

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

24 JUNE 2014

The Council resolutions contained within these minutes were confirmed at the Council Meeting on 8 July 2014.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, QUEEN STREET, YEPPON ON TUESDAY, 24 JUNE 2014 COMMENCING AT 9:10AM

1 OPENING

2 PRESENT

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Deputy Mayor, Councillor Graham Scott
Councillor Adam Belot
Councillor Jan Kelly
Councillor Glenda Mather
Councillor Tom Wyatt

In Attendance:

Mr Justin Commons – Acting Chief Executive Officer/Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Mr Jon Rutledge – Manager Human Resources
Mr Matt Baldock – Senior Sustainability Officer
Ms Erin McCabe – Coordinator Development Assessment
Ms Jane Witham – Planning Officer
Ms Maddie Ward – Senior Planning Officer
Ms Melissa Minter – Coordinator Community Partnership
Mr Darryll Schurmann – Manager Finance
Ms Lorna Oliver – Traffic Engineer
Mrs Robyn Black – PA to Mayor and Deputy Mayor

3 LEAVE OF ABSENCE / APOLOGIES

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

COUNCIL RESOLUTION

That the apology tendered for the absence of Councillor Hutton be 'received'.

Moved by: Mayor Ludwig

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

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 10 June 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Wyatt

Seconded by: Councillor Kelly

MOTION CARRIED

7 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

9:15 AM

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Scott disclosed a perceived conflict of interest in respect of Item 12.10 – Capricorn Enterprise Funding Agreement and Key Performance Indicators. Councillor Scott announced his intention to remain in the room and to vote on the matter.

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 Actions - 17 June 2014

Responsible Officer: Justin Commons - Director Corporate Services

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: Deputy Mayor, Councillor Scott

Seconded by: Councillor Wyatt

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

An update from each Councillor portfolio holder was requested. Each portfolio holder presented an update on their portfolio to Council.

12 REPORTS

12.1 REGISTERED PROPRIETER SEARCH - FEES AND CHARGES 2014/15 AMENDMENT

File No: GV1.1.1
Attachments: 1. Property Search Form LSC - July 2014
Responsible Officer: Justin Commons - Director Corporate Services
Author: Trish Weir - Manager Customer Service

SUMMARY

The intention of this report is to include a new fee Registered Proprietor Search (Owners Name and Address details) within Livingstone Shire Council's reviewed Fees and Charges Schedule for the 2014/15 financial year.

COUNCIL RESOLUTION

THAT the charge of \$25.00 be adopted for the Registered Proprietor Search for the 2014/2015 Financial Year.

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED

12.2 ACCESS TO FIVE ROCKS BEACH (THREE RIVERS)

File No:	EM11.12.4
Attachments:	<ol style="list-style-type: none">1. Map Showing Location of Five Rocks Beach and Three Rivers2. Byfield Area Management Plan 2010 (<i>Under Separate Cover</i>)3. Correspondence from Department of National Parks, Recreation, Sport and Racing to Livingstone Shire Council regarding Access to Three Rivers - Byfield National Park
Responsible Officer:	Brett Bacon - Director Community & Planning Services
Author:	Matthew Baldock - Senior Sustainability Officer

SUMMARY

A continued strong interest from the community for access to the Three Rivers area of Five Rocks Beach to be reinstated has prompted new dialogue between Livingstone Shire Council and the Department of National Parks, Recreation, Sport and Racing and the Australian Defence Force on the matter. A number of options would need to be considered if access to the Three Rivers area was to be reopened.

The first and most critical step would be formal agreement from the Australian Defence Force to allow access to Three Rivers. The future tenure and management of the Three Rivers area would then need to be determined. Options for this could include the Australian Defence Force granting land to the Queensland Government with the Department of National Parks, Recreation, Sport and Racing potentially managing the land as part of its conservation estate, namely incorporating the area into the Byfield National Park. An alternative option is for Livingstone Shire council to manage the granted land as a reserve for environmental and recreational purposes and this could be done a number of ways with the potential for a cooperative management arrangement with the Department of National Parks, Recreation, Sport and Racing. Changes to the Byfield Area Management Plan 2010 would be required to facilitate any changes in access arrangement to Three Rivers.

At a recent workshop, Councillors were generally in favour of further progressing the matter and of the idea of taking on the management of the Three Rivers area as a reserve for public use, at least initially and perhaps in a collaborative management arrangement with the Department of National Parks, Recreation, Sport and Racing.

OFFICER'S RECOMMENDATION

THAT Council support in principle the further progression of public for access to the Three Rivers area of Five Rocks Beach, with a preference for Council to take on the management of the Three Rivers area as a reserve for public use.

COUNCIL RESOLUTION

THAT Council support in principle the further progression of public access to the Three Rivers area of Five Rocks Beach, with a preference for Council to take on the management of the Three Rivers area as a reserve for public use.

Moved by: Mayor Ludwig
Seconded by: Councillor Belot

MOTION CARRIED

12.3 LARGER SCALE COMMUNITY EVENTS

File No: CR2.15.3
Attachments: Nil
Responsible Officer: Brett Bacon - Director Community & Planning Services
Author: Melissa Minter - Coordinator Community Partnership

SUMMARY

At a workshop held on 20 May 2014, elected members considered larger scale community events which benefit the Livingstone community, its people, visitors and economy. A list of events was discussed and identified as being suitable for the development of formal Memorandums of Understanding. This list is provided herein for formal consideration.

COUNCIL RESOLUTION

THAT Council authorise the Chief Executive Officer (delegate) to develop five year Memorandum of Understanding funding agreements in line with Council's Community Assistance Policy for the following events.

- 1) Australia Day;
- 2) Festival of the Wind;
- 3) Yeppoon and District Show;
- 4) Tight Lines Fishing Classic;
- 5) Pinefest; and
- 6) Carols by Candlelight.

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED

12.4 POLICY REVIEW - CONCEALED LEAK REBATE POLICY

File No: CM4.7.32
Attachments: 1. Draft Policy
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Councils adoption of a new community policy titled Concealed Leak Rebate Policy.

OFFICER'S RECOMMENDATION

THAT Council adopt the Concealed Leak Rebate Policy.

COUNCIL RESOLUTION

THAT Council adopt the Concealed Leak Rebate Policy as amended to include 5.1(4) and a 5.1(5) to allow a minimum of five (5) years between claims.

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

12.5 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 MAY 2014**File No:** FM12.4.1**Attachments:**

1. Income Statement - May 2014
2. Graphs - May 2014

Responsible Officer: Justin Commons - Director Corporate Services**Author:** Darryll Schurmann - Manager Finance

SUMMARY

The Manager Finance presenting the Livingstone Shire Council Summary Budget Management Report for the Period ended 31 May 2014.

COUNCIL RESOLUTION

That the Livingstone Shire Council Summary Budget Management Report for the Period ended 31 May 2014 be 'received'.

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

12.6 ADMINISTRATIVE ACTION COMPLAINT MANAGEMENT POLICY AND PROCEDURE**File No:** CM4.7.13**Attachments:**

1. **Administrative Action Complaint Management Policy**
2. **Administrative Action Complaint Management Procedure**

Responsible Officer: Justin Commons - Director Corporate Services**Author:** Jon Rutledge - Manager Human Resources

SUMMARY

The Administrative Action Complaint Management Policy and Procedure applies to all Livingstone Shire Council employees and elected Council members. The Policy and Procedure is applicable to all complaints identified as an Administrative Action Complaint as defined in the Local Government Act 2009.

COUNCIL RESOLUTION

THAT the Administrative Action Complaint Management Policy and Procedure be adopted by Council.

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

12.7 RECRUITMENT PROCESS FOR CHIEF EXECUTIVE OFFICER

File No: CM4.7.13
Attachments: Nil
Responsible Officer: Justin Commons - Director Corporate Services
Author: Jon Rutledge - Manager Human Resources

SUMMARY

A critical part of the recruitment process is the establishment of the Selection Panel who undertake the assessment of candidates during interviews and recommends a suitable candidate for the Chief Executive Officer role for Council adoption.

COUNCIL RESOLUTION

THAT the Selection Panel for the Chief Executive Officer recruitment process be made up of the following participants.

- a) the Mayor;
- b) the Deputy Mayor;
- c) Mr Graeme Kanofski (former Transfer Manager, Livingstone Shire Council);
- d) Mr Gary Kellar (Consultant, Reinforcements (Management and Decision Support Services) Pty Ltd); and
- e) Ms Eivor Bylund (Executive Recruitment Consultant, McArthur and facilitator of the interviews).

Moved by: Mayor Ludwig
Seconded by: Councillor Kelly

MOTION CARRIED

12.8 ENDORSEMENT OF CENTRAL QUEENSLAND PRINCIPAL CYCLE NETWORK PLAN

File No: TT30.8.5
Attachments: 1. Central Queensland Principal Cycle Network Plan (*Under Separate Cover*)
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Lorna Oliver - Traffic Engineer

SUMMARY

A Principal Cycle Network Plan (PCNP) for Central Queensland has been prepared by the Department of Transport and Main Roads (TMR). The Principal Cycle Network Plan identifies a network of existing and future cycle routes with the aim of improving cycling participation in the region.

COUNCIL RESOLUTION

THAT Council write to Department of Transport and Main Roads endorsing the sections of the Principal Cycle Network Plan which fall within the Livingstone Shire Council area and requesting future consideration of additional routes along:

- the Bruce Highway from Parkhurst to The Caves, and
- Neils Road, Preston Road and Woodbury Road from the Rockhampton-Yeppoon Road to the intersection of Byfield Road and Farnborough Road.

Moved by: Councillor Wyatt

Seconded by: Councillor Kelly

MOTION CARRIED

12.9 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN ACCOMMODATION BUILDING (SEVENTEEN UNITS)

File No: D/491-2013

Attachments:

1. Locality Plan
2. Floor Plans
3. Elevations

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

Author: Jane Witham - Planning Officer

SUMMARY

INTRODUCTION

Development Application Number: D/491-2013

Applicant: Neri Investments Pty Ltd c/- Urban Strategies Pty Ltd

Real Property Address: Lot 4 on RP600694, Parish of Yeppoon

Common Property Address: 9 Todd Avenue, Yeppoon

Area of Site: 1,262 square metres

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Residential Zone, R2 Precinct

Planning Scheme Overlays: Overlay Map O2A: Drainage Problem
Overlay Map O2B: Erosion Prone Land
Overlay Map O3B: Waterways
Overlay Map 7: Farnborough Groundwater
Overlay Map 9A: Green Breaks

Existing Development: Vacant land

Existing Approvals: D-Y/2008-96 Development Permit for a Material Change of Use for Multiple Dwellings (six units)

Approval Sought: Development Permit for a Material Change of Use for an Accommodation Building (seventeen units)

Level of Assessment: Impact Assessable

Submissions: Fourteen (14) Properly Made Submissions
Six (6) Not Properly Made Submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	21 October 2013
<i>Request for Further Information sent:</i>	30 October 2013
<i>Request for Further Information responded to:</i>	29 January 2014

<i>Submission period commenced:</i>	<i>31 January 2014</i>
<i>Submission period end:</i>	<i>25 February 2014</i>
<i>First Council request for extension to Decision Making Period:</i>	<i>26 March 2014</i>
<i>Second Council request for extension to Decision Making Period:</i>	<i>17 April 2014</i>
<i>Last receipt of information from applicant:</i>	<i>5 June 2014</i>
<i>Statutory determination date:</i>	<i>26 May 2014</i>
<i>Minor Change lodged:</i>	<i>5 June 2014</i>
<i>Application status:</i>	<i>Deemed Refusal</i>

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for an Accommodation Building (seventeen units), made by Neri Investments Pty Ltd C/- Urban Strategies P/L, on Lot 4 on RP600694, Parish of Yeppoon, and located at 9 Todd Avenue, Yeppoon, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds for justification:

- (a) Assessment of the development against the relevant codes demonstrates the proposal will not cause adverse impacts on the surrounding natural environment, infrastructure, community facilities or local character and amenity.
- (b) The proposal is consistent with the building heights, setback requirements and other planning provisions aligning with the Residential Zone Code. Considering all these development provisions have been met under the Residential Zone Code, it can be reasonably expected that the development will appropriately cater for the density proposed.
- (c) The locality is characterised by a mix of residential uses and densities consistent with the proposed and is considered a complementary use to the Farnborough shoreline and neighbourhood.
- (d) The proposed development has incorporated recesses, podium, outdoor terraces, articulation and landscaping to mitigate impact upon the amenity of surrounding uses despite the density exceeded the code requirements. The provision of screening on both sides of the development will further ensure privacy of the adjoining properties and future residents.
- (e) The development is consistent with the Desired Environmental Outcomes of the *Livingstone Shire Planning Scheme 2005*.

OFFICER'S RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Accommodation Building (seventeen units), made by Neri Investments Pty Ltd C/- Urban Strategies P/L, on Lot 4 on RP600694, Parish of Yeppoon, and located at 9 Todd Avenue, 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 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 and Parking Works;
 - (ii) Stormwater Works;
 - (iii) Site Works;
 - (iv) Landscaping Works; and
- 1.6.1 Plumbing and Drainage Works;
- 1.6.2 Building Works (construction of units); and
- 1.6.3 Building Works assessable against the planning scheme (construction of swimming pool).
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Ground Floor Plan	DA-01 67412	April 2014
First Floor Plan	DA-02 67412	April 2014
Second Floor Plan	DA-03 67412	April 2014
Roof Plan	DA-04 67412	April 2014
Elevations	DA-01 67412	April 2014
Site Based Stormwater Management Plan	C2247	September 2013

- 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 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 All vehicular access to and from the proposed development must be facilitated in a forward direction.
- 3.4 Twenty-six (26) parking spaces must be provided on site.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All works must be designed and constructed in accordance with the approved plans (refer Condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 The development must be connected to Council's reticulated sewerage and water networks. The existing connections may be retained (and upgraded if necessary) to service the development.
- 4.3 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with trafficable lids.
- 4.4 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.

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 must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 5.4 The Operational Works (stormwater works) application must include an assessment of how the development meets designated water quality objectives.

6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:

- 6.2.1 the location of cut and/or fill;
- 6.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 6.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 6.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
- 6.2.5 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.
- 6.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 6.4 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 infrastructure.
- 7.0 BUILDING WORKS (unit construction)
- 7.1 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.
- 7.2 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 7.3 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"*.
- 7.4 External privacy screening must be applied to balconies overlooking adjoining premises.
- 7.5 All windows facing onto the adjoining residential properties must be properly glazed or screened to not intrude on the privacy of residents.
- 7.6 All waste storage areas must be aesthetically screened from any frontage or adjoining property.
- 7.7 Impervious paved and drained wash-down areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property.
- 8.0 BUILDING WORKS (swimming pool)
- 8.1 A Development Permit for Building Works assessable against the planning scheme must be obtained prior to the commencement of works for the swimming pool.
- 9.0 LANDSCAPING WORKS
- 9.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 9.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:
- 9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:
- (i) the extent of soft and hard landscape proposed;
 - (ii) 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;
 - (iii) underground and overhead services;
 - (iv) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - (v) details of landscape structures including areas of deep planting; and
 - (vi) specification notes on mulching and soil preparation.
- 9.3 Locally endemic species must be used in all landscaping (refer Advisory Note 6).
- 9.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.5 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.
- 9.6 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of the use.
- 9.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 10.0 ELECTRICITY AND TELECOMMUNICATIONS
- 10.1 Above-ground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 11.0 ASSET MANAGEMENT
- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 12.0 ENVIRONMENTAL
- 12.1 Any application for a Development Permit for Operational Works must be accompanied by 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) fauna management;
 - (v) vegetation management and clearing;
 - (vi) top soil management;

- (vii) interim drainage plan during construction;
 - (viii) construction programme;
 - (ix) geotechnical issues;
 - (x) weed control;
 - (xi) bushfire management;
 - (xii) emergency vehicle access;
 - (xiii) noise and dust suppression; and
 - (xiv) waste management.
- 12.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 12.3 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.
- 12.4 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 Todd Avenue. If an alternative site is required, this may be decided when obtaining a Development Permit for Operational Works.
- 13.2 Waste must be stored and collected in accordance with the provisions of the *Environmental Protection (Waste Management) Regulation*. In particular, all waste must be stored within a waste bin compound for example general waste, recyclable waste, pallets, empty drums etc. The owner of the land must ensure that the waste bin compound is:
- 13.2.1 Of a minimum size to accommodate commercial type general waste and recycling bins to service the development;
 - 13.2.2 Kept in a clean, tidy condition; and
 - 13.2.3 Not located within three (3) metres of a road frontage.
- 13.3 All communal areas (including the pool area and outdoor terraces) must only be accessed and utilised in accordance with the *Environmental Protection (Noise) Policy 2008*.

ADVISORY NOTESNOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Adopted Infrastructure Charges Notice

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

NOTE 5. Landscaping requirements

The following species may be used in landscaping:

- (i) Climbers:
 - a. *Stephania japonica* – Snake Vine
 - b. *Pandorea jasminioides* – Bower of Beauty
 - c. *Pandorea pandoreana* – Wonga Vine
 - d. *Hoya australis* – Native Hoya
 - e. *Jasminium simplicifolium* – Native Jasmine
- (ii) Screen Shrubs:
 - a. *Alpinia caerulea* – Native Ginger
 - b. *Alpinia arctiflora* – Pleated Ginger
 - c. *Michelia figo* – Port Wine Magnolia
 - d. *Rhapis excelsa* – Broadleaf Lady Palm
 - e. *Syzygium australe* *Royal Flame* - Lillypilly
- (iii) Shrubs and Groundcovers:
 - a. *Crinum pendunculatum* – River lily
 - b. *Dianella sp.* – Blue Flax Lily
 - c. *Scaevola calendulacea* – Blue Fan Flower
 - d. *Juniperus oxycedrus* – Coastal Juniper
 - e. *Alocasia brisbanensis* – Cunjevoi
 - f. *Cordyline rubra* – Palm lily
 - g. *Gardenia augusta* – Radicans Creeping Gardenia
 - h. *Hymenocallis littoralis* – Spiderlilly
 - i. *Ixora chinensis* – Prince of Orange Dwarf
 - j. *Linope muscari* – Stripy White
 - k. *Neoregelia Bossa Nova* – Bromeliad
 - l. *Strelizia reginae* – Bird of Paradise

- m. *Zamia furfuracea* – Cardbord Palm
- (iv) Screening Trees:
- a. *Polyathia longifolia* – Indian Mast Tree
 - b. *Eleaocarpus obovatus* – Hard Quandong
 - c. *Endiandra sieberii* – Hard Corkwood
 - d. *Archontophoenix alexandrae* – Alexandra Palm

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Belot

MOTION CARRIED

Meeting Adjourned

COUNCIL RESOLUTION

10:45AM

That the meeting be adjourned for morning tea.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

Meeting Resumed

COUNCIL RESOLUTION

11:00AM

That the meeting be resumed.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

12.10 CAPRICORN ENTERPRISE FUNDING AGREEMENT AND KEY PERFORMANCE INDICATORS

File No: ED8.2.1
Attachments: 1. Capricorn Enterprise Funding Agreements 2014-2018
Responsible Officer: Justin Commons - Acting Chief Executive Officer
Author: Justin Commons - Acting Chief Executive Officer

SUMMARY

For Council to endorse the funding agreement with Capricorn Enterprise for 2014-2018 and the key performance indicators for 2014-2015.

COUNCIL RESOLUTION

THAT *the funding agreement with Capricorn Enterprise for 2014-2018 be endorsed, with a contribution to Capricorn Enterprise in 2014/2015 of \$350,000 per annum, indexed by CPI over the term of the agreement;*

1. *the funding agreement with Capricorn Enterprise for 2014-2018 (as amended) be endorsed, with a contribution to Capricorn Enterprise in 2014/2015 of \$350,000 per annum, indexed by CPI over the term of the agreement, and*
2. *the key performance measures for 2014-2015 be endorsed.*

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

L.1 PANORAMA DRIVE EXPRESSIONS OF INTEREST CONSULTING ENGINEERING SERVICES

File No: RD28.7.3
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Philip McKone - Manager Infrastructure Planning & Design

SUMMARY

For the completion of the planning, design and documentation for the Northern Strategic link Road - Panorama Drive (Section 1), we request for the initiation of an "Expression of Interest" to the Consultant Engineers listed on Council's Panel of Providers. The EOI is to provide a short list of four Consultants to be invited to tender for a professional consulting engineering services contract to design Section 1 of Panorama Drive Project.

COUNCIL RESOLUTION

THAT Council approve for the Chief Executive Officer or delegate to seek Expressions of Interest (EOI) from Consultant Engineers as listed on Livingstone Shire Council's Panel of Providers for the design and documentation of Section 1 of the Northern Strategic link Road - Panorama Drive.

Moved by: Councillor Kelly
Seconded by: Councillor Mather

MOTION CARRIED

COUNCIL RESOLUTION

THAT Council resolves to consider Item L.2 Panorama Drive – Signing of Head Funding Deed of Agreement in open session which, due to an administrative error, was previously in the confidential section of the agenda.

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

MOTION CARRIED

L.2 PANORAMA DRIVE - SIGNING OF HEAD FUNDING DEED OF AGREEMENT**File No:** RD28.7.3**Attachments:** 1. **Head Funding Deed of Agreement - Livingstone Shire Council - Unsigned - (Confidential)****Responsible Officer:** Dan Toon - Director Infrastructure Services**Author:** Philip McKone - Manager Infrastructure Planning & Design

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

With the successful application to the "Royalties for the Regions Program" from the Department of State, Development, Infrastructure and Planning for the completion of the planning, design and documentation of the Northern Strategic Link Road - Panorama Drive (Section 1), Council is required to enter into a "Head Funding Deed of Agreement".

COUNCIL RESOLUTION

THAT Council resolves to sign the Head Funding Deed of Agreement for the Royalties for the Regions Program, Round 3 for design and construction of Panorama Drive.

Moved by: Mayor Ludwig**Seconded by:** Deputy Mayor, Councillor Scott**MOTION CARRIED**

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

14 URGENT BUSINESS\QUESTIONS

Nil

15 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

12:10 PM

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.

16.1 Update On Legal Matters

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Belot

MOTION CARRIED

RECOMMENDATION

12:30 PM

THAT the meeting moves out of Closed Session and be opened to the public.

16 CONFIDENTIAL REPORTS

16.1 UPDATE ON LEGAL MATTERS

File No: LS20.1.1

Attachments: 1. Letter from King and Co - (*Confidential*)

Responsible Officer: Justin Commons - Director Corporate Services

Author: Justin Commons - Director Corporate Services

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

SUMMARY

The purpose of this report is to provide Council with an update on the outcome of a legal matter that was recently resolved through mediation.

COUNCIL RESOLUTION

THAT the report of the Acting Chief Executive Officer updating Council on legal matters be received and the contents noted.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

17 CLOSURE OF MEETING

There being no further business the meeting closed at 12:42pm.

Mayor Bill Ludwig
CHAIRPERSON

Date