



ORDINARY MEETING

MINUTES

17 APRIL 2018

The resolutions contained within these minutes were confirmed at Council Meeting
on 1 May 2018.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 17 APRIL 2018 COMMENCING AT 9:09AM

1 OPENING

2 PRESENT

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Deputy Mayor, Councillor Nigel Hutton
Councillor Adam Belot
Councillor Pat Eastwood
Councillor Jan Kelly
Councillor Glenda Mather
Councillor Tom Wyatt

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mrs 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 Matthew McGoldrick – Acting Chief Financial Officer
Mr Scott Williams – Internal Audit
Mr David Battese – Manager Strategy and Development
Ms Erin McCabe – Coordinator Development Assessment
Ms Melissa Warwick – Senior Strategic Planner
Ms Maddie Ward – Senior Planning Officer
Ms Rhiannon Casey – Planning Officer
Ms Tara Norley – Planning Officer
Ms Leise Childs – Senior Land Protection Officer
Ms Lucy Merry – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

5.1 MAYORAL MINUTE - COUNCILLOR PORTFOLIOS

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Bill Ludwig - Mayor

SUMMARY

The purpose of this report is to seek direction from the table in relation to Councillor portfolios.

COUNCIL RESOLUTION

THAT the mayoral minute be received and Advisory Committees as follows be established on the basis outlined in this Mayoral Minute.

- Municipal Infrastructure (including planning, design, construction and asset management of roads, storm water, drainage, pathways, water and sewerage and community facilities infrastructure)
- Recycling & Waste Management, Water Cycle, and Local Laws
- Libraries, Arts, Culture, Sport & Recreation and Youth
- Parks, Open Spaces & Environment
- Community Development & Support and Senior Citizens
- Planning, Finance, Innovation and Business Excellence (including urban design/place making and higher level infrastructure planning and associated with the LGIP)
- Economic Development, Major Projects, Government Liaison and International relationships and Disaster Management (noting that PCGs will exist for each specific major project)

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

MOTION CARRIED UNANIMOUSLY

5.2 MAYORAL MINUTE - MOTION FOR DEBATE AT THE 2018 NATIONAL ASSEMBLY OF LOCAL GOVERNMENT

File No: ED8.5.18

Attachments: 1. Motion for debate at 2018 National General Assembly of Local Government [⇒](#)

Responsible Officer: Debra Howe - Director Strategic Growth and Development

SUMMARY

The National General Assembly of Local Government (NGA) is being held at the National Convention Centre in Canberra from 17-20 June 2018. The theme of the 2018 Assembly is 'Australia's Future: Let's Make it Local'.

The Australian Local Government Association (ALGA) has invited Council to attend this annual event and recently conducted a call for motions process for the NGA. Motions are called for on ways to improve regional policy approaches, funding ideas on regional sustainability and equity.

Livingstone Shire Council has prepared a Motion to submit to the Australian Local Government Association for debate at the 2018 National General Assembly of Local Government, refer Attachment 1.

COUNCIL RESOLUTION

THAT Council consider and endorse the attached Livingstone Shire Council Motion to submit to the Australian Local Government Association for debate at the 2018 National General Assembly of Local Government - "Australia's Future: Let's Make it Local" being held in Canberra from 17 to 20 June 2018.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 5 April 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

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

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1

Attachments: 1. **Business Outstanding Table - 17 April 2018** [⇒](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

The Business Outstanding table 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 table for the Ordinary Council Meeting be received.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 ROAD NAMING PACIFIC HEIGHTS ROAD

File No:	RD 28.4.1
Attachments:	1. Attachment 1 Letter from Tony Rowe ⇒ 2. Attachment 2 - Letter from Property Owners ⇒ 3. Attachment 3 - Site Plan ⇒
Responsible Officer:	Dan Toon - Director Infrastructure Services
Author:	Michael Prior - Manager Infrastructure Operations

SUMMARY

The relevant Australian Standard mandates the re-naming of a section of road rendered non-contiguous by development or construction. Three of the four affected property owners are objecting to the proposed road re-naming. Emergency Services have been consulted and were ambivalent with regards to the road name being retained.

OFFICER'S RECOMMENDATION

THAT having considered the concerns expressed by residents of the western section of Pacific Heights Road severed by the construction of Panorama Drive Council, and the provisions contained in AS/NZS 4819:2011, that Council resolves to rename the subject road Barwell Place to avoid any confusion and potential delay by emergency services locating properties in the case of threat to property or life.

Mayor Ludwig had recent discussions with Emergency Services regarding the above recommendation and they advised it would not be an issue due to today's technology. Therefore, Mayor proposed the below alternative recommendation.

COUNCIL RESOLUTION

THAT Council resolves to retain the name Pacific Heights Road for the western section of the road severed by the construction of Panorama Drive due to representations received from the affected property owners and an absence of concern by emergency services.

Moved by: Mayor Ludwig
Seconded by: Councillor Mather

MOTION CARRIED

DIVISION:

Crs PE Eastwood, B Ludwig, G Mather and T Wyatt voted in the affirmative.

Crs A Belot, N Hutton and J Kelly voted in the negative.

12.2 LAMMERMOOR AND KEMP BEACH SHARED PATHS

File No: 16-024
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

The purpose of this report is to advise Councillors on the issues, constraints and changes to the two ongoing shared path projects on Scenic Highway at Lammermoor and Kemp Beach under the Cycle Network Local Government Grants Program.

This report provides advice following the on-site inspection by Councillors and officers on Friday 16 March 2018.

COUNCIL RESOLUTION

THAT Council endorses the changes made to the ongoing shared pathway projects under the Cycle Network Local Government Grants Program as outlined below:

1. Kemp Beach Shared Path – alignment between Rosslyn Street and Vin E Jones Drive shifted from the northern verge to the southern verge; and
2. Lammermoor Shared Path – footbridge at Williamson Creek to be constructed in FY 2017/18 and the remaining missing links to the south in FY 2018/19.

Moved by: Councillor Kelly
Seconded by: Councillor Eastwood
MOTION CARRIED

12.3 RADF COMMITTEE - CHANGE OF NAME

File No: GS15.5.2
Attachments: Nil
Responsible Officer: Brett Bacon - Director Community & Planning Services
David Mazzaferri - Manager Disaster Management,
Recovery and Resilience
Author: Julie Bickley - Coordinator Library & Arts

SUMMARY

This report pertains to some minor amendments to the administration of Council's Regional Arts Development Fund.

COUNCIL RESOLUTION

THAT Council resolve to rename the Regional Arts Development Fund Committee to the Regional Arts Development Fund Assessment Panel and that all references to the committee be amended to reflect this name change.

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

MOTION CARRIED

12.4 UPDATES TO INTERNAL AUDIT CHARTER

File No: CM4.2.2
Attachments: 1. Internal Audit Charter (v2.2) - Revised Version [⇒](#)
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Scott Williams - Internal Auditor

SUMMARY

On an annual basis the Internal Audit Policy and Internal Audit Charter are reviewed. No change to the policy is proposed. Some changes are proposed to update the charter that will increase alignment with the Institute of Internal Auditor standards.

COUNCIL RESOLUTION

THAT Council approve the revised Internal Audit Charter.

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

MOTION CARRIED

12.5 LIVINGSTONE COMMUNITY GRANTS - ROUND 2, 2017-2018

File No: CR2.15.3
Attachments: Nil
Responsible Officer: Brett Bacon - Director Community & Planning Services
David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Author: Melissa Minter - Co-ordinator Community Partnership

SUMMARY

The February round of the 2017-2018 Livingstone Community Grants programme closed on 23 March, 2018. A total of twenty-one (21) eligible applications were assessed by the Funding Panel. This report provides an overview of the assessment, and makes recommendations pertaining to the distribution of funds from the current round.

COUNCIL RESOLUTION

THAT

- 1) Council approve the following grant applications, to be funded through Round Two of the 2017-2018 Livingstone Community Grants programme:

Applicant	Purpose	Grant \$
Australian South Sea Islander Movement Inc.	purchase of fridge, table and chairs	\$2,000
Excelcare Australia	purchase of sensory items	\$1,995
Capricorn Equestrian Group Inc.	purchase of laptop and printer for live scoring and updates at events	\$2,000
Capricornia Cruising Yacht Club	replacement stanchions and safety rails for training yacht "Bendigo"	\$1,556
Girl Guides Queensland	guide training opportunities	\$1,662
Yeppoon Gymnastics & Movement Centre Inc.	purchase of a box trailer to transport equipment to venues around Livingstone	\$2,000
Yeppoon Golf Club	establishment of a turf nursery	\$1,654
The Caves State School P & C Assoc	purchase a bain-marie and pan kit with lids	\$1,396
Yeppoon Australian Football Club Inc.	purchase of a two door upright display fridge for canteen	\$2,000
Yeppoon RSL	purchase of commercial gas top and oven	\$2,000
Yeppoon & District Lapidary Assoc Inc.	provision of a six wheel stainless steel Cabbing machine	\$2,000

Yeppoon Hack and Pony Club	replace old, broken hot water system and piping at the club's canteen	\$1,670
Keppel Coast Dirt Bike Club Inc.	new PA and speaker system	\$2,000
Yeppoon Rotary Club	Rotary Youth awareness program	\$1,000
Emu Park Branch Qld Country Women's Assoc	park fund the purchase of a colour printer	\$2,000
Emu Park Rugby League Football Club Inc	purchase of 8x5 box trailer	\$1,996
Capricorn Coast Football Club	repair and upgrade speaker system	\$1,960
Capricorn Coast Landcare Group	purchase of new four stroke whipper snipper	\$1,081
TOTAL		\$31,970

- 2) The remaining unallocated amount of \$3,030 be reallocated to Round One of the 2018-2019 Livingstone Community Grants programme.

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

12.6 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR AN OFFICE AND LIGHT INDUSTRY

File No: D-251-2017

Attachments:

1. [Locality Plan](#)⇒
2. [Proposal Plans](#)⇒

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment

Author: Rhiannon Casey - Planning Officer

SUMMARY

Applicant: Escape Plan Superannuation Fund

Consultant: Capricorn Engineering and Drafting Services

Real Property Address: Lot 62 on RP602613

Common Property Address: 27 Charles Street, Yeppoon

Area of Site: 1,012 square metres

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Residential Zone, R2 Precinct

Planning Scheme Overlays: Overlay Map O2 – Drainage Problem;
Overlay Map O3 – Waterway 100 metre buffer area;
Overlay Map O5 – Stormtide Hazard Area; and
Overlay Map O8 – Potential Acid Sulfate Soils (below five metres Australian Height Datum).

Existing Development: Dwelling house

Approval Sought: Development Permit for a Material Change of Use for an Office and Light industry

Level of Assessment: Impact assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

Application Lodged:	20 December 2017
Action Notice issued:	8 January 2018
Action Notice responded to and application deemed properly made:	16 January 2018
Confirmation Notice issued:	18 January 2018
Information Request issued:	1 February 2018
Information Request response received:	7 February 2018
Public Notification comment period:	13 February 2018 to 7 March 2013
Notice of compliance received:	8 March 2018

Statutory determination date:	17 April 2018
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COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for an Office and Light industry, made by Escape Plan Superannuation Fund, on Lot 62 on RP602613 and located at 27 Charles 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 proposed development will not impact on the adjoining residential properties through the small scale use of the Office and Light industry, the setbacks to adjoining Dwelling houses and the incorporation of a 1.8 metre high fence and landscaping.
- (b) The subject site is located within a mixed use area comprising predominantly commercial and industrial uses and the proposed development facilitates the continuation of the existing land use pattern.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for an Office and Light industry, made by Escape Plan Superannuation Fund, on Lot 62 on RP602613 and located at 27 Charles 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 commencement of 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 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) Access and Parking Works;
 - (ii) Stormwater Works;
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of

a Development Permit for Plumbing and Drainage Works and 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>
Site Plan	Drawing No 17-000-C Sheet No 001 Revision 1	1 December 2017
Floor Plans	Drawing No 17-000-C Sheet No 100 Revision 1	1 December 2017
Elevations	Drawing No 17-000-C Sheet No 200 Revision 2	7 March 2018
Elevations	Drawing No 17-000-C Sheet No 201 Revision 2	1 December 2017
Landscaping Plan	Drawing No 17-000-C Sheet No 001 Revision 1	1 December 2017
Earthworks Plan	SCE-203-006-002 Revision A	18 December 2017
Existing Services Plan	SCE-203-006-003	18 December 2017
Stormwater Plan	SCE-203-006-004	18 December 2017
Sediment and Erosion Control Plan	SCE-203-006-005	18 December 2017
Driveway Setout Plan	SCE-203-006-006	18 December 2017
Driveway Details Plan	SCE-203-006-007	18 December 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 AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking 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 and parking works).

- 3.3 The existing access driveway must be upgraded in accordance with *Capricorn Municipal Development Guidelines* standard drawing 'Commercial driveway slab – type A or B' (CMDG –R-042/043).
- 3.4 Access, parking and associated vehicle manoeuvring areas must be sealed or reinforced concrete.
- 3.5 All ingress and egress movements to and from the development must be in a forward direction (forward gear).
- 3.6 A minimum of seven (7) off-street parking spaces, including one (1) universal parking space must be provided on the site.
- 3.7 The universal access space must be provided on site in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.8 All stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and drained lawfully in accordance with the *Queensland Urban Drainage Manual*.
- 3.9 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 3.10 Any redundant vehicular crossing(s) must be removed and replaced with Council's standard kerb and channel in accordance with the *Capricorn Municipal Development Guidelines*.
- 3.11 Line markings must be undertaken in accordance with *Australian Standard AS2890.1 "Off Street Car Parking."*

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 4.2 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 2008*, *Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.5 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.
- 4.6 A Sewerage Trade Waste Permit must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network.
- 4.7 Hoses must be provided at the refuse container area for the Light industry use, and wash-down must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 5.2 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*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

- 5.3 All stormwater including any roof and allotment water 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, or have the potential to cause damage to other infrastructures.
- 5.4 The Operational Works (stormwater works) application must provide details of the bio-retention basin, including any required ongoing maintenance and management actions. In particular, the application must nominate intervals for the maintenance or replacement of vegetation or filter material to ensure the bio-retention basin operates as intended by the designer.
- 5.5 The proposed planting of a Tuckeroo tree within the detention basin is not approved.

6.0 SITE WORKS

- 6.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 6.2 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.

7.0 BUILDING WORKS

- 7.1 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.
- 7.2 The location of buildings and structures must comply with the minimum clearance requirements to relevant infrastructures in accordance with the *Queensland Development Code Mandatory Part 1.4 – Building over or near relevant infrastructure*.
- 7.3 The minimum habitable floor height must be 4.64 metres Australian Height Datum.
- 7.4 All electrical outlets and distribution boxes must be located above the predicted flood level of 4.34 metres Australian Height Datum.
- 8.0 A 1.8 metre high fence must be provided between each lot and to each side and rear property boundary to ensure privacy and security to adjoining residential properties.
- 8.1 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 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.2 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads '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.
- 9.3 The landscaped areas must be subject to an ongoing maintenance and replanting

programme (if necessary).

10.0 ELECTRICITY AND TELECOMMUNICATIONS

10.1 Underground 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 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 a detailed Environmental Management Plan, 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) top soil management;
- (v) interim drainage plan during construction;
- (vi) construction programme;
- (vii) weed control;
- (viii) emergency vehicle access;
- (ix) noise and dust suppression; and
- (x) waste management.

12.2 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

12.3 An 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.

13.0 OPERATING PROCEDURES

13.1 The operating hours of the Office and Light industry are restricted to;

13.1.1 0700 hours to 1800 hours, Monday to Friday; and

13.1.2 0700 hours to 1200 hours, Saturday.

13.2 Waste storage areas must be provided for each use and must be:

13.2.1 designed to obstruct from view the contents of the bins from any public

place; and

13.2.2 kept in a clean and tidy condition.

13.3 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 Charles 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 Partnerships website <https://www.datsip.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's *Adopted Infrastructure Charges Resolution (No. 2) 2015*. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

NOTE 6. Storm Tide Study

The subject site is a coastal site and prone to storm surge inundation. Based on the *Capricorn Coast Storm Tide Hazard Investigation Final Report*, dated 28 May 2003 and prepared by Connell Wagner, the recommended habitable floor level must be a minimum of 4.64 metres Australian Height Datum.

Council has prepared the draft Livingstone Planning Scheme which includes a number of technical studies that supported the drafting of the document. The '*Capricorn Coast Storm Tide Study upgrade – Final Report*' dated 29 October 2015 by Aurecon is one of the studies that has informed the new policy direction for the draft scheme in reference to storm tide hazard and habitable floor levels. This study is available on Council's website. In addition, the State Government has published the State Planning Policy Interactive Mapping System (including storm tide and flood inundation areas) on the Department of Infrastructure, Local Government and Planning website. It is recommended that the supporting studies and State mapping be taken into consideration in new developments.

Based on the new report by Aurecon, the indicative recommended habitable floor

level is 5.2 metres Australian Height Datum. The habitable floor level estimates are indicative only and could be highly conservative in some locations, but not conservative in others.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for an Office and Light industry, made by Escape Plan Superannuation Fund, on Lot 62 on RP602613 and located at 27 Charles Street, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$2,374.00**.

Moved by: Councillor Belot
Seconded by: Councillor Mather

MOTION CARRIED

12.7 MONTHLY FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2018**File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report - March 2018** [↗](#)**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services**Author:** Matthew McGoldrick - Interim Chief Financial Officer

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 31 March 2018 by the Interim Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 March 2018 be received.

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

12.8 DECISION ASSESSMENT REPORT FOR DEVELOPMENT APPLICATION D-17-2017 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO FOUR LOTS)

File No: D-17-2017

- Attachments:**
1. **Bungundarra Locality Map** [⇒](#)
 2. **Aerial map of subject site (2014 image)** [⇒](#)
 3. **Original Proposal Plan** [⇒](#)
 4. **Amended Proposal Plan (reduction to four lots)** [⇒](#)
 5. **Final Proposal Plan (with boundary realignment)** [⇒](#)
 6. **Related application approved plan (D-219-2017)** [⇒](#)
 7. **Matters of Local Environmental Significance Mapping** [⇒](#)
 8. **Amended Bushfire Assessment** [⇒](#)
 9. **Agriculture Options Report** [⇒](#)
 10. **DAFF third party advice - Rural Fragmentation** [⇒](#)
 11. **DSDIP third party advice - Vegetation Clearing** [⇒](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment

Author: Madelaine Ward - Senior Planning Officer

SUMMARY

Applicant:	Mr Colin Roebuck
Planning consultant:	Scot Stewart
Surveyor:	Capricorn Survey Group (CQ) Pty Ltd
Real Property Address:	Lot 1 on SP289213 and Lot 100 on SP280815
Common Property Address:	535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra
Area of Site:	359 hectares (approximately)
Planning Scheme:	<i>Livingstone Shire Planning Scheme 2005</i>
Planning Scheme Zoning:	Rural Zone
Planning Scheme mapping:	Locally significant vegetation (PSM 10)
Planning Scheme Overlays:	Steep land (OM 2B) Wetlands (OM 3A) Waterway (OM 3B) Bushfire Hazard (OM 5B) Capricorn Coast Landscape Special Management Area – Precinct B and Green breaks (OM 9)
Existing Development:	Vacant land, densely vegetated hillslopes with some cattle grazing at lower topographies
Level of Assessment:	Code assessable

Referral agencies: Nil

Third party advice: Department of Infrastructure, Local government and Planning for vegetation clearing
Department of Agriculture and Fisheries for agriculture and rural lands

Adopted Infrastructure Charges Area: Outside the Priority Infrastructure Area\

Application progress:

Application Lodged:	27 January 2017
Acknowledgement notice issued:	9 February 2017
Notice of a minor change received:	14 February 2017
Confirmation of minor change and withdrawal of acknowledgement notice sent:	15 February 2017
Third party advice from Department of Agriculture and Fisheries regarding fragmentation of rural land received:	20 February 2017
Request for Further Information sent:	23 February 2017
Third party advice from Department of Infrastructure, Local Government and Planning regarding vegetation clearing received:	24 March 2017
Applicant requests extension to the information request response period until 8 September 2017	22 August 2017
Request for Further Information responded to:	8 September 2017
Council request for additional twenty (20) business to decision period days until 6 November 2017 without agreement:	25 September 2017
Council request for additional twenty (20) business days to decision period until 23 November 2017:	23 October 2017
Applicant agreement received:	24 October 2017
Council workshop meeting	23 October 2017
Council request for additional forty (40) business days to decision period until 11 January 2018:	14 November 2017
Applicant agreement received:	20 November 2017
Council request for additional thirty (30) business days to decision period until 22 February 2018:	2 January 2018
Applicant agreement received:	9 January 2018
Amended proposal plan provided (minor change)	29 January 2018
Council workshop meeting (held over from 5 March) – Officers report	19 March 2018
Council request for an additional twenty (20) business days to decision period until 20 April 2018	21 March 2018
Applicant agreement received:	22 March 2018
Amended Bushfire hazard response received:	3 April 2018
Council workshop – Applicant deputation	4 April 2018
Council meeting date:	17 April 2018

Statutory determination date:	20 April 2018
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COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (two lots into four lots), made by Mr Colin Roebuck, on Lot 1 on SP289213 and Lot 100 on SP280815 and located at 535 Bungundarra Road and Lot 100 on Bungundarra Road, Council resolves to Refuse the application based on the following grounds;

- 1.0 The proposal compromises the achievement of Shire Wide Outcomes (a) and (j) of the *Livingstone Shire Planning Scheme 2005*, specifically the proposal will result in;
 - (i) Fragmentation of rural land as a result of exempt clearing (under the *Vegetation Management Act 1997*) of large tracts of bushland (approximately ten (10) hectares in total) through the creation of additional allotments and requisite bushfire breaks for access, building location envelopes and property boundaries identified as having significant local environmental and scenic value and further identified as forming an important biodiversity corridor under the draft planning scheme; and
 - (ii) Inconsistent lot sizes and land use patterns (being small rural holdings with one hectare building location envelopes) from that which is intended for zoned land (being Agriculture) and in which the necessary water and access infrastructure is not existing and will not be provided for by the developer, but the future landowner. Therefore, the development cannot be considered an efficient and logical extension of development within the locality.
- 2.0 The proposal fails to satisfy the purpose of the Rural Zone Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in;
 - (i) Potential for land use conflicts with nearby productive agricultural uses, resulting from the location of non-rural activities on rural land through the provision of a Dwelling house on each lot (indicated by the Building Location Envelope). This can only be mitigated through the provision of rural activities on the allotment, which is not proposed at this time however may be achievable, subject to the desire of the future landowner; adequate planning grounds or evidence has not been provided to support an overwhelming demand for further large rural residential allotments to be provided at this location and sufficient grounds have not been provided to deviate from the applicable relevant instruments and cannot be regarded as being in the public interest.
 - (ii) The creation of lots less than sixty (60) hectares conflicts with the draft Livingstone Planning Scheme to commence May 2018. In addition, the proximity of Rural Residential zoned land indicates that any future need for 'lifestyle allotments' can be adequately catered for within appropriately zoned land.
- 3.0 The proposal fails to satisfy the purpose of the Clearing Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in:
 - (i) Clearing of large portions of locally significant vegetation which will significantly and irreversibly impact the visual integrity and ecological features and processes that underpin the biodiversity of the locality, specifically of a site which is identified as forming part of an identified biodiversity corridor under the draft planning scheme.
- 4.0 The proposal fails to satisfy the purpose of the Capricorn Coast Landscape Special Management Area Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in:
 - (i) Diminished landscape values in terms of physical changes to the natural

environment and significant visual detraction as a result of the necessary clearing for bushfire mitigation. In addition, the proposal does not provide for the protection of vegetation located outside the building location envelopes.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.9 DEVELOPMENT APPLICATION D-202-2017 FOR A MATERIAL CHANGE OF USE FOR A MAJOR UTILITY (TELECOMMUNICATIONS FACILITY)

File No: D-202-2017

Attachments:

1. [Locality Plan](#)
2. [Locally Significant Vegetation](#)
3. [Site Plan](#)
4. [Proposal Plan](#)
5. [Submission](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment

Author: Tara Norley - Planning Officer

SUMMARY

Applicant: Telstra Corporation Limited

Consultant: Service Stream Mobile Communications

Real Property Address: Lot 3 Bungundarra Road, Bungundarra

Common Property Address: Lot 3 on RP836594

Area of Site: 52.59 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural zone

Planning Scheme Overlays: OM2 – Steep Land and Drainage Problem
OM3 – Wetlands and Waterways
OM4 – Good Quality Agricultural Land
OM5 – Bushfire Hazard
OM9 – Visual Quality (precinct B)

Planning Scheme Map/s: PSM 2B – Agricultural Land (Class A1 and Class C3)
PSM 10 – Locally Significant Vegetation

Existing Development: Dwelling house

Approval Sought: Development Permit for a Material Change of Use for a Major utility (Telecommunications facility)

Level of Assessment: Impact Assessable

Submissions: One

Referral Agency(s): Department of Infrastructure, Local Government and Planning

Adopted Infrastructure Charges Area: Outside Priority Infrastructure Area

APPLICATION PROGRESS:

Application Lodged:	17 October 2017
Action Notice issued:	31 October 2017
Confirmation Notice issued:	23 November 2017
Request for Further Information sent:	1 December 2017

Request for Further Information responded to:	10 January 2018
Government Agency Response:	10 January 2018
Submission period commenced:	19 January 2018
Submission period end:	12 February 2018
Council request for additional time:	26 March 2018
Council meeting date:	17 April 2018
Statutory determination date:	14 May 2018

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Major utility (Telecommunications facility), made by Telstra Corporation Limited c/- Service Stream Mobile Communications, on Lot 3 on RP836594 and located at Lot 3 Bungundarra Road, Bungundarra, 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) Access Works;
 - 1.6.2 Building Works
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 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>
Site access	Q114445-sheet S1	15.12.17
Site layout	Q114445-sheet S1-1	15.12.17
South west elevation	Q114445-sheet S3	15.12.17
Site tenure plan	Q114445-sheet G1	15.12.17
Site detail survey	Q114445-sheet G2	15.12.17
Report on Geotechnical Stability Assessment for Proposed Telecommunications Facility	HT:JW:GI 3698-b	13 December 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 Building Works.

3.0 ACCESS WORK

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 *Capricorn Municipal Development Guidelines Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).

3.3 The existing access driveway including any cross drainage structure must be upgraded to comply with the *Capricorn Municipal Development Guideline rural access standard drawing CMDG-R-040*.

4.0 BUILDING WORKS

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

4.2 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.

4.3 Cut and fill of the subject development must only be undertaken in areas where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments as approved by Council.

4.4 Any building foundations including any retaining structures and associated changes to natural landform (cut and fill) identified within the land greater than or equal to fifteen per cent (15%) slope must be separately certified for structural adequacy and geological stability by a suitably qualified Registered Professional Engineer of Queensland at design submission for building works and certified on completion of construction for compliance with the design.

4.5 Any retaining structures one (1) metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional

Engineer of Queensland or equally qualified person at design submission and certified on completion of construction for compliance with the design.

4.6 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'.

4.7 The development must be undertaken in accordance with the Australian Standard AS3959 "Construction of Buildings in Bushfire-Prone Areas".

5.0 SITE WORKS

5.1 All site works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Geotechnical Stability Assessment Report* and *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments*.

5.2 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.

5.3 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- (ii) removed for disposal at a location approved by Council;

within sixty (60) days of clearing. Any vegetation removed must not be burnt.

6.0 ELECTRICITY

6.1 Electricity connections must be provided to the proposed development to the standards of the relevant authorities.

7.0 ASSET MANAGEMENT

7.1 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.

7.2 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.

7.3 '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 use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

8.0 ENVIRONMENTAL

8.1 An 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.

8.2 A rehabilitation planting plan must be prepared and submitted to Council for endorsement one (1) month prior to the commencement of any works on the site.

8.3 Prior to the commencement of any works on site, a joint inspection with the Project

Superintendent/Consulting Engineer, the Principal Contractor, fauna spotter / catcher and Council's development assessment and natural resource management unit representatives must occur. The purpose of the meeting is to identify vegetation to be cleared and discuss rehabilitation works.

- 8.4 A fauna spotter / catcher must be onsite prior to and during vegetation felling activities to ensure fauna and habitat management actions are taken as required. All clearing works must be halted if fauna is likely to be injured.
- 8.5 In order to minimise impacts on adjacent habitats prior to and during vegetation clearing, the boundaries of clearing areas must be clearly delineated for machinery operators, with clearing confined to the area required for the purposes of survey only.
- 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 Bungundarra Road.

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 partnership website www.datsip.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. Lease agreement to include provision for safe and uninterrupted access

Any lease agreement between the owner(s) of Lot 3 on RP836594 and the Telstra Corp Ltd must have provision for a safe and uninterrupted access to the proposed leased area during the entire lease period.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Major utility (Telecommunications facility), made by Telstra Corporation Limited c/- Service Stream Mobile Communications, on Lot 3 on RP836594 and located at Lot 3 Bungundarra Road, Bungundarra, Council resolves not to issue an Infrastructure Charges Notice due to no increased demand on the trunk network resulting from the development.

Moved by: Mayor Ludwig
Seconded by: Councillor Wyatt

MOTION CARRIED

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

Leave granted.

Meeting procedures were suspended at 10:34AM.

Meeting procedures resumed at 11:02AM.

**12.10 RESPONSE TO QUESTIONS ON NOTICE - CR MATHER - TOWER HOLDINGS
GKI**

File No: LU18.3
Attachments: Nil
Responsible Officer: Brett Bacon - Director Community & Planning Services
Author: Erin McCabe - Co-ordinator Development Assessment

SUMMARY

The report responds to questions on notice in regards to demolition work on land leased by Tower Holdings at Great Keppel Island.

COUNCIL RESOLUTION

THAT Council receive the report for information.

Moved by: Councillor Mather

Seconded by: Councillor Belot

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - DISABILITY ACCESS 1 ADELAIDE PARK ROAD

File No: GV13.4.4
Attachments: 1. NOM - Disability Access 1 Adelaide Park Road [↔](#)
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 17 April 2018, as follows:

COUNCIL RESOLUTION

THAT due to widespread public concerns over the construction of a prominent disability access encroaching onto a traffic thoroughfare on a blind corner adjacent to 1 Adelaide Park Road, Council organise the earliest removal of the structure, and review all other alternative options for the access.

Moved by: Councillor Mather
Seconded by: Councillor Belot

PROCEDURAL MOTION

THAT the matter lay on the table pending further discussion and to return to the Council Meeting.

Moved by: Councillor Belot
Seconded by: Mayor Ludwig
MOTION CARRIED

13.2 QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - TOWER HOLDINGS - GKI

File No: GV13.4.4
Attachments: 1. QoN - Tower Holdings - GKI [⇒](#)
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather indicated her intention to place the following Questions on Notice in relation to Tower Holdings at the next Council Meeting 17 April 2018, as follows:

1. *Has Tower Holdings made an application for an Operational Works Permit to carry out any demolition work within its leases, or entered into discussion with Council with a proposal to do so?*
2. *Was there any application for an Operational Works Permit during the term of amalgamation?*
3. *If by chance a permit had been issued under the amalgamated council would that permit remain valid under the de-amalgamated council (LSC)?*

COUNCIL RESOLUTION

THAT the questions on notice be received.

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

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

11:16AM

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 Notice of Motion - Councillor Glenda Mather - Rating Category Issue

This report is considered confidential in accordance with section 275(1)(d), of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

15.2 Notice of Motion - Councillor Glenda Mather - Request Independent Inquiry - Statue Bay

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 Eastwood

MOTION CARRIED

COUNCIL RESOLUTION

12:07PM

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

Moved by: Councillor Kelly

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - RATING CATEGORY ISSUE

File No: GV13.4.4

Attachments: 1. NOM Rating Category Issue

Responsible Officer: Chris Murdoch - Chief Executive Officer

This report is considered confidential in accordance with section 275(1)(d), of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 17 April 2018, as follows:

RECOMMENDATION

THAT the Finance Department prepare a comprehensive report identifying the following:

- All the current shire properties within Category L24
- The valuation of each property
- The size of each property
- Whether a development approval has been given to any parcel, if so the type
- How long the property has been within this Category
- Number of appeals lodge vs the number successful

This item was withdrawn from the agenda.

**15.2 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - REQUEST
INDEPENDENT INQUIRY - STATUE BAY****File No:** GV13.4.4**Attachments:** 1. **NOM - Request Independent Inquiry - Statue Bay****Responsible Officer:** **Chris Murdoch - 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

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 17 April 2018, as follows:

RECOMMENDATION

THAT in the interests of transparency, Council approach the most appropriate upper level of government, to provide a qualified independent person to analyse the circumstances surrounding the re-construction of Statue Bay, which led to the sub-contractors/suppliers not being paid, and Council's decision to withhold progressive payments to the contractor.

This item was withdrawn from the agenda.

16 URGENT BUSINESS QUESTIONS

17 CLOSURE OF MEETING

There being no further business the meeting closed at 12:08PM.

Bill Ludwig
CHAIRPERSON

DATE