



Ordinary Meeting Minutes

19 July 2016

Council Chambers, Bundaberg

10.00 am

Present:

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

Apology:

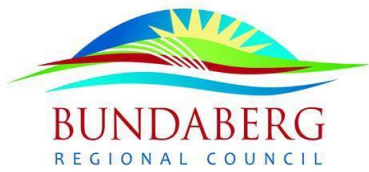
Moved by Cr HL Blackburn, seconded by Cr CR Sommerfeld, That Cr GR Barnes' apology for today's meeting be accepted. - Carried unanimously.

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

Invocation:

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



Minutes

19 July 2016

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

Confirmation of Minutes

1762

Resolution

Cr WA Honor moved:-

That the minutes of the Ordinary Meeting of Council held on 28 June 2016, and the Special Budgetary Meeting of Council held on 1 July 2016, be taken as read and confirmed.

Seconded by Cr DJ Batt - and carried unanimously without debate.



Minutes

19 July 2016

Item Number:	File Number:	Part:
E1	.	FINANCE

Portfolio:

Organisational Services

Subject:

Financial Summary as at 30 June 2016

1763

Resolution

Cr JM Dempsey presented the report; and moved:-

That the Financial Summary as at 30 June 2016 (as detailed on the 14 pages appended to this report) – **be noted by Council.**

Seconded by Cr JP Bartels.

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



Minutes

19 July 2016

Item Number:	File Number:	Part:
F1	CM/0012	GOVERNANCE & COMMUNICATIONS

Portfolio:

Organisational Services

Subject:

Audit and Risk Committee Update

1764

Resolution

Cr HL Blackburn presented the report; and moved:-

That the minutes of the Audit and Risk Committee Meeting held on 16 June 2016 (as detailed on the 6 pages appended to this report); be received and noted; including the appointment of:-

- (1) Ms Emma Habermann and Mr Bradley Grogan as External Representatives to the Audit and Risk Committee until March 2020;**
- (2) Mr Bradley Grogan as Chair of the Audit and Risk Committee.**

Further, that the:-

- (a) Audit and Risk Committee Charter** (as detailed on the 8 pages appended to this report);
- (b) Audit and Risk Committee Yearly Workplan** (as detailed on the 1 page appended to this report);
- (c) Internal Audit Charter Governance Policy** (as appended on the 7 pages appended to this report);
- (d) The Fraud and Corruption Management Policy** (as detailed on the 6 pages appended to this report);

– be adopted by Council.

It being noted that a letter of thanks has been written to Ms Leanne Rudd for her services to the Audit Committee for the past 8 years.

Seconded by Cr DJ Batt.

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



Minutes

19 July 2016

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

Organisational Services

Subject:

Park Drive, Moore Park Beach - Lease Renewal Moore Park Beach Tennis Club Inc - Lot 3 on RP847129

1765

Resolution

Cr HL Blackburn presented the report; and moved:-

That the Chief Executive Officer be authorised to enter into a new 10 year lease with the Moore Park Beach Tennis Club Inc over land described as Lease B on SP212148, in Lot 3 on RP847129, located at Park Drive, Moore Park Beach, under identical conditions to the current lease.

Further, that a report be prepared on options for the future of the Toilet Block for further consideration by Council.

Seconded by Cr SA Rowleson.

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



Minutes

19 July 2016

Item Number:	File Number:	Part:
K1	321.2015.43354.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

27 Kirbys Road, Kalkie - Development Permit for Reconfiguring a Lot (1 into 3 Lots)

Summary:

APPLICATION NO	321.2015.43354.1
PROPOSAL	Development Permit for Reconfiguring a Lot (1 into 3 Lots)
APPLICANT	RJ Bauer & KA Bauer
OWNER	RJ Bauer & KA Bauer
PROPERTY DESCRIPTION	Lot 6 on RP812667
ADDRESS	27 Kirbys Road, Kalkie
PLANNING SCHEME	Planning Scheme for Bundaberg City
ZONING	Non-Urban Zone (Local Area 6)
OVERLAYS	Acid Sulfate Soils, Bundaberg Airport
LEVEL OF ASSESSMENT	Impact
SITE AREA	20.24 ha
CURRENT USE	Single Dwelling Unit
PROPERLY MADE DATE	4 June 2015
STATUS	The 20 business day decision period ends on 4 November 2015
REFERRAL AGENCIES	Nil.
NO OF SUBMITTERS	One (1) Submitter
PREVIOUS APPROVALS	Nil.
SITE INSPECTION CONDUCTED	25 June 2015
LEVEL OF DELEGATION	Level 3

1766

Resolution

Cr CR Sommerfeld presented the report; and moved:-

That as:-

1. the subject land is used as a rural residential lifestyle lot and is not subject to agricultural activity. The proposal does not alter the overall site's productive capacity;

2. the rural residential lots created by this development will not impact on activities on adjoining land which are limited to rural residential and hobby farming (grazing);
3. the lots can be provided with appropriate services for rural residential development and can sustainably deal with on site wastewater disposal;
4. an insufficient amount of Rural Residential land is allocated for this locality in the Planning Scheme for Bundaberg City 2004 and Bundaberg Regional Council Planning Scheme 2015. The lots provide additional market choice without a significant change to the rural character of the locality;
5. local stormwater impacts will prevent future development of the majority of the site for urban purposes. The development represents the ultimate development of the site thereby not compromising the intent of the Wide Bay Burnett Regional Plan and the Bundaberg Regional Council Planning Scheme 2015. The lot size provides a buffer to continuing agricultural use to the north of the site; and
6. the proposed lots will not be subject to risk from stormwater impacts following works prescribed in Site based Stormwater Management Plan (Revision C) by Empire Engineering. Works will not impact adjoining properties.

- Development Application 321.2015.43354.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Reconfiguring of a Lot (1 into 3 Lots)

SUBJECT SITE

27 Kirbys Road, Kalkie, described as Lot: 6 RP: 812667

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
Reconfiguring a lot	Part 1, table 3, item 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Deemed Approval

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

2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME

Not Applicable.

3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

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

- All Operational Work

4. CODES FOR SELF ASSESSABLE DEVELOPMENT

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

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

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

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

6. SUBMISSIONS

There was one (1) submission received for the application. The name and address of the principal submitter is as follows:-

Name of principal submitter	Address
1. Judy & John Nowell	23 Kirbys Road, Kalkie, QLD, 4670

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

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>Planning Scheme for Bundaberg City 2004-2015.</p> <ul style="list-style-type: none"> -Non-Urban precinct - Key Strategies -Desired Environmental Outcomes -Lot Reconfiguration Code. 	<p>The subject land is used as a rural residential lifestyle lot and is not subject to agricultural activity. The proposal does not alter the overall site's productive capacity.</p> <p>The rural residential lots created by this development will not impact on activities on adjoining land which are limited to rural residential and hobby farming (grazing).</p>

	<p>The lots can be provided with appropriate services for rural residential development and can sustainably deal with on site wastewater disposal.</p> <p>An insufficient amount of Rural Residential land is allocated for this locality in the Planning Scheme for Bundaberg City 2004 and Bundaberg Regional Council Planning Scheme 2015. The lots provide additional market choice without a significant change to the rural character of the locality.</p>
<p>Wide Bay Burnett Regional Plan – Urban Footprint</p>	<p>Local stormwater impacts will prevent future development of the majority of the site for urban purposes. The development represents the ultimate development of the site thereby not compromising the plans intent. The lot size provides a buffer to continuing agricultural use to the north of the site.</p>
<p>Bundaberg Regional Council Planning Scheme 2015. -Rural Zone -Strategic Intent -Strategic Outcomes -Kalkie-Ashfield development area -Lot Reconfiguration Code -Flood Hazard Overlay Code</p>	<p>Commentary as above for Planning Scheme for Bundaberg City 2004-2015.</p> <p>The proposed lots will not be subject to risk from stormwater impacts following works prescribed in Site based Stormwater Management Plan (Revision C) by Empire Engineering. Works will not impact adjoining properties.</p>

8. REFERRAL AGENCY

Not Applicable

9. APPROVED PLANS

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

Plan/Document number	Plan/Document name	Date
BRC Sketch Plan 01 (Z14-534-P1)	321.2015.44413.001 – Plan of Proposed Lot Reconfiguration	10 June 2016
CC-3161 – C03 Rev B	Concept Stormwater Management Plan	2 December 2015
Z14-534P1 Sheet 1 of 2	Plan of Proposed Lot Reconfiguration	June 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
10,11	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

SCHEDULE 1 – Conditions and Advice

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

General

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

Agricultural Buffers

4. Establish a vegetated agricultural buffer over the land area to the rear of lots 21 and 22 (outside of the building envelope). The buffer must:-
 - a. Have a minimum total width of 40 m;
 - b. Contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of 4-5 m for a minimum width of 20 m;
 - c. Include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets;
 - d. 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);
 - e. Foliage is from the base to the crown;
 - f. Include species which are fast growing and hardy;
 - g. Have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher;
 - h. Have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land; and
 - i. Include an area of at least 10m clear of vegetation or flammable material to either side of the vegetated area.
5. Establish a vegetated agricultural buffer on lot 20 over the land area adjoining the access driveway of lot 20 and the western boundary of lot 21 for a length of 65 m. The buffer must:-

- a. Have a minimum total width of 10 m;
 - b. Contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of 4-5 m;
 - c. Include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets;
 - d. 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);
 - e. Foliage is from the base to the crown;
 - f. Include species which are fast growing and hardy;
 - g. Have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher;
 - h. Have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land; and
6. Maintain the new agricultural buffers over Lots 20, 21 and 22 until the land on Lot 20 (shown on the Approved Plans) is used for urban or rural residential purposes only.

Building Envelopes

7. All future dwellings/buildings on approved Lots 21 and 22 must be sited and constructed generally in accordance with the approved building envelopes shown on the Approved Plan reference: CC-3161 – C03 Rev B. A copy of the approved Plan of Development must be included in the contract of sale for Lots 21 and 22 the approved lots, together with a clause which requires future dwellings to be constructed in accordance with it.

Electricity and Telecommunications

8. Enter into an agreement with an approved electricity provider, to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions. Provide evidence of such an agreement, along with associated bonding arrangements, to the Assessment Manager prior to the approval of the Plan of Subdivision.
9. Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.

Existing Services and Structures

10. Ensure all existing and proposed utility services and connections (eg electricity, telecommunications, water and sewerage) are wholly located within the lot they serve.
11. All existing effluent disposal areas must be wholly located within the lot they serve and comply with the boundary setback requirements of the *Plumbing and Drainage Act 2002* and associated codes and requirements.

Roadworks and Access (Driveways)

12. Driveways to proposed lots 21 and 22 must comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments*. The specific requirements must be determined as part of the Operational Works application.
13. Provide a sealed access driveway to Lot 20 which is constructed and sealed with asphalt, concrete, bitumen or approved pavers for the full length of the building envelope on adjoining Lot 21 plus 10 meters to a minimum width of 2.5 metres, centrally located within the access strip. Pavement must be abutted by concrete edge strips.

Infrastructure Agreement

14. All stormwater infrastructure is to be designed, constructed, dedicated and maintained in accordance with the executed Infrastructure Agreement – *Diversion Drain Requirements* dated 10 May 2016 and the subsequent Deed of Variation dated 16 June 2016.

Filling

15. Filling of proposed Lots 21 and 22 must be generally in accordance with Empire Engineering Plan CC-3161 – C03 Rev B. The specific requirements must be determined as part of the Operational Works application.

Earthworks

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

Easements

17. Ensure that any existing easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plans or in the conditions of this approval. Proof of the registration are to be submitted to the Assessment Manager at the time of the submission of a Plan of Subdivision for compliance assessment and signing.
18. Lodge for registration at the office of the Land Registry a stormwater drainage easement as provided on the approved plan BRC Sketch Plan 01 (Z14-534-P1) and in the Infrastructure Agreement – *Diversion Drain Requirements* dated 10 May 2016 and the subsequent Deed of Variation dated 16 June 2016 and described generally as having a minimum width of ten (10) metres in proposed Lot 20 (dominant tenement) and connected to the southern (rear) boundary of proposed Lots 21 to 22 (servient tenement).
19. Draft easement documentation must be submitted to the Assessment Manager for review and approval of terms.

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

PART 1B – ADVICE NOTES

Infrastructure Charges Notice

A. Please find attached the Infrastructure Charges Notice (Ref No: 331.2016.833.1) applicable to the approved development.

Rates and Charges

B. In accordance with the Sustainable Planning Act 2009, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.

Property Notes

C. Development Approval 321.2015. 43354.1 – Water

The following notation applies to approved Lots 21 & 22:

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

D. Development Approval 321.2015. 43354.1 – Sewerage

The following notation applies to approved Lots 21 & 22:

This property is not serviced by the Council's reticulated sewerage network. Any future residential dwelling on Lots 21 and 22 must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use. The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the Plumbing and Drainage Act 2002. The system must be designed in accordance with the Queensland Plumbing and Wastewater Code (Department of State Development and Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 'On-site Domestic Wastewater Management'.

E. Development Approval 321.2015. 43354.1 – Driveways

The following notation applies to approved Lots 21 & 22:

The driveway to the Lot:

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

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

F. Development Approval 321.2015.43354.1 – Infrastructure Agreement

The following notation applies to approved Lot 20:

This property is subject to an Infrastructure Agreement – *Diversion Drain Requirements* dated 10 May 2016 and the subsequent Deed of Variation dated 16 June 2016 for the construction and ongoing maintenance of stormwater infrastructure within a 10 metre wide easement. Landowners or purchasers are strongly advised to seek further details by contacting the Council's Development Assessment Branch.

G. Development Approval 321.2015.43354.1 – Rural Activity

The following notation applies to approved Lots 21 and 22:

All future purchasers of the subject land should note that there is a rural activity adjacent to the land and such activity may conflict with the residential usage of the subject land.

H. Development Approval 321.2015.43354.1 – Agricultural Buffer

The following notation applies to approved Lots 21 and 22:

An agricultural buffer has been established on this property to help mitigate any impact (eg Dust, spray drift, noise etc) from current and future agricultural activities located nearby. The owner is responsible for the maintenance of the agricultural buffer.

I. Development Approval 321.2015.43354.1 – Agricultural Buffer

The following notation applies to approved Lot 20:

An agricultural buffer has been established on this property to help mitigate any impact (eg Dust, spray drift, noise, etc) to adjoining properties from current and future agricultural activities located nearby. The owner is responsible for the maintenance of the agricultural buffer.

J. Development Approval 321.2015.43354.1 – Building Envelope

The following notation applies to approved Lots 21 and 22:

Building Envelope restrictions apply in respect to the use and development of this property. The rear portion of the lot is not suitable for construction of habitable structure. A copy of the Plan of Development is available from the Council's. Landowners or purchasers are strongly advised to seek further details by contacting the Council's Development Assessment Branch.

K. Development Approval 321.2015.43354.1 – Localised flooding

The following notation applies to approved Lots 21 and 22:

This lot is subject to localised flooding in a 1% AEP event and the lots have been filled to provide flood free building pads.

Agricultural Buffers

- L. 'Burnett Shire Rural Buffer Zone Tree Planting Advice' provides useful information regarding the choice of species, site preparation and planting of agricultural buffers.

Seconded by Cr JA Peters.

Following discussion thereto during which Cr SA Rowleson 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 CR Sommerfeld
Cr DJ Batt
Cr JA Peters
Cr PR Heuser
Cr JM Dempsey

Against

Cr SA Rowleson

It being noted that the Planning Officer had recommended that this Application be refused on the following grounds:-

Reasons for Refusal

1. The proposed development is in conflict with the City Planning Strategy of the Bundaberg City Planning Scheme, specifically the Non Urban Strategy (2.8) and its Primary Measures, the Key Strategies 7.1 – 7.5 and Preferred settlement pattern and Development characteristics (1 -3), which all relate to the protection and retention of agricultural land, ensuring that Non Urban land is not fragmented or used for urban development particularly where an overriding and demonstrated need is not demonstrated.
2. The proposed development is in conflict with the City Planning Strategy of the Bundaberg City Planning Scheme, specifically the Residential Strategy (2.2) and its Key Strategy 1.5 and Preferred settlement pattern and Development characteristics (4, 7 and 8) which all relate to the consolidation of urban form by limiting the creation of rural residential lots, the exclusion of land subject to inundation from urban development and provision of appropriate services for future residential growth.

3. The proposed development is in conflict with the City Planning Strategy of the Bundaberg City Planning Scheme, specifically the Development Servicing & Sequencing Strategy (2.9), Key Strategy 8.1 and Preferred settlement pattern and Development characteristic 2, relating to the adequate provision of servicing and infrastructure.
4. The proposed development is in conflict with the Lot Reconfiguration Code of the Bundaberg City Planning Scheme, including Performance Outcomes P1, P2 and P4 for matters relating to the provision of infrastructure in accordance with relevant standards and the creation of allotments that must not result in increased risk of life or property.
5. The proposed development is completely outside the priority infrastructure area and is inconsistent with the assumptions about the type, scale, location or timing of future development in the priority infrastructure plan.
6. The proposed development is in conflict with the Temporary Local Planning Instrument (TLPI) 1/2015, including Performance Outcomes PO1, PO2, PO3 and PO7. These outcomes relate to requirement for:
 - a. No intensification of development in flood affected areas;
 - b. No new lots in flood affected areas;
 - c. No filling of land in flood affected areas
 - d. No increase in risk to people or property due to the proposed development.
7. The applicant has not demonstrated an overriding need for the proposed development in the location, given the availability of appropriately zoned land elsewhere in the Planning Scheme area.
8. The proposed development is in conflict with the Bundaberg Region Planning Scheme, specifically the:
 - a. Purpose and Overall Outcomes Kalkie-Ashfield local development area local plan including its inclusion within the Rural and landscape protection area with the purpose of protecting and enhancing rural land;
 - b. Purpose and Overall Outcomes Rural Zone Code;
 - c. Specific Outcomes of Element 3 of the Strategic Framework (i), (iii), (v), (ix);
 - d. Purpose, Overall Outcomes and Performance Outcome PO3 of the Reconfiguring a Lot Code specifically noting the minimising of further fragmentation to Rural zoned land.
9. The development cannot be reasonably conditioned to comply with the Bundaberg City Planning Scheme and associated instruments or the Bundaberg Region Planning Scheme 2015.
10. There are insufficient planning grounds to support the development despite its identified conflicts with the applicable planning instruments.

- however, Council has not accepted this recommendation.



Minutes

19 July 2016

Item Number:	File Number:	Part:
Q1	A2616468	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

Portfolio:

Community & Environment

Subject:

Bundaberg Regional Sport and Recreation Advisory Group

1767

Resolution

Cr DJ Batt presented the report; and moved:-

That:-

1. the minutes of the Bundaberg Regional Sport and Recreation Advisory Group held on 19 May 2016 be received and noted;
2. the amended Bundaberg Region Sport and Recreation Reference Group Terms of Reference be adopted; and
3. Expressions of Interest be called from the Community to join the Bundaberg Region Sports and Recreation Reference Group for a period of 4 years.

Seconded by Cr JA Peters.

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

Pursuant to Section 172 of the “Local Government Act 2009”, Cr WA Honor declared a Real (Material) Personal Interest in relation to this item - as he has an Application pending which may or may not benefit from the Infrastructure Incentives - and with the consent of the Mayor left the Council Chambers.

THE MAYOR ADVISED AT THIS STAGE DUE TO THE CONFIDENTIAL NATURE OF THE FOLLOWING ITEM – PURSUANT TO SECTION 275 OF THE “LOCAL GOVERNMENT REGULATION 2012”, THE MEETING WOULD NOW HAVE TO BE CLOSED TO THE PUBLIC.

RESOLUTION

CR JP BARTELS MOVED:-

THAT THE ORDER OF BUSINESS OF TODAY’S MEETING BE AMENDED; AND ITEM T4 BE THE NEXT ITEM FOR CONSIDERATION. FURTHER, THAT THE MEETING BE CLOSED TO THE PUBLIC TO ENABLE DISCUSSION ON THIS ITEM TO BE HELD IN COMMITTEE.

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

RESOLUTION

CR WR TREVOR MOVED:-

THAT THE MEETING NOW BE REOPENED.

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



MINUTES

19 JULY 2016

ITEM NUMBER:	FILE NUMBER:	PART:
T4	NIL	CONFIDENTIAL

PORTFOLIO:

INFRASTRUCTURE & PLANNING SERVICES

SUBJECT:

BUNDABERG OPEN FOR DEVELOPMENT 2016 – PROPOSED INFRASTRUCTURE CHARGES INCENTIVES SCHEME

1768

RESOLUTION

CR CR SOMMERFELD PRESENTED THE REPORT AND MOVED:-

THAT THE 'BUNDABERG OPEN FOR DEVELOPMENT 2016 INFRASTRUCTURE CHARGES INCENTIVES SCHEME BE IMPLEMENTED IN ACCORDANCE WITH THE PREPARED RULES AND REGULATIONS DETAILED IN ATTACHMENT 2 APPENDED TO THIS REPORT.

SECONDED BY CR HL BLACKBURN.

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

CR WA HONOR THEN RETURNED TO THE COUNCIL CHAMBERS.

THE MAYOR ADVISED AT THIS STAGE DUE TO THE CONFIDENTIAL NATURE OF THE FOLLOWING 3 ITEMS (T1, T2 AND T3, RESPECTIVELY) – PURSUANT TO SECTION 275 OF THE “LOCAL GOVERNMENT REGULATION 2012”, THE MEETING WOULD NOW HAVE TO BE CLOSED TO THE PUBLIC.

RESOLUTION

CR WR TREVOR MOVED:-

THAT THE MEETING BE CLOSED TO THE PUBLIC - AND DISCUSSION ON THE FOLLOWING 3 ITEMS BE HELD IN COMMITTEE.

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

RESOLUTION

CR HL BLACKBURN MOVED:-

THAT THE MEETING NOW BE REOPENED.

SECONDED BY CR PR HEUSER - AND CARRIED UNANIMOUSLY WITHOUT DEBATE.



MINUTES

19 JULY 2016

ITEM NUMBER:	FILE NUMBER:	PART:
T1	.	CONFIDENTIAL

PORTFOLIO:

INFRASTRUCTURE & PLANNING SERVICES

SUBJECT:

WATERVIEW ROAD AND PATERSONS ROAD, BUNDABERG NORTH - ACQUISITION OF DRAINAGE EASEMENTS AND ROAD RE-OPENINGS

1769

RESOLUTION

CR WA HONOR MOVED:-

AS PART OF COUNCIL'S ONGOING COMMITMENT TO ADDRESS DRAINAGE ISSUES WITHIN THE NORTH BUNDABERG AREA - THAT COUNCIL RESOLVE TO ACQUIRE APPROXIMATELY 43,148 SQUARE METRES OF LAND IN TOTAL AS OUTLINED IN BRC DRAWING NO 121461, FROM:-

- LOT 10 ON SP 234450;
- LOT 11 ON SP 234450;
- LOTS 3 & 4 ON RP 22194;
- LOT 2 ON RP 22193;
- LOTS 41 & 42 ON C 37408;
- LOT 11 ON C 37233;
- LOT 1 ON RP 89721;
- LOT 1 ON RP 71715;
- LOT 32 ON SP 160276;

SITUATED AT WATERVIEW ROAD AND PATERSONS ROAD, BUNDABERG NORTH, FOR THE PURPOSE OF A DRAINAGE EASEMENT, PURSUANT TO AN AGREEMENT WITH THE RESPECTIVE LAND OWNERS OR OTHERWISE PURSUANT TO THE PROVISIONS OF THE *ACQUISITION OF LAND ACT 1967*.

FURTHER, THAT APPLICATION BE MADE TO THE DEPARTMENT OF NATURAL RESOURCES AND MINES, TO PARTIALLY RE-OPEN THE TEMPORARILY CLOSED ROADS SOUTH FROM WATERVIEW ROAD MARKED AS "G" AND "H" ON BRC DRAWING NO 121461.

SECONDED BY CR JP BARTELS.

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



MINUTES

19 JULY 2016

ITEM NUMBER:	FILE NUMBER:	PART:
T2	RA2009367	CONFIDENTIAL

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

LOTS 5 & 6 ON SP217902 - REQUEST FOR RATES RELIEF

1770

RESOLUTION

CR DJ BATT MOVED:-

THAT IN RECOGNITION OF THE FINANCIAL HARDSHIP BEING EXPERIENCED BY THE CURRENT LESSEE OF LAND DESCRIBED AS LOTS 5 AND 6 ON SP 217902:-

1. PURSUANT TO SECTION 73(B)(I) OF THE LOCAL GOVERNMENT REGULATION 2012, THE CURRENT LESSEE BE EXEMPT FROM PAYING GENERAL RATES ON THE SUBJECT LAND;
2. PURSUANT TO SECTION 73(B)(I) OF THE LOCAL GOVERNMENT REGULATION 2012 AND COUNCIL'S ANNUAL BUDGET RESOLUTION, THE CURRENT LESSEE BE CHARGED A WATER ACCESS CHARGE FOR THE LARGEST WATER CONNECTION ONLY, AND NO ACCESS CHARGE WILL BE LEVIED FOR ADDITIONAL METERS. THE LESSEE WILL ALSO BE GRANTED, UNDER COUNCIL'S COMMUNITY SERVICE OBLIGATIONS FOR UNLICENSED AND RESTRICTED SPORTING CLUBS, 3,600 KILOLITRES OF WATER FREE OF CONSUMPTION CHARGES FOR THE SUBJECT LAND;
3. A CONCESSION BE GRANTED TO THE CURRENT LESSEE EQUAL TO THE FOLLOWING PERCENTAGE OF SERVICE CHARGES FOR THE RESPECTIVE FINANCIAL YEARS:
 - 2015/16 – 80%
 - 2016/17 – 80%
 - 2017/18 – 60%
 - 2018/19 – 40%
 - 2019/20 – 20%.

THEREAFTER, FROM THE 2020/21 FINANCIAL YEAR, THE CURRENT LESSEE WILL BE RESPONSIBLE FOR THE PAYMENT OF ALL SERVICE CHARGES RELATING TO THE SUBJECT LAND.

SECONDED BY CR SA ROWLESON.

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



MINUTES

19 JULY 2016

ITEM NUMBER:	FILE NUMBER:	PART:
T3	A73801	CONFIDENTIAL

PORTFOLIO:

ORGANISATIONAL SERVICES

SUBJECT:

LOT 71 ON RP 856159 - REQUEST FOR RELIEF FROM WATER CONSUMPTION CHARGES

1771

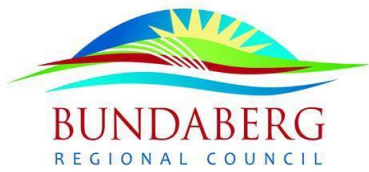
RESOLUTION

CR SA ROWLESON MOVED:-

IN VIEW OF THE CIRCUMSTANCES PERTAINING TO THIS MATTER - THAT IN TERMS OF SECTION 120 OF THE LOCAL GOVERNMENT REGULATION 2012, COUNCIL PROVIDE RELIEF OF \$264.16 TO REDUCE THE WATER CONSUMPTION CHARGES TO AN AVERAGE OF THE PAST 3 YEARS BEFORE THE EXCESSIVE CONSUMPTION, ATTACHING TO PROPERTY AT LOT 71 ON RP 856159.

SECONDED BY CR WA HONOR.

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



Minutes

19 July 2016

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

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 10.47 am.

Confirmed this ninth day of August 2016.

MAYOR