

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

27 OCTOBER 2015

The Council resolutions contained within these minutes were confirmed at the Council meeting on 10 November 2015.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 27 OCTOBER 2015 COMMENCING AT 9.04AM

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 Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Mr Darryll Schurmann – Chief Financial Officer
Ms Melissa Minter – Coordinator Community Partnership
Ms Erin McCabe – Coordinator Development Assessment
Ms Jenna Brosseuk – Acting Senior Planning Officer
Ms Rhiannon Casey – Acting Planning Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 13 October 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly
Seconded by: Councillor Mather

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 16 October 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Wyatt
Seconded by: Councillor Belot

MOTION CARRIED

7 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

9.48AM

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Graham Scott disclosed a perceived conflict of interest in respect of Item 12.3 – Request to Extend the Relevant Period for Development Permit D/90-2011 for Multiple Dwelling Units (Eleven Units) due to his former business completing civil works designs for the project in 2011. Councillor Scott having considered this perceived conflict of interest, left the meeting.

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. Business Outstanding Table
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 Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN OFFICE

File No: D/153-2015

Attachments:

1. Locality Plan
2. Proposal Plans

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

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Development Application Number: D/153-2015

Applicant: Durisdeer Pty Ltd Atf Durisdeer Super Fund

Real Property Address: 31 Charles Street, Yeppoon

Common Property Address: Lot 60 on RP602613

Area of Site: 1,267 square metres

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Residential Zone, R2 Precinct

Planning Scheme Overlays: Overlay Map O2 – Drainage Problem;
Overlay Map O3 – Wetlands 100 metre Buffer;
Overlay Map O5 – Storm tide Hazard; and
Overlay Map O8 – Acid Sulfate Soils (5 metre and 20 metre AHD contours).

Existing Development: Dwelling house

Existing Approvals: BP1730 for a Dwelling addition

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

Level of Assessment: Impact assessable

Submissions: Nil

Referral Agency(s): Not applicable

Adopted Infrastructure Charges Area: Charge Area One (1)

Application Progress:

<i>Application Lodged:</i>	14 July 2015
<i>Acknowledgement Notice sent:</i>	22 July 2015
<i>Request for Further Information sent:</i>	5 August 2015
<i>Request for Further Information responded to:</i>	19 August 2015
<i>Submission period commenced:</i>	26 August 2015
<i>Submission period end:</i>	21 September 2015
<i>Notice of Compliance from applicant:</i>	28 September 2015

<i>Last receipt of information from applicant:</i>	<i>28 September 2015</i>
<i>Council Meeting date:</i>	<i>27 October 2015</i>
<i>Statutory determination date:</i>	<i>27 October 2015</i>

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for an Office, made by Durisdeer Pty Ltd Aft Durisdeer Super Fund, on Lot 60 on RP602613, Parish of Yeppoon and located at 31 Charles Street, Yeppoon, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- (a) Assessment of the development against the Specific Outcomes of the Residential Zone and the relevant planning scheme codes, demonstrates that the proposed use will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.
- (b) The site is located within a predominantly light industrial and commercial area along Charles Street, Yeppoon and within proximity to Tanby Road, Yeppoon. The proposed development is considered to be reflective of the commercial land use pattern in the locality. It will provide an alternative commercial office location within proximity to major transport routes and located within the diversifying industrial and commercial area along Tanby Road and Charles Street, Yeppoon.
- (c) The proposed development involves the reuse of an existing residential building and is of a small scale such that will not jeopardise the character or amenity of the area.
- (d) Assessment of the development demonstrates that the Planning Scheme Shire Wide Desired Environmental Outcomes will not be compromised.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Office, made by Durisdeer Pty Ltd Aft Durisdeer Super Fund, on Lot 60 on RP602613, Parish of Yeppoon and located at 31 Charles Street, Yeppoon, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.

- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Access Works;
- 1.6.2 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.

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>
Existing & Proposed Site Plans	MCU-01, Sheet 01 of 06, Revision A	13 July 2015
Existing & Proposed Floor Plans	MCU-02, Sheet 02 of 06, Revision A	13 July 2015
Proposed Area Plans	MCU-03, Sheet 03 of 06, Revision A	13 July 2015
Proposed Elevations	MCU-04, Sheet 04 of 06, Revision A	13 July 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 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 All access, parking and associated vehicle manoeuvring areas must be sealed (concrete paved or asphalted).
- 3.4 All stormwater runoff from access and parking areas must drain to a lawful point of discharge in accordance with *Queensland Urban Drainage Manual*.
- 3.5 All vehicular ingress and egress to and from the site must be in a forward direction.

- 3.6 Three (3) on-site parking spaces, including one universal car parking space, and sufficient onsite vehicle manoeuvring areas must be provided.
- 3.7 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. The universal parking space must be in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 3.8 An exit directional sign must be installed along the private access driveway illustrating left turn exit only. The sign must be in accordance with the *Manual of Uniform Traffic Control Devices*.
- 4.0 All vehicles access the property must do so in a left in and left out movement only. A property note will be included to this effect.
- 4.1 The redundant vehicular crossing must be removed and replaced with kerb and channel in accordance with the *Capricorn Municipal Development Guidelines*.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 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*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.2 The existing water and sewer connection points must be retained, and upgraded if necessary, to service the development.
- 5.3 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 5.4 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 6.0 STORMWATER WORKS
- 6.1 All stormwater drainage works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual and Capricorn Municipal Development Guidelines*.
- 6.2 All stormwater including roof water must drain so as to demonstrate lawful discharge and must not adversely affect adjoining land or infrastructure when compared to pre-development condition by way of blocking, altering, diverting existing stormwater runoff patterns, or have the potential to cause damage to other infrastructures.
- 7.0 BUILDING WORKS
- 7.1 All structures must maintain a clearance of two (2) metres to any sewerage infrastructure.
- 8.0 SITE WORKS
- 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 8.2 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.
- 9.0 LANDSCAPING WORKS
- 9.1 All landscaping must be constructed and or established, in accordance with the approved plans.
- 9.2 Large trees must not be planted within one (1) metre of the centreline of any

sewerage infrastructure. Small shrubs and groundcover are acceptable.

9.3 Landscaping, or any part thereof, upon reaching full maturity, must not:

9.3.1 obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;

9.3.2 adversely affect any road lighting or public space lighting; or

9.3.3 adversely affect any Council infrastructure, or public utility asset.

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

10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

11.0 ASSET MANAGEMENT

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

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

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

12.0 ENVIRONMENTAL

12.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulphate soils;
- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;
- (vii) interim drainage plan during construction;
- (viii) construction programme;
- (ix) geotechnical issues;
- (x) weed control;
- (xi) bushfire management;
- (xii) emergency vehicle access;
- (xiii) noise and dust suppression; and
- (xiv) waste management.

12.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 12.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 12.4 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 13.0 OPERATING PROCEDURES
- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Charles Street.
- 13.2 All waste storage areas must be:
- 13.2.1 Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place; and
 - 13.2.2 of a minimum size to accommodate wheelie type bins in accordance with the *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 and Multicultural Partnerships website <https://www.datsip.qld.gov.au/>

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Property Notes

All vehicles to and from Charles Street and the site must be in a left in and left out movement only. It is unlawful for a vehicle to cross the road chevron marking to enter or exit the site in a right in and right out to Charles Street. A property note will be included to this effect.

NOTE 6. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline* Drawings) may be accepted in place of the Development Permit for Operational Works (access works).

NOTE 7. Infrastructure

Any construction works proposed in the vicinity of Council's existing water supply and sewerage infrastructure must not adversely affect the integrity of the infrastructure. Any restoration works required on the existing water supply and sewerage infrastructure, caused by the construction of the proposed development, must be borne by the applicant.

NOTE 8. Certificate of Classification

It is advised that a Change of Class building application is required to change the Dwelling house (Class 1) building to Professional offices (Class 5). Please contact Council's Building Unit for further information.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for an Office, made by Durisdeer Pty Ltd Aft Durisdeer Super Fund, on Lot 60 on RP602613, Parish of Yeppoon and located at 31 Charles Street, Yeppoon, Council resolves that no Infrastructure Charges will apply, as the proposed use does not incur charges. A credit of \$7,502.50 will attach to the land.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Wyatt

MOTION CARRIED

12.2 LIVINGSTONE SHIRE COUNCIL / KEPPEL BAY SAILING CLUB COMMUNITY GRANTS SCHEME ROUND 1 2015-2016 - 'NEW BEGINNINGS'

File No: CR2.15.3
Attachments: Nil
Responsible Officer: Ian Dare - Manager Community Wellbeing
 Brett Bacon - Director Community & Planning Services
Author: Melissa Minter - Co-ordinator Community Partnership

SUMMARY

The August 2015 round of the 2015-2016 Livingstone Shire Council / Keppel Bay Sailing Club Community Grants Scheme closed on 8 October 2015. A total of twenty-two (22) applications were received and subsequently assessed by the Funding Panel. This report provides an overview of the assessment and makes recommendations pertaining to the distribution of funds from the current round.

COUNCIL RESOLUTION

THAT Council approve the following grant applications, to be funded through Round One (1) of the 2015-2016 Livingstone Shire Council / Keppel Bay Sailing Club Community Grants Scheme 'New Beginnings' :

Applicant	Detail	Location	Amount (\$)	Notes
Capricorn Coast Netball Association	Goal post protectors	Yeppoon	3,000.00	Part funded
Yeppoon Australian Football Club Inc.	Repatriation of the playing surface	Yeppoon	5,000.00	
Guides Queensland – Kooyalee Outdoor Education Centre	Kooyalee Mattresses	Capricorn Coast	2,064.00	
PCYC Yeppoon	Lifesize Games Lego Club	Yeppoon	5,000.00	
4 NAG	Radio studio seating upgrade	Capricorn Coast	1,091.00	
Marlborough Swimming Pool club Inc.	Lane ropes	Marlborough	3,800.00	
Yeppoon Recreation Youth Club Incorporated	Outdoor community space – phase 1 – sandstone steps	Yeppoon	5,000.00	
Woodbury and District Sports and Recreation Club	Clubhouse repair	Woodbury	5,000.00	
The Caves Recreational Hall Incorporated	Paint exterior of hall	The Caves	5,000.00	
Keppel Sands Community Advancement League Inc.	Maintenance of open spaces (purchase of gardening equipment)	Keppel Sands	957.62	

Carinity Youth on Track	Gable Roof Shelter (quiet space)	Yeppoon	4,410.00	
Cawarral School of Arts Association	Shade sails Cawarral Hall	Cawarral	1,752.00	
Yeppoon Swimming Club Incorporated	Yeppoon Sharks shade equipment with club logo	Yeppoon	2,996.00	Partially fund
Yeppoon Bridge Club Incorporated	Barrier Reef Bridge Congress 2017	Yeppoon	1,000.00	Start-up for planning dollars supported
Yeppoon Oztag Sporting Association	Yeppoon Oztag Equipment purchase	Yeppoon and Emu Park	3,837.00	Partially fund
TOTAL \$ Expended = \$ 49,907.62				

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

09:48AM Deputy Mayor, Councillor Scott left the meeting due to a perceived conflict of interest he declared in respect of Item 12.3 – Request to Extend the Relevant Period for Development Permit D/90-2011 for Multiple Dwelling Units (Eleven Units).

12.3 REQUEST TO EXTEND THE RELEVANT PERIOD FOR DEVELOPMENT PERMIT D/90-2011 FOR MULTIPLE DWELLING UNITS (ELEVEN UNITS)

File No: D/90-2011

Attachments:

1. Locality Plan
2. Site Plan

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

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Development Application Number: D/90-2011

Applicant: Gary Jeffreys

Real Property Address: Lot 131 on SP226564, Parish of Hewittville

Common Property Address: 106 Pattison Street, Emu Park

Area of Site: 3,667 square metres

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Residential Zone, R2 Precinct

Planning Scheme Overlays: Overlay O2 – Wetlands 100 metre buffer; and
Overlay O8 – Acid Sulfate Soils (twenty (20) metre AHD Contour).

Existing Development: Dwelling house

Existing Approvals: Development Permit D/90-2011 for a Material Change of Use for Multiple dwelling units (eleven units)

Approval Sought: Request to extend the relevant period for Development Permit D/90-2011 for Multiple Dwelling Units (eleven units)

Level of Assessment: Impact assessable

Submissions: Two (2) submissions

Referral Agency(s): Department of Transport and Main Roads

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the request to extend the relevant period for Development Permit D/90-2011, made by Gary Jeffreys, on behalf of GT Jeffreys on land described as Lot 131 on SP226564, Parish of Hewittville, and located at 106 Pattison Street, Emu Park, Council resolves to approve the request and extend the relevant period up until 3 October 2019 on the basis that an amended infrastructure charges notice is issued as per Recommendation C.

RECOMMENDATION B

That in relation to the request to extend the relevant period for Development Permit D/90-2011, made by Gary Jeffreys, on behalf of GT Jeffreys on land described as Lot 131 on SP226564, Parish of Hewittville, and located at 106 Pattison Street, Emu Park, 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 five (5) 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 3 October 2019.

RECOMMENDATION C

That in relation to the request to extend the relevant period for Development Permit D/90-2011, made by Gary Jeffreys, on behalf of GT Jeffreys on land described as Lot 131 on SP226564, Parish of Hewittville, and located at 106 Pattison Street, Emu Park, Council resolves to issue an amended infrastructure charges notice for \$162,000.00 in accordance with Council's Adopted Infrastructure Charges Resolution (No. 2) 2015 and section 626, 635(2), 976B and 977 of the *Sustainable Planning Act 2009*.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

10:04AM Deputy Mayor, Councillor Scott returned to the meeting.

12.4 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/178-2015

Attachments:

1. Locality Plan
2. Proposal Plan
3. House Plans

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

Author: Rhiannon Casey - Assistant Planner

SUMMARY

Development Application Number: D/178-2015

Applicant: Jesse William Hawke

Real Property Address: part of Lot 1 on MPH31007, Parish of Yeppoon

Common Property Address: 8 Bondoola Road, Bondoola

Area of Site: 21.4 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map O2 – Drainage Problem; and
Overlay Map O3 – Wetlands and Waterways

Existing Development: D/350-2011 (Extension to Outdoor Recreation (Clubhouse) – on other side of road, for the existing golf driving range)

Existing Approvals: D/350-2011 (Extension to Outdoor Recreation (Clubhouse) – on other side of road, for the existing golf driving range)
P-166-2013/PLUMB (on-site waste water)

Approval Sought: Development Permit for a Material Change of Use for a Dwelling house

Level of Assessment: Code Assessable

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

Adopted Infrastructure Charges Area: Outside of Priority Infrastructure Area

Application Progress:

Application Lodged:	11 August 2015
Acknowledgement Notice Issued:	24 August 2015
DILGP Notification Received:	26 August 2015
DILGP Response Received:	30 September 2015
Council meeting:	27 October 2015
Statutory determination date:	29 October 2015

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling house, made by Jesse William Hawke, on part Lot 1 on MPH31007, Parish of Yeppoon, and located at 8 Bondoola Road, Bondoola, Council resolves to approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Plumbing and Drainage Works; and
- 1.6.2 Building Works.
- 1.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	Sheet 1 of 4 Issue A	27 April 2015
Floor Plan	Sheet 2 of 4 Issue A	27 April 2015
North West and North East Elevations	Sheet 3 of 4 Issue A	27 April 2015
South East and South West Elevations	Sheet 4 of 4 Issue A	27 April 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 submission of a Development Application for Building Works.
- 3.0 ACCESS WORKS
- 3.1 All vehicular access to and from the site must be via the existing access track that extends south from the Cobraball Road. Direct vehicular access via Yeppoon Road is prohibited. A property note to this effect will be placed against the lot.
- 3.2 The existing gravel surface in the road reserve between Yeppoon Road and Cobraball Road works may be lightly graded and rolled to the extent of light minor maintenance works only.
- 3.3 The existing vehicular access to the proposed dwelling house location must not be altered by way of raising the profile or causing a change to the existing flow of stormwater runoff that would cause an actionable nuisance.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*, Queensland Plumbing and Wastewater Code, *Australian Plumbing and Drainage Standard AS3500 sections 3 and 4 (reflux valve, overflow relief gully, where surcharge is likely to occur, in flooding are)*, *Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 An on-site sewerage treatment and disposal facility must be provided.
- 4.3 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.
- 4.4 Adequate on-site water storage for domestic and fire fighting purposes must be provided for the use and may include the provision of a bore, dams, water storage tanks or a combination of each (acceptable solution). The water storage must be easily accessible having regard to pedestrian and vehicular access.
- 5.0 STORMWATER WORKS
- 5.1 All stormwater including any roof water must drain so as to demonstrate lawful discharge and must not adversely affect adjoining land or infrastructure when compared to pre-development condition by way of blocking, altering, diverting existing stormwater runoff patterns, or flood storage areas or have the potential to cause damage to other infrastructure.
- 6.0 SITE WORKS
- 6.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 6.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, reduce floodplain storage or increase flood levels or velocities or cause a nuisance or worsening to adjoining properties or infrastructure.
- 7.0 BUILDING WORKS
- 7.1 The minimum habitable floor height must be 52.60 metres Australian Height Datum.
- 8.0 ELECTRICITY AND TELECOMMUNICATIONS
- 8.1 Electricity and telecommunication connections must be provided to the proposed

development to the standards of the relevant authorities.

9.0 ASSET MANAGEMENT

- 9.1 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.
- 9.2 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.
- 9.3 '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.

10.0 ENVIRONMENTAL

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

11.0 OPERATING PROCEDURES

- 11.1 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 Yeppoon Road or Cobraball Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

Direct vehicular access via Yeppoon Road is prohibited. All vehicular access to

and from the site must be via the existing access track that extends south from the Cobraball Road.

NOTE 5. Access works in unconstructed road reserve

This permit allows for access to the site along the existing road reserve with only minor maintenance allowed on the surface. Any additional works, such as placement of additional materials or fill or placement of pipework will constitute operational works and trigger a Development Permit for Operational Works (access works in road reserve) to Council.

NOTE 6. Property Note (flooding)

- a. The minimum habitable floor height must be 52.60 metres Australian Height Datum.
- b. Based on hydrology and hydraulic modelling undertaken for the property by Council's Infrastructure, Planning and Design unit, the site is subject to flooding (Q100 water surface level). Council's conditions for Development Permit D178/2015 require the minimum habitable floor height to be 52.60 metres Australian Height Datum,

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Dwelling house, made by Jesse William Hawke, on Lot 1 on MPH31007, Parish of Yeppoon, and located at 8 Bondoola Road, Bondoola, Council resolves that no Infrastructure Charges will apply given the credit applicable to the land.

Moved by: Councillor Belot

Seconded by: Councillor Hutton

MOTION CARRIED

12.5 MUSKERS BEACH REVETMENT WALL PROJECT - RESULTS FROM PROPERTY OWNER SURVEY**File No:** EM11.12.4-001**Attachments:**

1. Survey Form - September 2015 - 40 Reef to 22 Kennedy, Zilzie
2. Survey Form - September 2015 - 42 to 48 Reef Street, Zilzie
3. Letter to Residents - 40 Reef Street to 22 Kennedy Street, Zilzie
4. Letter to Residents - 42 to 48 Reef Street, Zilzie
5. Letter to Residents - 50 to 62 Reef Street, Zilzie

Responsible Officer: Justin Commons - Chief Executive Officer**Author:** Dan Toon - Director Infrastructure Services

SUMMARY

The purpose of this report is to inform Council of the responses received to the survey issued to property owners adjacent to the proposed Muskera Beach Revetment Wall at Zilzie subsequent to obtaining tenders and to provide a recommendation for consideration and adoption.

COUNCIL RESOLUTION

THAT Council resolves to invite the owners of properties extending from 48 Reef Street to 22 Kennedy Street to attend a meeting as soon as possible to discuss the outcome from the recent survey regarding proposed construction of the revetment wall, and to raise any remaining questions or concerns prior to Council making a final decision whether or not to proceed with construction of the wall.

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

12.6 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2015

File No: FM12.4.1
Attachments: 1. Income Statement - September 2015
2. Graphs - September 2015
Responsible Officer: Chris Murdoch - Director Corporate Services
Author: Darryll Schurmann - Chief Financial Officer

SUMMARY

Presentation of the Livingstone Shire Council's Summary Budget Management Report for the Period Ended 30 September 2015 by the Manager Finance.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Summary Budget Management Report for the Period Ended 30 September 2015 be 'received'.

Moved by: Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

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

Nil

14 URGENT BUSINESS QUESTIONS

Nil

15 CLOSURE OF MEETING

There being no further business the meeting closed at 10.57AM.

Bill Ludwig
CHAIRPERSON

DATE