

## Ordinary Meeting Minutes

12 December, 2017

10.00 am

Council Chambers, Bundaberg

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### **Present:**

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

### **Apologies:**

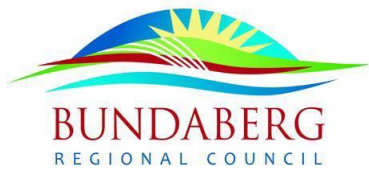
Moved by Cr HL Blackburn, seconded by Cr GR Barnes That Cr WA Honor's and Cr PR Heuser's respective apologies for today's Meeting be accepted. – Carried unanimously.

### **Officers:**

Mr SD Johnston, Chief Executive Officer  
Mr SJ Randle, General Manager Infrastructure  
Mr GJ Steele, General Manager Community & Environment  
Mr AJ Keleher, Acting General Manager Organisational Services  
Miss NK Launchbury, Senior Executive Assistant  
Mrs WE Saunders, Executive Services Co-ordinator

### **Invocation:**

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



## Minutes

12 December 2017

<b>Item Number:</b> B1	<b>File Number:</b>	<b>Part:</b> Minutes
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**Subject:**

Confirmation of Minutes

2055

**Resolution**

Cr SA Rowleson moved:-

**That the minutes of the Ordinary Meeting of Council held on 21 November 2017, be taken as read and confirmed.**

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



## Minutes

12 December 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
D1		EXECUTIVE SERVICES

**Portfolio:**

Executive Services

**Subject:**

Frequency and Place of Council Meetings

2056

**Resolution**

Cr JM Dempsey presented the report; and moved:-

**That the first Council Meeting for 2018 be held on Tuesday, 30 January 2018, commencing at 10.00 am, and every fourth Tuesday thereafter (or as determined by Council).**

**Further, that Council Meetings be held outside of Council's Public Office on:-**

- **24 April 2018 - in Childers; and**
- **18 September 2018 - in Gin Gin.**

Seconded by Cr HL Blackburn.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b> D2	<b>File Number:</b>	<b>Part:</b> EXECUTIVE SERVICES
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**Portfolio:**

Executive Services

**Subject:**

Appointment of Acting Deputy Chair to Local Disaster Management Group

**2057**

**Resolution**

Cr JM Dempsey presented the report; and moved:-

**That Cr JP Bartels be appointed as Council's Representative on the Local Disaster Management Group as Acting Deputy Chair.**

Seconded by Cr GR Barnes.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b> E1	<b>File Number:</b> .	<b>Part:</b> FINANCE
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**Portfolio:**

Organisational Services

**Subject:**

Financial Summary as at 22 November 2017

**2058**

**Resolution**

Cr JM Dempsey presented the report; and moved:-

**That the Financial Summary as at 22 November 2017** (as detailed on the 13 pages appended to this report) – **be noted by Council.**

Seconded by Cr WR Trevor.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b> F1	<b>File Number:</b> GP-3-097	<b>Part:</b> GOVERNANCE & COMMUNICATIONS
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**Portfolio:**

Organisational Services

**Subject:**

Amendment to Alcohol and Drug Policy

2059

**Resolution**

Cr HL Blackburn presented the report; and moved:-

**That the revised Alcohol and Drug Policy (GP-3-097), (as detailed on the 13 pages appended to this report), be adopted by Council.**

Seconded by Cr SA Rowleson.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b> F2	<b>File Number:</b> RG-1-002	<b>Part:</b> GOVERNANCE & COMMUNICATIONS
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**Portfolio:**

Organisational Services

**Subject:**

Delegations Register Update - Council to Chief Executive Officer

2060

**Resolution**

Cr HL Blackburn presented the report; and moved:-

**That the Chief Executive Officer be delegated the authority to deal with matters in accordance with the “Register of Delegations – Bundaberg Regional Council to the Chief Executive Officer” (as detailed on the 204 pages appended to this report).**

Seconded by Cr GR Barnes.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b> F3	<b>File Number:</b> .	<b>Part:</b> GOVERNANCE & COMMUNICATIONS
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**Portfolio:**

Organisational Services

**Subject:**

Council Policy Update

2061

**Resolution**

Cr HL Blackburn presented the report; and moved:-

**That the:-**

- 1. Councillor's Confidentiality of Council Information Policy** (as detailed on the 6 pages appended to this report);
- 2. Reimbursement of Expenses and Provision of Facilities for Councillors Policy** (as detailed on the 11 pages appended to this report); and
- 3. Water Leak Relief Policy** (as detailed on the 6 pages appended to this report);

**– be adopted by Council.**

Seconded by Cr JA Peters.

There being no discussion on this item - the Motion was put - and carried unanimously.





## Minutes

12 December 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
J1	LP/	PLANNING

**Portfolio:**

Planning & Development Services

**Subject:**

Second Review of Bundaberg Open for Development 2016 Infrastructure Charges Incentives Scheme

**2062**

**Resolution**

Cr CR Sommerfeld presented the report; and moved:-

**That the Bundaberg Open for Development 2016 Infrastructure Charges Incentives Scheme be amended as follows:-**

- (a) The closing date for applications for the incentives be extended to 29 June 2018;**
- (b) The completion date for any eligible applications for incentives that are received after 22 December 2017 be extended to 28 June 2019.**

Seconded by Cr HL Blackburn.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
J2	qA1021307	PLANNING

**Portfolio:**

Planning &amp; Development Services

**Subject:**

Local Government Infrastructure Plan (LGIP) Amendment

2063

**Resolution**

Cr CR Sommerfeld presented the report; and moved:-

**That pursuant to the repealed *Sustainable Planning Act 2009* and the Statutory Guideline for Making and Amending Local Planning Instruments, Council:-**

- (a) respond to submissions to the proposed Local Government Infrastructure Plan (LGIP) amendment as detailed in Table 1 of the report;**
- (b) proceed with the proposed LGIP amendment with changes as detailed in Table 1 of the report;**
- (c) reasonably believes that the changes made to the proposed LGIP amendment do not result in the proposed LGIP amendment being significantly different to the version released for public consultation;**
- (d) update the LGIP checklist in accordance with the statutory guideline for LGIPs to reflect the changes made to the proposed LGIP; and**
- (e) (following the second compliance check and after receiving the completed checklist and written statement from the appointed reviewer), write to the Minister for Infrastructure and Planning seeking approval to adopt the proposed LGIP amendment.**

Seconded by Cr SA Rowleson.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
J3	fA60954	PLANNING

**Portfolio:**

Planning & Development Services

**Subject:**

Resolution to designate Flood Hazard Areas

2064

**Resolution**

Cr CR Sommerfeld presented the report; and moved:-

**That effective from 20 December 2017, and under Section 13 of the Building Regulation 2006, Council declare:-**

- 1. flood hazard areas for the Bundaberg Region as identified in the Flood Hazard Area Maps contained in the Hazard Evaluation Report – Flood (December 2017, Revision 4.0);**
- 2. 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.**

**This resolution replaces flood hazard areas previously declared by Council, including Council's resolution of 16 May 2017 (Item G1).**

Seconded by Cr WR Trevor.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K1	321.2017.48344.1	DEVELOPMENT ASSESSMENT

### Portfolio:

Planning & Development Services

### Subject:

19 Rubyanna Road, Kalkie - Development Permit for Reconfiguring of a Lot (One Lot into Two Lots)

### Summary:

<b>APPLICATION NO</b>	321.2017.48344.1
<b>PROPOSAL</b>	Reconfiguring a Lot for Subdivision (One Lot into Two Lots)
<b>APPLICANT</b>	AR Modolo & AE Modolo
<b>OWNER</b>	GJ Wondrock & BF Wondrock
<b>PROPERTY DESCRIPTION</b>	Lot 1 RP147273
<b>ADDRESS</b>	19 Rubyanna Road, Kalkie
<b>PLANNING SCHEME</b>	Bundaberg Regional Council Planning Scheme 2015
<b>ZONING</b>	Rural Zone
<b>OVERLAYS</b>	Flood hazard, Biodiversity, Agricultural land, Acid sulphate soils, Airport and aviation facilities
<b>LEVEL OF ASSESSMENT</b>	Impact
<b>SITE AREA</b>	7.743 ha
<b>CURRENT USE</b>	Dwelling house and cattle grazing
<b>PROPERLY MADE DATE</b>	28 June 2017
<b>STATUS</b>	The 20 business day decision period ended on 9 October 2017
<b>REFERRAL AGENCIES</b>	Nil
<b>NO OF SUBMITTERS</b>	None
<b>PREVIOUS APPROVALS</b>	Nil
<b>SITE INSPECTION CONDUCTED</b>	20 July 2017
<b>LEVEL OF DELEGATION</b>	Level 3

2065

### Resolution

Cr CR Sommerfeld presented the report; and moved:-

**That as:-**

1. The rural residential allotments created from this development, are of a size and configuration that make them suitable for urban intensification into the future when demand and infrastructure servicing is available;
2. The rural residential allotments created from this development provide an infrastructure charges contribution for Council to invest in its new infrastructure program for this locality;
3. The subject land is already utilised as a rural residential lifestyle lot and is no longer utilised for agricultural activities. The proposal does not remove active agricultural land for ongoing rural activity; and
4. The rural residential allotments created from this development will have a negligible impact on the rural activities occurring on adjoining land, through the use of vegetated buffering (existing or proposed);
5. The land is included in the Urban Footprint of the Wide Bay Burnett Regional Plan;

**Development Application 321.2017.48344.1 be determined as follows:**

**DESCRIPTION OF PROPOSAL**

Development Permit for Reconfiguring a Lot (One Lot into Two Lots)

**SUBJECT SITE**

19 Rubyanna Road, Kalkie, Lot 1 on RP147273

**DESCRIPTION OF PROPOSAL**

Reconfiguring a Lot for Subdivision (One Lot into Two Lots)

**DECISION**

- Approved in full subject to conditions

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

**1. DETAILS OF APPROVAL**

The following approvals are given:

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

**Deemed Approval**

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

**2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME**

Not Applicable.

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

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

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

**4. CODES FOR SELF ASSESSABLE DEVELOPMENT**

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

The relevant codes identified in the:

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

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

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**

There were no submissions received for the application.

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

The assessment manager does consider that the assessment manager’s decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p><b>Bundaberg Regional Council Planning Scheme 2015.</b></p> <ul style="list-style-type: none"> <li>-Rural Zone code</li> <li>-Strategic Intent</li> <li>-Strategic Outcomes</li> <li>-Kalkie-Ashfield development area</li> </ul>	<p>The rural residential allotments created from this development, are of a size and configuration that make them suitable for urban intensification into the future when demand and infrastructure servicing is available.</p>

<p>-Reconfiguring a lot code.</p>	<p>The rural residential allotments created from this development provide an infrastructure charges contribution for Council to invest in its new infrastructure program for this locality.</p> <p>The subject land is already utilised as a rural residential lifestyle lot and is no longer utilised for agricultural activities. The proposal does not remove active agricultural land for ongoing rural activity.</p> <p>The rural residential allotments created from this development will have a negligible impact on the rural activities occurring on adjoining land, through the use of vegetated buffering (existing or proposed).</p>
<p><b>Wide Bay Burnett Regional Plan</b> – Urban Footprint</p>	<p>Commentary as above for Planning Scheme for Bundaberg Region Council Planning scheme 2015</p>

**8. REFERRAL AGENCY**

Not Applicable

**9. APPROVED PLANS**

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

Plan/Document number	Plan/Document name	Date
GC17-140-P1 Sheet 1 of 2	Plan of Proposed Lot Reconfiguration	June 2017
GC17-140-P1 Sheet 2 of 2	Flood Hazard Area Plan	June 2017

**10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED**

Pursuant to Section 341 of the *Sustainable Planning Act 2009*, this approval will lapse two (2) years from the date that the approval takes effect unless the relevant period is extended pursuant to Section 383.

**11. REFUSAL DETAILS**

Not Applicable

**12. CONDITIONS ABOUT INFRASTRUCTURE**

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

Condition/s	Provision under which the Condition was imposed
18	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

**SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER****PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER****General**

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

**Amended Plan**

4. Submit to and have approved by the Assessment Manager amended plans which incorporate the following:
  - a. Proposed buffer/ easements
  - b. Building envelopeOnce approved, the amended plans will form part of the Approved Plans for this development.

**Buffer**

5. Provide at time of sealing the survey plan, a copy of the document for an easement of 100m width on Lot 19 to the boundaries common with Lots 20 (where intersecting the adjoining lot to the west, 40m is appropriate) for the purpose of excluding rural activities. This easement document should include in its Schedule Form 20 the following:

The Owner shall not at any time:-

- a. cultivate the easement;
- b. intensify any agricultural activity on the easement;
- c. carry on any feedlot activity on the easement;
- d. introduce any non-native vegetation on or to the easement; and

The owner shall at all times:-

- a. Limit generation of dust, particularly generated by the use of machinery (other than for any driveway or for bushfire or fence management practices).

The easement must be registered before, or at the same time as the subdivision plan for this development is registered.



## Electricity, Street lighting and Telecommunications

6. Enter into an agreement with an approved electricity provider, to ensure that underground electricity (and existing overhead where practical) will be available to each lot under standard tariff conditions and without further capital contributions. Provide evidence of such an agreement, along with associated bonding arrangements, to the Assessment Manager prior to the approval of the Plan of Subdivision.
7. 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.
8. Telecommunication conduits (ducts) and pits, including trenching and design, must be provided to service the development in accordance with 'Fibre-Ready' standards or the NBN Co Installing Pit and Conduit Infrastructure - *Guidelines for Developers*, to the satisfaction of the Assessment Manager.

## Existing Services and Structures

9. Ensure all existing and proposed utility services and connections (eg. Electricity and telecommunications) are wholly located within the lot they serve.
10. All existing effluent disposal areas must be wholly located within the lot they serve and comply with the boundary setback requirements of the *Plumbing and Drainage Act 2002* and associated codes and requirements.
11. Certification must be submitted to the Assessment Manager from an appropriately qualified surveyor which certifies that:
  - a. the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice;
  - b. all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement;
  - c. all existing and proposed utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible;
  - d. all existing effluent disposal areas are wholly located within the lot they serve and comply with the boundary setback requirements of *the Plumbing and Drainage Act 2002* and associated codes and requirements;
  - e. all dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot;
  - f. all retaining walls and structures are fully contained within the lot they retain; and
  - g. any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.

## Easements

12. Lodge for registration at the office of the Land Registry the following easement:
  - a. a stormwater drainage easement having a minimum width of three (3) metres within proposed Lot 19 on the southern (rear) boundary of Lot 20. The stormwater easement must:
    - i. for Drainage purpose;
    - ii. use the Bundaberg Regional Council's standard format;
    - iii. nominate the dominant tenement as Lot 20; and
    - iv. must include the Further Assurances clause concerning the passage or conveyance of rainwater through the owner's land
13. Draft easement documentation must be submitted to the Assessment Manager for endorsement.
14. Ensure that any easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plan/s 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.

## Rural Numbering

15. For any new lot that does not have rural numbering:
  - a. provide rural numbering in the location nominated by The Assessment Manager in accordance with The Assessment Manager's adopted rural numbering system using AS/NZ4819:2003 Geographic Information – Rural and Urban Addressing; and
  - b. remove all rural numbers made superfluous by this approval.

## Roadworks and Access (Driveways)

16. Driveways to proposed lots 19 and 20 must comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments*. The specific requirements must be determined as part of the Operational Works application.

## Earthworks

17. Any material removed from site must comply with the *Environmental Protection (Waste Management) Regulation 2000* and Bundaberg Regional Council's waste disposal procedures.

## Sewerage

18. Provide an on-site sewerage facility that is designed, constructed, operated and maintained in accordance with the Queensland Plumbing and Wastewater Code and Australian Standard AS 1547-2000 under the Plumbing and Drainage Act 2002. Wastewater must be treated to a minimum secondary standard.

**PART 1B – ADVICE NOTES****Infrastructure Charges Notice**

- A. Please find attached the Infrastructure Charges Notice (Ref No: 331.2017.952.1) applicable to the approved development.

**Rates and Charges**

- B. In accordance with the Sustainable Planning Act 2009, 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.

**PART 1C – PROPERTY NOTES****PN1 Development Approval 321.2017.48344.1– Driveways**

The following notation applies to approved Lot 20

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*.
- is used to provide the rural number (property address number). Please refer to Bundaberg Regional Council Policy FM-7-115 *Rural Number Application* for information on how to obtain a rural number for 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.

**PN2 Development Approval 321.2017.48344.1– Driveways**

The following notation applies to approved Lot 20

The location of the driveway is used to provide the rural number to the Lot (property address number). Please refer to Bundaberg Regional Council Policy FM-7-115 *Rural Number Application* for information on how to obtain a rural number for property.

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

PN3 Development Approval 321.2015. 43354.1 – Sewerage

The following notation applies to approved Lots 20

This property is not serviced by the Council's reticulated sewerage network. Any future residential dwelling on Lots 21 and 22 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'.

Seconded by Cr JA Peters.

There being no discussion on this item - the Motion was put - and carried unanimously.

It being noted that the Planning Officers had recommended:-

***That Development Application 321.2017.48344.1 be determined as follows:***

**DESCRIPTION OF PROPOSAL**

*Development Permit for Reconfiguring a Lot (One Lot into Two Lots)*

**SUBJECT SITE**

*19 Rubyanna Road, Kalkie, Lot 1 on RP147273*

**DECISION**

*Refused*

**1. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME**

*Not Applicable.*

**2. SUBMISSIONS**

*There were no submissions received for the application.*

**3. 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.*

**4. REFERRAL AGENCY**

*Not Applicable*

## 5. REFUSAL DETAILS

### *Direction to refuse*

- The Assessment Manager was not directed to refuse the application by a concurrence agency*

### **Reasons for Refusal**

1. *The proposed development is in conflict with the Bundaberg Region Planning Scheme, specifically the:
  - a. *Purpose and Overall Outcomes Kalkie-Ashfield local development area local plan including its inclusion within the Rural and landscape protection area;*
  - b. *Rural Zone Code, including the Purpose and Overall Outcomes and Performance Outcomes PO1, PO2, PO3, PO6, PO8, PO11 and PO13;*
  - c. *Reconfiguring a Lot Code, including the Purpose, Overall Outcomes and Performance Outcomes PO1, PO2, PO3, PO12, specifically noting the minimising of further fragmentation to Rural zoned land;*
  - d. *Agricultural land overlay code, including the Purpose, Overall Outcomes and Performance Outcomes PO1, PO3 and PO4;*
  - e. *Specific Outcomes of Element 3 of the Strategic Framework (i), (iii), (v), (ix);*
  - f. *Specific Outcomes of Element 4 of the Strategic Framework;**
2. *The applicant has not demonstrated an overriding need for the proposed development in the location, given the availability of appropriately zoned land elsewhere in the Planning Scheme area.*
3. *An irregular lot layout allows for an inappropriate interface allowing for a conflict between existing rural use activities and proposed/ resultant adjoining sensitive residential uses (with no mitigation measures suggested).*
4. *The proposed development is completely outside the priority infrastructure area and is inconsistent with the assumptions about the type, scale, location or timing of future development in the priority infrastructure plan.*
5. *The development cannot be reasonably conditioned to comply with the Bundaberg Region Planning Scheme 2015 and associated instruments.*
6. *There are insufficient planning grounds to support the development despite its identified conflicts with the applicable planning instruments.*

**However, Council has not accepted this recommendation.**



## Minutes

12 December 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K2	325.2006.50477.2	DEVELOPMENT ASSESSMENT

### Portfolio:

Planning & Development Services

### Subject:

Moore Park Road & Gengers Road, Moore Park Beach - Development Application – Seeking Preliminary Approval for a Material Change of Use overriding the planning scheme for Residential A type development and a Development Permit for Reconfiguring a Lot (2 into 84 lots) in 5 Stages

### Summary:

<b>APPLICATION NO</b>	325.2006.50477.2
<b>PROPOSAL</b>	Preliminary Approval for a Material Change of Use overriding the planning scheme for Residential A type development and a Development Permit for Reconfiguring a Lot (2 into 84 lots) in 5 Stages.
<b>APPLICANT</b>	Bundaberg Sugar Ltd C/- InsiteSJC Pty Ltd
<b>OWNER</b>	Bundaberg Sugar Ltd
<b>PROPERTY DESCRIPTION</b>	Lot 2 on RP130787, and Lot 20 on RP46710
<b>ADDRESS</b>	Moore Park Road and Gengers Road, Moore Park Beach
<b>PLANNING SCHEME</b>	Gooburrum Shire Planning Scheme (now superseded)
<b>ZONING</b>	Rural Zone
<b>OVERLAYS</b>	Not applicable
<b>LEVEL OF ASSESSMENT</b>	Impact
<b>SITE AREA</b>	247.25 hectares (Lot 2) and 8.029 hectares (Lot 20)
<b>CURRENT USE</b>	Vacant rural land
<b>PROPERLY MADE DATE</b>	Change request deemed to be a properly made request on 16 February 2017
<b>STATUS</b>	The 20 business day decision period ended on 17 November 2017
<b>REFERRAL AGENCIES</b>	Department of Infrastructure, Local Government and Planning (former Referral Agency Department of Main Roads; former Referral Agency Department of Natural Resources, Mines and Water; former Referral Agency Environmental Protection Agency; and former Referral Agency Queensland Transport)
<b>NO OF SUBMITTERS</b>	Current change application five (5); past change application (in 2009) eleven (11)
<b>PREVIOUS APPROVALS</b>	Not applicable
<b>SITE INSPECTION CONDUCTED</b>	Multiple site inspections during period from 2006 -2017
<b>LEVEL OF DELEGATION</b>	Level 3

2066

**Resolution**

Cr CR Sommerfeld presented the report; and moved:-

**That Development Application 325.2006.50477.2 be determined as follows:**

**DESCRIPTION OF PROPOSAL**

Preliminary Approval for a Material Change of Use, including a component under s3.1.6 of the *Integrated Planning Act 1997* overriding the Bundaberg Regional Council Planning Scheme 2015, for 82 low density residential lots and a Development Permit for Reconfiguring a Lot (2 lots into 84 lots).

**SUBJECT SITE**

Moore Park Road and Gengers Road, Moore Park Beach, Lot 2 on RP130787, and Lot 20 on RP46710

**DECISION**

Approved in full

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

**1. DETAILS OF APPROVAL**

The following approvals are given:	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, or a preliminary approval to which section 3.1.6 of IPA applies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reconfiguring a lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME**

A preliminary approval to which Section 3.5.5A of the Integrated Planning Act 1997 applies is given and the assessment manager has approved a **variation to the local planning instruments**:

Local Planning Instrument	Variation Approved
Bundaberg Regional Council Planning Scheme 2015	<p>The preliminary approval varies the effect of the Planning Scheme in the following way:</p> <ul style="list-style-type: none"> <li>a) Table 5.4.17 (Categories of development and assessment – Material Change of Use) for the Rural Zone is suspended and Table 5.4.1 (Categories of development and assessment – Material Change of Use) for the Low Density Residential zone applies to future development on proposed Lots 1 to 82 (inclusive) instead;</li> <li>b) The application of Table 5.5.1 (Categories of development and assessment – Reconfiguring a Lot) is modified so that the Low density residential zone provisions apply instead of the Rural zone provisions for future development on proposed Lots 1 to 82 (inclusive);</li> <li>c) Section 5.9 Categories of development and assessment – Overlays does not apply to the future development of a dwelling house on proposed lots 1 to 82 inclusive, subject to the reconfiguration of a lot component of this approval being completed in accordance with the conditions of this approval;</li> <li>d) PO1, PO2, AO1.1, AO1.2 and AO2 of the Dwelling house code are suspended and are not alternate provisions to the QDC MP1.2 for any building works for a Dwelling House on proposed Lots 1 to 82 inclusive;</li> <li>e) PO4(g) and PO12 of the Reconfiguring a Lot Code do not apply to any reconfiguration of a lot development to create low density residential lots (proposed lots 1 to 82 inclusive) under this approval; and</li> <li>f) The application of Table 9.3.4.3.2 (Minimum lot size and dimensions) is modified so that the Low density residential zone provisions (for land that is not in a sewerred area) apply instead of the Rural zone provisions for reconfiguration of a lot development to create low density residential lots (proposed lots 1 to 82 inclusive) under this approval.</li> </ul>

**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:

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



## 5. SUBMISSIONS

There were 16 submissions received for the application. The name and address of the principal submitter for each properly made submission are as follows:-

Name of principal submitter - 2009	Address
B Moorhead F & N Foschi L Clark A Dotto E Hurst	117 Esplanade, Bargara, 4670 11 Gengers Road, Moore Park Beach, 4670 1/41 Kentia Avenue, Moore Park Beach, 4670 264 Dahl's Road, Bundaberg, 4670 12 Kindt Street, Moore Park Beach, 4670
Name of principal submitter - 2017	Address
B Moorhead Wildlife Preservation Society A Jarman Wide Bay Conservation Council Inc. Dr Chris Barnes W & D Stack and R Burns A & P Kent T Dotto R Bromwich M Schmitt K Brignell & LG Campbell-Butler	117 Esplanade, Bargara, 4670 PO Box 1215, Bundaberg, 4670 10 Cossart Crescent, Bargara, 4670 PO Nox 694, Maryborough, 4650 1 Rosewood Place, Bundaberg, 4670 7 Stormpetrel Court, Moore Park Beach, 4670 21/111-139 Coburns Road, Brookfield, 3338 264 Dahl's Road, Bundaberg, 4670 PO Box 827, Bundaberg, 4670 134 Blairs Road, Sharon, 4670 69 Norton Road, Moore Park Beach, 4670

## 6. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument.

Relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
Superseded Transitional Planning Scheme for the former Gooburrum Shire (Burnett Northern area) (1981).  The Burnett Shire Land Use Strategic Plan (1997).  The Bundaberg Regional Council Planning Scheme 2015.  State Planning Policy 1/92	<ul style="list-style-type: none"> <li>a) The residential development is well positioned, adjoining an existing urban area at the entry to the Moore Park Beach village;</li> <li>b) Appropriate standards of infrastructure (including reticulated water) can be conditioned to be provided to service the development;</li> <li>c) Provision of upgraded urban infrastructure to service the development (specifically reticulated water) is likely to provide improved servicing to the existing residents of the village; and</li> <li>d) The residential development footprint is supported by the Moore Park Development Control Plan, which was a relevant instrument at the time of lodgment.</li> <li>e) The dedication of Lot 20 on RP46710 for conservation and environmental purposes provides a community benefit;</li> <li>f) The development approval has been conditioned by State and Local Government agencies to ensure that environmental values are not compromised;</li> <li>g) The development approval secures drainage easements over existing drainage corridors;</li> <li>h) The residential development footprint is not suitable for rural activities and the development does not prejudice rural activities on nearby land;</li> </ul>

	i) Earthworks associated with the development will result in non-worsening of the drainage and flood characteristics of the development land and surrounding land.
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**6. REFERRAL AGENCIES**

This application -

**triggered** referral coordination -

under s 3.3.5(1)(a) of IPA with respect to the application involving 3 or more concurrence agencies; and

under s 3.3.5(1)(c) of IPA as all or part of the application seeks a preliminary approval to override the local planning instrument under section 3.1.6

The referral agencies for this application identified within the Integrated Planning Regulation (IPR) are:

	For application involving...	Name of referral agency	Status	
<input checked="" type="checkbox"/>	For State-controlled road matters	Department of Infrastructure, Local Government and Planning  (Former Referral Agency Department of Main Roads)	Concurrence	
<input checked="" type="checkbox"/>	<u>Material change of use (assessable against a planning scheme) or reconfiguration of a lot</u> containing remnant vegetation as defined under the Vegetation Management Act 1999	Department of Infrastructure, Local Government and Planning (Bundaberg)	Concurrence	State Assessment and Referral Agency (SARA)  E: WBBSARA@dilgp.qld.gov.au  P: PO Box 979 Bundaberg Qld 4670
<input checked="" type="checkbox"/>	For acid sulphate soils matters	Department of Infrastructure, Local Government and Planning  (Former Referral Agency Department of Natural Resources, Mines and Water (Bundaberg))	Advice	State Assessment and Referral Agency (SARA)  E: WBBSARA@dilgp.qld.gov.au  P: PO Box 979 Bundaberg Qld 4670
<input checked="" type="checkbox"/>	For applications & referrals relating to heritage, coastal and ERAs	Department of Infrastructure, Local Government and Planning	Concurrence	State Assessment and Referral Agency (SARA)  E: WBBSARA@dilgp.qld.gov.au  P: PO Box 979

		(Former Referral Agency Environmental Protection Agency)		<i>Bundaberg Qld 4670</i>
<input checked="" type="checkbox"/>	For landuses subject to Public Passenger Transport and Railways requirements	Department of Infrastructure, Local Government and Planning (Former Referral Agency Queensland Transport)	Concurrence	State Assessment and Referral Agency (SARA) <i>E:</i> WBBSARA@dilgp.qld.gov.au <i>P:</i> PO Box 979 <i>Bundaberg Qld 4670</i>

## 7. APPROVED PLANS

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

Plan/Document number	Plan/Document name	Date
Z14-032F	Plan of Proposed Lot Reconfiguration	Nov 2017
Z14-032F	Plan of Proposed Boundary Reconfiguration (as amended in red)	Aug 2017
Z14-032F	Plan of Proposed Boundary Reconfiguration - Staging Plan	Aug 2017

## 8. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 3.5.21 of the Integrated Planning Act 1997 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.

## 9. REFUSAL DETAILS

Not Applicable

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

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

#### General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

#### Completion and Lapsing Dates

4. The development the subject of this development approval must be completed within six (6) years from the date that the approval takes effect.

The preliminary approval for material change of use component of the approval will lapse six (6) years from the date that the approval takes effect or on the date that the land approved for residential lots is included within the Low Density Residential zone of the Bundaberg Regional Council Planning Scheme 2006 or equivalent zone of a future Local Planning Instrument, whichever is the sooner.

### **Landscaping**

5. Provide street trees in accordance with Council's Planning Scheme Policy for development works.
6. A Landscape plan must be submitted to and approved by the Assessment Manager for all proposed landscaped areas including street plants and stormwater drainage areas where works will revert to public ownership as part of an application for Operational Works. The plan must be generally in accordance with the Approved Plan/s, 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. A plan and schedule of all proposed trees, shrubs and ground covers provides for the road reserves and drainage reserves:
    - i. The location, spacing 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;
  - c. Details of any landscaping structures, including entrance statements;
  - d. Details of cutting and filling and all retaining structures and fences and associated finishes; and
  - e. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device. In the alternative to the irrigation system, an extended maintenance period of 24 months will be applied to ensure plants have reached sufficient maturity.
7. Landscaping is to be completed in accordance with the Approved Plans prior to the development being placed on maintenance (where a public asset) for that particular stage of development.

### **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 new unnamed roads. 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 (e.g. 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.)*

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

#### **Water**

10. Provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works.
11. The first plan of subdivision can be submitted to Council for approval only

*Either:*

- a. after the Moore Park potable water system has been upgraded by Council effectively replacing the existing high level reservoir with variable speed booster pumps and associated works;

*OR*

- b. after the developer has constructed an upgrade the Moore Park potable water system to the satisfaction of Council by replacing the existing high level reservoir (Elevated Water Storage) with variable speed booster pumps, building, back-up generator, electrical, land where applicable and associated works.

*Note: such works require a development permit for Operational Works.*

#### **Sewerage**

12. Allotments 1 to 82 inclusive must be constructed to at least RL 3.21 AHD.
13. Future dwellings on new allotments must be provided with an on-site sewerage facility that is designed, constructed, operated and maintained in accordance with the Queensland Plumbing and Wastewater Code and Australian Standard AS 1547-2000 under the Plumbing and Drainage Act 2002.

Wastewater must be treated to a minimum secondary standard and must be generally in accordance with the recommendations contained in the RMA On-site Wastewater Assessment Report dated 23 December 2016.

**Stormwater**

14. 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 Q5ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI (with global warming and climate change to 2100) less piped flow.
15. Lateral underground drainage must be provided under the proposed new roads to a standard of Q10 ARI minor.
16. The Developer must not block any drainage paths through or into the development without providing stormwater drainage infrastructure and concordant easements. The easements must be a minimum three (3) metre wide, or such greater width as is required to contain the Q100 ARI (with global warming and climate change to 2100) overland stormwater flow, in favour of either Bundaberg Regional Council where the stormwater infrastructure and overland flows traverse the subject land from upstream lots. Such easements must extend from property boundary to property boundary.
17. The surface of each Lot must be shaped 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. Should inter-allotment drainage be accepted for use by Council, inter-allotment drainage (with inlet pits in each allotment if underground drainage) of sufficient capacity to convey up to Q100 ARI (with global warming and climate change to 2100), flows or lesser ARI as directed by the Senior Development Engineer, must be designed and constructed in accordance with the Queensland Urban Drainage Manual to cater for the stormwater from upstream lots. The drainage specifics must be determined at the Operational Works Stage.
18. The Developer must ensure that no filling is undertaken within the area affected by the riverine defined flood event (DFE) event as identified in proposed Lot 100.
19. Where an overland component of the Q100 ARI flows (with global warming and climate change to 2100) must be conveyed via an open drain. The drain must –
  - a. Have capacity for Q100 flows (with global warming and climate change to 2100) from the existing upstream catchments and this development with a minimum 150 mm freeboards;
  - b. Have maximum batter slopes of 1V: 6H grassed or where slopes are steeper than the aforesaid, landscape the batters to the satisfaction of Council. Batter slopes may not be steeper than 1V :2H unless specifically approved by the Assessment Manager; and
  - c. Have a maintainable invert sufficient to accommodate maintenance vehicles during wet periods. The specifics of the type of invert must be determined at the Operational Works stage.

**Stormwater – First Stage of Development**

20. Prior to the submission of operational works for the first stage of development, the Developer must:

- a. Submit for approval by Council a Bundaberg Sugar - Stormwater Drainage Report which incorporates 2D XPSWMM Modelling of the hydraulic network and the proposed stormwater catchments (with global warming and climate change to 2100) that accords with the outcomes of the RMA Stormwater Management Plan dated 10 November 2016, but more specifically showing:

*Either -*

- a. that the stormwater to be directed upstream of the tidal bund on the Murdoch's Road Drain has the same flow characteristics as the pre-development (inclusive of volume of flow and peak discharge); and
- b. the extent of the drain that is proposed to discharge to downstream of the bund wall (the Downstream Outlet); and
- c. that, where required, all approvals have been obtained from DNRM to clear vegetation necessary for the construction of the Downstream Outlet drain and maintenance access path, noting conditions contained with DNRM Referral Agency Response dated 20 October 2017 relating to vegetation clearing;

*OR*

- d. a modified stormwater strategy that discharges the stormwater within the approved clearing area upstream of the tidal bund and does not directly, indirectly or cumulatively change flood characteristics which may cause adverse impacts external to the development site;

*AND*

- e. includes the requirements of the other general stormwater conditions contained herein inclusive of no worsening of the flood characteristics external to the site.
- f. Provide a detailed bulk earthwork plan for the proposed development works clearly identifying the catchments that are to be directed upstream and downstream of the tidal bund contained in Murdoch's Road Drain. This bulk earthwork plan will then form the basis of the Approved Cut/Filling Plan.

When approved, the Approved Cut/Fill Plan and Bundaberg Sugar - Stormwater Drainage Study Report will form part of the endorsed plans and documents respectively for this approval.

21. 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.
22. Bio-retention measures will have a maintenance period of 24 months from the time when the last stage contributing the measures is accepted 'on maintenance'.
23. Provide a stormwater drainage easement of sufficient width to contain the riverine defined flood 1% ARI event (Murdoch's Road Drain) through the subject site from Moore Park Road to five metres downstream of the tidal bund.

### **Roadworks and Access**

24. The new roads must be dedicated as road reserve.
25. Intersection designs 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*.
26. 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.
27. 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 (inclusive of concrete flush kerbing as necessary for drainage) on each side of all roadways to the relevant standard.
  - c. The Roads A, D and E must comply as a minimum with the standards specified in Table SC6.3.3.4.4.1 of the *planning scheme policy for development works – Access Place* road. The specific requirements must be determined as part of the Operational Works application;
  - d. The Road B must as a minimum comply with the standards specified in Table SC6.3.3.4.4.1 of the *planning scheme policy for development works – Access Street* road. Except that the road reserve for Road C may reduce to 17.5 metres. The specific requirements must be determined as part of the Operational Works application;
  - e. The Gengers Road roadway for proposed lots 1 to 7 inclusive must be minimum paved to a width of eight (8) metres measured between nominal kerb lines; and
  - f. Cul-de-sac bulbs must be provided with a minimum twenty (20) metre turning circle measured from the nominal kerb line.
28. Where the staged road layout does not allow a commercial vehicle to manoeuvre within the roadway in a forward gear, provide a temporary sealed turn-around facility. The temporary turn-around facility/ies 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.

### **Staging**

29. 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 *and may sub-stage the release of any or all allotments in that stage* as indicated on the Approved Plans provided that the conditions of each respective stage of this Development Permit have been met, prior to the endorsement of a Plan of Subdivision (unless otherwise stated within this notice).

### **Electricity, Street lighting and Telecommunications**

30. Provide underground electricity service to proposed Lots 8 to 82 and aboveground or underground to proposed Lots 1 to 7 service under standard tariff conditions and without further capital contributions by supplying all necessary materials, including structures and equipment, and performing all necessary works.



31. Prior to the submission of the Plan of Subdivision obtain a Certificate of Completion from Ergon Energy.
32. 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.
33. 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 unless associated with proposed lots 1 to 7 where lighting may be aboveground. The design and provision of street lighting must be in accordance with Australian Standard 1158:2005. The applicable lighting category is P5 using aeroscreens for all roadways.
34. 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.
35. 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**

36. Lodge for registration at the office of the Land Registry the following easement: a stormwater drainage easement 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 that includes:
  - i) all stormwater overland flow paths traversing the land;
  - ii) Q100 ARI stormwater overland flow paths traversing the site;
  - iii) any stormwater main existing or proposed to traverse the land located within the easement and a minimum of one (1) metre from the easement boundary; and
  - iv) all Q100 ARI stormwater overland flow paths downstream of the land to an agreed lawful point of discharge.
37. Draft easement documentation must be submitted to the Assessment Manager for endorsement.
38. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.
39. Ensure that any easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plan/s 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.

### **Fencing**

40. The southern boundary of Lots 76 to 79 (inclusive) and 82 are to be provided to with a minimum 1.8 m high screen fence to provide some buffering to the adjoining rural land.

**Land Dedication**

41. Dedicate Lot 20 on RP46710 to the State Government as a reserve for environmental purposes.

**Lot 100 and 101**

42. Proposed Lots 100 and 101 are to be retained as a single balance Lot.

**Bushfire Management**

43. A 6.0 m wide fire maintenance trail must be provided within proposed Lot 100 adjoining the rear and side boundaries (where applicable) of proposed lots 1-8, lots 31-35 and lot 39. The fire maintenance trail must incorporate the following features:

- a) Have a minimum cleared width of 6.0 m;
- b) Have a formed width with adequate gradient of vehicular access and maintenance;
- c) Have vehicular access points at each end and incorporate passing areas; and
- d) Be contained within an access easement in favour of Bundaberg Regional Council and the Queensland Fire and Rescue Service.

44. The owner of the land shown as proposed lot 100 on the approved plan is required to maintain the 6.0 m width of the fire maintenance trail in a cleared state in perpetuity, unless otherwise agreed to by the Assessment Manager. A property note to this effect will be placed on the relevant lot.

**PART 1B – ADVICE NOTES****Infrastructure Charges Notice**

A. Please find attached the Infrastructure Charges Notice (Ref No 331.2017.902.1) applicable to the approved development.

**Rates and Charges**

B. In accordance with the *Planning Act 2016* and subordinate legislation, 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.

**Acid Sulphate Soils**

C. An acid sulphate soils management plan will be required to be submitted as part of an application for Operational Works.

**Water and sewer**

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

E. Council permits only one water service 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.

- F. Connection to Council's water infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.

### **Stormwater (Two (2) Dimensional Modelling – Base Model Supplied by Council)**

- G. Council will make available either the Murdoch's Road Drain Model (which may be in two-flow) or a nominated flow line (upstream of Moore Park Road) and boundary condition sufficient to model the subject site using and XP SWMM model.

### **Property Note**

- H. The following property note will be applied to new Lots 76-89 (inclusive) and 82:

Landowners are advised that the subject land is in close proximity to land located in the Rural Zone and the lawful utilisation of this land for rural purposes may impact adversely on the amenity of nearby residential properties (including the subject property).

- I. The following property note will be applied to new Lots 1-82 (inclusive)

Onsite waste water treatment and disposal is to be undertaken on the land in accordance with the methodology detailed in RMA engineers *On-site Wastewater Assessment Report* (23 December 2016). This report includes recommendations including:

- minimum lot fill – disposal areas must be a minimum elevation of RL 3.21 m AHD to ensure that the disposal areas have sufficient elevation above the agreed conservative maximum future groundwater level of RL 2.3 m AHD (seasonal ground water level of 1.5 m plus 0.8 m for expected seal level rise); and
- a minimum secondary standard of treatment is required.

- J. The following property note will be applied to the new balance lot created containing proposed lots 100 and 101 which are to be combined as a condition of this approval:

- a) The owner of the land containing proposed lot 100 (which is to be combined with lot 101 under this approval), is required to maintain the 6.0 m wide fire maintenance trail adjoining lots 1-8, lots 31-35 and lot 39 in a cleared state in perpetuity, unless otherwise agreed to by the Assessment Manager.

- K. The following property note will be applied to new Lots 8-15 (inclusive) and Lots 74 to 76 (inclusive):

The owner of the land is advised that direct vehicular access between Moore Park Road and the subject land is not permitted.

Seconded by Cr JP Bartels.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b> N1	<b>File Number:</b> A2815121	<b>Part:</b> COMMUNITY & CULTURAL SERVICES
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**Portfolio:**

Community & Environment

**Subject:**

Mayor's Annual Christmas Appeal

**2067**

**Resolution**

Cr JA Peters presented the report; and moved:-

**That a donation of \$2,500 be provided to the 2017 Mayor's Christmas Appeal.**

Seconded by Cr HL Blackburn.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b> N2	<b>File Number:</b> A1015560	<b>Part:</b> COMMUNITY & CULTURAL SERVICES
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**Portfolio:**

Community & Environment

**Subject:**

Firehouse Potters Inc Lease Renewal

**2068**

**Resolution**

Cr JA Peters presented the report; and moved:-

**That the Chief Executive Officer be authorised to finalise a 10 year term lease renewal to Firehouse Potters Inc, over Lot 12 on SP116277, Churchill Street, Childers**

**- subject to Council's standard terms and conditions, with an annual lease fee of \$55 per annum being paid, including the Group meeting all service charges (water, sewerage, waste) together with all legal costs associated with the lease renewal.**

Seconded by Cr WR Trevor.

There being no discussion on this item - the Motion was put - and carried unanimously.

The Mayor advised at this stage due to the confidential nature of the following 3 items:-

T1 – Request for Relief from Water Charges

T2 – TEN 0347 LGI Feasibility Study

T3 – Australia Day Awards 2018

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

### Resolution

Cr SA Rowleson moved:-

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

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

### Resolution

Cr JM Dempsey moved:-

**That the meeting now be reopened.**

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



## Minutes

12 December 2017

<b>Item Number:</b> T1	<b>File Number:</b> A3391421	<b>Part:</b> CONFIDENTIAL
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**Portfolio:**

Organisational Services

**Subject:**

Request for Relief from Water Charges - Lot 18 on RP351

2069

**Resolution**

Cr JP Bartels presented the report; and moved:-

**In view of the circumstances pertaining to this matter - that in terms of Section 120 of the Local Government Regulation, Council provide relief of \$147.05 to reduce the water consumption charges to a level consistent with previous water use, attaching to property at Lot 18 on RP351.**

Seconded by Cr GR Barnes.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
T2	A3397393	CONFIDENTIAL

**Portfolio:**

Community & Environment

**Subject:**

TEN0347 LGI Feasibility Study

2070

**Resolution**

Cr SA Rowleson presented the report; and moved:-

**Pursuant to Section 230 of the Local Government Regulations, Chapter 6 “Contracting” - that Council adopt the Tender Consideration Plan (as appended to this report) to ensure the timely and effective delivery of the LGI Feasibility study.**

Seconded by Cr GR Barnes.

There being no discussion on this item - the Motion was put - and carried unanimously.





## Minutes

12 December 2017

<b>Item Number:</b> T3	<b>File Number:</b> .	<b>Part:</b> CONFIDENTIAL
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**Portfolio:**

Executive Services

**Subject:**

Australia Day Awards 2018

**Resolution**

Cr JA Peters presented the report; and moved:-

**That after due consideration of nominations submitted, Council honour the recipients by presentation of awards at the ceremonial event for Australia Day 2018.**

Seconded by Cr HL Blackburn.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

12 December 2017

<b>Item Number:</b> V1	<b>File Number:</b>	<b>Part:</b> Meeting Close
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**Subject:**

Meeting Close

The Mayor:-

- congratulated David Batt on his election to State Parliament as Member for Bundaberg; and commended him for his service to the Bundaberg Region since his election in March 2008; for his commitment in the Portfolios of Governance; and Sport, Recreation, Venues and Disaster Management, as Deputy Mayor from 2012 to 2016; and particularly for his dedication and efforts during the flood disasters of 2011 and 2013;
- conveyed Christmas Greetings and best wishes to all for the coming year.

and declared this Ordinary Meeting closed at 10.56 am.

Confirmed this thirtieth day of January 2018.

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MAYOR