



# **ORDINARY MEETING**

## **MINUTES**

**5 JUNE 2018**

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 5 JUNE 2018 COMMENCING AT 9:08AM**

**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  
Mr Brett Bacon – Executive Director Liveability and Wellbeing  
Mr Dan Toon – Executive Director Infrastructure  
Mrs Andrea Ellis – Chief Financial Officer  
Mr Matthew Willcocks - Chief Technology Officer  
Mr Shane Weir - Acting Chief Human Resources Officer  
Ms Sue Schluter – Executive Assistant to Mayor  
Ms Justine Schofield – Executive Support

**3 LEAVE OF ABSENCE / APOLOGIES**

Nil

**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 15 May 2018 be taken as read and adopted as a correct record..

**Moved by:** Councillor Kelly  
**Seconded by:** Councillor Eastwood

**MOTION CARRIED**



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

**8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

Nil

## 9 PRESENTATION OF PETITIONS

### 9.1 PETITION REQUESTING COUNCIL TO ADDRESS EXCESSIVE DUST, TERRIBLE ROAD CONDITIONS AND EXCESSIVE NOISE RESULTING FROM THE TROPICAL BLOOM FESTIVAL ON NEARBY RESIDENTS

**File No:** GV13.4.1  
**Attachments:** 1. Petition from residents of Lake Mary Road  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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#### SUMMARY

Council has received the following petition from 14 petitioners requesting that Council address excessive dust, terrible road conditions and excessive noise resulting from the Tropical Bloom Festival on nearby residents.

#### COUNCIL RESOLUTION

THAT the petition requesting Council to address excessive dust, terrible road conditions and excessive noise resulting from the Tropical Bloom Festival be received.

**Moved by:** Councillor Belot  
**Seconded by:** Councillor Mather

**MOTION CARRIED**

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

Nil

**11 COUNCILLOR/DELEGATE REPORTS**

Nil

## 12 REPORTS

### 12.1 LIFTING MATTERS LYING ON THE TABLE

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Lucy Merry - Executive Support Officer

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#### SUMMARY

*The Business Outstanding Table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting 5 June 2018.*

#### COUNCIL RESOLUTION

THAT the following matters, 'lying on the table' in the Business Outstanding Table due to return to Council Meeting, be lifted from the table and be dealt with accordingly.

- Notice of Motion – Councillor Glenda Mather – Proposed Plaque for War Animals
- Notice of Motion – Councillor Glenda Mather – Water Charges

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

**12.2 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 APRIL 2018**

**File No:** FM12.14.1  
**Attachments:** 1. Monthly Financial Report - April 2018

**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Andrea Ellis - Chief Financial Officer

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**SUMMARY**

*Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 30 April 2018 by the Chief Financial Officer.*

**COUNCIL RESOLUTION**

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 April 2018 be received.

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

**MOTION CARRIED**

**12.3 RURAL FIRE LEVY PROTOCOL POLICY****File No:** CM4.7.12**Attachments:**

1. Rural Fire Levy Protocol Policy
2. Extract - Rural Fire Brigade Manual D3.2
3. Extract - Rural Fire Brigade Manual D3.3

**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Priscilla Graham - Coordinator Revenue

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**SUMMARY**

*Council' Rural Fire Levy Protocol Policy has been reviewed and is now presented to Council for adoption.*

**COUNCIL RESOLUTION**

THAT Council adopt the Rural Fire Levy Protocol Policy as contained in Attachment One.

**Moved by:** Mayor Ludwig**Seconded by:** Councillor Kelly**MOTION CARRIED UNANIMOUSLY**



**12.4 2018/19 FEES AND CHARGES**

**File No:** GV1.1.1  
**Attachments:** 1. Fees and Charges 2018/19  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Priscilla Graham - Coordinator Revenue

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**SUMMARY**

*The intention of this report is to submit the Livingstone Shire Council's reviewed Fees and Charges Schedule for the 2018-19 financial year for adoption.*

**COUNCIL RESOLUTION**

THAT Council adopts the 2018/19 Schedule of Fees and Charges, as contained in Attachment One, to be effective from Monday 2nd July 2018.

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

**MOTION CARRIED**

**12.5 COUNCIL ADVISORY COMMITTEES – TERMS OF REFERENCE**

**File No:** GV13.4.1  
**Attachments:** 1. Advisory committees - terms of reference  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Brett Bacon - Executive Director Liveability and Wellbeing

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**SUMMARY**

*At its meeting of 17 April 2018, Council resolved to adopt an advisory committee structure, to replace the portfolio system which has operated since January 2014. This report presents the proposed terms of reference for the operation of the advisory committees.*

**COUNCIL RESOLUTION**

THAT Council adopt the attached terms of reference for the Council Advisory Committees..

**Moved by:** Deputy Mayor, Councillor Hutton  
**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

**12.6 ASSESSMENT REPORT FOR A DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO SIX LOTS) LOCATED AT 48-52 CORDINGLEY STREET, YEPPON**

**File No:** D-154-2017

**Attachments:**

1. Locality Plan
2. Reconfiguration Plan
3. Zone Map

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

**Author:** Madelaine Ward - Senior Planning Officer

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**SUMMARY**

Applicant: Livingstone Shire Council

Consultant: Adams + Sparkes Town Planning

Real Property Address: 48-52 Cordingley Street, Yeppoon

Common Property Address: Lot 10 on RP613047 and Lot 128 on LN2048

Area of Site: 9.084 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

2005 Planning Scheme Zoning: Special Purpose Zone

2005 Planning Scheme Overlays: Drainage Problem OM2  
Wetlands OM3  
Storm tide hazard OM5A  
Acid sulphate soils O8A and O8B  
Capricorn Coast Landscape Special Management Area – Green Breaks

Existing Development: Livingstone Shire Council works depot

Level of Assessment: Code assessable

Referral Matters: 10.9.4.1.1.1 – Infrastructure State Transport Infrastructure  
10.9.4.2.1.1 and 10.9.4.2.3.1 – State transport corridors and future State transport corridors

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

Application lodged:	24 July 2017
Development Control Unit Meeting:	26 July 2017
Application properly made:	27 July 2017
Confirmation Notice issued:	31 July 2017
Applicant gives notice of revival (did not refer to SARA):	21 August 2017
Assessment manager accepts revival:	22 August 2017
SARA Referral confirmation notice issued:	22 August 2017

Assessment manager request for further information sent:	1 August 2017
SARA request for further information sent:	5 September 2017
Agreement to extend the response period for providing further information until 2 February 2018	2 November 2017
Assessment Managers request for further information responded to:	2 February 2018
SARA's request for further information responded to:	5 February 2018
SARA concurrence response received:	23 March 2018
Confirmation of agreement to an extension to the decision stage for an additional twenty (20) business days until 31 May 2018 sent:	26 April 2018
Applicant provides notice of minor change (staging plan)	2 May 2018
Confirmation of agreement to an extension to the decision stage for an additional twenty (10) business days until 14 June 2018 sent:	23 May 2018
Council Meeting date:	5 June 2018

## COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (two lots into six lots), made by Livingstone Shire Council, on Lot 10 on RP613047 and Lot 128 on LN2048 and located at 48-52 Cordingley Street, Yeppoon, Council resolves to Approve the application subject to the following conditions:

### **RECOMMENDATION A**

#### 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) Road works;

- (ii) Access works;
- (iii) Sewerage works;
- (iv) Water works;
- (v) Stormwater works;
- (vi) Site works; and
- (vii) Landscaping 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>
Reconfiguration Plan	6140-01-ROL Revision D Sheets 1, 2 and 3	5 April 2018
Water supply network analysis Report	No reference	5 October 2017
Active Urban Landscape Concept	Issue A	22 June 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 STAGED DEVELOPMENT

3.1 This approval is for a development to be undertaken in three (3) discrete stages, namely:

- (i) Stage 1: (two lots into two lots) including a drainage easement;
- (ii) Stage 2A: (one lot into three lots) plus access and service easement plus balance lot; and
- (iii) Stage 2B: (one lot into two lots) plus the balance lot (lot 501 part 1 and part 2).

in accordance with the approved Reconfiguration Plan (refer to condition 2.1).

3.2 Multiple development stages may be undertaken concurrently, provided all allotments can be connected to the full range of urban infrastructure including access availability from a constructed road frontage.

3.3 Infrastructure (including but not limited to road, pedestrian access, water, sewer, stormwater infrastructure) must be provided by the developer in a coordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence to facilitate ease of extension of infrastructure during future stages.

- 3.4 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 3.5 Where expressly stated, the conditions must be read as being applicable only to the particular stages(s) being developed.
- 4.0 ROAD WORKS
- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road 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*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing road(s) and road reserve(s) at the time of making the application.
- 4.4 The Arthur Street section (full width) located within the development site must be designed and constructed, including all necessary infrastructure and street lighting, to comply with all requirements for a “*Major Urban Collector*” road classification as part of the creation of the first lot within Stage 2A.
- 4.5 The intersection between Arthur Street and Yeppoon Road must be upgraded to a suitably configured signalised standard intersection including all necessary infrastructure in accordance with the *Austroads Guide to Road Design: Part 4A “Unsignalised and Signalised Intersection* and the *Road Planning and Design Manual* as part of the creation of the first lot within Stage 2A. The intersection type and configuration must be supported by a detailed traffic impact statement certified by a suitably qualified Registered Professional Engineer of Queensland which includes a detailed intersection analysis (SIDRA intersection analysis) for the lots created by this permit and the ultimate development. The analysis must incorporate potential pedestrian movements and all property accesses indicating recommended ingress and egress movements to proposed lots at relevant stages from Arthur Street and the service lane /Yeppoon Road.
- 4.6 Any application for Operational Works (road works) must include a detailed scaled plan to demonstrate all swept paths of the intended design vehicle (B-Double) at the Arthur Street and Yeppoon Road intersection are in accordance with the relevant Australian Standards. The scaled plans must include the design assumption that the proposed new internal road (Arthur Street), when connected to Cordingley Street, will be a gazetted B-Double route, and all traffic turning templates must reflect this outcome. Any resultant turning movements / swept paths must remain within the carriageway and must not encroach to any adjacent traffic lanes and / or cause damage to Council infrastructure.
- 4.7 Any application for Operational Works (road works) must include a detailed plan indicating a pedestrian and cycling pathway along Yeppoon Road. The pathway must be a minimum 2.5 metre width and must extend for the frontage of the land unless stormwater infrastructure restrict construction (to be determined in consultation with Council as part of the operational works assessment).
- 4.8 All pathways within road reserves (including access ramps) must:
- (i) Incorporate kerb ramps at all road crossing points; and
  - (ii) Be provided with public space lighting in accordance with *Australian Standard AS1158 Lighting for Roads and Public Spaces*.
- 4.9 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and

the *Manual of Uniform Traffic Control Devices (Queensland)*.

#### 5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access 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*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).
- 5.3 All proposed or future access location(s) and associated ingress and egress movements must be supported by a detailed traffic impact statement certified by a suitably qualified Registered Professional Engineer of Queensland. All proposed ingress and egress movements to / from lots 1, 2 3 (right in movement) and 4 must be safe and must not hinder the functional and operational efficiency of the road network. Consideration must also be given to the separation distance between the proposed accesses, the State-controlled road and relevant intersections.
- 5.4 Details of access to proposed lots 1 and 2 from Yeppoon Road must be provided with any application for Operational Works (access works), demonstrating compliance with the maximum allowable gradient requirements.
- 5.5 Any application for Operational Works (access works) must include a detailed scaled plan to demonstrate all swept paths of intended design vehicle(s) are in accordance with relevant Australian Standards. Specifically, at following access locations;
- (i) Main Entry to proposed lots 1, 2 and 4; and
  - (ii) Main Entry to proposed lot 3.

#### 6.0 SEWERAGE WORKS

- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 6.2 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* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 All lots within the development must be connected to Council's reticulated sewerage network via gravity connection. Each of the lots must be provided with its own separate sewer connection point, located wholly within its respective property boundaries.
- 6.4 Any application for Operational Works (sewer works) must include a detailed sewer network layout showing proposed and existing sewer mains, pump station (including details of pumps), location, sizes, and point(s) of connections.
- 6.5 Any sewerage access chambers located within a park or reserve, or below the peak water level of the ten per cent (10%) Annual Exceedance Probability rainfall event or below the Highest Astronomical Tide (HAT) level must be provided with covers and bolt down lids.
- 6.6 The existing sewer connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.7 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 6.8 Sewerage infrastructure must be provided to each development stage boundaries for connectivity.

## 7.0 WATER WORKS

- 7.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 7.2 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* and the provisions of a Development Permit for Operational Works (water works).
- 7.3 All lots within the development must be connected to Council's reticulated water network. Each of the lots must be provided with its own separate water connection point, located wholly within its respective property boundaries.
- 7.4 Any application for Operational works (water works) must include a water network layout generally in accordance with the approved water network analysis report, showing proposed and existing water mains both internal and external to the site, location, sizes, and point(s) of connections.
- 7.5 Water infrastructure must be provided to each development stage boundaries for connectivity.
- 7.6 The existing water connection point(s) must be retained and upgraded if necessary at developers cost to service the development.

## 8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 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).
- 8.3 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development conditions by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 8.4 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by the Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 8.5 Any application for Operational Works (stormwater works) must be accompanied by a detailed stormwater management report certified by a suitably qualified Registered Professional Engineer of Queensland. The report must include the following (but not limited to):
- 8.5.1 A detailed assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios and clearly identifies discharge point(s) and demonstrate lawful discharge;
- 8.5.2 Detention systems (if necessary). The volume of detention must be sufficient to attenuate the peak discharge from the site to ensure non-worsening of the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;
- 8.5.3 Layouts showing the extent of the one (1) per cent Annual Exceedance Probability event inundation areas (pre and post) and the details of the available freeboard to the finished ground/floor levels;
- 8.5.4 Designs of outlet systems. Any such design must be take into account



- critical scour velocity, discharge frequency /duration at the discharge location(s) and relevant management measures;
- 8.5.5 Full calculations, including (where necessary) electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files) and all details of the modelling assumptions to support the proposed stormwater management strategy;
- 8.5.6 It includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy;
- 8.5.7 It incorporates details of ongoing maintenance and management actions required with regard to any proposed detention basin / retention systems.
- 8.6 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *Urban Stormwater Quality Planning Guidelines* and *State Planning Policy*. The ultimate locations and design of the stormwater quality treatment measures must be undertaken in consultation with the Council.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- (i) the location of cut and/or fill;
  - (ii) the type of fill to be used and the manner in which it is to be compacted;
  - (iii) the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - (iv) details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - (v) the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.4 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 damage infrastructure.
- 9.5 All site works must be undertaken to ensure that no actionable nuisance results from:
- (i) an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
  - (ii) an increase in downstream or upstream flood inundation levels; and
  - (iii) increase in velocity profiles.
- 9.6 Any retaining structures above one (1) metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.
- A detailed inspection and 'as constructed' record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.

The approved design and/or construction of the retaining walls must not be modified without Council's prior written approval.

- 9.7 If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated / proposed fill area , a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan certified by a suitably qualified person in accordance with *State Planning Policy*, Planning Scheme, *Queensland Acid Sulphate Soil Technical Manual*, and best industry practices with regards to Planning and Managing Development Involving Acid Sulphate Soils must be submitted to Council, as part of any application for a Development Permit for Operational Works (site works).

#### 10.0 LANDSCAPING WORKS

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

- 10.2 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 must include, but is not limited to, the following:

10.2.1 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) typical details of critical design elements (stabilisation of batters, retaining walls, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

- 10.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.

- 10.4 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.

- 10.5 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works).

- 10.6 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

#### 11.0 ELECTRICITY AND TELECOMMUNICATIONS

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

- 11.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections.

#### 12.0 ASSET MANAGEMENT

- 12.1 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.
- 12.2 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.
- 12.3 '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.
- 12.4 ENVIRONMENTAL
- 12.5 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) site location / topography / soil type;
  - (ii) objectives;
  - (iii) concept;
  - (iv) design details;
  - (v) implementation procedures for construction and post construction phases of work.
  - (vi) vegetation;
  - (vii) interim drainage plan during construction;
  - (viii) dust suppression;
  - (ix) top soil management;
  - (x) Acid sulphate soils; and
  - (xi) erosion susceptibility and risk;
- 12.6 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.
- 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 any Council controlled streets.

#### 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](http://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.

NOTE 6. Plumbing and Drainage Works

All internal plumbing works must be in accordance with regulated work under the Plumbing and Drainage Act

NOTE 7. Rainfall intensities

Council can provide relevant rainfall intensities (if necessary) for MUSIC modelling on request.

NOTE 8. Stormwater management report

The submitted stormwater management report has not included sufficient details to assess lawful discharge at Council controlled areas. Council require the applicant through the further operational works application to investigate and provide sufficient details taking into account all associated catchments for pre and post development scenarios. Flow regime includes discharge quantity / volume, flood level, velocity, frequency and duration. As part of the detailed design it is important to check the overall impact in terms of flow regime changes at discharge points.

NOTE 9. Finished floor level

Based on the Capricorn Coast Storm Tide/ Reference: 249370/ 29 October 2015 Revision: 3 adopted as part of the new *Livingstone Planning Scheme 2018* the recommended floor level must be minimum 5.2 metres Australian Height Datum (year 2100).

**RECOMMENDATION B**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot for (two lots into six lots), made by Livingstone Shire Council, on Lot 10 on RP613047 and Lot 128 on LN2048 and located at 48-52 Cordingley Street, Yeppoon. Council resolves to issue an Infrastructure Charges Notice for the amount of **\$63,000.00**.

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

## 12.7 REGIONAL ARTS DEVELOPMENT FUND - INDIVIDUAL GRANT APPLICATION 2017/2018

**File No:** GS15.2.5

**Attachments:** Nil

**Responsible Officer:** Trish Weir - Manager Customer Service  
Brett Bacon - Executive Director Liveability and Wellbeing

**Author:** Julie Bickley - Coordinator Library & Arts

### SUMMARY

*A Regional Arts Development Fund application has been received for a total amount \$1,710. The Regional Arts Development Fund Assessment Panel has assessed the application and recommended it be funded from the remaining budget of \$2,266.50.*

*The remaining funds of \$556.50 from the 2017/2018 year will be allocated towards a Regional Arts Development Fund promotional project, to be managed by the Assessment Panel.*

### COUNCIL RESOLUTION

THAT in accordance with the recommendation of the Livingstone Regional Arts Development Fund Assessment Panel, the following grant application be funded from the Regional Arts Development Fund.

Name	Purpose of Grant	\$Total Project Expenses	\$Grant Requested	\$Grant Recommended
Rockhampton Woodworkers Guild Inc	Towards Flights, Accommodation and Presentation fees to bring specialist wood turner, Vaughn Richmond from Western Australia to The Caves to tutor approximately thirty (30) people in his wood working specialties.	\$5,190	\$1,710	\$1,710
Regional Arts Development Fund Promotional Project	Regional Arts Development Fund Assessment Panel initiative to contract professional videographer to develop a short visual project of the above project.	\$556.50	N/A	\$556.50

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

**12.8 INVITATION FOR DEPUTY MAYOR TO ATTEND THE WORLD CITIES SUMMIT, SINGAPORE - 8-11 JULY 2018**

**File No:** CR2.2.11  
**Attachments:** 1. World Cities Summit 2018, 8-12 July 2018, Singapore  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Linda Benson - Coordinator Executive Support

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**SUMMARY**

*An invitation has been sent to Councillor Nigel Hutton inviting him to attend the World Cities Summit from 8-11 July 2018 in Singapore.*

**09:45AM** Deputy Mayor, Councillor Hutton left the meeting.

**COUNCIL RESOLUTION**

*THAT Councillors support Councillor Hutton's attendance at the World Cities Summit, post his attendance at the Young Leaders Network and Symposium on 8 July 2018.*

**Moved by:** Mayor Ludwig  
**Seconded by:** Councillor Kelly

**MOTION CARRIED**

**9.49AM** Deputy Mayor, Councillor Hutton returned to the meeting



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## 13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

### 13.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - PROPOSED PLAQUE FOR WAR ANIMALS

**File No:** GV13.4.4

**Attachments:**

1. Notice of Motion - Proposed Plaque for War Animals
2. Additional attachments

**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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#### SUMMARY

*Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 15 May 2018, as follows:*

#### COUNCIL RESOLUTION

THAT Council recognise the vital roles the war animals played in world conflicts, and Mr Allsopp be advised Council would be honoured to receive the RSL approved plaque from The Australian War Animal Memorial Organisation Inc. and the plaque will be placed in a prominent position identifying their service.

Further, Council negotiate with Emu Park RSL and identify an appropriate location for the plaque on the Emu Park Foreshore.

**Moved by:** Councillor Mather  
**Seconded by:** Deputy Mayor, Councillor Hutton

#### MOTION CARRIED UNANIMOUSLY

Division called.:

Crs B Ludwig, N Hutton, A Belot, PE Eastwood, J Kelly, G Mather and T Wyatt voted in the affirmative.

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**13.2 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - WATER CHARGES**

**File No:** GV13.4.4  
**Attachments:** 1. Notice of Motion  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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**SUMMARY**

*Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 15 May 2018, as follows:*

**COUNCIL RESOLUTION**

THAT given the circumstances surrounding the high quarterly water reading at L92 LN 2550 and Council's decision to discontinue the interest charges for the reasons provided, Council resolve to pro-rata the charge for the period in question as a one-off consideration.

**PROCEDURAL MOTION TO LAY ON THE TABLE PENDING FURTHER DETAILS TO BE PROVIDED TO RETURN TO THE COUNCIL MEETING AT A LATER DATE**

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

**MOTION CARRIED**

**13.3 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - TROPICAL BLOOM FESTIVAL**

**File No:** GV13.4.4  
**Attachments:** 1. Notice of Motion  
**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 5 June 2018, as follows:*

**COUNCIL RESOLUTION**

THAT following receipt of an Application from the organisers of the Tropical Bloom Festival to conduct an event on the Lake Mary Road property, Council refer the application to the table for deputations, discussion and appropriate conditions.

That the organisers of Tropical Bloom Festival and Country Music Event be invited to make presentations to the table prior to approval of the events.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Belot

**MOTION CARRIED**

**PROCEDURAL MOTION THAT THE MATTER LAY ON THE TABLE TO ALLOW TIME FOR ADDITIONAL INFORMATION FROM BOTH PARTIES SO THE TABLE CAN MAKE AN INFORMED DECISION TO RETURN TO THE COUNCIL MEETING AT A LATER DATE**

**Moved by:** Councillor Kelly

**Seconded by:** Deputy Mayor, Councillor Hutton

**MOTION LOST**

**13.4 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - HIGH SCHOOL - EMU PARK**

**File No:** GV13.4.4  
**Attachments:** 1. NOM - High School - Emu Park  
**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 5 June 2018, as follows:*

**COUNCIL RESOLUTION**

That due to the growing population at the southern end of the Capricorn Coast, Council liaise with the state government, to investigate all suitable land sites to identify the most suitable for a future high school in the Emu Park area, which will cater for future demand, and the area of land it will require.

Further, as part of the investigation, a survey be conducted in the anticipated catchment area for students to establish the current numbers.

That Council invite the Department of Education to make a presentation to Council about their future plans.

**Moved by:** Councillor Mather  
**Seconded by:** Deputy Mayor, Councillor Hutton

**MOTION CARRIED**  
**COUNCIL RESOLUTION**

**THAT THE CHAIRMAN ALLOW A MEMBER OF THE GALLERY TO SPEAK TO THE SUBJECT ON THE TABLE.**

**Moved by:** Councillor Belot  
**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

**Mr Anthony White addressed the table.**

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**13.5 QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - TARANGANBA SCHOOL PROPOSED BUS TERMINAL**

**File No:** GV13.4.4  
**Attachments:** 1. Questions on Notice  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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**SUMMARY**

*Councillor Glenda Mather indicated her intention to place the following Questions on Notice in relation to the proposed bus terminal Taranganba School at the next Council Meeting 5 June 2018, as follows:*

- 1. Why was this project given so much urgency three years ago due to safety issues, yet no work has been carried out to improve the situation in subsequent years, and despite the fact Council had urgently acquired the land to do so?*
- 2. What forward planning and budget allocation has been provided to undertake and complete the intended works?*

**COUNCIL RESOLUTION**

THAT the questions on notice be received.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Belot

**MOTION CARRIED**

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**13.6 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - PROCEDURAL MOTIONS**

**File No:** GV13.4.4  
**Attachments:** 1. Notice of Motion  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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**SUMMARY**

*Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council meeting 5 June 2018, as follows:*

**COUNCIL RESOLUTION**

THAT The Livingstone Shire Council Meeting Procedure Policy be amended as follows:-  
(see amendments in red).

## 2.17 Procedural Motions

2.17.1 A Councillor at a meeting of Council, who has not spoken during the debate on a matter at the meeting, may move as a procedural motion one of the following, **only after the Mover of the original motion having obtained a seconder has spoken to the motion.**

**Moved by:** Councillor Belot  
**Seconded by:** Councillor Mather

**COUNCIL RESOLUTION**

**PROCEDURAL MOTION TO LAY THIS MATTER ON THE TABLE UNTIL THE STATE GOVERNMENT MEETING GUIDELINES ARE RELEASED.**

**Moved by:** Mayor Ludwig  
**Seconded by:** Councillor Kelly

**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

THAT the meeting be closed at 10.40am 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.

#### L.1 Rating policy

This report is considered confidential in accordance with section 275(1)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

**Moved by: Councillor Wyatt**

**Seconded by: Councillor Mather**

**MOTION CARRIED**

### COUNCIL RESOLUTION

THAT the meeting moves out of closed session at 11.17 am and be opened to the public.

**Moved by: Councillor Belot**

**Seconded by: Councillor Kelly**

**MOTION CARRIED**

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## 15 CONFIDENTIAL REPORTS

### L.1 RATING POLICY

**File No:** CM4.7.12

**Attachments:**

1. Proposed rating policy
2. Correspondence template
3. Application Form

**Responsible Officer:** Andrea Ellis - Chief Financial Officer

**Author:** Priscilla Graham - Coordinator Revenue

This report is considered confidential in accordance with section 275(1)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

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### SUMMARY

*This report aims to present a rating policy to ensure that Council is consistent and fair in identifying and levying all rate assessments to be included in differential rating categories.*

### COUNCIL RESOLUTION

THAT Council resolves to adopt the rating policy as attached.

**Moved by:** Mayor Ludwig

**Seconded by:** Councillor Kelly

**MOTION LOST**

### DIVISION:

Crs B Ludwig , N Hutton, and J Kelly voted in the affirmative.

Crs A Belot, PE Eastwood, G Mather and T Wyatt voted in the negative.



**16 URGENT BUSINESS QUESTIONS**

## 17 CLOSURE OF MEETING

There being no further business the meeting closed at 11.19am.

\_\_\_\_\_  
Deputy Mayor Nigel Hutton  
CHAIRPERSON

\_\_\_\_\_  
DATE