



ORDINARY MEETING

MINUTES

4 APRIL 2017

The resolutions contained within these minutes were confirmed at Council Meeting
on 18 April 2017

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 4 APRIL 2017 COMMENCING AT 9.10AM

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

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Ron Posselt – Director Corporate Services
Mr Dan Toon – Director Infrastructure Services
Ms Debra Howe – Director Strategic Growth and Development
Mr David Battese – Manager Strategy and Development
Ms Erin McCabe – Coordinator Development Assessment
Ms Maddie Ward – Senior Planning Officer
Ms Jenna Brosseuk – Senior Planning Officer
Mr Ian Dare – Manager Community Wellbeing
Ms Melissa Minter – Coordinator Community Partnership
Mr Matt Baldock – Senior Sustainability Officer
Ms Leise Childs – Senior Land Protection Officer
Ms Sonia Barber – Senior Economic Development Officer
Ms Andrea Ellis – Chief Financial Officer
Ms Lucy Merry – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

L.1 LEAVE OF ABSENCE FOR COUNCILLOR TOM WYATT - 3 TO 9 APRIL 2017 INCLUSIVE

File No: GV14.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Tom Wyatt has requested leave of absence from 3 to 9 April 2017 inclusive due to compassion leave.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Tom Wyatt for the period 3 to 9 April 2017 inclusive.

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

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Amendment

COUNCIL RESOLUTION

Mayor Ludwig moved an amendment of the minutes from 24 January 2017 and 7 March 2017 in relation to item 12.4 (Agenda 24 January 2017) and item 16.1 (Agenda 7 March 2017) to reflect the names of the areas affected.

THAT: The minutes of the Ordinary Meeting held on 24 January 2017 and 7 March 2017 be amended to reflect the names of the areas affected.

Moved by: Mayor Ludwig
Seconded by: Councillor Hutton

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 21 March 2017 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly
Seconded by: Councillor Hutton

MOTION CARRIED

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

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 LIFTING MATTERS LAYED ON THE TABLE

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Suzanne Pambid - Senior Support Services Officer
Author: Lucy Merry - Executive Support Officer

SUMMARY

The Business Outstanding table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting 4 April 2017.

OFFICER'S RECOMMENDATION

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

- Notice of Motion – Councillor Adam Belot – Event Management

Procedural Motion

COUNCIL RESOLUTION

THAT the matter lying on table in relation to Notice of Motion – Councillor Adam Belot – Event Management remains on the table due to the absence of a Councillor, noting that Councillor Belot supports the procedural motion.

Moved by: Councillor Kelly

Seconded by: Councillor Scott

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 YEPPOON AND CAPRICORN COAST REGION JOBLINK

File No: ED8.5.21

Attachments:

1. Promotion Strategy
2. Yeppoon and Capricorn Coast Region Joblink Factsheets

Responsible Officer: Debra Howe - Director Strategic Growth & Development

Author: Sonia Barber - Senior Economic Development Officer

SUMMARY

As part of a job containment strategy for Livingstone Shire, an online portal has been developed that aggregates jobs available locally that are advertised on the internet. The portal (website), known as the Yeppoon and Capricorn Coast Region Joblink, will service jobseekers (members of the site) looking for local employment and enable employers (also members of the site) to advertise local job vacancies directly on the site, thereby enabling these opportunities to be highlighted with local jobseekers.

The Joblink website testing phase has been completed and is ready to go live. This report seeks Council approval of the website and endorsement of the proposed promotion of the website to the residents (job seekers), local businesses, employment agencies and broader community to further support the containment and creation of local jobs for local people.

COUNCIL RESOLUTION

THAT Council approve the Yeppoon and Capricorn Coast Region Joblink website to 'go 'live' and endorse the promotion strategy to encourage residents (job seekers), local business (employers) and broader community to utilise the website.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Scott

**MOTION NOT CARRIED
PROCEDURAL MOTION**

COUNCIL RESOLUTION

That the matter lay on the table pending further discussions in Workshop Meeting.

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED

12.2 BUILDING OUR REGIONS FUNDING PROGRAM - ROUND THREE

File No: GS15.2.7
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Mark Windress - Project Engineer

SUMMARY

This report provides Council with a brief overview of the application process for Round Three of the State Government Building Our Regions Funding Program, progress to date and a recommendation to lodge a detailed application for the Capricorn Coast Memorial Gardens project.

COUNCIL RESOLUTION

THAT Council resolves to :-

- submit a detailed application to Round Three of the Building Our Regions Funding Program for the Capricorn Coast Memorial Gardens
- commit to delivering the project and approve of any Council financial and/or in kind contributions; and
- commit to the management and costs associated with the ongoing operation and maintenance of the infrastructure.

Moved by: Councillor Kelly
Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

9:43AM Mayor Ludwig left the meeting.

12.3 MONTHLY FINANCIAL REPORT FOR PERIOD ENDING 28 FEBRUARY 2017

File No: FM12.14.1
Attachments: 1. Monthly Financial Report PE 28 Feb 2017
Responsible Officer: Ron Posselt - Director Corporate Services
Author: Andrea Ellis - Chief Financial Officer

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ended 28 February 2017 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the Period Ended 28 February 2017 be noted.

Moved by: Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

9:45AM Mayor Ludwig returned to the meeting.

12.4 LIVINGSTONE SHIRE COUNCIL / KEPPEL BAY SAILING CLUB / INVERNESS YEPPON COMMUNITY GRANTS SCHEME ROUND TWO 2016 - 2017

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 February 2017 round of the 2016 – 2017 Livingstone Shire Council / Keppel Bay Sailing Club / Inverness Yeppon Community Grants Scheme “Focus on the Future” closed on 17 March 2017. Thirty-seven (37) 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 Two of the 2016 – 2017 Livingstone Shire Council / Keppel Bay Sailing Club / Inverness Yeppon Community Grants Scheme “Focus of the Future”:

Applicant	Detail	Location	Amount (\$)
Capricorn Coast Football Club Inc.	Defibrillator purchase	Capricorn Coast - Apex Park	\$2,600.00
Emu Park Historical Museum Society Inc.	Installation of awning over entrance to Maritime Museum	Emu Park	\$850.00
Yeppoon & District Lapidary Assoc Inc.	Equipment upgrade	Yeppoon	\$5,000.00
Marlborough Public Hall Inc.	Marlborough Hall and Library Electrical Upgrade	Marlborough	\$5,000.00
Yeppoon Indoor Bowls Club Inc.	Purchase of 12 tables and 1 vacuum cleaner	Yeppoon	\$1,023.00
North Keppel Island Environmental Education Centre	Solid aluminium Trailer - 3,000 by 2,700	Great Keppel Island	\$1,911.36
Yeppoon Recreation Youth Club INC.	Purchase and Installation of Blackout Curtains	Yeppoon	\$3,000.00
Yeppoon Gymnastics & Movement Centre Inc.	Sun Safe Marquees	Yeppoon	\$2,497.64
Yeppoon Golf Club Incorporated	Resurfacing of Putting Green	Yeppoon	\$4,978.00
The Caves State School P&C Association	Fridges for a healthier lunch box	The Caves	\$3,140.00
TOTAL Expended			\$30,000.00

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

Mayor Ludwig sought leave of the meeting to suspend meeting procedures for him to attend a brief LDMG teleconference meeting.

Leave granted.

Meeting procedures were suspended at 10am.

Meeting procedures resumed at 10:45am.

12.5 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN ENVIRONMENTALLY ASSESSABLE INDUSTRY (COMPOST AND SOIL CONDITIONER MANUFACTURING FACILITY) AND DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CONCURRENCE ENVIRONMENTALLY RELEVANT ACTIVITY (ERA)

File No: D/43-2016

Attachments:

1. Locality Plan
2. Site Plan
3. Proposal Plan
4. Concurrence Agency Response

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

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Development Application Number: D/43-2016

Applicant: J.P. J.R.T. Pty Ltd, Les Hof (Holdings) Pty Ltd, Brad Hof (Holdings) Pty Ltd and Andrew Hof (Holdings) Pty Ltd

Real Property Address: Lot 11 on SP192564

Common Property Address: 96 Artillery Road, Mulara

Area of Site: 40.10 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map O2 – Drainage Problem

Existing Development: Extractive industry
Bulk Earthworks (filling)

Existing Approvals: Development Permit D/194-2011 for a Material Change of Use for Extractive Industry and an Environmentally Relevant Activity
Development Permit D/78-2015 for Operational Works for Bulk Earthworks (filling)
451-2016-B-COM – Building Works for a Demountable staff Lunch/Administration Building

Approval Sought: Development Permit for a Material Change of Use for an Environmentally assessable industry (Compost and soil conditioner manufacturing facility) and Development Permit for a Material Change of Use for a Concurrence Environmentally Relevant Activity (ERA)

Level of Assessment: Impact Assessable

Submissions: One submission

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

Referral trigger:	Schedule 7, Table 2, Item 1 Schedule 7, Table 3, Item 2
Adopted Infrastructure Charges Area:	Located outside the priority infrastructure area
Environmentally authority permit number:	EPPR03942016

Application Progress:

Application Lodged:	2 March 2016
Properly Made:	15 March 2016
Acknowledgement Notice issued:	30 March 2016
Request for Further Information sent:	13 April 2016
Request for Further Information responded to:	13 October 2016
Submission period commenced:	24 November 2016
Submission period end:	15 December 2016
State Agency request for further information:	10 May 2016
State Agency information request response:	17 October 2016
State Government Agency Response:	8 November 2016
Notice of compliance received:	4 January 2017
Statutory determination date:	2 March 2017
Extension by agreement until:	7 April 2017

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for an Environmentally assessable industry (compost and soil conditioner manufacturing facility) and Development Permit for a Material Change of Use for a Concurrence Environmentally Relevant Activity (ERA), made by J.P. J.R.T. Pty Ltd, Les Hof (Holdings) Pty Ltd, Brad Hof (Holdings) Pty Ltd and Andrew Hof (Holdings) Pty Ltd, on Lot 11 on SP192564, located at 96 Artillery Road, Mulara, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds for justification:

- (a) An Environmentally assessable industry (compost and soil conditioner manufacturing facility), is considered to be an appropriate land use within the Rural Zone, requiring a large parcel of land, removed from incompatible development, with appropriate vehicular access.
- (b) The development will not pose a significant environmental or amenity impact upon the subject site or surrounding locality. Specifically, the development has been sited on a previously disturbed parcel of rural land that was utilised for an extractive industry operation and has negligible environmental values.
- (c) The development will establish a new and innovative industrial operation.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Environmentally assessable industry (compost and soil conditioner manufacturing facility) and Development Permit for a Material Change of Use for a Concurrence Environmentally

Relevant Activity (ERA), made by J.P. J.R.T. Pty Ltd, Les Hof (Holdings) Pty Ltd, Brad Hof (Holdings) Pty Ltd and Andrew Hof (Holdings) Pty Ltd, on Lot 11 on SP192564, located at 96 Artillery Road, Mulara, 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;
 - (ii) Stormwater Works;
 - (iii) Site Works;
 - (iv) Landscaping Works;
- 1.6.2 Building Works; and
- 1.6.3 Plumbing and Drainage 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>
Locality Plan	D15.095-01, sheet 01 of 08	March 2016
Site Plan	D15.095-02, sheet 02 of 08	March 2016
Proposed Soil Conditioning Facility layout	D15.095-03, sheet 03 of 08	March 2016

Bund and Windrow Details	D15.095-04, sheet 04 of 08	March 2016
Stormwater Catchment Plan	D15.095-05, sheet 05 of 08	March 2016
Stormwater Management Plan	D15.095-06, sheet 06 of 08	March 2016
Basin and Spillway Calculations	D15.095-07, sheet 07 of 08	March 2016
Spillway Details and Calculations	D15.095-08, sheet 08 of 08	March 2016
Environmental and Site Based Management Plan for a Composting and Soil Conditioner Manufacturing Facility	D15.095, Revision 01	13 October 2016

- 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 A new access is required to be constructed in accordance with the *Capricorn Municipal Development Guidelines' Standard Drawing CMDG-R-040 (the access type is "Accesses Along Roads ADT >1000 VPD")*.
- 4.0 ROAD WORKS
- 4.1 Comply at all times with the infrastructure agreement relating to the land for this development that was executed on 10 March 2017 between Council and J.P.J.R.T. Pty Ltd ACN 125 779 071 as Trustee for the Jason Thomasson Family Trust, Brad Hof (Holdings) Pty Ltd ACN 138 034 581 as Trustee for Brad Hof Family Trust, Les Hof (Holdings) Pty Ltd ACN 138 034 876 as Trustee for Les Hof Family Trust and Andrew Hof (Holdings) Pty Ltd ACN 138 344 741 as Trustee for Andrew Hof Family Trust (being the owners of the land the subject of this development approval and the Developer).
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, 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.

- 5.3 An on-site sewage treatment and disposal facility for the proposed development must be provided in accordance with *Australian Standard AS/NZS 1547:2000 – On-Site Domestic Wastewater Management*, the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 5.4 Any structures or buildings 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*.
- 5.5 An on-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 6.2 All stormwater management works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 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.
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 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 Any vegetation cleared or removed must be:
- 7.3.1 mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- 7.3.2 removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 7.4 All site works must be undertaken to ensure that there is:
- 7.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to 1% AEP;
- 7.4.2 no increase in velocity profiles; and
- 7.4.3 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 LANDSCAPING WORKS
- 8.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 8.2 Vegetation buffers must be provided on site as follows:
- (i) a minimum five (5) metre wide buffer to the western side of the proposed weigh bridge; and
- (ii) a minimum five (5) metre wide buffer to the western side of the proposed Environmentally assessable industry development area; and

- (iii) a minimum five (5) metre wide buffer along the full frontage of the site to Artillery Road; and
- (iv) a minimum two (2) metre wide buffer to the north of the Environmentally assessable industry development area.

The vegetation buffers must assist with visually screening the development from Artillery Road and must be established with fast growing or mature screening species that are endemic to the location.

8.3 Any application for a Development Permit for Operational Works (landscaping works) must include, but is not limited to, the following:

8.3.1 A plan documenting the “Extent of Works” and supporting documentation which includes:

- (i) the extent of soft and hard landscape proposed;
- (ii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- (iii) underground and overhead services;
- (iv) typical details of critical design elements (stabilisation of batters, retaining walls, fences);
- (v) details of landscape structures including areas of deep planting; and
- (vi) specification notes on mulching and soil preparation.

8.3.2 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);
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting. Species can include (but not limited to):
 - a) *Glochidion lobocarpum* (Findlays Silky Oak);
 - b) *Glochidion sumatranum* (Umbrella Cheese Tree);
 - c) *Corymbia intermedia* (Pink Bloodwood);
 - d) *Cupaniopsis anacardioides* (Tuckeroo);
 - e) *Acacia salicina* (Sally Wattle);
 - f) *Pittosporum ferrugineum*;
 - g) *Planchonia careya* (Cocky Apple);
 - h) *Euroschinus falcatus* (Ribbonwood).

8.4 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.

8.5 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.

8.6 The landscaped areas must be subject to an ongoing maintenance and replanting

programme (if necessary).

9.0 ELECTRICITY AND TELECOMMUNICATIONS

9.1 An electricity connection must be provided to the proposed development to the standards of the relevant authorities.

10.0 ASSET MANAGEMENT

10.1 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.

10.2 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.

10.3 '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.

11.0 ENVIRONMENTAL

11.1 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.

11.2 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.
- 11.3 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.
- 11.4 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 12.0 OPERATING PROCEDURES
- 12.1 Vehicle movements to and from the site for haulage vehicles must only be via a right turn ingress and left turn egress. Haulage vehicles must only travel between the approved site access location and Yeppoon Road.
- 12.2 Servicing and maintenance of vehicles must not be undertaken on the site.
- 12.3 Cleaning of plant and trucks must be carried out in an area where contaminants cannot be released into stormwater drainage or unto unsealed grounds.
- 12.4 Contaminated water must not be directly or indirectly released from the premises on to the ground, into groundwater or natural run-off systems.
- 12.5 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 Artillery 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 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

An Infrastructure Agreement has been entered into for the payment of contributions towards the maintenance of Artillery Road for the development. The Infrastructure Agreement must be complied with at all times.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for an Environmentally assessable industry (compost and soil conditioner manufacturing facility) and Development Permit for a Material Change of Use for a Concurrence Environmentally Relevant Activity (ERA), made by J.P. J.R.T. Pty Ltd, Les Hof (Holdings) Pty Ltd, Brad Hof (Holdings) Pty Ltd and Andrew Hof (Holdings) Pty Ltd, on Lot 11 on SP192564, located at 96 Artillery Road, Mulara, Council resolves that no Infrastructure Charges will apply, due to the credit owing to the existing lot and that there is no requirement for an Infrastructure Charges Notice.

Moved by: Councillor Hutton

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

12.6 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A DISPLAY HOME (SALES OFFICE)

File No: D/3-2017

Attachments:

1. Locality and Site Plan
2. Floor Plan

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

Author: Madelaine Ward - Senior Planning Officer

SUMMARY

Development Application Number: D/3-2017

Applicant: Keppel Developments Pty Ltd c/- Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 5005 on SP280131

Common Property Address: Lot 5005 Carige Boulevard, Taroomball

Area of Site: 279.7 hectares

Planning Scheme: *Livingston Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural

Planning Scheme Overlays: Drainage problem (O3A)
Bushfire hazard (O5A)

Existing Development: Seahaven Estate Balance land (vacant)

Existing Approvals: Nil applicable

Approval Sought: Development Permit for a Material Change of Use for a Display home (Sales Office)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

Application Lodged:	3 January 2017
Properly made:	4 January 2017
Acknowledgement Notice sent:	17 January 2017
Amended plans provided:	25 January 2017
Submission period commenced:	2 February 2017
Submission period end:	28 February 2017
Notice of compliance received:	3 March 2017
Statutory determination date:	29 March 2017
Extension of decision stage:	19 April 2017

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Display Home (Sales Office), made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Keppel Developments Pty Ltd, on Lot 5005 on SP280131, and located at Lot 5005 Carige Boulevard, Taroomball, 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:

- 1) The proposed Display Home for a sales office is located within an expanding residential estate and is sited to provide for appropriate urban service provision, including vehicular access and will not detract from the residential amenity enjoyed by the locality.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Display Home (Sales Office), made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Keppel Developments Pty Ltd, on Lot 5005 on SP280131, and located at Lot 5005 Carige Boulevard, Taroomball, 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;
 - (ii) Landscaping Works;
 - 1.6.2 Building works; and
 - 1.6.3 Plumbing and Drainage 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>
Site Plan and Locality Plan	Drawing number A-002 Issue D	12 February 2016
Floor Plan	Drawing number A-100 Issue D	12 February 2016
Elevation 1 and 2	Drawing number A-200 Issue D	12 February 2016
Elevations 3 and 4	Drawing number A-201 Issue D	12 February 2016
3D Views	Drawing number A-400 Issue D	12 February 2016

- 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 A complaint vehicle access must be designed and constructed.
- 3.4 The proposed vehicle access must be located minimum one (1) metre clear of existing streetlights, pedestrian ramp or other signage.
- 3.5 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 3.6 All ingress and egress movements to and from the development must be in a forward direction.
- 3.7 A minimum of six (6) off-street parking spaces (including universal access spaces) must be provided. Universal access spaces must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 3.8 Stormwater runoff from parking and vehicular manoeuvring areas must be discharged lawfully in accordance with *Queensland Urban Drainage Manual*.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on site.

- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 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.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 All stormwater including roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 5.2 Stormwater runoff must not adversely affect the upstream or downstream land when compared to pre-development conditions by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 6.0 SITE WORKS
- 6.1 All earthworks must be undertaken generally in accordance with the *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, or cause a nuisance or worsening to adjoining properties or damage infrastructure.
- 6.3 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 7.0 LANDSCAPING WORKS
- 7.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 7.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.0) and must include, but is not limited to, the following:
- 7.2.1 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) details of landscape structures including areas of deep planting; and
 - (vi) specification notes on mulching and soil preparation.

- 7.2.2 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
- 7.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 7.4 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.
- 7.5 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works).
- 7.6 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 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 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.
- 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 Carige Boulevard road reserve and Havenwood Drive road reserve.

- 11.2 The lawful use of the premises as a Display home must only continue for ten (10) years from the approval effective date.

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. Property Notes

The Display Home (sales office) is to be removed at the completion of sales for Seahaven Estate or after ten (10) years of the date of this permit being given (whichever is the sooner).

NOTE 5. Application to Undertake Alterations or Improvements to Council Controlled Areas and Roads

It is advised that an Application to Undertake Alterations or Improvements to Council Controlled Areas and Roads (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 6. Adopted Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Display Home (Sales Office), made by Capricorn Survey Group (CQ) Pty Ltd on behalf of Keppel Developments Pty Ltd, on Lot 5005 on SP280131, and located at Lot 5005 Carige Boulevard, Taroomball, Council resolves to issue an Infrastructure Charges Notice for the amount of \$9,700.00.

Moved by: Councillor Belot

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

12.7 REQUEST FOR A NEGOTIATED DECISION NOTICE FOR A DEVELOPMENT PERMIT FOR A CARAVAN PARK (EXTENSION OF EIGHTY-NINE (89) SITES)

File No: D/227-2015

Attachments:

1. Locality Plan
2. Plan of Development

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

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Development Application Number: D/227-2015

Applicant: Cool Waters Holiday Village

Real Property Address: Lot 101 on SP144080, Parish of Hewittville

Common Property Address: 760 Scenic Highway, Kinka Beach

Area of Site: 60.08 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays:

- Overlay Map O2 – Drainage Problem
- Overlay Map O2 – Erosion Prone Land
- Overlay Map O3 – Wetlands 100 metre buffer
- Overlay Map O5 – Bushfire Hazard
- Overlay Map O5 – Stormtide Hazard
- Overlay Map O8 – Acid sulfate soils
- Overlay Map O9 – Capricorn Coast Landscape Area (Green Breaks)
- Planning Scheme Map 10 – Locally Significant Vegetation

Existing Development: Caravan park

Level of Assessment: Impact assessable

Submissions: Two (2) properly made submissions

Referral Agency(s): Department of Infrastructure, Local Government and Planning as Concurrence agency
Ergon Energy as Advice agency

Adopted Infrastructure Charges Area: Charge Area One (1) and partly located outside the priority infrastructure area

COUNCIL RESOLUTION

RECOMMENDATION A

That in relation to the request for a Negotiated Decision Notice for Development Permit D/227-2015 for a Material Change of Use for a Caravan park (extension of eighty-nine (89) sites), made by Coolwaters Holiday Village, on land described as Lot 101 on SP144080, and located at 760 Scenic Highway, Kinka Beach, Council resolves that:

1. **Conditions 3.1, 3.2 and 3.3 be deleted and replaced with the following condition at item 3.1:**

The unsealed sections of internal access driveways in front of Sites 300-302, Sites 2 to 15 and Site 317 must be sealed using paving, bitumen, concrete or constructed to an equivalent standard.

2. **Condition 5.1 remain unchanged.**

3. **Condition 8.1 be amended as follows:**

Vegetation clearing must be limited to areas which are expressly subject to development under this this permit (including bushfire buffer areas), unless the clearing is for Essential Management or Routine Management that is:

- (i) *Exempt under State legislation as Essential Management or Routine Management; and*
- (ii) *Authorised to be undertaken under the Planning Scheme applicable at the time or a Development Permit for Operational Works specific to the clearing.*

RECOMMENDATION B

That to reflect the above amendments, Coolwaters Holiday Village on behalf of ACN 058 742 706 Pty Ltd, be issued with a Negotiated Decision Notice for Development Permit D/227-2015 for a Caravan Park (extension of eighty-six (86) sites)

ADMINISTRATION

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Plan of Development	15234-PP-01, Sheet 1 of 2, Revision A	28 April 2016
Plan of Development – Site Plan	15234-PP-01, Sheet 2 of 2, Revision A	28 April 2016
Bushfire Management Plan	15234, Issue B	29 April 2016

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 The unsealed sections of internal access driveways in front of Sites 300-302, Sites 2 to 15 and Site 317 as illustrated on approved plan, Plan of Development (refer to condition 2.1) must be sealed using paving, bitumen, concreted or constructed to an equivalent standard.
- 3.2 Universal parking spaces must be provided in accordance with Australian Standards AS2890.6 “*Parking Facilities – Off-Street Parking for People with Disabilities*”.
- 3.3 Traffic signs and pavement markings must be provided generally in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 3.4 All stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and drained to a lawful point of discharge in accordance with *Queensland Urban Drainage Manual*.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to commencement of use.
- 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* Council’s Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be provided with adequate fire-fighting protection, in accordance with *Australian Standard AS2419.1 ‘Fire Hydrant Installations’* and on-site fire-fighting equipment. To remove all doubt, additional facilities must be provided in accordance with the requirements for the location, number, pressure, and other provisions for hydrants, as per the Standard. Should the existing hydrant not comply with the requirements, it must be upgraded in accordance with the Standard.
- 4.4 Any alteration or relocation of internal plumbing and drainage works associated with the existing building(s) must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 5.0 BUILDING WORKS
- 5.1 The minimum floor levels for any habitable dwelling must be five (5) metres Australian Height Datum.
- 5.2 A 1.8 metre high solid fence must be provided along the boundary of sites 300 to 312A (inclusive) with Lots 8 to 16 on RP605549 to address noise and amenity impacts. The fence must be constructed of materials and finishes commensurate

with the adjoining residential area.

- 5.3 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) above the background ambient noise level, measured at the boundaries of the subject site.
- 5.4 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*'.
- 6.0 STORMWATER WORKS
- 6.1 All stormwater must achieve demonstrated lawful discharge must be in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines* and *State Planning Policy*. All stormwater must achieve demonstrated lawful discharge and must not restrict, impair, or change the natural flow of run-off water or cause a nuisance to adjoining properties or infrastructure.
- 6.2 Each caravan site must have a self-draining surface and that all stormwater run-off shall be directed to the on-site stormwater drainage system.
- 7.0 WATER WORKS
- 7.1 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*.
- 8.0 SITE WORKS
- 8.1 Vegetation clearing must be limited to areas which are expressly subject to development under this this permit (including bushfire buffer areas), unless the clearing is for Essential Management or Routine Management that is:
- (i) Exempt under State legislation as Essential Management or Routine Management; and
 - (ii) Authorised to be undertaken under the Planning Scheme applicable at the time or a Development Permit for Operational Works specific to the clearing.
- 8.2 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with a landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 8.3 All site works must be undertaken to ensure that no actionable nuisance results from:
- (i) an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events, up to the Defined Flood Event (inclusive);
 - (ii) an increase in downstream or upstream flood inundation levels; or
 - (iii) increase in velocity profiles.
- 9.0 ELECTRICITY AND TELECOMMUNICATIONS
- 9.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 9.2 Street lighting and public space lighting must be provided in accordance with the relevant Australian Standard AS1158 "*Lighting for Roads and Public Spaces*".

10.0 ASSET MANAGEMENT

- 10.1 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.
- 10.2 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.
- 10.3 '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.

11.0 ENVIRONMENTAL

- 11.1 The development must be undertaken and maintained in accordance with the recommendations in the approved Bushfire Management Plan (refer to condition 2.1). A property note to this effect will be entered against Lot 101 on SP144080.
- 11.2 A bushfire buffer must be cleared and maintained for hazard mitigation, in accordance with the approved Bushfire Management Plan (refer to condition 2.1). The buffer must have a width of minimum 22.5 metres, except for the section of the buffer in the north-western part of the site which needs to be limited to the north-western property boundary, as illustrated in the Bushfire Management Plan.
- 11.3 All buildings on the subject lot must be constructed in compliance with *Australian Standard AS3959 "Construction of Buildings in Bushfire Prone Areas"* and the approved Bushfire Management Plan (refer to condition 2.1).

12.0 OPERATING PROCEDURES

- 12.1 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 Scenic Highway or Resada Esplanade.
- 12.2 Waste storage areas adjacent to the southern Amenities Building fronting sites 300-303, must be screened by appropriate fencing that obstructs from view the contents of the bin compound.
- 12.3 All waste storage areas must be kept in a clean, tidy condition in accordance with the *Environmental Protection Regulation 2008*.

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 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

The development is required to be undertaken and maintained in accordance with the approved Bushfire Management Plan.

NOTE 6. Infrastructure Charges Notice

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

NOTE 7. Environmental

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.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Belot

MOTION CARRIED UNANIMOUSLY

12.8 HUMAN POWERED VEHICLE CHALLENGE EVENT

File No: GV13.4.3
Attachments: Nil
Responsible Officer: Trish Weir - Manager Customer Service
Chris Murdoch - Chief Executive Officer
Author: Linda Benson - Executive Assistant to the CEO

SUMMARY

Emmaus College and Yeppoon State High School attended Council workshop meeting on 21 March 2017 and briefed Councillors on the Human Powered Vehicle Challenge. They are seeking assistance from Council for their inaugural 2018 Human Powered Vehicle Challenge which is part of the Tech Challenges for Secondary Schools to be held at Barmaryee Sports Ground.

COUNCIL RESOLUTION

THAT Council agree to 'in principle' support for the event in 2018 (at a date yet to be determined) and for assistance from Council regarding event management, public liability insurance, committee membership and in-kind support regarding groups maintenance.

Moved by: Mayor Ludwig
Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

12.9 BINDI META YEPPOON

File No: GS15.2.3
Attachments: Nil
Responsible Officer: Brett Bacon - Director Community & Planning Services
Author: Linda Benson - Executive Assistant to the CEO

SUMMARY

Bindi Meta is a programme delivered by the Bidgerdii Community Health Service. Representatives from Bindi Meta have contacted Council to seek support for the continuation of its healthy dwelling programme which is in Livingstone Shire.

COUNCIL RESOLUTION

THAT Council provide \$2,000.00 financial assistance from Mayor's Discretionary Fund for the Bindi Meta programme which is delivered by the Bidgerdii Community Health Service.

Moved by: Councillor Kelly
Seconded by: Mayor Ludwig

MOTION CARRIED

12.10 EVENT MANAGEMENT

File No: GV13.4.4
Attachments: Nil
Responsible Officer: Ron Posselt - Director Corporate Services
Author: Robyn Black - Executive Assistant to the Director Corporate Services

SUMMARY

At the Ordinary Meeting on 21 February Council resolved that the following Notice of Motion lay on the table pending further consideration at the Workshop Meeting 7 March 2017 and to return to a future Council Meeting.

NOTICE OF MOTION

THAT LSC undertake a review of the current security responsibilities and measures as outlined in LSC "Temporary Event Hire Guidelines' at Defined Structured/Defined Unstructured events where alcohol is served or sold (see definition below).

Review to consider yet not limited to:

Security at events where alcohol is served being at the Hirers discretion.

Closed Circuit Television (CCTV) presence at venues where alcohol is served or sold.

Below is the officer's response in relation to this matter.

OFFICER'S RECOMMENDATION

That no further action be taken in relation to security at events held at Yeppoon Town Hall or Emu Park Hall where alcohol is served or the need for CCTV presence at venues where alcohol is served.

The matter was not discussed as it relates to a Notice of Motion that was left laying on the table.

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - EVENT MANAGEMENT

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

SUMMARY

This report was layed on the table at the Council Meeting on 7 March 2017 and is being brought back for Councillors consideration.

Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council Meeting 21 March 2017, as follows:

RECOMMENDATION

THAT LSC undertake a review of the current security responsibilities and measures as outlined in LSC "Temporary Event Hire Guidelines" at Defined Structured/Defined Unstructured events where alcohol is served or sold (see definition below).

Review to consider yet not limited to:

Security at events where alcohol is served being at the Hirers discretion.

Closed Circuit Television (CCTV) presence at venues where alcohol is served or sold.

The matter was not discussed as it relates to a Notice of Motion that was left laying on the table.

14 URGENT BUSINESS QUESTIONS

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

11.23AM

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 Acquisition of Easement for Drainage Purposes - Industrial Avenue Yeppoon

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 .

16.2 Fee reduction for proposed development application

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.

16.3 Special Rates Write Off - Infrastructure Agreement for the payment of infrastructure charges.

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.

Moved by: Councillor Kelly

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

11:24AM Councillor Belot left the meeting.

Mayor Ludwig sought leave of the meeting to suspend meeting procedures for a short break.

Leave granted.

Meeting procedures were suspended at 11:24am.

Meeting procedures resumed at 11:30am.

COUNCIL RESOLUTION

11.46AM

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

Moved by: Councillor Kelly

Seconded by: Councillor Hutton

MOTION CARRIED

11:46AM Councillor Belot returned to the meeting.

16 CONFIDENTIAL REPORTS

16.1 ACQUISITION OF EASEMENT FOR DRAINAGE PURPOSES - INDUSTRIAL AVENUE YEPPOON

File No: 5.2.2

Attachments:

1. LN2767 - (*Confidential*)
2. Letter from landowner dated 31 January 2017 - (*Confidential*)
3. Letter to landowner dated 27 February 2017 - (*Confidential*)
4. Letter from landowner dated 14 March 2017 - (*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 acquire a drainage easement over a property in Industrial Avenue, Yeppoon.

COUNCIL RESOLUTION

THAT Council authorise the Chief Executive Officer to issue a Notice of Intention to Resume in accordance with s 7 of the *Acquisition of Land Act 1967* (Qld) for the resumption of a drainage easement over Lot 4 LN2767 described as 'Emt A' on LN2767.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Mather

MOTION CARRIED

16.2 FEE REDUCTION FOR PROPOSED DEVELOPMENT APPLICATION**File No:** Transport Depot**Attachments:**

1. Gateway Stage 2 Layout Plan
2. Transport Depot Site Plan

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Strategy & Development**Author:** Madelaine Ward - Senior Planning Officer

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 discusses a request for consideration of a reduction in development application assessment fees relating to a proposed Transport Depot over land at the Gateway Industry Estate, being proposed Lot 15, within Stage two.

COUNCIL RESOLUTION

THAT Council resolve to accept a fee of \$1,000.00 for a development application for: a Development Permit for a Material Change of Use for a Transport Depot located at Lot 15, in Stage Two of the Gateway Industry Estate.

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

16.3 SPECIAL RATES WRITE OFF - INFRASTRUCTURE AGREEMENT FOR THE PAYMENT OF INFRASTRUCTURE CHARGES.

File No: FM12.1.9, D/1143-2005
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Ron Posselt - Director Corporate Services
Author: Priscilla Graham - Coordinator Revenue

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

Following the execution of the Infrastructure Agreement relating to D/1143-2005, this report seeks to provide resolution for the write off of the Special Rates levied within the 16/17 rating periods upon the property identified within the report.

COUNCIL RESOLUTION

THAT following the execution of the Infrastructure Agreement relating to D/1143-2005 and in accordance with Section 113 of the *Local Government Regulation 2012*, the Special Rate is deemed to no longer apply to the identified assessment. The write off of the 16/17 Special Rates levied and the interest accrued on Assessment 139790-8 as outlined below is recommended –

2016/17 Special Rates - \$112,942.00

Interest on arrears - \$ 1,384.35

TOTAL Adjustment - \$114,326.35

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11.46 am.

Bill Ludwig
CHAIRPERSON

DATE