



ORDINARY MEETING

MINUTES

22 JANUARY 2019

The resolutions contained within these minutes were confirmed at Council Meeting on 5 February 2019

TABLE OF CONTENTS

| ITEM | SUBJECT | PAGE NO |
|------|---|---------|
| 1 | OPENING..... | 1 |
| 2 | PRESENT | 1 |
| 3 | LEAVE OF ABSENCE / APOLOGIES | 2 |
| 3.1 | LEAVE OF ABSENCE FOR COUNCILLOR JAN KELLY 17 JULY - 10 AUGUST 2019 INCLUSIVE | 2 |
| 4 | CONFIRMATION OF MINUTES OF PREVIOUS MEETING..... | 3 |
| 5 | DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA | 4 |
| 6 | PUBLIC FORUMS/DEPUTATIONS | 5 |
| | NIL | 5 |
| 7 | BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS | 6 |
| | NIL | 6 |
| 8 | PRESENTATION OF PETITIONS..... | 7 |
| | NIL | 7 |
| 9 | MAYORAL MINUTE | 8 |
| 9.1 | MAYORAL MINUTE - LAGOON PRECINCT PARKING 30 DECEMBER 2018 - 13 JANUARY 2019 | 8 |
| 10 | COUNCILLOR/DELEGATE REPORTS | 9 |
| | NIL | 9 |
| 11 | AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS..... | 10 |
| 11.1 | AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 10 DECEMBER 2018 | 10 |
| 12 | REPORTS..... | 13 |
| 12.1 | LIFTING MATTERS LYING ON THE TABLE..... | 13 |
| 12.2 | FINALISATION OF MATTERS LYING ON THE TABLE | 14 |
| 12.3 | MAYORS, COUNCILLORS AND CEO'S 1880 TO 2018..... | 15 |
| 12.4 | TRADE WASTE POLICY..... | 16 |
| 12.5 | AUSTRALIAN GOVERNMENT BRIDGES RENEWAL PROGRAM - ROUND FOUR | 17 |
| 12.6 | DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE AT 47-49 FOUNTAIN STREET, EMU PARK..... | 18 |
| 12.7 | DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR SHORT-TERM | |

| | | |
|-----------|---|-----------|
| | ACCOMMODATION AND A DWELLING HOUSE AT 15 KELLYS LANDING ROAD, WOODBURY | 27 |
| 12.8 | PROPOSED PERMANANT ROAD CLOSURE ADJOINING LOT 1 ON RP605702 | 36 |
| 12.9 | MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2018 | 37 |
| 13 | URGENT BUSINESS\QUESTIONS | 38 |
| 14 | CLOSURE OF MEETING..... | 39 |

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 22 JANUARY 2019 COMMENCING AT 9.03AM

1 OPENING

2 PRESENT

Members Present:

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

Officers in Attendance:

Mr Dan Toon – Acting Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mr Nick Sheehan - Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE FOR COUNCILLOR JAN KELLY 17 JULY - 10 AUGUST 2019 INCLUSIVE

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

SUMMARY

Councillor Jan Kelly requested leave of absence from 17 July – 10 August 2019 inclusive.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Jan Kelly for the period 17 July - 10 August 2019 inclusive.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 4 December 2018 be taken as read and adopted as a correct record.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 18 December 2018 be taken as read and adopted as a correct record

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Belot

MOTION CARRIED

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

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

9.1 MAYORAL MINUTE - LAGOON PRECINCT PARKING 30 DECEMBER 2018 - 13 JANUARY 2019

File No: CR2.13.24
Attachments: Nil
Responsible Officer: Bill Ludwig - Mayor

SUMMARY

This mayoral minute pertains to the parking fines which were issued within the vicinity of the Yeppoon Lagoon during the period of 30 December 2018 to 13 January 2019 (inclusive).

COUNCIL RESOLUTION

THAT in relation to the parking fines which were issued within the vicinity of the Yeppoon Lagoon during the period of 30 December 2018 to 13 January 2019 (inclusive), Council resolves to:

- 1) acknowledge the efforts of staff in appropriately and correctly enforcing the parking laws;
- 2) note the desired effect of the enforcement of the parking laws, with the obvious reduction in people parking in inappropriate and/or hazardous locations;
- 3) waive the fines as a one-off gesture of goodwill (which includes refunding those fines which have already been paid); and
- 4) note that this gesture of goodwill will not be repeated, as the public can now consider itself sufficiently warned of the ramifications of ignoring the parking laws.

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

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS

11.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 10 DECEMBER 2018

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Rodney Chapman - Coordinator Governance
Andrea Ellis - Chief Financial Officer
Author: Suzanne Pambid - Governance Officer

SUMMARY

The Audit, Risk and Business Improvement Committee met on 10 December 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.

OFFICER'S RECOMMENDATION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee meeting held on 10 December 2018 be received and the following recommendations contained within those minutes be adopted.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 12 October 2018 be taken as read and adopted as a correct record.

6 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

THAT the Business Outstanding Table for the Audit, Risk and Business Improvement Committee meeting be received.

7 REPORTS

THAT the Committee receive this report on the outcomes from the annual self-assessment.

7.2 COMMITTEE WORK PROGRAM STATUS

THAT the Committee receives the status of the Annual Work Program.

7.3 DRAFT CONTENT FOR THE ANNUAL REPORT RE ARABIC AND INTERNAL AUDIT

THAT the Audit, Risk and Business Improvement Committee endorses the draft content for the Annual Report on the Audit, Risk and Business Improvement Committee and Internal Audit.

7.4 AUDIT COMMITTEE POLICY AND TERMS OF REFERENCE

THAT the Committee endorse the proposed changes to the ARaBIC Terms of Reference for Council approval.

Motion not moved as the Committee requested further changes be developed and presented to the next meeting.

7.5 CFO ASSURANCE STATEMENT

THAT the Audit, Risk and Business Improvement Committee note the Chief Financial Officer statement to the Chief Executive Officer.

7.6 BRIEFING ON QUEENSLAND AUDIT OFFICE REPORT “MANAGING LOCAL GOVERNMENT RATES & CHARGES – REPORT 17: 2017-18

THAT the briefing report is noted.

7.7 INTERNAL AUDIT UPDATE

THAT the Committee receive the report on Internal Audit.

7.8 OPERATIONAL PLAN UPDATE REPORT

THAT the 2017-18 Q4/Annual Operational Plan report be received.

THAT the 2018-19 Operational Plan be endorsed.

7.9 INTERNAL AUDIT REPORT – SOCIAL MEDIA MANAGEMENT

THAT the Committee receive this report on the review of Social Media Management.

7.10 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

THAT the Committee receives the verbal updates provided by the Leadership Team on key activities or issues.

7.11 CFO UPDATE

THAT the Audit Risk and Business Improvement Committee receive the Chief Financial Officer's update.

7.12 2017-18 FINANCIAL STATEMENTS

THAT the Audit, Risk and Business Improvement Committee makes the following recommendations for the consideration of Council:

1. The revised unaudited 2017-18 General Purpose Financial Statements be received;
2. Written notification of the differences between the attached 2017-18 unaudited General Purpose Financial Statements and the draft Financial Statements as previously presented to the Audit, Risk and Business Improvement Committee on 31 August 2018 be noted;
3. The Chief Executive Officer and Chief Financial Officer sign the Management Representation letter as part of finalising the audit and for the Mayor and Chief Executive Officer to sign the final 2017-18 audited Financial Statements when completed; and
4. Any material change in the final 2017-18 audited Financial Statements be reported to Council and the Audit, Risk and Business Improvement Committee.

7.13 EXTERNAL AUDITOR'S UPDATE

THAT the Committee receive the Livingstone Shire Council Final Management Letter and the Closing Report from the External Auditors.

7.14 INTERNAL AUDIT REPORT – ROADS MAINTENANCE SCHEDULING

THAT the Committee endorse the Internal Audit Report on Roads Maintenance Scheduling. This report is to be brought back to Council as a separate agenda item for consideration

7.15 BUSINESS IMPROVEMENT UPDATE

THAT the Audit, Risk and Business Improvement Committee receive the Business Improvement update report.

11.1 RISK MANAGEMENT

THAT the Audit, Risk and Business Improvement Committee receive the Risk Management Report for information.

11.2 CEO UPDATE ON EMERGING ISSUES

THAT the Committee receives the verbal update provided by the Chief Executive Officer on emerging issues.

11.3 CONFIRM WHETHER MEMBERS' BRIEFING SESSION IS REQUIRED

THAT it is confirmed there is no requirement for a Members' Briefing following the meeting.

Matter Lay on Table until another Meeting**COUNCIL RESOLUTION - PROCEDURAL MOTION**

That the matter lay on the table pending changes to the report and to return to the next Council Meeting.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by:

MOTION CARRIED

12 REPORTS

12.1 LIFTING MATTERS LYING ON THE TABLE

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Lucy Walker - Executive Support Officer

SUMMARY

The Business Outstanding Table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting 22 January 2019.

COUNCIL RESOLUTION

THAT the following matters, 'lying on the table' in the Business Outstanding Table due to return to Council Meeting, be lifted from the table as they have already been dealt with:

- Councillor Interaction with the Organisation Policy – 7 March 2017
- Standing Orders for Council Meeting Policy – 18 April 2018
- Notice of Motion – Councillor Adam Belot – Procedural Motions – 5 June 2018

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

MOTION CARRIED

12.2 FINALISATION OF MATTERS LYING ON THE TABLE

File No: GV.13.4.3
Attachments: 1. Resolution - 30 November 2018⇒
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Lucy Walker - Executive Support Officer

SUMMARY

The following matters were 'laid on the table' at previous Council meetings and have since been dealt with. This report is to finalise the outstanding actions associated with those matters.

| <u>Meeting Date</u> | <u>Report</u> |
|----------------------------|--|
| 7 March 2017 | <i>Councillor Interaction with the Organisation Policy</i> |
| 18 April 2018 | <i>Standing Orders for Council Meeting Policy</i> |
| 5 June 2018 | <i>Notice of Motion – Councillor Adam Belot – Procedural Motions</i> |

COUNCIL RESOLUTION

THAT Council confirms that the matters identified in this report as being 'laid on the table' have since been resolved by adoption of the "Councillor Interaction with the Organisation Policy" and "Meeting Procedure Policy."

Moved by: Mayor Ludwig
Seconded by: Councillor Kelly

MOTION CARRIED ,

Cr Belot and Cr Mather requested that their vote against the motion was recorded.

12.3 MAYORS, COUNCILLORS AND CEO'S 1880 TO 2018

File No: CS 3.1.6
Attachments: 1. 1880 Election Gogango Divisional Board [⇒](#)
Responsible Officer: Dan Toon - Executive Director Infrastructure Services
Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

This report presents to Council, lists of all Mayors, Councillors and Chief Executive Officers to have served Livingstone Shire Council from its inception on 11 November 1879 through to the 11 November 2018. The research necessary to collect and compile these records has been completed by the report author outside of normal working hours over the past three years. The data is presented as a gift to Council in both hard copy and digital format under separate cover.

COUNCIL RESOLUTION

THAT Council publish on appropriate forums, the list of Councillors and invite public feedback on any potential errors or missing names. And commend Mr Mike Prior for his efforts and research to record for the community the elected members over the history of Livingstone Shire Council.

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

MOTION CARRIED UNANIMOUSLY

12.4 TRADE WASTE POLICY

File No: 4.7.29
Attachments: 1. [Trade Waste Policy](#) 
Responsible Officer: Dan Toon - Executive Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report relates to the rescission of the Trade Waste Policy.

COUNCIL RESOLUTION

THAT Council rescind the Trade Waste Policy (v1.1).

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

12.5 AUSTRALIAN GOVERNMENT BRIDGES RENEWAL PROGRAM - ROUND FOUR

File No: GS15.2.7
Attachments: 1. **Bridges Renewal Program Round Four Guidelines** [⇒](#)
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Dan Toon - Executive Director Infrastructure Services

SUMMARY

This report provides a recommendation to Council for an application to Round Four of the Bridges Renewal Program.

COUNCIL RESOLUTION

THAT Council resolve to apply to Round Four of the Bridges Renewal Program for funding to replace the Shannon Creek Bridge on Werribee Road.

Moved by: Councillor Kelly
Seconded by: Councillor Eastwood

MOTION CARRIED

12.6 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE AT 47-49 FOUNTAIN STREET, EMU PARK

File No: D-71-2018

Attachments: 1. [Locality Plan](#)⇒
2. [Proposal Plans](#)⇒

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

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Applicant: COLIN STARKEY For the Colin Clifford Starkey Family Trust

Consultant: Gideon Town Planning

Real Property Address: 47-49 Fountain Street, Emu Park

Common Property Address: Lot 6 on E15616

Area of Site: 2,023 square metres

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Residential Zone, R1 Precinct

Planning Scheme Overlays: Overlay Map O8 – Acid sulfate soils (land below twenty metres Australian Height Datum)

Existing Development: Vacant land

Level of Assessment: Impact assessable

Submissions: Nil received

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

| | |
|---|------------------|
| <i>Informal pre-lodgement meeting held:</i> | 24 January 2018 |
| <i>Application properly made:</i> | 27 April 2018 |
| <i>Confirmation notice issued:</i> | 4 May 2018 |
| <i>Information request issued:</i> | 18 May 2018 |
| <i>Information request response received:</i> | 26 October 2018 |
| <i>Notice of intention to commence received :</i> | 7 November 2018 |
| <i>Submission period commenced:</i> | 14 November 2018 |
| <i>Submission period end:</i> | 5 December 2018 |
| <i>Notice of compliance received:</i> | 6 December 2018 |
| <i>Extended by agreement:</i> | 14 January 2019 |
| <i>Statutory determination date:</i> | 22 January 2019 |

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Child care centre, made by Gideon Town Planning on behalf of COLIN STARKEY For the Colin Clifford Starkey Family Trust, on Lot 6 on E15616, and located at 47-49 Fountain Street, Emu Park, Council resolves to Approve the application despite the conflict with the planning scheme and provide the following reasons to justify the decision despite the conflict:

- (i) The development does not comply with Planning Scheme Shire Wide Desired Environmental Outcomes h) and j) which directly relates to the development locating in a Residential Zone.
- (ii) Despite the non-compliance, the proposed development has been justified as it is across the road from a school and will encourage combined vehicle trips for parents with children at school and at child care.
- (iii) The development is not a use which is specifically identified as being a preferred use and therefore does not comply with Specific Outcome O1, however given the community nature, it can be considered consistent with the purpose and overall outcomes of the Residential Zone as it will provide a necessary service to the immediate community and will have a built form similar to a Dwelling house.
- (iv) The proposed Child care centre is located across the road from the existing Emu Park Primary School and allows multi-purpose trips for parents for the Child care centre and primary school. The development is conveniently accessible from all directions off Fountain Street.
- (v) The development is for a new Child care centre to cater for a maximum of one hundred (100) children and fourteen (14) staff. The proposal will offer child care for a variety of age groups, up to five (5) years old.
- (vi) The development will not adversely impact upon the amenity of the streetscape given the urban location, built form consistent with residential developments and suitable setbacks from front, side and rear boundaries.
- (vii) The development is provided with appropriate infrastructure in terms of vehicular access and parking, subject to a related development application for operational works which must demonstrate compliance with all appropriate Australian standards and the Capricorn Municipal Development Guidelines.
- (viii) The development does not compromise the achievement of regional outcomes outlined in the Central Queensland Regional Plan.
- (ix) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.
- (x) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with three aspects of the assessment benchmarks.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Child care centre, made by Gideon Town Planning on behalf of COLIN STARKEY For the Colin Clifford Starkey Family Trust, on Lot 6 on E15616, and located at 47-49 Fountain Street, Emu Park, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the

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

| <u>Plan/Document Name</u> | <u>Plan/Document Reference</u> | <u>Dated</u> |
|--|--------------------------------|-------------------|
| Floor/site plan | 060916-01A, revision A | 24 September 2018 |
| Elevation 3 and Elevation 1 | 060916-02A, revision A | 24 September 2018 |
| Elevation 4 and Elevation 2 | 060916-03A, revision A | 24 September 2018 |
| Stormwater catchment plan | SK01, Revision 4 | 16 October 2018 |
| Retaining walls extents & Parking comments | SK02, Revision 5 | 16 October 2018 |
| Vehicle access & Sight distance | SK04, Revision 2 | 16 October 2018 |

- 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 on the site.

- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant Australian Standards, and the provisions of a Development Permit for Operational Works (road works).

- 3.3 The full length of the frontage of the site to Fountain Street must be designed and constructed to comply with a Urban Minor Collector standard including associated drainage systems. Upgrade works must include (but not be limited to) carriageway widening to the development side road frontage, kerb and channel and the relocation of relevant infrastructure (if applicable).

- 3.4 Any application for Operational works (road works) must include detailed engineering plans of:

- i) The localised widening of Fountain Street including all associated stormwater drainage systems; and
- ii) Any infrastructure relocation or upgrade necessary.

- 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 *Manual of Uniform Traffic Control Devices (Queensland)*.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access 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 and parking works).

- 4.3 A dual access driveway must be designed and constructed.

- 4.4 Parking spaces and associated vehicle manoeuvring areas must be sealed.

- 4.5 All ingress and egress movements to and from the development site must be in a forward gear.

- 4.6 A minimum twenty (20) off-street parking spaces including one (1) universal access space must be provided on the site.

- 4.7 The universal access space must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.

- 4.8 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 the *Queensland Urban Drainage Manual*.

5.0 WATER WORKS

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

- 5.2 All works must be designed and constructed in accordance with the *Capricorn*

Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act and the provisions of a Development Permit for Operational Works (water works).

5.3 The proposed development must be connected to Council's reticulated water network. The lot must be provided with its own separate water property point of connection, located wholly within its property boundary.

6.0 SEWER WORKS

6.1 Easement must be provided over all council's 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*.

7.0 PLUMBING AND DRAINAGE WORKS

7.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

7.2 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.

7.3 The development must be connected to Council's reticulated sewerage and water networks.

7.4 The existing sewer property point of connection must be retained, and upgraded if necessary, to service the proposed development.

8.0 STORMWATER WORKS

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

8.2 All stormwater management works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

8.3 All stormwater including roof water must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development conditions by way of blocking, altering or diverting existing stormwater runoff patterns to cause an actionable nuisance or damage infrastructure.

8.4 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.

8.5 Any application for Operational Works (stormwater works) must accompany a detailed stormwater management report certified by a suitably qualified Registered Professional Engineer of Queensland. The report must include the following (but not limited to);

8.5.1 A detailed assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios and clearly identifies discharge point(s) and demonstrate lawful discharge;

8.5.2 Detail design of the proposed detention system; the volume of detention 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 events, up to the Defined Flood Event (inclusive) for a range of storm durations,

- including critical storm duration;
- 8.5.3 Details to demonstrate vehicular, pedestrian amenity and safety criteria are met in accordance with the *Queensland Urban Drainage Manual*;
- 8.5.4 Detail design calculations for any proposed energy dissipaters (i.e. rock scour protection areas) by taking into account permissible velocity details in accordance with the provisions of the *Queensland Urban Drainage Manual*;
- 8.5.5 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy; and
- 8.5.6 Full calculations, including electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files), hydrological model parameters, calibration details and all details of the modelling assumptions to support the proposed stormwater management strategy.
- 8.6 Any culvert/cross drainage structure proposed as part of the development must be designed to ensure safe trafficability during a Defined Flood Event, with twenty (20) per cent blockage factor. The maximum flow depth over the cross drainage structure must be limited to 200 millimetres, demonstrating allowable velocity/depth product(s).
- 8.7 The location of the proposed rock scour protection is not approved in its current form. The proposed rock scour protection must be wholly located within the property boundaries of the development site.
- 9.0 **BUILDING WORKS**
- 9.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 9.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.3 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 to cause an actionable nuisance or worsening to adjoining properties or damage infrastructure.
- 9.4 All structures must comply with the provisions of *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*, relative to relevant infrastructure. In the event of a non-compliance, a Building Over or Near Relevant Infrastructure application must be obtained prior to any works on the site.
- 9.5 Any retaining structures one (1) metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional Engineer of Queensland or equally qualified person at design submission and certified on completion of construction for compliance with the design.
- 10.0 **ROOF AND ALLOTMENT DRAINAGE WORKS**
- 10.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 10.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 11.0 **LANDSCAPING WORKS**
- 11.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 11.2 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:

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

- (i) location and name of existing trees, including those to be retained;
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

11.2.2 A “Planting Plan” and supporting documentation which includes:

- (i) Shrubs and low growing trees (less than three (3) metres in fully growth height) to prevent overshadowing on the southern and south-western boundaries;
- (ii) trees, shrubs and groundcovers to all areas to be landscaped;
- (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden;
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting; and

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

- (i) obstruct sight visibility zones as defined in the *Austroads ‘Guide to Traffic Engineering Practice’* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.

11.4 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of the use.

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

11.6 A minimum 1.8 metre high fence must be provided along the Hunter Street frontage, the northern side boundary and the western side boundary.

12.0 ELECTRICITY AND TELECOMMUNICATIONS

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

13.0 ASSET MANAGEMENT

13.1 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.

13.2 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.

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

14.0 ENVIRONMENTAL

- 14.1 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) site location / topography / soil type;
- (ii) objectives;
- (iii) concept;
- (iv) design details;
- (v) implementation procedures for construction and post construction phases of work.
- (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;

- 14.2 The Erosion and sediment 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.

15.0 OPERATING PROCEDURES

- 15.1 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 Fountain Street and Hunter Street.

- 15.2 All waste storage areas must be kept in a clean, tidy condition.

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. 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. Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Child care centre, made by Gideon Town Planning on behalf of COLIN STARKEY For the Colin Clifford Starkey Family Trust, on Lot 6 on E15616, and located at 47-49 Fountain Street, Emu Park, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$33,110.00**

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED

12.7 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR SHORT-TERM ACCOMMODATION AND A DWELLING HOUSE AT 15 KELLYS LANDING ROAD, WOODBURY

File No: D-178-2018

Attachments: 1. [Locality Plan](#)⇒
2. [Proposal Plans](#)⇒

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

Author: Tara Norley - Planning Officer

SUMMARY

Applicant: Kris Thorpe and Alicia Thorpe

Consultant: Reel Planning

Real Property Address: Lot 3 on RP608150

Common Property Address: 15 Kellys Landing Road, Woodbury

Area of Site: 20.153 hectares

Planning Scheme: Livingstone Planning Scheme 2018, version 2 in effect 25 June 2018

Planning Scheme Zone: Rural

Planning Scheme Overlays: OM02 Agricultural Land Class A and B
OM07 Biodiversity – Habitat and Vegetation

- Matters of Local Environmental Significance Habitat and Vegetation

OM10 Biodiversity – Wetlands and Waterways

- Waterway Potential Assessment Area

OM11 Biodiversity – Stream Order

- Waterway Potential Assessment Area

OM12 Bushfire Hazard Area

- Very High Potential Bushfire Intensity
- High Potential Bushfire Intensity
- Medium Potential Bushfire Intensity
- Potential Impact Buffer

OM15 Drainage Problem Area

OM18 Landslide Hazard Area

OM20 Road Hierarchy

- Rural Access (Kelly's Landing Road)
- Rural Minor Collector (Farnborough Road)

OM21 Scenic Amenity

- Scenic Amenity Management Area A
- Scenic Amenity Management Area B

| | |
|------------------------------------|---|
| <i>Level of Assessment:</i> | <i>Impact Assessable</i> |
| <i>Submissions:</i> | <i>Nil</i> |
| <i>Referral Matter:</i> | <i>Clearing native vegetation (10.4.3.3.1)</i> |
| <i>Infrastructure Charge Area:</i> | <i>Outside the Priority Infrastructure Area</i> |

APPLICATION PROGRESS:

| | |
|--|---|
| <i>Application received:</i> | <i>28 August 2018</i> |
| <i>Application properly made:</i> | <i>29 August 2018</i> |
| <i>Development control unit meeting:</i> | <i>5 September 2018</i> |
| <i>Confirmation notice issued:</i> | <i>12 September 2018</i> |
| <i>Public notification period:</i> | <i>10 October 2018 to 30 October 2018</i> |
| <i>Notice of compliance received:</i> | <i>2 November 2018</i> |
| <i>Decision period commenced:</i> | <i>5 November 2018</i> |
| <i>Extension of time agreed to:</i> | <i>19 December 2018</i> |
| <i>Statutory determination date:</i> | <i>30 January 2019</i> |

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Short-term accommodation and a Dwelling house made by Kris Thorpe and Alicia Thorpe on Lot 3 on RP608150 and located at 15 Kellys Landing Road, Woodbury, Council resolves to Approve the application despite the conflict with the planning scheme and provide the following reasons to justify the decision despite the conflict:

- (i) The proposal is not for development specifically identified as being preferred uses in the Rural zone. Despite being accommodation activities, not expressly anticipated for the zone, both uses can occur without compromising the purpose and overall outcomes of the Rural zone.
- (ii) The development does not compromise the strategic framework themes, outcomes and strategies specific to the proposal.
- (iii) The proposal is for a Dwelling house and Short-term accommodation associated with rural living and the enjoyment of the natural features of the landscape setting and is able to be sited in a location sufficiently buffered from rural zoned land and rural activities and in a manner that manages the natural features and natural hazards on the site.
- (iv) The development does not compromise the achievement of regional outcomes outlined in the *Central Queensland Regional Plan*.
- (v) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the *State Planning Policy*.
- (vi) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with aspects of the assessment benchmarks.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for Short-term accommodation and a Dwelling house made by Kris Thorpe and Alicia Thorpe on Lot 3 on RP608150 and located at 15 Kellys Landing Road, Woodbury, 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.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Access Works;
 - (ii) Clearing Works; and
 - (iii) Site Works;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and 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 This approval is for the construction of a Dwelling house, any associated class 10 building and Short-term accommodation to be wholly located within the proposed building envelope in accordance with the approved plans (refer condition 2.1).

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 Number</u> | <u>Dated</u> |
|---------------------------|--------------------|--------------|
| Proposed Site Plan | 40851-1 | 15 Aug 2018 |
| Floor Plan | Page No: 2 of 10 | April 2018 |
| Elevations | Page No: 4 of 10 | April 2018 |
| Elevations | Page No: 5 of 10 | April 2018 |

| | | |
|--|----------------|----------------|
| Slope Stability Assessment for Proposed Residences and Shed – 15 Kellys Landing Road, Woodbury | 18189-001-Rev1 | 27 August 2018 |
| Bushfire Hazard Assessment & Bushfire Management Plan | 40851 | 18/07/2018 |

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS WORKS
- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer condition 2.1), the *Capricorn Municipal Development Guidelines*, any requirements of the approved Bushfire Management Plan and the provisions of a Development Permit for Operational Works (access works).
- 3.3 An access driveway must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines standard drawing (CMDG-R-040)*.
- 3.4 An internal access way to the proposed building envelope must be designed and constructed, including any cross drainage structure, such that safe and trafficable access is available in a bushfire event. The standard of internal access way must be generally in accordance with the requirement of the approved Bushfire Management Plan (refer condition 2.1).
- 3.5 Details of the internal access way demonstrating compliance with the maximum allowable gradient, and any bushfire management plan requirements, must be provided with any application for a Development Permit for Operational Works (access works).
- 3.6 Direct access from Farnborough Road to the subject site is only permitted for emergency use or management of the fire breaks on the premises.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 4.2 All internal plumbing and sanitary drainage works must be in accordance with the approved plans (refer condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, regulated work under the *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 On-site sewerage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.4 Structures or buildings must not be located within the on-site sewerage treatment and disposal area or conflict with separation distances as detailed with the *Queensland Plumbing and Wastewater Code*.
- 4.5 On-site water storage for domestic water supply purposes, with a minimum combined capacity of 50,000 litres, must be provided for the Dwelling house.

- 4.6 On-site water storage for domestic water supply purposes, with a minimum combined capacity 50,000 litres, must be provided for the Short-term accommodation.
- 4.7 On-site water storage for firefighting purposes, with a minimum requirement of 25,000 litres must be provided for the Dwelling house.
- 4.8 On-site water storage for firefighting purposes, with a minimum requirement of 25,000 litres must be provided for the Short-term accommodation.
- 4.9 All on-site water storage for firefighting purposes must be:
- 4.9.1 Constructed with fire-proof materials, or located underground with above-ground access points;
 - 4.9.2 Located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures);
 - 4.9.3 Located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance;
 - 4.9.4 Fitted with fire brigade tank fittings consisting of:
 - (i) For above ground tanks, a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings; or
 - (ii) For underground tanks, an access hole having a minimum diameter of 200 millimetres to allow access for suction lines; and
 - 4.9.5 Identified by directional signage clearly provided at the street access point (Kellys Landing Road access).
- 5.0 **ROOF AND ALLOTMENT DRAINAGE**
- 5.1 All stormwater, including roof and allotment drainage, must achieve demonstrated lawful discharge in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 5.2 All stormwater, including roof and allotment drainage, must not adversely affect the upstream or downstream land when compared to pre-development conditions by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 6.0 **BUILDING WORKS**
- 6.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 6.2 The Short-term accommodation and Dwelling house must be designed, constructed and certified to satisfy the performance requirements for bushfire ignition risk under the *National Construction Code Building Code of Australia (Volume 2)* and the recommendations of the approved Bushfire Management Plan (refer condition 2.1).
- 6.3 The height of all buildings and structures must not exceed 8.5 metres above ground level.
- 6.4 External wall and roof finishes must have the same tonal value as the surrounding vegetation and must not include:
- (a) Highly reflective surfaces; and
 - (b) Bright or high contract colours including whites, yellows or reds.
- 6.5 Fences, entry structures, retaining walls and elevated swimming pools visible from coastal viewer places must be either:
- (a) Painted in muted colours to blend with natural landscape; or
 - (b) Softened by vegetation so that straight lines and hard edges are not visible.
- 6.6 Any building foundations including any retaining structures and associated changes

to natural landform (cut and fill) identified within the land greater than or equal to fifteen (15) per cent slope must be separately certified for structural adequacy and geological stability by a suitably qualified Registered Professional Engineer of Queensland at design submission for building works and certified on completion of construction for compliance with the design.

- 6.7 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"*.

7.0 SITE WORKS

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

- 7.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and the recommendations of the approved Slope Stability Assessment Report.

- 7.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by a detailed earthworks' plan which clearly identifies the following:

- 7.3.1 the location of cut and/or fill, batter slopes;
- 7.3.2 the type of fill to be used and the manner in which it is to be compacted;
- 7.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 7.3.4 Retaining Structures (if necessary);
- 7.3.5 Surface and sub-surface drainage controls (if applicable).

- 7.4 Cut and fill of the subject allotment must only be undertaken in areas where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessment as approved by Council.

- 7.5 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 an actionable nuisance or worsening to adjoining properties or damage infrastructure.

- 7.6 Any retaining structures one metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional Engineer of Queensland or equally qualified person at design submission and certified on completion of construction for compliance with the design.

- 7.7 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.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 The Short-term accommodation and Dwelling house must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice. (Note if the development is provided with a reticulated grid electricity supply, the reticulated supply must be provided in accordance with the requirements of the relevant energy supply authority.)

- 8.2 The Short-term accommodation and Dwelling house must be provided with on-site telecommunications infrastructure for the use sufficient to enable contact in normal

circumstances with the each of the nearest emergency services. (Note if the development is provided with reticulated telecommunications infrastructure, the reticulated infrastructure must be provided in accordance with the requirements of the relevant telecommunications supply authority.)

9.0 ASSET MANAGEMENT

- 9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 9.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 9.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

10.0 ENVIRONMENTAL

- 10.1 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) design details;
 - (ii) implementation procedures for construction and post construction phases of work.
 - (iii) vegetation;
 - (iv) interim drainage plan during construction;
 - (v) dust suppression;
 - (vi) top soil management; and
 - (i) erosion susceptibility and risk.
- 10.2 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, and landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 10.3 An environmental covenant, pursuant to *Section 97A of the Land Title Act*, must be entered into in respect of 8,000 square metres of land in the north west corner of Lot 3 on RP608150, to the effect that:
- 10.3.1 the area is protected as a vegetated flora habitat and all native vegetation must be retained; and
 - 10.3.2 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.
- 10.4 The environmental covenant must be registered over Lot 3 on RP608150. The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the commencement of the use.
- 10.5 A Planting Plan must be submitted with the Survey Plan demonstrating a planting

works within the covenant area. The Planting Plan must include a list of suitable (being fire retardant and relevant to the location) local native species to be planted, a planting plan including the location and spacing of plantings and maintenance schedule to cover watering and weed management activities and timing. The Rehabilitation Planting Plan must include a maintenance schedule over a three year period to ensure the plantings are self-sustaining.

- 10.6 A Development Permit for Operational Works (Clearing Works) must be obtained prior to the commencement of any clearing works on the site.
- 10.7 The boundaries of clearing areas must be clearly delineated for machinery operators, with clearing confined to the area required for the purposes of survey, in order to minimise impacts on adjacent habitats prior to and during vegetation clearing.
- 10.8 All trees cleared must be felled away from adjoining vegetation.
- 10.9 Vegetative materials cleared from the site must not be placed near or within vegetation adjacent to the site, other than strategic placement of fauna habitat if required.
- 10.10 A fauna spotter / catcher must be onsite prior to and during vegetation felling activities to ensure fauna and habitat management actions are taken as required. All clearing works must be halted if fauna is likely to be injured.
- 10.11 A Rehabilitation Planting Plan must be lodged with the Operational Works (Clearing works) application to address the requirement to revegetate cleared areas outside the necessary access corridor and curtilage of the new buildings. The Rehabilitation Planting Plan will need to show spatial extents of the revegetation works, a list of suitable (being fire retardant and relevant to the location) local native species to be planted, a planting plan including the location and spacing of plantings and maintenance schedule to cover watering and weed management activities and timing. The Rehabilitation Planting Plan must include a maintenance schedule over a three year period to ensure the plantings are self-sustaining.

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 Kellys Landing Road.

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

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

NOTE 3. General Safety Of Public During Construction

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

constructed on a road.

NOTE 4. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for Short-term accommodation and a Dwelling house made by Kris Thorpe and Alicia Thorpe on Lot 3 on RP608150 and located at 15 Kellys Landing Road, Woodbury, Council resolves to issue an Infrastructure Charges Notice for the amount of \$5,900.00.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Wyatt

MOTION CARRIED

12.8 PROPOSED PERMANANT ROAD CLOSURE ADJOINING LOT 1 ON RP605702

File No: GR14.4.2

Attachments:

1. **Mayoral Minute 20 November 2018** ⇒
2. **Alternative Road Closure Areas** ⇒

Responsible Officer: Mark McLean - Principal Property Officer
David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Maddie Crigan - Property Officer

SUMMARY

This purpose of this report is to provide information relating to alternative options for the proposed road closure adjoining Lot 1 on RP605702 for Council's consideration.

OFFICER'S RECOMMENDATION

THAT Council give further consideration to a request for the closure of a section of road adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon, subject to the following conditions:

- 1) the area of closed road must not exceed 10 metres from the western boundary of Lot 1 RP 605702 (note: this provides sufficient area to contain the existing concrete access),
- 2) a public utility easement for sewerage purposes must be registered in favour of Livingstone Shire Council over any part of the sewerage infrastructure which is within the area of closed road. The easement must be a minimum of four (4) metres wide and Council's new Standard Easement Terms dealing number 718630483 must be used; and
- 3) the area of closed road must be amalgamated with Lot 1 RP605702.

Matter Lay on Table until another Meeting**COUNCIL RESOLUTION – PROCEDURAL MOTION**

That the matter lay on the table to allow petitioners against the application the right of response to the appeal and to return to a future Council Meeting

Moved by: Mayor Ludwig

Seconded by:

MOTION CARRIED

12.9 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2018

File No: FM12.14.1
Attachments: 1. **Monthly Financial Report - December 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 31 December 2018 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 December 2018 be received

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

MOTION CARRIED

13 URGENT BUSINESS QUESTIONS

14 CLOSURE OF MEETING

There being no further business the meeting closed at 10.09am.

Bill Ludwig
CHAIRPERSON

DATE