



ORDINARY MEETING

MINUTES

20 MARCH 2018

The resolutions contained within these minutes were confirmed at Council Meeting
on 5 April 018.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 20 MARCH 2018 COMMENCING AT 9:05AM

1 OPENING

2 PRESENT

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Deputy Mayor, Councillor Nigel Hutton
Councillor Adam Belot
Councillor Jan Kelly

In Attendance:

Ms Chris Murdoch – Chief Executive Officer
Ms Andrea Ellis – Acting Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Ms Debra Howe – Director Strategic Growth and Development
Mr David Battese – Manager Strategy and Development
Ms Erin McCabe – Coordinator Development Assessment
Ms Maddie Ward – Senior Planning Officer
Ms Tammy Wardrop – Assistant Planner
Ms Lucy Merry – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

Leave of Absence for the meeting was previously granted to Councillor Glenda Mather.

Councillor Tom Wyatt has tendered his apology and will not be in attendance.

COUNCIL RESOLUTION

THAT the apologies tendered for the absence of Councillor Tom Wyatt be received.

Moved by: Councillor Kelly
Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

3.1 LEAVE OF ABSENCE FOR COUNCILLOR ADAM BELOT - 7 APRIL TO 15 APRIL 2018 INCLUSIVE

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Adam Belot has requested leave of absence for 7 April to 15 April 2018 inclusive.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Adam Belot for 7 April to 15 April 2018 inclusive.

Moved by: Deputy Mayor, Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 20 February 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 2 March 2018 be taken as read and adopted as a correct record.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 6 March 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Belot

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

**7 DECLARATIONS OF INTEREST IN MATTERS ON THE
AGENDA**

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

Nil

**10 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE
REPORTS**

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 HEAVY VEHICLE SAFETY PRODUCTIVITY PROGRAM FUNDING

File No: GS15.2.3

Attachments:

1. Locality Plan
2. Road Layout
3. Existing Intersection Configuration
4. Proposed Intersection Treatment

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

Applications have been invited for allocation of Federal funding under Round 6 of the Heavy Vehicle Safety and Productivity Program, with a submission closing date of 30 March 2018. Subject to Council endorsement, it is proposed to submit a section of Paddys Swamp Road for upgrade under this program as part of development of a B-double route to the primary production area of western Bungundarra.

COUNCIL RESOLUTION

THAT Council endorse an application for funding under Round 6 of the Heavy Vehicle Safety and Productivity Program to upgrade a section of Paddys Swamp Road to B-double standard as part of a staged freight task strategy.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.2 2017/18 SECOND QUARTER BUDGET REVIEW

File No: 12.4
Attachments: 1. 2nd Quarter Budgeted Statements showing variances
Responsible Officer: Andrea Ellis - Acting Director Corporate Services
Author: Matthew McGoldrick - Interim Chief Financial Officer

SUMMARY

The original budget adopted by Council on the 27th June 2017 has been reviewed by Council officers responsible for their section of the budget. The budget review results and the revised capital program has been checked by Finance and reviewed by the Executive Leadership Team. The amended budget for 2017/18 has been input into the Long Term Financial Plan. Impacts on this and future financial years have been reviewed and some of the forecast settings been amended.

COUNCIL RESOLUTION

THAT Council adopts the 2017/18 Second Quarter Budget Review and the Long Term Financial Plan as presented.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

The Mayor sought leave of the meeting to deal with items 12.4, 12.5, 12.6 and 12.7 before returning to item 12.3 of the agenda.

Leave Granted

12.3 AMENDMENT TO SUBORDINATE LOCAL LAW NO 5 (PARKING) 2011**File No:** LE19.5.1**Attachments:**

1. Council Resolution of 5 December 2017
2. Proposed amendments Subordinate Local Law No.5 (Parking) 2011
3. Local Law Making Process Resolution

Responsible Officer: David Mazzaferri - Manager Disaster Management,
Recovery and Resilience
Brett Bacon - Director Community & Planning Services**Author:** Craig Newsome - Coordinator Public Environments

SUMMARY

This report recommends proposed amendments to Subordinate Local Law No 5 (Parking) 2011, relating to regulated car parking within the Yeppoon foreshore and Town Centre precincts.

COUNCIL RESOLUTION

THAT Council:

- 1) review draft amendments to *Subordinate Local Law No 5 (Parking) 2011*; and
- 2) resolve to propose to make *Parking (Amendment) Subordinate Local Law (No. 5) 2018*.

Moved by: Councillor Kelly**Seconded by:** Councillor Belot**MOTION CARRIED**

12.4 GET PLANNING SPACES FUNDING PROGRAMME

File No: GS15.2.7
Attachments: 1. Get Planning Spaces Programme Guidelines
Responsible Officer: David Mazzaferri - Manager Disaster Management,
Recovery and Resilience
Brett Bacon - Director Community & Planning Services
Author: Jared Thomsen - Senior Sport & Education Officer

SUMMARY

This report discusses the proposal to submit an application to the Queensland Government's Get Planning Spaces programme (formerly Sport and Recreation Planning programme) and Council's required financial contribution.

COUNCIL RESOLUTION

THAT Council, pending 2018/2019 budget deliberations, resolve to confirm its support and financial commitment (up to \$25,000) to the indoor sporting facility planning project, and submit a funding application requesting \$75,000 from the *Get Planning Spaces* programme offered by the Queensland Government.

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED

12.5 REQUEST FOR A NEGOTIATED DECISION FOR DEVELOPMENT PERMIT D-167-2017 FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

File No: D-167-2017

Attachments:

1. Change representations
2. Decision Notice
3. Infrastructure Charges Notice

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Strategy & Development

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Applicant: Keith Ruskin, Lyndal Rhoda Ruskin, Kevin Edward Haigh and Shirley Daphne Haigh

Consultant: GSPC

Real Property Address: Lot 9 on E15615

Common Property Address: Lot 9 Henry Street, Emu Park

Area of Site: 8,094 square metres

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Industry Zone (Light Industry precinct)

Planning Scheme Overlays: Overlay Map O2 – Drainage Problem
Overlay Map O8 – Acid sulfate soils (land below twenty metres Australian Height Datum)

Existing Development: Caretaker's residence, four industrial (Classes 7 and 8) sheds, Shipping containers and Landscape supplies

Existing Approvals: Building Permit BP4158 – Issued on 7 August 1979 for a Residence and Workshop
Building Permit BP98-498 – Issued on 5 October 1998 for a Shed
Building Permit 1443-2005-YCOMM – Extension to a Class 8 shed
Building Permit 371-2006-YCOMM – Storage Sheds (Class 7)
Plumbing Permit P-498-1998

Approval Sought: Development Permit for Reconfiguring a Lot (one lot into two lots)

Level of Assessment: Code assessable

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT notwithstanding the Officer recommendation to upgrade the road frontage to the development site, Council is satisfied that the existing development and the proposed lot configuration is adequately serviced by existing infrastructure. Council considers the creation of two lots on the premises will not compromise the ongoing use of the premises for preferred industrial uses, including those already operating on site. If uses increase in scale or intensity, it may require the road works to occur. Council will consider upgrades and alignment of road connections in proximity to the subject site as part of future structure planning exercises for adjoining Emerging community zoned land, anticipated to occur following adoption of the new planning scheme.

RECOMMENDATION B

THAT, given recommendation A above, in relation to the request for a Negotiated Decision Notice for a Development Permit for Reconfiguring a Lot (one lot into two lots), de by GSPC on behalf of Keith Ruskin, Lyndal Rhoda Ruskin, Kevin Edward Haigh and Shirley Daphne Haigh, on land described as Lot 9 on E15615, and located at Lot 9 Henry Street, Emu Park, Council resolves that:

1. Condition 1.6.1 (i) Road works be deleted.
2. Condition 3.1 be deleted.
3. Condition 3.2 be deleted.
4. Condition 3.3 be deleted.
5. Condition 3.4 be deleted.
6. Condition 3.5 be deleted.
7. Condition 3.0 onwards be renumbered to reflect the deletion of the road works conditions (items 1-6 above).
8. Condition 4.1 remain unchanged.
9. Condition 4.2 remain unchanged.
10. Condition 4.3 remain unchanged.
11. The Infrastructure Charges Notice amount remain unchanged.

RECOMMENDATION C

THAT to reflect the above position, Keith Ruskin, Lyndal Rhoda Ruskin, Kevin Edward Haigh and Shirley Daphne Haigh be issued with a Negotiated Decision Notice for Development Permit D-167-2017 for Reconfiguring a Lot (one lot into two lots) as follows:

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 approval of a plan of subdivision (Survey Plan

endorsement), 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 approval of a plan of subdivision (Survey Plan endorsement), 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) Access Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the approval of a plan of subdivision (Survey Plan endorsement).
- 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.
- 1.10 All services, including any electricity, telecommunications, stormwater drainage systems, internal plumbing and sanitary drainage systems must be located within the respective property boundaries/ lot it serves, or secured by an easement in favour of the benefitting lot(s).

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>
Detail and level survey over Lots 9 and 10	170906-05 (Sheet 1)	26.09.2017

- 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 ACCESS WORKS

- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).
- 3.3 Compliant access driveways to proposed Lots 9 and 10 must be constructed in accordance with the *Capricorn Municipal Development Guidelines*.
- 3.4 Urban Street addressing must be provided for each lot.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 Internal plumbing and sanitary drainage associated with the existing buildings and

structures must be wholly contained within the lot it serves.

4.2 Adequate on-site water storage for domestic and firefighting purposes must be maintained for the existing development(s) and must be wholly contained within the lot it serves.

4.3 Any construction of new, or alternation to existing, internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and a Development Permit for Plumbing and Drainage Works.

5.0 STORMWATER WORKS

5.1 All roof and allotment runoff must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

5.2 All roof and allotment runoff must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause an actionable nuisance to adjoining properties or damage infrastructure.

6.0 SITE WORKS

6.1 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.

7.0 ELECTRICITY AND TELECOMMUNICATIONS

7.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

7.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.

8.0 ASSET MANAGEMENT

8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

8.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

8.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the approval of a plan of subdivision (Survey Plan endorsement). This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

9.0 ENVIRONMENTAL

9.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;

- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation, for the construction and post construction phases of work.

9.2 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

10.0 OPERATING PROCEDURES

10.1 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 Henry Street.

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. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. 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 4. 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 5. 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 6. Adopted Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council *Adopted Infrastructure Charges Resolution (No. 2) 2015*. The charges are

presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

12.6 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A MEDICAL CENTRE AND AN OFFICE

File No: D-248-2017

Attachments: 1. Locality plan
2. Proposal plans

Responsible Officer: David Battese - Manager Strategy & Development
Erin McCabe - Co-ordinator Development Assessment

Author: Madelaine Ward - Senior Planning Officer

SUMMARY

Applicant: Md Lupton (Dental) Pty Ltd

Real Property Address: 75 John Street, Yeppoon

Common Property Address: Lot 2 on RP603823 and Lot 4 on RP603823

Area of Site: 1,012 square metres combined

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Residential Zone R2 Precinct

Planning Scheme Overlays: Nil

Existing Development: Dwelling house and ancillary Class 10 structure

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency: Nil

Adopted Infrastructure Charges Area: Charge Area One

Application progress:

<i>Application lodged and properly made:</i>	18 December 2017
<i>Development Control Unit meeting date:</i>	20 December 2017
<i>Confirmation Notice issued:</i>	21 December 2017
<i>Request for Further Information sent:</i>	21 December 2017
<i>Request for Further Information responded to:</i>	14 January 2018
<i>Notice of intention to commence public notification received:</i>	18 January 2018
<i>Submission period commenced:</i>	24 January 2018
<i>Submission period end:</i>	14 February 2018
<i>Notice of compliance of Public Notification received:</i>	15 February 2018
<i>Statutory determination date:</i>	23 March 2018

COUNCIL RESOLUTION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a Medical centre and Office, made by Md Lupton (Dental) Pty Ltd, on Lot 2 on RP603823

and Lot 4 on RP603823 and located at 75 John Street, Yeppoon, Council resolves to Approve the application given pursuant to Section 45(5)(b) of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks and relevant matters have been established in support of the development as follows:

- (a) The subject site is located within proximity (adjoining) to the transitional commercial precinct (Queen Street) for the Major Centre, as drafted under the Livingstone Planning Scheme 2018 and supports the position of transitional commercial development, maintaining existing residential built form, on the fringe of the Yeppoon Major Centre.
- (b) The proposal involves the conversion of the existing Dwelling house and provides for on-site car parking to the rear, in accordance with the Scheme requirements, and will not significantly adversely impact upon the amenity enjoyed within the immediate locality given the mix of commercial and community land uses including those approved under the current planning scheme.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Medical centre and Office, made by Md Lupton (Dental) Pty Ltd, on Lot 2 on RP603823 and Lot 4 on RP603823 and located at 75 John Street, Yeppoon, 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 issue of 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) Road Works;
 - (ii) Parking Works; and
 - (iii) Landscaping Works.
 - 1.6.2 Building Works; and
 - 1.6.3 Plumbing and Drainage 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.

1.10 Lot 2 and Lot 4 on RP603823 must be amalgamated and registered as one title prior to the issue of the commencement of the use.

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>
Site Plan and Elevations 1, 2 and 3	171117-02	Not dated
Ground Floor Plans	171117-13	Not dated
First Floor Plans and Elevation 4	171117-04	Not dated

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 ROAD WORKS

3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

3.3 A 1.2 metre wide concrete pathway must be designed and constructed along the full length of the development frontage of John Street in accordance with the approved plans.

4.0 PARKING WORKS

4.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any access works on the site.

4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (parking works).

4.3 A minimum of twelve (12) parking spaces including a universal parking space must be designed and constructed on-site.

4.4 The universal access space must be designed and constructed in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.

4.5 Access, parking and associated vehicle manoeuvring areas must be sealed. All ingress and egress movements to and from the development must be in a forward direction (forward gear).

4.6 Any application for a Development Permit for Operational Works (parking works)

must be accompanied by a detailed scaled plan which demonstrates turning movements/swept paths of the design vehicle (anticipated largest delivery vehicle) in accordance with the relevant Australian Standards.

4.7 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Manual of Uniform Traffic Control Devices (Queensland)*.

4.8 All stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and must drain so as to demonstrate lawful discharge in accordance with the *Queensland Urban Drainage Manual*.

5.0 PLUMBING AND DRAINAGE WORKS

5.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.

5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

5.3 The development must be connected to Council's reticulated sewerage and water networks.

5.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.

5.1 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy tenancy in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.

5.5 Water meter boxes, stormwater infrastructure, and sewer infrastructure including connections located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

6.1 All roof and allotment runoff must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

6.2 Roof and allotment runoff water must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.

7.0 SITE WORKS

7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

7.2 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.

8.0 BUILDING WORKS

8.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site and must include reclassification of the building.

8.2 All new buildings and structures must comply with the provisions of *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*.

- 8.3 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 8.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 'Control of the obtrusive effects of outdoor lighting'*.
- 9.0 LANDSCAPING WORKS
- 9.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works.
- 9.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and further embellishments to establish additional screening landscaping, and must include, but is not limited to, the following:
- 9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (iv) underground and overhead services;
 - (v) details of landscape structures including areas of deep planting; and
 - (vi) specification notes on mulching and soil preparation.
- 9.2.2 A "Planting Plan" and supporting documentation which includes:
- (i) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging); and
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 9.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.0 ELECTRICITY AND TELECOMMUNICATIONS
- 10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 11.0 ASSET MANAGEMENT
- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains,

and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

12.0 ENVIRONMENTAL

- 12.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation, for the construction and post construction phases of work.

- 12.2 The Erosion and Sediment Control Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

13.0 OPERATING PROCEDURES

- 13.1 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 John Street.
- 13.2 All waste storage areas must be kept in a clean, tidy condition and be screened from view from the street and adjoining properties.
- 13.3 The operating hours for the Medical centre and Office are restricted to;
- 13.3.1 0830 hours to 1700 hours, Monday to Friday; and
 - 13.3.2 No operations on Public Holidays or weekends.

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. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. 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 4. 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 5. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Material Change of Use for a Medical centre and Office, made by Md Lupton (Dental) Pty Ltd, on Lot 2 on RP603823 and Lot 4 on RP603823 and located at 75 John Street, Yeppoon. Council resolves to issue an Infrastructure Charges Notice for the amount of **\$7,414.00**.

Moved by: Councillor Belot

Seconded by: Councillor Kelly

MOTION CARRIED

12.7 YEPPON LAGOON OPERATING HOURS

File No: 18-060
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Daniel Pearce - Manager Assets & GIS

SUMMARY

This report provides detail of the proposed summer and winter operating hours for the Yeppoon Lagoon for adoption in accordance with the recommendation from the Yeppoon Lagoon Steering Committee.

COUNCIL RESOLUTION

THAT Council adopts the operating hours as proposed for the Yeppoon lagoon.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

Mayor Ludwig sought leave of the meeting to suspend meeting procedures for morning tea.

Leave granted.

Meeting procedures were suspended at 9:46AM.

Meeting procedures resumed at 10:51AM.

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

14 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.

COUNCIL RESOLUTION

10:52AM

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

15.1 Resource Requirements - Lagoon and Foreshore Precinct

This report is considered confidential in accordance with section 275(1)(a), of the *Local Government Regulation 2012*, as it contains information relating to the appointment, dismissal or discipline of employees .

15.2 Discontinue Acquisition of Easement for Drainage Purposes - Clayton Road, Lammermoor

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 .

15.3 Expression of Interest and Invitation to Tender for the Centre of Excellence for Disaster Management, Innovation and Community Resilience Tenancies

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.

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED

COUNCIL RESOLUTION

11.09AM

THAT the meeting moves out of closed session and be opened to the public.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Belot

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 RESOURCE REQUIREMENTS - LAGOON AND FORESHORE PRECINCT

File No: 18-060

Attachments: 1. **Business Cases_Lagoon
Supervisor_Cleaners_Open Spaces**

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Daniel Pearce - Manager Assets & GIS

This report is considered confidential in accordance with section 275(1)(a), of the *Local Government Regulation 2012*, as it contains information relating to the appointment, dismissal or discipline of employees .

SUMMARY

This report proposes resource requirements in addition to the recently adopted organisational structure to appropriately service and oversee the operations of the lagoon and foreshore precincts.

COUNCIL RESOLUTION

THAT Council adopts the addition of 5.2 FTE resources to the organisational structure to provide the required operational support for the Yeppoon Foreshore and Lagoon Precinct.

Moved by: Councillor Kelly

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

15.2 DISCONTINUE ACQUISITION OF EASEMENT FOR DRAINAGE PURPOSES - CLAYTON ROAD, LAMMERMOOR**File No:** 17-135

- Attachments:**
1. Drawing Nos 17-135-01 (ver B) and 17-135-02 - *(Confidential)*
 2. Approved layout plan for D-Y/2007-442 - *(Confidential)*
 3. Proposed easement overlaid on approved development layout plan - *(Confidential)*
 4. Confidential Meeting Report 16 October 2017 - *(Confidential)*

Responsible Officer: Dan Toon - Director Infrastructure Services**Author:** Carrie Burnett - Policy & Planning 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

This report seeks Council's approval to discontinue the acquisition of a drainage easement over a property at Clayton Road, Lammermoor.

COUNCIL RESOLUTION

THAT Council:

1. Cease negotiations with the owner of Lot 2 RP618801 for the acquisition of a drainage easement shown on Drawing Nos 17-135-01 (ver B) and 17-135-02;
2. Endorse the actions of the Director Infrastructure Services informing the owner's representative that Council does not wish to pursue acquisition of the easement shown on Drawing Nos 17-135-01 (ver B) and 17-135-02; and
3. That the property condition in Council's Land Record against Lot 2 RP618801 be amended as follows and not be lapsed until such time as the public use land under development approval D-Y/2007-442 is dedicated to Council.

Amended wording of condition:

'Please be aware that if the public use land under development approval D-Y/2007-442 is not dedicated to Council through the development process by 2021, Council may have an interest in acquiring a drainage easement with a related secondary purpose of a bio-retention facility over this property as shown on Drawing Nos 17-135-01 (ver B) and 17-135-02'.

Moved by: Councillor Belot**Seconded by:** Deputy Mayor, Councillor Hutton**MOTION CARRIED**

15.3 EXPRESSION OF INTEREST AND INVITATION TO TENDER FOR THE CENTRE OF EXCELLENCE FOR DISASTER MANAGEMENT, INNOVATION AND COMMUNITY RESILIENCE TENANCIES**File No:** ED8.5.8**Attachments:** Nil**Responsible Officer:** Debra Howe - Director Strategic Growth and Development**Author:** Marcus Vycke - Manager Growth and Economic Development
Elle Wallin - Projects 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

Construction of the Centre of Excellence for Disaster Management, Innovation and Community Resilience building in Beaman Park, referred to as 'The Hub' (formerly LDCC), is nearing completion.

Council is keen to gauge the market interest in leasing tenancies within 'The Hub' building and is proposing to commence the formal procurement process.

COUNCIL RESOLUTION

THAT Council adopts a two-stage tender process consisting of an Expression of Interest followed by an Invitation to Tender for the lease of tenancies within the *Centre of Excellence for Disaster Management, Innovation and Community Resilience, (The Hub)* at 7-9 James Street, Yeppoon and acknowledge the reason for adopting a two-stage process is to gauge the market interest and to select the best tenancy mix for the Yeppoon Town Centre.

Moved by: Deputy Mayor, Councillor Hutton**Seconded by:** Councillor Kelly**MOTION CARRIED**

16 URGENT BUSINESS\QUESTIONS

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11:10AM.

Bill Ludwig
CHAIRPERSON

DATE