



ORDINARY MEETING

MINUTES

4 MARCH 2019

The resolutions contained within these minutes were confirmed at the Council meeting held on 19 March 2019.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	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
	7.1 LIFTING MATTERS LAYING ON THE TABLE	6
8	PRESENTATION OF PETITIONS.....	7
	NIL	7
9	MAYORAL MINUTE	8
	NIL	8
10	COUNCILLOR/DELEGATE REPORTS	9
	NIL	9
11	AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS.....	10
	NIL	10
12	REPORTS.....	11
	12.1 COUNCILLOR AGENDA ITEM REQUESTS	11
	12.2 ANNUAL PROCUREMENT POLICY RENEWAL.....	12
	12.3 DEVELOPMENT APPLICATION D-204-2017 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) AND A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE ON PROPOSED LOT 10 LOCATED AT 480 ESPLANADE, THE KEPPELS	13
	12.4 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 1 ON RP605702	23
	12.5 NAMING OF ROAD - CAPRICORN COAST HOMEMAKER CENTRE	25
	12.6 WORKS FOR QUEENSLAND 2019-21	26
13	CLOSED SESSION	28

MINUTES

14.1	OUTSTANDING INFRASTRUCTURE CONTRIBUTIONS FOR MULTIPLE DWELLING UNITS (SEVEN (7) UNITS) AT 16-24 BIRDWOOD AVENUE, YEPPON	
14	CONFIDENTIAL REPORTS.....	29
14.1	OUTSTANDING INFRASTRUCTURE CONTRIBUTIONS FOR MULTIPLE DWELLING UNITS (SEVEN (7) UNITS) AT 16-24 BIRDWOOD AVENUE, YEPPON.....	29
15	URGENT BUSINESS\QUESTIONS	30
16	CLOSURE OF MEETING.....	31

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON MONDAY, 4 MARCH 2019 COMMENCING AT 10.44AM

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:

Mrs Chris Murdoch – 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
Ms Maddie Ward – Principal Planning Officer
Ms Erin McCabe – Coordinator Development Assessment
Mr David Battese – Manager Liveability
Mr Mark McLean – Principal Property Officer
Ms Nicole Robertson – Coordinator Executive Support

3 LEAVE OF ABSENCE / APOLOGIES

Apology

Mayor, Councillor Ludwig has tendered his apology and will not be in attendance until later in the meeting.

COUNCIL RESOLUTION

THAT the apology for the absence of Mayor, Councillor Ludwig be received.

Moved by: Councillor Kelly

Seconded by: Councillor Eastwood

MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 19 February 2019 be taken as read and adopted as a correct record with the following amendment;

- The resolution for item 12.1 be amended to list the title of the matters referred to in the 'commentary' section of the report as stated in the agenda.

Moved by: Councillor Kelly

Seconded by: Councillor Mather

MOTION CARRIED

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

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 LIFTING MATTERS LAYING ON THE TABLE

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Nicole Robertson - Coordinator Executive Support

SUMMARY

This report is being presented to Council in order for the stated matters to be formally lifted from the table prior to being dealt with during this meeting of 4th March 2019.

COUNCIL RESOLUTION

THAT the following matter/s, that Council resolved to 'Lay on the Table' at a previous meeting, be lifted from the table to be dealt with later during this meeting:

- Proposed Permanent Road Closure Adjoining Lot 1 on RP605702 – 19 February 2019; and
- Outstanding Infrastructure Contributions for Multiple Dwelling Units (Seven (7) Units) at 16-24 Birdwood Avenue, Yeppoon – 19 February 2019.

Moved by: Councillor Kelly
Seconded by: Councillor Eastwood

MOTION CARRIED

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

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

Nil

12 REPORTS

12.1 COUNCILLOR AGENDA ITEM REQUESTS

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Nicole Robertson - Coordinator Executive Support

SUMMARY

This report is to provide information in relation to Councillor requests for agenda items.

COUNCIL RESOLUTION

THAT Council receive the report in relation to the following items requested by Councillors for inclusion in an agenda:

- Beach Accesses - Review of Positioning, Functionality and Construction Standards
- The Non-Principle Place of Residence Differential Rate
- Kerbside Collection
- Kangaroo Signs & Dead Animal Collection
- Reticulated Water to Mabel Edmund Park
- Email from a Resident regarding numerous concerns about maintenance on Council Infrastructure, Parks and Sporting Facilities; and query on Rating Charges
- Parking for Service Providers – Anzac Parade.

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED

12.2 ANNUAL PROCUREMENT POLICY RENEWAL

File No: FM12.1.12

Attachments: 1. Draft Procurement Policy_Clean [⇒](#)

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Rachel Jackson - Coordinator Procurement

SUMMARY

This report presents a revised Procurement Policy which is required to be adopted on an annual basis.

COUNCIL RESOLUTION

THAT Council adopt the Procurement Policy as per the *Local Government Regulation (2012)*.

Moved by: Councillor Wyatt

Seconded by: Councillor Belot

MOTION CARRIED

MINUTES

12.3 DEVELOPMENT APPLICATION D-204-2017 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) AND A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE ON PROPOSED LOT 10 LOCATED AT 480 ESPLANADE, THE KEPPELS

File No: D-204-2017

Attachments:

1. [Locality and site plan](#)
2. [Proposal plan](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Madelaine Ward - Senior Planning Officer

SUMMARY

Applicant: L. Malan

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Land Owners: CP Svendsen, GK Svendsen and CB Svendsen

Real Property Address: 480 Esplanade, The Keppels

Common Property Address: Lot 9 on LN1498

Area of Site: 9,105 square metres

Planning Scheme:

	2005	2018
Zone:	Comprehensive Development Zone – Great Keppel Island – Conservation Precinct	Environmental management and conservation zone
Overlays:	Erosion prone land (O2A) Steep land (O2B)	
Level of assessment:	Impact (material change of use only)	Impact (reconfiguring of a lot and material change of use)

Existing Development: Dwelling house and ancillary structures utilised for short and long term accommodation

Submissions: Nil

Referral Agency: Department of State Development, Manufacturing, Infrastructure and Planning

Referral matter: 10.17.3.5.1 - Tidal works or work in a coastal management district

Infrastructure Charges Area: Outside the Priority Infrastructure Area

MINUTES

Application Progress:

<i>Application lodged:</i>	19 October 2017
<i>Application properly made:</i>	24 October 2017
<i>Confirmation Notice sent:</i>	26 October 2017
<i>Referral confirmation notice sent:</i>	30 October 2017
<i>Referral information request sent:</i>	8 November 2017
<i>Request for Further Information sent:</i>	9 November 2017
<i>Request for Further Information responded to:</i>	21 December 2017
<i>Referral response received:</i>	24 January 2018
<i>Extension by agreement for information request response stage until 9 May 2018:</i>	18 December 2017
<i>Information request response received:</i>	20 December 2017
<i>Further advice issued:</i>	28 February 2018
<i>Extension by agreement until 8 July 2018:</i>	20 March 2018
<i>Draft response to further advice received:</i>	4 July 2018
<i>Extension by agreement until 20 August 2018:</i>	5 July 2018
<i>Site inspection:</i>	16 August 2018
<i>Council workshop date:</i>	20 August 2018
<i>Applicant deputation date:</i>	20 August 2018
<i>Change (other) made to application:</i>	3 October 2018
<i>Confirmation notice (changed) sent:</i>	9 October 2018
<i>Changed referral response received:</i>	23 October 2018
<i>Notice of intent to commence public notification:</i>	12 November 2018
<i>Public notification period:</i>	15 November 2018 to 7 December 2018
<i>Notice of compliance for public notification:</i>	12 December 2018
<i>Statutory decision date:</i>	4 March 2019

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into three lots) and a Material Change of Use for a Dwelling house, made by L Malan c/- Capricorn Survey Group (CQ) Pty Ltd, on Lot 9 on LN1498, and located at 480 Esplanade, The Keppels, Council resolves to approve the application, despite the conflict with the planning scheme given the following relevant matters:

- (i) The development is not preferred in the Comprehensive Development Zone – Great Keppel Island Code as it is not for a Local utility. Despite not being for a preferred land use, the proposed lot layout is responsive to the existing land use, environmental constraints, natural hazards and is able to provide appropriate servicing and infrastructure.

- (ii) The development does not compromise recreational opportunities and does not adversely impact on the operation of the Firsherman's Beach airstrip, the western aquifer or erosion prone areas.
- (iii) The development includes a proposed Dwelling house on lot 10 located wholly within a building location envelope allowing a minimum six metre setbacks to all property boundaries in order to minimise the scale of development in line with the Island's natural character.
- (iv) The performance assessment of the proposal demonstrates that the development, subject to conditions, will not compromise the planning scheme Shire Wide Desired Environmental Outcomes.
- (v) The development does not compromise the achievement of regional outcomes outlined in the *Central Queensland Regional Plan*.
- (vi) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the *State Planning Policy*.
- (vii) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development is not for a preferred use.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into three lots) and a Material Change of Use for a Dwelling house, made by L Malan c/- Capricorn Survey Group (CQ) Pty Ltd, on Lot 9 on LN1498, and located at 480 Esplanade, The Keppels, Council resolves to approve the application, subject to the following conditions:

PART A – RECONFIGURING A LOT

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 approval of a plan of subdivision (survey plan endorsement), 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 approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Plumbing and Drainage Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved,

supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Reconfiguration Plan (1 Lot into 3 Lots) and Material Change of Use Plan (Dwelling house Proposed Lot 10)	6848-01-ROL Rev D	9 October 2018
Geotechnical Investigation Report	Not numbered	Not dated
Bushfire statement	Not numbered	21 June 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 request for approval of a plan of subdivision (survey plan endorsement).

3.0 PLUMBING AND DRAINAGE WORKS

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

3.2 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.

3.3 An on-site sewerage treatment and disposal facility must be provided for proposed lot 11 and lot 12 (wholly location within the lot it serves) in accordance with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 - On Site Domestic-Wastewater Management* and Council's Plumbing and Drainage Policies.

3.4 Structures or buildings must not be located within an on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

3.5 On-site water storage for domestic water supply purposes, with a minimum combined capacity of 50,000 litres, must be provided for both proposed lot 12 and proposed lot 11.

3.6 On-site water storage for firefighting purposes, with a minimum combined capacity of 25,000 litres, must be provided for both proposed lot 12 and proposed lot 11.

4.0 INTER-ALLOTMENT DRAINAGE

4.1 Inter-allotment drainage systems and overland flow paths must be designed and constructed in accordance with the *Queensland Urban Drainage Manual*.

5.0 ELECTRICITY AND TELECOMMUNICATIONS

5.1 Proposed lots 11 and 12 must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice.

5.2 Proposed lots 11 and 12 must be provided with on-site telecommunications

infrastructure for the use sufficient to enable contact in normal circumstances with each of the nearest emergency services (ambulance station, police station, fire brigade and state emergency service facility).

6.0 ENVIRONMENTAL

6.1 Revegetation utilising native fire tolerant species must be undertaken within the buffer area generally in accordance within the approved plan (refer to condition 2.1). A revegetation plan must be lodged with Council for approval as part of the request for approval of a plan of subdivision.

6.2 The revegetation plan must include 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 a maintenance schedule to cover watering and weed management activities and timing. The maintenance schedule must be over a three (3) year period to ensure the plantings are self-sustaining.

6.3 An environmental covenant, pursuant to Section 97A of the *Land Title Act*, must be entered into in respect of the land outside the proposed building envelope on proposed Lot 10 which is identified as "Buffer" on the approved plan (refer to condition 2.1) to the effect that:

6.3.1 the area is protected as a vegetated flora habitat and all native vegetation must be retained; and

6.3.2 the area is to be rehabilitated in accordance with an approved revegetation plan; and

6.3.3 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.

6.4 The environmental covenant must be registered over proposed Lot 10. The covenant area must be shown on the Survey Plan as part of the request for approval of a plan of subdivision.

6.5 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, unless otherwise approved by the relevant branch of the Rural Fire Brigade.

7.0 OPERATING PROCEDURES

7.1 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 the Esplanade or outside the property boundaries of proposed Lots 10, 11 and 12.

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. 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. Environmental

The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

NOTE 6. Infrastructure Charges Notice

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

PART B – MATERIAL CHANGE OF USE

8.0 ADMINISTRATION

8.1 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.

8.2 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.

8.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

8.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.

8.5 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.

8.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

8.6.1 Plumbing and Drainage Works; and

8.6.2 Building Works.

8.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to

the issue of a Development Permit for Building Works.

- 8.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 8.9 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.
- 8.10 This approval is for the construction of a Dwelling house and any associated class 10 building to be wholly located within the proposed building envelope on proposed Lot 10 in accordance with the approved plans (refer condition 9.1) and the conditions of Part B of this permit.

9.0 APPROVED PLANS AND DOCUMENTS

- 9.1 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>
Reconfiguration Plan (1 Lot into 3 Lots) and Material Change of Use Plan (Dwelling house Proposed Lot 10)	6848-01-ROL Rev D	9 October 2018
Report for structural adequacy for dwelling	Not numbered	15 May 2018
Geotechnical Investigation Report	Not numbered	Not dated
Bushfire statement	Not numbered	21 June 2018

- 9.2 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.
- 9.3 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.

10.0 PLUMBING AND DRAINAGE WORKS

- 10.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 10.2 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.
- 10.3 An on-site sewerage treatment and disposal facility must be provided for the Dwelling house within proposed lot 10 in accordance with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 - On Site Domestic-Wastewater Management* and Council's Plumbing and Drainage Policies.
- 10.4 Any structures or buildings must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.
- 10.5 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 on proposed lot 10.

- 10.6 On-site water storage for firefighting purposes, with a minimum combined capacity of 25,000 litres, must be provided for the Dwelling house on proposed lot 10.
- 11.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 11.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 11.2 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.
- 12.0 SITE WORKS
- 12.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 12.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 12.3 Any vegetation cleared or removed must be:
- (iii) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (iv) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt, unless otherwise approved by the relevant branch of the Rural Fire Brigade.
- 13.0 BUILDING WORKS
- 13.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 13.2 The habitable floor level must be a minimum of 7.3 metres Australian Height Datum.
- 13.3 All buildings and structures must be wholly located within the approved building location envelopes on the approved plans (refer to condition 9.1).
- 13.4 The height of all buildings and structures must not exceed two (2) storeys and 8.5 metres above ground level to any point on the roof.
- 13.5 The 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)*.
- 13.6 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"*.
- 13.7 Any associated class 10 building to be constructed within proposed Lot 11 must be wholly located within the proposed building envelope on proposed Lot 11 in accordance with the approved plans (refer condition 9.1) and the conditions of Part B of this permit.
- 14.0 ELECTRICITY AND TELECOMMUNICATIONS
- 14.1 The development 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.)

14.2 The development must be provided with on-site telecommunications infrastructure for the use sufficient to enable contact in normal circumstances with each of the nearest emergency services (ambulance station, police station, fire brigade and state emergency service facility). (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.)

15.0 ENVIRONMENTAL

15.1 An 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 and Sediment Control Management Plan must be available on-site for inspection by Council Officers during those works.

15.2 An Environmental Management Plan, which addresses, but is not limited to, the following matters must be provided to Council prior to any Plumbing and Drainage works or Building works on the site:

- (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.

15.3 Any future landscaping or revegetation to be undertaken must utilise native fire tolerant species in accordance with the endorsed Revegetation plan. A species planting plan must be provided prior to any building application.

ADVISORY NOTES

NOTE 7. 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 8. 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 9. 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 10. 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 11. Environmental

The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into three lots) and a Material Change of Use for a Dwelling house, made by L Malan c/- Capricorn Survey Group (CQ) Pty Ltd, on Lot 9 on LN1498, and located at 480 Esplanade, The Keppels, Council resolves to issue an Infrastructure Charges Notice for \$18,480.00.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Belot

MOTION CARRIED UNANIMOUSLY

12.4 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 1 ON RP605702

File No: GR14.4.2

Attachments:

1. Letter on behalf of residents, dated 30 January 2019 [⇒](#)
2. Road Closure Proposals - Original, Option A and Option B [⇒](#)

Responsible Officer: Mark McLean - Principal Property Officer
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Maddie Crigan - Property Officer

SUMMARY

A report pertaining to a proposed road closure adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon, was presented to the Council meeting of 19 February 2019 and it was resolved that ‘...the matter lay on the table pending the Mayor’s attendance and to return to the Council Meeting on 4 March 2019.’ The matter is now presented to Council to be dealt with.

Suspension of Standing Orders

COUNCIL RESOLUTION

11.09AM

That pursuant to s2.16 and s2.19 of Council’s *Meeting Procedures Policy* the provisions of the Council meeting procedures be suspended to allow adequate time for informal discussion on *Item 12.4 – Proposed Permanent Road Closure Adjoining Lot 1 on RP605702* prior to entering into formal debate.

Moved by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

Resumption of Standing Orders

COUNCIL RESOLUTION

11.18AM

That pursuant to s2.16 and s2.19 of Council’s *Meeting Procedures Policy* the provisions of the Council Meeting Procedures be resumed.

Moved by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

COUNCIL RESOLUTION

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

MINUTES

used; and

- 3) the area of closed road must be amalgamated with Lot 1 RP605702.

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED

DIVISION:

Crs A Belot, P Eastwood, N Hutton, J Kelly and T Wyatt voted in the affirmative.

G Mather voted in the negative.

12.5 NAMING OF ROAD - CAPRICORN COAST HOMEMAKER CENTRE

File No: ED8.5.4
Attachments: Nil
Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing
Author: Mark Windress - Project Engineer

SUMMARY

The development of the Capricorn Coast Homemaker Centre has created a new road reserve that will link Yeppoon Road to Cordingley Street, Yeppoon and is required to be named.

COUNCIL RESOLUTION

THAT Council resolves to name the new road reserve created by the Capricorn Coast Homemaker Centre, Homemaker Drive.

Moved by: Councillor Kelly
Seconded by: Councillor Eastwood

MOTION CARRIED

12.6 WORKS FOR QUEENSLAND 2019-21

File No: GS15.2.7-1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Brett Bacon - Executive Director Liveability and Wellbeing

SUMMARY

This report discusses the recently released Works for Queensland programme for 2019-21. Livingstone Shire Council has received an initial allocation of \$1,705,000, to be provided prior to 30 June 2019, and a further allocation (\$1,705,000) will be provided post June 2019.

Suspension of Standing Orders

COUNCIL RESOLUTION

11.30AM

That pursuant to s2.16 and s2.19 of Council's *Meeting Procedures Policy* the provisions of the Council meeting procedures be suspended to allow adequate time for informal discussion on *Item 12.6 – Works for Queensland 2019-21* prior to entering into formal debate.

Moved by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

Resumption of Standing Orders

COUNCIL RESOLUTION

11.35AM

That pursuant to s2.16 and s2.19 of Council's *Meeting Procedures Policy* the provisions of the Council Meeting Procedures be resumed.

Moved by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

COUNCIL RESOLUTION

THAT Council resolve to submit the following projects for the Queensland Government's 2019-2021 Works for Queensland Programme:

- 1) Cooe Bay Swimming Pool, limited to the critical components identified in (a) to (c) in the commentary section of this report – \$1,200,000;
- 2) Emu Park Art Gallery – \$800,000 (which includes full design and specification);
- 3) Pathways Package (Taylor Street, Swordfish Avenue, and Cordingley Street as detailed in the body of this report) – \$400,000;
- 4) Rural Floodway Upgrade Programme – \$500,000; and
- 5) Sealed road pavement rehabilitation – \$510,000.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

MINUTES

Chairperson, Deputy Mayor Councillor Hutton sought leave of the meeting to suspend meeting procedures for morning tea.

9.45am Meeting procedures were suspended.

12.04pm The meeting procedures where resumed with Mayor, Councillor Ludwig attending the meeting and assuming the position of Chairperson for the remainder of the meeting.

13 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

12.05PM

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.

14.1 Outstanding infrastructure contributions for Multiple dwelling units (seven (7) units) at 16-24 Birdwood Avenue, Yeppoon

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

Moved by: Councillor Kelly

Seconded by: Councillor Eastwood

MOTION CARRIED

COUNCIL RESOLUTION

12.32 PM

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

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Wyatt

MOTION CARRIED

14 CONFIDENTIAL REPORTS

14.1 OUTSTANDING INFRASTRUCTURE CONTRIBUTIONS FOR MULTIPLE DWELLING UNITS (SEVEN (7) UNITS) AT 16-24 BIRDWOOD AVENUE, YEPPOON

File No: D-71-2011

Attachments:

1. **Locality Plan**
2. **Decision Notice and Approved Plans**

Responsible Officer: **Brett Bacon - Executive Director Liveability and Wellbeing**
Erin McCabe - Co-ordinator Development Assessment

Author: **Jenna Brosseuk - Senior Planning Officer**

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

SUMMARY

This matter was presented to the Council meeting held on 19 February 2019 and it was resolved that the matter 'lay on the table' pending the full complement of Councillors at the next meeting. The matter is now presented to Council to be dealt with.

This report provides seeks Councils decision on a request made by Robert Harris, the Chairman of Trustees for the Yeppoon Rotary Birdwood Estate Benevolent Fund, to waive payment of outstanding contributions for a unit development at 16-24 Birdwood Avenue, Yeppoon.

COUNCIL RESOLUTION

THAT notwithstanding the officers recommendation, Council resolves that in this instance Council offers a one-off waiver of seventy-five percent of the outstanding infrastructure contributions of \$33,472.05.

In making this decision, Council has considered the fact that the Yeppoon Rotary Club which comprise the trustees of the Yeppoon Rotary Birdwood Estate Benevolent Fund, is a not for profit organisation whose aims and objectives for running this facility are meeting a gap by providing accommodation opportunities for those who are vulnerable in our community.

Moved by: **Mayor Ludwig**

Seconded by: **Councillor Eastwood**

MOTION CARRIED

DIVISION:

Crs A Belot, P Eastwood, N Hutton, B Ludwig, G Mather and T Wyatt voted in the affirmative.

Cr J Kelly voted in the negative.

15 URGENT BUSINESS QUESTIONS

16 CLOSURE OF MEETING

There being no further business the meeting closed at 12.36am.

Mayor, Councillor Bill Ludwig
CHAIRPERSON

DATE