

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

28 JULY 2015

The Council resolutions contained within these minutes were confirmed at the Council meeting on 11 August 2015.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	2
4	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
5	MAYORAL MINUTE	4
	NIL	4
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	1
7	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	2
8	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	3
8.1	BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING	3
9	PRESENTATION OF PETITIONS.....	4
	NIL	4
10	BUSINESS IMPROVEMENT COMMITTEE REPORTS	5
	NIL	5
11	COUNCILLOR/DELEGATE REPORTS	6
	NIL	6
12	REPORTS.....	7
12.1	BLACK SPOT 2016/17 FUNDING APPLICATION.....	7
12.2	DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN INTENSIVE ANIMAL HUSBANDRY (CATTLE FEEDLOT).....	8
12.3	DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT FOR A BOUNDARY REALIGNMENT (FOUR LOTS INTO FOUR LOTS) AND A MATERIAL CHANGE OF USE FOR SHOPS, OFFICES AND TAKE-AWAY FOOD STORES	14
12.4	THE COLOUR EVENT SPONSORSHIP APPROVAL	29
13	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	30
	NIL	30

14	URGENT BUSINESS\QUESTIONS	31
	NIL	31
15	CLOSED SESSION	32
1.1	ACQUISITION OF LAND FOR ROAD PURPOSES - PACIFIC HEIGHTS ROAD, PACIFIC HEIGHTS.....	32
2.2	ACQUISITION OF LAND FOR ROAD PURPOSES - CRANNYS ROAD INVERNESS.....	32
3.3	ENFORCEMENT NOTICE FOR DEMOLITION OF UNSAFE STRUCTURE	32
16	CONFIDENTIAL REPORTS.....	33
1.1	ACQUISITION OF LAND FOR ROAD PURPOSES - PACIFIC HEIGHTS ROAD, PACIFIC HEIGHTS.....	33
2.2	ACQUISITION OF LAND FOR ROAD PURPOSES - CRANNYS ROAD INVERNESS.....	34
3.3	ENFORCEMENT NOTICE FOR DEMOLITION OF UNSAFE STRUCTURE	35
17	CLOSURE OF MEETING.....	36

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 28 JULY 2015 COMMENCING AT 9.00AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr Justin Commons – Chief Executive Officer
Mr Dan Toon – Director Infrastructure Services
Ms Suzanne Pambid – Personal Assistant to the CEO
Ms Erin McCabe – Coordinator Development Assessment
Ms Jenna Brosseuk – Planning Officer
Ms Maddie Ward – Planning Officer
Ms Jane Whitlam – Planning Officer
Ms Trish Weir - Manager Customer Engagement and Communication
Mr Lincoln Bertoli – Media and Marketing Officer

3 LEAVE OF ABSENCE / APOLOGIES

COUNCIL RESOLUTION

THAT the apologies from Councillor Bill Ludwig be received.

Moved by: Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 23 June 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 30 June 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 14 July 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 21 July 2015 be taken as read and adopted as a correct record

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 24 July 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

7 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Belot disclosed a perceived conflict of interest in respect of Item 12.3 – Development Application for Reconfiguring a Lot for a boundary realignment (four lots into four lots) and a Material Change of Use for Shops, Offices and Take-away food stores due to his parents property adjoin the development site. Councillor Belot announced his intention leave the room in relation to 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 Report 28 July 2015
Responsible Officer: Justin Commons - 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 Hutton

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 BLACK SPOT 2016/17 FUNDING APPLICATION

File No: GS15.2.10
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

Council Officers have identified the Hidden Valley Road/Hoskyn Drive project for a 2016/17 Black Spot funding application.

COUNCIL RESOLUTION

THAT Council resolves to endorse the Officer's application to pursue Road Black Spot funding to eliminate the Yeppoon Road – Hidden Valley Road Intersection.

Moved by: Councillor Belot

Seconded by: Councillor Kelly

MOTION CARRIED

12.2 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN INTENSIVE ANIMAL HUSBANDRY (CATTLE FEEDLOT)

File No: D/25-2015

Attachments:

1. Locality Plan
2. Proposal Plan
3. Concurrence agency response - with conditions
4. FSA Consulting report (*Under Separate Cover*)

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

Author: Jenna Brosseuk - Planning Officer

SUMMARY

Development Application Number: D/25-2015

Applicant: Timothy James and Lynette Olive

Real Property Address: Lot 694 on PH1362, Parish of Macksford

Common Property Address: Lot 694 Apis Creek Road, Mount Gardiner

Area of Site: 21,067 hectares (approximate development area 9.6 hectares)

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map O3: Wetlands and Wetlands 100m Buffer
Overlay Map O4: Good Quality Agricultural Land
Overlay Map O5: Bushfire Hazard

Existing Development: Dwelling houses and ancillary structures

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for an Intensive animal husbandry (cattle feedlot)

Level of Assessment: Code Assessment

Submissions: Not applicable

Referral Agency(s): Department of State Development, Infrastructure and Planning

Adopted Infrastructure Charges Area: Outside the Priority Infrastructure Area

Application Progress:

<i>Application Lodged:</i>	26 February 2015
<i>Request for Further Information sent:</i>	20 March 2015
<i>Request for Further Information responded to:</i>	22 June 2015
<i>Application Lodged with DSDIP:</i>	13 March 2015

<i>DSDIP Further Information sent:</i>	<i>27 March 2015</i>
<i>DSDIP Request for Information responded to:</i>	<i>26 April 2015</i>
<i>DSDIP Concurrence agency response received:</i>	<i>25 May 2015</i>
<i>Last receipt of information from applicant:</i>	<i>3 July 2015</i>
<i>Extension of Decision Making Period correspondence sent:</i>	<i>20 July 2015</i>
<i>Statutory determination date:</i>	<i>17 August 2015</i>

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for an Intensive animal husbandry, made by Tim James Olive and Lynette Olive, on Lot 694 on PH1362, Parish of Macksford and located at Lot 694 Apis Creek Road, Mount Gardiner, 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 Permit must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Plumbing and Drainage
 - 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>
---------------------------	--------------------------------	--------------

Response to Livingstone Shire Council information request for a feedlot development application	FSA Consulting Report 8338/1	17 June 2015
DA for Apis Creek Feedlot Cadastral Plan	8338 Masterplan – Figure 2	11 June 2015
DA for Apis Creek Feedlot Topographic Plan	8338 Masterplan – Figure 3	11 June 2015
DA for Apis Creek Feedlot Aerial Image	8338 Masterplan – Figure 4	11 June 2015
DA for Apis Creek Feedlot Proposed Feedlot Layout	8338 Masterplan – Figure 5	11 June 2015

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 commencement of the use.

3.0 INTERNAL ROADS AND PARKING

3.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) and the *Capricorn Municipal Development Guidelines*.

3.2 Safe, trafficable internal access roads, including any cross drains and drainage structures (on the roads) must be provided in accordance with *Queensland Urban Drainage Manual*.

4.0 ON-SITE SEWERAGE WORKS

4.1 All waste generated by development must be managed in accordance with the approved plans (refer to condition 2.1) and Section 6 of the FSA Consulting report (refer to condition 2.1): Environmental Management 'Apis Creek Quality Assurance Manual National Feedlot Accreditation Scheme'.

5.0 PLUMBING AND DRAINAGE WORKS

5.1 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

5.2 Sustainable water sources including rainwater tanks, bore(s) and dams must be used on site.

5.3 The connection of the on-site water holding dam to the proposed feedlot water tanks is required to ensure an appropriate connection is provided. Please contact Council's Plumbing and Drainage Unit for further information.

6.0 STORMWATER WORKS

6.1 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.

6.2 All stormwater quality must be managed in accordance with *Queensland Water Quality Guidelines* and the *State Planning Policy*.

7.0 SITE WORKS

- 7.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, cause a nuisance or worsening to adjoining properties or infrastructure, or cause discharge of contaminants to water bodies that can be threat to public health and to the ecosystem.
- 8.0 ASSET MANAGEMENT
- 8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 8.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 8.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 9.0 ENVIRONMENTAL
- 9.1 The development at all times must be undertaken in accordance with the recommendations in:
- 9.1.1 Section 6 of the FSA Consulting report (refer to condition 2.1):
Environmental Management 'Apis Creek Quality Assurance Manual National Feedlot Accreditation Scheme'.
- 9.2 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.
- 9.3 The Apis Creek and its tributaries on-site, must be provided with buffers from the feedlot complex and from the manure spreading area. The buffer must consist of continuous vegetation cover for any nutrient and pathogen take-up. Manure spreading areas must be no less than 300 metres away from the top bank of a body of water.
- 10.0 OPERATING PROCEDURES
- 10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Apis Creek Road.
- 10.2 This approval is for a maximum capacity of 999 Standard Cattle Units (SCU), at any one time.
- 10.3 The sedimentation and holding ponds must be designed, constructed and managed to prevent overflow into the creek proximal to the development area.
- 10.4 Contaminants must not be permitted to discharge into water courses, drainage lines or onto adjoining properties.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Natural Resource Management

- a) The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council’s Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- b) It is advised that part of the subject site is mapped by the Department of Environment and Heritage Protection as containing Regulated Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: www.qld.gov.au/environment/land/vegetation/management/.
- c) It is advised that part of the subject site is mapped under the Livingstone Planning Scheme as ‘Locally Significant Vegetation’ (PSM10a and 10b). Clearing of this vegetation must not be undertaken without the advice of Council’s Natural Resource Management Unit.

NOTE 5. Guidance material

The development at all times must be undertaken in accordance with the:

- a) *National Guidelines for Beef Cattle Feedlots in Australia 2012*; and
- b) *National Beef Cattle Feedlot Environmental Code of Practice 2012*.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Intensive animal husbandry, made by Tim James Olive and Lynette Olive, on Lot 694 on PH1362, Parish of Macksford and located at Lot 694 Apis Creek Road, Mount Gardiner, Council resolves that Infrastructure Charges do not apply to the development and a Charges Notice will not be issued.

Moved by: Councillor Mather

Seconded by: Councillor Hutton

MOTION CARRIED

9.32am

Councillor Belot left the room due to conflict of interest in relation to item 12.3.

12.3 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT FOR A BOUNDARY REALIGNMENT (FOUR LOTS INTO FOUR LOTS) AND A MATERIAL CHANGE OF USE FOR SHOPS, OFFICES AND TAKE-AWAY FOOD STORES**File No:** D202-2014**Attachments:**

1. **Locality Plan**
2. **Proposal Plan**
3. **Economic Needs Assessment prepared by Foresight Partners Pty Ltd (*Under Separate Cover*)**
4. **Review of Economic Needs Assessment prepared by Urban Economics**

Responsible Officer: Brett Bacon - Director Community & Planning Services
Erin McCabe - Co-ordinator Development Assessment**Author:** Madelaine Ward - Senior Planning Officer

SUMMARY

Development Application Number: D/202-2014

Applicant: Paul Bishop, Architect on behalf of Poinciana Ventures Pty Ltd ATF The Poinciana Trust

Real Property Address: Lot 17 on RP604065, Lot 18 on RP604065, Lot 19 on RP604065 and Lot 2 on RP613504, Parish of Hewittville

Common Property Address: 9 - 13 Scenic Highway and Lot 17, 18 and 19 Gregory Street, Cooee Bay

Area of Site: 15,390 square metres (total site)
4,455 square metres (development area)

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Residential Zone – R3 Precinct

Planning Scheme Overlays: Storm Tide hazard (O5A), Acid Sulphate Soils (O8)

Existing Development: Poinciana Caravan Park

Existing Approvals: Multiple (relating specifically to the Caravan Park)

Approval Sought: Development Permit for Reconfiguring a Lot (four lots into four lots) and a Material Change of Use for Shops, Offices and Take -away food stores

Level of Assessment: Impact Assessable

Submissions: Twenty-seven (27) submissions received

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Application Lodged:</i>	9 October 2014
<i>Acknowledgement notice sent:</i>	22 October 2014
<i>Request for Further Information sent:</i>	5 November 2014
<i>Request for Further Information responded to:</i>	19 November 2014
<i>Submission period commenced:</i>	17 December 2014
<i>Submission period end:</i>	23 January 2015
<i>Notice of compliance received:</i>	27 January 2015
<i>Statutory determination date:</i>	24 February 2015
<i>Decision Stage extended until:</i>	25 March 2015
<i>Decision Stage extended (by agreement) until:</i>	12 June 2015
<i>Decision Stage extended (by agreement) until:</i>	17 July 2015
<i>Decision Stage extended (by agreement) until:</i>	28 July 2015
<i>Council Meeting Date:</i>	28 July 2015

COUNCIL RESOLUTION

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (four lots into four lots) and a Material Change of Use for Shops, Offices, and Take-away food stores, made by Paul Bishop, Architect on behalf of Poinciana Ventures Pty Ltd ATF The Poinciana Trust, on Lot 17 on RP604065, Lot 18 on RP604065, Lot 19 on RP604065 and Lot 2 on RP613504, Parish of Hewittville and located at 9-13 Scenic Highway and Lot 17, 18 and 19 Gregory Street, Cooee Bay, Council resolves that it is satisfied under section 304 of the *Sustainable Planning Act 2009* that the following non-compliances with notification procedures have not adversely affected the awareness of the public or restricted the opportunity of the public to make properly made submissions:

- (i) omission of the 'office' use from the newspaper notice and the adjoining land owner notice.

RECOMMENDATION B

That in relation to the application for a Development Permit for Reconfiguring a Lot (four lots into four lots) and a Material Change of Use for Shops, Offices, and Take-away food stores, made by Paul Bishop, Architect on behalf of Poinciana Ventures Pty Ltd ATF The Poinciana Trust, on Lot 17 on RP604065, Lot 18 on RP604065, Lot 19 on RP604065 and Lot 2 on RP613504, Parish of Hewittville and located at 9-13 Scenic Highway and Lot 17, 18 and 19 Gregory Street, Cooee Bay, Council resolves to approve the application despite its conflict with the planning scheme and provides the following grounds to justify the decision despite the conflict:

- (a) The proposal provides for a local neighbourhood scale commercial development which has demonstrated (through the Economic Needs Assessment prepared by Foresight Partners Pty Ltd dated May 2015) its potential to supplement the existing surrounding commercial uses required as a result of projected population growth and anticipated (and approved) residential development in the area, without adversely affecting the hierarchy of centres within the Shire.
- (b) The take up of 2,000 square metres of business zoned land in the Cooee Bay

locality, for solely residential land uses (D/367-2013 and D/26-2013), has compromised the supply of commercial land for the locality and it is considered that this proposal caters for that shortfall.

RECOMMENDATION C

That in relation to the application for a Development Permit for Reconfiguring a Lot (four lots into four lots) and a Material Change of Use for Shops, Offices, and Take -away food stores, made by Paul Bishop, Architect on behalf of Poinciana Ventures Pty Ltd ATF The Poinciana Trust, on Lot 17 on RP604065, Lot 18 on RP604065, Lot 19 on RP604065 and Lot 2 on RP613504, Parish of Hewittville and located at 9-13 Scenic Highway and Lot 17, 18 and 19 Gregory Street, Cooee Bay, Council resolves to approve the application subject to the following conditions:

PART A – RECONFIGURING A LOT

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
 - 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
 - 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
 - 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, 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; and
 - (ii) Sewerage 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.
 - 1.9 The identified discrepancy in total lot areas (approximately thirty-seven (37) square metres based on the proposal plans submitted) must be rectified.
 - 1.10 An access and (if necessary) services easement must be registered in favour of Lot 18 over proposed Lot 2.
- #### 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>

Proposal Plan for Boundary Realignment	Figure 967-1 / Rev A	14/07/14
Mechanism for Boundary Realignment	Figure 967-2 / Rev A	14/07/14
Preliminary Infrastructure Details	Figure 967-3 / Rev A	14/07/14

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS WORKS
- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).
- 3.3 The existing access driveway must be relocated along the Percy Ford Street road reserve towards the eastern property boundary of the proposed Lot 2 on RP613504. 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*.
- 3.4 A new access must be designed and constructed to proposed Lot 18 on RP604065 from the Percy Ford Street road reserve.
- 3.5 Direct vehicular ingress from the Scenic Highway is prohibited for Lot 2 on RP613504. Only a left out movement is approved. A property note to this effect will be entered against Lot 2 on RP613504.
- 4.0 SEWERAGE WORKS
- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage 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*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 The proposed new connection for Lot 2 on RP613504, with an easement provided over the sewer house drain servicing the caravan park in the south east corner, is not approved.
- 4.4 Lot 2 on RP613504 must be connected to the reticulated sewer network and must be provided with its own separate sewer connection point, located wholly within its respective property boundaries.
- 4.5 All buildings and structures must comply with the provisions of *Queensland Development Code* Mandatory Part 1.4 (MP 1.4), relative to relevant infrastructure.
- 4.6 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*.

5.0 WATER WORKS

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

6.0 PLUMBING AND DRAINAGE WORKS

6.1 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.

6.2 Any alterations to the internal plumbing or sanitary drainage that may be required as a result of the development must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

6.3 Internal plumbing and sanitary drainage must be wholly contained within the lot it serves.

7.0 ELECTRICITY AND TELECOMMUNICATIONS

7.1 Electricity and telecommunication connections must be provided to proposed Lot 2 on RP613504 and Lot 18 on RP604065.

7.2 Evidence must be provided that the existing electricity and telecommunication services to both proposed Lot 2 on RP613504 and Lot 18 on RP604065 are connected to the relevant lot on the proposed frontage of the relevant lots in accordance with the requirements of the relevant authorities.

8.0 ASSET MANAGEMENT

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

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

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

9.0 ENVIRONMENTAL

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

10.0 OPERATING PROCEDURES

10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Percy Ford Street and Scenic Highway.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Property Notes

Direct vehicular ingress from the Scenic Highway is prohibited for Lot 2 on RP613504. Only a left out movement is approved.

NOTE 6. Plumbing and Drainage Works

In accordance with the *Water Supply (Safety and Reliability) Act*, all individual lots must be connected to reticulated water and sewer network. However, considering the existing single use (Caravan Park) across the proposed Lots 17, 18 and 19 on RP604065, it is not practical to have a separate service connections to these lots. Note that any future changes in the use will trigger separate water and sewer service connections.

PART B – MATERIAL CHANGE OF USE FOR SHOPS, OFFICES AND TAKE-AWAY FOOD STORES**11.0 ADMINISTRATION**

- 11.1 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.
- 11.2 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.
- 11.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 11.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 11.5 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.

11.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

11.6.1 Operational Works:

- (i) Road Works;
- (ii) Access and Parking Works;
- (iii) Stormwater Works;
- (iv) Roof and Allotment Drainage Works;
- (v) Site Works; and
- (vi) Landscaping Works.

11.6.2 Plumbing and Drainage Works; and

11.6.3 Building Works.

11.7 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.

11.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

11.9 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.

12.0 APPROVED PLANS AND DOCUMENTS

12.1 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 Number</u>	<u>Dated</u>
Site Plan	462 SP2 / Issue E	24/03/2015
Shops & Carpark Plan	462 SP4 / Issue E	24/03/2015
Elevations	462 SP5 / Issue D	10/03/2015
Preliminary Infrastructure Details	Figure 967-3 / Rev A	14/07/14
Shop and Traffic Layout	462 SP3 / Issue E	24/03/2015
Stormwater Management Concept	Figure 967-SWM-01 / Rev B	8/10/2014
Traffic Impact Report	Ref :G1302/15:140716 Rev B	07/10/2014

12.2 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.

12.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

13.0 ROAD WORKS

- 13.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 13.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 12.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 13.3 A shared concrete pathway with a minimum width of 2.5 metres must be provided along the full length of the development frontage of Percy Ford Street and Scenic Highway.
- 13.4 The existing raised median in Scenic Highway fronting the development site must be extended as a minimum up to opposite the south western corner of existing Lot 2 on RP613504.
- 13.5 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways must incorporate kerb ramps at all road crossing points.
- 13.6 A new bus set-down area, including all weather shelter must replace the existing bus stop and shelter on the Scenic Highway frontage. The works must be designed and constructed in accordance with the *Public Transport Infrastructure Manual*. Details of the bus set-down area and shelter must be provided with any application for a Development Permit for Operational Works (road works).
- 13.7 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 14.0 ACCESS AND PARKING WORKS
- 14.1 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.
- 14.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 12.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 14.3 A new two (2) way access from Percy Ford Street and second egress access (left only) at the Scenic Highway must be designed and constructed.
- 14.4 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*.
- 14.5 A minimum of fifty (50) off-street parking spaces (including universal access spaces) must be provided. Universal access spaces must be provided specifically in accordance with *Australian Standard AS2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 14.6 Bicycle parking spaces must be accommodated within the covered area closest to the amenities as indicated on the approved plan (refer to condition 12.1).
- 14.7 All access driveways, parking spaces and associated vehicle manoeuvring areas must be concrete paved or sealed.
- 14.8 All ingress and egress movements to and from the development must be in a forward gear.
- 14.9 Any application for Operational Works (access works) must include a detailed plan to demonstrate that all turning movements / swept paths of the intended design vehicle are in accordance with relevant Australian Standards. Specifically at the following intersections:

14.9.1 Scenic Highway site egress (with the extended median)

14.9.2 Percy Ford Street site access

Note that any resultant turning movements / swept paths must remain within the carriageway and must not encroach onto any adjacent traffic lanes or cause damage to Council infrastructure.

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

14.11 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standards AS1742.1 "Manual of Uniform Traffic Control Devices"*.

15.0 PLUMBING AND DRAINAGE WORKS

15.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 12.1), *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.

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

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

15.4 A sewerage trade waste permit must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation system. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

15.5 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

15.6 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*.

16.0 STORMWATER WORKS

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

16.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 12.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

16.3 All stormwater must drain so as to demonstrate lawful discharge and must not adversely affect adjoining land or infrastructure when compared to pre-development condition by way of blocking, altering, diverting existing stormwater runoff patterns, or flood storage areas or have the potential to cause damage to other infrastructures.

16.4 Any application for Operational works (stormwater works) must identify all areas of the proposed development, and all other land (which may include land not under the control of the developer), which needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to maintain the lawful discharge or provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*.

16.5 A detention system must be designed and constructed within the development site. The volume of detention provided 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 Defined Flood Event (inclusive) for a range of storm durations including critical storm duration.
- 16.6 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*.
- 16.7 Any application for Operational works (stormwater works) must include but not limited to;
- 16.7.1 An assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios;
- 16.7.2 Storage calculations, detailed designs for the inlet and outlet systems for the proposed detention systems;
- 16.7.3 Details to demonstrate vehicular, pedestrian amenity and safety criteria are met in accordance with *Queensland Urban Drainage Manual*; and
- 16.7.4 Ongoing maintenance and management actions required with regard to detention and retention systems.
- 16.7.5 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy.
- 16.8 Contaminated surface runoff must not be discharged to the stormwater network.
- 17.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 17.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 17.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 17.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 18.0 SITE WORKS
- 18.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 18.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 18.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by a preliminary site investigation into acid sulfate soils in accordance with *State Planning Policy*.
- 18.4 If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works).
- 18.5 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.
- 18.6 All site works must be undertaken to ensure that no actionable nuisance results from:
- 18.6.1 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 events up to Defined Flood Event (inclusive);
- 18.6.2 an increase in downstream or upstream flood inundation levels;
- 18.6.3 And that there is no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development;
- 19.0 LANDSCAPING WORKS
- 19.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 19.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 12.1) and must include, but is not limited to, the following:
- 19.2.1 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, trees in car park areas, fences);
 - (vi) details of landscape structures including areas of deep planting; and
 - (vii) specification notes on mulching and soil preparation.
- 19.2.2 A “Planting Plan” and supporting documentation which includes:
- (i) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden;
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting; and
 - (v) mature screen planting (retention of existing vegetation where possible) to the southern and eastern boundaries.
- 19.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 19.4 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.
- 19.5 The landscape buffer to the southern boundary must be increased to a minimum width of three (3) metres and include retention of existing mature vegetation where possible to create immediate screening.
- 19.6 The approved landscape plans must be augmented with additional planting located between and around the buildings. The additional planting must be designed to

specifically reduce the perceived scale of the buildings and must include advanced plant stock, to create an immediate effect.

19.7 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.

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

20.0 BUILDING WORKS

20.1 The garbage and washdown area shown on the approved plan (refer to condition 12.1) must be setback towards the building so as to be removed from the southern property boundary.

20.2 The locations of buildings and structures must comply with the minimum clearance requirements to relevant infrastructures in accordance with *Queensland Development Code* (MP1.4: Building Over or near relevant infrastructure). Specifically, the proposed locations for the wash-down area and the garbage area must comply with the above code.

20.3 Finished floor level of any habitable floor area must be at minimum 4.35 metres Australian Height Datum.

20.4 Provide a 2.1 metre high screen fence for the full extent of the southern property boundary.

21.0 ELECTRICITY AND TELECOMMUNICATIONS

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

22.0 ASSET MANAGEMENT

22.1 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.

22.2 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.

22.3 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.

23.0 ENVIRONMENTAL

23.1 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.
- 23.2 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.
- 23.3 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.
- 23.4 Implement and maintain the Erosion Control and Stormwater Control Management Plan 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.
- 24.0 OPERATING PROCEDURES
- 24.1 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 Percy Ford Street or Scenic Highway.
- 24.2 Cleaning of plant equipment and vehicles must be carried out in an area where waste water can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 24.3 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.
- 24.4 A Waste Management Plan must be prepared and submitted with the first operational works application in accordance with *Environmental Protection (Waste Management) Regulations*.
- 24.5 This approval is for a commercial development for shops, offices and take-away food stores. The office and take-away food store uses may only be developed to a maximum of two (2) tenancies each (that is two (2) offices and two (2) shops).

ADVISORY NOTES

NOTE 7. 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 8. 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 9. Licensable Activities

Council’s Environment and Public Health Unit should be consulted to determine whether any approvals are required for licensable activities. Such activities may include storage of flammable and combustible liquid and environmentally relevant activities and food business premises. Approval for such activities are required before ‘fitout’ and operation.

NOTE 10. 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 11. Property Notes

- a) Direct vehicular ingress from the Scenic Highway is prohibited for Lot 2 on RP613504. Only a left out movement is approved.
- b) Development approval D/202-2014 is for a commercial development for shops, offices and take-away food stores. The office and take-away food store uses may only be developed to a maximum of two (2) tenancies each (that is two (2) offices and two (2) shops).

Note: This scale has been determined based on the information provided in the application (D/202-2014) and the defined purposes as well as the car parking ratios.

NOTE 12. 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.

RECOMMENDATION D

That in relation to the application for a Development Permit for Reconfiguring a Lot (four lots into four lots) and a Material Change of Use for Shops, Offices and Take -away food stores, made by Paul Bishop, Architect on behalf of Poinciana Ventures Pty Ltd ATF The Poinciana Trust, on Lot 17 on RP604065, Lot 18 on RP604065, Lot 19 on RP604065 and Lot 2 on RP613504, Parish of Hewittville, and located at 9-13 Scenic Highway and Lot 17, 18 and 19 Gregory Street, Cooee Bay, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$88,740.90**.

That the matter lay on the table pending a deputation to the next Council Workshop on 4 August 2015, to return to the Council Meeting on 11 August 2015.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

10.05am

Councillor Belot returned to the meeting.

COUNCIL RESOLUTION

10.05AM

That the meeting be adjourned until 10.30AM

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

10.30AM

That the meeting be resumed

Moved by: Councillor Kelly

Seconded by: Councillor Hutton

MOTION CARRIED

12.4 THE COLOUR EVENT SPONSORSHIP APPROVAL

File No: CR2.2.15
Attachments: 1. Colour Event 2015
Responsible Officer: Trish Weir - Manager Customer Service
Chris Murdoch - Director Corporate Services
Author: Lucy Merry - Executive Support Officer
Meegan Armstrong - Coordinator Stakeholder
Engagement and Events

SUMMARY

The Capricorn Colour Event is seeking sponsorship from Council for their 2015 Event which will be held over the weekend of the 4, 5 and 6 September 2015 and will include a Golf Day, High Tea, Black Tie Ball and a Fun Run.

COUNCIL RESOLUTION

THAT Council supports the event with \$3000 cash sponsorship towards joint naming rights of the Fun Run to be held Sunday 06 September.

Moved by: Councillor Kelly
Seconded by: Councillor Hutton

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

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.

1.1 Acquisition of Land for Road Purposes - Pacific Heights Road, Pacific Heights

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 .

2.2 Acquisition of Land for Road Purposes - Crannys Road Inverness

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 .

3.3 Enforcement Notice for Demolition of Unsafe Structure

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: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

11:08AM

THAT Council moves out of closed session and be open to the public.

Moved by: Councillor Wyatt

Seconded by: Councillor Hutton

MOTION CARRIED

16 CONFIDENTIAL REPORTS

1.1 ACQUISITION OF LAND FOR ROAD PURPOSES - PACIFIC HEIGHTS ROAD, PACIFIC HEIGHTS

File No: 14-118

Attachments:

1. Drawing No 14-118-183 (v2) - *(Confidential)*
2. Option O alignment - *(Confidential)*
3. Option O alignment (aerial) - *(Confidential)*
4. Land under Council control - *(Confidential)*

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Carrie Burnett - Policy & Planning Officer

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

SUMMARY

This report seeks Council's approval to take land for road purposes from a property at Pacific Heights Road, Pacific Heights.

COUNCIL RESOLUTION

THAT Council authorise the Chief Executive Officer to issue a Notice of Intention to Resume in accordance with Section 7 of the Acquisition of Land Act 1967 for the resumption of land from Lot 3 SP153336 described as 'proposed road acquisition area' for the purposes of road generally in accordance with Drawing No. 14-118-183 (v2).

Moved by: Councillor Kelly

Seconded by: Councillor Hutton

MOTION CARRIED

2.2 ACQUISITION OF LAND FOR ROAD PURPOSES - CRANNYS ROAD INVERNESS

File No: 14-118

Attachments:

1. Drawing No 14-118-180 (v2) - *(Confidential)*
2. Option O alignment - *(Confidential)*
3. Option O alignment (aerial) - *(Confidential)*
4. Land under Council control - *(Confidential)*
5. Easement A on RP614857 - *(Confidential)*

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Carrie Burnett - Policy & Planning Officer

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

SUMMARY

This report seeks Council's approval to take land for required for the Northern Strategic Link Road – Panorama Drive from a property at Crannys Road, Inverness.

COUNCIL RESOLUTION

THAT Council authorise the Chief Executive Officer to issue a Notice of Intention to Resume in accordance with Section 7 of the Acquisition of Land Act 1967 for the resumption of land from Lot 12 RP602259 described as:

- a) 'proposed road acquisition area' for the purposes of road generally in accordance with Drawing No. 14-118-180 (v2); and
- b) 'proposed allotment acquisition area' for environmental purposes generally in accordance with Drawing No. 14-118-180 (v2).

Moved by: Councillor Belot

Seconded by: Councillor Wyatt

MOTION CARRIED

3.3 ENFORCEMENT NOTICE FOR DEMOLITION OF UNSAFE STRUCTURE

File No: CR377762

Attachments:

1. Location Plan
2. Photographs

Responsible Officer: Justin Commons - Chief Executive Officer

Author: Brett Bacon - Director Community & Planning 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

This report discusses enforcement action pertaining to a structure which has been identified as structurally unsound and a potential hazard to people and surrounding property.

COUNCIL RESOLUTION

THAT in relation to the structure located on Lot 1 on RP 602607 Council resolves:

- 1) That pursuant to section 248(4) of the *Building Act 1975*, the structure is of a dangerous nature;
- 2) That pursuant to section 249(2) of the *Building Act 1975*, it reasonably believes that it is not possible and practical to repair, rectify, secure or barricade the structure; and
- 3) To issue Enforcement Notices pursuant to section 248(1)(b), (c) and (d) of the *Building Act 1975* for the demolition or removal of the structure.

Moved by: Councillor Mather

Seconded by: Councillor Hutton

MOTION CARRIED

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11.13am.

Bill Ludwig
CHAIRPERSON

DATE