



ORDINARY MEETING

MINUTES

4 JULY 2017

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	2
	NIL	2
4	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
5	MAYORAL MINUTE	4
0.0	MAYORAL MINUTE - FARNBOROUGH TRIAL RECYCLING BIN STATION.....	4
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	5
7	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	6
8	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	7
8.1	BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING	7
9	PRESENTATION OF PETITIONS.....	8
	NIL	8
10	AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS.....	9
	NIL	9
11	COUNCILLOR/DELEGATE REPORTS	10
	NIL	10
12	REPORTS.....	11
12.1	OPERATIONAL PLAN 2017-18	11
12.2	MONTHLY FINANCIAL REPORT FOR PERIOD ENDING 31 MAY 2017	12
12.3	YEPPOON FORESHORE & TOWN CENTRE REVITALISATION PROJECT - CAR PARK FACADE ART PROJECT	13
12.4	PANORAMA DRIVE PROJECT - COUNCILLOR QUERIES.....	14
12.5	TODDS ROAD CONSTRUCTION - QUESTIONS ON NOTICE FROM CR MATHER.....	15
12.6	DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION AND SHOP	16

12.7	DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A LOCAL UTILITY (BOAT HARBOUR CAR TRAILER PARK EXTENSION) AND OPERATIONAL WORKS FOR STORMWATER WORKS, ACCESS AND PARKING WORKS, SITE WORKS, LANDSCAPING WORKS AND ROAD WORKS.	27
12.8	ALIGNMENT AMENDMENT - ADOPTION AND COMMENCEMENT 2005 LIVINGSTONE PLANNING SCHEME - REPRINT 7 (10 JULY 2017)	38
13	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	39
	NIL	39
14	URGENT BUSINESS\QUESTIONS	40
15	CLOSED SESSION	41
16.1	ACQUISITION OF LAND FOR ROAD PURPOSES - SHARED PATHWAY LINKING STATUE BAY TO ROSSLYN BAY BOAT HARBOUR.....	41
16	CONFIDENTIAL REPORTS.....	42
16.1	ACQUISITION OF LAND FOR ROAD PURPOSES - SHARED PATHWAY LINKING STATUE BAY TO ROSSLYN BAY BOAT HARBOUR.....	42
16.2	MAYORAL MINUTE – BARMARYEE MULTI-SPORTS PRECINCT	44
17	CLOSURE OF MEETING.....	45

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 4 JULY 2017 COMMENCING AT 9.03AM

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:

Mrs Chris Murdoch – Chief Executive Officer
Mr Ron Posselt – Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Ms Debra Howe – Director Strategic Growth and Development
Mrs Linda Benson – Coordinator Executive Support
Ms Suzanne Pambid - Senior Support Officer Human Resources and Governance
Ms Amy Haydock – Marketing and Communications Officer
Mr David Battese – Manager Strategy and Development
Ms Erin McCabe – Coordinator Development Assessment
Ms Jenna Brosseuk – Senior Planning Officer Development Assessment
Ms Tara Norley – Planning Officer Development Assessment
Mr Liam Saxby – Strategic Planning Officer Growth Management
Ms Kerry Mulcahy – Development Officer Development Assessment
Ms Tammy Wardrop – Assistant Planner Development Assessment
Mr Ian Dare – Manager Community Wellbeing
Mr Jared Thomsen – Senior Sport and Education Officer Community Partnerships

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

0.0 MAYORAL MINUTE - FARNBOROUGH TRIAL RECYCLING BIN STATION

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Following the report presented at Council Workshop on 2 May 2017 Council accepted the advice of the Director to discontinue the recycling drop-off service at Farnborough for the following reasons:

- 1. That the station is being continually misused for the dumping of non-recyclable items including household rubbish, metals, gas bottles and tyres; and*
- 2. The site is often unsightly and requires additional servicing and clean up.*

The Farnborough and adjacent communities have subsequently made representations directly to Councillors and through the Media requesting continuation of the service with better education initiatives and signage to encourage those who have been using the drop-off facility inappropriately to better understand how these facilities can be used to encourage and facilitate recycling and better environmental outcomes.

I believe the community's request has merit and encourage Councillors to support the community's call by taking on board the community's suggested education initiatives and continuing the service till the end of the year when an appropriate assessment of the situation can be made.

COUNCIL RESOLUTION

THAT

- a) Council approve the continuation of the recycling service on Farnborough Road until 31 December 2017 as an opportunity to trial additional prominent signage and community education initiatives to occur over this period.
- (b) Further, Council make an assessment at the end of the trial period to gauge the effectiveness of the community education program and make a determination at that time as to the viability of the site continuing to function as a recycling drop-off point.

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

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 20 June 2017 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly
Seconded by: Councillor Hutton

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 27 June 2017 be taken as read and adopted as a correct record.

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

MOTION CARRIED

7 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

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 - 4 July 2017](#) ⇨
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Ordinary Council Meeting is presented for Councillors' information.

COUNCIL RESOLUTION

THAT the Business Outstanding table for the Ordinary Council Meeting be received.

Moved by: Councillor Mather
Seconded by: Councillor Kelly

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 OPERATIONAL PLAN 2017-18

File No: CM4.6.2
Attachments: 1. [Operational Plan 2017-18](#) ⇨
Responsible Officer: Ron Posselt - Director Corporate Services
Author: Suzanne Pambid - Senior Support Services Officer

SUMMARY

Council has prepared the 2017-18 Operational Plan under the requirements of the *Local Government Act 2009* and the *Local Government Regulation 2012*.

This is a strategic document that details the operational direction of Council for the next 12 month period commencing 1 July 2017.

COUNCIL RESOLUTION

THAT Council adopts the 2017-18 Operational Plan, in accordance with Section 174 of the *Local Government Regulation 2012*

Moved by: Councillor Hutton
Seconded by: Mayor Ludwig

MOTION CARRIED

12.2 MONTHLY FINANCIAL REPORT FOR PERIOD ENDING 31 MAY 2017**File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report - May 17** [↗](#)**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 31 May 2017 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ended 31 May 2017 be noted.

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

12.3 YEPPON FORESHORE & TOWN CENTRE REVITALISATION PROJECT - CAR PARK FACADE ART PROJECT

File No: ED8.5.1

Attachments:

1. Darumbal original artwork - carpark facade art proposal [⇒](#)
2. Yeppoon Town Centre carpark facade artwork concept [⇒](#)

Responsible Officer: Debra Howe - Director Strategic Growth and Development
Brett Bacon - Director Community & Planning Services

Author: Russell Claus - Urban Strategist

SUMMARY

The Yeppoon Foreshore and Town Centre Revitalisation Project incorporates placemaking and community art throughout the area to which it applies. The Yeppoon Town Centre carpark includes a series of placemaking artwork within the building and this report covers a proposal for artwork to be applied to the carpark facade. Outlined in the report is the process used to facilitate the design and installation of artwork on the Carpark façade.

Post a shortlisting process, the selected artist, Edwards Clarke, has developed an initial concept in consultation with Darumbal elders which draws inspiration from an original painting by Darumbal elder Doug Hatfield.

The concept has been updated based on feedback received. Attachment Two is provided for consideration by Council prior to authorisation of final concept development and installation.

COUNCIL RESOLUTION

That the matter lay on the table pending further discussion and to return to a future Council Meeting.

Moved by: Councillor Hutton

Seconded by: Councillor Mather

MOTION LOST

COUNCIL RESOLUTION

THAT the updated artwork concept developed for the Yeppoon Town Centre car park be approved and that Edwards Clarke (the concept artist) be authorised to proceed with final design and installation of the updated artwork concept proposal presented.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

12.4 PANORAMA DRIVE PROJECT - COUNCILLOR QUERIES

File No: 14-134
Attachments: 1. Cr Mather - Questions on Notice - Panorama Drive⇒
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Craig Jepson - Civil Design

SUMMARY

The purpose of this report is to provide a response to the "Questions on Notice" from Cr Mather received 22nd May 2017 related to the Panorama Drive Project.

COUNCIL RESOLUTION

THAT Council acknowledge the responses provided to the questions raised by Cr Mather.

Moved by: Councillor Kelly
Seconded by: Councillor Mather

MOTION CARRIED

FIRST/SECOND WARNING BY CHAIRPERSON

Pursuant to section 181 (2) of the *Local Government Act 2009* and s2.21.3(a) *Council Meeting Procedures*, the Chair of the Meeting issued an Order that a record of Councillor Glenda Mather's inappropriate conduct be recorded in the Minutes of the Meeting. The Order was issued at 09:41AM.

FINAL WARNING BY CHAIRPERSON

Pursuant to Clause 2.21.3(b) of *Livingstone Shire Council Meeting Procedures*, the Chair of the Meeting issued an order that as Councillor Glenda Mather had been named and warned previously during the meeting for Inappropriate Conduct, that Councillor Glenda Mather leave the place where the meeting is being held (including any area set aside for the public) and stay out of the place where the meeting was being held for the rest of the meeting. Councillor Glenda Mather left the meeting at 09:42AM.

COUNCILLOR REMOVED FROM MEETING

Pursuant to section 181 (2) of the *Local Government Act 2009*, the Chair of the Meeting issued an order that Councillor Glenda Mather remove herself from the Council Chambers for the remainder of the meeting due to Inappropriate Conduct. Councillor Glenda Mather left the meeting at 09:42AM.

12.5 TODDS ROAD CONSTRUCTION - QUESTIONS ON NOTICE FROM CR MATHER

File No: RD.28.3.5
Attachments: 1. Cr Mather - Questions on Notice -Todds Road Construction [⇒](#)
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

The purpose of this report is to provide responses to several questions raised by Cr Mather regarding construction of Todd's Road.

COUNCIL RESOLUTION

That Council acknowledge the responses provided to the questions raised by Cr Mather regarding construction of Todd's Road.

Moved by: Councillor Hutton
Seconded by: Councillor Belot

MOTION CARRIED

12.6 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION AND SHOP

File No: D/19-2017

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Floor Plan](#)
4. [Elevation Plans](#)
5. [Vegetation Covenant Plan](#)

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

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Development Application Number: D/19-2017

Applicant: S.H.A Premier Constructions Pty Ltd (C/-ADC)

Real Property Address: Lot 57 on LN1816, Lot 58 on LN1816 and Lot 59 on LN1816

Common Property Address: 101 Rockhampton Road, 103 Rockhampton Road and 105 Rockhampton Road, Yeppoon

Area of Site: 6,895 square metres

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Residential Zone, R2 Precinct

Planning Scheme Overlays: Planning Scheme Map 10 – Locally Significant Vegetation
Overlay Map O3 – Waterways and Waterway 100 metre Buffer

Existing Development: Service station (including a workshop) and Dwelling house

Existing Approvals: D-Y/2004-354 Material Change of Use for the Redevelopment of Existing Service Station (lapsed)

Approval Sought: Development Permit for a Material Change of Use for a Service station and Shop

Level of Assessment: Impact assessable

Submissions: Four (4) properly made submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One (1)

Application Progress:

Application Lodged:	13 February 2017
Acknowledgement Notice sent:	21 February 2017
Request for Further Information sent (by email):	7 March 2017
Request for Further Information responded to:	27 March 2017
Submission period commenced:	30 March 2017

Submission period end:	28 April 2017
Council request for additional time:	2 June 2017
Last receipt of information from applicant:	27 June 2017
Statutory determination date:	7 July 2017

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Service station and Shop, made by S.H.A Premier Constructions Pty Ltd (C/-ADC), on Lot 57 on LN1816, Lot 58 on LN1816 and Lot 59 on LN1816, and located at 101 Rockhampton Road, 103 Rockhampton Road and 105 Rockhampton Road, Yeppoon, Council resolves to Approve the application despite the conflict with the planning scheme based on the following planning grounds;

- (a) The sites have been used as a Service station prior to 1971 with the proposal to modernise the facility in line with other Service stations in the area.
- (b) The development will formalise access arrangements to and from Rockhampton Road.
- (c) The development of a Shop is not of a scale that will undermine the viability, role or function of the Yeppoon town centre, however, will provide an alternative convenience service to the surrounding localities, both within, and outside general business hours.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Service station and Shop, made by S.H.A Premier Constructions Pty Ltd (C/-ADC), on Lot 57 on LN1816, Lot 58 on LN1816 and Lot 59 on LN1816, and located at 101 Rockhampton Road, 103 Rockhampton Road and 105 Rockhampton Road, 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) Road Works;
 - (ii) Access Works;
 - (iii) Stormwater Works;
 - (iv) Advertising Device;
- 1.6.2 Building Works; and
- 1.6.3 Plumbing and Drainage Works.
- 1.7 All Development Permits for Operational Works (excluding the advertising device/s) and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 Existing Lot 57 on LN1816, Lot 58 on LN1816 and Lot 59 on LN1816 must be amalgamated and registered as one title prior to the commencement of the use.

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	DA002, Revision D	27 January 2017
Store Plan	Drawing No: DA004 Rev. B	17/01/2017
Elevations	DA005, Revision C	17 January 2017
Concept Site Plan	SK01, Revision 1	19 October 2016
Covenant Sketch Plan	6587.01_SKE, Sheet 1 of 1	21 March 2017
Site Based Stormwater Management Plan	2016104, Issue 2	24 March 2017
Environmental Noise Impact Report	16232, Revision 3	19 January 2017
Traffic Engineering Assessment	16386, version no: 2	20 March 2017

- 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 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works associated with the development.

- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 The Rockhampton Road frontage must be upgraded to Urban Major Collector standard including associated drainage infrastructure and having due regard for access to adjoining properties.
- 3.4 The intersection between Rockhampton Road and the site entry must be designed and constructed to comply with a minimum Urban Channelised Right Turn/Basic Left Turn (CHR(s)/BAL) treatment in accordance with *Austrroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersection*.
- 3.5 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 3.6 Public use areas including intersections between Rockhampton Road and site entry and exit must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 4.0 ACCESS WORKS
- 4.1 A Development Permit for Operational Works (access works and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works and parking works).
- 4.3 A minimum of fifteen (15) off-street parking spaces (including universal access spaces) must be provided.
- 4.4 The proposed universal access space must be designed and constructed in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 4.5 All ingress and egress movements to and from the development must be in a forward direction (forward gear).
- 4.6 Public use areas including intersection between Rockhampton Road and site entry and exit must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 4.7 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Manual of Uniform Traffic Control Devices (Queensland)*.
- 4.8 Compliant access driveways (western access driveway-"Entry Only" and eastern access driveway - "Exit only") must be designed and constructed.
- 4.9 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 4.10 Landscaping works proposed on figure 2-proposed right turn ingress facility (Traffic Engineering Assessment prepared by Rytenschild Traffic Group, version no: 2) and the final alignment of the nature strip island (east) must be designed and constructed in accordance with a Development Permit for Operational Works.
- 4.11 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;

- (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 4.12 All stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and must drain so as to demonstrate lawful discharge in accordance with *Queensland Urban Drainage Manual*.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 A Development Permit for *Plumbing and Drainage* must be obtained prior to the commencement of any *Plumbing and Drainage* 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 The development must be connected to Council's reticulated sewerage and water networks.
- 5.4 Sewer connection located within trafficable area must be raised or lowered to suit the finished surface level and must be provided with trafficable lid.
- 5.5 Water meter box located within trafficable area must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lid.
- 5.6 A sewerage trade waste permit must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation system.
- 5.7 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 6.0 BUILDING WORKS
- 6.1 The locations of buildings and structures, including retaining walls, must comply with the *Queensland Development Code (MP1.4: Building Over or near relevant infrastructure)*.
- 6.2 All retaining structures and associated cut and fill proposed within land greater than fifteen (15) per cent slope must be separately approved for structural adequacy and stability by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design. A Form 15 - Compliance Certificate for building Design of Specification, along with certified plans must be submitted as part of the Building Application and a Form 16 – Inspection Certificate / Aspect Certificate / QBCC Licensee Aspect Certificate, must to be submitted upon completion of the works.
- 6.3 The privacy screen around the services area must not have any gaps between the slats to create a solid barrier.
- 7.0 STORMWATER
- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any drainage works on the site.
- 7.2 All stormwater 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, Urban Stormwater Quality Planning Guidelines, State Planning Policy*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All roof and allotment runoff must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn*

Municipal Development Guideline.

- 7.4 All roof and allotment runoff must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 7.5 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by the Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 7.6 Any drainage easements dedicated over the major overland flow paths or major drainage system must be able to contain all earthworks, batters and include freeboard and access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*.
- 7.7 A detention system must be designed and constructed within the development site. The volume of detention provided must be sufficient to attenuate the peak discharge from the site to ensure non-worsening of the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability (AEP) events up to the Defined Flood Event (inclusive) for a range of storm durations including critical storm duration.
- 7.8 Any application for Operational Works (stormwater works) must include;
- 7.8.1 Detailed designs for the inlet and outlet systems for the proposed detention system;
- 7.8.2 Full calculations, including (where necessary) electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files) and all details of the modelling assumptions to support the proposed stormwater management strategy;
- 7.8.3 Detailed engineering plans with details of any new drainage systems, or the amendment /relocation and upgrading of existing drainage systems to implement the proposed drainage strategy;
- 7.8.4 Details to demonstrate potential pollutants in stormwater runoff are discharged from the site in accordance with *Urban Stormwater Quality Planning Guidelines* and *State Planning Policy*;
- 7.8.5 Details of ongoing maintenance and management actions required with regard to proposed stormwater quality management devices;
- 7.8.6 Detail design calculations for all proposed energy dissipaters (i.e. rock protection areas) by taking into account permissible velocity and frequency/duration details in accordance with the provisions of *Queensland Urban Drainage Manual*; and
- 7.8.7 Details to demonstrate vehicular, pedestrian amenity and safety criteria are met in accordance with *Queensland Urban Drainage Manual* specifically at the cross drainage structure.
- 7.9 All ongoing maintenance and management actions necessary for the proposed stormwater quality management devices must be carried out by suitably qualified person(s) in a timely manner. A completed log book must be maintained and must be available on-site for inspection by Council and/or relevant authorities.
- 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.

- 8.3 All site works must be undertaken to ensure that no actionable nuisance results from:
- 8.3.1 an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
 - 8.3.2 an increase in downstream or upstream flood inundation levels; and
 - 8.3.3 increase in velocity profiles;
- 8.4 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 8.5 Any vegetation cleared or removed must be:
- (i) removed for disposal at a location approved by Council;
 - (ii) mulched and reused on-site for landscaping purposes.

within sixty (60) days of clearing. Any vegetation removed must not be burnt.

9.0 LANDSCAPING WORKS

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

- 9.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:

- 9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:

- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
- (ii) the extent of soft and hard landscape proposed. Gravel/crushed rock is not supported to be utilised over the whole site;
- (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (stabilisation of batters, retaining walls, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting;
- (vii) landscaping proposed within the road reserve; and
- (viii) specification notes on mulching and soil preparation.

- 9.2.2 A "Planting Plan" and supporting documentation which includes:

- (i) endemic 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. Endemic species must be used; and
- (v) mature screen planting to the frontage of the building and along both

the eastern and south-west boundary for the full length of the development footprint.

- 9.3 The *Murraya paniculata* **is not approved** to be planted on-site. The native *Murraya ovatifoliolata* (Native Mock Orange) must replace the *Murraya paniculata*.
- 9.4 The proposed gravel/crushed rock groundcover within the landscaping area **is not approved**. This area must be planted with endemic groundcover species.
- 9.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (iv) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (v) adversely affect any road lighting or public space lighting; or
 - (vi) adversely affect any Council infrastructure, or public utility plant.
- 9.7 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works).
- 9.8 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 ADVERTISING DEVICE

- 11.1 A Development Permit for Operational Works (Advertising device) must be obtained prior to erecting any advertising devices on the site, unless self-assessable against the relevant Planning Scheme provisions.

12.0 ASSET MANAGEMENT

- 12.1 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.
- 12.2 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.
- 12.3 '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 use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

13.0 ENVIRONMENTAL

- 13.1 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.
- 13.2 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.
- 13.3 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.
- 13.4 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 13.5 An environmental covenant, pursuant to *Section 97A of the Land Title Act*, must be entered into for the area marked as 'Proposed Covenant' on the Covenant Sketch Plan (refer to conditions 7.5 and 7.6) over Lot 57 on LN1816, Lot 58 on LN1816 and Lot 59 on LN1816 (or the amalgamated parcel) to the effect that:
- 13.5.1 the area is protected as a vegetated flora habitat and all native vegetation must be retained; and
 - 13.5.2 there is to be no artificial interference or disturbance of the habitat, except as approved by Council, to remove hazards to safety of persons outside of the habitat, removal of weeds and approved (by Council) revegetation with local native species.
- 13.6 An environmental covenant must be registered over allotments Lot 57 on LN1816, Lot 58 on LN1816 and Lot 59 on LN1816 (or the amalgamated parcel). The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the commencement of the use.
- 14.0 NOISE
- 14.1 A detailed acoustic report must be prepared and submitted to Council prior to the

lodgement of a Building Works application and in accordance with the Environmental Noise Impact Report (refer to condition 2.1). The acoustic report must detail the plant sections (air conditioner units, exhaust fan, refrigeration compressor, air compressor) and recommendations to mitigate noise source emissions.

15.0 OPERATING PROCEDURES

15.1 The operating hours of the Service station and Shop is restricted to;

- i) 0600 hours to 2200 hours, Monday to Friday; and
- ii) 0600 hours to 2200 hours, Saturday and Sunday.

15.2 All waste storage areas must be:

15.2.1 Aesthetically screened from any frontage or adjoining property; and

15.2.2 of a minimum size to accommodate commercial type bins in accordance with the *Environmental Protection Regulations*.

15.3 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 Rockhampton 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. 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. Plans for Future Trunk Infrastructure – D-19

To enable the future construction of Stormwater trunk infrastructure (D-19, Fig Tree Creek tributary A drainage system which traverses through the existing Lots 57 and 58 on LN1816 in the east-west direction), drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by the Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.

NOTE 6. Landscaping in access and road areas

Landscaping works proposed on figure 2-purposed right turn ingress facility (Traffic Engineering Assessment prepared by Rytenskild Traffic Group, version no: 2) must not obstruct line of sight and encroach into the road frontage of Lot 50 RP602399. Final landscaping work including the alignment of the nature strip island (east) must be design and constructed in consultation with Council as part of Operational Works application.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Service station and Shop, made by S.H.A Premier Constructions Pty Ltd (C/-ADC), on Lot 57 on LN1816, Lot 58 on LN1816 and Lot 59 on LN1816, and located at 101 Rockhampton Road, 103 Rockhampton Road and 105 Rockhampton Road, Yeppoon, Council resolves that Infrastructure Charges do not apply to the development and an Infrastructure Charges Notice will not be issued.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

That the matter lay on the table until later in the meeting pending further information from officers.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

12.7 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A LOCAL UTILITY (BOAT HARBOUR CAR TRAILER PARK EXTENSION) AND OPERATIONAL WORKS FOR STORMWATER WORKS, ACCESS AND PARKING WORKS, SITE WORKS, LANDSCAPING WORKS AND ROAD WORKS.

File No: D/25-2017

Attachments:

1. [Locality Plan](#)
2. [Proposal Plan](#)
3. [Landscaping Plan](#)

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

Author: Kerry Mulcahy - Development Officer

SUMMARY

Development Application Number: D/25-2017

Applicant: The Department of Transport and Main Roads

Real Property Address: Lot 129 on CP854911

Common Property Address: Lot 129 Vin E Jones Memorial Drive, Rosslyn

Area of Site: 3,886 square metres

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Special Purpose Zone

Planning Scheme Overlays: Overlay Map O1 - Protected Areas 100 metres Buffer;
Overlay Map O2 - Erosion Prone; and
Planning Scheme Map PSM10 - Locally Significant Vegetation

Existing Development: Vacant land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Local utility (boat harbour car trailer park extension) and Operational Works for stormwater works, access and parking works, site works, landscaping works and road works

Level of Assessment: Impact Assessable

Submissions: Eleven (11) Properly Made Submissions

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Not applicable

Application Progress:

Application Lodged:	3 February 2017
Acknowledgement Notice Issued:	3 February 2017
Request for Further Information sent:	1 March 2017
Request for Further Information responded to:	22 March 2017
Submission period commenced:	28 March 2017

Submission period end:	19 April 2017
Council first request for additional time:	4 May 2017
Council second request for additional time:	29 May 2017
Last receipt of information from applicant:	28 June 2017
Statutory determination date:	17 July 2017

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT That in relation to the application for a Development Permit for a Material Change of Use (Local Utility) and Operational Works (stormwater works, access and parking works, site works, landscaping works and road works), made by Department of Transport and Main Roads, on Lot 129 on CP854911 and located at Lot 129 Vin E Jones Memorial Drive, Rosslyn, Council resolves to approve the application subject to the following conditions:

PART A: MATERIAL CHANGE OF USE

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 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 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>
Title Sheet, Sheet 1 of 1	702817 Revision D	12 June 2017
Planting Plan	702833 Revision B	12 June 2017
Planting Details	702834 Revision B	12 June 2017

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the commencement of use.
- 3.0 ROAD WORKS
- 3.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of the Development Permit for Operational Works (road works) in Part B of this permit.
- 3.2 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 3.3 Public use areas including intersections between Shoreline Close and site entry and exit must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 4.0 ACCESS WORKS
- 4.1 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 the Development Permit for Operational Works (access works and parking works) in Part B of this permit.
- 4.2 All ingress and egress movements to and from the development must be in a forward direction (forward gear).
- 4.3 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Manual of Uniform Traffic Control Devices (Queensland)*.
- 5.0 STORMWATER
- 5.1 All stormwater 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*, *Urban Stormwater Quality Planning Guidelines*, *State Planning Policy*, sound engineering practice and the provisions of the Development Permit for Operational Works (stormwater works) in Part B of this permit.
- 5.2 All stormwater runoff must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 5.3 All stormwater runoff must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.
- 5.4 All ongoing maintenance and management actions necessary for the proposed stormwater quality management devices must be carried out by suitably qualified person(s) in a timely manner. A completed log book must be maintained and must be available on-site for inspection by Council and /or relevant authorities.
- 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"* and the provisions of the Development Permit for Operational Works (site works) in Part B of

this permit.

- 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 infrastructure.
- 6.3 Any retaining structures one metre or above in height must be separately certified on completion of construction for compliance with the design. In this regard a completed form 16 (upon completion) must be submitted to Council.
- 6.4 All site works must be undertaken to ensure that no actionable nuisance results from:
- 6.4.1 an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
 - 6.4.2 an increase in downstream or upstream flood inundation levels; and
 - 6.4.3 increase in velocity profiles;

7.0 LANDSCAPING WORKS

- 7.1 All landscaping works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) and the provisions of the Development Permit for Operational Works (landscaping works) in Part B of this permit.
- 7.2 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 Electricity and telecommunication (if necessary) 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 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 and Sediment Control Plan approved as part of the Development Permit for Operational Works must be part of the contract documentation for the development works.
- 10.2 The Erosion and Sediment Control 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 and Sediment Control 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 Vin E Jones Memorial Drive and Shoreline Close.

PART B: OPERATIONAL WORKS

12.0 ADMINISTRATION

- 12.1 The approved use and development must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this Decision Notice.

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Title Sheet	702817 Revision D	12 June 2017
Typical Sections and Details	702818 Revision D	12 June 2017
Erosion and Sediment Control Plan	702819 Revision D	12 June 2017
Bulk Earthworks Plan	702820 Revision D	12 June 2017
Bulk Earthworks Cross Sections Sheet 1 of 3	702821 Revision D	12 June 2017
Bulk Earthworks Cross Sections Sheet 2 of 3	702822 Revision D	12 June 2017
Bulk Earthworks Cross Sections Sheet 3 of 3	702823 Revision D	12 June 2017
Setout Tables	702824 Revision D	12 June 2017
Longitudinal Sections – Carpark Sheet 1 of 2	702825 Revision D	12 June 2017
Longitudinal Sections – Retaining Wall & Footpath Sheet 2 of 2	702826 Revision D	12 June 2017
Stormwater Layout Plan	702827 Revision D	12 June 2017
Stormwater Longitudinal Section	702828 Revision D	12 June 2017
Stormwater Calculation Tables	702829 Revision D	12 June 2017
Signs and Linemarking Plan Sheet 1 of 2	702830 Revision D	12 June 2017
Signs and Linemarking Plan	720831 Revision D	12 June 2017

Sheet 2 of 2		
Planting Treatments – Retain and Remove	720382 Revision B	12 June 2017
Planting Plan	702833 Revision B	12 June 2017
Planting Details	702834 Revision B	12 June 2017

- 12.2 A set of the above stamped approved plans are returned to you as the Applicant who must supply a copy to the contractor, which must be retained on site at all times during construction.
- 12.3 Where there is any conflict between the conditions of this Decision Notice and the details shown on the approved plans and documents, the conditions of this Decision Notice must prevail.
- 12.4 If after the issue of this Decision Notice Approval for construction, errors, omissions or insufficient details are noted on the approved plans, such deficiencies must be corrected prior to construction, or if noted during construction, approval obtained from Council to correct the error, omission or deficiency. Council reserves the right to withhold approval of construction until such remedies are complete and accepted.
- 12.5 Where the approved plans or the *Capricorn Municipal Development Guidelines* are silent on any matter regarding specifications for materials (to be permanently incorporated into the works) or silent on any matter regarding construction standards, the specified requirements in the *Standard Specification – Roads (Main Roads)* and *Standard Drawings – Roads (Main Roads)* must prevail. For water supply and sewer infrastructure, the relevant Australian Standard should be used to address any relevant matter where the *Capricorn Municipal Development Guidelines* are silent.
- 12.6 Under Part 1 Clause 1.10 of the *Manual of Uniform Traffic Control Devices Queensland*, Council delegates the Principal Contractor the responsibility for the installation of all official traffic signs, as detailed in the approved plans, installed in accordance with the methods, standards and procedures prescribed in the *Manual of Uniform Traffic Control Devices*, or other duly approved documents.
- 12.7 All works must comply with the *Capricorn Municipal Development Guidelines* and/or other relevant standards and policies pursuant to this Decision Notice, or as approved in writing by Council.
- 12.8 All works must be supervised by a Registered Professional Engineer of Queensland who is experienced in all relevant aspects of civil construction.
- 12.9 All construction work and other associated activities are permitted only between 0630 hours and 1830 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act* and *Environmental Protection Regulations* must be observed at all times.
- 12.10 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure must not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works must be undertaken at no cost to Council.
- 12.11 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.

13.0 INSPECTION REQUIREMENTS

- 13.1 Joint inspections with the Project Superintendent/Consulting Engineer, the Principal Contractor and Council's Operational Works Inspector(s) are required. All works must conform with the inspection and test plan as defined by the *Capricorn Municipal Development Guidelines*.
- 13.2 A pre-start meeting must be held, prior to the commencement of any construction, in accordance with section CP1.08 – Notice to commence works and CP1.09 – Pre-start meeting of the *Capricorn Municipal Development Guidelines*. The following information must be presented prior to, or at the meeting:
- 2.2.1 a copy of the Contractor's Public Liability Insurance Policy for a minimum of twenty (20) million dollars indemnifying Council against all claims resulting from the construction works of this Development;
 - 2.2.2 notification of the Principal Contractor for the works;
 - 2.2.3 a programme of works, demonstrating all major activities and milestones; and
 - 2.2.4 a Traffic Management Plan must be submitted to council for review. This Traffic Management Plan must address the following issues:
 - (i) safe and accessible pedestrian movement in and around the site over the life of the project;
 - (ii) access and egress for the site over the life of the project;
 - (iii) haul routes for earthworks and other construction activities over the life of the project;
 - (iv) general traffic guidance around the site over the life of the project; and
 - (v) proposed parking areas for construction vehicles, staff working on-site and visitors.
- 13.3 Council's minimum inspection programme is as follows, however this does not preclude the requirement for further inspections if deemed appropriate by Council officers:
- 2.3.1 Vegetation:
 - (i) existing vegetation prior to undertaking *any* works on the site.
 - 2.3.2 Earthworks:
 - (i) practical completion.
 - 2.3.3 Stormwater infrastructure:
 - (i) pipe laying – prior to backfill;
 - (ii) pit positioning and setup;
 - (iii) benching;
 - (iv) inlet and outlet protection works; and
 - (v) swale revegetation completion.
 - 2.3.4 Road works:
 - (i) subgrade;
 - (ii) sub-base – after kerb set-out (for that portion of the sub-base under the kerb);
 - (iii) pre-seal;
 - (iv) asphalt placement; and

- (v) final, pavement surfacing, signage, linemarking and street furniture.

2.3.5 Retaining walls:

- (i) footings;
- (ii) first course block placement;
- (iii) drainage and backfill; and
- (iv) final inspection.

2.3.6 Concrete works:

- (i) steel fixing / pre-pour; and
- (ii) final inspection.

2.3.7 Landscaping:

- (i) preparation of garden beds, turf areas and rootball excavation;
- (ii) planting and turf installation including staking (if required); and
- (iii) mulching and final establishment.

14.0 ROAD WORKS

- 14.1 Where a concrete path is proposed initially or ultimately, a maximum cross-fall of two and a half (2.5) per cent must be maintained from the back of the kerb for a minimum distance of three (3) metres towards the lot boundary. Elsewhere, a maximum cross-fall of five (5) per cent must be maintained for a minimum distance of two (2) metres behind the kerb.

15.0 ACCESS

- 15.1 All vehicle access and parking must be designed and constructed in accordance with the approved plans, the *Capricorn Municipal Development Guidelines* and *Australian Standard 2890 Parking and Access*.
- 15.2 Where proposed construction of vehicular or pedestrian access to a development site impacts on existing pedestrian infrastructure, the requirements of *Australian Standard 1428 Design for Access and Mobility* must be maintained.
- 15.3 Pursuant to this Decision Notice, any necessary alterations to existing road furniture, signs and/or pavement markings must be undertaken by the Developer, at no cost to Council.

16.0 STORMWATER

- 16.1 The method of outlet discharge shown indicatively on the approved plans must be inspected and approved prior to Council acceptance.

17.0 SEWERAGE

- 17.1 Works within proximity to the existing sewerage infrastructure must not adversely affect the integrity of the sewer infrastructure. Any repairs required to the infrastructure will be at the developers cost.

18.0 SITE WORKS

- 18.1 All earthworks must be undertaken in accordance with *Australian Standard 3798 Guidelines on Earthworks for Commercial and Residential Developments*.
- 18.2 All earthworks quality control and testing must be in accordance with *Australian Standard 1289 Methods of Testing Soils for Engineering Purposes*.

19.0 LANDSCAPING

- 19.1 Formed hard edges (maintenance edges) constructed of concrete extruded edge in accordance with the *Capricorn Municipal Design Guidelines* must be implemented to

enclose gardens and vegetation where it meets the turf.

20.0 ENVIRONMENTAL MANAGEMENT

- 20.1 All vegetation which cannot be mulched on site for use on this development or an approved place of use must be disposed of at a suitable place of disposal. Burning is generally not permitted unless the relevant Fire Authority issues a Permit.
- 20.2 The Principal Contractor is responsible for ensuring that all aspects of the Environmental Management Plan are complied with at all times. The principal contractor must also check the Erosion and Sediment Control Measures at the start and end of each day to ensure the entire site is secure and appropriately prepared in the event of rainfall.
- 20.3 During all stages of the development, operations must be undertaken in a manner that does not allow environmental nuisance caused by noise, aerosols, dust, ash, fumes, light, odour or smoke and must not go beyond the boundaries of the property, as stated in the *Environmental Protection Act 1994* and subordinate legislation.

21.0 UTILITY SERVICES

- 21.1 The Developer is responsible for all costs associated with the supply and installation of any road lighting or public space lighting in accordance with *Australian Standard 1158 Lighting for Roads and Public Spaces*.

22.0 DOCUMENTATION

- 22.1 An Engineers' Certificate of Construction must be submitted by a Registered Professional Engineer of Queensland verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specifications in relation to the signage and associated structures.
- 22.2 For retaining walls in excess of one metre in height, the construction of the retaining wall must only be undertaken by a licenced tradesperson holding the appropriate licence to do so. A completed Form 16 Inspection Certificate certified by Registered Professional Engineer Queensland (RPEQ) must be submitted to council upon completion.

23.0 AS CONSTRUCTED REQUIREMENTS

- 23.1 "As Constructed" information in the prescribed digital formats must be submitted to Council for review and acceptance prior to inspections or placing the construction "On Defects/Liability Period". The data is to be submitted in accordance with the "As Constructed" submission manual <http://www.livingstone.qld.gov.au/390/Operational-Works> and emailed to enquiries@livingstone.qld.gov.au with a cover note detailing the Development Application reference, legal description of the land, address, estate/subdivision name and stage, Consultant's name and contact details. The final approval of the "As Constructed" submission, in accordance with the *Submission of Digital As Constructed Manual*, must occur prior to the commencement of the Defects Liability period.
- 23.2 By submitting the "as constructed" information to Council, the Consultant grants Council a royalty-free, perpetual, non-exclusive, non-cancellable, non-transferable licence to:
- a) use, reproduce, adapt, modify, commercially exploit and communicate the Intellectual Property (including by development and distribution of a Derivative Product); and
 - b) sub-license Council's right to use, reproduce, adapt, modify, commercially exploit and communicate the Intellectual Property, subject to the terms of this Licence.
- 23.3 Interpretation of the above intellectual property condition will be subject to the following definitions:

“Intellectual Property” in relation to the “As Constructed” information, includes all copyright, and all rights in relation to registered and unregistered trademarks (including service marks), registered designs and confidential information (including trade secrets and know-how), and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields; and

“Derivative Product” means a distinct product in which the Intellectual Property is altered, abridged or supplemented, and/or which incorporates additional functionality.

24.0 DEFECTS LIABILITY

24.1 The satisfactory performance and repairs of defects of all contributed assets, infrastructure and its components, constructed, installed and/or purchased by the developer remains the sole responsibility of the developer during the Defects Liability period.

24.2 All infrastructure intended to transfer to Council ownership will be subject to joint inspection at the commencement of the Defects Liability Period and at the expiration of the Defects Liability Period.

24.3 Any defects found during the defects liability period are required to be rectified by the developer during the defects liability period. Defects requiring rectification attract a further 12 month liability period from the date of rectification.

24.4 All relevant conditions of approval within both the Operational Works Decision Notice Approval and the related application Decision Notice Approval will be checked for compliance before the On-defects Liability Period inspection.

25.0 OPERATING PROCEDURES

25.1 All signage must only display or advertise a matter associated with the primary purpose for which the premises is used including information and directional signage.

25.2 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed.

25.3 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with ‘*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*’.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act*, 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

The *Environmental Protection Act 1994*, *Environmental Protection (Water) Policy 2008*, *Environmental Protection (Air) Policy 2008* and *Environmental Protection (Noise) Policy 2008* control the way in which dust emissions, soil erosion and sediment control are dealt with on building and development sites. It is the

responsibility of the Developer to ensure compliance with the aforementioned legislative requirements. Non-compliance issues are regulated by the Department of Environmental and Heritage Protection which may investigate and act on any complaint/s received in relation to the release of regulated contaminants from a site.

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. Construction Specifications

The *Capricorn Municipal Development Guidelines* construction specifications must be used for the construction works, unless alternative specifications have been granted written Council approved.

NOTE 6. Water and Sewerage Services

In accordance with the *Water Supply (Safety and Reliability) Act 2008*, it is an offence to interfere with a service provider's infrastructure. Livingstone Shire Council is the service provider and Infrastructure Services is the department responsible for water and sewerage services. Infrastructure Services can provide cost estimates for any water and sewerage works if requested.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use (Local Utility) and Operational Works (stormwater works, access and parking works, site works, landscaping works and road works), made by Department of Transport and Main Roads, on Lot 129 on CP854911 and located at Lot 129 Vin E Jones Memorial Drive, Rosslyn, Council resolves not to issue an Infrastructure Charges Notice given the use is a minor use and a nil charge is applicable.

Matter Lay on Table until another Meeting

COUNCIL RESOLUTION

That the matter lay on the table pending further discussion to return to a future Council Meeting.

Moved by: Councillor Belot

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

**12.8 ALIGNMENT AMENDMENT - ADOPTION AND COMMENCEMENT 2005
LIVINGSTONE PLANNING SCHEME - REPRINT 7 (10 JULY 2017)**

File No: L.U.18.3.5
Attachments: Nil
Responsible Officer: David Battese - Manager Strategy & Development
Author: Melissa Warwick - Senior Strategic Planner

SUMMARY

Alignment Amendment – Adoption and Commencement 2005 Livingstone Planning Scheme – Reprint 7 (10 July 2017).

Following Council's resolution on 6 June 2017 regarding making an Alignment Amendment to the 2005 Livingstone Planning Scheme, this report is seeking Council to adopt and commence the Alignment Amendment version of the Scheme, "reprint 7", making "reprint 6" a superseded planning scheme.

COUNCIL RESOLUTION

THAT

1. Following the preparation of the Alignment Amendment to the 2005 Livingstone Planning Scheme (under the Alignment Amendment rules), the Alignment Amendment will commence on 10 July, 2017.
2. Public Notices are made and published:
 - a. in the Government Gazette;
 - b. in the Morning Bulletin and Capricorn Coast Mirror; and
 - c. on the Livingstone Shire Website.
3. Council provide the Chief Executive of the Department of Local Government, Infrastructure and Planning a copy of the Public Notice and a copy of the Alignment Amendment.
4. The Alignment Amendments made are in accordance with the Alignment Amendment Rules made by the Planning Minister to align planning schemes with the Planning Act 2016. The Alignment Amendment has the purpose and general effect of ensuring language, terminology and details of codes are able to address the decision rules for assessment.
5. In addition to the changes afforded by the Alignment Amendment Rules, administrative changes, where detected, are made under the Making and Amending Local Planning Instruments Statutory Guideline.

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

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

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

10:36AM

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 Land for Road Purposes - Shared Pathway linking Statue Bay to Rosslyn Bay Boat Harbour

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: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

10:46AM

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

Moved by: Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 ACQUISITION OF LAND FOR ROAD PURPOSES - SHARED PATHWAY LINKING STATUE BAY TO ROSSLYN BAY BOAT HARBOUR

File No: 17-006

Attachments:

1. Drawing No 17-089-51 (ver A) - *(Confidential)*
2. Drawing No 17-089-51 (ver B) - *(Confidential)*
3. Ordinary Meeting Agenda 24 January 2017 - *(Confidential)*
4. Confidential Ordinary Meeting Agenda 7 March 2017 - *(Confidential)*

Responsible Officer: Jeff Carter - 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 provides an update on progress of the acquisition of land required for the shared pathway linking Statue Bay to the Rosslyn Bay Boat Harbour.

COUNCIL RESOLUTION

THAT Council authorise the Director Infrastructure Services to continue negotiations as outlined in the body of this report, with the owner of Lot 3 SP192259 to dedicate a portion of that property as road generally in accordance with Drawing No 17-089-51 (ver B).

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Wyatt

MOTION CARRIED

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

Leave granted.

Ordinary Meeting procedures were suspended at 10:46AM.

Ordinary Meeting procedures resumed at 11:05AM.

Meeting Adjourned and Resumed

Mayor Ludwig sought leave of the meeting to suspend Ordinary meeting procedures and to proceed into Workshop Meeting.

Leave granted.

Ordinary Meeting procedures were suspended at 11.06AM.

Workshop Meeting suspended and Ordinary Meeting procedures resumed at 02:42PM.

COUNCIL RESOLUTION

02:42PM

THAT the meeting be closed to the public to discuss the following item, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

16.2 Mayoral Minute – Barmaryee Multi-Sports Precinct

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: Mayor Ludwig

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

02:58PM

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

Moved by: Councillor Hutton

Seconded by: Councillor Wyatt

MOTION CARRIED

16.2 MAYORAL MINUTE – BARMARYEE MULTI-SPORTS PRECINCT**File No: FM12.7.1-2015.029****Responsible Officer: Chris Murdoch - Chief Executive Officer**

SUMMARY

Mayor Bill Ludwig proposed the following motion in relation to Barmaryee Multi-Sports Precinct.

COUNCIL RESOLUTION

THAT –

1. Delegate to the Mayor and CEO to negotiate and sign a Memorandum of Understanding (MOU) as discussed in the meeting for the establishment of a high performance centre for sports development and training at Barmaryee Multi-Sports Grounds.
2. Delegate to the CEO to negotiate and sign appropriate lease arrangements to facilitate sports training and coaching requirements in relation to the establishment of the high performance centre.

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

17 CLOSURE OF MEETING

There being no further business the meeting closed at 2:59 pm.

Bill Ludwig
CHAIRPERSON

DATE