



ORDINARY MEETING

MINUTES

17 JULY 2018

The resolutions contained within these minutes were confirmed at Council Meeting
on 7 August 2018.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 17 JULY 2018 COMMENCING AT 9:04AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr Dan Toon – Executive Director Infrastructure and Acting Executive Support Officer
Mrs Debra Howe – Acting Executive Director Liveability and Wellbeing
Mr Matthew Willcocks - Chief Technology Officer
Mr David Battese – Manager Strategy and Development
Mrs Erin McCabe – Coordinator Development Assessment
Mrs Jenna Brosseuk – Senior Development Assessment
Mrs Rhiannon Casey – Planning Officer
Tara Norley – Planning Officer
Mr Damien Cross – Coordinator Accounting Services
Mrs Priscilla Graham – Coordinator Revenue
Mr Jared Thomsen – Senior Sport and Education Officer
Mrs Lucy Merry – Acting Coordinator Executive Support

Apologies:

Mayor, Councillor Bill Ludwig (Chairperson)

3 LEAVE OF ABSENCE / APOLOGIES

Mayor Ludwig has tendered his apology and will not be in attendance for the Ordinary Meeting.

RECOMMENDATION

THAT the apologies tendered for the absence of Mayor Ludwig be received.

Moved by: Councillor Wyatt

Seconded by: Councillor Mather

MOTION CARRIED

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 3 July 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly
Seconded by: Councillor Eastwood

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 10 July 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly
Seconded by: Councillor Belot

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 12 July 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Mather
Seconded by: Councillor Kelly

MOTION CARRIED

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

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

The Deputy Mayor sought leave of the meeting to deal with item 12.13 before returning to item 12.1 of the agenda.

Leave Granted

12 REPORTS

12.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE - 25 JUNE 2018

File No: GV13.4.2
Attachments: 1. ARaBIC Minutes 25 June 2018 - Unconfirmed [⇒](#)
Responsible Officer: Scott Williams - Internal Auditor
Andrea Ellis - Chief Financial Officer
Author: Tanya Callaghan - Support Services Officer

SUMMARY

The Audit, Risk and Business Improvement Committee met on 25 June 2018 and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Councillor Portal.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee meeting held on 25 June, 2018 be received and the following recommendations contained within those minutes be adopted.

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

MOTION CARRIED UNANIMOUSLY

12.2 INTERNAL AUDIT PLAN FOR 2018 - 2019

File No: CM4.2.2
Attachments: 1. [Internal Audit Plan 2018 - 2019](#) ⇨
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Scott Williams - Internal Auditor

SUMMARY

The Internal Audit Plan for 2018-19 has been developed following the established process including consultation with the Executive Leadership Team and the Audit Risk and Business Improvement Committee. The plan is being presented to Council for their approval.

COUNCIL RESOLUTION

THAT Council approve the 2018-19 Internal Audit Plan.

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

MOTION CARRIED UNANIMOUSLY

The Deputy Mayor sought leave of the meeting to deal with item 12.5 before returning to item 12.3 of the agenda.

Leave Granted

12.3 2018-19 INVESTMENT POLICY

File No: FM12.4.1

Attachments: 1. Investment Policy [⇒](#)

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Damien Cross - Coordinator Accounting Services

SUMMARY

Council's Investment Policy has been previously presented to the Planning, Finance Innovation and Business Excellence Committee on 2 July 2018 for review and is now presented to Council for adoption in accordance with Section 191 of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT pursuant to Section 191 of the *Local Government Regulation 2012*, Council adopts the attached Investment Policy for the 2018-19 financial year.

Moved by: Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED

12.4 2018/19 FEES AND CHARGES

File No: GV1.1.1
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Priscilla Graham - Coordinator Revenue

SUMMARY

The intention of this report is to outline amendments required to the schedule of Fees and Charges 2018-19 adopted by Council on the 5 June 2018.

COUNCIL RESOLUTION

THAT Council adopts the amendments to the Fees and Charges 2018-19 as follows;

1. The fee for Town Hall Hire (Other Organisations/Entities): Full Site - additional hours or short term (Min 2 hours) of \$54 per hour.
2. Removal of the Local Disaster Coordination Centre (The Hub) Full Hire charge identified as \$1,000 from the Fees and Charges Register.
3. Car Wash Fees (Multilevel Car Park) - \$1 per 1 minute and 20 seconds.
4. Vacuum Fees (Multilevel Car Park) - \$1 per 2 minutes.

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED UNANIMOUSLY

12.5 BLACK SPOT FUNDING APPLICATION

File No: GS15.2.3-5
Attachments: Nil
Responsible Officer: Dan Toon - Executive Director Infrastructure
Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

Council officers have identified projects on Lake Mary and Bungundarra Roads to submit for the 2019/20 Black Spot funding program.

COUNCIL RESOLUTION

THAT Council resolves to endorse a Black Spot funding application to provide works on Lake Mary and Bungundarra Roads as outlined in this report.

Moved by: Councillor Mather
Seconded by: Councillor Kelly

MOTION CARRIED

12.6 DRAFT FIG TREE CREEK MASTERPLAN

File No: EM11.12.1
Attachments: 1. Fig Tree Creek Master Plan [⇒](#)
Responsible Officer: David Mazzaferri - Manager Disaster Management,
Recovery and Resilience
Brett Bacon - Executive Director Liveability and
Wellbeing
Author: Leise Childs - Senior Land Protection Officer

SUMMARY

This report provides the draft Fig Tree Creek Master Plan for Council's consideration. This first stage has set out some broad principles, strategies and concepts to provide strategic direction for issues within the Fig Tree Creek Catchment. It provides an overarching Vision and Concept Plan to inform detailed master planning.

COUNCIL RESOLUTION

THAT Council endorse the Fig Tree Creek Master Plan for further public consultation and integration into the Council's Strategic Planning Framework

Moved by: Councillor Belot
Seconded by: Councillor Wyatt

MOTION CARRIED UNANIMOUSLY

12.7 FLYING FOX ROOST MANAGEMENT - STATEMENT OF MANAGEMENT INTENT**File No:** LE19.3.7**Attachments:**

1. **Urban Flying Fox Management Area**⇒
2. **Draft Statement of Management Intent for flying Fox Roost Management in Livingstone Shire**⇒

Responsible Officer: **David Mazzaferri - Manager Disaster Management, Recovery and Resilience**
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** **Leise Childs - Senior Land Protection Officer**

SUMMARY

Flying foxes are protected in Queensland under the Nature Conservation Act 1992. Under this legislation, within designated Urban Flying Fox Management Areas, local governments may undertake roost management activities in accordance with a code of practice, where the locations of flying fox roosts are proven to be in conflict with public health and safety.

A key element of any flying fox management programme is the provision of information, particularly for those urban areas directly affected by flying fox roosts. An important part of this communication is the publication of a Statement of Management Intent.

This report provides a draft Statement of Management Intent for Council's consideration. Council's adoption of this document will provide necessary and relevant information to flying fox management and limitations applied to the management of flying fox roosts within Livingstone's Urban Flying Fox Management Areas as resolved by Council.

COUNCIL RESOLUTION

THAT Council adopt the Statement of Intent as contained within this report. The Statement of Intent will be published on Council's website together with additional educational resources and fact sheets.

Moved by: **Councillor Belot****Seconded by:** **Councillor Eastwood****MOTION CARRIED UNANIMOUSLY**

12.8 KEPPEL BAY SAILING CLUB REQUEST FOR TENURE - CAUSEWAY LAKE**File No:** CP5.9.2**Attachments:**

1. Correspondence from Keppel Bay Sailing Club - Request for Tenure⇒
2. Proposed Tenure Location - Causeway Lake⇒

Responsible Officer: Debra Howe - Director Strategic Growth and Development**Author:** Jared Thomsen - Senior Sport & Education Officer

SUMMARY

This report discusses a request from the Keppel Bay Sailing Club to enter a tenure agreement with Livingstone Shire Council at the Causeway Lake to support the development of its sailing operations.

COUNCIL RESOLUTION

THAT Council resolves to issue a Trustee Permit for a period of three (3) years to the Keppel Bay Sailing Club over approximately 800 square metres in the Reserve for Landing Purposes adjacent to Resada Esplanade at Causeway Lake, in the general location depicted in Attachment Two.

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

12.9 COMMUNITY ORGANISATION LEASE RENEWALS

File No: CP5.9.2
Attachments: Nil
Responsible Officer: Debra Howe - Director Strategic Growth and Development
Author: Jared Thomsen - Senior Sport & Education Officer

SUMMARY

This report provides a summary of tenure agreements between Livingstone Shire Council and a number of not-for-profit community organisations which are due for renewal.

COUNCIL RESOLUTION

THAT Council resolve to renew the relevant tenure agreements as outlined in this report for the following not-for-profit community organisations:

- 1) Scouts Association of Australia (Queensland Branch);
- 2) Capricorn Coast Mallet Sports Club Incorporated;
- 3) Keppel Coast Country Music Club Incorporated;
- 4) Cawarral Cricket Club Incorporated; and
- 5) Mount Chalmers Community History Centre Incorporated.

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

MOTION CARRIED UNANIMOUSLY

The Deputy Mayor sought leave of the meeting to deal with item 12.11 and 12.12 before returning to item 12.10 of the agenda.

Leave Granted

12.10 MULTICULTURAL DEVELOPMENT AUSTRALIA - SKILLING QUEENSLANDERS FOR WORK PROGRAMME - JACK'S PADDOCK

File No:	GS15.2.3
Attachments:	<ol style="list-style-type: none">1. Correspondence from Multicultural Development Australia - Jack's Paddock ⇒2. Correspondence from Jack's Paddock Incorporated - Multicultural Development Australia ⇒
Responsible Officer:	Debra Howe - Executive Director Liveability and Wellbeing
Author:	Jared Thomsen - Senior Sport & Education Officer

SUMMARY

This report discusses an update to the project to be delivered by Multicultural Development Australia through funding it has received from the Queensland Government's Skilling Queenslanders for Work programme.

COUNCIL RESOLUTION

THAT, in line with this report, Council rescind the resolution made at the Ordinary Meeting held 5 September 2017 which stated:

'Council provides in-principle support for the construction of a mountain bike skills park and shade shelters on Lot 35 on SP166175 (Lex Semple Park), and the submission of a funding application by Multicultural Development Australia to the Queensland Government's Skilling Queenslanders for Work programme, in line with the following conditions:

- 1) prior to the commencement of the project, community consultation and engagement must be completed to ensure community support for the project;*
- 2) obtain all requisite financial and in-kind contributions for associated materials, plant and labour to complete the project;*
- 3) all planning and design documentation must be reviewed and approved by Council prior to the commencement of the proposed project; and*
- 4) all stages of the proposed project (design, planning, and construction) must be completed in accordance with the relevant standards and guidelines.'*

AND THAT Council approves the construction of garden beds and pathways at Jack's Paddock, 25-27 Ross Street, Yeppoon (Lot 1 on RP619568), in line with the following conditions:

- 1) all construction works must be done in line with the support of the Jack's Paddock Incorporated, and its plan developed in conjunction with community consultation
 - 2) obtain all requisite financial and in-kind contributions for associated materials, plant and labour to complete the project, and
 - 3) all planning and design documentation must be reviewed and approved by Council prior to the commencement of the proposed project.
-

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

12.11 REQUEST FOR NEGOTIATED INFRASTRUCTURE CHARGES FOR A DEVELOPMENT PERMIT D-159-2017 FOR RECONFIGURING A LOT (ONE LOT INTO FIFTEEN LOTS)

File No: D-159-2017

Attachments:

1. [Approved Plan](#)
2. [Infrastructure Charges Notice](#)
3. [Decision Notice](#)
4. [Representations](#)

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

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Applicant: Dr Peter Dunbar C/-RPS

Consultant: RPS

Real Property Address: Lot 5 on SP214946

Common Property Address: Lot 5 Marlborough Road, Marlborough

Area of Site: 11,288 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map O1 – Protected Areas
Overlay Map O3 – Wetlands and Wetlands 100 metre Buffer
Overlay Map O4 – Good Quality Agricultural Land
Overlay Map O5 – Bushfire Hazard

Planning Scheme Maps:
Planning Scheme Map 2A – Classes C1 and C2
Planning Scheme Map 10 – Locally Significant Vegetation

Existing Development: Dwelling house, ancillary outbuildings and agriculture (cattle grazing)

Existing Approvals: Nil

Approval Sought: Development Permit for a Reconfiguring a Lot for a (one lot into fifteen lots)

Level of Assessment: Code assessable

Submissions: Not applicable

Referral Agency(s): Department of Infrastructure, Local Government and Planning – Concurrence agency
Powerlink – Advice agency

Adopted Infrastructure Charges Area: Located outside of the priority infrastructure area

COUNCIL RESOLUTION

THAT in relation to the change representations for Development Permit D-159-2017 for Reconfiguring a Lot (one lot into fifteen lots) made by RPS on behalf of Dr Peter Dunbar C/- RPS on land described as Lot 5 on SP214946 and located at Lot 5 Marlborough Road, Marlborough, Council resolves that the Infrastructure Charge Notice amount remain unchanged.

Moved by: Councillor Kelly

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

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

Leave granted.

Meeting procedures were suspended at 10:07AM.

Meeting procedures resumed at 10:19AM.

12.12 DECISION ASSESSMENT FOR A DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SPECIAL USE (PET CREMATORIUM) AT 410 AND 424 TANBY POST OFFICE ROAD, BONDOOLA

File No: D-66-2018

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Management Plan - Pet Crematorium operations](#)
4. [Building Proposal Plans \(shed\)](#)

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

Author: Rhiannon Casey - Planning Officer

SUMMARY

Applicant: Mervyn Charles Buchholz

Real Property Address: Lot 31 and 32 on SP272608

Common Property Address: 410 and 424 Tanby Post Office Road, Bondoola

Area of Site: Lot 32 (development site) 30 hectares and whole of Lot 31 (location of access easement) 34.1 hectares

Planning Scheme: Livingstone Shire Planning Scheme 2005 (reprint 7, in force 10 July 2017)

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Overlay Map O2 – Steep Land and Drainage Problem Area;
Overlay Map O4 – Good Quality Agricultural Land;
Overlay Map O5 – Bushfire Hazard Area; and
Overlay Map O9 – Capricorn Coast Landscape Area (Precinct A)

Planning Scheme Maps: Planning Scheme Map PSM2A – Class A2 and Class C2; and
Planning Scheme Map 10A and 10B – Locally Significant Vegetation

Existing Development: Lot 31 - vacant and Lot 32 - Dwelling house

Level of Assessment: Impact assessable

Submissions: Nil

Referral matters: Not applicable

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

<i>Pre-lodgement Meeting:</i>	21 March 2018
<i>Application received:</i>	20 April 2018

<i>Application properly made:</i>	<i>23 April 2018</i>
<i>Confirmation notice issued:</i>	<i>1 May 2018</i>
<i>No Information Request required letter issued:</i>	<i>16 May 2018</i>
<i>Notice of intention to commence public notification received:</i>	<i>22 May 2018</i>
<i>Public notification period:</i>	<i>25 May 2018 to 15 June 2018</i>
<i>Notice of compliance received:</i>	<i>19 June 2018</i>
<i>Council meeting date:</i>	<i>17 July 2018</i>
<i>Statutory determination date:</i>	<i>24 July 2018</i>

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Special use (pet crematorium), made by Mervyn Charles Buchholz, on Lot 31 and Lot 32 on SP272608 and located at 410 and 424 Tanby Post Office Road, Bondoola, Council resolves to approve the application given pursuant to Section 45(5)(b) of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks and relevant matters, and reasons have been established in support of the development as follows:

- (a) Due to the nature of the proposal, being a Special use (pet crematorium), it is more appropriately located within the rural zone due to the opportunity to appropriately buffer the use from surrounding properties.
- (b) The use is proposed within a cleared portion of the subject site, approximately 500 metres from the nearest adjoining neighbour (to the south) and is not anticipated to be visible from adjoining properties.
- (c) The development involves an activity located wholly indoors, within a shed structure which is a built form prevalent in a rural setting.
- (d) The development does not impact upon the agricultural capacity of the subject site as a future rural use is able to occur concurrently on the site without conflict.
- (e) No submissions were received in relation to the development.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Special use (pet crematorium), made by Mervyn Charles Buchholz, on Lot 31 and Lot 32 on SP272608 and located at 410 and 424 Tanby Post Office Road, Bondoola, Council resolves to approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Building Work.
- 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, operated 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	Not numbered	April 2018
Frame Roof Plan and Elevation Grid B	ROKH02/5241 Page 1/3	Not dated
Section Grid 4 and 6	ROKH02/5241 Page 2/3	Not dated
Elevation Grid A and 1 and Section Grid 2, 3 and 5	ROKH02/5241 Page 3/3	Not dated
Management Plan Pet Crematorium	Not numbered	Not dated

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Building Works.

3.0 BUILDING WORKS

- 3.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 3.2 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*'.

4.0 SITE WORKS

- 4.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798*

“Guidelines on Earthworks for Commercial and Residential Developments”.

- 4.2 Site works must be constructed such that they do not, at any time, in any way adversely restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or damage infrastructure.
- 4.3 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.
- 5.0 ELECTRICITY AND TELECOMMUNICATIONS
- 5.1 Electricity must be provided to the development to the standards of the relevant authorities.
- 6.0 ASSET MANAGEMENT
- 6.1 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.
- 6.2 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.
- 7.0 ENVIRONMENTAL
- 7.1 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.
- 7.2 The development must be undertaken in accordance with the recommendations in the approved Management Plan Pet Crematorium (refer condition 2.1).
- 8.0 OPERATING PROCEDURES
- 8.1 The operating hours of the Special use (pet crematorium) are restricted to;
- 8.1.1 0800 hours to 1800 hours, Monday to Friday; and
 - 8.1.2 No operation on weekends or public holidays.
- The hours of operation are for the cremator only. Pick-up and delivery outside of these hours is acceptable. The hours of operation do not include heating up and cooling down of the cremator.
- 8.2 Written documentation from a suitably qualified person detailing that the dual chamber incinerator is installed and operating to the specifications of the manufacture in regards to temperature and residence time, must be provided to Council, prior to commencement of use.
- 8.3 The use/operator must not exceed three (3) burns per hour, or maximum weight allowance for the incinerator and only burn domestic pet animals. Livestock and other animals that are not domestic pet animals must not be cremated in the incinerator.
- 8.4 All carcasses that are not cremated upon arrival at the crematorium must be stored in a freezer specific for that purpose.
- 8.5 The operator must ensure that scheduled maintenance is carried out on the furnace

- as per the manufactures specifications.
- 8.6 A log book recording the maintenance dates must be kept and must be made available for inspection by Council upon request.
- 8.7 The operator must complete and retain a log book recording the operating times for the furnace, including:
- 8.7.1 operating times, excluding heating up and cooling down of the cremator;
 - 8.7.2 time and duration of each burn; and
 - 8.7.3 details of each burn including weight and type of animal.
- A copy of this log must be available for inspection by Council upon request.
- 8.8 The incinerator stack height and design must be installed in a manner that complies with the *Australian Standard AS 4323.1 – 1995 Stationary source emissions*.
- 8.9 Air pollution devices must be fitted to the furnace stack, to ensure that ground level concentrations of pollutants discharged from the stack do not exceed levels, as stated in the *Environmental Protection (Air) Policy 2008*, and the any other relevant environmental standard.
- 8.10 Emissions from the activity must not cause an odour, smoke, solvent or dust nuisance.
- 8.11 The stack outlet discharge rate must be at least ten (10) metres per second, unless otherwise approved.
- 8.12 The stack is to be fitted with a rain protection device that does not impede the discharge of exhaust gasses from the stack.
- 8.13 Waste generated from the activity must be disposed in a manner that is not released to the environment unless approved otherwise.
- 8.14 The disposal of cremated remains (ash) on site is permitted, provided that the disposal occurs during light wind conditions and leaching of materials into the water table, water way or stormwater does not occur or any other nuisance is created.
- 8.15 Where regulated waste is removed from the premises related to the activity, the holder of the development approval must monitor and record the following:
- 8.15.1 the date, quantity and type of waste removed;
 - 8.15.2 name of the licensed regulated waste removalist and/or disposal operator and
 - 8.15.3 the intended treatment/disposal destination of the waste.
- Records must be maintained for a period of five (5) years for all regulated waste removal.
- 8.16 A complaints register must be kept at the premises and all complaints received in relation to the activity must be recorded in the register with the following details:
- 8.16.1 time, date and nature of complaint;
 - 8.16.2 type of communication (telephone, letter, in person etc.);
 - 8.16.3 name, contact address and contact phone number of the complainant (if the complainant does not wish to be identified then 'not identified' is to be recorded);
 - 8.16.4 response and investigation undertaken in response to the complaint;
 - 8.16.5 name of the person responsible for investigating the complaint; and
 - 8.16.6 the action taken as a result of the complaint/investigation and the signature of or under the authorised holder.

The register must be made available to Council for inspection upon request.

8.17 An incidents register must be kept at the premises and it must record any incidents including (but not limited to):

8.17.1 Any fire at the premises relevant to operation of the approved use; and

8.17.2 Any release of contaminants not in accordance with the development approval conditions.

The register must be made available to Council for inspection upon request.

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. Environmental

- a. The land subject to the above development application must be free of invasive 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 *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- b. It is advised that part of the subject site is mapped by the Department of Environment and Heritage Protection as containing Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>
- c. It is advised that part of the subject site is mapped by the Department of Environment and Science as a high risk area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Science.
- d. Suitable endemic plants are available from the Council Community Nursery to assist with landscaping and re-vegetation on the property.

Moved by: Deputy Mayor, Councillor Hutton
Seconded by: Councillor Belot
MOTION CARRIED

12.13 DECISION ASSESSMENT FOR A DEVELOPMENT PERMIT FOR MAKING A MATERIAL CHANGE OF USE OF PREMISES FOR AN EXTRACTIVE INDUSTRY FOR SAND AND GRAVEL AND ASSOCIATED ACTIVITIES AND MAKING A MATERIAL CHANGE OF USE OF PREMISES FOR CONCURRENCE ENVIRONMENTALLY RELEVANT ACTIVITY AT LOT 5, LOT 6, LOT 8, AND LOT 10 MELDRUM ROAD AND 887 ETNA CREEK ROAD, ETNA CREEK

File No: D-174-2015

Attachments:

1. [Locality Plan](#)
2. [Proposal Plans](#)
3. [Environmental Management Plan](#)
4. [Environmental Assessment Report](#)
5. [Ecological Assessment Report](#)
6. [Bushfire Management Plan](#)
7. [Hydrology Assessment Report](#)
8. [Road Section Plan](#)
9. [State Response](#)
10. [Environmental Authority Permit](#)
11. [Passing Bay Proposal Plan](#)
12. [Second Carriageway Proposal Plan](#)

Responsible Officer: David Battese - Manager Strategy & Development

Author: Erin McCabe - Co-ordinator Development Assessment
Rhiannon Casey - Planning Officer

SUMMARY

Applicant: Belmont Sands Pty Ltd (c/- Groundwork Plus)

Real Property Address: Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291 and Lot 3 on RP601603

Common Property Address: Lot 5, Lot 6, Lot 8 and Lot 10 Meldrum Road and 887 Etna Creek Road, Etna Creek

Area of Site: 1,524 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005* (Reprint 6, 9 June 2009)

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map O2 - Drainage Problem;
Overlay Map O3 - Wetlands and 1waterways
Overlay Map O4 - Good Quality Agricultural Land
Overlay Map O5 - Stormtide Hazard
Overlay Map O5 - Bushfire Hazard
Overlay Map O8 – Potential Acid Sulfate Soils (land below five (5) metres Australian Height Datum)

Planning Scheme Maps: Planning Scheme Map 2A – Agricultural Land Classification Map – Shire Balance (Class C2, Class C1 and Class A1)

Planning Scheme Map 10 – Locally Significant Vegetation

Existing Development:	Belmont Research Station Agriculture (grazing), Caretaker's Residence and Dwelling houses
Approval Sought:	Development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year)
Level of Assessment:	Impact Assessable
Submissions:	Thirty-nine (39) submissions (Thirty-eight (38) properly made and one (1) not properly made)
Referral Agency(s):	Department of Infrastructure, Local Government and Planning
Adopted Infrastructure Charges Area:	Outside the Priority Infrastructure Area

Application Progress:

Application Lodged:	7 August 2015
Application Properly Made:	7 August 2015
Acknowledgement Notice sent:	14 August 2015 18 August 2015 (amended)
Application referred to State agency:	19 August 2015
State agency Information Request period extended: (until 16 September 2015)	27 August 2015
Information Request issued:	1 September 2015
State agency Information Request issued:	10 September 2015
Information Request Response received:	13 November 2015
State agency Information Response received:	13 November 2015
State Agency extension to decision stage: (until 18 January 2016)	10 December 2015
State Agency Response:	18 January 2016
Notice of Commencement received:	24 November 2015
Submission period commenced:	23 November 2015
Submission period end:	16 December 2015
Notice of Compliance received:	17 December 2015
Council extension to decision stage: (until 16 March 2016)	9 February 2016
Extension by agreement: (until 7 April 2016)	1 March 2016

Extension by agreement: (until 17 May 2016)	15 April 2016
Council Workshop: (applicant deputation)	19 April 2016
Extension by agreement: (until 1 July 2016)	17 May 2016
Extension by agreement: (until 26 August 2016)	30 June 2016
Extension by agreement: (until 26 October 2016)	26 August 2016
Extension by agreement: (until 23 December 2016)	24 October 2016
Extension by agreement: (until 23 February 2017)	21 December 2016
Extension by agreement: (until 24 April 2017)	23 February 2017
Extension by agreement: (until 30 June 2017)	21 April 2017
Extension by agreement: (until 18 August 2017)	29 June 2017
Extension by agreement: (until 29 September 2017)	11 August 2017
Extension by agreement: (until November 2017)	26 September 2017
Extension by agreement: (until 22 December 2017)	30 November 2017
Extension by agreement: (until 28 February 2018)	18 December 2017
Extension by agreement: (until 28 March 2018)	21 February 2018
Extension by agreement: (until 30 April 2018)	28 March 2018
Council Workshop (application update):	16 April 2018
Extension by agreement: (until 31 May 2018)	30 April 2018
Extension by agreement: (until 18 July 2018)	1 June 2018
Council Meeting Date:	17 July 2018
Statutory determination date:	18 July 2018

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), made by Belmont Sands Pty Ltd (c/- Groundwork Plus), on Lot 5, Lot 6 and Lot 8 on RP601603, Lot 10 on SP142291 and Lot 3 on RP601603 and located at Lot 5, Lot 6, Lot 8 and Lot 10 Meldrum Road and 887 Etna Creek Road, Etna Creek, Council resolves that it is satisfied under section 304 of the *Sustainable Planning Act 2009*, that the following non-compliance with notification procedures have not adversely affected the awareness of the public or restricted the opportunity of the public to make properly made submissions:

- (a) One (1) of the public notification signs had fallen down during the public notification period due to weather conditions. The applicant advised that they became aware of the matter on Friday 11 December 2015, and the sign was re-erected on the afternoon of Saturday 12 December 2015. As the applicant allowed eighteen (18) business days for the public notification period, it is considered that the requirements of section 297 (1) and 298 of the *Sustainable Planning Act 2009* in respect of placing a sign on the land for the minimum period of fifteen (15) business days were still met and the notification period occurred for a total of seventeen (17) business days.

RECOMMENDATION B

THAT in relation to the application for a development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), made by Belmont Sands Pty Ltd (c/- Groundwork Plus), on Lot 5, Lot 6 and Lot 8 on RP601603, Lot 10 on SP142291 and Lot 3 on RP601603 and located at Lot 5, Lot 6, Lot 8 and Lot 10 Meldrum Road and 887 Etna Creek Road, Etna Creek, Council resolves to approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- (a) The approval includes conditions that require Etna Creek Road, as the haul route for the development, to be designed and constructed to a standard satisfactory to accommodate the traffic generated by the development, and without those conditions, the application would be refused.
- (b) The development will not hinder other current agricultural pursuits on site, and will not irreversibly affect the agricultural nature of the land for future agricultural pursuits.
- (c) The approval includes conditions imposed by Council and a State Department to reduce the potential for the use to have significant adverse impacts on the surrounding community in terms of traffic, noise and dust.
- (d) The development, provided that there is compliance with the conditions as imposed, will not conflict with:
 - the *Livingstone Shire Planning Scheme 2005*; or
 - relevant aspects of the applicable State Planning Policies.

RECOMMENDATION C

THAT in relation to the application for a development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and

making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), made by Belmont Sands Pty Ltd (c/- Groundwork Plus), on Lot 5, Lot 6 and Lot 8 on RP601603, Lot 10 on SP142291 and Lot 3 on RP601603 and located at Lot 5, Lot 6, Lot 8 and Lot 10 Meldrum Road and 887 Etna Creek Road, Etna Creek, Council resolves to state a relevant period of six (6) years in accordance with section 341 (1)(b) of the *Sustainable Planning Act 2009* for the development permit.

RECOMMENDATION D

THAT in relation to the application for a development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), made by Belmont Sands Pty Ltd (c/- Groundwork Plus), on Lot 5, Lot 6 and Lot 8 on RP601603, Lot 10 on SP142291 and Lot 3 on RP601603 and located at Lot 5, Lot 6, Lot 8 and Lot 10 Meldrum Road and 887 Etna Creek Road, Etna Creek, Council resolves to approve the application subject to the following conditions:

1.0 APPROVED DEVELOPMENT

1.1 The approved development is:

1.1.1 making a material change of use of premises for an extractive industry for sand and gravel, at an extraction rate of not more than 1,000,000 tonnes of sand and gravel (combined extraction limit) per calendar year, including the following associated activities:

- (a) screening extracted material (for this development, extracted material is the total material extracted, including sand, gravel, clay, silt and waste material);
- (b) washing extracted material;
- (c) stockpiling extracted material;
- (d) processing plant;
- (e) transporting sand and gravel off-site;
- (f) weighbridge facilities;
- (g) storage shed; and
- (h) office facilities;

and

1.1.2 making a material change of use of premises for concurrence ERA 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year)),

on the subject premises, which must be in accordance with the endorsed plans (refer to condition 3.1).

1.2 The extraction rate limit of 1,000,000 tonnes per calendar year applies to the total amount of sand and gravel (combined) extracted. The extraction rate limit of 1,000,000 tonnes of sand and gravel (combined) per calendar year applies unless a lesser extraction rate limit is confirmed with Council as part of any development application for carrying out operational work for road works and that lesser extraction limit is the subject of a successful change application to vary this approval.

1.3 Extraction of material is limited to the locations identified as Resource Area 1 and

Resource Area 2 on the approved conceptual site layout plan (refer to condition 3.1).

2.0 ADMINISTRATION

- 2.1 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.
- 2.2 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.
- 2.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 2.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 2.5 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.
- 2.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 2.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access works;
- 2.6.2 Plumbing and Drainage Work; and
- 2.6.3 Building Works.
- 2.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant development permits, Council policies, guidelines and standards.
- 2.8 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 (RPEQ).
- ## 3.0 APPROVED PLANS AND DOCUMENTS
- 3.1 The approved development must commence, and be maintained, operated and completed 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>
Conceptual Site Layout Plan	1810.026B Revision 9	28 October 2015
Example Site Office Layout	1810.035	6 July 2015
Example Storage Shed Layout	1810.036	6 July 2015
Road section plan	D-174-2015	1 July 2018
Environmental Management Plan	1810.610.001r1 Issue 1	12 November 2015
Bushfire Management Plan	15-059 Report	October 2015

Hydrology Assessment Report	1810.610.002 Issue 0	12 November 2015
Ecological Assessment	Not numbered	July 2015

3.2 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.

3.3 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.

4.0 ROAD WORKS

4.1 The haul route for the development is Etna Creek Road from the site access to the intersection of Etna Creek Road and the Bruce Highway. Vehicles associated with the development must not use any other route.

4.2 The developer must design and construct the haul route (Etna Creek Road), including pavement and road drainage works (cross drains and roadside drainage) in accordance with this condition 4.0.

This condition is imposed pursuant to section 665 of the *Sustainable Planning Act 2009*.

4.3 The haul route, except section E (refer to approved plan "road section plan"), must be designed and constructed to:

4.3.1 have a minimum formation width of eight (8) metres; and

4.3.2 have a minimum sealed width of 6.5 metres; and

4.3.3 a standard (including geometric, structural and drainage aspects) that is suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and

4.3.4 a standard supported by a pavement design report that is certified by a suitability qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitability qualified RPEQ experienced in geotechnical engineering.

This condition is imposed pursuant to section 665 of the *Sustainable Planning Act 2009*.

Note: The minimum formation width (8 metres) and the minimum sealed width (6.5 metres) are formulated on the basis that the site may extract up to 1,000,000 tonnes of sand and gravel (combined) per calendar year. Accordingly the haul route referred to in condition 4.0 must be designed and constructed with a pavement appropriate for the 1,000,000 tonne maximum extraction rate of sand and gravel (combined) unless a lesser extraction rate is confirmed with Council as detailed in condition 1.2 and is the subject of a successful change application for this approval.

4.4 Section E of the haul route (refer to approved plan "road section plan"), must be designed and constructed to:

4.4.1 have a minimum formation width of eight (8) metres;

4.4.2 have, either:

(a) a minimum sealed width of 6.5 metres; or

(b) a minimum unsealed width of 6.5 metres;

and

4.4.3 a standard (including geometric, structural and drainage aspects) that is

suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and

- 4.4.4 a standard supported by a pavement design report that is certified by a suitability qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitability qualified RPEQ experienced in geotechnical engineering.

This condition is imposed pursuant to section 665 of the *Sustainable Planning Act 2009*.

Note: The minimum formation width (8 metres) and the minimum sealed or unsealed width (6.5 metres) are formulated on the basis that the site may extract up to 1,000,000 tonnes of sand and gravel (combined) per calendar year. Accordingly the haul route referred to in condition 4.0 must be designed and constructed with a pavement appropriate for the 1,000,000 tonnes maximum extraction rate of sand and gravel (combined) unless a lesser extraction rate is confirmed with Council as detailed in condition 1.2 and is the subject of a successful change application for this approval.

- 4.5 A Development Permit for Operational works (road works) must be obtained prior to the commencement of any works on a Council controlled road.
- 4.6 All works must be designed and constructed in accordance with the approved plans (refer to condition 3.1), this condition 4.0, the *Capricorn Municipal Development Guidelines*, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).
- 4.7 Ancillary road drainage works (for example, cross drains and roadside drainage) associated with any road works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines* and the *Queensland Urban Drainage Manual*.

This condition is imposed pursuant to section 665 of the *Sustainable Planning Act 2009*.

- 4.8 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)*.

This condition is imposed pursuant to section 665 of the *Sustainable Planning Act 2009*.

5.0 ACCESS WORKS

- 5.1 Vehicle access to the subject site from Etna Creek Road must be designed and constructed to cater for the largest design vehicle associated with the development operating at the maximum extraction rate.

This condition is imposed pursuant to section 665 of the *Sustainable Planning Act 2009*.

- 5.2 Once constructed in accordance with this condition 5.0, the vehicle access must be maintained to comply with this condition 5.0 at all times while the extractive industry use (including the associated activities and the ERAs) is occurring.

This condition is imposed pursuant to section 665 of the *Sustainable Planning Act 2009*.

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

- 5.4 All works must be designed and constructed in accordance with the approved plans (refer to condition 3.1), *Capricorn Municipal Development Guidelines* and the provisions of a Development Permit for Operational Works (access works).

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 On-site sewage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

This condition is imposed pursuant to section 665 of the *Sustainable Planning Act 2009*.

- 6.2 On-site water supply for domestic (potable) and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

This condition is imposed pursuant to section 665 of the *Sustainable Planning Act 2009*.

- 6.3 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage work associated with the development.

- 6.4 All plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*, any relevant development permit for carrying out plumbing or drainage work, and Council's Plumbing and Drainage Policies.

7.0 SITE WORKS

- 7.1 Site works must be undertaken such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or that cause an actionable nuisance or worsening to adjoining properties or infrastructure.

- 7.2 Any vegetation cleared or removed must be:

7.2.1 Mulched on-site and utilised on-site for landscaping purposes; or

7.2.2 Removed for disposal at a location approved by Council;

Within sixty (60) days of clearing. Any vegetation removed must not be burnt unless authorised by a relevant fire permit.

8.0 BUILDING WORKS

- 8.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

- 8.2 The minimum habitable floor height for new buildings must be 17.2 metres Australian Height Datum.

- 8.3 All electrical outlets and distribution boxes must be located above the predicted flood level of 16.9 metres Australian Height Datum.

9.0 ENVIRONMENTAL

- 9.1 All applications for a Development Permit for Operational Works (road works and access works) must be accompanied by a detailed Construction Environmental Management Plan prepared by a suitably qualified RPEQ (civil or environmental engineering), 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.
- 9.2 All applications for a Development Permit for Operational Works (road works and access works) must be accompanied by a detailed Erosion and Sediment Control Plan, which addresses, but is not limited to, the following:
- (i) site location/topography/soil type;
 - (ii) objectives;
 - (iii) concept;
 - (iv) design details;
 - (v) implementation procedures for construction and post construction phases;
 - (vi) vegetation;
 - (vii) interim drainage plan during construction;
 - (viii) dust suppression;
 - (ix) top soil management;
 - (x) acid sulphate soils; and
 - (xi) erosion susceptibility and risk.
- 9.3 The erosion and sediment control device(s) referenced in the Environmental Management Plan (refer condition 3.1), as approved and amended pursuant to this approval, must be installed and maintained at all times while the extractive industry use (including the associated activities and the ERAs) is occurring and for the duration of rehabilitation works.
- This condition is imposed pursuant to section 665 of the *Sustainable Planning Act 2009*.
- 9.4 Vegetation must not be cleared, removed or damaged unless it is in accordance with the approved plans (refer condition 3.1).
- 9.5 The development must include:
- 9.5.1 A storage area for hazardous contaminants that has a secondary containment system to prevent any release of contaminants from the system, or container within the system, to land, groundwater, or surface waters; and
 - 9.5.2 Containers for hazardous contaminants that are secured at all times to prevent movement and leaking during any flood event.
 - 9.5.3 A storage area for hazardous contaminants that is above the minimum two (2) per cent Annual Exceedance Probability (AEP) event flood level.
- 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 use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

11.0 OPERATING PROCEDURES

- 11.1 The hours of operations for the development must be limited to:
- 11.2 Prior to the commencement of use, the *Environmental Management Plan* (refer condition 3.1)
- (i) 0600 hours to 1800 hours Mondays to Saturdays (not including public holidays); and
 - (ii) No operations on Sundays or Public Holidays
- 11.3 Prior to the commencement of use, the *Environmental Management Plan* (refer condition 3.1) must be amended to, incorporate the recommendations of the *Bushfire Management Plan* (refer to condition 3.1); the *Hydrology Assessment Report* (refer to condition 3.1); include the conditions imposed by the Environmental Authority; and include the requirements of this development permit.
- 11.4 The amended *Environmental Management Plan* (refer condition 3.1), required by 11.3, must be given to Council prior to the commencement of use.
- 11.5 A detailed record of the extraction operations must be maintained on site at all times and must be available for inspection by Council. Records must be kept for a minimum of 5 years. The record of extraction operations must include the following information:
- 11.5.1 date of extraction;
 - 11.5.2 quantity of material extracted;
 - 11.5.3 quantity of sand and quantity of gravel extracted;
 - 11.5.4 quantity of sand and gravel transported from subject site; and
 - 11.5.5 quantity of extracted material screened.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act*, 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 www.datsip.qld.gov.au

NOTE 2. General Environmental Duty

- a. General environmental duty under the *Environmental Protection Act 1994* 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.
- b. The development must be undertaken in a manner that does not allow environmental nuisance or water contamination caused by construction material, noise, aerosols, particles dust, ash, fumes, light, odour and smoke, which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.

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. Road

Council is not obliged at any stage in the future to open the road on the currently closed and unformed road reserve, or to form and construct the road to service the development.

NOTE 5. Flood Levels and Immunity

It is advised that the immunity from flood events shall be provided to a minimum of one (1) per cent Annual Exceedance Probability of 16.9 metres Australian Height Datum, plus a reasonable freeboard allowance (minimum 300 millimetres) for the finished floor levels of the site office, storage shed and for any electrical switchboard.

NOTE 6. Environmental

- a. The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- b. It is advised that part of the subject site is mapped by the Department of Environment and Heritage Protection as containing Regulated Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

12.14 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2018**File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report - June 2018** [⇒](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Damien Cross - Coordinator Accounting Services

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 30 June 2018 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 June 2018 be received.

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

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

14 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

10:53AM

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.

15.1 Concealed Leak Rebate - 14 Wall Street, Cooee Bay

This report is considered confidential in accordance with section 275(1)(d), of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

15.2 Excessive water use with failed water meter - 6 - 8 Kristie Drive, Rockyview

This report is considered confidential in accordance with section 275(1)(d), of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

15.3 Distribution of Records

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 Mather

Seconded by: Councillor Belot

MOTION CARRIED

COUNCIL RESOLUTION

11:18AM

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

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 CONCEALED LEAK REBATE - 14 WALL STREET, COOEE BAY

File No: FM12.1.10

Attachments: Nil

Responsible Officer: Dan Toon - Executive Director Infrastructure

Author: Sean Fallis - Manager Water and Waste Operations

This report is considered confidential in accordance with section 275(1)(d), of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

SUMMARY

Council is requested to consider the approval of a second concealed leak rebate to the property owner within a five (5) year period of the approval of a previous rebate.

COUNCIL RESOLUTION

THAT Council resolve to approve a concealed leak rebate in the sum of \$674.55 for the property identified in this report subject to the property owner arranging (and paying the standard fee of \$255.00) for the water meter to be relocated to a box below the ground to prevent the meter being damaged again.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

15.2 EXCESSIVE WATER USE WITH FAILED WATER METER - 6 - 8 KRISTIE DRIVE, ROCKYVIEW**File No:** FM12.1.10**Attachments:** Nil**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Sean Fallis - Manager Water and Waste Operations

This report is considered confidential in accordance with section 275(1)(d), of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

SUMMARY

Council is requested to consider a concession for water usage charges for the property owners of 6-8 Kristie Drive, Rockyview following a higher than normal reading which may have been affected by the subsequent failure of the meter.

COUNCIL RESOLUTION

THAT Council resolve to adjust the 2017/18 third quarter water consumption for the property identified by this report to an average consumption of the previous four (4) quarterly periods resulting in a concession of \$584.65.

Moved by: Councillor Wyatt**Seconded by:** Councillor Eastwood**MOTION CARRIED UNANIMOUSLY**

15.3 DISTRIBUTION OF RECORDS**File No:** GV13.4.1**Attachments:** Nil**Responsible Officer:** Chris Murdoch - Chief Executive Officer**Author:** Chris Murdoch - Chief Executive 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

Council direction is sought regarding distribution of records detailed the report.

COUNCIL RESOLUTION

THAT Council resolves how it wishes the records detailed in the report to be dealt with.

Moved by: Councillor Belot**Seconded by:** Councillor Eastwood**COUNCIL RESOLUTION**

That the matter lay on the table due to the absence of Mayor Ludwig and CEO and return to the Council Meeting on 7 August 2018.

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

16 URGENT BUSINESS QUESTIONS

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11.21AM.

Bill Ludwig, Mayor
CHAIRPERSON

DATE