



Ordinary Meeting Minutes

2 November 2016

Council Chambers, Bundaberg

10.00 am

Present:

Cr WR Trevor OAM (Acting Mayor - Chairman), Cr JP Bartels, Cr WA Honor, Cr HL Blackburn, Cr GR Barnes, Cr SA Rowleson, Cr CR Sommerfeld, Cr DJ Batt, Cr JA Peters and Cr PR Heuser.

Moved by Cr WA Honor, seconded by Cr DJ Batt, That Cr JM Dempsey's attendance by teleconference be accepted. - Carried unanimously. (It being noted that Cr JM Dempsey terminated his call prior to the presentation on Item N1.)

Officers:

Mr PJ Byrne, Chief Executive Officer
Mr AD Ireland, General Manager Organisational Services
Mr AW Fulton, General Manager Infrastructure & Planning
Mr GJ Steele, General Manager Community & Environment
Miss NK Launchbury, Senior Executive Assistant
Mrs WE Saunders, Executive Services Co-ordinator

By Invitation: Mr MJ Ellery, Group Manager Planning

Invocation:

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

**MINUTES****2 NOVEMBER 2016**

ITEM NUMBER:	FILE NUMBER:	PART:
B1		MINUTES

SUBJECT:

CONFIRMATION OF MINUTES

1823

RESOLUTION

CR HL BLACKBURN MOVED:-

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 11 OCTOBER 2016 BE TAKEN AS READ AND CONFIRMED.

SECONDED BY CR SA ROWLESON - AND CARRIED UNANIMOUSLY WITHOUT DEBATE.

CHANGE OF ORDER OF BUSINESS

CR JP BARTELS MOVED:-

THAT PURSUANT TO COUNCIL'S CONDUCT OF COUNCIL MEETING POLICY, SPECIFICALLY ITEM 4.2.3 "BUSINESS OF A MEETING", PART (O) - THE ORDER OF BUSINESS FOR TODAY'S MEETING BE ALTERED TO ALLOW ITEMS

K3 - 106 FE WALKER STREET, KEPNOCK - MATERIAL CHANGE OF USE FOR SHOPPING CENTRE AND SERVICE STATION AND OPERATIONAL WORKS FOR ADVERTISING DEVICE;

K4 - KAY MCDUFF DRIVE, THABEBAN - MATERIAL CHANGE OF USE (OVERLAY ASSESSMENT) FOR HIGH IMPACT INDUSTRY (COMPOST FACILITY)

- TO BE THE FIRST ITEMS CONSIDERED AT TODAY'S MEETING.

SECONDED BY CR WA HONOR.

THE MOTION ON BEING PUT WAS LOST BY 6 VOTES TO 5 VOTES.

FOR

CR WR TREVOR
CR JP BARTELS
CR WA HONOR
CR PR HEUSER
CR JM DEMPSEY

AGAINST

CR HL BLACKBURN
CR GR BARNES
CR SA ROWLESON
CR CR SOMMERFELD
CR DJ BATT
CR JA PETERS



Minutes

2 November 2016

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

Organisational Services

Subject:

Financial Summary as at 4 October 2016

Resolution

Cr HL Blackburn presented the report; and moved:-

That the Financial Summary as at 4 October 2016 (as detailed on the 11 pages appended to this report) – **be noted by Council.**

Seconded by Cr JM Dempsey.

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



Minutes

2 November 2016

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

Organisational Services

Subject:

2016/2017 Budget Review for period ending 30 September 2016

1824

Resolution

Cr HL Blackburn presented the report; and moved:-

That in accordance with Sections 170 and 173 of *Local Government Regulation 2012*, the Budget Review for the period ending 30 September 2016 (as detailed on the 5 pages appended to this report) - be adopted.

Seconded by Cr GR Barnes.

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



Minutes

2 November 2016

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

Organisational Services

Subject:

2016-2017 1st Quarter Operational Report

1825

Resolution

Cr HL Blackburn presented the report; and moved:-

That the 2016-2017 1st Quarter Operational Report (as detailed on the 41 pages appended to this report) – **be received and noted by Council.**

Seconded by Cr DJ Batt.

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



Minutes

2 November 2016

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

Organisational Services

Subject:

Fred Courtice Drive, Bargara - Transfer of Trustee Lease - Part of Lot 220 on SP154063

1826

Resolution

Cr HL Blackburn presented the report; and moved:-

That the Chief Executive Officer be authorised to finalise the transfer of the Trustee Lease from the Queensland Country Women's Association to the Pacifique Surfriders Club Inc, over land described as Lease D on SP249607 in Lot 220 on SP154063, located at Fred Courtice Drive, Bargara, subject to the transfer being approved in writing by the Minister for the Department of Natural Resources and Mines.

Seconded by Cr GR Barnes.

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



Minutes

2 November 2016

Item Number: F3	File Number: .	Part: GOVERNANCE & COMMUNICATIONS
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Portfolio:

Organisational Services

Subject:

Mullers Road, Avondale - Renewal/Conversion of Term Lease 0/236228 over Lot 75 on C8273

Pursuant to Section 173 of the “Local Government Act 2009”, Cr WA Honor declared a perceived Conflict of Interest in relation to this item - as his daughter-in-law as a Council staff member has provided comments to the report; but had considered his position and was firmly of the opinion that he could participate in debate and vote on this matter in the public interest.

1827

Resolution

Cr HL Blackburn presented the report; and moved:-

That the Department of Natural Resources & Mines be advised Council offers no objection to the renewal or conversion to freehold of Term Lease 0/236228 over land described as Lot 75 on C8273, located at 14 Mullers Road, Avondale.

Seconded by Cr DJ Batt.

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



Minutes

2 November 2016

Item Number:	File Number:	Part:
J1	339.2016.0004.1	PLANNING

Portfolio:

Infrastructure & Planning Services

Subject:

Bargara Road, Bargara (Lots 11 & 12 on RP224846 and Lot 1 on RP175045) – Request for Street Names – Ocean Links Estate

1828

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That roads A and B in Kleidon Masterbuild Homes Pty Ltd's Subdivision off Davidson Street (and corner Bargara Road), Bargara, be named as follows:-

- **Road A – Greenview Drive; and**
- **Road B – Blue Sea Court.**

Seconded by Cr WA Honor.

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



Minutes

2 November 2016

Item Number:	File Number:	Part:
J2	339.2016.0006.1	PLANNING

Portfolio:

Infrastructure & Planning Services

Subject:

6 and 32 Moodies Rd, Bargara – Request for Street Names – Bargara Beach Estate

1829

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That roads A to F shown on the attached Road Naming Plan In Investec Australia Loans Management Pty Ltd's Subdivision off Watsons Road and Moodies Road, Bargara, be named as follows:-

- **Roads A, B & C – Parkside Boulevard;**
- **Road D - Sandy Street;**
- **Road E - Beachside Circuit ; and**
- **Road F - Whitewash Street.**

Seconded by Cr GR Barnes.

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



Minutes

2 November 2016

Item Number:	File Number:	Part:
K1	322.2015.44687.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

386 FE Walker Street, Ashfield - Material Change of Use for Warehouse (Self Storage) and Transport Depot

Summary:

APPLICATION NO	322.2015.44687.1
PROPOSAL	Material Change of Use for Warehouse (Self Storage) and Transport Depot
APPLICANTS	Shaun Leather & James Leather
OWNER	PM Leather & SS Leather & SD Leather & JJ Leather
PROPERTY DESCRIPTION	Lot 1 on RP230665
ADDRESS	386 FE Walker Street, Ashfield
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Emerging Community Zone
OVERLAYS	<ul style="list-style-type: none"> • Acid Sulfate Soils: Area 2 (part of site) – land above 5 metres AHD and below 20 metres AHD • SPP Agricultural Land: Class A & Class B • SPP Airport & Aviation Facilities: Operational Airspace; SPP Runways Buffer – Wildlife Hazard Buffer Zone – 13 km • SPP Infrastructure: State Controlled Road Corridor (FE Walker Street) & State Controlled Road Corridor Buffer • Flood Hazard: Localised DFE
LEVEL OF ASSESSMENT	Impact
SITE AREA	4295 square metres
CURRENT USE	Vacated Rural Industry (Tractor and Machinery Sales & Service)
PROPERLY MADE DATE	17 June 2016 (Amended Application)
STATUS	The 40 business day decision period ends on 27 October 2016
REFERRAL AGENCIES	Queensland Department of Infrastructure, Local Government and Planning (State controlled road matters)
NO OF SUBMITTERS	Three
PREVIOUS APPROVALS	28 November 1986: "Rural Industry (Machinery and Tractor Sales and Service)"
SITE INSPECTION CONDUCTED	12 July and 30 August 2016
LEVEL OF DELEGATION	Level 3

1830

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That Development Application 322.2015.44687.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use for Warehouse (Self Storage) and Transport Depot

SUBJECT SITE

386 FE Walker Street, Ashfield, described as Lot 1 on RP230665

DECISION

Approved in full subject to conditions

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

1. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<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 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 and Associated Planning Scheme Policies

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

Not Applicable

6. SUBMISSIONS

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

Name of principal submitter	Address
1. Robyn Desrettes, Senior Property Advisor	SunWater, PO Box 15536, City East 4002
2. John Hansen	374 FE Walker Street, Bundaberg 4670
3. Michael Holmes	146 Ashfield Road, Ashfield 4670

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

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

8. REFERRAL AGENCY

The referral agency for this application is:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road Schedule 7, Table 3, Item 1 <i>Making a material change of use of premises if any part of the land:</i> (a) <i>Is within 25 m of a State-controlled road; or</i> (b) <i>Is future State-controlled road; or</i> (c) <i>Abuts a road that intersects with a State-controlled road within 100 m of the land.</i>	Department of Infrastructure, Local Government and Planning	Concurrence	State Assessment and Referral Agency (SARA) E: WBBSARA@dilgp.qld.gov.au P: PO Box 979 Bundaberg Qld 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
DA01 Rev B	Locality & Site Plan	July 2015
DA02	Elevations & 3D Views	July 2015
DA03	Site Plan – Stages 1 & 2	July 2015
DA04	Site Plan – Stages 3 & 4	July 2015
DA05	Site Plan – Stages 5 & 6	July 2015
DA06	Site Plan – Stages 7 & 8	July 2015

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

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

11. REFUSAL DETAILS

Not Applicable

12. CONDITIONS ABOUT INFRASTRUCTURE

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

Condition/s	Provision under which the Condition was imposed
10, 13, 14 and 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 commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.

Extent of Approved Uses

4. Unless otherwise approved in writing by the Assessment Manager, the hours of occupation/utilisation of the site by employees or customers associated with the approved uses (Warehouse and Transport Depot) excluding for general security purposes are limited to:
 - a. Monday to Friday inclusive– 6 am to 8 pm
 - b. Saturday – 7 am to 6 pm; and
 - c. Sunday and public holidays – 8 am to 6 pm.
5. The uses are restricted to a Heavy Ridged Vehicle with a maximum length of 12.5 metres.
6. The area of the site to be utilized for the Transport Depot is confined to within the approved structures and open undeveloped land remaining outside of the constructed development footprints (sheds, internal access areas, car parking and landscaping buffers etc.) associated with each stage of development generally in accordance with the approved plans.
7. Ancillary servicing, repair, and cleaning of vehicles associated with the Transport Depot use on the premises is limited to within the existing 216m² Shed located within Stage 1.
8. The storage of vehicles on the undeveloped pervious land must comply with the following:
 - a. The land utilized for parking and maneuvering must incorporate adequate surface treatments to ensure dust is not generated from the use of the land and the land is usable in wet weather;
 - b. The land must be maintained to ensure it does not become overgrown with grass or weeds;
 - c. The land must be maintained in a neat and tidy state;

Development in Stages

9. Develop the site in accordance with the stages identified on the Approved Plans with the stages to be developed in the consecutive numeric order of each stage as identified on the plan.

The Applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.
10. Undertake and provide the following as part of Stage 4 of the development a sealed access way linking stage 4 with the sealed access provided for stage 1 must be provided. The minimum width of the sealed pavement will be determined by the Assessment Manager at Operational Works stage and is subject to the design function of the internal areas i.e. one way or two way.

Date Development Must be Completed By (Lapsing Date)

11. In accordance with section 342 of the Sustainable Planning Act 2009, this Development Approval to the extent it relates to development not completed will lapse ten (10) years from the date of this approval.

Design

12. The external roof and walls of the buildings (excluding the existing buildings) shown on the approved plans must be finished in paint bonded metal (i.e. colorbond) coloured in tones sympathetic to the surrounding rural area. The use of highly reflective, zincalume or similar finishes is prohibited.

Landscaping

13. The site must be landscaped around the perimeter of the site generally in accordance with the approved overall development site plan. Such landscaping must:
 - a. Consist of the construction of permanent garden beds planted with trees and shrubs, with particular attention to the street frontages of the site. Landscaping must be completed prior to the premises being occupied and is to be maintained while the use of the premises continues; and
 - b. Include species recognised for their low water requirements and is to be provided with an approved controlled underground or drip watering system. Any such system is to be fitted with an approved testable backflow prevention device.

Stormwater

14. 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 the conditions of the Concurrence Agency Response issued by DILGP and must include in particular:
 - a. the works shown on the Approved Plans and the works described in the Site Based Stormwater Management Plan – Revision C – Reference CC-3283 dated July 2016 prepared by Empire Engineering;
 - b. extension of the site stormwater system to accommodate stormwater from the upstream catchment external to the site extending over and mostly bounded by Lot 3 on RP908190, including registration of appropriate drainage easements over the development lot in favour of the upstream lot;
 - c. The design for site drainage, driveway access, car parking and internal finished surface profile must be undertaken so that flows from adjacent properties will not be impeded by the development;

Easements

15. Lodge for registration at the office of the Land Registry, a stormwater drainage easement/s having a minimum width of three (3) metres OR otherwise as determined and approved in an application for Operational Works, to the benefit of Lot 3 on RP908190, that includes:
 - a. Q100 ARI stormwater overland flow path/s traversing the site from the upstream property extending to a lawful point of discharge;
 - b. all Q100 ARI stormwater overland flow paths downstream of the land to an agreed lawful point of discharge;
16. Draft easement documentation must be submitted to the Assessment Manager for endorsement.
17. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

Car Parking

18. Provide off-street car parking and vehicle manoeuvring areas generally in accordance with approved plans for stages 1 to 7 and a minimum total of 8 designated spaces by completion of the final stage. Such car parking, access and manoeuvring areas must be configured generally in accordance with the Approved Plans and be:-
- a. constructed and sealed with bitumen, asphalt, concrete or approved pavers;
 - b. line-marked into parking bays;
 - c. designed to include manoeuvring area to allow all vehicles to leave the site in a forward motion during every stage;
 - d. designed to include provisions to allow for the containment and management of site stormwater drainage as required;
 - e. sign posted in addition to line marking, to indicate the traffic flow through the site;
 - f. drained to the relevant site discharge point; and
 - g. designed in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.

Water

19. Provide internal infrastructure as required, to satisfy the firefighting and water supply demands of the development.
20. Provide a potable water supply to fixtures used for personal hygiene and drinking purposes.

Sewerage

21. 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.

Loading/Unloading

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

Lighting

23. External lighting used to illuminate the premises must be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

Waste Management

24. Provide a sufficient area for the storage of all waste bins. This area must be sealed, screen fenced and designed so as to prevent the release of contaminants to the environment.
25. Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.

Air Conditioners

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

Construction Management

28. Unless otherwise approved in writing by the Assessment Manager, do not undertake building work in a way that makes audible noise:
 - a. On a business day or Saturday, before 6.30 am or after 6.30 pm; or
 - b. On any other day, at any time.
29. Contain all litter, building waste and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or roads.

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

- A. Please find attached the Infrastructure Charges Notice (Ref No: 331.2016.844.1) applicable to the approved development.

Environmental Harm

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

Signage

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

Operational Works

- D. This Decision Notice does not represent an approval to commence Operational Works. Any Operational Works associated with this Material Change of Use or other engineering work proposed on the lot is subject to relevant assessment under the Bundaberg Regional Council Planning Scheme 2015 or the instrument in effect at the time of assessment. This can include works for on-site landscaping, internal vehicle circulation, manoeuvring and car parking areas, on-site stormwater management and access driveways.

PART 2—CONCURRENCE AGENCY CONDITIONS

The Department of Infrastructure, Local Government and Planning, by letter dated 17 August 2016 (copy letter attached for information).

Seconded by Cr JA Peters.

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



Minutes

2 November 2016

Item Number:	File Number:	Part:
K2	325.2016.46066.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

4, 8 and 10 Kendalls Road, Avoca, - Material Change of Use for Outdoor Sales (Caravan Sales & Service) & Operational Works for an Advertising Device

Summary:

APPLICATION NO	325.2016.46066.1
PROPOSAL	Material Change of Use for Outdoor Sales (Caravan Sales & Service) & Operational Works for an Advertising Device
APPLICANT	SR Canard & JT Canard C/- Insite SJC
OWNER	JF Balchin & M Balchin
PROPERTY DESCRIPTION	Lot 40 on SP168956, Lot 6 on RP127938 and Lot 5 on RP127938
ADDRESS	4, 8 and 10 Kendalls Road, Avoca
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Low Density Residential Zone (Local Area 1)
OVERLAYS	Airport overlay, Infrastructure overlay, Extractive resources overlay
LEVEL OF ASSESSMENT	Impact Assessable
SITE AREA	9,340 m ²
CURRENT USE	Dwelling Houses
PROPERLY MADE DATE	6 July 2016
STATUS	The 20 business day decision period ends on 14 October 2016
REFERRAL AGENCIES	Department of Local Government, Infrastructure and Planning
NO OF SUBMITTERS	Ten (10)
PREVIOUS APPROVALS	322.1996.3149.1, 322.1980.3242.1
SITE INSPECTION CONDUCTED	1 September 2016
LEVEL OF DELEGATION	Level 3

Pursuant to Section 173 of the "Local Government Act 2009", Cr CR Sommerfeld declared a perceived Conflict of Interest in relation to this item - as he has had a close association with the Applicant for many years; and with the consent of the Acting Mayor left the Council Chambers.

1831

Resolution

Cr DJ Batt presented the report; and moved:-

That Development Application 325.2016.46066.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use for Outdoor Sales (Caravan Sales & Service) & Operational Works for an Advertising Device

SUBJECT SITE

4, 8 and 10 Kendalls Road, Avoca, described as Lot 40 on SP168956, Lot 6 on RP127938 and Lot 5 on RP127938

DECISION

Approved in full subject to conditions

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

1. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational work assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<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 and Associated Planning Scheme Policies

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

Not Applicable

6. SUBMISSIONS

There were ten (10) submissions received for the application. The name and address of the principal submitter for each properly made submission are as follows:

Name of principal submitter	Address
1. Mr Anthony Slater	3/24 Kendalls Road, Avoca QLD 4670
2. Jacelyn Perry	4/24 Kendalls Road, Avoca QLD 4670
3. Margaret Woods	14 Kendalls Road, Avoca QLD 4670
4. Margaret Woods	1/11 Kennedy Street, Bundaberg QLD 4670
5. Lesley Allen	10/24 Kendalls Road, Avoca QLD 4670
6. Ann & Keith Cooper	shawcooper@bigpond.com
7. Jennifer Kahler	8/24 Kendalls Road, Avoca QLD 4670
8. Catherine Prickett	1/24 Kendalls Road, Avoca QLD 4670
9. Denise Hannay	9/24 Kendalls Road, Avoca QLD 4670
10. William Sanders	2/24 Kendalls Road, Avoca QLD 4670

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
The proposed development conflicts with the Low Density Residential Zone Code in that the proposed development is commercial in nature.	<ul style="list-style-type: none"> • The proposal protects, as much as practical, the amenity of adjoining sensitive land uses, having regard to proposed landscaping, proposed fences, building design, management of noise and lighting, specifically through stringent conditions recommended;

	<ul style="list-style-type: none"> • The proposal does not undermine or compromise the activity centre network as its scale, use type and intensity is appropriate for its location and the specific use is not exclusively noted within the details of the hierarchy. • The historical use and zoning of the site and surrounding land as light industry, the historical approval for a commercial trucking depot use on the site and continued commercial use in the proximity of the site in Kendalls road; • This site is more suited to non-residential development and incorporates some inherent boundaries—the subject site is not located in the middle of a residential area, but is instead on the edges of it and on most part surrounded by non-residential development; it is an exposed site that is adversely affected by late night activity associated with the service station and tourist park, and by highway traffic and aircraft noise. • The subject site is affected by the DTMR noise buffering requirements for proximity to the highway and Council's airport overlay due to being almost directly under the approach flight path for runway 14, therefore the use of the site for residential is also restricted in terms of assessment; and • It was not possible for the zoning of this land to pre-empt this type of development or a lack of suitable land for this use type.
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8. REFERRAL AGENCY

The referral agency for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>State-controlled road Schedule 7, Table 3, Item 1 <i>Making a material change of use of premises if any part of the land:</i> (a) <i>Is within 25m of a State-controlled road; or</i> (b) <i>Is future State-controlled road; or</i> <i>Abuts a road that intersects with a State-controlled road within 100m of the land.</i></p>	<p>Department of Infrastructure, Local Government and Planning</p>	<p>Concurrence</p>	<p>State Assessment and Referral Agency (SARA) E: WBBSARA@dssip.qld.gov.au P: PO Box 979 Bundaberg Qld 4670</p>

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
A1000 Issue 4 Proj No 16009	Site Plan	13 August 2016
A3100 Issue 4 Proj No 16009	South & East Elevations	13 August 2016
A3101 Issue 3 Proj No 16009	North & West Elevations	13 August 2016
A2101 Issue 4 Proj No 16009	Floor Plan - Sales	13 August 2016
A2000 Issue 3 Proj No 16009	Floor Plan – Workshop	13 August 2016
A2301 Issue 1 Proj No 16009	Reflected Ceiling Sales	13 August 2016
A3200 Issue 1 Proj No 16009	Sections	13 August 2016
A3201 Issue 1 Proj No 16009	Cross Sections	13 August 2016
A2300 Issue 1 Proj No 16009	Reflected Ceiling Workshop	13 August 2016

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

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

11. REFUSAL DETAILS

Not Applicable

12. CONDITIONS ABOUT INFRASTRUCTURE

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

Condition/s	Provision under which the Condition was imposed
8, 9, 28, 29, 30, 32, 33, 39, 40, 41	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development Permit prior to the commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.

Amalgamation

4. Amalgamate Lot 6 on RP127938, Lot 5 on RP127938 and Lot 40 on SP168956 into one allotment. The Plan of Subdivision providing for the amalgamation must be registered prior to the commencement of the use.

Air Conditioners

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

Building Design

7. The approved workshop building must utilise colours in the development that are sympathetic to the surrounding environment and avoid excessive brightness, contrast, colour intensity, and reflectivity. In this regard, materials/colours on the roof and wall of the structures must not reflect glare into the habitable rooms of any dwelling on surrounding allotments.

Car Parking

8. Provide off-street car parking and vehicle manoeuvring areas with a minimum of fifteen (15) staff parking spaces, seven (7) van holding bays, eight (8) customer parking spaces and three (3) van drop off bays generally in accordance with the layouts shown on TOA Site Plan No A1000 issue 4 dated 13 August 2016. Such car parking, access and manoeuvring areas must be generally in accordance with the Approved Plans and be:-
 - a. constructed and sealed with bitumen, asphalt, concrete or approved pavers;
 - b. line-marked into parking bays;
 - c. designed to include a manoeuvring areas to allow all vehicles to leave the site in a forward gear;
 - d. designed to include the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;
 - e. sign posted to indicate entry/exit points, in addition to line marking, to indicate the traffic flow through the site;
 - f. drained to the relevant site discharge point; and
 - g. designed in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.
9. No parking or storage of caravans or motorhomes associated with the approved 'Outdoor Sales' use is permitted on the entire road reserve of Kendalls Road or Twyford Street.

Construction Management

10. Unless otherwise approved in writing by the Assessment Manager, do not undertake building work in a way that makes audible noise:-

- a. On a business day or Saturday, before 6.30 am or after 6.30 pm; or
 - b. On any other day, at any time.
11. Contain all litter, building waste and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to neighbouring properties or roads.
 12. Remove any spills of soil or other material from the road or gutter upon completion of each day's work, during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

External Storage of Materials

13. Ensure goods, equipment, packaging material or machinery is not stored or left exposed outside the building so as to be visible from any public road or thoroughfare. Any storage on site is required to be screened from view from all roads and adjacent properties.

Public Safety

14. During operating hours, all parking areas, pedestrian areas and entrances/exits to all foyers and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of Australian Standard AS1158 "*Public Lighting Code*". Lighting must be designed to reduce the contrast between shadows and well lit areas.

Staffing

15. Unless otherwise approved by the Assessment Manager, the maximum number of staff engaged in the approved use on the subject site must not exceed 23 at any one time.

Fences

16. Provide a 1.8 metre high solid no-gap screen fence to the side and rear boundaries, where there is no noise attenuation fencing on all the subject lots, commencing from the road frontage of the subject property, where such fencing does not currently exist. From the front building line to the front boundary of the site, fencing must be tapered to a height of 1.2 metres. The erection of a second boundary line fence parallel to any existing boundary fence is prohibited.
17. The front security fence to the display yard is to be permeable (e.g. chainmesh or similar), generally as shown on the approved plans.

Loading/Unloading

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

Landscaping

19. A landscape plan must be submitted to and approved by the Assessment Manager prior to the commencement of any landscaping works. The plan must be generally in accordance with the Approved 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. Location and name of existing trees;

- c. A plan and schedule of all proposed trees, shrubs and ground covers which identifies:
 - a. The location and sizes at planting and at maturity of all plants;
 - b. The utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided). No exotic plants are to be specified;
 - d. The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;
 - e. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
 - f. Details of cutting and filling and all retaining structures and fences and associated finishes;
 - g. Contours or spot levels if appropriate;
 - h. Fence size and materials;
 - i. Inclusion of a controlled underground or drip irrigation system if applicable. Any such system is to be fitted with an approved backflow water prevention device;
 - j. Location of any drainage, sewerage and other underground services and any overhead power lines;
 - k. Property boundary garden/landscape bed edge walls must be provided with sleeper or equivalent retaining walls to contain the garden material within the site. Such walls must be constructed to a height that is at or above the sealed car parking areas;
 - l. Where an acoustic barrier is installed, a continuous 1 metre wide screening buffer must be planted in front of the acoustic barrier for its entire length.
 - m. A minimum 3 metre width of landscaping to the western side of the Kendalls Road driveway.
 - n. A minimum 1.5 metre width landscaping strip to the perimeter of the display yard and customer car parking area. Where this is a bio-retention swale, appropriate soft treatment is required.
 - o. A minimum 2 metre width landscaping strip the western boundary with adjoining the staff car parking area.
 - p. Landscaping garden bed to the front of the office/showroom at a scale appropriate for vehicle manoeuvring.
20. Complete landscaping shown on the endorsed plans prior to the commencement of the use and maintain all landscape works in accordance with the Approved Plan whilst the use continues.

Lighting

21. External lighting used to illuminate the premises must be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

Nature and Extent of the Approved Use

22. Unless otherwise approved in writing by the Assessment Manager, the hours of the approved use are limited to:
 - a. Monday to Friday inclusive– 8 am to 5 pm
 - b. Saturday – 8 am to 1 pm; andThe requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.
23. Unless otherwise approved in writing by the Assessment Manager, all deliveries, loading/unloading activities and refuse collection are to be undertaken between the hours of 6 am to 6 pm Monday to Friday inclusive, Saturday 8 am to 5 pm. The requirements of this condition must be included in the Community Management Statement for any body corporate for the subject site.

Noise Impact Assessment Report

24. Submit an amended Noise Impact Assessment Report for approval by the Assessment Manager, incorporating all of the following amendments, prior to the issue of any Development Permit for Operational Works:
 - a. The quantification of (i) the expected future background noise levels at each of the nearby affected dwellings and (ii) the resultant noise level limits for continuous noise sources as well as for intermittent noise sources determined by application of the Controlling Background Creep methodology.
 - b. Inclusion of a rigorously determined justification for the resultant noise level limits. In doing so, it is expected that due regard will be given to the use of Assessment Background Level (ABL) described in DEHP Guideline “Planning for Noise Control” and determined using the tenth percentile method.
 - c. Review of the schedules of source sound power levels presented in Table 6.1 of the noise impact assessment report (Rev 1 dated 27 June 2016), which differ in respect of the noise sources quantified.
 - d. With reference to source sound power levels, a comprehensive list of (i) all power tools and hand tools expected to be used for caravan servicing and repair activities and (ii) quantify the $L_{Aeq,T}$ source sound power levels for each power tool and hand tool having regard to both (a) expected normal operation of the tool and (b) likely worst-case operating conditions such as use of a grinder for protracted periods of time. It is expected that $L_{Aeq,T}$ source sound power levels for each power tool and hand tool will be based on actual noise level measurements operating under comparable or equivalent conditions.

- e. Analysis of the impact of the noise from power tools and hand tools against the Controlling Background Creep methodology. With reference to the adoption of metric for assessment of compliance, the amended report is to quantify the expected degree of compliance against the noise level limits for intermittent noise sources derived by application of the Controlling Background Creep methodology, noting that the impact of noise from the use of power tools and hand tools has been based on the predicted $L_{A01,T}$ noise levels only and that this analysis has considered only the 65dBA daytime $L_{A01,T}$ external acoustic quality objective.
- f. Assessment is to be conducted using the $L_{Aeq,T}$ source sound power levels for the power tools and hand tools having regard to both (a) expected normal operation of the tool as a group and (b) likely worst-case operating conditions of the servicing and repair activities.
- g. When determining the resultant $L_{Aeq\ adj,T}$ noise level, the assessment must also include the appropriate penalty/s to be applied to the noise from the operation of tonal and impulsive noise sources.
- h. If a reflective barrier is proposed to be constructed along the common boundary of the site with neighbouring properties, due account must also be given to the multiple reflections of sound between the barrier and the walls of the proposed new building.
- i. Inclusion of a clear statement describing how the effect of the barrier in changing/increasing the effective acoustical height of the roller door area source has been addressed. This is especially important having regard to the fact that the currently proposed 1.8m and 2.1m high boundary barriers are unlikely to be sufficiently high to fully obscure line of sight from the affected residences to the top of roller door opening.
- j. Determination of the degree of compliance against the daytime and evening internal acoustic quality objectives ($L_{Aeq\ adj,T}$, $L_{A10\ adj,T}$ and $L_{A01\ adj,T}$) under circumstances where all windows and external doors to the affected residences (including nearby caravans) are open.
- k. If barriers are proposed to be constructed, specifications for the construction of the barrier must be provided. This includes any necessary upgrades to any existing boundary barriers that are proposed to be retained and utilised.
- l. Given the difficulty of regulating whether roller doors are open or closed during business operation, having regard to the requests to (i) rigorously determine the appropriate noise level limits, (ii) fully quantify the source sound power levels and (iii) re-evaluate the impact against all of the appropriate noise level metrics, the assessment of the impact of noise emission must be based on the assumption that all roller doors are fully open.

Once approved by the Assessment Manager, the amended Noise Impact Assessment report will form part of the approved plans for this development. Where any conflicts exists with the other approved plans, the amended plans relating to the Noise Impact Assessment report will prevail.

25. Construct and carry out the approved use in accordance with all of the recommendations of the amended Noise Impact Assessment Report and any associated amended plans required by condition 24, once approved by the Assessment Manager.
26. Where an acoustic barrier must be constructed on the site for noise attenuation, the barrier must be constructed in accordance with the following:
 - a. the barrier must be positioned entirely within private property; and
 - b. returns must be constructed at each end of the barrier.
27. Certification must be submitted to the Assessment Manager from a suitably qualified person which certifies that any acoustic barrier has been constructed in accordance with the requirements of this Decision Notice.

Property access and driveways

28. Driveways to the development on Kendalls Road and Twyford Street 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 an Operational Works application.

Stormwater

29. 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 the Queensland Urban Drainage Manual, and must include:
 - a. The development must be in accordance with Section 5 of the Stormwater Management Report (Quantity and Quality) prepared by RMA Engineers dated 24/06/2016, reference 12030;
 - b. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council, i.e. a piped system with a capacity to cater for Q10 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;
 - c. The design for the site drainage system, fill, car parking and access must be undertaken so that flows from adjacent properties will not be impeded by the development;
30. The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy 2013 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.

Street Identification

31. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number and, where appropriate, the building name.

Roadworks and Access

32. Provide geometric design, pavement construction and asphaltic concrete (AC) sealing for the Kendalls Road intersection with the site access that includes a CHR(S) turn treatment on Kendalls Road. The road geometries must be designed such that swept paths of turning vehicles do not cross the road centrelines and encroach on the paths of oncoming traffic. The pavement must be designed in accordance with *Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06)*. The pavement specifics must be determined as part of an Operational Works application.
33. Only one (1) two way vehicle access is permitted from the Kendalls Road carriageway and only one (1) exit only is permitted onto Twyford Street carriageway to service the approved use. The site access and exits are to be located generally in accordance with TOA Site Plan Drawing No A1000 issue (3).

Waste Management

34. An on-site Waste Management Plan must be submitted to and approved by the Assessment Manager. The plan must have regard to the conditions of this approval and include, but not be limited to, the following details:
 - a. the waste management process, including the type and size of receptacle/s to be utilised (eg 240 litre mobile waste bins, 1 m³ bulk bins) for general waste and recycling;
 - b. the location of waste receptacle storage areas and collection points;
 - c. how waste collection vehicles will be able to safely and effectively access bins; and
 - d. if bins are to be collected from the kerbside, demonstrate that this location has the capacity to adequately contain the maximum number of bins to be collected on collection day.
35. Upon approval of the Waste Management Plan, operate and maintain an adequate waste disposal service in accordance with this management plan, to the satisfaction of the Assessment Manager while the use continues.
36. An impervious bin storage area (Bin Enclosure) for waste receptacles, must be provided in accordance with the following:
 - a. the bin storage area must be sufficient to accommodate all refuse containers required by the Assessment Manager for the scale of the development;
 - b. the bin storage area must be aesthetically screened from the road frontage and adjoining properties by landscaping or constructed screening;
 - c. a suitable hose cock (with backflow prevention) and hoses must be provided at the refuse container area, and wash down to be drained to sewer and fitted with an approved stormwater diversion valve arrangement.

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

Water

39. 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.
40. Provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the development.
41. Install sub-meters in accordance with the relevant Acts and Codes.

Vehicle wash bay

42. The applicant must obtain all other necessary permits to operate this facility.

PART 1B – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER- OPERATIONAL WORKS

1. This approval authorises the following signs as defined by the planning scheme and shown on the Approved Plans:
 - a. one (1) pylon sign.
2. The approved sign must not exceed the following dimensions:
 - a. a maximum height of 7 metres;
 - b. a maximum width of 1.6 metres for the pylon and 3.6m for signface area; and
 - c. a maximum sign face of 6 m².
3. Position the sign wholly within the property boundaries of the subject site.
4. All construction and maintenance work for the sign must be carried out completely within the property boundaries.
5. The sign must be maintained to a standard satisfactory to the Assessment Manager. Any structural damage must be made safe and repaired as soon as practical.
6. Illumination resulting from direct, reflected or other incidental light emanating from the approved sign must not exceed one (1) lux when measured:
 - a. at a point 1.5 metres outside the boundaries of the subject boundary; and
 - b. at any point within a residential dwelling (adjoining)
7. The sign must not include any flashing or moving lights.
8. The sign must be static and contain no moving elements.

9. All conduits, wiring, switches or other electrical apparatus installed on an advertising device must be concealed from general view.
10. No electrical equipment is mounted on exposed surfaces of the advertising device.
11. The approved sign must not:
 - a. contain colour combinations that could result in it being mistaken for an official traffic sign; or
 - b. contain flashing red, blue or amber point light sources which, when viewed from a road, could give the appearance of an emergency service or other special purpose vehicles warning light/s.

PART 1C – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Ref No: 331.2016.856.1) applicable to the approved development.

Environmental Harm

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

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Fencing

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

Nature and Extent of Approved Development

- E. This Decision Notice does not represent an approval to commence Building Works under the *Building Act 1975*.

Resubmission of Amended Plans Required

- F. The conditions of this Decision Notice require resubmission of plan/s to Council with amendments. Please address the amended plan/s to Council's Development Assessment Group with the Register No 322.2016.46066.1, separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plan/s be resubmitted prior to lodgment of any Operational Works application.

Operational Works

- G. This Decision Notice does not represent an approval to commence Operational Works. Any Operational Works associated with this Material Change of Use or other engineering work proposed on the lot is subject to relevant assessment under the Bundaberg Regional Council Planning Scheme 2015 or the instrument in effect at the time of assessment. This can include works for on-site landscaping, internal vehicle circulation, manoeuvring and car parking areas, on-site stormwater management and access driveways.

Signage

- H. With the exception of a single (1) pylon sign at the entry to the development (proximate to Kendalls Road), an Operational Works permit is required to be obtained for all signs and advertising devices associated with the development that do not comply with the self-assessable criteria of the Planning Scheme in effect at the time of the proposed works.

PART 2—CONCURRENCE AGENCY CONDITIONS

The Department of Infrastructure, Local Government and Planning by letter dated 23 August 2016 (copy letter attached for information).

Seconded by Cr WA Honor.

Following discussion during which Cr GR Barnes spoke against the Motion - the Motion was put - and carried by 9 votes to 1 vote.

For

Cr WR Trevor
Cr JP Bartels
Cr WA Honor
Cr HL Blackburn
Cr SA Rowleson
Cr DJ Batt
Cr JA Peters
Cr PR Heuser
Cr JM Dempsey

Against

Cr GR Barnes

Cr CR Sommerfeld then returned to the Council Chambers.



Minutes

2 November 2016

Item Number:	File Number:	Part:
K3	322.2016.45820.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

106 FE Walker Street, Kepnock - Material Change of Use for Shopping Centre and Service Station and Operational Works for Advertising Device

Summary:

APPLICATION NO	322.2016.45820.1
PROPOSAL	Material Change of Use for Shopping Centre and Service Station, Operational Works for Advertising Device
APPLICANT	Janam Pty Ltd
OWNER	Janam Pty Ltd
PROPERTY DESCRIPTION	Lot 900 SP261837
ADDRESS	106 FE Walker Street, Kepnock
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	District Centre Zone
OVERLAYS	Acid sulfate soils, Airport and aviation facilities, Flood hazard, Infrastructure, Steep Land
LEVEL OF ASSESSMENT	Code Assessable
SITE AREA	10.01 ha
CURRENT USE	Single dwelling house
PROPERLY MADE DATE	30 May 2016
STATUS	The 20 business day decision period ended on 1 September 2016, subsequently extended to 9 November 2016.
REFERRAL AGENCIES	Department of Infrastructure, Local Government and Planning (SARA)
NO OF SUBMITTERS	Seven (7) 'Not properly made'
PREVIOUS APPROVALS	325.2012.34482.1
SITE INSPECTION CONDUCTED	1 June 2016
LEVEL OF DELEGATION	Level 3

1832

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That Development Application 322.2016.45820.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use for Shopping Centre and Service Station and Operational Works for an Advertising Device

SUBJECT SITE

106 FE Walker Street, Kepnock described as Lot 900 on SP261837

DECISION

Approved in full subject to conditions

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

1. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational work assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<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 (not approved under this Development Permit)

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 and Associated Planning Scheme Policies

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

Not Applicable

6. SUBMISSIONS

Not Applicable

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>The proposed development conflicts with PO16(b) of the District Centre Zone Code in the provision of two (2) full line supermarkets.</p>	<p>The sufficient grounds relied upon to approve a second full-line supermarket are:</p> <ol style="list-style-type: none"> 1. an additional supermarket satisfies a town planning and community need for the provision of convenience retail facilities for the residents of the identified primary trade area; 2. the land’s zoning for a District Centre makes it the ideal location to serve the town planning and community need identified and this can achieved without unacceptable amenity impacts; 3. the development will improve the wellbeing of the community by the provision of an increased food retail offer; 4. the additional supermarket will expand the limited choice of food retail offers within the primary trade area; 5. the additional supermarket will enhance competition in the area and will provide additional convenience to residents; 6. the provisions of PO16(b) of the District Centre Zone Code fail to take into account that the population of the primary trade area is sufficient soon to provide a second full-line supermarket to serve the daily and weekly shopping needs of the community; 7. a second full-line supermarket will not jeopardise the existing and planned hierarchy of centres nor the economic viability of existing or proposed centres.

8. REFERRAL AGENCY

The referral agency for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>State-controlled Road</p> <p>Schedule 7, Table 3, Item 1 of SP Regulation</p> <p><i>Making a material change of use of premises, other than an excluded material change of use, if any part of the land—</i></p> <p><i>(a) is within 25m of a State-controlled road;</i> <i>or</i></p> <p><i>(b) is future State-controlled road;</i> <i>or</i></p> <p><i>(c) abuts a road that intersects with a State-controlled road within 100m of the land</i></p>	Department of Infrastructure, Local Government and Planning	Concurrence Agency	<p>State Assessment and Referral Agency (SARA)</p> <p><i>E:</i> WBBSARA@dsdip.qld.gov.au</p> <p><i>P:</i> PO Box 979 Bundaberg Qld 4670</p>
<p>Development impacting on State transport</p> <p>Schedule 7, Table 3, Item 2 of SP Regulation</p> <p><i>An aspect of development identified in Schedule 9 that –</i></p> <p><i>(a) is for the purpose mentioned in Schedule 9, column 1; and</i> <i>(b) meets or exceeds the threshold...</i></p>	Department of Infrastructure, Local Government and Planning	Concurrence Agency	<p>State Assessment and Referral Agency (SARA)</p> <p><i>E:</i> WBBSARA@dsdip.qld.gov.au</p> <p><i>P:</i> PO Box 979 Bundaberg Qld 4670</p>

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
DA0.100, revision D	Existing Site Plan	27.05.2016
DA0.101, revision H	Stage 3- Complete	27.05.2016
DA0102, revision N	Proposed Site Plan- Retail Level- Stage 3- Complete	27.05.2016
DA0.103, revision I	Proposed Site Plan- Lower Level Carpark- Stage 3- Complete	27.05.2016
DA1.110, revision K	Stage 1- Site Plan	27.05.2016

DA1.112, revision F	Stage 1- Lower Car Park Level Plan	27.05.2016
DA1.300, revision C	Stage 1- Elevations	27.05.2016
DA2.110, revision I	Stage 2- Petrol Station	27.05.2016
DA3.110 revision I	Stage 3 – Site Plan	27.05.2016
DA3.112 revision D	Stage 3 – Lower car park level plan	27.05.2016
DA3.300, revision D	Stage 3- Elevations	27.05.2016
DA3.301, revision B	Stage 3- Elevations	27.05.2016
DA3.350, revision E	Stage 3- Proposed Sections	27.05.2016
DA3.351, revision D	Stage 3- Proposed Sections	27.05.2016
LA051 LC-01 issue F	Keponock Shopping Centre – Staging Plan	07/06/2016
LA051 LC-02, issue F	Keponock Shopping Centre Stage 1 & 2	07/06/2016
LA051 LC-03, issue F	Keponock Shopping Centre Stage 3	07/06/2016
LA051 LC-04, issue F	Keponock Shopping Centre - Balance of Site	07/06/2016
LA051 LC-05, issue F	Northern and Eastern Elevation	07/06/2016
LA051 LC-06, issue F	Southern Elevation & Stormwater Easement Section	07/06/2016
LA051 LC-07, issue F	Section Details	07/06/2016
LA051 LC-08 issue F	Plant Schedule & Design Images	07/06/2016

10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

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

11. REFUSAL DETAILS

Not Applicable

12. CONDITIONS ABOUT INFRASTRUCTURE

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

Condition/s	Provision under which the Condition was imposed
20-23, 31-33, 46, 47, 48, 49, 50, 51,52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 74, 75, 76	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

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

3. Comply with all of the conditions of this Development Permit prior to the commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.

Acid Sulfate Soils Management

4. If at any time during the Operational Works or construction process, Acid Sulfate Soils are disturbed, the applicant must treat and if required, undertake the ongoing management of any disturbed Acid Sulfate Soils and drainage waters to the satisfaction of the Assessment Manager.

Air Conditioners

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

Building Design

7. Prior to approval of building works for Stage 3 of the development, submit to and gain approval from Council for a revised northern elevation of the building incorporating materials, colours or façade treatments that will enhance the FE Walker Street frontage.

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

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

Construction Management

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

12. A detailed construction management plan (CMP) is to be prepared and submitted to the Assessment Manager for endorsement in association with the Operational Works application of each stage of development, detailing the construction methodology and controls to be employed to manage potential off site impacts relating to noise, dust, or other emissions, sediment and erosion controls and other identified impacts to receiving environments external to the development site.
13. Comply with the approved construction management plan (CMP) during all construction phases of the development.

Development in Stages

14. Develop the site in accordance with the stages identified on the Approved Plans with Stage 1 to be developed prior to Stages 2 and 3. The Applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.

Earthworks/Spoil/Stockpile

15. At the completion of the last stage of development, the site is to be left in a clean and tidy state with no stockpiles of any kind from earthworks, roadworks, drainage works, or alike, or construction waste to be left within the balance area. Further all disturbed areas must be topsoiled and grassed within a maximum period of 12 months.

Easements

16. Lodge for registration at the office of the Land Registry the following easement(s):
 - a. a stormwater drainage easement having a minimum width of five (5) metres or such greater width as determined in an application for Operational Works, whichever is the greater, to the benefit of Council that includes:
 - i. Q100 ARI stormwater overland flow paths traversing the site;
 - ii. any stormwater main existing or proposed to traverse the land;
 - b. a sewerage easement having a minimum width of three (3) metres to the benefit of Council 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.
17. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee. All costs associated with the modification, amendment or revision of existing easements will be at the Developer's expense.
18. Ensure that any easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plans or the conditions of this approval. Proof of the registration or surrender of any easements are to be submitted to the Assessment Manager at the time of the submission of a Plan of Subdivision for compliance assessment and signing.

Electricity, Street lighting and Telecommunications

19. Enter into an agreement with an approved electricity provider, to ensure that underground electricity will be available to the development site.
20. 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.
21. 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*. The applicable lighting category is V4 for all roadways.
22. 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.

Extent of Approved Use – Shopping Centre

23. The approved use Shopping Centre may incorporate any combination of the following uses where located within the approved building marked as “Shopping Centre” on plans numbered DA0.101 Rev H dated 27.5.16 and DA-.103 Rev. N dated 27.5.16:
 - a. Shop;
 - b. Bar;
 - c. Child care centre;
 - d. Community care centre;
 - e. Community use, where not for essential community infrastructure;
 - f. Educational establishment;
 - g. Food and drink outlet;
 - h. Garden Centre;
 - i. Health care services;
 - j. Indoor sport and recreation;
 - k. Service industry;
 - l. Two (2) Full-line Supermarkets in accordance with other relevant conditions;
 - m. Veterinary services; and
 - n. Other activities consistent with the use of the premises for a shopping complex as defined in the planning scheme, where approved in writing by the Manager Development Assessment.

This approval does not authorise the use of the site for activities including Theatre, Hotel, Nightclub entertainment facility and a Discount Department Store (as part of a Shopping Centre use) and these activities must not be carried out on the land unless they are the subject of subsequent development approvals.

24. The approved use of the second full line supermarket must not commence until 1 March 2021. Depending on stage construction, this relates to tenancies annotated 'Supermarket 01' and Supermarket 02' in Stages 1 and 3 respectively as shown (in orange) on the Approved Plan DA0.102 Rev N. dated 27.05.16.
25. The largest tenancies categorised as 'Major' located in Stages 1 and 3 as shown (in orange) on the Approved Plan DA0.102 Rev N. dated 27.05.16, must not be used for a Discount Department Store (Shop) use.

Extent of Approved Use – Service Station

26. At all times while the use continues, retail sale of goods must remain an ancillary component to the use. The maximum area used for the purpose of display and retail sale of goods must not exceed 80 m² gross floor area.

Fuel Pumps and Bulk Storage Tanks – Service Station

27. All fuel pumps and storage tanks must be located to comply with Australian Standard *AS1940* "The storage and handling of flammable and combustible liquids".
28. All inlets to bulk fuel storage tanks must be located to ensure that fuel delivery trucks can stand wholly within the site while discharging their fuel.
29. Bulk fuel storage tanks are not to be situated closer than 8m to any road frontage.

End of Trip Facilities – Cycle Parking

30. Install and maintain 13 secure bicycle parking spaces for employees and 13 secure bicycle parking spaces for customers as part of Stage 1 of the development and an additional two (2) spaces for Stage 2. At the completion of Stage 3 of the development, a minimum of 35 secure bicycle parking spaces for employees and 35 secure bicycle parking spaces for customers (including the 26 spaces required as part of Stage 1 and 2 spaces for Stage 2) must be installed and maintained on the site. Customer cycle parking must be located in a visible area close to the entrance of each building.
31. Provide one (1) locker for every two (2) staff cycle parking spaces at convenient location/s within the shopping centre facility.
32. Provide informational and directional signage where necessary to direct cyclists to bicycle parking spaces and advise the public of their presence.

Existing Services and Structures

33. Demolish or remove the existing dwelling and associated outbuildings on existing Lot 900 on SP261837 upon commencement of the works for the first stage of development.

External Storage of Materials

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

Groundwater Bore

35. The groundwater bore within the subject land must be either decommissioned by a licensed water bore driller or be re-commissioned to the satisfaction of the Department of Natural Resources and Mines.
If the bore is re-commissioned such works must be integrated within the surrounding landscaping. Works associated with the bore are to be completed in association with Stage 1 of development.

Hours of Operation

36. Unless otherwise approved in writing by the Assessment Manager or allowable under the *Trading (Allowable Hours) Act 1990* or other legislation, the trading hours of the approved use are limited to:
- Monday to Friday – 6 am to 9 pm;
 - Saturday – 8 am to 5 pm;
 - Sunday and public holidays – 9 am – 6 pm

Landscaping

37. A landscape plan must be submitted to and approved by the Assessment Manager (generally in accordance with the Landscape Concept Plan prepared by RARLA) prior to the commencement of the landscaping works for each stage. The plan must be generally in accordance with the Approved Plans, have regard to the conditions of this approval and include, but not be limited to, the following features:
- The area or areas set aside for landscaping;
 - Location and name of existing trees;
 - A plan and schedule of all proposed trees, shrubs and ground covers which identifies:
 - The location and sizes at planting and at maturity of all plants;
 - The utilisation of native species which are tolerant of local environmental factors (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;
 - The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;
 - Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
 - Specification of the root containment method to be used for trees adjoining footpaths or kerbing;
 - Details of any landscaping structures;

- h. Details of cutting and filling and all retaining structures and fences and associated finishes;
- i. Contours or spot levels;
- j. Fence size and materials;
- k. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device;
- l. Location of any drainage, sewerage and other underground services and any overhead power lines;
- m. Vegetated screening of any electrical transformers, bin storage areas and the like from the road frontage;
- n. Property boundary garden/landscape bed edge walls must be provided with sleeper or equivalent retaining walls to contain the garden material within the site. Such walls must be constructed to a height that is at or above the adjacent kerb or sealed car parking areas;
- o. Landscaping to the full length of the site's southern property boundary in association with the first Stage of development, with trees to be provided as detailed in Section 2: Southern Buffer zone in 'Section Details', drawing no. LC-07 and prepared by RARLA;
- p. Amendments to the landscape buffer to the north of Stage 1 to:
 - i. Include melaleucas in the inundation area identified as '2b' in the key of 'Kepnock Shopping Centre Stage 1 & 2, drawing no. LA051 LC-02 and prepared by RARLA, at a density that will result in a minimum of 50% of the Stage 1 elevation to FE Walker Street being screened by vegetation, upon maturity. Trees must be placed either side of the pipe and provided with appropriate root barriers; or
 - ii. Identify landscaping in the zone to the south of the inundation area '2b', including lower, middle and upper storey planting, with narrow and columnar trees at a density that will result in a minimum of 50% of the Stage 1 elevation to FE Walker Street being screened by vegetation, upon maturity;
- q. Replacement of trees with shrubs in the zone to the north of inundation area '2b' where frangibility is an issue;
- r. The utilisation of tree and groundcover species in the entry median that are able to maintain their own compact habit;
- s. Remove references to 'wire trellises with concrete supports' as shown on the approved architectural plans and elevations prepared by Thomas Adsett and replace with the 4.0 m high decorative screens around loading areas (with the trellises appended to these or landscaping provided in front);
- t. Landscaping, in the form generally shown on the approved plans, to the buffer area to the north of Stage 3 of the building, that will result in a minimum of 50% of the Stage 3 elevation to FE Walker Street being screened by vegetation, upon maturity;
- u. The location of all mounding associated with Stage 3 landscaping to FE Walker Street being fully contained within the subject site;
- v. A maximum height of all mounding at 1.5 m.
- w. A minimum 2 m wide landscaping strip is provided along each street frontage and common property boundary of the approved service station use area (Stage 2).

- x. One (1) tree for each six (6) car parking spaces, excluding undercroft car space or those areas under a shading device (which are not to cover all car parking areas);
 - y. The provision of a high aesthetic standard of retaining wall to the edge of the detention basin utilising proprietary concrete, sandstone, or a “faced” retaining wall structure; and
 - z. Show the extent of all shading devices on the site and provide sufficient complementary landscaping where they are utilised to ensure visual amenity and breaks in bulk and scale.
 - aa. Clear trunked canopy shade trees are to be provided to the full extent of the edges of the car park area for a width of 3m as shown on plan LA051 LC-01 prepared by RARLA.
 - ab. The provision of vegetation to the public open space (food court area) in Stage 3 in accordance with LA051 LC-01 prepared by RARLA as a minimum.
 - ac. A minimum 2 m wide landscaping strip, in the form generally shown on the approved plan DA3.300 – East Elevation, to the Eastern elevation of the building/ boundary line of Stage 3, which will result in a minimum of 40% of the elevation to FE Walker Street being screened by vegetation, upon maturity.
38. Complete the landscaping shown on the endorsed plans for each stage prior to the commencement of the use for that stage and maintain all landscape works in accordance with the Approved Plan whilst the use continues.

Lighting

39. External lighting used to illuminate the premises must be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

Loading/Unloading

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

Noise

41. Submit to the Assessment Manager an amended Environmental Noise Impact Assessment (Report No: R16045/D3150/Rev.0/8.06.2016), prepared by a suitably qualified person, if during the final design stage or Operational Work application process, the specifics relating to numbers of plant and equipment are modified to those specified in this version of assessment report. In the event that calculations show that an item of plant and/or equipment exceeds the noise limits specified in relevant legislation, noise control measures which provide adequate attenuation will be required to be detailed and approved by Council, prior to the issuance of a development permit for building works.

42. Where noise control measures are required, certification must be submitted to the Assessment Manager from a suitably qualified person prior to commencement of use, which certifies that the measures have been constructed in accordance with the approval required in condition 43 of this permit.

Public Safety

43. During operating hours, all parking areas, pedestrian areas and entrances/exits to all stairwells, travelators, lifts, foyers and public toilets must be well lit with vandal resistant lighting and with intensities to satisfy the requirements of Australian Standard AS1158 "Public Lighting Code". Lighting must be designed to reduce the contrast between shadows and well lit areas. In particular, appropriate security lighting must be provided in the location shown as tenancy loading and refuse area and services areas and the entry to the western side of the building in Stage 1 between Tenancy 01 and Tenancy 03 on the Approved Plans, with a recessed doorway and concealment place.
44. Ensure that appropriate surveillance of the loading area is provided to ensure that it is not a vulnerable place for public safety purposes.

Sewerage

45. At Stage 1, provide a new sewerage connection suitable to meet the requirements of the development. All live sewer work, including the point of connection, must be undertaken by Council.
46. All sewerage infrastructure must be clear of all proposed and existing buildings. Detailed design of the new sewerage infrastructure and its alignment must be determined at Stage 1 prior to the commencement of the detailed stormwater design and any subsequent works must be part of an application for Operational Works.
47. Except where perpendicular to or intersecting with a property boundary, a sewer main must not be situated closer than 1.5 metres to a property boundary, unless otherwise approved by the Assessment Manager.

Stormwater

48. 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 the Queensland Urban Drainage Manual. The works must also:
 - a. Incorporate the works described in section 6 – 8 and the drawings appendix C of the Opus Site Based Stormwater Management Report (revision H) modified to accommodate the 2D XP SWMM modelling outcomes described herein;
 - b. Include the registration of a new or modified Easement II in lot 100 on SP 179035 (the "New Easement") to incorporate works and overland flow paths in that Easement;
 - c. Have low maintenance batter planting for batters steeper than 1 in 5 within existing or the New Easement;

- d. Include internal stormwater drainage 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 10 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;
- e. Demonstrate unimpeded flows from adjacent properties;
- f. Provide detention storage that will cater for the increased stormwater runoff from the premises so that the discharge from the subject land is limited to pre-development generated peak levels up to and including Q100 ARI flows;
- g. Demonstrate how the internal works, basins and WSUD treatments will be maintained by the property owner to best practice standards with a high level of visual amenity at all times for the duration of the approval;
- h. Incorporate the requirements of DTMR;
- i. Be designed in a manner that does not direct stormwater flows to Lot 1 on SP 172085 being 128 Walker Street; and
- j. Prior to the submission of operational works for the first stage of the development show how the premises will maintain the pre-development flow regimes both upstream and downstream of the subject land incorporating the requirements listed above and as such the following must be provided with the first operational works application:-
 - i. A detailed bulk earthworks and drainage layout plan for the proposed works within the subject land. This bulk earthwork and drainage layout plan will then form the basis of the Approved Works Plan;
 - ii. A 2D XP SWMM model incorporating rainfall events up to the Q100 ARI event (inclusive of climate change). Such modelling must also demonstrate that the Approved Works:
 - A. Incorporate as much flood storage as possible;
 - B. Incorporates flows from upstream catchments, including but not limited to, the overland flows from the catchment south of Kepnock road;
 - C. Makes provision for the future diversion works of the 3/600 RCP pipes and associated works to an outlet approximately 30 metres downstream of the current location and the provision of inlet pits to the existing stormwater manholes, if works have not already been undertaken by Council;
 - D. Demonstrates staging for any works;
 - E. Outlines any works within the State-controlled road reserve;
 - F. Models and caters for blockages to the outlet pipes in accordance with *Queensland Urban Drainage Manual* guidelines;
 - G. Ensure that any inundated pedestrian areas (affected by cross road flows as well) have a $d \cdot V \leq 0.4 \text{ m}^2/\text{s}$;
 - H. the maximum depth at the kerb in the Major event is less than or equal to 250 mm; and
 - I. Demonstrates how the premises will maintain predevelopment parameters in the areas of flood and stormwater hazard, including but not limited to maintaining depths, hydraulic grade lines and peak flows of stormwater for properties external to the development site;

- k. At the successful outcome of the requirements in condition 49a - j, provide to Council a 'Kepnock Centre Drainage Study' report that clearly enunciates, inclusive of all electronic models the method and outcomes of the 2D XP SWMM modelling for pre- and post- development inclusive of each stage of the development.

Roadworks, Access, Car Parking

49. Dedicate a new road reserve as part of the first stage of development on the subject land sufficient to contain the new collector road, with the development site and balance area to be retained as one lot – unless otherwise approved by a subsequent reconfiguring a lot permit.

The new road reserve must be generally as indicated on Thomson Adsett Proposed Site Plan – Retail Level – Stage 3 - Complete – Plan No DA0.102L, with a minimum reserve width of 20 metres (augmented to accommodate the bus set down area as necessary). Such new road reserve must also align with and be contiguous to the western road reserve of Santalucia Boulevard.

50. Construct new roads within the new road reserve generally as indicated on Thomson Adsett Proposed Site Plan – Retail Level – Stage 3 - Complete – Plan No DA0.102N (the Plan) and to 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. The roadway must be constructed to a collector street standard, but with a pavement width of 11.1 metres;
 - d. Right turn auxiliary lanes as listed on the Plan and the Stage 2 two-way access driveway, unless as listed in condition 59;
 - e. Provision of a temporary bus stop area in Stage 1, with the permanent stop area pursuant to the requirements of Condition 52;
 - f. The pavement is to be designed in accordance with Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06). The pavement specifics shall be determined at the Operational Works Stage; and
 - g. connect smoothly to and align with the existing section of Santalucia Boulevard.
51. Construction of the road required by Condition 50 may be staged in accordance with the approved staging plan. Where the entire road is not completed prior to commencement of the use of Stage 1 of the development, construct a partial roadway from the stage 1 boundary to the eastern boundary of the constructed portion of Santalucia Boulevard. The partial roadway section must be:
- a. Constructed to a minimum width of seven (7) metres;
 - b. Sealed with a prime and two (2) coat seal;
 - c. Line-marked with a centreline;
 - d. Provided with table drains to convey up to Q100 ARI, or such lesser standard as approved by the Assessment Manager; and

- e. Designed in accordance with Austroads Pavement Design for Light Traffic: A supplement to Austroads Pavement Design Guide (AP-T36/06). The pavement specifics shall be determined at the Operational Works Stage.

The partial road must be replaced by the full constructed road required by condition 50 prior to the commencement of the use of stage 3 or 5 years after commencement of use of Stage 1, whichever is the earlier.

- 52. The minor access to the approved service station must be restricted to a left-in, left-out only.
- 53. Sealed impervious surface treatments are to be provided to the approved service station use area.
- 54. Reinforced industrial crossovers are constructed to the approved service station area to provide suitable access for fuel delivery vehicles.
- 55. The access driveway adjacent to tenancy 1 must:
 - a. No right-turn out, unless approved otherwise by the Assessment Manager; and
 - b. must limit delivery times to outside normal operating hours and in accordance with relevant conditions relating to hours of operation.
- 56. The loading area commercial driveway (lower level driveway adjacent to the FE Walker St intersection) must:
 - a. be signed in a manner that limits its use to commercial vehicles only; and
 - b. restricts its use to a left-out exit only.
- 57. At the interface of ramps and lower carpark level at Stage 1 and Stage 3 either:
 - a. provide medians, linemarking and signage to stop the left turn (north bound – down ramp) turn manoeuvre; or
 - b. provide a minimum 0.6 metre truncation/clear turning area in the building retaining wall with a combination of mirrors (where necessary) to provide adequate sight distance in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.
- 58. Prior to the submission of the application for Operational works for Stage 3:
 - a. Submit for approval by the Manager Development Assessment a traffic impact assessment (TIA) for access to the underground parking area, the stage 1 and 3 access point and the intersection adjacent to the service station, with such works to become part of the Development Approval; and
 - b. Incorporate such additional works in the relevant application for operational works as are deemed necessary by the TIA.

59. Provide off-street car parking and vehicle manoeuvring area for a total of 883 car parks and associated loading bays generally in accordance with Thomson Adsett Site Plan series DA1110 (K), DA1112 (F), DA2110 (I), DA3.110 (I) and DA3.112 (D) drawings progressively for each Stage of development (Stage 1 – 376 spaces (lower level and at retail level as indicated on); Stage 2 – 7 spaces (Service Station); Stage 3 – 500 spaces (lower level and at grade). Such car parking, access and manoeuvring areas must be:-
- a. Constructed and sealed with bitumen, asphalt, concrete or approved pavers;
 - b. Line-marked into parking bays;
 - c. Designed to include a manoeuvring area to allow vehicles to leave the site in a forward gear;
 - d. Designed to include the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;
 - e. Sign posted to indicate entry / exit points, in addition to line marking, to indicate the traffic flow through the site;
 - f. Drained to the relevant site discharge point;
 - g. Be available free-of-charge to staff and customers during operating hours;
 - h. At the central retail level parking entrance allocate the first four (4) carparks, being two (2) each side, for only all day staff parking (to manage queuing conflicts); and
 - i. Designed in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.
60. As part of the Stage 1 of the development Operational Works application, demonstrate how the pedestrian crossing linking to Scherer Boulevard will adequately address pedestrian safety, with special attention to the left-out vehicle movement.

Pedestrian

61. Pedestrian facilities are to be provided generally in accordance with Thompson Adsett *Site Access and Mobility Plan* DA1104 G, modified to exclude the provision of a footpath in FE Walker Street east of the signalised intersection; and the proposed footpath entry to the lower car parking level within the development site. For works within the road reserve, those works must be undertaken in accordance with an Operational Works approval and must include a 1.5 metre (minimum) concrete ribbon pathway and pram ramps. Such paths must be generally in accordance with Council's drawing 13977 except for the temporary connection between Stages 1 and the eastern pedestrian path in Santalucia Boulevard, which may be cracker dust or equivalent.
62. As part of Stage 3 of the development construct a 2.0 metre wide concrete ribbon footpath and associated pram ramps providing a pedestrian and bicycle link between Scherer Boulevard and the shopping centre development (the "Scherer Boulevard Pedestrian Access") as depicted on approved plan - Thomson Adsett Site Plan series DA0.102L.

63. As part of Stage 3 of the development dedicate an easement for public pedestrian and cycle access sufficient to contain the new pathway as in condition 62.

Vegetation Clearing

64. Restrict vegetation removal to the trees identified on the Approved Plans.
65. Inspect the tree prior to clearing for the presence of nesting birds, koalas and other fauna, including habitat hollows. No clearing of trees which may disturb nesting birds is permitted until the birds have fledged and left the nest. Removal of trees with koalas and other fauna must be carried out under the supervision of a Department of Environment and Heritage Protection registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the *Queensland Nature Conservation Act 1992*.
66. Chip, mulch or dispose of cleared vegetation at a Council approved green waste disposal facility or salvage timber for reuse. No burning of cleared material is permitted unless otherwise approved in writing by the Assessment Manager.

Waste Management

67. Provide a sufficient area for the storage of all waste bins. This area must be sealed, screen fenced and designed so as to prevent the release of contaminants to the environment.
68. Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.
69. An impervious bin storage area (Bin Enclosure) for waste receptacles, must be provided in accordance with the following:-
 - a. the bin storage area must be sufficient to accommodate all refuse containers required by the Assessment Manager for the scale of the development;
 - b. the bin storage area must be aesthetically screened from the road frontage and adjoining properties by landscaping or constructed screening;
 - c. a suitable hose cock (with backflow prevention) and hoses must be provided at the refuse container area, and wash down to be drained to sewer and fitted with an approved stormwater diversion valve arrangement.
70. The bin storage enclosure must be maintained in a clean and sanitary manner at all times.
71. Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.

72. The collection, treatment and disposal of solid and liquid wastes from the approved service station use must:
- a. Not result in off-site releases of contaminants; and
 - b. Implement measures to minimise waste generation and to maximise recycling.

Water

73. Provide reticulated water supply, hydrants, fittings and fixtures to each stage prior to the commencement of use of that stage. Also undertake network modelling to determine main sizing for all stages in association with the first Operational Works approval. Such modelling must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of the proposed development.
74. Provide a metered service, and internal infrastructure as required, satisfying the fire-fighting and water supply demands of the development.

Water Sensitive Urban Design

75. The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2014, the Bundaberg Regional Council Stormwater Management Strategies and generally as set out in the Opus Site Based Stormwater Management Report (revision H). 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.

PART 1B – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER- OPERATIONAL WORKS

1. This approval authorises the following signs as defined by the planning scheme and shown on the Approved Plans:
 - a. One (1) pylon sign.
2. Remove the precast concrete structure from the design of the sign and reduce the dimensions of the sign such that the overall height does not exceed 13 metres and the overall width does not exceed 4.8 metres.
3. Position the sign wholly within the property boundaries of the subject site.
4. All construction and maintenance work for the sign must be carried out completely within the property boundaries.
5. The sign must be maintained to a standard satisfactory to the Assessment Manager. Any structural damage must be made safe and repaired as soon as practical.

6. Lighting used to illuminate the approved sign must:
 - a. be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic;
 - b. Be switched off between the hours of 11.00 pm and 5.00 am or at any time the business is not operating between these hours; except where the shopping centre is operating outside of these hours.
7. The sign must not include any flashing or moving lights.
8. The sign must be static and contain no moving elements.
9. All conduits, wiring, switches or other electrical apparatus installed on an advertising device must be concealed from general view.
10. No electrical equipment is mounted on exposed surfaces of the advertising device.

PART 1C – ADVICE NOTES

Environmental Harm

- A. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance.

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

Infrastructure Charges Notice

- B. Please find attached the Infrastructure Charges Notice (Ref No: 331.2016.837.1) applicable to the approved development.

Nature and Extent of Approved Development

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

Food Handling/Restaurants

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

Signage

- F. With the exception of a single (1) pylon sign at the entry to the development (proximate to FE Walker Street) an Operational Works permit is required to be obtained for all signs and advertising devices associated with the development that do not comply with the self-assessable criteria of the Planning Scheme in effect at the time of the proposed works.

PART 2—CONCURRENCE AGENCY CONDITIONS

The Department of Infrastructure, Local Government and Planning, by letter dated 4 August 2016 (copy letter attached for information).

Seconded by Cr HL Blackburn.

Following discussion thereto during which Cr SA Rowleson spoke against the Motion - the Motion was put - and carried by 9 votes to 2 otes.

For

Cr WR Trevor
Cr JP Bartels
Cr WA Honor
Cr HL Blackburn
Cr GR Barnes
Cr CR Sommerfeld
Cr DJ Batt
Cr JA Peters
Cr JM Dempsey

Against

Cr SA Rowleson
Cr PR Heuser



Minutes

2 November 2016

Item Number:	File Number:	Part:
K4	322.2016.45333.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

Kay McDuff Drive, Thabeban - Material Change of Use (Overlay Assessment) for High Impact Industry (Compost Facility)

Summary:

APPLICATION NO	322.2016.45333.1
PROPOSAL	Development Permit for Material Change of Use for High Impact Industry (Composting Facility)
APPLICANT	Compost Works Pty Ltd
OWNER	The Minister For Economic Development Queensland
PROPERTY DESCRIPTION	Lot 2 on SP285136
ADDRESS	Kay McDuff Drive, Thabeban
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	High Impact Industry Zone (Industry Zone)
OVERLAYS	Airport and aviation facilities overlay code
LEVEL OF ASSESSMENT	Code Assessment
SITE AREA	22.11 ha
CURRENT USE	Vacant Land
PROPERLY MADE DATE	15 March 2016
STATUS	The extended decision period for the application expires on 9 September 2016
REFERRAL AGENCIES	Department of Infrastructure, Local Government and Planning
NO OF SUBMITTERS	13 individual submitters and two petitions with a total of 81 signatories
PREVIOUS APPROVALS	Nil
SITE INSPECTION CONDUCTED	16 March 2016
LEVEL OF DELEGATION	Level 3

Pursuant to:-

- Section 173 of the "Local Government Act 2009" Cr CR Sommerfeld declared a perceived Conflict of Interest in relation to this item - due to his previous involvement with properties in the area as a Surveyor - and with the consent of the Acting Mayor left the Council Chambers; and
- Section 172 of the "Local Government Act 2009", Cr GR Barnes declared a Real (Material) Personal Interest in relation to this item - as a shareholder of a company dealing with the Applicant - and with the consent of the Acting Mayor left the Council Chambers.

1833

Resolution

Cr HL Blackburn presented the report; and moved:-

That Development Application 322.2016.45333.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Development Permit for Material Change of Use for High Impact Industry (Composting Facility)

SUBJECT SITE

Kay McDuff Drive, Thabeban, described as Lot 2 on SP285136

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.

3. DETAILS OF APPROVAL

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deemed Approval

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

4. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

5. 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

6. CODES FOR SELF ASSESSABLE DEVELOPMENT

The relevant codes identified in the:

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

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

Not Applicable

8. SUBMISSIONS

Not Applicable

9. 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.

10. REFERRAL AGENCY

The referral agency for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>Schedule 7, Table 3, Item 1 (State-controlled road matters)</p> <p>Schedule 7, Table 3, Item 1 (development impacting of state transport infrastructure)</p>	Department of Infrastructure, Local Government and Planning	Concurrence Agency	State Assessment and Referral Agency (SARA) E: WBBSARA@dsdip.qld.gov.au P: PO Box 979 Bundaberg Qld 4670

11. APPROVED PLANS

The approved plans for this development approval are listed in the following table:

Plan/ Document number	Plan/ Document name	Date
CC-3511- CON02-D3	Site Layout and Concept Drainage Plan	07.09.16
CC-3511- CON03-D3	Standard details and Sections	07.09.16

12. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

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

13. REFUSAL DETAILS

Not Applicable

14. 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
24-27 (inclusive) and 29-32 (inclusive)	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 amended Approved Plans required by Condition 4, the Conditions prevail.
3. Comply with all of the conditions of this Development Permit prior to the commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.

Amended Plans

4. Prior to the approval of any further development permits for the development, provide to Council amended plans of development as follows:
 - a. a new site layout plan that includes:-
 - i. Any changes required by the conditions of this approval;
 - ii. the extension of the buffer for the entire length of the northern property boundary;
 - iii. relocation of the 20 metre vegetated buffer so that it is clear of all works and structures associated with the diversion drain located along the northern and western property boundaries;
 - b. Floor and elevation plans of the proposed site office that comply with the requirements of Condition 9 of this approval;

- c. An amended Bird Hazard Assessment Report and an amended Bird Management Plan updated to reflect the conditions of this approval where applicable. The amended Bird Management Plan must also include the following requirements:
 - i. A provision that requires the operator to submit an annual report to the Assessment Manager on all bird hazard related matters including but not limited to Bird Dispersal events, monitoring/ wildlife counts and Bird Hazard notifications;
 - ii. In the event that the annual report demonstrates an increase in bird activity on the site, a requirement for the operator to submit to the Assessment Manager a proposed rectification plan to reduce bird activity to pre-development levels within 30 days of the submission of any such annual report; and
 - iii. A requirement that within 60 day of the Assessment Manager conditionally agreeing to the rectification plan, the plan is implemented by the operator.

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

Construction Management

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

Development in Stages

8. Develop the site in accordance with the stages identified on the Approved Plans with the stages to be developed in the consecutive numeric or alphabetic order of each stage as identified on the plan. The Applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.

Nature and Extent of the Approved Use

9. The Gross Floor Area of the office building must not be greater than 75 square metres and must not exceed a height of one storey or 6.5 metres, whichever is the lesser.
10. Unless otherwise approved in writing by the Assessment Manager, the hours of the approved use are limited to:
 - a. Monday to Saturday inclusive– 7 am to 5.30 pm; and

b. Sunday and public holidays – 9 am to 5.30 pm.

11. Unless otherwise approved in writing by the Assessment Manager, all deliveries, loading/unloading activities and refuse collection are to be undertaken during the hours of operation approved under Condition 10.
12. The materials to be used in composting activities are limited to green vegetation waste and must not include any other putrescible waste, including fruit, vegetable or packing shed waste. The inclusion of any other putrescible waste is prohibited.
13. All material being delivered to the site for inclusion in composting activities must be screened by an employee or operator of the approved use for the presence of any material prohibited under Condition 12. Should any prohibited material be identified, the entire of the material being delivered must be refused entry to the site and removed immediately.
14. In the event that prohibited material is later identified within any delivered material, the operator must remove it from the site within 24 hours of it being identified and dispose of it at a Council approved waste disposal facility.

Bird Hazard Management

15. All bird dispersal activities undertaken in accordance with the approved amended Bird Management Plan must only be undertaken during the hours of the approved use allowed pursuant to Condition 10.
16. The operator must comply with all recommendations and procedures of the approved amended Bird Management Plan and Bird Hazard Assessment Report prepared by Avisure Pty Ltd except where alternative outcomes are conditioned with this decision notice.
17. The operator must provide and maintain for as long as the use continues netting over all sediment and storage basins to provide a complete barrier that excludes birds from the waterbodies.

External Storage of Materials

18. Ensure goods, equipment, packaging material or machinery is not stored or left exposed outside the building so as to be visible from any public road or thoroughfare. Any storage on site is required to be screened from view from all roads and adjacent properties.

Water

19. Provide a reticulated water supply service the development 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.
20. Provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the development.
21. The water provided by the metered service must, with the exception of fire fighting, be used only within the building and for staff purposes. Water provided by Council's reticulated service must not be used in anyway in composting activities on the site.

Sewerage

22. Provide a reticulated sewerage service to the lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. 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 SMH.08481 located adjacent to 44 Charlie Triggs Crescent. The nominated point of connection must be provided by Council.

Dust

23. Provide a Dust Control and Nuisance Plan (DCNP) for approval by the Assessment Manager. The DCNP must include, but not limited to, the following:
- a. the windage (speed and direction) considered sufficient to create a dust nuisance. Under such circumstances, any dust generating activities, including but not limited to the formation and turning of windrows, unloading and loading of materials, scraping of pads and construction activities, must immediately cease:
 - i. until conditions are favourable; or
 - ii. in the area creating the dust nuisance; or
 - iii. until additional dust control measures are provided on site and it is demonstrated that the measures are sufficient to address the dust nuisance;
 - b. a complaints' management procedure inclusive of, but not limited to:
 - i. a summary of the complaint,
 - ii. Control measures recommended, and
 - iii. Details of the recommended control measures and any further remedial activity required.
 - c. a log of all complaints, investigations, control measures and any recommended further control measures necessary until the DCNP is updated; and
 - d. annual review and submission to the Assessment Manager to ensure that controls are being met;

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

24. Carry out the development in accordance with the approved DCNP at all times for the life of the development.

Stormwater

25. Provide written confirmation from the owners of the subject land that the proposed diversion drain and buffer along the western boundary and within proposed Easement D on SP 285136 is acceptable and that such use does not compromise any future purpose of this proposed easement.
26. Provide the sediment and storage basins with the following:
- a. accesses to each of the areas to ensure that plant and equipment can access the basin for maintenance and emergency purposes; and

- b. perimeter pool fencing or equivalent to restrict access to the basins.
27. As part of the associated application for Operational Works, provide a geotechnical report confirming the long term stability of the 4V:1H slopes and any controls to limit loads within the restricted area.
28. Remove the existing water body on the site prior to the commencement of any works necessary to construct the proposed sediment and storage basins.
29. Provide a Sediment and Storage Basin Operation and Maintenance Plan (SSBOMP) for the approval of the Assessment Manager prior to the commencement of any works of the subject land. The SSBOMP must include, but not limited to, the following:
- a. removal of existing water bodies on the site;
 - b. control measure to ensure that the netting is serviceable at all times,
 - c. any batter controls and restrictions highlighted in the Geotechnical report;
 - d. frequency of expected maintenance,
 - e. demonstrate how after each stormwater event:
 - i. the water level in the basins will be returned to a maximum depth of 1.2 metres, for example pump-out rates;
 - ii. what measures, including testing and timing, are necessary to be undertaken before the tailwater is of a quality sufficient for release into the table drain located on the Ring Road;
 - iii. when the basins must be emptied and cleaned to ensure the environmental storages are maintained;
 - f. a complaints management procedure inclusive of, but not limited to:
 - i. a summary of complaint,
 - ii. a record of the investigation,
 - iii. Control measures recommended, and
 - iv. Details of implementation of control measures and any further remedial activity required.
 - g. a log of all maintenance activities, water sampling, treatment and control measures, any control measures necessary implemented until the SSBOMP is updated; and
 - h. annual review and submission to the Assessment Manager to ensure that controls are being met.

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

30. Carry out the development in accordance with the approved SBOMP at all times for the life of the development.

Property access and driveways

31. Only one (1) access driveway is permitted to the subject land. Such access must be provided in accordance with the standards specified in the *planning scheme policy for development works – driveways and access to developments* at Stage 1.

The specific requirements must be determined as part of the Operational Works application.

Car Parking

32. Provide off-street car parking and vehicle manoeuvring areas with a minimum of Stage 1 - 5 parking and Stage 2 - 5 spaces and at Stage 1 at least one dedicated loading bay. Such car parking, access and manoeuvring areas must be generally in accordance with the Approved Plans and be:-
- a. constructed and sealed with bitumen, asphalt, concrete or approved pavers;
 - b. line-marked into parking bays;
 - c. designed to include a manoeuvring areas to allow all vehicles to leave the site in a forward gear;
 - d. designed to include the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;
 - e. sign posted to indicate entry/exit points, in addition to line marking, to indicate the traffic flow through the site;
 - f. drained to the relevant site discharge point;
 - g. where and how site vehicles will be cleaned so that they do not, in the opinion of the Assessment Manager, spread dirt and other contaminants on the external road network; and
 - h. designed in accordance with AS/NZS2890.1-2004: 'Parking Facilities Part 1: Off-street Car Parking'.

SunWater

33. Provide written confirmation that SunWater as grantee of Easement A – C on RP162728 is agreeable to all works proposed within the aforesaid easements, prior to the submission of the first Operational Works application.

Staffing

34. Unless otherwise agreed to in writing by the Assessment Manager, the maximum number of staff on the subject site engaged in the approved use must not exceed seven (7) at any one time.

Fences

35. Provide a 1.8 metre high security fence to around the full extent of the composting operations designed to prevent unauthorised access to the windrows and material sorting/storage areas. The erection of a second boundary line fence parallel to any existing boundary fence is prohibited. Details of the proposed fence must be shown on the Landscape Plan required by Condition 38 of this approval.
36. The security fence must be lockable and the premises secured outside the hours of approval allowed under Condition 10.

Loading/Unloading

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

Vegetation Buffer

38. A landscape plan for the vegetated buffer zone must be submitted to and approved by the Assessment Manager prior to the commencement of any landscaping works. The plan must be generally in accordance with the Approved Plan/s, have regard to the conditions of this approval and include, but not be limited to, the following features:
- a. A vegetated buffer with a minimum width of 20 metres;
 - b. In addition to being located around the subject site as shown on the approve plan, be extended for the full length of the northern boundary;
 - c. The buffer must be located completely outside the extent of the proposed diversion drain along the northern and western site boundaries;
 - d. Include species compliant with the Landscaping Policy and recommendations of the Bird Management Plan;
 - e. Provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space);
 - f. Foliage is from the base to the crown;
 - g. Include species which are fast growing and hardy;
 - h. Have a mature height no greater than ten (10) metres above natural ground level;
 - i. Include an area of at least 5 metres clear of vegetation or flammable material to either side of the vegetated area.
 - j. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
 - k. Details of any landscaping structures, including entrance statements;
 - l. Details of cutting and filling and all retaining structures and fences and associated finishes;
 - m. Contours or spot levels if appropriate;
 - n. Fence size and materials; and
 - o. Location of any drainage, sewerage and other underground services and any overhead power lines.
39. As part of the submission of the landscape plan provide written confirmation from Avisure Pty Ltd that the required planting layout complies with the Bird Management Plan.
40. Complete landscaping shown on the endorsed plans prior to the commencement of the use and maintain all landscape works in accordance with the Approved Plan whilst the use continues.

Lighting

41. External lighting used to illuminate the premises must be designed and provided in accordance with Australian Standard AS 4282-1997: *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

Street Identification

42. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street number and, where appropriate, the building name.

Vegetation Clearing

43. Prior to any other operational works occurring on the site, clear all existing vegetation on the subject site.
44. Inspect the tree prior to clearing for the presence of nesting birds, koalas and other fauna, including habitat hollows. No clearing of trees which may disturb nesting birds is permitted until the birds have fledged and left the nest. Removal of trees with koalas and other fauna must be carried out under the supervision of a Department of Environment and Heritage Protection registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the *Queensland Nature Conservation Act 1992*.
45. Chip, mulch or dispose of cleared vegetation at a Council approved green waste disposal facility, retain on-site for use in the composting facility or salvage timber for reuse. No burning of cleared material is permitted unless otherwise approved in writing by the Assessment Manager.

Waste Management

46. Provide a sufficient area for the storage of all waste bins. This area must be sealed, screen fenced and designed so as to prevent the release of contaminants to the environment.
47. Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.

PART 1B – ADVICE NOTES**Environmental Harm**

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

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Fencing

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

Infrastructure Charges Notice

- D. Please find attached the Infrastructure Charges Notice (Register No: 331.2016.858.1) applicable to the approved development.

Nature and Extent of Approved Development

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

Dust

- F. If a dust complaint is made to Council and the complaint is substantiated, Council at its discretion may issue a Direction Notice in accordance with section 363A of the *Environmental Protection Act 1994*. Non-compliance with this Notice may result in an on-the-spot fine of \$2,200.

Signage

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

Operational Works

- H. This Decision Notice does not represent an approval to commence Operational Works. Any Operational Works associated with this Material Change of Use or other engineering work proposed on the lot is subject to relevant assessment under the Bundaberg Regional Council Planning Scheme 2015 or the instrument in effect at the time of assessment. This can include works for on-site landscaping, internal vehicle circulation, manoeuvring and car parking areas, on-site stormwater management and access driveways.

Concurrence Agency Response.

- I. It is noted that this development permit is inconsistent with the Department of Infrastructure, Local Government and Planning's concurrence agency response dated 27 June 2016 due to the applicant making changes to the application prior to the assessment manager deciding the application. It is the developer's responsibility to seek a change to the concurrence agency response to establish consistency between the Assessment Managers and relevant entity response.

A request under section 369 of the *Sustainable planning Act 2009* to the Department of Infrastructure, Local Government and Planning (as the responsible Entity) will be required.

PROPERTY NOTES

A. Development Approval 322.2016.45333.1 – Vegetation Buffer

The following notation applies to Lot 2 on SP285136:

“A vegetation buffer has been established on this property to help mitigate any impact (eg dust, noise, visual amenity etc.) from current and future sensitive land uses located nearby. The owner is responsible for the maintenance of the vegetation buffer as described with Schedule 1 of the decision notice.”

B. Development Approval 322.2016.45333.1 – Vegetation Buffer

The following notation applies to Lot 2 on SP285136:

“The approval for a Composting Facility granted under DA322.2016.45333.1 must cease use by 2 November 2026 under the terms of the conditions of the approval.”

PART 2—CONCURRENCE AGENCY CONDITIONS

The Department of Infrastructure, Local Government and Planning by letter dated 27 June 2016 (letter attached for information).

Seconded by Cr DJ Batt.

Following discussion thereto during which:-

- Cr JP Bartels spoke against the Motion;
 - Cr DJ Batt spoke for the Motion;
 - The General Manager Planning & Infrastructure and Group Manager Planning respectively, responded to the query raised by Cr SA Rowleson;
 - Cr WR Trevor spoke against the Motion during which Cr DJ Batt rose to a point of order;
- the Motion was put - and lost by 5 votes to 4 votes.

For

Cr HL Blackburn
Cr DJ Batt
Cr JA Peters
Cr PR Heuser

Against

Cr WR Trevor
Cr JP Bartels
Cr WA Honor
Cr SA Rowleson
Cr JM Dempsey

Cr WR Trevor then moved:-

That Development Application 322.2016.45333.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Development Permit for Material Change of Use for High Impact Industry (Composting Facility)

SUBJECT SITE

Kay McDuff Drive, Thabeban, described as Lot 2 on SP285136

DECISION

Refused

1. REFERRAL AGENCY

The referral agency for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Schedule 7, Table 3, Item 1 (State-controlled Road matters)	Department of Infrastructure, Local Government and Planning	Concurrence Agency	State Assessment and Referral Agency (SARA)
Schedule 7, Table 3, Item 2 (development impacting on state transport infrastructure)			<i>E:</i> WBBSARA@dsdip.qld.gov.au <i>P:</i> PO Box 979 Bundaberg Qld 4670

2. REFUSAL DETAILS

Direction to refuse

The assessment manager was not directed to refuse the application by a concurrence agency.

Reasons for Refusal

1. The development is in substantial conflict with the Industry Uses Code and the Airport and Aviation Facilities Overlay Code given:
 - a. The proposal would increase the risk to aviation safety as a result of bird strike;
 - b. The proposal would have a significant and unreasonable impact on the operations of the Bundaberg Airport;
 - c. The proposal will generate odours that would unreasonably impact on the amenity of adjoining land;

- d. The proposal will generate dust that will have an unreasonable and detrimental impact on the operation of surrounding existing lawfully established uses;
 - e. The proposed development would present an unattractive and unacceptable streetscape to adjoining roads;
 - f. The proposed development would cause an unacceptable impact to the visual amenity of the area, especially given the site's location on a key gateway road to the Bundaberg city;
 - g. The development has not provided acceptable landscaping buffers; and
 - h. The proposed use is inconsistent and incompatible with the surrounding land uses.
2. The Council cannot be confident that the development as proposed can be implemented because the proposal plans and the submitted Bird Management Plan are in conflict with each other, particularly in relation to the provision of suitable vegetation buffers;
 3. The applicant has failed to provide sufficient information to fully assess all aspects of the development, including built form.
 4. The proposed development is in conflict with the Strategic Framework of the Bundaberg Regional Council Planning Scheme, in particular:
 - a. The Settlement Pattern Theme;
 - b. The Economic Development Theme; and
 - c. The Access and Mobility Theme.
 5. There are not sufficient grounds to approve the development despite the identified conflicts with the Bundaberg Regional Council Planning Scheme 2015.

Seconded by Cr JP Bartels.

The Motion on being put - was carried by 5 votes to 4 votes.

For

Cr WR Trevor
Cr JP Bartels
Cr WA Honor
Cr SA Rowleson
Cr JM Dempsey

Against

Cr HL Blackburn
Cr DJ Batt
Cr JA Peters
Cr PR Heuser

Cr GR Barnes and Cr CR Sommerfeld then returned to the Council Chambers.

At this point in the meeting, Cr JM Dempsey requested approval to terminate his teleconference attendance due to communication issues and other matters of Council business.

Moved by Cr GR Barnes:-

That approval be granted for Cr JM Dempsey to terminate his teleconference attendance.

Seconded by Cr WA Honor.

Following discussion thereto - the Motion was put and carried by 8 votes to 3 votes.

For

Cr WR Trevor

Cr JP Bartels

Cr WA Honor

Cr GR Barnes

Cr CR Sommerfeld

Cr DJ Batt

Cr PR Heuser

Cr JM Dempsey

Against

Cr HL Blackburn

Cr SA Rowleson

Cr JA Peters

Cr JM Dempsey terminated his telephone call at 11.40 am.



Minutes

2 November 2016

Item Number:	File Number:	Part:
N1	A2823673	COMMUNITY & CULTURAL SERVICES

Portfolio:

Community & Environment

Subject:

Partnership & Sponsorship Grant Application - Bundaberg Disability Resource Centre incorporating the Toy Library

1834

Resolution

Cr JA Peters presented the report; and moved:-

That a donation of \$10,000 be made to the Bundaberg Disability Resource Centre Incorporating the Toy Library Inc for the 2016/2017 financial year to assist with the operational costs of the organisation.

Seconded by Cr SA Rowleson.

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



Minutes

2 November 2016

Item Number: N2	File Number: FA2991	Part: COMMUNITY & CULTURAL SERVICES
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Portfolio:

Community & Environment

Subject:

Bundaberg Municipal Band Hall Relocation to Bundaberg Recreational Precinct

1835

Resolution

Cr DJ Batt presented the report; and moved:-

That Council:

- A. contribute \$40,000 to the Bundaberg Municipal Band Inc to assist in relocating their Band Hall from the Bundaberg Showgrounds to the Bundaberg Recreational Precinct; and**
- B. sell for removal the building presently situated in the position where the Band Hall will be moved to at the precinct.**

Seconded by Cr GR Barnes.

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



Minutes

2 November 2016

Item Number:	File Number:	Part:
Q1	A2790407	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

Portfolio:

Community & Environment

Subject:

Bundaberg Regional Sport and Recreation Reference Group Membership

1836

Resolution

Cr DJ Batt presented the report; and moved:-

That the following representatives be appointed to the Bundaberg Region Sport and Recreation Reference Group for a 4 year term:-

- (a) **Bradley Grogan;**
- (b) **Tony Castro;**
- (c) **Lynne Forgan.**

Further, that the membership of the Sport and Recreation Reference Group be expanded to include 2 Education Queensland Representatives (Bundaberg District School Sport Representatives).

Seconded by Cr JA Peters.

There being no discussion on this item - the Motion was put - and carried by 9 votes to 1 vote.

For

Cr WR Trevor
 Cr JP Bartels
 Cr WA Honor
 Cr HL Blackburn
 Cr GR Barnes
 Cr SA Rowleson
 Cr CR Sommerfeld
 Cr DJ Batt
 Cr JA Peters

Against

Cr PR Heuser



MINUTES

2 NOVEMBER 2016

ITEM NUMBER: T3	FILE NUMBER: A2665022	PART: CONFIDENTIAL
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PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

REQUEST FOR REDUCTION IN WATER CHARGES - LOT 41 ON RP7200

AT THE REQUEST OF THE ACTING MAYOR, ITEM T3 - REQUEST FOR REDUCTION IN WATER CHARGES – LOT 41 ON RP 7200 WAS DEALT WITH PRIOR TO THE REMAINDER OF THE CONFIDENTIAL ITEMS.

1837

RESOLUTION

CR SA ROWLESON MOVED:-

THAT THIS ITEM BE DEFERRED PENDING FURTHER ADVICE FROM THE PROPERTY OWNER.

SECONDED BY CR PR HEUSER.

THERE BEING NO DISCUSSION ON THIS ITEM - THE MOTION WAS PUT - AND CARRIED UNANIMOUSLY.

THE ACTING MAYOR ADVISED AT THIS STAGE DUE TO THE CONFIDENTIAL NATURE OF THE FOLLOWING 5 ITEMS

- T1 REQUEST FOR WATER LEAK RELIEF - LOT 2 ON RP140019
- T2 REQUEST FOR WATER LEAK RELIEF - LOT 25 ON RP868534
- T4 LAND SALE TO RECOVER RATE ARREARS
- T5 SOLE SUPPLIER APPROVAL - GIS SOFTWARE
- T6 PURCHASE OF SURPLUS QUEENSLAND RAIL (QR) LAND ON QUAY STREET, BUNDABERG

– PURSUANT TO SECTION 275 OF THE “LOCAL GOVERNMENT REGULATION 2012”, THE MEETING WOULD NOW HAVE TO BE CLOSED TO THE PUBLIC.

RESOLUTION

CR GR BARNES MOVED:-

THAT THE MEETING BE CLOSED TO THE PUBLIC – AND DISCUSSION ON THE FOLLOWING 5 ITEMS BE HELD IN COMMITTEE.

SECONDED BY CR DJ BATT - AND CARRIED UNANIMOUSLY WITHOUT DEBATE.

RESOLUTION

CR WA HONOR MOVED:-

THAT THE MEETING NOW BE REOPENED.

SECONDED BY CR DJ BATT - AND CARRIED UNANIMOUSLY WITHOUT DEBATE.



MINUTES

2 NOVEMBER 2016

ITEM NUMBER:	FILE NUMBER:	PART:
T1	A68986	CONFIDENTIAL

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

REQUEST FOR WATER LEAK RELIEF - LOT 2 ON RP140019

1838

RESOLUTION

CR WR TREVOR 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 \$2,189.76 TO REDUCE THE WATER CONSUMPTION CHARGES TO A LEVEL CONSISTENT WITH PREVIOUS WATER USE, ATTACHING TO PROPERTY AT LOT 2 ON RP140019 PARISH BUNDABERG.

SECONDED BY CR WA HONOR.

THERE BEING NO DISCUSSION ON THIS ITEM - THE MOTION WAS PUT - AND CARRIED BY 8 VOTES TO 2 VOTES.

FOR

CR WR TREVOR
 CR JP BARTELS
 CR WA HONOR
 CR SA ROWLESON
 CR CR SOMMERFELD
 CR DJ BATT
 CR JA PETERS
 CR PR HEUSER

AGAINST

CR HL BLACKBURN
 CR GR BARNES



MINUTES

2 NOVEMBER 2016

ITEM NUMBER:

T2

FILE NUMBER:

A80033

PART:

CONFIDENTIAL

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

REQUEST FOR WATER LEAK RELIEF - LOT 25 ON RP868534

1839

RESOLUTION

CR WR TREVOR 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 \$2,840.85 TO OFFSET THE OUTSTANDING RATES FOR WATER CONSUMPTION CHARGES FOR THE PERIOD ENDING 31 DECEMBER 2016, ATTACHING TO PROPERTY AT LOT 25 ON RP868534, PARISH GOOBURRUM.

SECONDED BY CR JP BARTELS.

THERE BEING NO DISCUSSION ON THIS ITEM - THE MOTION WAS PUT - AND CARRIED BY 7 VOTES TO 3 VOTES.

FOR

CR WR TREVOR
 CR JP BARTELS
 CR WA HONOR
 CR SA ROWLESON
 CR CR SOMMERFELD
 CR DJ BATT
 CR PR HEUSER

AGAINST

CR HL BLACKBURN
 CR GR BARNES
 CR JA PETERS



MINUTES

2 NOVEMBER 2016

ITEM NUMBER:

T4

FILE NUMBER:

A2714312

PART:

CONFIDENTIAL

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

LAND SALE TO RECOVER RATE ARREARS

1840**RESOLUTION****CR WR TREVOR PRESENTED THE REPORT; AND MOVED:-**

THAT PURSUANT TO THE PROVISIONS OF CHAPTER 4, PART 12, DIVISION 3 OF THE *LOCAL GOVERNMENT REGULATION 2012* - COUNCIL COMMENCE SALE ACTION FOR RECOVERY OF OUTSTANDING RATES AGAINST THE IDENTIFIED REGISTERED OWNERS OF THE PROPERTIES ON WHICH RATES HAVE REMAINED UNPAID FOR 3 YEARS OR MORE.

SECONDED BY CR CR SOMMERFELD.

THERE BEING NO DISCUSSION ON THIS ITEM - THE MOTION WAS PUT - AND CARRIED UNANIMOUSLY.



MINUTES

2 NOVEMBER 2016

ITEM NUMBER:

T5

FILE NUMBER:

.

PART:

CONFIDENTIAL

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

SOLE SUPPLIER APPROVAL - GIS SOFTWARE

1841**RESOLUTION****CR WR TREVOR PRESENTED THE REPORT; AND MOVED:-**

THAT PURSUANT TO PROVISIONS OF SECTION 235(B) OF THE *LOCAL GOVERNMENT REGULATION 2012*, COUNCIL ENTER INTO A FURTHER THREE YEAR CONTRACTUAL ARRANGEMENT WITH ESRI AUSTRALIA TO CONTINUE TO PROVIDE THE ARCGIS SOFTWARE, SUPPORT AND MAINTENANCE SERVICES TO COUNCIL.

SECONDED BY CR HL BLACKBURN.

THERE BEING NO DISCUSSION ON THIS ITEM - THE MOTION WAS PUT - AND CARRIED UNANIMOUSLY.



MINUTES

2 NOVEMBER 2016

ITEM NUMBER:	FILE NUMBER:	PART:
T6	A2689032	CONFIDENTIAL

PORTFOLIO:

COMMUNITY & ENVIRONMENT

SUBJECT:

PURCHASE OF SURPLUS QUEENSLAND RAIL (QR) LAND ON QUAY STREET, BUNDABERG

1842

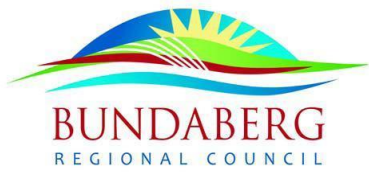
RESOLUTION

CR WR TREVOR PRESENTED THE REPORT; AND MOVED:-

THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO FINALISE APPROPRIATE NEGOTIATION AND DOCUMENTATION TO PURCHASE LAND DESCRIBED AS LOT 6 ON CK807686 (1,449 M²) AND LOT 224 ON SP107951 (1,069 M²), PARISH BUNDABERG, SITUATED AT QUAY STREET, BUNDABERG WEST, FOR THE SUM OF \$400,000 PLUS GST.

SECONDED BY CR GR BARNES.

THERE BEING NO DISCUSSION ON THIS ITEM - THE MOTION WAS PUT - AND CARRIED UNANIMOUSLY.



MINUTES

2 NOVEMBER 2016

ITEM NUMBER:

V1

FILE NUMBER:

PART:

MEETING CLOSE

SUBJECT:

MEETING CLOSE

THERE BEING NO FURTHER BUSINESS – THE ACTING MAYOR DECLARED THIS ORDINARY MEETING CLOSED AT 12.00 NOON.

CONFIRMED THIS TWENTY-SECOND DAY OF NOVEMBER 2016.

MAYOR