

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

8 SEPTEMBER 2015

The Council resolutions contained within these minutes were confirmed at the Council meeting on 22 September 2015.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 8 SEPTEMBER 2015 COMMENCING AT 9.06AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr Justin Commons – Chief Executive Officer
Mr Jon Rutledge – Acting Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Darryll Schurmann – Manager Finance
Mr Michael Prior – Manager Infrastructure Operations
Ms Leise Childs – Senior Land Protection Officer
Ms Erin McCabe – Coordinator Development Assessment
Ms Melissa Warwick – Senior Strategic Planner
Ms Jenna Brosseuk – Planning Officer
Ms Tara Norley – Support Services Officer – Growth Management & DA
Ms Trish Weir – Manager Customer Service
Ms Meegan Armstrong – Events Officer
Ms Lucy Merry – Councillor Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE - COUNCILLOR TOM WYATT

File No: GV14.4.1

Responsible Officer: Lucy Merry - Executive Support Officer

SUMMARY

Councillor Tom Wyatt has requested leave of absence from 21 to 22 September 2015 inclusive.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Tom Wyatt for the period 21 to 22 September 2015 inclusive.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 25 August 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

9.10AM

In accordance with s172(2) of the Local Government Act 2009, Councillor Graham Scott disclosed a material personal interest in respect of Item 12.2 – Request to Extend the Relevant Period for a Development Permit for a Material Change of Use for Multiple Dwelling Units (Eleven Units) due to work his business, Graham Scott and Associates completed on the project four years ago. Councillor Scott did not take part in the debate and left the meeting.

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 NAMING OF THE FORESHORE AREA AT THE ESPLANADE NEAR KENNEDY STREET, ZILZIE

File No: PR21.3.1
Attachments: 1. Appendix 1
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

Council has been requested to consider naming the foreshore area at the Esplanade near Kennedy Street Zilzie 'Hock Park' in memory of the Hock family, specifically Hermann Hock (deceased 9/5/2012) and Julie Hock (deceased 9/1/2015) and their son Matthew Hock (deceased 1/1/2011).

This request has been assessed in accordance with Council's Naming of Infrastructure Assets Policy and Procedure.

There is overwhelming community support for the foreshore area at the Esplanade near Kennedy Street Zilzie to be named Hock Park.

COUNCIL RESOLUTION

THAT the foreshore area at the Esplanade near Kennedy Street, Zilzie, be named Hock Park in memory of the Hock family.

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

09:10AM Deputy Mayor, Councillor Scott left the meeting due to a conflict of interest he declared in respect to Item 12.2 - Request to Extend the Relevant Period for a Development Permit for a Material Change of Use for Multiple Dwelling Units (Eleven Units).

12.2 REQUEST TO EXTEND THE RELEVANT PERIOD FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING UNITS (ELEVEN UNITS)

File No: D437-2010

Attachments:

1. Locality Plan
2. Proposal Plans

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

Author: Jenna Brosseuk - Planning Officer

SUMMARY

Development Application Number: D/437-2010

Applicant: Sharon Kearney

Real Property Address: Lot 17 on SP149615, Parish of Yeppoon

Common Property Address: 82 Farnborough Road, Meikleville Hill

Area of Site: 1,190 square metres

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Residential Zone, R3 Precinct

Planning Scheme Overlays: Planning Scheme Map 10 – Locally Significant Vegetation; Overlay Map O2 – Erosion Prone Land; Overlay Map O2 – Steep Land; Overlay Map O5 – Stormtide Hazard; Overlay Map O7 – Farnborough Groundwater Area; Overlay Map O8 – Acid Sulfate Soils (20 metre and 5 metre AHD Contours)

Existing Development: Dwelling house

Existing Approvals: Development Permit D/437-2010 for a Material Change of Use for Multiple dwelling units (eleven units)

Approval Sought: Request to extend the relevant period for Development Permit D/437-2010 for Multiple dwelling units (eleven units)

Level of Assessment: Code Assessable

Submissions: Not applicable

Referral Agency(s): Department of Environment and Resource Management – Advice Agency (now known as the Department of Infrastructure, Local Government and Planning)

COUNCIL RESOLUTION

THAT in relation to the request to extend the relevant period for Development Permit D/437-2010, made by Sharon Kearney on land described as Lot 17 on SP149615, Parish of Yeppoon, and located at 82 Farnborough Road, Meikleville Hill, Council resolves to approve the request and extend the relevant period up until 29 July 2019 on the basis that an amended infrastructure charges notice is issued as per Recommendation C.

OFFICER'S RECOMMENDATION B

THAT in relation to the request to extend the relevant period for Development Permit D/437-

2010, made by Sharon Kearney on land described as Lot 17 on SP149615, Parish of Yeppoon, and located at 82 Farnborough Road, Meikleville Hill, Council resolves to provide written notice of the extension to the applicant as per section 389 of the *Sustainable Planning Act 2009* by way of an amended decision notice that replaces the current relevant period wording at item six (6) of the notice with the following:

- 1) This approval lapses if the change of use authorised by this approval does not start, in accordance with the approval conditions, by 29 July 2019.

OFFICER'S RECOMMENDATION C

THAT in relation to the request to extend the relevant period for Development Permit D/437-2010 for a Material Change of Use for Multiple Dwelling Units (eleven units) made by Sharon Kearney on land described as Lot 17 on SP149615, Parish of Yeppoon, and located at 82 Farnborough Road, Meikleville Hill, Council resolves to issue an amended infrastructure charges notice for \$150,000.00 in accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2014 and section 626, 635(2), 976B and 977 of the *Sustainable Planning Act 2009*.

Moved by: Councillor Hutton

Seconded by: Councillor Belot

MOTION CARRIED UNANIMOUSLY

09:25AM Deputy Mayor, Councillor Scott returned to the meeting.

12.3 HERBICIDE/PESTICIDE POLICY

File No: CM4.7.35
Attachments: 1. Livingstone Shire Council Draft
Herbicide/Pesticide Policy
Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services
Author: Leise Childs - Senior Land Protection Officer

SUMMARY

This report provides the relevant information to support the adoption of a Herbicide/Pesticide Policy by Livingstone Shire Council. This Policy has been developed in consultation with a working group consisting of representatives from Council, State agencies, local Natural Resource Management groups and the community.

OFFICER'S RECOMMENDATION

THAT Council adopt the Herbicide/Pesticide Policy (Community Policy) as detailed in Attachment One.

Procedural Motion**COUNCIL RESOLUTION**

That the matter regarding herbicide/pesticide policy lay on the table pending further discussion and return to a future Council Meeting.

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

12.4 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JULY 2015

File No: FM12.4.1
Attachments: 1. Income Statement - July 2015
2. Graphs - July 2015
Responsible Officer: Chris Murdoch - 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 July 2015.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Summary Budget Management Report for the Period Ended 31 July 2015 be 'received'.

Moved by: Councillor Mather
Seconded by: Councillor Hutton
MOTION CARRIED

12.5 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING UNITS (TEN UNITS)

File No: D/97-2015

Attachments:

1. Locality Plan
2. Proposal Plans

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/97-2015

Applicant: Anthony Francis

Real Property Address: Lot 53 on SP201917 and Lot 512 on SP220204, Parish of Hewittville

Common Property Address: 43-45 and 47 Thomas Street, Emu Park

Area of Site: 6,070 square metres

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Residential R1 Zone

Planning Scheme Overlays: Nil

Existing Development: Vacant land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for Multiple dwelling units (ten units)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

Application Lodged:	26 May 2015
Application properly made:	3 June 2015
Acknowledgment Notice sent:	17 June 2015
Request for Further Information sent:	24 June 2015
Request for Further Information responded to:	19 July 2015
Submission period commenced:	27 July 2015
Submission period end:	18 August 2015
Notice of compliance received:	20 August 2015
Statutory determination date:	17 September 2015

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling units (ten units), made by Anthony Francis, on Lot 512 on SP220204 and Lot 53 on SP201917, Parish of Hewittville and located at 43-45 and 47 Thomas Street, Emu Park, Council resolves to Approve the application, despite the conflict with the Planning Scheme based on the following sufficient grounds:

- (a) The development is consistent with the scale and density of the existing residential uses, resulting in one (1) unit per 600 square metres of site area. In addition the siting (internal orientation) and design (single storey) of the development will not result in a visual dominance of the streetscape and is not considered to adversely impact upon the amenity or privacy enjoyed in the locality.
- (b) The development, being ten (10) Multiple dwelling units, will provide for an alternative housing choice within the locality to support different life cycle stages of the community.
- (c) Assessment of the development demonstrates that the *Livingstone Shire Planning Scheme 2005* Desired Environmental Outcomes will not be compromised.
- (d) The proposed development does not conflict with the State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling units (ten units), made by Anthony Francis, on Lot 512 on SP220204 and Lot 53 on SP201917, Parish of Hewittville and located at 43-45 and 47 Thomas Street, Emu Park, 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 their purposes:
 - 1.6.1 Operational Works:
 - (i) Access Works;
 - (ii) Roof and Allotment Drainage Works;
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works

must be obtained prior to the issue of a Development Permit for Building Works.

- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 Lot 53 on SP201917 and Lot 512 on SP220204 must be amalgamated and registered as one title prior to the issue of a Development Permit for Building Works.

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 Number</u>	<u>Dated</u>
Site Plan – Proposed Timber Framed Dwellings for Anthony Francis	No reference no.	No date
Frontage Landscape	Project 2015.01	25/04/2015
Floor Plan (Residence 1)	Job No. 142178 (1) Sheet 2 of 5	Sept 2014
Floor Plan (Residence 2)	Job No. 142178 (1) Sheet 2 of 5	Sept 2014
Rear Elevation, Front Elevation, Left Elevation, Right Elevation (Residence 1)	Job No. 142178(1) Sheet 3 of 5	Sept 2014
Rear Elevation, Front Elevation, Left Elevation, Right Elevation	Job No. 142178(2) Sheet 3 of 6	Sept 2014
Proposed Water Reticulation	No reference no.	No date
Proposed Sewer Reticulation	No reference no.	No date
Stormwater Management Report 45-47 Thomas Street, Emu Park	Revision B	07/05/2015

- 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 endorsement by Council prior to the submission of a Development Application for Operational Works.
- ## 3.0 STAGED DEVELOPMENT
- 3.1 This approval is for a development to be undertaken in five (5) discrete stages, namely:
- 3.1.1 Dwelling 1 and Dwelling 2 (Stage One);

- 3.1.2 Dwelling 9 and Dwelling 10 (Stage Two);
 - 3.1.3 Dwelling 3 and Dwelling 4 (Stage Three);
 - 3.1.4 Dwelling 5 and Dwelling 6 (Stage Four);
 - 3.1.5 Dwelling 7 and Dwelling 8 (Stage Five);
- in accordance with the approved Site Plan (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).
- 4.3 All access, driveways, parking spaces and associated vehicle manoeuvring areas must be concrete paved or asphalted.
- 4.4 All vehicular entry and exit at the property boundary must be in a forward direction.
- 4.5 Manoeuvring areas must be designed and constructed to allow two (2) way movements of opposing vehicles along the access way.
- 4.6 All stormwater from the access driveways, parking and vehicular manoeuvring areas must be collected within the site and drained to the lawful point of discharge in accordance with *Queensland Urban Drainage Manual*.
- 4.7 A minimum of two (2) off street parking spaces must be provided for each dwelling. One (1) may be tandem and uncovered.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 All works must be designed and constructed in accordance with the approved plans and documents (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.2 The development must be connected to Council's external reticulated water and sewerage networks.
- 5.3 The existing connection points must be retained and upgraded, if necessary, to service the development.
- 5.4 Any existing connection point(s) that becomes redundant must be disconnected.
- 5.5 The development must be provided with a master meter at the property boundary and sub meters for each sole occupancy dwelling unit in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 5.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.7 All internal plumbing and sanitary works for each proposed unit must be independent and in accordance with the regulated work under the *Plumbing and Drainage Act*.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 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.
- 6.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

- 6.3 All stormwater from the external catchment must be managed 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 run-off run-off patterns or have the potential to cause an actionable nuisance.
- 6.4 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 an actionable nuisance to adjoining land or properties and infrastructure.
- 6.5 Each dwelling unit must be provided with a water storage tank for stormwater harvesting and detention in accordance with the approved Stormwater Management Report and the *Plumbing and Drainage Act*.
- 7.0 SITE WORKS
- 7.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 7.3 All site works must be undertaken to ensure that there is:
- 7.3.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 7.3.2 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; and
 - 7.3.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.
- 8.0 BUILDING WORKS
- 8.1 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).
- 8.2 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.
- 8.3 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"*.
- 8.4 The site must be fenced along the northern (rear), eastern (side) and western (side) boundaries with a 1.8 metre high minimum twenty (20) per cent transparent (being an eighty (80) per cent solid) fence to ensure privacy and security to adjoining residential properties and the private open space areas of the development. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.
- 8.5 All units must be provided with open-air clothes drying facilities and the facilities must be screened from public view.
- 8.6 All waste storage areas must be aesthetically screened from any frontage or adjoining property.

9.0 LANDSCAPING WORKS

- 9.1 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.2 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 9.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 9.4 The development must be provided with a minimum three (3) metre wide landscaped area to the Thomas Street frontage, excluding any vehicular ingress/egress area.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of 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 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 12.3 An Erosion Control and Stormwater Control Management Plan must be implanted 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 Thomas Street.
- 13.2 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with the Adopted Infrastructure Charges Resolution (No.2) 2015. The charges are presented on an Infrastructure Charges Notice provided with this permit.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling units (ten units), made by Anthony Francis, on Lot 512 on SP220204 and Lot 53 on SP201917, Parish of Hewittville and located at 43-45 and 47 Thomas Street, Emu Park, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$108,000.00.**

Moved by: Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED

12.6 YEPPON FORESHORE AND TOWN CENTRE REVITALISATION PROJECT

File No: EM11.12.4
Attachments: 1. Draft Project Governance Arrangements
Responsible Officer: Justin Commons - Chief Executive Officer
Author: Justin Commons - Chief Executive Officer

SUMMARY

Project Governance for the Yeppoon Foreshore and Town Centre Revitalisation Project is critical for the success of the project. The establishment of a Steering Committee to oversight the delivery of the project and to ensure project objectives are realised is a key element of the project governance arrangements for this project.

COUNCIL RESOLUTION

THAT Council adopt the Project Governance Arrangements as attached to this report for incorporation into the Yeppoon Foreshore and Town Centre Revitalisation Project Management Plan.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Hutton

MOTION CARRIED

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

Leave granted.

Meeting procedures were suspended at 10:02am.

Meeting procedures resumed at 10:28am.

L.1 YEPPOON FORESHORE AND TOWN CENTRE REVITALISATION COMMUNITY ENGAGEMENT PLAN**File No:** EM11.12.14**Attachments:** 1. **Community Engagement Plan Yeppoon Foreshore and Town Centre Revitalisation Project****Responsible Officer:** Justin Commons - Chief Executive Officer**Author:** Suzanne Pambid - PA to the CEO

SUMMARY

Community Engagement and Communication for the Yeppoon Foreshore and Town Centre Revitalisation Project is critical for the success of the project. The establishment of a Community Engagement Plan to ensure the community is engaged and actively contribute to project outcomes acclaimed by all is a key element of the project governance arrangements for this project.

COUNCIL RESOLUTION

THAT Council adopt the *Community Engagement Plan* as amended for the Yeppoon Foreshore and Town Centre Revitalisation Project.

Moved by: Councillor Hutton**Seconded by:** Mayor Ludwig**MOTION CARRIED**

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS**13.1 NOTICE OF MOTION - COUNCILLOR NIGEL HUTTON - HORIZON EARLY INTERVENTION PROGRAM****File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Horizon Early Intervention Program**Responsible Officer:** Justin Commons - Chief Executive Officer

SUMMARY

Councillor Nigel Hutton has indicated his intention to move the following Notice of Motion at the next Council Meeting on 8th September 2015.

COUNCIL RESOLUTION

THAT Council undertake the following actions:

- 1) Support and promote the petition for the Horizon Early Intervention program for youth 'at risk' in Central Queensland.
- 2) Advocate and make representations to the state government to secure future funding for the Horizon Early Intervention program for Youth 'at risk' in Central Queensland.

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

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

11.45AM

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 Funding Application for Building Our Regions

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

16.2 Request For Access: 5 Golding Street, EMU PARK

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

16.3 Muskera Beach Revetment Wall Project - Update on Tenders Received for Construction

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.

16.4 Yeppoon Beachfront Stage and Amphitheatre Shade Structures

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.

Moved by: Councillor Kelly
Seconded by: Councillor Mather

MOTION CARRIED

- 12:02PM Mayor Ludwig left the meeting.
12:05PM Mayor Ludwig returned to the meeting.
12:13PM Councillor Belot left the meeting.
12:16PM Councillor Belot returned to the meeting.
12:26PM Councillor Hutton left the meeting.
12:30PM Councillor Hutton returned to the meeting.
12:32PM Mayor Ludwig left the meeting.

COUNCIL RESOLUTION

1:17PM

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

Moved by: Councillor Mather

Seconded by: Councillor Belot

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 FUNDING APPLICATION FOR BUILDING OUR REGIONS

File No: GS15.2.9

Attachments: Nil

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)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

SUMMARY

This report pertains to a funding application pursuant to the Queensland Government's *Building Our Regions* programme.

COUNCIL RESOLUTION

THAT Council resolves to:

- 1) confirm its support and commitment to the delivery of the *Emu Park Foreshore Revitalisation Project* (including all operational and maintenance aspects of the development);
- 2) submit a funding application to the Queensland Government's *Building Our Regions* programme for \$950,000; and
- 3) allocate \$1,250,000 within its 2015-016 and 2016-2017 budgets to complement the funding requested through the *Building Our Regions* programme.
- 4) Finalise the Concept Plan and Business Case for the Emu Park Foreshore Revitalisation Project for Council's ratification.
- 5) Develop a Community Engagement Plan for this project.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

16.2 REQUEST FOR ACCESS: 5 GOLDING STREET, EMU PARK**File No:** CP5.9.2**Attachments:** 1. 5 Golding Street Attachments**Responsible Officer:** Darryll Schurmann - Manager Finance
Chris Murdoch - Director Corporate Services**Author:** Mark McLean - Senior Property & Contracts 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

Livingstone Shire Council (LSC) is the owner of 5 Golding Street, Emu Park.

The purpose of this report is to provide information in relation to an enquiry from the owner of an adjoining property i.e. 32 Marine Parade, Emu Park in relation to the extension of the existing 5 metre wide access easement area on LSC's property and obtain a resolution from Council in relation to this request.

COUNCIL RESOLUTION

THAT Council resolve to refuse the request for an extension of the existing access easement on 5 Golding Street and the applicant be advised that Council is currently reviewing a number of properties for potential sale including 5 Golding Street.

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

16.3 MUSKERS BEACH REVETMENT WALL PROJECT - UPDATE ON TENDERS RECEIVED FOR CONSTRUCTION**File No:** EM11.12.4-001**Attachments:** 1. **Muskers Beach Revetment Wall Tender Assessment Recommendation****Responsible Officer:** **Justin Commons - Chief Executive Officer****Author:** **Dan Toon - Director Infrastructure Services**

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

This report provides an update to Council for the tenders received for construction of the proposed revetment wall at Muskens Beach, details of the preferred tender, and seeks endorsement for the next stage of consultation with property owners to facilitate the final decision regarding whether or not to proceed with construction.

COUNCIL RESOLUTION

THAT Council resolve to adopt Option 2 as detailed in the Commentary Section of this report.

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

16.4 YEPPON BEACHFRONT STAGE AND AMPHITHEATRE SHADE STRUCTURES**File No:** 14-109**Attachments:** Nil**Responsible Officer:** Justin Commons - Chief Executive Officer**Author:** Justin Commons - Chief Executive Officer

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

This report has been prepared to provide Council with an update for the Yeppoon Beachfront Stage and Amphitheatre Stage Structures Project and to propose a course of action in response to circumstances that have emerged recently.

COUNCIL RESOLUTION

THAT Council endorse the proposed course of action outlined in this report.

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

17 CLOSURE OF MEETING

There being no further business the meeting closed at 1.19PM.

Bill Ludwig
CHAIRPERSON

DATE