

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

26 APRIL 2016

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 26 APRIL 2016 COMMENCING AT 9.07AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Mr Jon Rutledge, Acting Director Corporate Services
Mrs Suzanne Pambid – Coordinator Executive Support
Mr Damien Cross, Acting Chief Financial Officer
Ms Erin McCabe - Coordinator Development Assessment
Ms Jane Witham - Senior Planning Officer
Ms Jenna Brosseuk - Senior Planning Officer
Ms Rhiannon Casey - Planning Officer
Mr Ahsan Yousuf - Senior Planning Officer
Mrs Melissa Warwick - Senior Strategic Planner
Ms Tara Norley - Land Use Support Officer
Mr Dev Krishnasamy - Senior Development Engineer
Mr Joey Narvasa - Development Engineer

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE - MAYOR BILL LUDWIG

File No: GV14.4.1

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Mayor Bill Ludwig requested leave of absence for 26 April 2016 due to illness.

COUNCIL RESOLUTION

THAT Leave of Absence be granted to Mayor Bill Ludwig for 26 April 2016.

Moved by: Councillor Kelly

Seconded by: Councillor Hutton

MOTION CARRIED

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 12 April 2016 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 12 April 2016 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

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

Nil

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. Business Outstanding Table
Responsible Officer: Justin Commons - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Mather
Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

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

1. Development Application for a Material Change of Use for a Major Utility (Telecommunications Facility)
2. Request for a Negotiated Decision for a Development Permit for Reconfiguring a Lot (Two Lots into Six Lots)

Moved by: Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

Noted that Councillor Mather was against Item 1 being lifted off the table.

In relation to Item 1 - Deputy Mayor put forward as the mover of the original motion that this motion be withdrawn. Mayor Ludwig advised via email that further to his conversation with Deputy Mayor and given his inability to attend today's meeting, as the seconder to the original motion layed on the table, he is also happy for the original motion in regards to NBN tower at Bondoola to be withdrawn.

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS), ROAD RESERVE AND EASEMENTS (ACCESS AND DRAINAGE)

File No: D/15-2016

Attachments:

1. Locality Plan
2. Propoal Plan
3. Panorama Drive alignment plan

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
Brett Bacon - Director Community & Planning Services

Author: Jane Witham - Planning Officer

SUMMARY

Development Application Number: D/15-2016

Applicant: Livingstone Shire Council c/- Reel Planning CQ

Real Property Address: Lot 1 on SP228999 and Lot 7 on RP602357, Parish of Yeppoon

Common Property Address: 158 Pacific Heights Road, Pacific Heights
Lot 7 Woodwind Valley Road, Farnborough

Area of Site: 30.20 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map O2: Drainage Problem
Overlay Map O3: Wetlands and 100 metre Wetlands Buffer
Overlay Map O3: Waterways and 100 metre Waterways Buffer
Overlay Map O4: Good Quality Agricultural Land
Overlay Map O7: Farnborough Groundwater

Existing Development: Dwelling house

Existing Approvals: Nil

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

Level of Assessment: Code assessable

Submissions: Nil

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

Adopted Infrastructure Charges Area: Outside the priority infrastructure area

Application Progress:

Application Properly Made:	22 January 2016
Acknowledgement Notice sent:	29 January 2016

Referred to State agency:	4 February 2016
Request for Further Information sent:	9 February 2016
Request for Further Information responded to:	25 February 2016
State Agency Response:	9 March 2016
Last receipt of information from applicant:	16 March 2016
Decision period extension issued:	7 April 2016
Amended State Agency Response	20 April 2016
Council Meeting date:	26 April 2016
Statutory determination date:	10 May 2016

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), road reserve and easements (access and drainage), made by Livingstone Shire Council c/- Reel Planning CQ, on Lot 1 on SP228999 and Lot 7 on RP602357, Parish of Yeppoon, and located at 158 Pacific Heights Road Pacific Heights, and Lot 7 Woodwind Valley Road, Farnborough, Council resolves to Approve the application, despite the conflict with the *Livingstone Shire Planning Scheme 2005*, in accordance with section 326(1)(b) of *Sustainable Planning Act 2009*, on the following grounds:

1. The site is proximal to low density residential and rural residential development and under the circumstances, is a rational extension of the existing mixed land use pattern in the immediate vicinity.
2. Proposed Lot 2 will perceivably exist, regardless of whether or not subdivision is undertaken, considering the existing topography, location of Barwells Creek and construction of Panorama Drive.
3. Rural activities are able to be pursued on proposed Lot 1, thus preserving the existing rural productive capacity of the land.

RECOMMENDATION B

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), road reserve and easements (access and drainage), made by Livingstone Shire Council c/- Reel Planning CQ, on Lot 1 on SP228999 and Lot 7 on RP602357, Parish of Yeppoon, and located at 158 Pacific Heights Road, Pacific Heights and Lot 7 Woodwind Valley Road, Farnborough, 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 issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Access Works.
- 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>
Proposed Reconfiguration of a Lot, Lots 1 - 2, Emt F in Lot 2 and Emt D in Lot 7 on RP602357, Cancelling Lot 1 on SP228999	5414LACEY 2 Rev 4	19 April 2016
Attachment 1 – Catchment Plan	No reference	24 February 2016
Attachment 2A – TUFLOW Site Inundation Plan 1	No reference	24 February 2016
Attachment 2B – TUFLOW Site Inundation Plan 2	No reference	24 February 2016
Attachment 3 – Barwells Creek – Q100 Cross sections	No reference	24 February 2016
Attachment 4 – RAFTS Output file for Barwells Creek	No reference	24 February 2016
Panorama Drive – Road Acquisition for Panorama Drive – Proposed Acquisition Lot 1 on SP 228999	14-118-185 (sheet 6 of 11)	22 April 2015

- 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 All future roads and road reserves included within the approved proposal plan (refer to condition 2.1) must connect to existing constructed road(s) and road reserve(s).

4.0 ACCESS WORKS

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

4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).

4.3 A rural standard vehicle access (crossover) for Lot 1 must be designed and constructed from the Panorama Drive road frontage (upon completion of Segment 2 of Panorama Drive).

4.4 In the interim, a ten (10) metres wide access easement must be registered burdening the existing Lot 7 on RP602357 for proposed Lot 1 and a rural standard vehicle access (crossover) for proposed Lot 1 must be designed and constructed from the Woodwind Valley Road. This access easement maybe relinquished upon the compliance with above condition 4.3.

4.5 A rural standard vehicle access (crossover) for proposed Lot 2 must be designed and constructed from the Pacific Heights Road frontage; or the existing access driveway from Pacific Heights Road must be upgraded to rural standard in accordance with the *Capricorn Municipal Development Guidelines*.

4.6 Rural addressing must be provided to each lot in accordance with Council's Local Law for Roads.

5.0 STORMWATER WORKS

5.1 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land(s) during the Defined Flood Event.

6.0 SITE WORKS

6.1 All buildings and structures in proposed Lot 2 must be wholly contained within the building location envelope, in accordance with the approved plan '*Proposed Reconfiguration of a Lot, Lots 1 and 2, Cancelling Lot 1 on SP228999*' (refer condition 2.1).

6.2 Vegetation mapped as Locally Significant Vegetation must not be cleared unless and until written approval has been given by Council.

7.0 ASSET MANAGEMENT

7.1 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.

7.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

7.3 '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 issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

8.0 OPERATING PROCEDURES

- 8.1 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 Pacific Heights Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander Partnerships website 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. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline* Drawings) may be accepted in place of the Development Permit for Operational Works (access works).

NOTE 5. Infrastructure Charges Notice

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

NOTE 6. Property Notes

- a. Future buildings and structures in Lot 2 must be wholly contained within the building location envelope, in accordance with the approved plan '*Proposed Reconfiguration of a Lot, Lots 1 and 2, Cancelling Lot 1 on SP228999*' (refer condition 2.1).
- b. Any future developments within proposed Lots 1 and 2 must be set above flood heights to minimise the risk of flooding to reduce property damage and ensure public safety.

The habitable floor levels shall be subjected to specific locations and must be set in accordance with the approved flood study/plans. Indicative one (1) percent Annual Exceedance Probability (AEP) flood level (inundation and water surface contours) has been indicated on the approved plans

'Attachment 2A – TUFLOW Site Inundation Plan 1 and 2' (refer condition 2.1).

- c. Once an alternative constructed access is available to proposed Lot 1 (refer condition 4.3), the access easement which burdens Lot 7 can be surrendered by the owner of Lot 7.

NOTE 7. Environmental

- a. The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in Local Law No. 3 (Community & Environmental Management) 2011 and Schedule 1 of Subordinate Local Law 3 (Community & Environmental Management) 2011 and in the Land Protection (Pest and Stock Route Management) Act 2002 or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- b. Part of the subject site is mapped by the Department of Environment and Heritage Protection as containing Regulated Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>
- c. Part of the subject site is mapped under the Livingstone Planning Scheme as 'Locally Significant Vegetation' (PSM10a and 10b). Clearing of this vegetation must not be undertaken without the advice of Council's Natural Resource Management Unit.
- d. Part of the subject site is mapped by the Department of Environment and Heritage Protection as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Heritage Protection.

RECOMMENDATION C

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), road reserve and easements (access and drainage), made by Livingstone Shire Council c/- Reel Planning CQ, on Lot 1 on SP228999 and Lot 7 on RP602357, Parish of Yeppoon, and located at 158 Pacific Heights Road, Pacific Heights and Lot 7 Woodwind Valley Road, Farnborough, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$11,340.00**.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.2 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

File No:	D/234-2015
Attachments:	<ol style="list-style-type: none"> 1. Locality Plan 2. Proposal Plan 3. Bushfire Hazard Assessment Extract - Potential Building Envelopes 4. Panorama Drive Road Alignment
Responsible Officer:	Erin McCabe - Co-ordinator Development Assessment Brett Bacon - Director Community & Planning Services
Author:	Ahsan Yousuf - Senior Planning Officer

SUMMARY

Development Application Number:	D/234-2015
Applicant:	Livingstone Shire Council C/- Finch Surveying Consultants
Real Property Address:	Lot 37 on SP261797, Parish of Yeppoon
Common Property Address:	Lot 37 Pacific Heights Road, Pacific Heights
Area of Site:	15.11 hectares
Planning Scheme:	<i>Livingstone Shire Planning Scheme 2005</i>
Planning Scheme Zoning:	Rural Zone
Planning Scheme Overlays:	Overlay Map O2 – Steep Land Overlay Map O3 – Wetlands (buffer) Overlay Map O5 – Bushfire Hazard Overlay Map O7 – Farnborough Groundwater Area Overlay Map O9 – Visual Quality – Precinct A
Planning Scheme Maps:	Planning Scheme Map 2A – Agricultural land Classification Map (Class C2 Land) Planning Scheme Map 10B – Locally Significant Vegetation
Existing Development:	Rural sheds
Existing Approvals:	1224-2013-BPCDOM - Farm Storage Shed – Class 7 1505-2009-B-DOM - Dwelling - Lapsed
Approval Sought:	Development Permit for Reconfiguring a Lot (one lot into two lots)
Level of Assessment:	Code assessable
Submissions:	Not applicable
Referral Agency(s):	State Assessment and Referral Agency
Priority Infrastructure Area:	Outside the priority infrastructure area
Application Progress:	

Application Lodged:	21 October 2015
Acknowledgement Notice sent:	4 November 2015
Request for Further Information sent:	17 November 2015
Government Agency Response:	4 December 2015
Change Application Lodged (Minor Change):	10 March 2016
Request for Further Information responded to:	15 March 2016
Government Agency Response in Relation to Minor Change:	1 April 2016
Council request for additional time:	8 April 2016
Statutory due date:	16 May 2016
Council Meeting date:	26 April 2016

COUNCIL RESOLUTION

RECOMMENDATION A

THAT That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Livingstone Shire Council, on Lot 37 on SP261797, Parish of Yeppoon, and located at Lot 37 Pacific Heights Road, Pacific Heights, Council resolves to approve the application, despite the conflict with the with the *Livingstone Shire Planning Scheme 2005*, in accordance with section 326(1)(b) of *Sustainable Planning Act 2009*, on the following grounds:

1. The proposal includes the dedication of a road reserve for Panorama Drive, which is of considerable strategic significance due to its socio-economic importance for Yeppoon and its surrounding areas.
2. Proposed Lot 1 will perceivably exist and the rural nature of the current lot will be impacted by the construction of Panorama Drive, regardless of whether or not subdivision is undertaken.
3. Small scale rural activities can be pursued on proposed Lot 1, thus preserving part of the rural capacity of the land.

RECOMMENDATION B

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Livingstone Shire Council, on Lot 37 on SP261797, Parish of Yeppoon, and located at Lot 37 Pacific Heights Road, Pacific Heights, 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 issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.

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

1.6.1 Operational Works:

(i) Access Works.

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:

Plan/Document Name	Plan/Document Reference	Dated
Proposed Reconfiguration of a Lot - Lots 1-2 Cancelling Lot 37 on SP261797	5415PROP	9 September 2016
Updated Property Vegetation Plan for Lot 37 SP261797	Revision 04	10 March 2016

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

3.0 ROAD WORKS

3.1 A road reserve must be dedicated for the construction of Panorama Drive, in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant Australian Standards.

3.2 All future roads and road reserves included on the approved plan (refer to condition 2.1) must connect to existing constructed road(s) and road reserve(s).

4.0 ACCESS WORKS

4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site, unless access is otherwise provided as part of the construction of Panorama Drive.

4.2 All works must be designed and constructed in accordance with the approved plans and documents (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of any Development Permit for Operational Works (access works).

4.3 Access onto the new road between Lots 1 and 2 must be provided at approved locations, in accordance with a Development Permit for Operational Works (access works), unless otherwise provided as part of the construction of Panorama Drive.

- 4.4 Documentation must be provided as part of the application for a Compliance Certificate for the Survey Plan to demonstrate that the contractor for the civil construction works for Panorama Drive will be responsible for ensuring that safe access is maintained at all times during the construction of Panorama Drive to all lots.
- 4.5 Rural addressing must be provided to each lot in accordance with Council's Local Law for Roads.
- 5.0 ENVIRONMENTAL
- 5.1 An Erosion and Sediment Control Plan must be implemented and maintained on-site for the duration of any works, and until all exposed areas are permanently stabilised (for example turfed, hydromulched, concreted, landscaped). The prepared Erosion and Sediment Control Plan must be available on-site for inspection by Council Officers during those works.
- 5.2 An environmental covenant, pursuant to *Section 97A of the Land Title Act*, must be entered into, in respect of the entirety of the vegetated area on Lot 2. The covenants must ensure that:
- 5.2.1 the area is protected as a vegetated flora habitat and all native vegetation is retained, except as otherwise outlined below;
- 5.2.2 vegetation clearing is limited to the establishment of an asset protection zone and access driveway(s) for bushfire hazard mitigation, approved by Council as part of a Material Change of Use application; and
- 5.2.3 there is 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.
- 5.3 The environmental covenant must be registered over Lot 2. The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council as part of the application for a Compliance Certificate for the Survey Plan.
- 6.0 ASSET MANAGEMENT
- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 6.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 6.3 "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 issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital as Constructed Information.
- 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 on Council roads.

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 <https://www.datsip.qld.gov.au/>.

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Access

Conditions of approval for access works have been drafted on the basis of the following:

- a. Access to the subject lot (prior to subdivision under this development permit) is achieved from Pacific Heights Road by means of an easement over Lot 2 on SP280139, followed by a road reserve that has been obtained by Council for the construction of Panorama Drive;
- b. Long term access to Lots 1 and 2 will be provided via Panorama Drive;
- c. Until Panorama Drive is opened to the public and access is provided in its final form to Lots 1 and 2, Council accepts access arrangements for the duration of the construction period as per the conditions of approval in this development permit.

NOTE 5. Bushfire Hazard Assessment and Management Plan

The Bushfire Hazard Assessment (Reference RF15-043) submitted as part of the application has been utilised as an assessment tool to inform Council's decision to approve the application. However, the document does not constitute an approved document for the following reasons:

- a. There are multiple sites identified as potential development locations within proposed Lot 2. This has rendered it unviable to impose conditions as part of the lot reconfiguration, as these are not likely to be reasonable or relevant. Specifically, this is because hazard mitigation would be required in multiple locations, resulting in an inordinate amount of vegetation clearing, excessive provision of access infrastructure, etcetera.
- b. The Bushfire Hazard Assessment has provided sufficient information to demonstrate that hazard mitigation can be adequately addressed through future Material Change of Use.

NOTE 6. Property Note - Future Bushfire Hazard Mitigation Requirements

Based on the Bushfire Hazard Assessment and Management Plan (Reference RF15-043) associated with development approval (D/234-2016), key mitigation measures for future a Material Change of Use are expected to include (but not be limited to) the following:

- a. The provision of ‘asset protection zones,’ which are cleared of hazardous

vegetation and maintained in a reduced-fuel state;

- b. The provision of adequate water supply within non-combustible tanks, fitted with appropriate fire brigade fittings, and located in areas which can be readily access for fire-fighting purposes; and
- c. The establishment of sealed and cleared access driveways, with appropriate grades to enable fire fighting vehicles to access the future development sites. For Lot 2, this is likely to involve providing a new access or modifying the existing access, due to excessive grades for fire-fighting vehicles.

NOTE 7. Slope Stability

Development applications for Material Change of Use on Lots 1 and 2 will be required to be supported by a Geotechnical Report prepared by a Registered Professional Engineer of Queensland. This report will be required to demonstrate slope stability, and provide recommendations for building foundation treatments and other measures for mitigating landslip risk.

NOTE 8. Natural Resource Management

- a. The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in Local Law No. 3 (Community & Environmental Management) 2011 and Schedule 1 of Subordinate Local Law 3 (Community & Environmental Management) 2011 and in the Land Protection (Pest and Stock Route Management) Act 2002 or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- b. Part of the subject site is mapped by the Department of Environment and Heritage Protection as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Heritage Protection.

NOTE 9. Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots), made by Livingstone Shire Council, on Lot 37 on SP261797, Parish of Yeppoon, and located at Lot 37 Pacific Heights Road, Pacific Heights, Council resolves to issue an Infrastructure Charges Notice requiring the payment of **\$9,240.00**.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

12.3 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

File No: D/26-2016

Attachments:

1. Locality Plan
2. Proposal Plans
3. Panorama Drive Alignment Plan

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
Brett Bacon - Director Community & Planning Services

Author: Ahsan Yousuf - Senior Planning Officer

SUMMARY

Development Application Number: D/26-2016

Applicant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 2 on SP280139 (previously Lot 2 on SP153336), Parish of Yeppoon

Common Property Address: 203 Pacific Heights Road, Pacific Heights

Area of Site: 12.98 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays:

- Overlay Map O2 – Steep Land
- Overlay Map O3 – Wetlands
- Overlay Map O4 – Good Quality Agricultural Land
- Overlay Map O5 – Bushfire Hazard
- Overlay Map O7 – Farnborough Groundwater Area
- Overlay Map O9 – Visual Quality – Precinct A

Planning Scheme Maps: Planning Scheme Map 10: Locally Significant Vegetation

Existing Development: Dwelling house and associated buildings

Existing Approvals:

- D-Y/2004-1690 - Development Consistent with Residential A zone – Currently subject to an application for an Extension to the Relevant Period
- D/1601-2009 – Reconfiguring a Lot (one lot into fifty lots) – Currently subject to an application for an Extension to the Relevant Period
- D/1819-2009 - Reconfiguring a Lot for an Access Easement
- D/362-2011 (lapsed) - Roadworks, Stormwater Works, Drainage Works, Earthworks and Landscaping
- D/311-2012 - Reconfiguring a Lot (one lot into two lots)

Approval Sought:	Development Permit for Reconfiguring a Lot (one lot into two lots)
Level of Assessment:	Code assessable
Submissions:	Not applicable
Referral Agency(s):	State Assessment and Referral Agency
Priority Infrastructure Area:	Outside the priority infrastructure area
Application Progress:	

Application Lodged:	3 February 2016
Acknowledgement Notice issued:	17 February 2016
Acknowledgement Notice Withdrawn (following clarification from the State Assessment and Referral Agency):	10 March 2016
Last receipt of information from applicant:	29 February 2016
Council request for additional time:	8 April 2016
Statutory due date:	11 May 2016
Council Meeting Date	26 April 2016

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot (one lot into two lots) made by Capricorn Survey Group (CQ) Pty Ltd on Lot 2 on SP280139 (previously Lot 2 on SP153336) and located at 203 Pacific Heights Road, Pacific Heights, Council resolves to Approve the application, despite the conflict with the with the *Livingstone Shire Planning Scheme 2005*, in accordance with section 326(1)(b) of *Sustainable Planning Act 2009*, on the following grounds:

1. The overall site has been fragmented by the strategically significant road reserve for Panorama Drive, secured by Council through the subject site;
2. The changed Panorama Drive alignment and Council's acquisition of land for the strategically significant road reserve, results in the Lot 3 area within the site:
 - (a) inadvertently becoming part of a balance lot that is not approved for development under development permits D-Y/2004-1690 and D/1601-2009, which enable urban residential development to occur to the east and south-east of Lot 3;
 - (b) being isolated from the remaining rural component of the site, being the southern part of Lot 2, due to which it cannot be meaningfully be used for rural or agricultural pursuits;
3. The proposal is consistent with similar sized allotments in the area and does not compromise the character and amenity of the area, or cause unacceptable impacts to the agricultural or environmental values of the Shire.

RECOMMENDATION B:

That in relation to the application for a Development Permit for a Reconfiguring a Lot (one lot into two lots) made by Capricorn Survey Group (CQ) Pty Ltd on Lot 2 on SP280139 (previously Lot 2 on SP153336) and located at 203 Pacific Heights Road, Pacific Heights, 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 issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Access Works.
- 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:

Plan/Document Name	Plan/Document Reference	Dated
Lot Reconfiguration Stage 2 (1 Lot into 2 Lots + Access Emt)	6302-02-ROL Rev B	24 August 201
Lot Reconfiguration Stage 2 (1 Lot into 2 Lots + Access Emt) [Plan Showing 0.5m Contours]	6302-02-ROL Rev B	24 August 201

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS WORKS**
- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans

and documents (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).

3.3 The internal access must be upgraded to provide a four (4) metre wide sealed pavement from the vehicle entrance to the end of the access easement benefitting Lot 3, in accordance with the approved plans (refer to condition 2.1).

3.4 Unrestricted access to Lot 3 must be provided by way of:

3.4.1 A new easement burdening Lot 2 in favour of Lot 3; or

3.4.2 A modification to the existing easement located in proposed Lot 2.

3.5 All stormwater runoff from the access must be drained to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*.

3.6 Rural addressing must be provided to each lot in accordance with Council's Local Law for Roads.

4.0 WATERWORKS

4.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act* and the provisions of a Development Permit for Plumbing and Drainage (if required).

4.2 The existing water connection point must be retained and upgraded, if necessary, to service Lot 3.

5.0 PLUMBING AND DRAINAGE WORKS

5.1 Any alterations to the internal plumbing and sanitary drainage for the existing dwelling that may be required as a result of the proposed development must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.

5.2 Internal plumbing and sanitary drainage associated with existing buildings located on Lot 3 must be contained wholly within the allotment.

6.0 ENVIRONMENTAL

6.1 An Erosion and Sediment Control Plan must be implemented and maintained on-site for the duration of the works, and until all exposed areas are permanently stabilised (for example turfed, hydromulched, concreted, landscaped). The prepared Erosion and Sediment Control Plan must be available on-site for inspection by Council Officers during those works.

7.0 ASSET MANAGEMENT

7.1 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.

7.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

7.3 "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 issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital as Constructed Information.

8.0 OPERATING PROCEDURES

- 8.1 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 Pacific Heights 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 <https://www.datsip.qld.gov.au/>.

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

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

NOTE 5. Natural Resource Management

- a. The subject site must be free of declared pest plants and animals, as declared at the date of development application in *Local Law No. 3 (Community and Environmental Management) 2011*, Schedule 1 of *Subordinate Local Law 3 (Community and Environmental Management) 2011*, and the *Land Protection (Pest and Stock Route Management) Act 2002* (as amended), to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- b. It is advised that parts of the subject site are mapped under the Livingstone Planning Scheme as 'Locally Significant Vegetation' (PSM10a and 10b). Clearing of this vegetation (beyond the scope of this development permit) must not be undertaken without the advice of Council's Natural Resource Management Unit.

RECOMMENDATION C:

That in relation to the application for a Development Permit for a Reconfiguring a Lot (one lot into two lots) made by Capricorn Survey Group (CQ) Pty Ltd on Lot 2 on SP280139 (previously Lot 2 on SP153336) and located at 203 Pacific Heights Road, Pacific Heights, Council resolves to issue an Infrastructure Charges Notice requiring the payment of \$9,240.00.

Moved by: Councillor Mather

Seconded by: Councillor Hutton

MOTION CARRIED

12.4 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MAJOR UTILITY (TELECOMMUNICATIONS FACILITY)

File No: D/132-2015

Attachments:

1. Locality Plan
2. Proposal Plans
3. Aerial view and location of facility - Extract from NBN Co Report

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
Brett Bacon - Director Community & Planning Services

Author: Rhiannon Casey - Planning Officer

SUMMARY

Development Application Number: D/132-2015

Applicant: NBN Co C/- Aurecon Australasia

Real Property Address: Lot 83 on SP145949, Parish of Cawarral

Common Property Address: 24 Doolboola Road, Bondoola

Area of Site: 17.9 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map O2 – Steep Land;
Overlay Map O5 – Bushfire Hazard; and
Planning Scheme Map 10 – Locally Significant Vegetation.

Existing Development: Rural Dwelling and ancillary sheds

Existing Approvals: 560-1999-YPO – Farmsheds (2), approved with conditions 12 July 1999; and
D-Y/2000-624 – Reconfiguration of a Lot (two lots into two lots), approved with conditions 30 August 2000

Approval Sought: Development Permit for a Material Change of Use for a Major utility (telecommunications facility)

Level of Assessment: Impact Assessable

Submissions: Two (2) properly made and one (1) not properly made submissions received

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Outside of Priority Infrastructure Area

Application Progress:

Application Lodged:	23 June 2015
Acknowledgement Notice sent:	25 June 2015
Request for Further Information sent:	9 July 2015

Request for Further Information responded to:	9 December 2015
Pre-notification period commenced:	9 December 2015
Submission period commenced:	18 December 2015 (incorrect) 9 February 2016 (correct)
Notice of commencement received:	9 February 2016
Submission period end:	2 March 2016
Notice of compliance received:	3 March 2016
Last receipt of information from applicant:	3 March 2016
Decision extension letter sent:	17 March 2016
Council meeting date:	12 April 2016 (matter laid on the table)
Decision extension letter sent:	15 April 2016
Statutory determination date:	30 April 2016

Councillor Glenda Mather moved that due to the reluctance of the applicant to agree to substantially relocate the proposed site for the tower that the application be layed on the table to allow Councillors to carry out an onsite inspection. There was no seconder for this motion.

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Major utility (telecommunications tower), made by NBN Co C/- Aurecon Australasia, on Lot 83 on SP145949, Parish of Cawarral, and located at 24 Dooloolah Road, Bondoola, Council resolves to approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of 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 Building 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>
Overall Site Plan	4LAM-51-14-BOND-C2 Revision 02	1 June 2015
Site Setout Plan	4LAM-51-14-BOND-C3 Revision 02	1 June 2015
Site Elevation and Details	4LAM-51-14-BOND-C4 Revision 02	1 June 2015
Bondoola Bushfire Management Plan	226420-BDOLA-02 Revision 1	9 December 2015

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

3.0 ACCESS WORKS

- 3.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) and *Capricorn Municipal Development Guidelines*.
- 3.2 Access to the development location (the new access track to be constructed off the exiting internal access track) and associated vehicle manoeuvring areas must be constructed to a sealed or equivalent standard.
- 3.3 Any lease agreement between the owner of the Lot 83 on SP145949 and NBN Co Limited must have provision for safe and uninterrupted access to the proposed lease area during the entire lease period.

4.0 BUILDING WORKS

- 4.1 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.
- 4.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.

5.0 SITE WORKS

- 5.1 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.

5.2 The structural design of all retaining walls one (1) metre or above in height must be separately and specifically certified by a Registered Professional Engineer of Queensland. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the design; the wall's foundation ground conditions nominated in the design were inspected and achieved during the construction.

5.3 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- (ii) removed for disposal at a location approved by Council;

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

6.0 ELECTRICITY

6.1 Underground electricity connections must be provided to the proposed development to the standards of the relevant authorities.

7.0 ASSET MANAGEMENT

7.1 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.

8.0 ENVIRONMENTAL

8.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

8.2 The development must be undertaken in accordance with the *Australian Standard AS3959 "Construction of Buildings in Bushfire-Prone Areas"* and the recommendations in the approved Bushfire Management Plan (refer to condition 2.1).

9.0 OPERATING PROCEDURES

9.1 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 Dooloolah Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander Partnership 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. Property Notes

- a. Public safety and health specifically electromagnetic emissions (EME) must be in accordance with the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear safety agency (ARPANSA).
- b. The development for a Major utility on the site must be undertaken in accordance with the *Australian Standard AS3959 "Construction of Buildings in Bushfire-Prone Areas"* and the recommendations in the approved Bushfire Management Plan (refer to D/132-2015).

NOTE 5. Matters of Environmental Relevance

- a. The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and *Schedule 1 of Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- b. It is advised that part of the subject site is mapped by the Department of Environment and Heritage Protection as containing Regulated Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <http://www.derm.qld.gov.au/vegetation/index.html>
- c. It is advised that the subject site is mapped under the Livingstone Planning Scheme as 'Locally Significant Vegetation' (PSM10a and 10b). Clearing of this vegetation must not be undertaken without the advice of Council's Natural Resource Management Unit.
- d. It is advised that part of the subject site is mapped by the Department of Environment and Heritage Protection as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Heritage Protection.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Major utility (telecommunications tower), made by NBN Co C/- Aurecon Australasia, on Lot 83 on SP145949, Parish of Cawarral, and located at 24 Doolooloolo Road, Bondoola, Council resolves that no infrastructure charges are applicable for the development.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

DIVISION:

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

Cr G Mather voted in the negative.

12.5 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION

File No: D/210-2015

Attachments:

1. **Locality Plan**
2. **Proposal Plans**
3. **Swept Path Assessment and Site Queuing Plans**
4. **Concept Stormwater Plan**
5. **Proposed Site Layout Hazardous Zones**
6. **Concurrence Response - refusal**

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
Brett Bacon - Director Community & Planning Services

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Development Application Number: D/210-2015

Applicant: Woolworths Ltd C/- TFA Project Group

Real Property Address: Lot 10 on SP164801, Parish of Hewittville

Common Property Address: 2-4 Hoskyn Drive, Hidden Valley

Area of Site: 4,004 square metres (lease area 2,494 square metres)

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map O8 – Acid Sulfate Soils (below twenty (20) metre Australian Height Datum)

Existing Development: Vacant

Existing Approvals: Development Permit D-Y/2004-496 for a Material Change of Use for Commercial Purposes

Previous Applications: Development Permit D-Y/2006-546 Material Change of Use for a Convenience Restaurant and reconfiguration to lots (refused)

Development Permit D-Y/2001-255 (60/014/2257) Reconfiguring a Lot (one lot into twelve (12) lots plus balance land)

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

Level of Assessment: Impact Assessable

Submissions: Two (2) Properly Made Submissions

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

Adopted Infrastructure Charges Area: Charge Area One (1)

Application Progress:

Application Lodged:	17 September 2015
Application Properly Made:	21 September 2015
Acknowledgement Notice issued:	24 September 2015
Application Referred to the State Assessment and Referral Agency:	2 October 2015
State Assessment and Referral Agency Information Request:	16 October 2015
Extension of Information Request Period:	9 October 2015
Information Request sent:	23 October 2015
Information Request responded to:	25 November 2015
State Assessment and Referral Agency Information Request Response:	25 November 2015
State Assessment and Referral Agency request for additional time (1):	22 December 2015
State Assessment and Referral Agency request for additional time (2):	29 January 2016
State Assessment and Referral Agency request for additional time (3):	11 March 2016
State Assessment and Referral Agency Response received:	29 March 2016
Notice of Commencement of Public Notification received.	27 November 2015
Public Notification period commenced:	30 November 2015
Submission period end:	18 December 2015
Notice of Compliance of Public Notification Received:	11 January 2016
Submissions responded to by Applicant:	25 February 2016
Request for Further Information (informal) sent:	16 December 2015
Request for Further Information (informal) responded to:	26 February 2016
Last receipt of information from applicant:	15 March 2016
Council Meeting date:	26 April 2016
Statutory determination date:	27 April 2016

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Service station, made by Woolworths Ltd, on Lot 10 on SP164801, Parish of Hewittville, and located at 2-4 Hoskyn Drive, Hidden Valley, Council resolves to Refuse the application given the following reasons:

- 1.0 The proposal compromises the achievement of three (3) Shire Wide Outcomes of the *Livingstone Shire Planning Scheme 2005*.
- 2.0 The proposal does not represent the fair, orderly and sustainable use and development of land.
- 3.0 The proposal is an inconsistent use and the applicant has failed to demonstrate that sufficient grounds exist to approve the development, despite the conflict with the planning scheme and existing approvals.

- 4.0 The Development does not promote the efficient use of the Shire's movement systems for motorised and non-motorised modes.
- 5.0 The proposal conflicts with the provisions of the *Livingstone Shire Planning Scheme 2005* in regard to Specific Outcome SO10 and Specific Outcome SO11 of the Rural Zone Code, including inter alia:
- (i) The proposed vehicle circulation areas are not in accordance with the standards nominated in Schedule 2, Division 2 of the *Livingstone Shire Planning Scheme 2005*. The proposed vehicle circulation do not meet section 2.3 of *Australian Standard AS/NZS 2890.1:2004 "Parking facilities - Off-street car parking"*.
 - (ii) The proposed vehicle access is not in accordance with the standards nominated in Schedule 4, Divisions 1 and 2 of the *Livingstone Shire Planning Scheme 2005*. The proposed vehicle access does not meet section 3.2.3 of *Australian Standard AS/NZS 2890.1:2004 "Parking facilities - Off-street car parking"* for "Access Driveway Location".
 - (iii) The development has assumed a capacity of seventy-eight (78) vehicles per hour, which is likely to occur during the early stage (2016). The development has not suitably demonstrated that unforeseen increases in traffic volumes will not cause off-site impacts in Hoskyn Drive, in terms of vehicle queuing.
 - (iv) The proposed right-turn treatment (CHR(S)) on Hoskyn Drive does not meet *Austrroads Part 4A "Unsignalised and Signalised Intersections"*, section 7.7.2 "Urban Channelised T-Junction – Short Lane Type CHR(S)" with regards to the lateral movement length.
 - (v) The proposed left turn treatment for vehicles to Fairfax Court from Hoskyn Drive does not meet *Austrroads Part 4A "Unsignalised and Signalised Intersections"*, section 8.3 "Urban Left-turn Treatments" in respect of a nineteen (19) metre vehicle turning left to Fairfax Court from Hoskyn Drive requiring an eighteen (18) metre wide kerb radius.
 - (vi) The proposed development does not meet *Austrroads Part 4A "Unsignalised and Signalised Intersections"*, section 7.2 "Opposed Right Turns" with regards to safe clearance. Specifically, a Heavy Rigid Vehicle or Single Unit turning right into the site and a passenger vehicle (B99) turning right to Fairfax Court simultaneously.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

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

Leave granted

Meeting Procedures were suspended at 10.24am

Meeting Procedures resumed at 10.49am

12.6 REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO SIX LOTS)

File No:	D/82-2015
Attachments:	<ol style="list-style-type: none"> 1. Locality Plan 2. Proposal Plans 3. Semi-Evergreen Vine Thicket Determination Document 4. Approved Covenant Plan
Responsible Officer:	Erin McCabe - Co-ordinator Development Assessment Brett Bacon - Director Community & Planning Services
Author:	Jenna Brosseuk - Senior Planning Officer

ADDENDUM

The request for a negotiated decision notice was tabled the Council meeting of 23 February 2016. The application was laid on the table pending a site inspection by all Councillors as they had not been out on the site to view the vegetation. The site inspection was held on 18 April 2016.

The application, is now back before the Council. The officers recommendation remains as per the report of 23 February 2016.

SUMMARY

Development Application Number:	D/82-2015
Applicant:	Tony Newton
Real Property Address:	Lot 3 on LN71 and Lot 21 on LN99, Parish of Rosslyn
Common Property Address:	Lot 3 and Lot 21 Todds Road, Rossmoya
Area of Site:	2,449 hectares
Planning Scheme:	<i>Livingstone Shire Planning Scheme 2005</i>
Planning Scheme Zoning:	Rural
Planning Scheme Overlays:	Wetlands (O3A), Waterway (O3B), Good Quality Agricultural Land (O4A) and Bushfire Hazard (O5B)
Existing Development:	Vacant rural land
Existing Approvals:	Development Permit D/204-2013 for Reconfiguring a Lot (eight lots into eight lots) Development Permit for Reconfiguring a Lot (two lots into six lots)
Approval Sought:	Request for a Negotiated Decision for a Development Permit for Reconfiguring a Lot (two lots into six lots)
Level of Assessment:	Code Assessable
Referral Agency(s):	Nil
Adopted Infrastructure Charges Area:	Outside the Priority Infrastructure Area

COUNCIL RESOLUTION

THAT -

A1 That in relation to the request for a Negotiated Decision Notice for Development Permit D/82-2015, made by Tony Newton, on behalf of A B Newton and C A McLeod Tte and Haljent Pty Ltd on land described as Lot 3 on LN71 and L 21 LN 99, Parish of Rossllyn and located at Lot 3 and Lot 21 Todds Road, Rossmoya, Council resolves that:

1. **Condition 2.1 be amended to remove the *Proposed PMAV 3/LN71 over lots 159 & 160 produced by Denley Environmental (As amended) plan, dated 2 November 2015 (as amended 5 November 2015) from the suite of approved plans.***
2. **Condition 1.8 be added as a new condition:**
 - 1.8 *The 6.63 hectare portion of land on the western side of proposed Lot 160 (west of the Charcoal Road alignment) must be included in the lot area for proposed Lot 163. The change must be reflected on the Survey Plan submitted as part of the Compliance Assessment application for the Survey Plan.*
3. **Condition 3.0 be added as a new condition:**
 - 3.0 **STAGED DEVELOPMENT**
 - 3.1 *This approval is for a development to be undertaken in two (2) discrete stages, namely:*
 - i. *Lot 159 to Lot 162 (Stage One); and*
 - ii. *Lot 158 and Lot 163 (Stage Two);**The stages are not required to be undertaken in any chronological order.*
 - 3.1 *Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.*
4. **There be no requirement for a covenant and that condition 6.3, 6.4 and 6.5 (renumbered) and NOTE 4 (d) be deleted.**
5. **A new condition be added at 7.3 requiring a property note to be placed against Lot 159 stating that the *Vegetation Management Act 1999* applies to the site.**

A2 To reflect the above amendments, Tony Newton, on behalf of A B Newton and C A McLeod Tte and Haljent Pty Ltd, be issued with a Negotiated Decision Notice for Development Permit D/82-2015 for Reconfiguring a Lot (two lots into six lots):

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 issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.

- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 The 6.63 hectare portion of land on the western side of proposed Lot 160 (west of the Charcoal Road alignment) must be included in the lot area for proposed Lot 163. The change must be reflected on the Survey Plan submitted as part of the Compliance Assessment application for the Survey Plan.

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>
Proposal Plan	14370-PP3, Sheet 1 of 4, Revision E	28 October 2015
Proposal Plan	14370-PP3, Sheet 2 of 4, Revision E	Not dated
Proposal Plan	14370-PP3, Sheet 3 of 4, Revision E	Not dated
Proposal Plan	14370-PP3, Sheet 4 of 4, Revision E	Not dated
Analysis of Environmental Constraints for Dwelling Locations within a Preliminary Reconfiguration of 32 lots from 16 lots	40762	24 August 2015
Determination Semi-Evergreen Vine Thicket Communities on Lot 3 on LN71	40762	23 October 2015

- 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 Compliance Assessment for the Survey Plan.
- ## 3.0 STAGED DEVELOPMENT
- 3.1 This approval is for a development to be undertaken in two (2) discrete stages, namely:
- 3.1.1 Lot 159 to Lot 162 (Stage One); and
- 3.1.2 Lot 158 and Lot 163 (Stage Two);
- The stages are not required to be undertaken in any chronological order.
- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable

to all stages.

4.0 ACCESS WORKS

4.1 Rural addressing must be provided to each lot in accordance with Council's Local Law for Roads.

5.0 SITE WORKS

5.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

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

6.0 ASSET MANAGEMENT

6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

6.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

6.3 '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 issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

7.0 ENVIRONMENTAL

7.1 All future buildings and structures on the proposed lots must be constructed in compliance with the approved Analysis of Environmental Constraints for Dwelling Locations within a Preliminary Reconfiguration of 32 lots from 16 lots (refer to condition 2.1). A property note to this effect will be entered against Lots 158 to 163.

7.2 All future buildings and structures on the proposed lots must be constructed in compliance with *Australian Standard AS3959 "Construction in Bushfire Prone Areas"* and the bushfire requirements in the approved Analysis of Environmental Constraints for Dwelling Locations within a Preliminary Reconfiguration of 32 lots from 16 lots (refer to condition 2.1). A property note to this effect will be entered against Lots 158 to 163.

7.3 A property note must be placed against Lot 159 stating that the site is affected by the *Vegetation Management Act 1999*.

8.0 OPERATING PROCEDURES

8.1 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 Todds Road or Charcoal Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a

person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander Partnerships website <https://www.datsip.qld.gov.au/>

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Future Buildings and Structures

- a. Buildings and structures must be sited as per the recommendations, constraints analysis in the approved documents and the conditions of approval as part of development application D/82-2015.
- b. All future buildings and structures on the proposed lots must be constructed in compliance with the approved Analysis of Environmental Constraints for Dwelling Locations within a Preliminary Reconfiguration of 32 lots from 16 lots (refer to condition 2.1).
- c. All future buildings and structures on the proposed lots must be constructed in compliance with *Australian Standard AS3959 “Construction in Bushfire Prone Areas”* and the bushfire requirements in the approved Analysis of Environmental Constraints for Dwelling Locations within a Preliminary Reconfiguration of 32 lots from 16 lots (refer to condition 2.1).

NOTE 5. Property Note – Lot 159

- a. The *Vegetation Management Act 1999* applies to Lot 159.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Wyatt

MOTION CARRIED

12.7 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 29 FEBRUARY 2016

File No: FM12.14.1

Attachments:

1. Income Statement - February 2016
2. Graphs - February 2016
3. Revenue Report - February 2016

Responsible Officer: Chris Murdoch - Director Corporate Services

Author: Damien Cross - Senior Management Accountant

SUMMARY

Presentation of Livingstone Shire Council's Summary Budget Management Report and Revenue Report for the Period Ended 29 February 2016 by the Acting Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Summary Budget Management Report for the Period Ended 29 February 2016 be 'received'.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.8 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 MARCH 2016**File No:** FM12.14.1**Attachments:**

1. **Income Statement - March 2016**
2. **Graphs - March 2016**
3. **Revenue Report - March 2016**

Responsible Officer: Chris Murdoch - Director Corporate Services**Author:** Damien Cross - Senior Management Accountant

SUMMARY

Presentation of Livingstone Shire Council's Summary Budget Management Report and Revenue Report for the Period Ended 31 March 2016 by the Acting Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Summary Budget Management Report for the Period Ended 31 March 2016 be 'received'.

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

12.9 REVISED YEPPON FORESHORE REVITALISATION MASTERPLAN

File No: ED8.5.1
Attachments: Nil
Responsible Officer: Justin Commons - Chief Executive Officer
Author: Suzanne Pambid - Coordinator Executive Support

SUMMARY

The revised Yeppoon Foreshore Revitalisation Masterplan was presented by TCL to the Foreshore Revitalisation Steering Committee and Councillors on 5th April 2016. Universal support was received for Council to endorse the revised masterplan and proceed with detailed design and documentation phase.

COUNCIL RESOLUTION

THAT Council

- 1) Endorse the revised Yeppoon Foreshore Revitalisation Masterplan as circulated under separate cover,
- 2) Place the revised masterplan on display for the community, and
- 3) Progress into the design and documentation phase

That the matter lay on the table pending discussion at a future workshop.

Moved by: Councillor Hutton

Seconded by: Councillor Belot

MOTION CARRIED

12.10 REGIONAL ARTS DEVELOPMENT FUND ROUND TWO 2015/2016

File No: GS15.2.5
Attachments: Nil
Responsible Officer: Ian Dare - Manager Community Wellbeing
 Brett Bacon - Director Community & Planning Services
Author: Judy Couttie - Cultural Development Officer

SUMMARY

Eleven applications were received for Round Two of the 2015/2016 Regional Arts Development Fund which closed on Monday 4 April 2016 with a total amount of \$31,678 requested. Budget available for the second round of Regional Arts Development Fund is \$27,345.

The Regional Arts Development Fund Committee assessed the applications and nominated that ten applicants met the programme criteria and recommended they be funded for the total amount of \$27,345.

COUNCIL RESOLUTION

THAT in accordance with the recommendation of the Livingstone Regional Arts Development Fund Committee, the following grant applications be funded from the Regional Arts Development Fund:

Name	Purpose of Grant	\$ Total Project Expenses	\$ Grant Requested	\$ Grant Recommended
Noel Brady	Towards the costs of an Individual professional Development Grant to attend workshops in Mixed Media Installations at Wrapt in Rocky	1,235	740	740
Kym Harris	Towards the costs an Individual professional Development Grant to attend Calligraphy Workshop in Melbourne.	1,648	1,048	1,048
Penny Hunt	Towards the costs of an outdoor photographic exhibition (Perspex) reflecting the Capricorn Coast's diverse beauty, locations and people.	45,220	5,000	3,677
Keppel Coast Arts	Towards the costs of engaging five local artists and a project manager to work with professional artist to produce a public installation work at Fig Tree Creek.	17,560	5,720	5,720
Keppel Coast	Towards costs of	11,200	3,400	2,080

District girl Guides	employing four artists in varied art forms to conduct workshops with young people.			
Noeline Machin	Towards costs to attend the Cooe Bay Artists' workshop with esteemed visiting tutors	1,590	940	580
Anna-Maree Perfect	Towards costs of an Individual Professional Development Grant to attend a Watercolour Workshop in Maroochydore,	1,961	980	980
St Ursula's Indigenous Education Committee	Towards the costs of the creation of an Indigenous Yarning Circle through Indigenous Art Workshops	8,451	5,000	4,170
Subculture Events – Tropical Bloom	Towards the costs of project management and Indigenous artists at Festival	7,100	4,900	4,400
The Mill Gallery	Towards costs of co-ordination, marketing and fees to local artist tutors for a series of art workshops during winter 2016.	6,555	2,140	2,140
Yeppoon Ukulele Movement	Towards costs to employ professional vocalist to enhance group's ability in performance, singing, harmonies and stage presence.	3,560	1,810	1,810

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.11 FUNDING APPLICATION FOR GET PLAYING PLUS - HARTLEY STREET RECREATION RESERVE

File No: GS15.2.3
Attachments: 1. Hartley Street Reserve Concept Plan
Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services
Author: Jared Thomsen - Senior Sport & Education Officer

SUMMARY

This report pertains to a review of costings for the development of the Hartley Street Recreation Reserve (stages 2, 3, and 4) and subsequent funding application under the Queensland Government's Get Playing Plus programme.

COUNCIL RESOLUTION

THAT Council resolve to confirm its support and financial commitment (up to \$3,000,000) to the Hartley Street Recreation Reserve (stages 2, 3, and 4) project and submit a funding application requesting \$1,500,000 from the Get Playing Plus programme offered by the Queensland Government.

Moved by: Councillor Wyatt

Seconded by: Councillor Kelly

MOTION CARRIED

12.12 MARINE DEBRIS ART PROJECT**File No:** EM11.12.10**Attachments:**

1. **Example of Selected Artist's Work**
2. **Preferred Concept Design for Art Work (Snubfin Dolphin)**
3. **Alternative Concept Design for Art Work (Plastics)**
4. **Preferred Location for Art Work**

Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services**Author:** Matthew Baldock - Senior Sustainability Officer

SUMMARY

Livingstone Shire Council has been granted \$5,000 by the Great Barrier Reef Marine Park Authority to undertake an art project focused on the theme of marine debris. Council officers have engaged with a local artist and developed concepts for a mural made from mosaics with the view that it is erected on a wall within the Yeppoon foreshore precinct. Approval is sought from Council over the mural design and a preferred location for the art work to be displayed.

COUNCIL RESOLUTION

THAT Council approve the preferred design of the Marine Debris artwork (Snubfin Dolphin) and that the artwork is displayed in a suitable place within the Yeppoon foreshore precinct.

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

12.13 BUILDING OUR REGIONS FUNDING PROGRAM - ROUND TWO

File No: GS15.2.9
Attachments: Nil
Responsible Officer: Justin Commons - Chief Executive Officer
Author: Dan Toon - Director Infrastructure Services

SUMMARY

This report provides Council with an overview for the application process for Round Two of the State Government Building Our Regions Funding Program and an assessment to assist determination of the projects that will be submitted by Livingstone Shire.

COUNCIL RESOLUTION

THAT Council resolve to submit Expressions Of Interest to Round Two of the Building Our Regions Funding Program for the following projects in the order of priority as listed;

1. Upgrading of the Yeppoon Sewage Treatment Plant
2. Emu Park Revitalization Project

Moved by: Councillor Hutton
Seconded by: Councillor Belot

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR BELOT - WRECK POINT LOOKOUT

File No: GV13.4.4
Attachments: 1. Notice of Motion - Wreck Point Lookout
Responsible Officer: Justin Commons - Chief Executive Officer

SUMMARY

Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council Meeting on Tuesday, 26 April 2016, as follows:

COUNCIL RESOLUTION

THAT as a result of the recent funding success for the Wreck Point Lookout, Council be provided with a report outlining further support for the project concept, including costs associated with implementing site works plan for Wreck Point to enhance the setting of the lookout. These works to include community consultation, Urban landscape design of the site, clarification of the road and parking spaces, integration of walkways, pedestrian and disabled access, and additional landscaping to complement the lookout, similar to the approach adopted at Centenary of Anzacs at Emu Park.

That the matter lay on the table pending further discussion at a future workshop.

Moved by: Councillor Wyatt

Seconded by: Councillor Kelly

MOTION CARRIED

14 URGENT BUSINESS QUESTIONS

14.1 APPOINTMENT OF MEMBERS TO THE AUDIT RISK AND BUSINESS IMPROVEMENT COMMITTEE

File No: GV13.5.1

Responsible Officer: Chris Murdoch - Director Corporate Services

SUMMARY

To finalise the appointment of members to the Audit Risk and Business Improvement Committee.

COUNCIL RESOLUTION

THAT Council recommends the appointment of Cr Nigel Hutton as Chairperson and Cr Jan Kelly as a committee member of the Audit Risk and Business Improvement Committee with Cr Adam Belot is to be the alternate member if either members are unavailable.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Hutton

MOTION CARRIED

15 CLOSURE OF MEETING

There being no further business the meeting closed at 11.22am.

Graham Scott
CHAIRPERSON

DATE