilitation Landscape Plan issue C dated July 2018 prior to constructing any stage between proposed lots 200, 201 & the Ring Road.

The rehabilitation specifics must be determined as part of an application for Operational Work.
17. Maintain the water quality in approved Lots 200 and 201 in accordance with Engeny Lake Water Quality management Plan dated October 2017 until the final stage is accepted "Off Maintenance".

18. Maintain fish passage connectivity in accordance with ESP *Aquatic Ecology Assessment* dated September 2017 until the final stage is accepted "Off Maintenance".
19. Natural surface water and groundwater hydrologic regimes of watercourses must be maintained in accordance with Section 3 'Water Balance Modelling' of the *Engeny Water Management Sienna Boulevard Development Lake Water Quality Management Plan* dated October 2017.

Weed Management

20. Upon lodgement of the first application for Operational Works, submit to the Assessment Manager for approval, a six (6) monthly Weed treatment plan. The treatment and management plan must cover all restricted invasive plant species as listed in Schedule 2 of the *Biosecurity Act 2014*, and any locally declared species in accordance with Local Law No. 3 Division 2.
21. Once approved, undertake weed treatment and management on the site, including the waterbody and approved Lots 201 and 200, in accordance with the Weed treatment plan in perpetuity, until the final stage is accepted "Off Maintenance".

Roadworks and Access

22. The new roads must be dedicated as road reserve.
23. At Stage A provide a short Channelised Right Turn (CHRs) and short Urban Auxiliary Left-turn Treatment (AULs) in Sienna Boulevard Street at the intersection adjacent to proposed Lots 1 and 3 in accordance with Main Roads Road Planning and Design Manual and, where applicable, Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
24. Intersection designs and speed restriction devices must be in accordance with Main Roads Road Planning and Design Manual and, where applicable, Austroads *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
25. Provide truncations to all street intersection types to a minimum of six (6) metre three (3) chord configuration. The truncation must be dedicated as road reserve.
26. Construct all new roads in accordance with the following requirements:
 - a. All roadways must be sealed with asphaltic concrete.
 - b. Provide concrete kerb and channelling on each side of all roadways to the relevant standard.
 - c. Roadways must comply with the standards specified in Table SC6.3.3.4.4.1 of the *planning scheme policy for development works – Residential Access* road with the road reserves widths generally in accordance with the approved plan;
 - d. Cul-de-sac bulbs must be provided with a minimum twenty (20) metre turning circle measured from the nominal kerb line; and
 - e. All constructed carriageways adjacent to or crossing Bundaberg Creek must be designed and constructed for Q100 ARI flood immunity.
27. Where the staged road layout does not allow a commercial (refuse) vehicle to manoeuvre within the roadway in a forward gear, provide a temporary sealed turn-around facility. The temporary turn-around facilities must be in accordance with an

Operational Works approval and provide a minimum twenty (20) metre turning circle, measured from the edge of the pavement.

New Street Names – All Stages

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

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

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

Accesses

30. The developer must provide accesses to proposed Lots 8, 10, 19, 21, 29, 76, 79, 97, 103, 108, 111, 116 & 119 that are:-
- a. Constructed and sealed to minimum 3 m width with asphalt, concrete, bitumen or approved pavers for full length of the handle abutted by concrete edge strips;
 - b. Provided with a 1.8 m high screen privacy fence to each boundary of the access strip, including provision of a 300mm wide concrete mower strip; and
 - c. Provided with conduits and / or services for water supply, underground power, storm water and telecommunications along the access strip;

Electricity, Street lighting and Telecommunications – All Stages

31. Provide underground electricity service to each proposed lot under standard tariff conditions and without further capital contributions by supplying all necessary materials, including structures and equipment, and performing all necessary works.
32. Prior to the submission of a Plan of Subdivision for approval, obtain from Ergon Energy a Certificate of Electrical Supply. Provide evidence of the certificate to Council as part of the Submission of the Plan of Subdivision.
33. Padmount transformers must be located within the road reserve fronting proposed or existing park or drainage reserves, unless otherwise agreed in writing by the Assessment Manager.
34. Street lighting to new roads, multi-modal pathways and intersections must be by way of provision of underground conduits and cables, poles and street lights. The

design and provision of street lighting must be in accordance with Australian Standard 1158:2005 with LED fixture and lighting category P4.

35. Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.
36. Telecommunication conduits (ducts) and pits, including trenching and design, must be provided to service the development in accordance with 'Fibre-Ready' standards or the NBN Co Installing Pit and Conduit Infrastructure - *Guidelines for Developers*, to the satisfaction of the Assessment Manager.

Land Dedication

37. Dedicate land shown on the Approved Plans as follows:
 - a. Land identified as road must be dedicated to the state as road;
 - b. At the time of submission of the plan of survey for the first stage, dedicate land noted on approved Plan GC16-026-P4 as "new road 1,311m²" to Council in trust as freehold in fee simple;
 - c. At Stage I, provide a minimum 5 metre road reserve/ pathway adjacent to Approved Lot 88 above and clear of the higher of the Q100 ARI or existing vegetation line; and
 - d. At the time of submission of the plan of survey to Council for endorsement for the final stage of the development, dedicate proposed lots 200 & 201 to Council as reserve for drainage and environmental management purposes as shown on the Approved plans.
38. The land area to be dedicated must be unencumbered by services such as pump stations, services easements or similar operational uses.

Easements

39. Lodge for registration at the office of the Land Registry the following easements:
 - a. a stormwater drainage easement in gross over proposed lots 200, 201 and the new road separating these lots with the lodgement of first survey plan to Council for endorsement;
 - b. 3 m wide water supply easement in gross over any water mains constructed outside of new road with each associated survey plan;
 - c. a sewerage easement having a minimum width of three (3) metres to the benefit of Council with the lodgement each associated survey plan that includes any sewerage main existing or proposed traversing the land located within the easement and a minimum of one (1) metre from the easement boundary;
 - d. stormwater drainage easement for inter-allotment drainage, or as applicable, having a minimum width of three (3) metres or as determined in an application for Operational Works, whichever is the greater, to the benefit of Council, with the lodgement of each associated survey plan;
 - e. where appropriate, a combined stormwater and sewerage easement having a minimum width of 3.5 metres to the benefit of Council with the lodgement of each associated survey plan that includes any sewerage and water mains

existing or proposed traversing the land located within the easement and a minimum of one (1) metre from the easement boundary; and

- f. 100 m wide buffer easement along the shared boundary of lots 2 on SP2019621 (subject site) and Lot 6 on SP182639 (land to the east) to be held in perpetuity until such time as the rural activity on Lot 6 ceases.

Note: Where easements with different purposes overlay, the minimum width is 3.5 m and the surveyed width must suit the specific instance.

40. Draft easement documentation must be submitted to the Assessment Manager for endorsement. A copy of Council's standard easement document may be obtained by contacting development@bundaberg.qld.gov.au.
41. 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.

Covenants

42. To deal with road noise impacts on the new lots in the development a covenant must be registered against the title of all proposed lots pursuant to Section 97A of the *Land Title Act 1994* - In order to meet the objectives of the David Moore & Associates Pty Ltd's Environmental Traffic Noise Study Report that stipulates that all lots must be developed with only low set, single storey dwellings. The covenant document and a survey plan must be submitted to the Assessment Manager for endorsement prior to lodgement with the relevant titles authority for registration of title. The covenant document must:
 - a. incorporate the requirements of this Decision Notice; and
 - b. include Bundaberg Regional Council as Covenantee.
43. If a provision included in the covenant document is requisitioned or refused registration by the relevant titles authority, a substitute provision must be included in the document which as nearly as practicable addresses the objective sought by the requisitioned or refused provision. The wording of the substitute provision must be agreed to by the Assessment Manager.
44. The obligations of the registered covenant/s must be complied with by the present land owner and all successors in title.

Landscaping

45. A landscape plan must be submitted to and approved by the Assessment Manager as part of the first application for Operational Works. The plan must be generally in accordance with the Approved Documents, have regard to the conditions of this approval and the approved Rehabilitation and Management Plan, 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 if appropriate;
- j. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device
- k. Location of any drainage, sewerage and other underground services and any overhead power lines;
- l. Property boundary garden/landscape bed edge walls must be provided with sleeper or equivalent retaining walls to contain the garden material within the site.
- m. A continuous one (1) metre wide screening buffer must be planted in front of the acoustic barrier for its entire length. The works must incorporate sufficient plant foliage to soften its appearance and break its linear nature.
- n. Street trees within the road reserve, including rehabilitation planting where intersecting with road reserves.
- o. Detail of how the proposed internal footpath network will connect to the external Multi-modal pathway network.

Once approved, the Landscape Plan will form part of the Approved Plans for this development.

45. Complete landscaping shown on the endorsed plans and maintain all landscape works in accordance with the approved design for the life of the development.

PART 1B – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Register No: 331.2013.542.1) applicable to the approved development.

Rates and Charges

- B. 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 Council.

Water Supply

- C. A 100 mm main is anticipated to service proposed lots 37 to 48 terminating with a hydrant at the east boundary of Approved Lot 33 as residential services on a 300 mm main needs to be minimised.
- D. A 150 mm main between Approved Lots 3 & 101 via proposed lot 25 is anticipated.

Stormwater

- E. Where new lots fall into land or receive runoff from land that is not controlled by Council for drainage purposes, inter-allotment drainage within the low side of the high lot in accordance with QUDM is anticipated.

Roadwork

- F. The conditioned intersection work between Approved Lots 1 & 3 may require Approved Lots 1 & 2 to be amended, which may be considered generally in accordance with the Approved plan.

Acid Sulphate Soils Overlay

- H. Each stage is subject to Council's acid sulphate soils overlay. The first Operational work stage should include the results of an investigation into which, if any, stages will need to have management plans in place for acid sulphate soils.

Environmental Protection

- I. Each stage may contain protected species and vegetation under the *Environment Protection and Biodiversity Conservation Act* and *Nature Conservation Act*. The first application for Operational work should include the results of an investigation into which, if any, stages will need to have management plans or approvals in place for protected species ie Wedge-leafed tuckeroo.

Operational Work

- J. The following conditions list the requirements to obtain a Development Approval for Operational works for this development. The conditions promulgate the necessity to have plans prepared and certified by engineers that are registered with the Board of Professional Engineers of Queensland.
- Plans and specifications for Operational Work must be prepared and certified by a Professional Engineer registered with the Board of Professional Engineers of Queensland;
 - Prior to both commencement of use and endorsement of a plan of subdivision specifications for Operational Work must be approved by Council;
 - Prior to both commencement of use and endorsement of a Plan of subdivision Operational Work must be certified by an Engineer registered with the Board of Professional Engineers of Queensland;
 - An Engineer registered with the Board of Professional Engineers of Queensland must supervise the Operational Works.
- K. Water and sewerage connection to Council infrastructure will not be granted until approval is issued from Service Provider. An application for water connection for each stage of development is to be made to the Service Provider through Council's Service Centres. Water & Wastewater Operations & Reticulation section requires

a site plan showing location and extent of work to be completed by Council on A3 size to be provided with the application.

Watercourse

- L. This approval does not represent approval for any works within a watercourse. It is recommended that the Applicant ensure relevant permits from State agencies are obtained before works commence.

PART 1C – PROPERTY NOTES

Acoustic amenity

- P1. Development Approval: 321.2011.33400.1 - The following property note will be included on all new lots in the development:

“The land is situated in a State Controlled Road Corridor Buffer (Bundaberg Ring Road). Any development must be built in accordance with David Moore and Associates Pty Ltd Environmental Traffic Noise Level Study Report and Queensland Development Code MP4.4 Buildings in a Transport Noise Corridor. This lot may be subject to a covenant restricting building height.”

Driveways

- P2. Development Approval 321.2011.33400.1 – Driveways

The following notation applies to all approved Lots:

The driveway to the Lot:

- must be built to the standard specified in the *planning scheme policy for development works – driveways and access to developments*.
- must be constructed in accordance with Council’s Policy FM-7-003 *Application to carry out works in, on, over or under Council owned and maintained property*.

For further information please contact the Engineering Services Technical Officer for your area to obtain guidance on the appropriate driveway for the property.

Major Electricity Infrastructure Buffer

- P3. Development Approval: 321.2011.33400.1 - The following property note will be included on proposed lots 119, 125 to 137 inclusive:

- “This land is affected by the Major Electricity Infrastructure Buffer (Exceeding 274kV) at Bundaberg Ring Road. Future development may trigger additional assessment under the Planning Scheme.”

PART 2—CONCURRENCE AGENCY CONDITIONS

The Queensland Department of Transport and Main Roads, by letter dated 07 November 2017 (copy letter attached for information).

Seconded by Cr JA Peters.

The motion was put - and carried unanimously.



Minutes

11 December 2018

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

Portfolio:

Community & Environment

Subject:

Waste and Recycling Services - Fees and Charges 2018/2019

2274

Resolution

Cr SA Rowleson presented the report; and moved:-

That Councils Fees and Charges Schedule 2018/2019 be amended to change the following fee:

Mulch – Commercial (loads greater than 10 m³) \$9.50 per cubic metre.

to

Mulch – Commercial (loads greater than 10 m³) \$7.00 per cubic metre.

Seconded by Cr WA Honor.

The motion was put - and carried unanimously.



Minutes

11 December 2018

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

Portfolio:

Community & Environment

Subject:

Arts & Culture Strategy

2275

Resolution

Cr JA Peters presented the report; and moved:-

That the Arts & Culture Strategy (as appended to this report) be adopted by Council.

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
P1	TEN/0265	ENVIRONMENT & NATURAL RESOURCES

Portfolio:

Community & Environment

Subject:

Sole Supplier Arrangement with Surf Lifesaving Queensland

2276

Resolution

Cr SR Cooper presented the report; and moved:-

That

- a) Council enter into an arrangement with Surf lifesaving Queensland (ABN 27 360 485 381) for the provision of Lifeguard Services & Public Safety Initiatives, without first inviting tenders pursuant to Section 235(a) of the *Local Government Regulation 2012*; and
- b) the above arrangement be made to 30 June 2020.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



Minutes

11 December 2018

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

Portfolio:

Executive Services

Subject:

Bundaberg Regional Council - Intelligent Community Strategy

2277

Resolution

Cr JM Dempsey presented the report; and moved:-

That Council adopt the Bundaberg Intelligent Community Strategy (as appended to this report).

Seconded by Cr HL Blackburn.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number: V1	File Number: .	Part: General Business
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Subject:

Formal affiliation with ADV Cape Inscription

2278**Resolution**

Cr JM Dempsey moved:-

That Council agree to a formal affiliation with ADV Cape Inscription, including Freedom of Entry to the Region, and the Chief Executive Officer engage with the Royal Australian Navy to finalise the agreement.

Seconded by Cr HL Blackburn - 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 3 items which are considered confidential in accordance with Section 275.

Resolution

Cr WA Honor moved:-

That the meeting be closed to the public – and discussion on the following 3 items be held in Committee:

- T1 Request for Water Leak Relief - Lot 3 on RP88260**
- T2 Request to Permanently Waive Rates - Lot 2 on RP93240**
- T3 Isis Outside School Hours Care Review of Operations**

Seconded by Cr WR Trevor - and carried unanimously.

Meeting closed to the public at 11.25 am.

Resolution

Cr JM Dempsey moved:-

That the meeting now be reopened.

Seconded by Cr WA Honor - and carried unanimously.

Meeting reopened to the public at 11.33 am.



Minutes

11 December 2018

Item Number: T1	File Number: A3906866	Part: CONFIDENTIAL
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Portfolio:

Organisational Services

Subject:

Request for Water Leak Relief - Lot 3 on RP88260

Confidential Reason:

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

2279

Resolution

Cr JM Dempsey moved:-

That in view of the exceptional circumstances in regard to the water consumption charges at Lot 3 on RP88260 and in terms of section 120 of the *Local Government Regulation 2012*, Council provide relief of \$1,535.20 to reduce the water consumption charges to a level consistent with the normal water use applicable to the property.

Seconded by Cr GR Barnes.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number:	File Number:	Part:
T2	A3900326	CONFIDENTIAL

Portfolio:

Organisational Services

Subject:

Request to Permanently Waive Rates - Lot 2 on RP93240

Confidential Reason:

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

2280

Resolution

Cr JM Dempsey moved:-

That in view of the circumstances in regard to the request to waive rates and charges for Lot 2 on RP932405, Council is unable to support the request.

Seconded by Cr SA Rowleson.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number: T3	File Number: .	Part: CONFIDENTIAL
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Portfolio:

Community & Environment

Subject:

Isis Outside School Hours Care Review of Operations

Confidential Reason:

Local Government Regulation 2012 Section 275(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

2281

Resolution

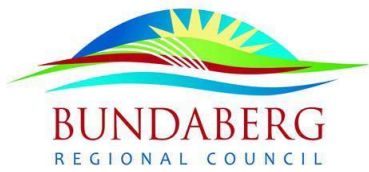
Cr JM Dempsey moved:-

That due to the availability of alternate services now being available, Council:-

- 1. cease operations of the Childers Outside School Hours Care service effective from 25 January 2019;**
- 2. authorise the Chief Executive Officer to advise existing families that the after school care program and vacation care will cease operations on 25 January 2019.**

Seconded by Cr JA Peters.

The motion was put - and carried unanimously.



Minutes

11 December 2018

Item Number: V2	File Number:	Part: Meeting Close
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Subject:

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.38 am.

Confirmed on 29 January 2019.

Mayor