

# Ordinary Meeting Minutes

27 September 2016

Council Chambers, Bundaberg

10.00 am

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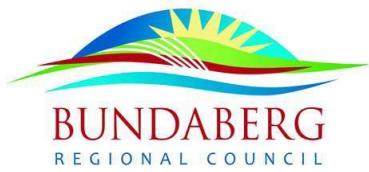
## **Present:**

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

## **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:** An apology was received from Pastor Errol Buckle, Honorary Chaplain.



## Minutes

27 September 2016

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

Confirmation of Minutes

1798

**Resolution**

Cr HL Blackburn moved:-

**That the minutes of the Ordinary Meeting of Council held on 30 August 2016, be taken as read and confirmed.**

Seconded by Cr SA Rowleson - and carried unanimously without debate.



## Minutes

27 September 2016

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

Organisational Services

**Subject:**

Financial Summary as at 1 September 2016

1799

**Resolution**

Cr JM Dempsey presented the report; and moved:-

**That the Financial Summary as at 1 September 2016** (as detailed on the 12 pages appended to this report) – **be noted by Council.**

Seconded by Cr GR Barnes.

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



## Minutes

27 September 2016

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

### Portfolio:

Organisational Services

### Subject:

Council Policy Adoption

1800

### Resolution

Cr HL Blackburn presented the report; and moved:-

That:-

1. the:

- **Administrative Action Complaints Policy** (adopted by Council at its meeting of 13 August 2013) **be rescinded; and**
- **Administrative Action Complaints Policy** (as detailed on the 9 pages appended to this report) – **be adopted.**

2. the:

- **Alcohol and Drug Policy** (adopted by Council at its meeting of 10 August 2015) **be rescinded; and**
- **Alcohol and Drug Policy** (as detailed on the 12 pages appended to this report) – **be adopted.**

3. the:

- **Code of Conduct for Councillors Governance Policy** (adopted by Council at its meeting of 5 June 2012) **be rescinded; and**
- **Code of Conduct for Councillors Policy** (as detailed on the 3 pages appended to this report) – **be adopted.**

4. the:

- **Councillor Access to Information Governance Policy** (adopted by Council at its meeting of 5 April 2011) **be rescinded; and**
- **Councillor Access to Information Policy** (as detailed on the 3 pages appended to this report) – **be adopted.**

**5. the:**

- **Councillor's Confidentiality of Council Information Policy** (adopted by Council at its meeting of 22 March 2011) **be rescinded; and**
- **Councillor's Confidentiality of Council Information Policy** (as detailed on the 6 pages appended to this report) – **be adopted.**

**6. the:**

- **Entertainment and Hospitality Expenditure Governance Policy** (adopted by Council at its meeting of 15 April 2008) **be rescinded; and**
- **Entertainment and Hospitality Expenditure Policy** (as detailed on the 6 pages appended to this report) – **be adopted.**

**7. the:**

- **Integrated Risk Management Policy** (adopted by Council at its meeting of 21 November 2008) **be rescinded; and**
- **Integrated Risk Management Policy** (as detailed on the 3 pages appended to this report) – **be adopted.**

**8. the:**

- **Public Interest Disclosure Policy** (adopted by Council at its meeting of 5 July 2011) **be rescinded; and**
- **Public Interest Disclosure Policy** (as detailed on the 7 pages appended to this report) – **be adopted.**

**9. the:**

- **Reimbursement of Expenses and Provision of Facilities for Councillors Governance Policy** (adopted by Council at its meeting of 10 July 2012) **be rescinded; and**
- **Reimbursement of Expenses and Provision of Facilities for Councillors Policy** (as detailed on the 11 pages appended to this report) – **be adopted.**

Seconded by Cr WA Honor.

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



## Minutes

27 September 2016

<b>Item Number:</b> F2	<b>File Number:</b> .	<b>Part:</b> GOVERNANCE & COMMUNICATIONS
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### Portfolio:

Organisational Services

### Subject:

21 Quay Street, Bundaberg Central - Request for a Trustee Lease - Bundaberg Bowls Club Inc - Lot 2 on CK3719

1801

### Resolution

Cr HL Blackburn presented the report; and moved:-

**That the Chief Executive Officer be authorised to finalise a Trustee Lease for a term of 5 years to the Bundaberg Bowls Club Inc over an additional portion of land described as Lot 2 on CK3719, located at 21 Quay Street, Bundaberg Central, (being an area of 4 to 5 metres of land parallel to the existing southern boundary of the Club's existing lease area, extending from the clubhouse wall to the car park) for the purpose of constructing a retractable shade cover, subject to the Bundaberg Bowls Club:-**

- 1) rectifying any damage to the retaining wall located on the northern side of the lease area to the satisfaction of Council;**
- 2) providing evidence, to the satisfaction of Council, that the construction of the retractable shade cover will not cause damage to the sewer line located approximately 2 metres in from the southern side of their lease area;**
- 3) obtaining all necessary building approvals and certifications.**
- 4) ensuring that traffic flows in the area are not impeded by the shade cover supports; and**

Seconded by Cr GR Barnes.

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



## Minutes

27 September 2016

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

Organisational Services

**Subject:**

47 Powers Street, Buxton - New Lease - Buxton Rural Fire Brigade - Lot 273 on RP24483

1802

**Resolution**

Cr HL Blackburn presented the report; and moved:-

**That the Chief Executive Officer be authorised to finalise a 10 year Lease to the Public Safety Business Agency on behalf of the Queensland Fire and Emergency Services, for Buxton Rural Fire Brigade, over land described as Lot 273 on RP24483, situated at 47 Powers Street, Buxton.**

Seconded by Cr WR Trevor.

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



## Minutes

27 September 2016

<b>Item Number:</b> F4	<b>File Number:</b> .	<b>Part:</b> GOVERNANCE & COMMUNICATIONS
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### Portfolio:

Organisational Services

### Subject:

10 Walla Street, Wallaville - Wallaville Kindy-Care Inc - Request for Lease - Lot 3 on SP227065

1803

### Resolution

Cr HL Blackburn presented the report; and moved:-

**That the Chief Executive Officer be authorized to finalise a Lease with Wallaville Kindy-Care Inc., over Land described as Lot 3 on SP227065, located at 10 Walla Street, Wallaville, subject to:-**

- 1. the Kindy meeting all Council planning (Material Change of Use) and building requirements and being responsible for all associated costs;**
- 2. the expiry date coinciding with the current lease, being 30 November 2023; and**
- 3. all parking and safety issues are addressed to the satisfaction of Council.**

Seconded by Cr WA Honor.

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





## Minutes

27 September 2016

<b>Item Number:</b> G1	<b>File Number:</b> -	<b>Part:</b> INFRASTRUCTURE
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**Portfolio:**

Infrastructure & Planning Services

**Subject:**

Fleet Management Advisory Committee

**1804**

**Resolution**

Cr WA Honor presented the report; and moved:-

**That the Minutes (and associated attachments) of the Fleet Management Advisory Committee Meeting held of 16 August 2016, be received and noted by Council.**

Seconded by Cr JP Bartels.

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



## Minutes

27 September 2016

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
I1	.	WATER & WASTEWATER

**Portfolio:**

Infrastructure & Planning Services

**Subject:**

Fees & Charges Schedule for Plumbing Approvals - "Fast Track Pipeline".

1805

**Resolution**

Cr JP Bartels presented the report; and moved:-

**That the Fees & Charges Schedule (adopted by Council at its meeting of 28 June 2016) be amended to reflect the 'Fast Track Pipeline' Fees & Charges as detailed on the Schedule (2 pages) appended to this report.**

Seconded by Cr GR Barnes.

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



## Minutes

27 September 2016

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K1	322.2016.45920.1	DEVELOPMENT ASSESSMENT

### Portfolio:

Infrastructure & Planning Services

### Subject:

195 Esplanade & First Avenue Woodgate - Material Change of Use for Tourist Park (Caravan Park over 5 stages)

### Summary:

<b>APPLICATION NO</b>	322.2016.45920.1
<b>PROPOSAL</b>	Material Change of Use for Tourist Park (Caravan Park over 5 stages)
<b>APPLICANT</b>	Mills Carter Properties Pty Ltd, c/- Insite SJC
<b>OWNER</b>	Mills Carter Properties Pty Ltd
<b>PROPERTY DESCRIPTION</b>	Lot 5 on RP226324
<b>ADDRESS</b>	195 Esplanade, Woodgate
<b>PLANNING SCHEME</b>	Bundaberg Regional Council Planning Scheme 2015
<b>ZONING</b>	Part Neighbourhood Centre Part Limited Development (Constrained Land)
<b>OVERLAYS</b>	<ul style="list-style-type: none"> <li>• Acid Sulfate Soils: Area 1 – land at or below 5 metres AHD</li> <li>• Coastal Protection: Sea Turtle Sensitive Area</li> <li>• SPP Coastal Protection: Erosion Prone Areas &amp; Coastal Management District</li> <li>• SPP Agricultural Land – part Class A</li> <li>• SPP Biodiversity: MSES Wetlands buffer</li> <li>• Flood Hazard: Storm Tide Inundation Area</li> </ul>
<b>LEVEL OF ASSESSMENT</b>	Impact
<b>SITE AREA</b>	1.113 hectares
<b>CURRENT USE</b>	Hotel/Motel
<b>PROPERLY MADE DATE</b>	23 June 2016
<b>STATUS</b>	The 40 business day decision period ends 27 September 2016
<b>REFERRAL AGENCIES</b>	Nil
<b>NO OF SUBMITTERS</b>	Nine (9) properly made submissions
<b>PREVIOUS APPROVALS</b>	Nil
<b>SITE INSPECTION CONDUCTED</b>	30 June 2016
<b>LEVEL OF DELEGATION</b>	Level 3

Pursuant to Section 173 of the “Local Government Act 2009” perceived Conflicts of Interest in relation to this item were declared by:-

1. Cr CR Sommerfeld - as his son supplies product to the Applicant - and with the consent of the Mayor left the Council Chambers;

2. Cr WA Honor - as his daughter-in-law is the author of the report, and Cr JP Bartels - as a submitter to the application is his relative - but they had individually considered their positions and were firmly of the opinion that they could participate in debate and vote on this matter in the public interest.

1806

**Resolution**

Cr WR Trevor presented the report; and moved:-

**That Development Application 322.2016.45920.1 be determined as follows:**

**DESCRIPTION OF PROPOSAL**

Material Change of Use for Tourist Park (Caravan Park) in Five (5) Stages

**SUBJECT SITE**

195 Esplanade & First Avenue, Woodgate; described as Lot 5 on RP226324

**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 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 2015 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 nine (9) submissions received for the application. The name and address of the principal submitter for each properly made submission are as follows:

	<b>Name of principal submitter</b>	<b>Address</b>
1.	Michael Cross	34 First Avenue, Woodgate
2.	Tim and Lee White	Lot 4 White Road, Roma QLD 4455
3.	Lyn Maree Bentley	PO Box 413, Woodgate QLD 4660
4.	Tom Gordon	21 Darling Street, Sandgate QLD 4017
5.	Paul and Carley Ackinclose	PO Box 357, Murgon QLD 4605
6.	Philip J Hobbs & Janice M Hobbs	23 Lorikeet Avenue, Woodgate QLD 4660
7.	Rob James	165 Esplanade, Woodgate QLD 4660
8.	Pam Blessing	192 Esplanade, Woodgate QLD 4660
9.	Kristy Ponting, Manager - Caravan Park Association of Queensland	PO Box 5542, Stafford Heights QLD 4053

### 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
Limited development (constrained land) zone code	<p>Visitors to the tourist park are transient with no permanent residential occupation permitted. The development can be adequately conditioned to achieve the outcomes of the Limited development (constrained land) zone code as follows:</p> <ul style="list-style-type: none"> <li>• The development will be required to provide a Flood/Storm tide Evacuation Plan for the whole site to ensure that the potential risk to people and damage to property on the site is avoided or minimised; and</li> <li>• The proposed development is to be restricted to a maximum occupancy of 27 camp sites.</li> </ul>

## 8. REFERRAL AGENCY

Not Applicable

## 9. APPROVED PLANS

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

Plan number	Plan name	Date
GC16-153-T01-2	Plan of Proposed Tourist Park	June 2016
GC16-153-T01-3	Staging Plan	June 2016
GC16-153-T01-4	Ablution Facilities	June 2016
GC16-153-T01-5	Storage Shed	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
34, 35, 41, 42 and 44	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.

#### **Construction Management**

4. 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.
5. 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.
6. 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**

7. 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.

#### **Flood Management**

8. Position all new electrical and data equipment, including switchboards, power points and light switches, above the Defined Flood Level (DFL) where practical.
9. A Flood Evacuation Plan must be submitted to and approved by the Assessment Manager prior to the commencement of the use. The plan must demonstrate how people may be evacuated from the site to a safe gathering point above the defined flood level and must include, but not be limited to, the following features:-
  - a. The defined flood level for the site;
  - b. The height at which the property floods;
  - c. The evacuation route from the property to an evacuation centre/point and the method by which staff and patrons will be transported;
  - d. The estimated time required to reach an evacuation centre;
  - e. Information availability/where flood warnings will be acquired from;

- f. The appointment of a site flood coordinator who will disseminate information to staff and patrons;
  - g. Procedures for assisting those with a disability or who do not speak English;
  - h. A contact information collection process for all current staff.
10. The manager/operator of the facility is to have access to, and a detailed understanding of, their obligations/requirements under the Approved Flood Evacuation Plan.
  11. Ensure materials stored on-site, where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood or are readily able to be moved in a flood event.
  12. No bulk storage of hazardous material below the defined flood level is permitted.

### **Extent of Approved Use**

13. The camp kitchen and ablution facilities must be re-located to ensure that the structure is not closer than three (3) metres from any property boundary, measured from the outermost projection of the structure.
14. The temporary ablution facilities are to only be used for Stage 1. The temporary ablution facilities must be replaced with a permanent ablution facility and camp kitchen prior to the commencement of Stage 2 or within 18 months of the use commencing whichever occurs first.
15. The storage shed is to be exclusively used in association with the Tourist Park only.
16. Prior to the commencement of each stage, delineate on-site the boundaries of each caravan/camping site.
17. The use is to accommodate a maximum of 27 caravan/camping sites on-site.
18. Guest stays are permitted to a maximum of 14 consecutive nights.
19. The Tourist Park must at all times operate under the supervision and management of a Tourist Park manager. The Tourist Park manager is to be familiar with the relevant development permit conditions relating to the site and ensure compliance with conditions at all times.

### **Fences**

20. Provide prior to the commencement of Stage 1 a 1.8 metre high solid no-gap screen fence to the following boundaries of Lot 5 on RP226324, where such fencing does not currently exist:-
  - a. Along the north-western (side) property boundary for a minimum distance of 52 metres commencing from the rear of the Hotel as identified on the approved plans;
  - b. Along the full length of the south-eastern (side) property boundary; and
  - c. Along the northern boundary of the site for the full length of the common boundary with Lot 3 on RP 176454.
21. The erection of a second boundary line fence parallel to any existing boundary fence is prohibited.



## **Landscaping**

22. 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, have regard to the conditions of this approval and include, but not be limited to, the following features:-
- a. landscaped garden beds/strips a minimum width of three (3) metres must be provided along the following property boundaries of Lot 5 on RP226324:-
    - i. Along the full length of First Avenue;
    - ii. Along the south-eastern (side) property boundary for a minimum distance of 87 metres measured from the First Avenue frontage;
  - b. The area or areas set aside for landscaping;
  - c. Location and name of existing trees;
  - d. A plan and schedule of all proposed trees, shrubs and ground covers which identifies:-
    - i. The location and sizes at planting and at maturity of all plants;
    - ii. The utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided.). No exotic plants are to be specified;
  - e. The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;
  - f. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
  - g. Details of any landscaping structures, including entrance statements;
  - h. Details of cutting and filling and all retaining structures and fences and associated finishes;
  - i. Contours or spot levels if appropriate;
  - 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;
23. Complete landscaping shown on the endorsed plans prior to the commencement of Stage 1 and maintain all landscape works in accordance with the Approved Plan whilst the use continues.

## **Lighting**

24. 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.

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

When approved, the Lighting Plan will form part of the Approved Plans for this development.

26. All lighting for the development must be designed, installed and maintained in accordance with the approved Lighting Plan, to the satisfaction of the Assessment Manager.

### **Noise**

27. Noise produced by the use must not exceed the background noise level plus 5db(A) (6 am – 6 pm) or background noise level plus 3db(A) (6 pm – 10 pm) or background noise level (10 pm – 6 am) (measured as LAeq at any noise sensitive place).
28. In the event of a complaint about noise, if it is determined by the Assessment Manager that such noise levels exceed the minimum background noise levels, the land owner must at the request of the Assessment Manager prepare a Noise Management Plan which prescribes actions to be taken to reduce noise levels below the minimum background noise levels prescribed. The noise management plan must address at least, but not be limited to, the following matters:-
- a. identification of component noise sources and activities at noise sensitive place/s which impact on noise sensitive areas;
  - b. the control or abatement measures that can be undertaken to reduce unreasonable noise levels; and
  - c. the handling of noise complaints, community liaison and consultation and the training of staff in noise management practices.

### **Dust Control**

29. In the event of a complaint about dust or airborne nuisance emanating from the site, if it is determined by the Assessment Manager that the complaint is substantiated, the proprietor must submit to the Assessment Manager and have approved an Airborne Nuisance Management Plan which prescribes actions to be taken to immediately suppress dust/airborne nuisance and to also provide a long term preventative solution. An Airborne Nuisance Management Plan must address at least, but not be limited to, the following matters:-
- a. identification of potential sources and activities which cause, or have potential to cause, dust and/or airborne nuisance;
  - b. the control or abatement measures that will be undertaken to immediately reduce airborne dust/pollution to acceptable levels; and
  - c. the longer term measures and strategies that will be implemented to alleviate sources of dust and/or airborne nuisance.

**Waste Management**

30. 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 (1m<sup>3</sup> bulk bins) for general waste and recycling;
  - b. the location of waste receptacle storage areas and collection points; and
  - c. how waste collection vehicles will be able to safely and effectively access bins.
31. 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.
32. The bin storage enclosure must be maintained in a clean and sanitary manner at all times.
33. Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.

**Water**

34. Provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the development.

**Sewerage**

35. Make provision for sewerage connection suitable to meet the requirements of the development. All live sewer work, including installation of any new point of connection, must be undertaken by Council.
36. All sewerage infrastructure must be clear of all proposed and existing buildings. If new sewerage infrastructure is required, detailed design must be determined as part of an application for Operational Works.
37. Release of any form of waste water is not permissible other than to a discharge point approved in accordance with plumbing and wastewater regulations.

**Stormwater**

38. Submit a Site Based Stormwater Management Plan (SBSMP) for the development to the Assessment Manager for approval prior to commencement of works. The SBSMP must be prepared by a suitably qualified person and include, but is not limited to:-
  - a. a summary of stormwater quality, quantity and waterway corridor management objectives. 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 Q5 ARI flows, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;

- b. a description of those Stormwater Quality Best Management Practices (SQBMPs), stormwater quantity management measures, and waterway corridor protection measures that have been selected for the site for the operational phase;
- c. SQBMPs that have been selected for the site during the construction and operational phases (focusing on erosion and sediment controls and including an Erosion and Sediment Control Plan);
- d. site plans showing key features (eg drainage pathways) as well as the location of the items identified for the development in (b) and (c);
- e. identifies proposed lawful points of discharge, easements and any land dedications for drainage reserves;
- f. a program indicating the timing and sequence of installation of the items identified in (c);
- g. responsibilities for installation, inspection, maintenance and decommissioning of the items identified in (b) and (c);
- h. an inspection and maintenance program for the abovementioned measures;
- i. Maintenance Plans for large structural Stormwater Quality Improvement Devices whether on private or Council land;
- j. a simple audit program to check the installation and maintenance of SQBMPs that have been selected for the site during the construction phase ;
- k. a description of how records are to be kept on site performance (including incidents, complaints, etc);
- l. emergency procedures to protect stormwater quality (eg how to manage the collapse of a sediment basin or burst hydraulic hose); and
- m. training requirements for construction and maintenance personnel (including an onsite induction program).

When approved, the Site Based Stormwater Management Plan will form part of the Approved Plans for this development.

39. Undertake the stormwater management on site in accordance with the approved SBSMP, including the construction of any necessary works.
40. Provide certification from a Registered Professional Engineer Queensland (RPEQ) that stormwater management has been undertaken on site in accordance with the conditions of this approval, the approved SBSMP, and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the stormwater management where the works are certified by a RPEQ.

### **Roadworks**

41. Provide pavement widening and asphaltic concrete (AC) sealing prior to the commencement of Stage 1 and in accordance with an Operational Works permit, that:-
  - a. extends along the First Avenue site frontage from the subject lot's eastern-most side boundary alignment to the western-most tangent point of the bend located west of the site exit driveway;

- b. provides the specified nominal kerb line width of eight (8) metres for an urban local access street as stated in *Table SC6.3.3.4.4.1 of Council's Planning Scheme Policy for Development Works*;
- c. is designed in accordance with *Austrroads Pavement Design for Light Traffic: A supplement to Austrroads Pavement Design Guide (AP-T36/06)*;
- d. has Edge Restraint Kerb Type ER2 along the road seal edge at the nominal kerb line width for the extent of widening;
- e. has double unbroken road centre-line marking of First Avenue for a length coincident and equal to the extent of the widening within the lot frontage.

### **Property access & internal roads**

- 42. Provide an upgrade of the driveway to First Avenue prior to commencement of Stage 1 and in accordance with an Operational Works permit that complies generally with Council's standard drawing R1013 in accordance with the standards specified in the *planning scheme policy for development works – driveways and access to developments*, with the additional particulars that:-
  - a. all vehicles must be able to make a left turn exit without encroaching over the First Avenue road centre-line; and
  - b. suitable signage is appropriately displayed to indicate the proposed one-way circulation through the site (eg: adequate display of "exit only" and/or "no entry" signage at the property boundary).
- 43. Provide certification from a Registered Professional Engineer Queensland (RPEQ) that internal roads has been undertaken on site in accordance with the conditions of this approval and any other relevant approval issued by the Assessment Manager. Council does not require the submission of an operational works development application for the internal roads where the works are certified by a RPEQ.

### **Car Parking**

- 44. Provide access and vehicle manoeuvring areas generally as stated in Section 4.2.1.7 of the submitted Planning Report and shown on proposal plans GC16-153-T01-1-4. Such 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 where appropriate;
  - c. designed to allow all vehicles to leave the site in a forward gear;
  - d. designed 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'.

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

- A. Please find attached the Infrastructure Charges Notice (Register No: Ref No: 331.2016.835.1) 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.

**Operational Works**

- F. 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.

**Other Development Permits**

- G. This approval provides for some works to be undertaken on a self-assessable basis. Conditions specify where Council requires the submission of an operational works application for specific works. To be clear, development permits for Operational Work for only the following works are necessary to allow the development to be carried out:-

- a. External road widening, kerbing and line marking of First Avenue; and
- b. Exit driveway to First Avenue.

**Water and Sewer**

- H. The Developer should engage an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting requirements in accordance with AS2419.
- I. Arrangements for the installation of any new metered service and sub-meters, or removal of an existing service, must be made with Council's Water and Wastewater Infrastructure Planning Technical Support Section.
- J. Connection to Council's water and sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.
- K. Council permits only one (1) water service for each property. This means only one (1) connection to the water main although there may be a potable and fire service feeding from that connection.

**Flood Evacuation Plan**

- L. In order to protect and/or minimise the damage to property and aid in business continuity post-flood, a flood preparation checklist may be included in the Flood Evacuation Plan.

Seconded by Cr SA Rowleson.

The Motion on being put - was carried unanimously.

Cr CR Sommerfeld then returned to the Council Chambers.



## Minutes

27 September 2016

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K2	321.2015.44748.2	DEVELOPMENT ASSESSMENT

### Portfolio:

Infrastructure & Planning Services

### Subject:

10 Low Street, Kensington - Request to Change Development Approval for Reconfiguring a Lot for Subdivision (1 Lot into 9 Lots) - Lot 9 on RP13529

### Summary:

<b>APPLICATION NO</b>	321.2015.44748.2
<b>PROPOSAL</b>	Request to Change Development Approval for Reconfiguring a Lot for Subdivision (1 lot into 9 lots)
<b>APPLICANT</b>	Ron McCullough
<b>OWNER</b>	R J McCullough
<b>PROPERTY DESCRIPTION</b>	Lot 9 on RP13529
<b>ADDRESS</b>	10 Low Street, Kensington
<b>PLANNING SCHEME</b>	Bundaberg Regional Council Planning Scheme 2015
<b>DATE OF ORIGINAL DECISION</b>	19 April 2016
<b>DATE REQUEST RECEIVED</b>	5 September 2016
<b>STATUS</b>	The 30 business day decision period ends on 14 October 2016
<b>LEVEL OF DELEGATION</b>	Level 3

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 is the author of 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.

1807

### Resolution

Cr CR Sommerfeld presented the report; and moved:-

That as:-

1. **Stormwater Easements are not required over the site as the land represents the highest land in the catchment and over the 40+ years the owner has occupied the site, water has never ponded;**
2. **a similar application approved by Council on the downstream adjoining property did not require Stormwater Easements;**



3. Council has undertaken recent drainage design works in the vicinity and drainage works will shortly be presented to Council for consideration in future budgets to rectify the current ponding of water about the intersection of Low and Crow Streets;
4. the owner, who has decades of experience in the Real Estate Industry advises if drainage works are not required on the site that the creation of unnecessary Easements on a Title creates buyer resistance when unencumbered adjoining lots are available;
5. the owner offers no objection to a property note being included on all 9 lots to the effect that all new owners are not to block the flow of stormwater or concentrate the discharge onto adjoining lands;

- the request to Change a Development Approval made on 5 September 2016 for Development Application 321.2015.44748.2 being a Request to Change Development Approval for Request for Permissible Change for land located at 10 Low Street, Kensington, described as Lot 9 on RP13529 be determined as follows:-

**DECISION**

Approved in full subject to Conditions:-

The approved changes are set out as follows:

- Amend Section 10 (Approved Plans) to read as follows:-

<i>Plan number</i>	<i>Plan/Document name</i>	<i>Date</i>
<i>Z13-604 P2</i>	<i>Plan of Proposed Lot Reconfiguration Lots 1 to 9</i>	<i>7 April 2016</i>
<i>Z13-604 P3</i>	<i>Plan of Proposed Lot Reconfiguration Lots 1 to 9</i>	<i>5 September 2016</i>

- Amend Section 13 (Conditions about Infrastructure) to read as follows:-

<b>Condition/s</b>	<b>Provision under which the Condition was imposed</b>
<b>7, 15, and 24</b>	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

- Amend Condition 5 (Staging) to read as follows:-

***The development may be staged in accordance with the stage boundaries shown on the Approved Plans or on an individual lot basis. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that any road access and infrastructure services required to service the particular stage or lot are constructed with that stage/lot.***

- Delete Condition 8 (Stormwater);
- Amend Condition 14 (Access); to read as follows:-

**Provide a sealed access driveway to Lots 8 and 9 which is:**

- a. constructed and sealed with asphalt, concrete, bitumen or approved pavers for their full length and to a minimum width of 5.5 metres for the first 40 metres, tapering to 3.5 metres for the remaining 74.887 metres, centrally located within a minimum six (6) metre wide (3 x 2) access 'handle'; and**
- b. provided with conduits and/or services for water supply, underground power, stormwater and telecommunications.**

- Delete Conditions 21(a), (b), and 23 (Easements and Land Dedications);
- Amend Advice Note A - to reflect the new Infrastructure Charges Notice (Ref No: 331.2015.777.1) applicable to the approved development;
- Delete Advice Note C (Other);
- Insert new Property Notice C (Stormwater) to read as follows:-

**Owners of Lots 1 to 9 are to be made aware that the subject lots do not have the benefit of internal drainage systems. Land Owners are not to block via filling, structures or gardens, the flow of stormwater coming onto the property. Landowners are not to discharge a concentrated flow from the property. Matters/issues/disputes relating to stormwater drainage / overland flows on the subject lots are a matter to be dealt with as a civil issue.**

Seconded by Cr HL Blackburn.

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

**It being noted that the Planning Officer had recommended that this Application be approved in part and refused in part as follows:-**

*Approved in part subject to conditions*

*The approved changes are set out as follows:*

- *Amend Section 10 (Approved Plans);*
- *Amend Condition 5 (Staging);*
- *Amend Condition 14 (Access); and*
- *Amend Adopted Infrastructure Charges Notice.*

**AND**

*Refused in part*

*The refused changes are set out as follows:*

- *The request to delete Condition 8 (Stormwater);*
- *The request to delete Condition 21 (Easements and Land Dedications);*
- *The request to delete Condition 23 (Easements and Land Dedications) ;*

- *The request to delete Advice Note C (Other);*
- *The request to introduce Property Note.*
- *The request to amend 13 (Conditions about Infrastructure).*

#### *Reasons for Refusal*

*The removal of requirements for stormwater drainage conditioning is in direct conflict with the Works, Service and Infrastructure Code, specifically performance outcome 4 and Overall Outcome (2)(b), (2)(d) and (2)(f) in that it:*

- 1. Does not meet community expectations to create allotments that may be subject to future drainage issues due to the topography of the land;*
  - 2. Does not provide the approved development with an appropriate standard of infrastructure;*
  - 3. Does not provide a basic level of infrastructure to connect to adjoining drainage networks and/or permit Council to access land to undertake maintenance work into the future; and*
  - 4. Lack of stormwater drainage infrastructure has the potential to disrupt the residential amenity of occupants, the function of sewerage disposal area until the stormwater infiltrates into the ground, damage infrastructure on adjoining land and cause a nuisance.*
- however, Council has not accepted this recommendation.**



## Minutes

27 September 2016

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K3	321.2015.43623.1	DEVELOPMENT ASSESSMENT

### Portfolio:

Infrastructure & Planning Services

### Subject:

98, 106, 112 and 116 Hughes Road, Bargara - Development Permit for Reconfiguration of Lot (4 lots into 86 lots) (Stages 1-8)

### Summary:

<b>APPLICATION NO</b>	321.2015.43623.1
<b>PROPOSAL</b>	Development Permit for Reconfiguration of Lot (4 into 86 lots) (Stages 1-8)
<b>APPLICANT</b>	M Brischetto
<b>OWNER</b>	J A Brischetto & E Brischetto
<b>PROPERTY DESCRIPTION</b>	Lot 56 RP862829, Lot 55 RP862829, Lot 17 RP7246, Lot 100 SP259485
<b>ADDRESS</b>	98, 106, 112 and 116 Hughes Road, Bargara
<b>PLANNING SCHEME</b>	Planning Scheme for Burnett Shire
<b>ZONING</b>	Rural Zone
<b>OVERLAYS</b>	Natural Features or Resources Overlay
<b>LEVEL OF ASSESSMENT</b>	Impact Assessable
<b>SITE AREA</b>	8.44 ha Total
<b>CURRENT USE</b>	Dwelling houses and agricultural uses
<b>PROPERLY MADE DATE</b>	27 July 2015
<b>STATUS</b>	The 20 business day decision period ended on 14 July 2016
<b>REFERRAL AGENCIES</b>	Nil
<b>NO. OF SUBMITTERS</b>	One (1) Submitter
<b>PREVIOUS APPROVALS</b>	Nil
<b>SITE INSPECTION CONDUCTED</b>	10 July 2015
<b>LEVEL OF DELEGATION</b>	Level 3

1808

### Resolution

Cr CR Sommerfeld presented the report; and moved:-

**That Development Application 321.2015.43623.1 be determined as follows:**

#### **DESCRIPTION OF PROPOSAL**

Reconfiguring of a Lot (4 lots into 86 lots) (Stages 1-8)

**SUBJECT SITE**

112 Hughes Road, 116 Hughes Road, 106 Hughes Road and 98 Hughes Road, Bargara described as Lot 56 on RP862829, Lot 55 on RP862829, Lot 17 on RP7246 and Lot 100 on SP259485

**DECISION**

Approved in full subject to conditions

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

**1. DETAILS OF APPROVAL**

The following approvals are given:-

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

**Deemed Approval**

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

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

Not Applicable.

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

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

- All Operational Work

**4. CODES FOR SELF ASSESSABLE DEVELOPMENT**

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

The relevant codes identified in the:-

- Planning Scheme for Burnett Shire 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</i> 2009	Bundaberg Regional Council	In the time stated in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation</i> 2009

## 6. SUBMISSIONS

There was one (1) submission 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. John & Christine Bloem	118 Hughes Road, Bargara 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 Rural Planning Area Code and the Rural Zone Code in that the proposed development proposes a low density residential pattern of development.	<ul style="list-style-type: none"> <li>The current Planning Scheme for Burnett Shire was gazetted in May 2006.</li> <li>The Council has adopted a new Planning Scheme for the Regional Council Area, including the subject site in October 2015.</li> <li>The Bundaberg Region Planning Scheme 2015 includes the subject land within the 'Emerging Community' zone designation.</li> <li>The proposed development meets the new Planning Scheme's intent for the area to be developed.</li> <li>The proposed development is consistent with surrounding uses and complies with the requirements for low density residential allotments within the Bundaberg Region Planning Scheme 2015 and associated masterplanning documents.</li> <li>The proposed development does not prejudice the intended planning outcomes of the new planning scheme and weighting has been applied under the Coty Principle.</li> </ul>

## 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
HWD-POD1-Rev2	Plan of Development 321.2015.43623.1 – Plan No: 2A	As Amended 01.09.16
HWD-MP1.1-Rev2	Hughes-Wessels-Brumby (HWB) Sector of the HSM Masterplan Area 321.2015.43623.1 – Plan No: 3A	As Amended 01.09.16
HWD-LD8-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 4A	As Amended 01.09.16
HWD-LD7-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 5A	As Amended 01.09.16
HWD-LD6-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 6A	As Amended 01.09.16
HWD-LD5-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 7A	As Amended 01.09.16
HWD-LD4-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 8A	As Amended 01.09.16
HWD-LD3-Rev2	Lot Dimensions 321.2015.43623.1 – Plan No: 9A	As Amended 01.09.16
321.2015.43623.1 Plan No: 1A	Road Naming Plan	As Amended 01.09.16

## 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
6- 12, 22 – 31, 36b(i – iii), 42 – 45.	Section 665 – Non-trunk Infrastructure
32, 34	Section 646 – Identified Trunk Infrastructure
36a or 36 b iv, 37.	Section 647 – Other Trunk Infrastructure

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

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

#### General

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

### **Date Development Must be Completed By (Lapsing Date)**

4. 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 fifteen (15) years from the date of this approval.

### **Buffers – Agricultural**

5. The survey plans creating Stages 6 and 8, including Proposed Lots 26-27 and Lots 77-86, are not to be endorsed until such time as the adjoining land Lot 5 RP42972 is used for urban purposes, or alternatively until a binding legal agreement is established with the landowners of this adjoining lot (Lot 5 RP42972) that no agricultural activities are to be undertaken within 40m of the property boundary to the satisfaction of the Assessment Manager.

*Note: The establishment of an easement over Lot 5 on RP42972 is an acceptable option for compliance with this condition.*

### **Buffers – Acoustic Amenity**

6. Provide a 1.8 m high solid single sided solid fence along the Hughes road frontage of the site as part of the works for each stage fronting that road. Such works may be carried out in its entirety in the first stage of development. Fencing treatments are to be agreed to by the Assessment Manager in association with the approval of the landscaping plan.

### **Fences**

7. With each relevant stage of development, provide a 1.8 metre high solid screen fence commencing 6m from the road frontage of the subject property, where such fencing does not currently exist, to:-
  - a. the northern boundary of Lot 17 on RP7246 for the length of Lot 101 on SP259485;
  - b. the full length of the southern boundary of Lot 56 on RP862829 and Lot 55 on RP862829;
  - c. the western boundary of Lot 56 on RP862829, Lot 17 on RP7246 and Lot 100 on SP259485; and
  - d. eastern boundary of Lot 100 on SP259485, where adjoining the rear boundary Lot 101 on SP259485 (ie not for the length of the access handle)

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.

### **Easements**

8. With each stage of development, lodge for registration at the office of the Land Registry the following easement(s):
  - a. a stormwater drainage easement having a minimum width of three (3) metres or as determined in an application for Operational Works, whichever is the greater, to the benefit of Council that includes:
    - i. any stormwater main existing or proposed to traverse the land located within the easement and a minimum of one (1) metre from the easement boundary; and



- ii. all Q100 ARI stormwater overland flow paths downstream of the land to an agreed lawful point of discharge;
  - 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; and
  - c. a combined stormwater and sewerage easement having a minimum width of 3.5 metres to the benefit of Council that includes any sewerage and water mains existing or proposed traversing the land located within the easement and a minimum of one (1) metre from the easement boundary.
9. Draft easement documentation must be submitted to the Assessment Manager for endorsement.
10. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.
11. Ensure that any easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plan/s or the conditions of this approval. Proof of the registration or surrender of any easements are to be submitted to the Assessment Manager at the time of the submission of a Plan of Subdivision for compliance assessment.
12. Prior to the submission of a development application for Operational Works for earlier of Stages 5, 6 and 8, undertake either, or a combination of (to the satisfaction of the Assessment Manager):-
- a. provide proof to the Assessment Manager of:-
    - i. the surrender of Easements A, B and C on RP862829 and Easements, C and F in Lot 100 on SP259485 (the Easements); and
    - ii. removal or all infrastructure associated with the purpose of that easement;

OR

- b. provide written agreement from the Grantees of the Easements A, B and C on RP862829 and Easements, C and F in Lot 100 on SP259485; that they accept the provision and construction of any works within the servient tenements with appropriate agreement in place with Council relating to private infrastructure in road reserve.

*Note: If compliance cannot be achieved with either of these options, the development will need to be modified to appropriately incorporate the existing easements.*

### **Existing Services and Structures**

13. With each relevant stage of development, certification must be submitted to the Assessment Manager from an appropriately qualified surveyor which certifies that:-
- a. the boundary clearances for any existing houses remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice;

- b. all existing and proposed utility services and connections (eg electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible;
  - c. all existing effluent disposal areas are removed and the associated dwellings must be connected to the sewerage;
  - d. all sheds, garages, detached car ports (other than associated with an existing house) and other non-class 1 structures are removed when their respective stages are developed.
14. Demolish or remove the existing shed structures on Lots 55 and 56 on RP862829 and the existing dwelling and associated outbuildings, (unless wholly contained within a new or balance lot) on existing Lot 17 on RP7246 and Lot 100 on SP259485 upon commencement of the works for the relevant stage of development.

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

15. Enter into an agreement with an approved electricity provider, to ensure that underground 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.
16. 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.
17. 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 P4 for all roadways.
18. 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.
19. 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.
20. Street lighting must be the most energy efficient, dark sky compliant (which prevents the light from escaping upward and direct light down and away from the beach) and amber lighting available in the National Electricity Market Load Tables for Unmetered Connection Points (AEMO 2015).

### **Landscaping**

21. A landscape plan must be submitted to and approved by the Assessment Manager as part of an application for Operational Works. The plan must be generally in accordance with the Approved Plan/s, have regard to the conditions of this approval and include, but not be limited to, the following features:-

- a. The area or areas set aside for landscaping (road frontages; street trees; agricultural buffers);
- b. A plan and schedule of all proposed trees, shrubs and ground covers which identifies:-
  - i. The location and sizes at planting and at maturity of all plants;
  - ii. The utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided). No exotic plants are to be specified;
- c. The location of all areas to be covered by turf or other surface material including pavement and surface treatment details;
- d. Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;
- e. Details of any landscaping structures, including entrance statements;
- 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. 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. Retention of existing landscaped vegetative buffer on Lot 100 SP259485 until the commencement of the relevant stage of development as allowed for under Condition 5;
- l. For Stages 1 & 7: A vegetated buffer planted at a density to screen the fence adjoining Hughes Road. The buffer is to be provided in conjunction with the construction of the fence and must consist of a combination of small trees and shrubs (incorporating 20 percent advance plantings) of species which are fit for the purpose and are similar to those provided on the eastern side of the Hughes Road (immediately opposite to the site). The width of any garden is not to exceed four (4) metres;
- m. Street trees within the road reserve.

### **New Street Names**

22. Street names must be submitted to and approved by the Assessment Manager in association with the commencement of Operational Works associated with this approval. A written request for the proposed naming of streets must be submitted that includes three (3) suggested road names for each new street in the development that:-
  - a. Reflect aspects of the area in which the streets are located, including historical names, unless otherwise determined by the Assessment Manager. The order of preference in allocating street names will be:-

- i. Historical persons / Historical place names;
  - ii. Other relevant aspects (eg local flora and fauna); and
  - iii. Themed street names. Where 'themed' names are proposed, a list of street names for the entire development must be submitted as part of the Operational Works application for Stage One of the development;
- b. Are nouns and generally contain one (1) word. Composite words may be acceptable when they supplement the primary name; and
  - c. Are unique and unambiguous to the Bundaberg Regional Council local government area.

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

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

### **Roadworks**

24. All new roads must be dedicated as road reserve.

25. Intersection designs and speed restriction devices must be in accordance with Complete Streets for internal roads with the exception of Roads A and B shown on approved plan – Road Naming Plan 321.2015.43623.1 Plan No 1A (dated 01.09.16).

26. Provide truncations to all street intersection types to a minimum of six (6) metre three (3) chord configuration. The truncation must be dedicated as road reserve.

27. Construct all new roads in accordance with the following requirements:-

- a. All roadways must be sealed with asphaltic concrete;
- b. Provide concrete kerb and channelling on each side of all roadways to the relevant standard;
- c. Road C, D and E shown on approved plan – Road Naming Plan 321.2015.43623.1 Plan No 1A (dated 01.09.16), must comply with the Access Place standards specified in the *planning scheme policy for development works – SC6.3.3.4.4 Design Criteria*. The specific requirements must be determined as part of the Operational Works application;
- d. Road B and the stub road between proposed Lots 4 and 5 must generally comply with the Access Street standards specified in the *planning scheme policy for development works – SC6.3.3.4.4 Design Criteria*. The specific requirements must be determined as part of the Operational Works application;
- e. Road A must generally comply with the Collector (Neighbourhood) standards specified in the *planning scheme policy for development works SC6.3.3.4.4 Design Criteria* and modified on the western interface (adjacent lots 50 on RP 862829 and Lot 3 on RP 42972) to provide only the eastern footpath. The specific requirements must be determined as part of the Operational Works application; and

- f. Cul-de-sac bulbs must be provided with a minimum twenty (20) metre turning circle measured from the nominal kerb line.
28. Where the staged road layout does not allow a commercial vehicle to manoeuvre within the roadway in a forward gear, provide a temporary sealed turn-around facility. The temporary turn-around facilities must be in accordance with an Operational Works approval and provide a minimum twenty (20) metre turning circle, measured from the edge of the pavement.
  29. Road B, shown on approved plan – Road Naming Plan 321.2015.43623.1 Plan No. 1A (dated 01.09.16), must be linemarked to restrict parking within the road carriageway, unless specifically approved by the Assessment Manager.
  30. The Intersection of Road A shown on approved plan – Road Naming Plan 321.2015.43623.1 Plan No. 1A (dated 01.09.16) and Hughes Road must be provided generally in accordance with, Austroads *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* to a CHR(s) and AUL(s) standard.
  31. At the intersection of Road A and B shown on approved plan – Road Naming Plan 321.2015.43623.1 Plan No. 1A (dated 01.09.16), provide a roundabout with designs and speed restriction devices generally in accordance with Austroads *Guide to Road Design Part 4B: Roundabouts*. No vehicular access via access handle is approved.

#### **Dedication of New Road**

32. At the time of submission of the first plan of subdivision, dedicate 5 metres of the Hughes Road frontages as 'New Road'.
33. At the time of submission of the plan of subdivision for Stage 8, dedicate the access handle as road reserve.

#### **Pedestrian and Bicycle Facilities**

34. Pedestrian and bicycle facilities must be provided for the development in Road A. The works must be undertaken in accordance with an Operational Works approval and must include:
  - a. A 2.0 metre wide concrete collector pathway;
  - b. The pathway must provide for connectivity to future pathways; and
  - c. All pathways comply with the highest order pedestrian safety standards contained the Queensland Urban Drainage Manual at inundation during a 1% AEP local flood event.

#### **Sewer**

35. A reticulated sewerage service is to be provided in all stages to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works.
36. With the first stage of development, provide either:
  - a. a new pump station (PSM) in land to be provided by Council (PSM Land) if that PSM Land is obtained prior to the commencement of construction for the first stage of development. The PSM must be constructed generally in accordance with BRC plan number 15970 (standard pump station) and have a rising main as identified in the LMB Aqua Planning Report *Hughes & Seaview (Bargara) Sewerage Masterplan*, dated 9 August 2016 to discharge downstream of the Hughes Road pump station, unless otherwise specified; or

- b. if the PSM land has not been secured, provide an interim solution, limiting development to not more than three (3) stages and provide as follows:-
  - i. an interim pump station in Lot 1 and rising main to the satisfaction of Council;
  - ii. an easement over proposed lot 1, in favour of Council, for the interim pump station;
  - iii. associated running and decommissioning costs to the satisfaction of Council, and
  - iv. when the PSM Land is secured and associated with the next stage of development on the subject land, provide infrastructure as identified above in part a of this condition and decommission the interim works to the satisfaction of Council.

37. Provide a trunk gravity main as identified in the LMB Aqua Planning Report *Hughes & Seaview (Bargara)* Sewerage Master plan dated 9 August 2016 and being works generally described as being downstream of Node B2 to the PSM.

### **Staging**

38. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that:-
- a. All sewerage infrastructure works relating to the provision of a new pump station or interim solution, occurs with the first stage of the development;
  - b. any road access and infrastructure services required to service the particular stage are constructed with that stage.
39. Comply with the conditions of each respective stage of this Development Permit prior to the endorsement of a Plan of Subdivision for that stage unless otherwise stated within this notice.

### **Stormwater**

40. 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 in particular:-
- a. the works shown on the Approved Plans HWB – MP1.1 – Rev 2 with such works to be integrated and checked against Council's Moneys Creek hydraulic model;
  - b. Shape the surface of each lot to drain directly to either a Road or Drainage Reserve, as no inter-allotment drainage will be permitted, unless it can be demonstrated that Lot filling, shaping, retaining walls or other methods are not practical. Should inter-allotment drainage be accepted for use by Council, inter-allotment drainage to Q100 ARI flows must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual. The drainage specifics must be determined as part of an application for Operational Works;

- c. Lateral drainage must be provided under the proposed intersections of Hughes Road and Road A and Road A and Road B to a standard of Q10 ARI minor;
  - d. 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 Q5 ARI flows (inclusive of field inlets in Hughes Road), unless as listed above, with overland flowpaths to be provided for a capacity of Q100ARI less piped flow;
  - e. The design for the site drainage system, fill, and accesses must be undertaken so that flows from adjacent properties will not be impeded by the development;
  - f. The design for the site drainage from the stub roads between proposed Lots 4 and 5 and 9 and 10 must be undertaken so that flows are not concentrated on adjacent properties, unless otherwise specifically approved by the Assessment Managers. The discharge specifics must be determined as part of an application for Operational Works.
41. The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2014 and the Bundaberg Regional Council Stormwater Management Strategies using Council's bio-retention infill pods as listed in drawing 37133 rev C or equivalent. 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.

### **Water**

42. Provide a reticulated water supply service, to each lot by supplying all necessary materials, including structures and equipment, fire hydrants and performing all necessary works with all pipes to be 150 mm diameter except in cul-de-sacs where pipes are to be 100 mm diameter.
43. The reticulated water supply must provide a stub terminating a minimum of five (5) metres west of Road A and at the Brumby Lane frontage with such main to include a duck foot hydrant at that termination point.
44. Arrangements for the installation of any metered service and sub-meters, or removal of an existing service, are to be made with Council's Operations Centre. All works are to be undertaken by Council at the Developer's expense.
45. A fire hydrant, or equivalent and sluice valve must be provided at the termination of reticulation at the Stage boundaries.

### **Rock**

46. Unless otherwise approved by the Assessment Manager, no rock breaking is to be undertaken outside of trenches and no rock crushing is to be undertaken on site.

**Access**

47. No direct access to Hughes Road is permitted from approved Lots 1, 47 and 48.

**PART 1B – ADVICE NOTES****Agricultural Buffers**

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

**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 (Ref No.: 331.2016.837.1) applicable to the approved development.
- E. Council's water network model has a 150 mm pipe in Road A and Brumby Lane with 100 mm for all other roads.
- F. The trunk sewerage main was costed as a 225 mm pipe in Hughes Road only. This is the preferred option, unless Council chooses the option to blast through the top section of Road A to provide a trunk connection for the Seaview Road catchment. Note if this option is chosen then the developer is advised that the establishment cost can be recalculated as outlined in the Adopted Charges Resolution.

**Rates and Charges**

- G. 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.

**Water & Sewer Connections**

- H. Council permits one water property service only for each property. This means only one connection to the water main although there may be a potable and fire service feeding from that connection;
- I. Water and sewer connections to Council infrastructure will not be granted until approval is issued from Service Provider. An application for water and/or sewer connection for proposed development is to be made to the Service Provider through any one of Council Service Centres. Water & Wastewater Operations & Reticulation Section requests the following requirements to be lodged with application:
- Site plan;
  - Floor plan;
  - Hydraulic plans showing proposed meter locations and sizes;



- All plans are to be scaled and at minimum size of A3.
- J. The Developer is to make arrangements with Council for the provision of a new point of connection, at the Developer's expense, to satisfy the requirements of the development.
- K. All live sewer work, including the main replacement and new sewer point of connection, are to be undertaken by Council at the Developer's expense.

### PROPERTY NOTES

PN1 Development Approval 321.2015.43523.1 – Rural Activity

The following notation applies to approved Lots 27,86,85,84,83,82,81,80,79,78,77:

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.

PN2 Development Approval 321.2015.43523.1 – Adjoining Commercial Activity/ Non-residential Activity

The following notation applies to approved Lots 48-57 and Lots 74-77:

An approved non-residential land use (restaurant/café use) is located on Lot 101 on SP259485. The lawful operation of which may cause offsite impacts to adjoining residential land uses.

Seconded by Cr GR Barnes.

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



## Minutes

27 September 2016

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K4	321.2015.44237.1	DEVELOPMENT ASSESSMENT

### Portfolio:

Infrastructure & Planning Services

### Subject:

135 Sauers Road, Kalkie - Reconfiguring a Lot for Subdivision - 1 Lot into 4 Lots - Request for Negotiated Decision Notice - Lot 3 on SP138074

### Summary:

<b>APPLICATION NO</b>	321.2015.44237.1
<b>PROPOSAL</b>	Request for Negotiated Decision Notice -Reconfiguring a Lot for Subdivision - 1 Lot into 4 Lots – Decision notice issued 10 June 2016
<b>APPLICANT</b>	J S Portas
<b>OWNER</b>	J S Portas & J M Portas
<b>PROPERTY DESCRIPTION</b>	Lot 3 on SP138074
<b>ADDRESS</b>	135 Sauer's Road, Kalkie
<b>PLANNING SCHEME</b>	Planning Scheme for Bundaberg City 2004-2015
<b>ZONING</b>	Rural Zone (Local Area 6)
<b>OVERLAYS</b>	Acid Sulfate – Area 2 Structure Plan: Non-Urban
<b>LEVEL OF ASSESSMENT</b>	Impact
<b>SITE AREA</b>	2 hectares
<b>CURRENT USE</b>	Rural Residential
<b>PROPERLY MADE DATE</b>	18 September 2015
<b>STATUS</b>	Decision State
<b>REFERRAL AGENCIES</b>	Nil
<b>NO OF SUBMITTERS</b>	Nil
<b>LEVEL OF DELEGATION</b>	Level 3

1809

### Resolution

Cr CR Sommerfeld presented the report; and moved:-

**That as:-**

- Council Officers have in this instance agreed to a reduced buffer about Lot 4 taking into consideration the headland that separates the agricultural activities from the agricultural activities from the property boundary and a similar scenario exists about the eastern boundary of Lot 3;**

2. Lot 3 is already heavily vegetated with well-established trees and shrubs that provide effective buffering from any agricultural activities on the adjoining lands especially any interspersing of any spray drift that has the potential to introduce conflicts;
3. a building envelope could be provided that recognizes suitable setbacks from all boundaries that buffer a future residence from current and potential use of all the adjoining lands; and
4. the owner offers no objection to a Property Note to be included for Lot 3 to this effect;

- the representations made on 21 July 2016 for Development Application 321.2015.44237.1 be agreed to and Negotiated Decision Notice be issued as follows:-

### DESCRIPTION OF PROPOSAL

Reconfiguring of a Lot - 1 Lot into 4 Lots

### SUBJECT SITE

135 Sauers Road, Kalkie - described as Lot 3 on SP138074

### DECISION

Approved subject to conditions for the following

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. NATURE OF THE CHANGES

The nature of the changes are:-

- amend Item 10 (Approved Plan) to reflect the new Proposal Plan: GC15-300-P3 dated July, 2016;
- amend Condition 4(a) and 4(i) to read as follows:-

*“4. Establish a vegetated agricultural buffer over the land area as identified on the Approved Plans (Lot 4). The buffer must:*

*a. Have a minimum total width of **30.0 metres**;*

*i. Include an area of at least **5.0 metres** clear of vegetation or flammable material to either side of the vegetated area*

- amend Condition 6 to read as follows:-

***Provide an amended plan of development providing a minimum 10 metre wide vegetated buffer along the eastern boundary of the site.***

***A building envelope is to be introduced to Lot 3 providing a minimum building setback of 20 metres to the eastern boundary, 3 metres to the western boundary, 10 metres to the northern boundary and a minimum 10 metres setback to the Sauers Road frontage.***

- Delete Advice Note C – SunWater;
- Include new Property Note H reading as follows:-

***The following notation applies to approved Lot 3 (Development Approval: 321.2015.44237.1):-***

***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. Existing vegetation along the eastern boundary of the land is to be retained as a buffer to adjoining agricultural activities until such time as the adjoining land is included in an Urban Land Use designation and is no longer used for rural activities. A building envelope is applicable to this lot and is to be used in the location of any future residential dwelling on the land.***

**2. DETAILS OF APPROVAL**

The following approvals are given:

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

**Deemed Approval**

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

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

Not Applicable.

**4. 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

**5. 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

**6. 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>

**7. SUBMISSIONS**

Not Applicable

**8. 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><b>Planning Scheme for Bundaberg City 2004-2015.</b>                      -Non-Urban precinct                      - Key Strategies                      -Desired Environmental Outcomes                      -Lot Reconfiguration Code.</p>	<p>The rural residential allotments created from this development, are of a size and configuration that make them suitable for urban intensification into the future when demand and infrastructure servicing is available.</p> <p>The rural residential allotments created from this development provide an infrastructure charges contribution for Council to invest in its new infrastructure program for this locality.</p> <p>The subject land is already utilised as a rural residential lifestyle lot and is no longer utilised for agricultural activities. The proposal does not remove active agricultural land for ongoing rural activity.</p> <p>The rural residential allotments created from this development will have a negligible impact on the rural activities occurring on adjoining land, through the use of vegetated buffering (existing or proposed).</p>

	An insufficient amount of Rural Residential land is currently provided for in this locality in the Planning Scheme for Bundaberg City 2004 and the Bundaberg Regional Council Planning Scheme 2015.
<b>Wide Bay Burnett Regional Plan</b> – Urban Footprint	Commentary as above for Planning Scheme for Bundaberg City 2004-2015.
<b>Bundaberg Regional Council Planning Scheme 2015.</b> -Rural Zone -Strategic Intent -Strategic Outcomes -Kalkie-Ashfield development area -Lot Reconfiguration Code.	Commentary as above for Planning Scheme for Bundaberg City 2004-2015.

**9. REFERRAL AGENCY**

Not Applicable

**10. APPROVED PLAN**

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

Plan/Document number	Plan/Document name	Date
<b>GC15-300-P3</b>	<b>Plan of Proposed Lot Reconfiguration</b>	<b>July 2016</b>

**11. 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.

**12. REFUSAL DETAILS**

Not Applicable

**13. 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
4, 5, 7, 8, 9, 14, 15, 16, 17,	Section 665 – Non-trunk Infrastructure
Not applicable	Section 646 – Identified Trunk Infrastructure
Not applicable	Section 647 – Other Trunk Infrastructure

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

### **PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER**

#### **General**

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 as identified on the Approved Plans (Lot 4). The buffer must:-
  - a. Have a minimum total width of **30.0 metres**;
  - b. Contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of 4-5m for a minimum width of 20m;
  - 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 **5.0 metres** clear of vegetation or flammable material to either side of the vegetated area.
5. Maintain the new agricultural buffer over Lot 4 and the existing agricultural buffer over Lot 3 until the adjoining land Lot 11 on SP172455 is used for urban or rural residential purposes.
6. ***Provide an amended plan of development providing a minimum 10 metre wide vegetated buffer along the eastern boundary of the site. A building envelope is to be introduced to Lot 3 providing a minimum building setback of 20 metres to the eastern boundary, 3 metres to the western boundary, 10 metres to the northern boundary and a minimum 10 metre setback to the Sauers Road frontage.***

## Rural Numbering

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

## 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. The shed structure remaining on the proposed Lot 1 is to be used for private/domestic purposes only. The approved structure must not be used as a separate domicile/dwelling or used for any industrial/business use unless valid development approvals are granted for such uses.
11. Ensure all existing and proposed utility services and connections (eg. electricity, telecommunications, water and sewerage) are wholly located within the lot they serve.
12. 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.
13. Certification must be submitted to the Assessment Manager from an appropriately qualified surveyor which certifies that:
  - a. the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the *Building Act 1975*, unless varied by this Decision Notice;
  - b. all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement;
  - c. all existing and proposed utility services and connections (eg. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively are included within an easement where location within the lot is not possible;



- d. all existing effluent disposal areas are wholly located within the lot they serve and comply with the boundary setback requirements of *the Plumbing and Drainage Act 2002* and associated codes and requirements;
- e. all dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot;
- f. all retaining walls and structures are fully contained within the lot they retain; and
- g. any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties; and
- h. Provide the driveway for proposed Lot 4 with a rural number in accordance with Council's Policy FM-7-115 *Rural Number Application*.

### **Easements**

14. 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 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.

### **Roadworks and Access (Driveways)**

15. Provide pavement construction and sealing to widen Sauers Road, for the length of the site's frontage west of Gahans Road, plus a 10 metre taper to match the existing width of Sauers Road east of the Gahans Road intersection by widening from the edge of the existing pavement of Sauers Road on the South side. 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 application for Operational Works.
16. Access strips and driveways to proposed Lot 4 must comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments* and the terms and conditions of the Sunwater easement. The specific requirements must be determined as part of the Operational Works application.

### **Easements**

17. Lodge for registration at the office of the Land Registry the following easement(s):
  - a. three (3) stormwater drainage easements having a minimum width of three (3) metres in proposed Lot 4 (servient tenement) and connected to the northern boundary of proposed Lots 1 to 3 (dominant tenement).
18. Draft easement documentation must be submitted to the Assessment Manager for review and approval of terms.
19. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

20. Ensure that any easements and rights pertaining to the parcels of land associated with this approval are maintained unless otherwise stated on the Approved Plan/s or the conditions of this approval. Proof of the registration or surrender of any easements are to be submitted to the Assessment Manager at the time of the submission of a Plan of Subdivision for compliance assessment and signing.

### **Staging**

21. The development may be staged. If staged, the development need not be completed sequentially provided that any road access and infrastructure services required to service the particular stage are constructed with that stage.

## **PART 1B – ADVICE NOTES**

### **Infrastructure Charges Notice**

- A. Please find attached the Infrastructure Charges Notice (Ref No: (Ref No: 331.2016.829.1) 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.

C. **Deleted**

### **Property Notes**

- D. Development Approval 321.2015.44237.1 – Water

The following notation applies to approved Lots 1, 2, 3 & 4:

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

- E. Development Approval 321.2015.44237.1 – Sewerage

The following notation applies to approved Lots 1, 3 and 4:

This property is not serviced by the Council's reticulated sewerage network. Any future residential dwelling on Lots 1, 3 & 4 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'.

F. Development Approval 321.2015.44237.1 – Driveways

The following notation applies to approved Lots 1 & 3:

The driveway to the Lot:

- must be built to the standard specified in the *planning scheme policy for development works – driveways and access to developments*.
- must be constructed in accordance with Council's Policy FM-7-003 *Application to carry out works in, on, over or under Council owned and maintained property*.
- is used to provide the rural number (house postal address number) in accordance with Council's Policy FM-7-115 *Rural Number Application*. 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.

### Agricultural Buffers

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

H. ***The following notation applies to approved Lot 3 (Development Approval: 321.2015.44237.1):-***

***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. Existing vegetation along the eastern boundary of the land is to be retained as a buffer to adjoining agricultural activities until such time as the adjoining land is included in an Urban Land Use designation and is no longer used for rural activities. A building envelope is applicable to this lot and is to be used in the location of any future residential dwelling on the land.***

Seconded by Cr JA Peters.

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

**It being noted that the Planning Officer had recommended that this Application be approved in part only with changes as follows:-**

- **amend Item 10 in the Decision Notice** - to reflect the new Proposal Plan: **GC15-300-P3 dated July 2016.**
- **amend Condition 4(a) and 4(i)** to read as follows:

***4. Establish a vegetated agricultural buffer over the land area as identified on the Approved Plans (Lot 4). The buffer must:***

- a. *Have a minimum total width of **30.0 metres**;*
- i. *Include an area of at least **5.0 metres** clear of vegetation or flammable material to either side of the vegetated area.*

- delete Advice Note C – SunWater

- **however, Council has not accepted this recommendation.**



## Minutes

27 September 2016

<b>Item Number:</b> N1	<b>File Number:</b> A2727999	<b>Part:</b> COMMUNITY & CULTURAL SERVICES
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**Portfolio:**

Community & Environment

**Subject:**

Partnerships & Sponsorships Grant Application – Life Education Bundaberg

**1810**

**Resolution**

Cr JA Peters presented the report; and moved:-

**That a donation in the amount of \$10,000 (plus GST where applicable) be made to Life Education Bundaberg for the 2016/17 financial year to assist with the operational costs of the organisation.**

Seconded by Cr WA Honor.

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



## Minutes

27 September 2016

<b>Item Number:</b> N2	<b>File Number:</b> A2753112	<b>Part:</b> COMMUNITY & CULTURAL SERVICES
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**Portfolio:**

Community & Environment

**Subject:**

Naming request for Apple Tree Creek Sportsground Arena

1811

**Resolution**

Cr JA Peters presented the report; and moved:-

**That the area in front of the rodeo chutes at the Apple Tree Creek Sportsground be named the 'Doug Schofield Arena'.**

Seconded by Cr WR Trevor.

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



## Minutes

27 September 2016

<b>Item Number:</b> N3	<b>File Number:</b> A2762091	<b>Part:</b> COMMUNITY & CULTURAL SERVICES
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**Portfolio:**

Community & Environment

**Subject:**

Partnerships & Sponsorships Grant Application – 2016 Lighthouse Festival

1812

**Resolution**

Cr JA Peters presented the report; and moved:-

**That a donation in the amount of \$5,000 be made to the Burnett Heads Sports and Progress Association to assist with the:-**

- **hire and purchase of equipment;**
- **preparation and implementation of a traffic guidance scheme; and**
- **delivery and collection of Council bins;**

**for the 2016 Lighthouse Festival to be held in Burnett Heads on Saturday, 29 October 2016.**

Seconded by Cr SA Rowleson.

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

THE MAYOR ADVISED AT THIS STAGE DUE TO THE CONFIDENTIAL NATURE OF THE FOLLOWING 2 ITEMS –

- T1 – REVIEW OF A RATING MATTER LOT 54 ON RP7200 - REQUEST FOR WATER LEAK RELIEF
- T2 – LOT 129 ON SP182592 - REQUEST FOR INCREASED WATER ALLOCATION

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

### **RESOLUTION**

CR SA ROWLESON MOVED:-

**THAT THE MEETING BE CLOSED TO THE PUBLIC – AND DISCUSSION ON THE FOLLOWING 2 ITEMS 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

27 SEPTEMBER 2016

<b>ITEM NUMBER:</b>	<b>FILE NUMBER:</b>	<b>PART:</b>
T1	A72709	CONFIDENTIAL

### PORTFOLIO:

ORGANISATIONAL SERVICES

### SUBJECT:

LOT 54 ON RP7200 - REQUEST FOR WATER LEAK RELIEF

1813

### RESOLUTION

CR JM DEMPSEY 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 \$424.48 TO REDUCE THE WATER CONSUMPTION CHARGES TO A LEVEL CONSISTENT WITH PREVIOUS WATER USE, ATTACHING TO PROPERTY AT LOT 54 ON RP7200, PARISH BAROLIN.**

SECONDED BY CR JP BARTELS.

FOLLOWING DISCUSSION THERETO DURING WHICH:-

- CR GR BARNES SPOKE AGAINST THE MOTION;
  - CR HL BLACKBURN SPOKE FOR THE MOTION;
- THE MOTION WAS PUT - AND CARRIED BY 8 VOTES TO 3 VOTES.

#### **FOR**

CR WR TREVOR  
 CR JP BARTELS  
 CR WA HONOR  
 CR HL BLACKBURN  
 CR CR SOMMERFELD  
 CR DJ BATT  
 CR PR HEUSER  
 CR JM DEMPSEY

#### **AGAINST**

CR GR BARNES  
 CR SA ROWLESON  
 CR JA PETERS



## MINUTES

27 SEPTEMBER 2016

<b>ITEM NUMBER:</b>	<b>FILE NUMBER:</b>	<b>PART:</b>
T2	A2709494	CONFIDENTIAL

**PORTFOLIO:**

ORGANISATIONAL SERVICES

**SUBJECT:**

LOT 129 ON SP182592 - REQUEST FOR INCREASED WATER ALLOCATION

1814

**RESOLUTION**

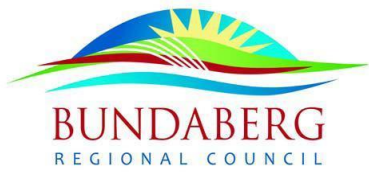
CR JM DEMPSEY MOVED:-

THAT IN THIS INSTANCE AND TO ASSIST WITH THE RE-ESTABLISHMENT OF ITS PLAYING SURFACES - THE WESTERN SUBURBS JUNIOR RUGBY LEAGUE FOOTBALL CLUB BE GRANTED AN ADDITIONAL 1,000 KL OF WATER ALLOCATIONS FREE OF CONSUMPTION CHARGES, FOR LAND DESCRIBED AS LOT 129 ON SP 182592, PARISH BUNDABERG, TO BE USED DURING THE WATER METER READING PERIODS ENDING 30 JUNE, 2017.

FURTHER, THAT THE COMMUNITY SERVICE OBLIGATION GRANTING CONCESSION FOR WATER CHARGES TO ALL UNLICENSED AND RESTRICTED SPORTING CLUBS BE REVIEWED AS PART OF THE 2017/2018 BUDGET DELIBERATIONS.

SECONDED BY CR DJ BATT.

THE MOTION WAS THEN PUT - AND CARRIED UNANIMOUSLY.



## Minutes

27 September 2016

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

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.08 am.

Confirmed this eleventh day of October 2016.

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MAYOR