

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

25 MARCH 2014

The Council Resolutions contained within these minutes were confirmed at the Council Meeting on 8 April 2014.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, QUEEN STREET, YEPPON ON TUESDAY, 25 MARCH 2014 COMMENCING AT 9:00AM**1 OPENING**

The Mayor opened the meeting at 9:00am. The Mayor advised that the report relating to Confidential Item L.1 – *Ongoing Financial Support for Capricorn Enterprise* had not been distributed to Councillors due to an administrative error, and would be deferred to the Council Workshop on 1 April 2014.

2 PRESENT

Members Present:

The Mayor, Councillor Bill Ludwig (Chairperson)
The Deputy Mayor, Councillor Graham Scott
Councillor Adam Belot
Councillor Nigel Hutton
Councillor Jan Kelly
Councillor Glenda Mather (9:05am)
Councillor Tom Wyatt

In Attendance:

Mr Andrew Ireland – Chief Executive Officer
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Ms Rebecca French – Manager Marketing and Engagement
Mr Darryll Schurmann – Manager Finance
Ms Jane Witham – Planning Officer
Ms Lucy Merry – Councillor Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 MAYORAL MINUTE

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 11 March 2014 be taken as read and adopted as a correct record with the exclusion of the Business Arising or Outstanding From Previous Meetings item relating to the report to be prepared by the CEO regarding Council's ability to hold an entire meeting in closed session.

Moved by: Councillor Kelly
Seconded by: Councillor Hutton

MOTION CARRIED

6 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

9:40AM

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Ludwig disclosed a perceived conflict of interest in respect of Item 12.4 - Yeppoon and District Show Society Sponsorship due to his involvement with the organisation of this annual event through his position of Chairman of the Capricorn Community Events. Councillor Ludwig announced his intention to remain in the room and to vote on the matter.

9:42AM

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Wyatt disclosed a perceived conflict of interest in respect of Item 12.4 - Yeppoon and District Show Society Sponsorship due to him being a sponsor of the Show Society through his local business. Councillor Wyatt announced his intention to remain in the room and to vote on the matter.

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. Business Outstanding Report
Responsible Officer: Andrew Ireland - Chief Executive Officer
Author: Lucy Merry - Executive Support Officer

SUMMARY

The Business Outstanding Report is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Ordinary Council Meeting is presented for Councillors' information.

COUNCIL RESOLUTION

THAT the Business Outstanding Report for the Ordinary Council Meeting be received, with the exclusion of the item relating to the report to be prepared by the CEO regarding Council's ability to hold an entire meeting in Closed session as this item does not adequately reflect the nature of the discussion at the time.

Moved by: Deputy Mayor, Councillor Scott
Seconded by: Councillor Belot

MOTION CARRIED

8 PUBLIC FORUMS/DEPUTATIONS

8.1 DEPUTATION BY MAREE ANDERSON AND STEVE ANDERSON REGARDING DEVELOPMENT APPLICATION D/281-2013 FOR A MATERIAL CHANGE OF USE FOR AN EXTRACTIVE INDUSTRY AT 2816 EMU PARK ROAD COOROOMAN

File No: D/281-2013
Attachments: Nil
Responsible Officer: Erin McCabe - Coordinator Development Assessment
Brett Bacon - Director Community & Planning Services
Author: Jane Witham - Planning Officer

SUMMARY

A development application for a material change of use for an Extractive Industry at 2816 Emu Park Road, Coorooman, was lodged with Council on 28 June 2013. The application is scheduled for a decision at the Council meeting of 25 March 2014 and the recommendation by the officer is for approval subject to conditions.

Maree Anderson has requested to make a deputation to the Council regarding the application.

COUNCIL RESOLUTION

THAT the Deputation by Maree Anderson and Steve Anderson be "received".

Moved by: Councillor Wyatt

Seconded by: Councillor Kelly

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2014

File No: FM12.4.1
Attachments: 1. Income Statement - February 2014
2. Graphs - February 2014
Responsible Officer: Andrew Ireland - Chief Executive Officer
Author: Darryll Schurmann - Manager Finance

SUMMARY

The Manager Finance presenting the Livingstone Shire Council Summary Budget Management Report for the period ended 28 February 2014.

COUNCIL RESOLUTION

That the Livingstone Shire Council Summary Budget Management Report for the Period ended 28 February 2014 be 'received'.

Moved by: Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

12.2 RECYCLING DROP-OFF BIN STATIONS

File No: WM31.8.3
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Sean Fallis - Manager Waste & Waste Operations

SUMMARY

This report provides information regarding the closure of recycling Bin Stations at Yeppoon and Keppel Sands and the subsequent establishment of trial recycling bin stations to the north of Yeppoon.

OFFICER'S RECOMMENDATION

THAT the existing Recycling Bin Stations at Cordingley Street, Yeppoon, Farnborough Road, Yeppoon and Taylor Street, Keppel Sands be closed.

Further, that a Recycling bin Stations be trialled at Farnborough Road in the proximity of the the primary school.

COUNCIL RESOLUTION

THAT

1. The existing Recycling Bin Stations at Cordingley Street, Yeppoon, Farnborough Road, Yeppoon and Taylor Street ,Keppel Sands be closed.; and
2. Council approves a trial Recycling Bin Station at Farnborough Road, Yeppoon with appropriate consultation with nearby residents and the local store.

Moved by: Councillor Wyatt

Seconded by: Councillor Hutton

MOTION CARRIED

12.3 PROCESSED GREENWASTE CONTAMINATION INVESTIGATION

File No: PL22.16.1
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Sean Fallis - Manager Waste & Waste Operations

SUMMARY

This report provides information on contamination of mulch at Council Landfill and Transfer Station Sites and proposed future management of green waste processing

COUNCIL RESOLUTION

THAT the existing green waste area at Keppel Sands be closed and an alternative location to be trialled at the intersection of Keppel Sands Road and Coowonga Road. Further, that the green waste from the new site be transported to Yeppoon Landfill for processing to address potential contamination issues associated with the unmanned site.

Moved by: Deputy Mayor, Councillor Scott
Seconded by: Councillor Belot

MOTION CARRIED

12.4 YEPPON AND DISTRICT SHOW SOCIETY SPONSORSHIP

File No: CR2.15.3
Attachments: Nil
Responsible Officer: Andrew Ireland - Chief Executive Officer
Author: Brett Bacon - Director Community & Planning Services

SUMMARY

This report discusses a request from the Yeppoon and District Show Society for a grant to assist with its 2014 Show.

COUNCIL RESOLUTION

THAT Council resolves to provide the following contribution to the Yeppoon and District Show Society for its 2014 show:

- 1) \$3,500 in cash;
- 2) forty (40) mobile garbage bins (wheelie bins) and three skip bins (three cubic metre capacity), including servicing; and
- 3) equipment (for example bollards) for delineating activity areas and walkways.

Moved by: Councillor Wyatt

Seconded by: Councillor Hutton

MOTION CARRIED

12.5 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN EXTRACTIVE INDUSTRY

File No: D/281-2013

Attachments:

1. **Locality Plan**
2. **Conceptual Site Plan**
3. **Conceptual Stormwater Management Plan Stages 1-6**
4. **Conceptual Rehabilitation Management Plan**

Responsible Officer: Erin McCabe - Coordinator Development Assessment
Brett Bacon - Director Community & Planning Services

Author: Jane Witham - Planning Officer

SUMMARY

Development Application Number: D/281-2013

Applicant: Barlows Earthmoving Pty Ltd

Real Property Address: Lot 1 on LN1744, Parish of Cawarral

Common Property Address: 2816 Emu Park Road, Coorooman

Area of Site: 492.024 hectares

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays:

- Overlay Map 2A: Drainage Problem
- Overlay Map 2B: Steep Land
- Overlay Map 3A: Wetlands
- Overlay Map 3B: Waterways
- Overlay Map 5A: Storm Tide Hazard
- Overlay Map 5B: Bushfire Hazard
- Overlay Map 8A: 5m AHD
- Overlay Map 8B: 20m AHD
- Overlay Map 9: Capricorn Landscape Code Precinct A and Precinct B

Existing Development: Industrial Depot and Agricultural pursuits

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for an Extractive Industry

Level of Assessment: Impact assessable

Submissions: Eight (8) submissions received

Referral Agency(s): Department of Environment and Heritage Protection (concurrence); Department of Transport and Main Roads (concurrence) and Department of Agriculture, Fisheries and Forestry (advice)

Adopted Infrastructure Charge Area: Charge Area Three

Application Progress:

<i>Application Lodged:</i>	<i>28 June 2013</i>
<i>Application Properly Made:</i>	<i>28 June 2013</i>
<i>Acknowledgement Notice sent:</i>	<i>9 July 2013</i>
<i>Request for Further Information sent:</i>	<i>23 July 2013</i>
<i>Request for Further Information responded to:</i>	<i>24 December 2014</i>
<i>Submission period commenced:</i>	<i>10 January 2014</i>
<i>Submission period ended:</i>	<i>4 February 2014</i>
<i>Department of Transport and Main Roads request for additional time:</i>	<i>22 January 2014 (twenty business day extension to 24 February 2014)</i>
<i>Department of Transport and Main Roads response:</i>	<i>24 February 2014</i>
<i>Department of Environment and Heritage Protection response:</i>	<i>23 January 2014</i>
<i>Department of Agriculture, Fisheries and Forestry response:</i>	<i>23 January 2014</i>
<i>Last receipt of information from applicant:</i>	<i>5 February 2014 (Notice of Compliance)</i>
<i>Statutory determination date:</i>	<i>25 March 2014</i>

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Extractive Industry, made by Barlows Earthmoving Pty Ltd, on Lot 1 on LN1744, Parish of Cawarral, and located at 2816 Emu Park Road, Coorooman, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds for justification:

- (a) The large tracts of significant vegetation are retained on site and the development site has been strategically designed on the eastern side of the ridgeline to restrict visual scarring.
- (b) A rehabilitation strategy has been included to create a natural revegetated environment suitable to recover any visual scarring.
- (c) As a prevalence of natural resources exists on site, extraction of these resources is an appropriate way to utilise the land and stimulate economic activity for the local and regional community.
- (d) The proposed use will not hinder other agricultural pursuits within the locale.
- (e) The proposed use has been conditioned by Council and State Departments to reduce any significant impacts associated with noise and dust on the surrounding community.
- (f) Assessment of the application demonstrates that the proposal will not compromise the Shire Wide Outcomes of the *Livingstone Shire Planning Scheme 2005*.
- (g) The proposed development does not compromise relevant aspects of the applicable State Planning Policies.

OFFICER'S RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, made by Barlows Earthmoving Pty Ltd, on Lot 1 on LN1744, Parish of

Cawarral, and located at 2816 Emu Park Road, Coorooman, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Stormwater Works;
 - (ii) Site Works; and
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Conceptual Site Layout Plan	1520.003A	26 June 2013
Conceptual Quarry Development Plan (Stage 1 to 6)	1520.014A – 1520.019A	26 June 2013
Conceptual Stormwater Management Plan (Stage 1 to 6)	1520.023 – 1520.028	26 June 2013
Conceptual Rehabilitation Management Plan	1520.032A	25 September 2013

TTM Group Traffic Assessment Report	12SCT0103/Rep02	December 2013
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- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- 3.0 STAGED DEVELOPMENT
- 3.1 This approval is for a development to be undertaken in six (6) discrete stages, in accordance with the approved plan (refer to condition 2.1). Stage one (1) must be completed prior to any other stage. The stages are required to be undertaken in chronological order.
- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 4.0 ROAD WORKS
- 4.1 The Developer must enter into a Road Maintenance Agreement with Livingstone Shire Council, prior to the commencement of any works on site, for all associated Council roads which have equal to or greater than five (5) per cent increase in traffic impacts due to the proposed development, as identified in the TTM Group Traffic Assessment Report of December 2013 reference 12SCT0103/Rep02, Table 5.4.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 5.2 On-site sewage treatment and disposal must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies, alternatively a suitable sewerage waste collection and disposal off-site via an approved commercial supplier may be implemented.
- 5.3 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Urban Stormwater Quality Planning Guidelines*, *State Planning Policy*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain so as to demonstrate lawful discharge and must not adversely affect adjoining land or infrastructure when compared to pre-development condition by way of blocking, altering, diverting existing stormwater runoff patterns, have the potential to cause damage to other infrastructures.
- 6.4 Any application for Operational Works (stormwater works) must identify all areas of the proposed development that needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to maintain the lawful discharge or provide a lawful point of discharge for the proposed development. The areas

- identified must satisfy the requirements of the *Queensland Urban Drainage Manual*.
- 6.5 Any application for Operational works (stormwater works) must accompany detailed site based stormwater quantity and quality management reports prepared by a suitably qualified Registered Professional Engineer of Queensland. In particular, the reports must demonstrate the following and address all other relevant stormwater issues:
- 6.5.1 All content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Urban Stormwater Quality Planning Guidelines*, *State Planning Policy*, and sound engineering practice.
 - 6.5.2 All post development runoff is collected and discharged so as to demonstrate lawful discharge in accordance with the *Queensland Urban Drainage Manual*.
 - 6.5.3 The stormwater management plan is accompanied by a suitably scaled plan showing the stormwater catchment and sub-catchments for pre-development and post-development scenarios.
 - 6.5.4 An assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios and clearly identifies the lawful discharge point(s).
 - 6.5.5 The potential pollutants in stormwater runoff, discharged from the site are managed in accordance with *Urban Stormwater Quality Planning Guidelines* and *the State Planning Policy*.
 - 6.5.6 No worsening or actionable nuisance to the adjacent properties caused by peak discharges/flood levels, frequency or duration of discharge /flooding, flow velocities and scouring.
 - 6.5.7 The stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy.
 - 6.5.8 It includes detailed engineering plans with details of any new drainage systems including runoff quantity and quality control measures, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy.
 - 6.5.9 It incorporates details of ongoing maintenance and management actions required with regard to any proposed stormwater quantity and quality management devices.
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by a preliminary site investigation into acid sulphate soils in accordance with *State Planning Policy*. If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works).
- 7.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

- 7.4 All site works must be undertaken to ensure that there is:
- 7.4.1 no increase in upstream or downstream discharge / flood levels for all levels of immunity up to Q100;
 - 7.4.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modeling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 7.5 Dust suppression measures must be implemented and monitored during the proposed use such that it does not cause detrimental impacts on adjacent environment.
- 8.0 ENVIRONMENTAL
- 8.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan prepared by a suitably qualified Registered Professional Engineer of Queensland (civil or environmental engineering), which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) acid sulphate soils;
 - (iv) fauna management;
 - (v) vegetation management and clearing;
 - (vi) top soil management;
 - (vii) interim drainage plan during construction;
 - (viii) construction programme;
 - (ix) geotechnical issues;
 - (x) weed control;
 - (xi) bushfire management;
 - (xii) emergency vehicle access;
 - (xiii) noise and dust suppression; and
 - (xiv) waste management.
- 8.2 Any application for a Development Permit for Operational Works must be accompanied by a detailed Erosion and Sediment Control Plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or suitably qualified Registered Professional Engineer of Queensland (civil or environmental engineering) in accordance with *State Planning Policy and Urban Storm Water Planning Guidelines*, which addresses, but is not limited to, the following:
- (i) objectives (construction and post construction phase design objectives);
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) designs (construction and post construction phase design);
 - (x) drainage, erosion and sediment control measures;
 - (xi) waterway stability management and flood flow management;
 - (xii) water quality; and

(xiii) Implementation, for the construction and post construction phases of work.

9.0 OPERATING PROCEDURES

- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in any Council Roads.
- 9.2 Refuse Waste Management must be in accordance with the *Environmental Protection (Waster Management) Regulation*.
- 9.3 This approval is for the extraction and transportation of hard rock and clay from the subject premises which must be undertaken in accordance with the endorsed plans (refer Condition 2.1) and at an extraction rate of no more than 500,000 tonnes per annum.
- 9.4 The hours of operations must be limited to:
- (i) 0600 hours to 1800 hours on Monday to Friday;
 - (ii) 0700 hours to 1600 hours on Saturday;
 - (iii) no operations on Sunday or Public Holidays; and
 - (iv) Blasting must not occur on Saturdays, Sundays or Public Holidays.
- 9.5 The land the subject of the extraction operation must be progressively rehabilitated in accordance with the approved Rehabilitation Plan (refer condition 2.1). The rehabilitation works must be completed within eighteen months of the cessation of the use and maintained thereafter to the satisfaction of Council.
- 9.6 The access route to the quarry sites must be from Emu Park Road. No other haulage routes are approved for the purposes of this operation.
- 9.7 A detailed record of the extraction, including date, quantity extracted and transported from site must be maintained on site for inspection by Council.
- 9.8 Excavation or filling must be located a minimum of five (5) metres clear of any boundary to minimise potential impacts of erosion onto adjoining properties or road reserves.
- 9.9 Dust suppression:
- 9.9.1 Measures must be implemented to suppress dust during the operation. There must be no visible dust emissions onto any adjoining properties during excavation and loading of the material. All haulage trucks associated with the transportation of material extracted by this operation must have their loads covered by dust-proof material, to prevent sand and dust loss during transportation.
 - 9.9.2 If any dust creates a nuisance to neighbouring properties, all activities must cease until corrective measures have been implemented to Council's satisfaction.
- 9.10 Contaminated water must not be directly or indirectly released from the premises on to the ground, into groundwater or natural run-off systems.
- 9.11 Cleaning of plant and trucks must be carried out in an area where contaminants cannot be released into stormwater drainage or onto unsealed grounds.
- 9.12 Adequate wash down/out facilities must be provided on-site.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable

measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

The *Workplace Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline* Drawings) may be accepted in place of the Development Permit for Operational Works (access works).

NOTE 5. Road Maintenance Agreement

A Road Maintenance Agreement applies to this site.

NOTE 6. Environmentally Relevant Activity

The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in Local Law No. 3 (Community & Environmental Management) 2011 and Schedule 1 of Subordinate Local Law 3 (Community & Environmental Management) 2011 and in the Land Protection (Pest and Stock Route Management) Act 2002 or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

It is advised that part of the subject site is mapped by the Department of Environment and Heritage Protection as containing Least Concern Remnant and Regrowth Vegetation. The Vegetation Management Act 1999 has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <http://www.nrm.qld.gov.au/vegetation/index.html>

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Wyatt

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned

COUNCIL RESOLUTION

10.21AM

That the meeting be adjourned for morning tea..

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

Meeting Resumed

COUNCIL RESOLUTION

10:33AM

That the meeting be resumed.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED UNANIMOUSLY / LOST

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

14 URGENT BUSINESS\QUESTIONS

15 CLOSED SESSION

As the report to be considered within the Closed Session was not available to Councillors prior to the meeting, the Mayor advised that the report would be considered at the next Councillor Workshop. Consequently, the meeting did not move in to Closed Session.

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

16 CONFIDENTIAL REPORTS

L.1 ONGOING FINANCIAL SUPPORT FOR CAPRICORN ENTERPRISE

File No: ED8.2.1
Attachments: Nil
Responsible Officer: Andrew Ireland - Chief Executive Officer
Author: Andrew Ireland - Chief Executive Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

SUMMARY

Consideration of this report has been deferred to the Council Workshop to be held on 1 April 2014. Therefore no resolution relating to this matter has as yet been adopted.

The purpose of this report is to seek Council's endorsement for increasing its financial contribution to Capricorn Enterprise. The report outlines the rationale for increasing the current level of financial contribution, and the benefits to Council in doing so. It is proposed that the increase commences in the 2014/2015 financial year as part of Council budget for that period.

OFFICER'S RECOMMENDATION

THAT Council:

1. Increases its contribution to Capricorn Enterprise to \$350,000 per annum indexed by CPI;
2. Commences the increased contribution within the 2014/2015 Budget; and
3. Enters into a funding agreement reflecting the above with Capricorn Enterprise for the next four years commencing in 2014/15.

17 CLOSURE OF MEETING

There being no further business the meeting closed at 10:58 pm.

Bill Ludwig
CHAIRPERSON

8 APRIL 2014