



ORDINARY MEETING

MINUTES

21 MARCH 2017

The resolutions contained within these minutes were confirmed at Council Meeting on 4 April 2017.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 21 MARCH 2017 COMMENCING AT 9.00AM

1 OPENING

2 PRESENT

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Councillor Adam Belot
Councillor Nigel Hutton
Councillor Jan Kelly

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Ron Posselt – Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Ms Debra Howe – Director Strategic Growth and Development
Mrs Linda Benson – Coordinator, Executive Support
Ms Jenna Brosseuk, Planning Officer, Development Assessment, Community and Planning Services
Ms Erin McCabe, Coordinator, Development Assessment, Community and Planning Services
Mr David Battese, Manager, Strategy and Development, Community and Planning Services

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE FOR COUNCILLOR TOM WYATT - 16 TO 27 MARCH 2017 INCLUSIVE

File No: GV14.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Tom Wyatt has requested leave of absence from 16 to 27 March 2017 inclusive.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Tom Wyatt for the period 16 to 27 March 2017 inclusive.

Moved by: Councillor Kelly
Seconded by: Councillor Hutton

MOTION CARRIED

3.2 LEAVE OF ABSENCE FOR COUNCILLOR GLENDA MATHER - 21 MARCH 2017

File No: GV14.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has requested leave of absence for 21 March 2017.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Glenda Mather for 21 March 2017.

Moved by: Councillor Kelly
Seconded by: Councillor Hutton
MOTION CARRIED

3.3 LEAVE OF ABSENCE FOR COUNCILLOR GRAHAM SCOTT - 21 MARCH 2017**File No:** GV14.4.1**Attachments:** Nil**Responsible Officer:** Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Graham Scott has requested leave of absence for 21 March 2017.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Graham Scott for 21 March 2017.

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

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

5.1 MAYORAL MINUTE - LETTER OF SUPPORT TO DARUMBAL ENTERPRISES AND THE GAWULA ABORIGINAL LAND TRUST

File No: CR2.13.16
Attachments: Nil
Responsible Officer: Bill Ludwig - Mayor

SUMMARY

Darumbal Enterprises together with the Gawula Aboriginal Land Trust are making a submission to National Parks and Wildlife to change the name of Mt Jim Crow to its original Darumbal name, BAGA, pronounced Bagar. They are also sending a separate submission to the Department of Natural Resources and Mines (DNRM) to change the name of Mt Wheeler to its original Darumbal name, GA-II, pronounced Gai-ee.

Both locations are in the Livingstone Shire Region. The group is seeking to revive the ancient dreaming names of these two mountains as they hold special significance to the Darumbal clans from Shoalwater Bay to the mouth of the river (Toonooba) and from the Yetimarla Country at Apis Creek to the Mount Morgan ranges as all clans would meet at these mountains and Hedlow Creek for ceremonies.

COUNCIL RESOLUTION

THAT

1. Council give in principle support to Darumbal Enterprises and Gawula Aboriginal Land Trust and request to State Government that consideration is given to change the names of Mt Jim Crow and Mt Wheeler to their original Darumbal names.
2. Council provide a letter of support to Darumbal Enterprises and Gawula Aboriginal Land Trust.

Moved by: Mayor Ludwig
Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 7 March 2017 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly

Seconded by: Councillor Hutton

MOTION CARRIED

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

Nil

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 LIFTING MATTERS LAYED ON THE TABLE

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

SUMMARY

The Business Outstanding table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting 21 March 2017.

OFFICER'S RECOMMENDATION

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

- Notice of Motion – Councillor Adam Belot – Event Management

At Councillor Belot's request the notice was not discussed with the matter to be dealt with at the next available meeting.

8.2 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. [Business Outstanding Table](#)
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Belot
Seconded by: Councillor Hutton

MOTION CARRIED

9 PRESENTATION OF PETITIONS

9.1 PETITION FROM RESIDENTS OF MT CHALMERS - SALE OF MT CHALMERS STATE SCHOOL AND ADJOINING LAND

File No: GV13.4.1
Attachments: 1. Petition from Mr Layne Perkins, Mt Chalmers⇒
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Council has received an email from Mr Layne Perkins, resident of Mt Chalmers requesting a petition to Council against the proposed sale of the old Mt Chalmers State School and adjoining land.

COUNCIL RESOLUTION

THAT the petition against the sale of the old Mt Chalmers State School and adjoining land be received.

Moved by: Mayor Ludwig
Seconded by: Councillor Kelly

MOTION CARRIED

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 1 MARCH 2017

File No:	GV13.4.2
Attachments:	1. ARaBIC 1 March 2017 - Minutes, Unconfirmed ⇒
Responsible Officer:	Ron Posselt - Director Corporate Services
Author:	Robyn Black - Executive Assistant to the Director Corporate Services

SUMMARY

The Audit, Risk and Business Improvement Committee met on 1 March 2017 and this report provides the recommendations from the committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Councillor Portal.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee meeting held on 1 March 2017 be received and the following recommendations contained within those minutes be adopted.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 24 January 2017 be taken as read and adopted as a correct record.

6.1 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

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

7.1 COMMITTEE WORK PROGRAM STATUS

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

7.2 PROPOSED UPDATES TO ARABIC AND INTERNAL AUDIT POLICY SUITE

THAT the Committee endorse the proposed changes to the ARaBIC and Internal Audit policy suites for consideration by Council.

7.3 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

THAT the Committee receive the verbal update provided by the Chief Executive Officer on key activities or issues.

7.4 CHIEF FINANCIAL OFFICER UPDATE

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

7.5 EXTERNAL AUDITOR'S UPDATE

THAT the Committee receive the verbal update provided by the External Auditor.

7.6 REPORT ON INTERNAL AUDIT

THAT the Committee receive the report on Internal Audit.

7.7 PROCUREMENT TRANSFORMATION PROGRAM

THAT the Audit, Risk and Business Improvement Committee receive the presentation on the Procurement Transformation Program.

7.8 INTERNAL AUDIT REPORT ON SUPPLIER DATA FRAUD RISK

THAT the Committee endorse the Supplier Data Fraud Risk Report for consideration by Council.

7.9 OVERVIEW OF THE QUALITY MANAGEMENT SYSTEM

THAT the Committee receive the Overview of the Quality Management System report.

7.10 REVIEW OF OPERATIONAL RISK REGISTER - COMMUNITY AND PLANNING

THAT the verbal update of the overview of Enterprise Risk Management provided by the Director of Community and Planning Services be received.

7.11 BUSINESS IMPROVEMENT UPDATE

THAT the Committee receive the Business Improvement Update report.

12.1 RISK MANAGEMENT

THAT the Committee receive the Risk Management Report for information.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.2 NATIVE TITLE AND CULTURAL HERITAGE POLICY REVIEW**File No:** CP5.2.13**Attachments:**

1. Native Title and Cultural Heritage Existing Policy [⇒](#)
2. Native Title and Cultural Heritage Revised Policy [⇒](#)

Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services**Author:** Melissa Minter - Co-ordinator Community Partnership

SUMMARY

The existing Native Title and Cultural Heritage Policy POL.C6.1 is scheduled for review. Reviews occur in order for the organisation to ensure relevance, best practice, statutory and/or community expectations. The purpose of this report is to present the amended policy to elected members for further consideration.

COUNCIL RESOLUTION

THAT Council resolves to adopt the Native Title and Cultural Heritage Policy, as contained within Attachment Two.

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

12.3 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING UNITS (FIVE UNITS), OFFICE, SHOP AND RECONFIGURING A LOT (THREE LOTS INTO TWO LOTS)

File No: D/15-2017

Attachments:

1. [Locality Plan](#)
2. [Material Change of Use Proposal Plan](#)
3. [Reconfiguring a Lot Proposal Plan](#)

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/15-2017

Applicant: Statewide Property Group

Real Property Address: Lot 6 on RP600702, Lot 5 on RP600702 and Lot 4 on RP600702

Common Property Address: 34 Mary Street, 36 Mary Street and 38 Mary Street, Yeppoon

Area of Site: 2,148 square metres

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Residential Zone, R3 Precinct

Planning Scheme Overlays: Overlay Map O2 – Steep Land
Overlay Map O8 – Potential Acid Sulfate Soils (land below twenty (20) metres Australian Height Datum)
Cultural Features – Fifty (50) metre buffer to the Fig Trees and the Post Office (1924)

Existing Development: Vacant

Existing Approvals: Development Permit D-Y/2006-529 for Operational Works (Lapsed)
Development Permit D-Y/2006-64 for a Material Change of Use for Multiple Dwelling Units (twenty five units) (Lapsed)
Development Permit D-Y/2004-1640 for a Material Change of Use for Multiple Dwelling Units (twenty units) and Shop (Lapsed)

Approval Sought: Development Permit for a Material Change of Use for Multiple dwelling units (five units), Office, Shop and Reconfiguring a Lot (three lots into two lots)

Level of Assessment: Impact assessable

Submissions: Nil

Referral Agency(s): Department of Infrastructure, Local Government and Planning (Adjoining a Queensland Heritage Place)

Adopted Infrastructure Charges Area: Charge Area One (1)

Application Progress:

Application Lodged:	20 January 2017
Application Properly Made:	24 January 2017
Acknowledgement Notice sent:	27 January 2017
Notice for No Further Information Required sent:	6 February 2017 (via email)
Submission period commenced:	17 February 2017
Submission period end:	13 March 2017
Government Agency Response:	17 February 2017
Last receipt of information from applicant:	14 March 2017
Statutory determination date:	10 April 2017
Council Meeting date:	21 March 2017

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling units (five units), Office, Shop and Reconfiguring a Lot (three lots into two lots), made by Statewide Property Group, on Lot 6 on RP600702, Lot 5 on RP600702 and Lot 4 on RP600702, and located at 34 Mary Street, 36 Mary Street and 38 Mary Street, Yeppoon, Council resolves to Approve the development application, including the Shop and Office component, despite the conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- (a) The proposal facilitates a mixed use development on the fringe of the Yeppoon town centre in a location characterised by an assortment of commercial, residential and community land uses.
- (b) The site is a transition area between the residential land uses to the north and the town centre uses to the south, and the proposal supports this transition by providing a mixture of residential and commercial uses.
- (c) The proposal will facilitate the activation of the street level with commercial uses operational during the day, whilst activation of the site will continue into the evening with residents providing casual surveillance of the area.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling units (five units), Office, Shop and Reconfiguring a Lot (three lots into two lots), made by Statewide Property Group, on Lot 6 on RP600702, Lot 5 on RP600702 and Lot 4 on RP600702, and located at 34 Mary Street, 36 Mary Street and 38 Mary Street, Yeppoon, 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 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) Road Works;
 - (ii) Sewerage Works; and
 - (iii) Site Works.
- 1.6.2 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 (3Lots into 2 Lots)	6578-01-ROL, revision A	16-01-2017

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- ## 3.0 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

- 3.3 Normanby Street must be upgraded to Major Urban Collector for the full length of the frontage to the subject site
- 3.4 Pedestrian footpath facilities (concrete footpath) must be provided along Normanby Street and Mary Street for the full length of the frontage to the subject sites.
- 3.5 Kerb alignment and build-out at the Normanby Street and Mary Streets junction must be undertaken in accordance with a detailed design approved as part of a Development Permit for Operational Works.
- 3.6 Parking spaces, seventeen (17) to nineteen (19), located on the Mary Street road reserve are **not approved**.
- 4.0 SEWERAGE WORKS
- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage 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, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 All lots within the development must be connected by the Developer to Council's reticulated sewerage network. Each of the lots must be provided with its own separate sewer connection point, located wholly within its respective property boundaries.
- 4.4 The 100 millimetre temporary sewerage infrastructure servicing the upstream development and constructed as part of previous approval for subject site must be terminated. A new 150 millimetre sewerage infrastructure, for gravity reticulation, must be constructed to re-connect with upstream properties and to service the development. The final layout of new sewerage infrastructure must be designed and constructed in accordance with a Development Permit for Operational Works.
- 4.5 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 5.0 WATER WORKS
- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any Plumbing and Drainage Works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act, Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 All lots within the development must be connected to Council's reticulated water network.
- 6.0 STORMWATER WORKS
- 6.1 All stormwater including roof and allotment runoff must achieve demonstrated lawful discharge in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.2 All stormwater runoff must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to

the commencement of any site works.

- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthwork's plan.
- 7.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 7.4 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.
- 7.5 All site works must be undertaken to ensure that no actionable nuisance results from:
- 7.5.1 an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
 - 7.5.2 an increase in downstream or upstream flood inundation levels; and
 - 7.5.3 increase in velocity profiles;

8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 8.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant.

9.0 ASSET MANAGEMENT

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

10.0 BUILDING WORKS

- 10.1 A minimum 1.8 metre high fence must be provided to the northern boundaries of proposed Lot 1 and Lot 2.

11.0 ENVIRONMENTAL

- 11.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;

- (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 11.2 The Erosion and Sediment 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 Management Plan must be available on-site for inspection by Council Officers during those works.
- 12.0 OPERATING PROCEDURES
- 12.1 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 Normanby Street or Mary Street.

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.

PART B: MATERIAL CHANGE OF USE

13.0 ADMINISTRATION

- 13.1 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.
- 13.2 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.
- 13.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

- 13.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 13.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 13.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 13.6.1 Operational Works:
- (i) Access Works;
 - (ii) Stormwater Works;
 - (iii) Landscaping Works;
- 13.6.2 Plumbing and Drainage Works; and
- 13.6.3 Building Works.
- 13.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 13.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 13.9 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.

14.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	Drawing no:16-363-C, Sheet no: 001, Revision 6	16 February 2017
Ground Floor Plan	Drawing no:16-363-C, Sheet no: 100, Revision 5	16 February 2017
Level 1 Floor Plan	Drawing no:16-363-C, Sheet no: 101, Revision 5	16 February 2017
Elevations	Drawing no:16-363-C, Sheet no: 200, Rev: 3	16 February 2017
Elevations	Drawing no:16-363-C, Sheet no: 201, Revision 3	16 February 2017

- 14.2 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.
- 14.3 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.
- 15.0 ACCESS AND PARKING WORKS

- 15.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 15.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 15.3 A compliant vehicle access driveway must be designed and constructed to service the development. The design and construction of the access driveway must consider the need for a compliant longitudinal concrete pedestrian path in Normanby Street to be constructed, including maximum crossfall provisions.
- 15.4 Access, parking and associated vehicle manoeuvring areas must be sealed or paved.
- 15.5 All ingress and egress movements to and from the development must be in a forward direction.
- 15.6 A minimum of fifteen (15) off-street parking spaces must be provided.
- 15.7 Universal access spaces must be provided in accordance with *Australian Standard AS2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 15.8 Adequate provision must be made on site for delivery vehicles to access the rear of the development and to appropriately service the residential units and the commercial tenancies. A suitably-sized and located loading/delivery parking bay must be provided on site to meet these operational needs.
- 15.9 Stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and drained to a lawful point of discharge in accordance with *Queensland Urban Drainage Manual*.
- 15.10 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Manual of Uniform Traffic Control Devices (Queensland)*.
- 16.0 PLUMBING AND DRAINAGE WORKS
- 16.1 Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 16.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act, Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 16.3 The development must be connected to Council's reticulated sewerage and water networks.
- 16.4 A sewerage trade waste permit must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the sewerage system.
- 16.5 All internal plumbing and sanitary drainage works for each proposed unit and commercial tenancy must be independent and in accordance with regulated work under the *Plumbing and Drainage Act*.
- 16.6 The proposed development must be provided with a master meter at the property boundary (on the footpath) and sub meters for each sole occupancy tenancy in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.
- 16.7 The developer must provide suitable impervious paved and drained washdown areas to accommodate containers. The areas to be aesthetically screened from any road

frontage or adjoining property and to be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and hoses to be provided at the refuse container areas, and washdown to be drained to sewer and fitted with an approved stormwater diversion valve arrangement in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

17.0 STORMWATER WORKS

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

17.2 All stormwater management works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Urban Stormwater Quality Planning Guidelines*, *State Planning Policy*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

17.3 All stormwater including roof and allotment runoff must discharge lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and *Capricorn Municipal Development Guideline*.

17.4 All stormwater runoff must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.

17.5 Any application for Operational works (stormwater works) must be accompanied by detailed stormwater quantity and quality reports prepared by a suitably qualified Registered Practising Engineer of Queensland. In particular, the reports must demonstrate the following and address all other relevant stormwater issues;

17.5.1 All post development runoff including roof water is managed so as to demonstrate lawful discharge in accordance with the *Queensland Urban Drainage Manual*;

17.5.2 The stormwater management plan is accompanied by a suitably scaled plan showing the stormwater catchment and sub-catchments for pre-development and post-development scenarios;

17.5.3 If necessary, the volume of detention provided is sufficient to attenuate the peak discharge from the site; to ensure non-worsening of the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive) for a range of storm durations including critical storm duration;

17.5.4 The potential pollutants in stormwater runoff, discharged from the site are managed in accordance with Urban Stormwater Quality Planning Guidelines and State Planning Policy;

17.5.5 The stormwater management plan is accompanied by full calculations; including where necessary, electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy;

17.5.6 It includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy; and

17.5.7 It incorporates details of ongoing maintenance and management actions required with regard to any proposed detention basin / retention systems.

18.0 BUILDING WORKS

18.1 The locations of structures must comply with the *Queensland Development Code*,

Mandatory Part 1.4: Building Over or near relevant infrastructure.

- 18.2 A minimum 1.2 metre high fence must be provided to the eastern boundary of proposed Lot 1, from the rear of the building to the rear boundary. The fence must be a minimum of thirty (30) per cent transparency and must be a colour that blends with the natural landscape (such as green, brown or black).
- 18.3 The western windows of proposed unit one (1) must be provided with screening in the form external shutters to reduce overlooking towards the western property.
- 18.4 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 18.5 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*'.

19.0 SITE WORKS

- 19.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 19.2 All building foundations including any retaining structures and associated cut and fill proposed on land greater than fifteen (15) per cent slope must be separately approved for structural adequacy and stability by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.
- 19.3 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.

20.0 LANDSCAPING WORKS

- 20.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 20.2 The Landscaping Plan, sheet 002, Revision 2, is **not approved**.
- 20.3 Any application for a Development Permit for Operational Works (landscaping works) must include, but is not limited to, the following:
- 20.3.1 A plan documenting the "Extent of Works" and supporting documentation which includes:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (iv) underground and overhead services;
 - (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - (vi) details of landscape structures including areas of deep planting; and
 - (vii) specification notes on mulching and soil preparation.

- 20.3.2 A "Planting Plan" and supporting documentation which includes:
- (i) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging);
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting. The plant schedule must reflect the following species:

Ground Covers

Crinum angustifolium (Field Lily)

Jasminum didymium (Native Jasmine)

Lomandra longifolia (Spiny Matrush)

Dianella caerulea (Blue Lily)

Shrubs

Acalypha eremorum (Soft Acalypha)

Psydrax odorata (Sweet Susie)

Hibiscus heterophyllus (Native Hibiscus)

Trees

Cupaniopsis anarcardioides (Tuckeroo)

Aidia recemosa (Archer Cherry)

Mallotus discolor (Yellow Kamala); and

- (v) mature screen planting to the western and northern boundaries.

20.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.

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

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

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

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

21.0 ELECTRICITY AND TELECOMMUNICATIONS

21.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

22.0 ASSET MANAGEMENT

22.1 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.

22.2 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.

22.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of use. This information must be provided in

accordance with the Manual for Submission of Digital As Constructed Information.

23.0 ENVIRONMENTAL

23.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) top soil management;
- (iv) interim drainage plan during construction;
- (v) construction programme;
- (vi) geotechnical issues;
- (vii) weed control;
- (viii) bushfire management;
- (ix) emergency vehicle access;
- (x) noise and dust suppression; and
- (xi) waste management.

23.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (xi) objectives;
- (xii) site location / topography;
- (xiii) vegetation;
- (xiv) site drainage;
- (xv) soils;
- (xvi) erosion susceptibility;
- (xvii) erosion risk;
- (xviii) concept;
- (xix) design; and
- (xx) implementation, for the construction and post construction phases of work.

23.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

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

24.0 OPERATING PROCEDURES

24.1 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 Normanby Street, or Mary Street.

24.2 All waste storage areas must be:

24.2.1 designed to obstruct from view the contents of the bin compound from any public place; and

24.2.2 of a minimum size to accommodate residential and commercial type bins in

accordance with the *Environmental Protection Act* and *Environmental Protection Regulations*.

24.2.3 kept in a clean, tidy condition in accordance with *Environmental Protection Act* and *Environmental Protection Regulations*.

24.3 The loading and unloading of delivery vehicles must only occur between the hours of:

24.3.1 0700 hours and 1900 hours, Monday to Saturday

24.3.2 0800 hours and 1500 hours on Sunday.

No heavy vehicles are to enter the site outside these times to wait for unloading/loading.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council's *Adopted Infrastructure Charges Resolution (No. 2) 2015*. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

NOTE 6. Licensable Activities

Should an activity licensable by Livingstone Shire Council be proposed for the premises, Council's Environmental Health Unit must be consulted to determine whether any approvals are required. Such activities may include food business licensing or devolved Environmental Relevant Activity. Approval for such activities is required before 'fit out' and operation.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling units (five units), Office, Shop and Reconfiguring a Lot (three lots into two lots), made by Statewide Property Group, on Lot 6 on RP600702, Lot 5 on RP600702 and Lot 4 on RP600702, and located at 34 Mary Street, 36 Mary Street and 38 Mary Street, Yeppoon, Council resolves to issue an Infrastructure Charges Notice to the amount of **\$63,746.00**.

Moved by: Councillor Hutton

Seconded by: Councillor Belot

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - EVENT MANAGEMENT

File No: GV13.4.4
Attachments: 1. Notice of Motion - Security Town Hall [⇒](#)
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

This report was layed on the table at the Council Meeting on 7 March 2017 and is being brought back for Councillors consideration.

Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council Meeting 21 March 2017, as follows:

RECOMMENDATION

THAT LSC undertake a review of the current security responsibilities and measures as outlined in LSC "Temporary Event Hire Guidelines" at Defined Structured/Defined Unstructured events where alcohol is served or sold (see definition below).

Review to consider yet not limited to:

Security at events where alcohol is served being at the Hirers discretion.

Closed Circuit Television (CCTV) presence at venues where alcohol is served or sold.

At Councillor Belot's request the notice was not discussed with the matter to be dealt with at the next available meeting.

14 URGENT BUSINESS\QUESTIONS

Nil

15 CLOSURE OF MEETING

There being no further business the meeting closed at 9.24 am.

Bill Ludwig
CHAIRPERSON

DATE

