



# **ORDINARY MEETING**

## **MINUTES**

**19 OCTOBER 2021**

The resolutions contained within these minutes are scheduled to be confirmed at the Ordinary Council meeting of the 16<sup>th</sup> November 2021.

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 19 OCTOBER 2021 COMMENCING AT 9.02AM**

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**1 OPENING****Acknowledgement of Country**

*"I would like to take this opportunity to respectfully acknowledge the Darumbal People. The traditional custodians and elders past, present and emerging of the land on which this meeting is taking place today."*

**Opening Prayer**

The opening prayer was delivered by Pastor Ron McClintock of the Yeppoon Wesleyan Methodist Church.

**2 PRESENT****Members Present:**

Mayor, Councillor Andrew Ireland (Chairperson)  
Deputy Mayor, Councillor Adam Belot  
Councillor Nigel Hutton  
Councillor Pat Eastwood  
Councillor Glenda Mather  
Councillor Andrea Friend  
Councillor Rhodes Watson

**Officers in Attendance:**

Cale Dendle - Chief Executive Officer  
Brett Bacon – Executive Director Liveability and Wellbeing  
Michael Kriedemann – Executive Director Infrastructure  
Andrea Ellis – Chief Financial Officer  
Sonia Barber – Acting Manager Economy and Places  
Molly Saunders – Principal Community Development and Engagement Officer  
Maddie Crigan - Principal Property Officer  
Trish Weir - Manager Customer Engagement and Communications  
Tony Lau - Manager Engineering Services  
David Mazzaferri - Manager Community Wellbeing (Local Disaster Coordinator)  
Justine Schofield – Executive Assistant to the Mayor

### **3 LEAVE OF ABSENCE / APOLOGIES**

Nil

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 21 September 2021 be taken as read and adopted as a correct record.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Watson

**MOTION CARRIED UNANIMOUSLY**

### **COUNCIL RESOLUTION**

THAT the minutes of the Special Meeting held on 24 September 2021 be taken as read and adopted as a correct record.

**Moved by:** Councillor Watson

**Seconded by:** Mayor, Councillor Ireland

**MOTION CARRIED UNANIMOUSLY**

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

I, Councillor Andrew Ireland, have a Declarable Conflict of Interest in Item 11.8 – Response to Notice of Motion – Wreck Point Walking Trails, as I reside near Wreck Point. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

I, Councillor Andrew Ireland, have a Declarable Conflict of Interest in Item 11.14 – Development Application D-214-2021 for a Development Permit for a Material Change of Use for a Function Facility at 138 Druces Road, Woodbury due to my wife working for a catering business. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

I, Councillor Andrew Ireland, have a Declarable Conflict of Interest in Item 12.2 – Notice of Motion Cr Friend – LSC Sponsorship Applications Inclusion that Food Vendors have membership in the Plastic Free CQ Program due to my wife working for a catering business. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

I, Councillor Adam Belot, have a Declarable Conflict of Interest in Item 11.8 – Response to Notice of Motion - Wreck Point Walking Trails, as I reside near Wreck Point. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

I, Councillor Pat Eastwood, have a Declarable Conflict of Interest in Item 11.8 – Response to Notice of Motion - Wreck Point Walking Trails, as I reside near Wreck Point. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

I, Councillor Rhodes Watson, have a Declarable Conflict of interest in Item 11.2 – Appointment of Councillors to the GKI Tourism Stakeholder Group, as my parents own a property on Great Keppel Island. Consequently, I will leave it up to the remaining Councillors to decide whether I remain in the meeting .Councillors voted for Cr Watson to remain in meeting.

I, Councillor Rhodes Watson, have a Declarable Conflict of interest in Item 11.17 – Putney Beach Groyne, as my parents own a property on Great Keppel Island. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

## **6 PUBLIC FORUMS/DEPUTATIONS**

Nil



## **7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

### **7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

**File No:** GV

**Attachments:** 1. Business Outstanding October 2021 [📎](#)

**Responsible Officer:** Cale Dendle - Chief Executive Officer

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#### **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:** Deputy Mayor, Councillor Belot

**MOTION CARRIED UNANIMOUSLY**

**09:29AM** Councillor Watson left the meeting.

**09:33AM** Councillor Watson returned to the meeting.

## **8 PRESENTATION OF PETITIONS**

Nil

## 9 COUNCILLOR/DELEGATE REPORTS

### 9.1 COMMUNITY VOICE PANEL - WATER, WASTE MANAGEMENT AND ENVIRONMENT - UPDATE

**File No:** GV13.09.07  
**Attachments:** Nil  
**Responsible Officer:** Michael Kriedemann - Executive Director Infrastructure  
**Author:** Kat Groves - Executive Assistant to Director Infrastructure Services

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#### SUMMARY

*Councillor Friend facilitated a Water, Waste Management and Environment Community Voice Panel meeting on 10 September 2021.*

#### COUNCIL RESOLUTION

THAT Council receives the Water, Waste Management and Environment Community Voice Panel update from the meeting held on 10 September 2021.

**Moved by:** Councillor Friend  
**Seconded by:** Councillor Watson

**MOTION CARRIED UNANIMOUSLY**

**9.2 COMMUNITY VOICE PANEL - VIBRANT COMMUNITIES**

**File No:** GV13.09.01  
**Attachments:** Nil  
**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
**Author:** Trish Weir - Manager Customer Engagement & Communications

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**SUMMARY**

*Cr Rhodes Watson facilitated the Vibrant Communities, Community Voice Panel meeting on 16 September 2021.*

**COUNCIL RESOLUTION**

THAT Council receives the Vibrant Communities, Community Voice Panel update from the meeting held 16 September 2021.

**Moved by:** Councillor Watson

**Seconded by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

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

Nil

## 11 REPORTS

### 11.1 MOTIONS FOR CONSIDERATION - 2021 LGAQ ANNUAL CONFERENCE, MACKAY

**File No:** LGAQ  
**Attachments:** 1. 2021 LGAQ Motions - LSC Vote Recorded [⇒](#)  
**Responsible Officer:** Cale Dendle - Chief Executive Officer  
**Author:** Cale Dendle - Chief Executive Officer

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#### SUMMARY

*Chief Executive Officer reporting on motions published for consideration at 2021 Local Government Association of Queensland Annual Conference in Mackay.*

#### COUNCIL RESOLUTION

THAT Council endorses the proposed position on each of the 109 motions for consideration at the 2021 Local Government Association of Queensland Annual to be hosted in Mackay.

**Moved by:** Councillor Hutton  
**Seconded by:** Mayor, Councillor Ireland

#### MOTION CARRIED

Crs A Friend, N Hutton, A Ireland and R Watson voted in the affirmative.

Crs A Belot, P Eastwood and G Mather voted in the negative.

**11.2 APPOINTMENT OF COUNCILLORS TO THE GKI TOURISM STAKEHOLDER GROUP**

**File No:** GV  
**Attachments:** Nil  
**Responsible Officer:** Cale Dendle - Chief Executive Officer  
**Author:** Cale Dendle - Chief Executive Officer

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**SUMMARY**

*Chief Executive Officer seeking nomination of Councillors to join the Great Keppel Island Master Plan Project Reference Group*

**I, Councillor Rhodes Watson, have a declarable conflict of interest in Item 11.2 – Appointment of Councillors to the GKI Tourism Stakeholder Group, as my parents own a property on Great Keppel Island. Consequently, I will leave it up to the remaining Councillors to decide whether I remain in the meeting .**

**Councillors voted for Cr Watson to remain in meeting.**

**COUNCIL RESOLUTION**

THAT Mayor Ireland and Crs Belot and Watson be nominated as Councillor representatives to the Great Keppel Island Master Plan Project Reference Group.

**Moved by:** Councillor Eastwood

**Seconded by:** Councillor Friend

**MOTION CARRIED**

Crs A Belot, P Eastwood, A Friend, A Ireland, G Mather and R Watson voted in the affirmative.

Cr N Hutton voted in the negative.

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**11.3 REVIEW OF COUNCIL MEETING PROCESS**

**File No:** Meetings  
**Attachments:** Nil  
**Responsible Officer:** Cale Dendle - Chief Executive Officer  
**Author:** Cale Dendle - Chief Executive Officer

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**SUMMARY**

*Chief Executive Officer reporting on a review of council meeting processes and proposing establishment of a network of Standing Committees to aid Council decision-making.*

**PROCEDURAL MOTION****10.45AM**

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 11.3 – Review of Council Meeting Process prior to entering into formal debate.

**Moved by:** Deputy Mayor, Councillor Belot

Crs A Belot, P Eastwood, N Hutton, A Ireland and R Watson voted in the affirmative.

Crs A Friend and G Mather voted in the negative.

**MOTION CARRIED**

**PROCEDURAL MOTION****10.52AM**

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

**Moved by:** Deputy Mayor, Councillor Belot

**MOTION CARRIED UNANIMOUSLY**

**PROCEDURAL MOTION****11.01AM**

THAT the meeting be adjourned.

**Moved by:** Mayor, Councillor Ireland

**MOTION CARRIED UNANIMOUSLY**

**COUNCIL RESOLUTION****11.14am**

THAT the meeting be resumed.

**Moved by:** Mayor, Councillor Ireland

**MOTION CARRIED UNANIMOUSLY**

**OFFICER'S RECOMMENDATION**

THAT from 1 February 2022, Council discontinue the current Briefing Sessions and, in accordance with the provisions of s. 264(1)(a) of the Local Government Regulation 2012, replace them with the following Standing Committees with the following terms of reference:



1. Infrastructure Committee:

- Committee is primarily responsible for overseeing policy and performance in the following areas of Council operation:
  - Roads & Drainage
  - Water & Wastewater
  - Waste Management
  - Community Facilities
  - Engineering Design & Planning
- In accordance with s. 257(1)(c) of the Local Government Act 2009, Council delegate authority to the committee to make resolutions on its behalf, provided that there is an absolute majority in favour of the proposal. For clarity, a casting vote cannot be used by the presiding councillor to determine a resolution and tied votes must be referred to Ordinary Council meeting for determination.
- Committee members be all councillors in the first instance.
- By virtue of s. 12(3)(g) of the Local Government Act 2009, the Mayor is a (ex-officio) member of the committee.
- A quorum be a simple majority of members.
- In accordance with s. 267(1) of the Regulation, the Mayor be appointed as Chair of the committee.
- The committee meet in the first instance on the first Tuesday of each month at 9.00am in the Council Chambers and the committee be authorised to determine its future meeting times and frequency.
- Principal Reporting Officer is the Executive Director Infrastructure.

2. Liveability and Wellbeing:

- Committee is primarily responsible for overseeing policy and performance in the following areas of Council operations, viz:
  - Liveability (Strategic Land Use Planning, Development Assessment, Building & Plumbing Certification and Public Environments)
  - Community Engagement (Communications & Marketing, Customer Support & Records, Library Arts & Culture, Engagement & Events)
  - Community Wellbeing (Community Partnerships, Disaster Management & Resilience, Natural Resource Management, Open Spaces)
  - Economic Development & Innovation
- In accordance with s. 257(1)(c) of the Local Government Act 2009, Council delegate authority to the committee to make resolutions on its behalf, provided that there is an absolute majority in favour of the proposal. For clarity, a casting vote cannot be used by the presiding councillor to determine a resolution and tied votes must be referred to Ordinary Council meeting for determination.
- Committee members be all councillors in the first instance.
- By virtue of s. 12(3)(g) of the Local Government Act 2009, the Mayor is a (ex-officio) member of the committee.
- A quorum be a simple majority of members.
- In accordance with s. 267(1) of the Regulation, the Mayor be appointed as Chair of the committee.

- The committee meet in the first instance on the first Tuesday of each month at 2.00pm in the Council Chambers and the committee be authorised to determine its future meeting times and frequency.
- Principal Reporting Officer is the Executive Director Liveability and Wellbeing.

3. Corporate Services

- Committee is primarily responsible for overseeing policy and performance in the following areas of Council operation:
  - Finance & Business Excellence (Accounting, Revenue & Rates, Procurement, Governance, Project Management, Business Transformation)
  - People & Culture (Human Resources, Training & Payroll, Safety & Wellness, Organisational Development)
  - Information & Communication Technology (Corporate Applications including Project Merlin, Infrastructure)
  - Office of the CEO
- Committee members be all councillors in the first instance.
- By virtue of s. 12(3)(g) of the Local Government Act 2009, the Mayor is a (ex-officio) member of the committee.
- A quorum be a simple majority of members.
- In accordance with s. 267(1) of the Regulation, the Mayor be appointed as Chair of the committee.
- The committee meet in the first instance on the third Tuesday of each month at 2.00pm in the Council Chambers and the committee be authorised to determine its future meeting times and frequency.
- Principal Reporting Officer is the Chief Executive Officer.

## **COUNCIL RESOLUTION**

THAT from 1 February 2022, Council discontinue the current Briefing Sessions and, in accordance with the provisions of s. 264(1)(a) of the Local Government Regulation 2012, replace them with the following Standing Committees with the following terms of reference:

1. Infrastructure Committee:

- Committee is primarily responsible for overseeing policy and performance in the following areas of Council operation:
  - Roads & Drainage
  - Water & Wastewater
  - Waste Management
  - Community Facilities
  - Engineering Design & Planning
- In accordance with s. 257(1)(c) of the Local Government Act 2009, Council delegate authority to the committee to make resolutions on its behalf, provided that there is an absolute majority in favour of the proposal. For clarity, a casting vote cannot be used by the presiding councillor to determine a resolution and tied votes must be referred to Ordinary Council meeting for determination.
- Committee members be all councillors in the first instance.

- By virtue of s. 12(3)(g) of the Local Government Act 2009, the Mayor is a (ex-officio) member of the committee.
- A quorum be a simple majority of members.
- In accordance with s. 267(2) of the Regulation, the committee be authorised to appoint its chair.
- The committee meet in the first instance on the first Tuesday of each month at 9.00am in the Council Chambers and the committee be authorised to determine its future meeting times and frequency.
- Principal Reporting Officer is the Executive Director Infrastructure.

2. Liveability and Wellbeing:

- Committee is primarily responsible for overseeing policy and performance in the following areas of Council operations, viz:
  - Liveability (Strategic Land Use Planning, Development Assessment, Building & Plumbing Certification and Public Environments)
  - Community Engagement (Communications & Marketing, Customer Support & Records, Library Arts & Culture, Engagement & Events)
  - Community Wellbeing (Community Partnerships, Disaster Management & Resilience, Natural Resource Management, Open Spaces)
  - Economic Development & Innovation
- In accordance with s. 257(1)(c) of the Local Government Act 2009, Council delegate authority to the committee to make resolutions on its behalf, provided that there is an absolute majority in favour of the proposal. For clarity, a casting vote cannot be used by the presiding councillor to determine a resolution and tied votes must be referred to Ordinary Council meeting for determination.
- Committee members be all councillors in the first instance.
- By virtue of s. 12(3)(g) of the Local Government Act 2009, the Mayor is a (ex-officio) member of the committee.
- A quorum be a simple majority of members.
- In accordance with s. 267(2) of the Regulation, the committee be authorised to appoint its chair.
- The committee meet in the first instance on the first Tuesday of each month at 2.00pm in the Council Chambers and the committee be authorised to determine its future meeting times and frequency.
- Principal Reporting Officer is the Executive Director Liveability and Wellbeing.

3. Corporate Services

- Committee is primarily responsible for overseeing policy and performance in the following areas of Council operation:
  - Finance & Business Excellence (Accounting, Revenue & Rates, Procurement, Governance, Project Management, Business Transformation)
  - People & Culture (Human Resources, Training & Payroll, Safety & Wellness, Organisational Development)
  - Information & Communication Technology (Corporate Applications including Project Merlin, Infrastructure)
  - Office of the CEO

- Committee members be all councillors in the first instance.
- By virtue of s. 12(3)(g) of the Local Government Act 2009, the Mayor is a (ex-officio) member of the committee.
- A quorum be a simple majority of members.
- In accordance with s. 267(2) of the Regulation, the committee be authorised to appoint its chair.
- The committee meet in the first instance on the third Tuesday of each month at 2.00pm in the Council Chambers and the committee be authorised to determine its future meeting times and frequency.
- Principal Reporting Officer is the Chief Executive Officer.

**Moved by:**                      **Councillor Eastwood**

**Seconded by:**              **Deputy Mayor, Councillor Belot**

Crs Belot, P Eastwood and N Hutton voted in the affirmative.

Crs A Friend, A Ireland, G Mather and R Watson voted in the negative.

**MOTION LOST**

**11.4 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2021****File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report - September 2021** [⇒](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Katie Donovan - Management and Treasury Accountant

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**SUMMARY**

*Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 30 September 2021 by the Chief Financial Officer.*

**COUNCIL RESOLUTION**

THAT Council;

- 1) Receive the Monthly Financial Report for the period ending 30 September 2021;
- 2) Approve a total allocation of \$3.226 million (including \$2.791 approved in August 2021 Monthly Financial Report) in unspent capital budget from the previous financial year as identified in the Capital Project (>\$100,000) Expenditure summary within Attachment 1.

**Moved by:** Deputy Mayor, Councillor Belot**Seconded by:** Councillor Mather**MOTION CARRIED UNANIMOUSLY**

**11.5 WASTE STRATEGY**

<b>File No:</b>	<b>WM31.06.06</b>
<b>Attachments:</b>	<b>1. A New Dimension - A Strategy for the Management of Resource Recovery and Waste in Livingstone Shire to 2030</b> ⇒
<b>Responsible Officer:</b>	<b>Michael Kriedemann - Executive Director Infrastructure</b>
<b>Author:</b>	<b>Nige Deacon - Manager Water and Waste Operations</b>
<b>Previous Items:</b>	<b>8.5 - Update on Waste Management Strategy - Briefing Session - 05 Oct 2021 9.00am</b>

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**SUMMARY**

*Officers presented a final draft version to Council briefing session on Tuesday, 5 October 2021 which was subsequently updated to incorporate Council feedback and is now presented for adoption.*

**COUNCIL RESOLUTION**

THAT Council adopts the 10 year strategy – “A New Dimension - A Strategy for the Management of Resource Recovery and Waste in Livingstone Shire to 2030”.

**Moved by:** **Councillor Friend**

**Seconded by:** **Councillor Mather**

Crs A Friend, A Ireland, G Mather and R Watson voted in the affirmative.

Crs A Belot, P Eastwood and N Hutton voted in the negative.

**MOTION CARRIED**

**11.6 APPLICATION FOR PERMANENT ROAD CLOSURE - ADJACENT TO 88 MONACO DRIVE, ZILZIE****File No:** GR14.4.2**Attachments:**

- 1. [Plan](#)
- 2. [Application for Road Closure](#)
- 3. [Infrastructure Plan](#)
- 4. [Photo](#)

**Responsible Officer:** Tony Lau - Manager Engineering Services  
Michael Kriedemann - Executive Director Infrastructure**Author:** Jo Fursman - Administration Officer**SUMMARY**

*This report pertains to an application to permanently close an area of the Monaco Drive road reserve at Zilzie.*

**COUNCIL RESOLUTION**

THAT Council resolve to:

1. advise the applicant that it does not object to the proposal to permanently close part of the Monaco Drive road reserve adjacent to Lot 124 SP166167 subject to the dedication of a five metre wide public utility easement for drainage, supply of water and sewerage purposes which is to:
  - a) be registered over the area of closed road; and
  - b) reference Council's standard easement terms – Dealing No 718630483
2. authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, does not object to the proposal to permanently close part of the Monaco Drive road reserve adjacent to Lot 124 SP166167 subject to the dedication of a five metre wide public utility easement for drainage, supply of water and sewerage purposes which is to:
  - a) be registered over the area of closed road; and
  - b) reference Council's standard easement terms – Dealing No 718630483

**Moved by:** Deputy Mayor, Councillor Belot**Seconded by:** Councillor Eastwood**MOTION CARRIED UNANIMOUSLY**

**11.7 APPLICATION FOR PERMANENT ROAD CLOSURE - ADJACENT TO 15 MONACO DRIVE, ZILZIE****File No:** GR14.4.2**Attachments:**

- 1. [Plan](#)
- 2. [Application for Road Closure](#)
- 3. [Infrastructure Plan](#)
- 4. [Photo](#)

**Responsible Officer:** Tony Lau - Manager Engineering Services  
Michael Kriedemann - Executive Director Infrastructure**Author:** Jo Fursman - Administration Officer**SUMMARY**

*This report pertains to an application to permanently close an area of the Monaco Drive road reserve at Zilzie.*

**COUNCIL RESOLUTION**

THAT Council resolve to:

1. advise the applicant that it does not object to the proposal to permanently close part of the Monaco Drive road reserve adjacent to Lot 46 SP129099 subject to the dedication of a five metre wide public utility easement for drainage, supply of water and sewerage purposes which is to:
  - a) be registered over the area of closed road; and
  - b) reference Council's standard easement terms – Dealing No 718630483
2. authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, does not object to the proposal to permanently close part of the Monaco Drive road reserve adjacent to Lot 46 SP129099 subject to the dedication of a five metre wide public utility easement for drainage, supply of water and sewerage purposes which is to:
  - a) be registered over the area of closed road; and
  - b) reference Council's standard easement terms – Dealing No 718630483

**Moved by:** Councillor Eastwood**Seconded by:** Councillor Watson**MOTION CARRIED UNANIMOUSLY****12:36PM** Councillor Friend left the meeting.**12:37PM** Councillor Friend returned to the meeting.



**11.8 RESPONSE TO NOTICE OF MOTION - WRECK****POINT WALKING TRAILS****File No:** P-21-148**Attachments:**

1. Attachment A - Master Plan⇒
2. Attachment B - One Way⇒
3. Attachment C - Two Way - Shared Path⇒
4. Attachment D - Two Way - Boardwalk⇒
5. Attachment E - Two Way - Boardwalk + Roadworks⇒
6. Attachment F - Survey Results⇒

**Responsible Officer:** Michael Kriedemann - Executive Director Infrastructure**Author:** Tony Lau - Manager Engineering Services**Previous Items:**

11.1 - Notice of Motion - Councillor Glenda Mather - Wreck Point Walkway - Ordinary Council - 08 Jun 2021 11.00am (Special)

5.6 - Response to Notice of Motion - Wreck Point Walking Trails - Briefing Session - 03 Aug 2021 9.00am

Response to Notice of Motion - Wreck Point Walking Trails - Ordinary Council - 21 Sep 2021 9.00am

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**SUMMARY**

*At the Ordinary Meeting on 21 September 2021, Council resolved to endorse the two way traffic option with shared pathway along Matthew Flinders Drive. Following the meeting, it was noticed that the report contained an error regarding the cost estimates. This report corrects the error and seeks to reaffirm the previous resolution.*

**I, Councillor Andrew Ireland, have a Declarable Conflict of Interest in Item 11.8 – Response to Notice of Motion – Wreck Point Walking Trails, as I reside near Wreck Point. Consequently, I will leave the Chambers for the discussion and voting in relation to the part of the matter that relates to determining traffic flows in Cooee Bay.**

**I, Councillor Adam Belot, have a Declarable Conflict of Interest in Item 11.8 – Response to Notice of Motion - Wreck Point Walking Trails, as I reside near Wreck Point. Consequently, I will leave the Chambers for the discussion and voting in relation to the part of the matter that relates to determining traffic flows in Cooee Bay.**

**I, Councillor Pat Eastwood, have a Declarable Conflict of Interest in Item 11.8 – Response to Notice of Motion - Wreck Point Walking Trails, as I reside near Wreck Point. Consequently, I will leave the Chambers for the discussion and voting in relation to the part of the matter that relates to determining traffic flows in Cooee Bay.**

**In accordance with S2.6.3 of the Meeting Procedures Policy, Cr Mather was appointed chair in the absence of the Mayor and Deputy Mayor.**

**12:38PM Mayor, Councillor Ireland left the meeting.**

**12:40PM Deputy Mayor, Councillor Belot left the meeting.**

**12:40PM Councillor Eastwood left the meeting.**

**OFFICERS RECOMMENDATION**

THAT Council resolves to:

1. Notes the contents of this report, including the amendments to the project estimates and responses to additional questions;
2. Affirms the resolution made on 21 September 2021; being
  - a. Endorse the two way traffic flow and shared pathway along Matthew Flinders Drive;
  - b. Authorise officers to submit a request to the Queensland Reconstruction Authority to change the project scope from construction of the walking trails to the construction of a roadside shared pathway;
  - c. Support the preparation of a business case to deliver the project in accordance with the associated staging plan; and
  - d. This decision contemplates no change to traffic management arrangements and road hierarchy for Matthew Flinders Drive.

**COUNCIL RESOLUTION**

THAT Council resolves to:

1. Notes the contents of this report, including the amendments to the project estimates and responses to additional questions;
2. Affirms part of the resolution made on 21 September 2021; being
  - a. Endorse the two way traffic flow and shared pathway along Matthew Flinders Drive;
  - b. This decision contemplates no change to traffic management arrangements and road hierarchy for Matthew Flinders Drive.

**Moved by:** Councillor Hutton

**Seconded by:** Councillor Watson

**MOTION CARRIED UNANIMOUSLY**

**01:04pm Deputy Mayor, Councillor Belot returned to the meeting.**

**01:04pm Councillor Eastwood returned to the meeting.**

**In accordance with S2.6.3 of the Meeting Procedures Policy, Cr Belot assumed the Chair upon returning to the meeting.**

**01:06pm Councillor Watson left the meeting.**

**01:07pm Councillor Watson returned to the meeting.**

**Council Resolution**

THAT Council resolves to:

1. Affirms the remainder of the resolution made on 21 September 2021; being
  - a. Authorise officers to submit a request to the Queensland Reconstruction Authority to change the project scope from construction of the walking trails to the construction of a roadside shared pathway;
  - b. Support the preparation of a business case to deliver the project in accordance with the associated staging plan.

**Moved by: Councillor Hutton**

**Seconded by: Councillor Watson**

**MOTION CARRIED UNANIMOUSLY**

**PROCEDURAL MOTION**

1.19PM

THAT the meeting be adjourned.

**Moved by: Councillor Hutton**

**Seconded by:**

**MOTION CARRIED**

**01:52pm Mayor, Councillor Ireland returned to the meeting.**

**PROCEDURAL MOTION**

1.52PM

THAT the meeting be resumed.

**Moved by: Mayor Ireland**

**MOTION CARRIED**

**11.9 LIVEABILITY AND WELLBEING MANAGEMENT REPORT****File No:** GV**Attachments:**

1. Customer Support Statistical Report [⇒](#)
2. Trainee Diaries - October 2020 and March 2021 [⇒](#)
3. Livingstone Shire Council Local Disaster Management Group Annual Report [⇒](#)

**Responsible Officer:** Brett Bacon - Executive Director Liveability & Wellbeing**Author:**

Jo McLennan - Executive Officer  
Brett Bacon - Executive Director Liveability & Wellbeing  
Trish Weir - Manager Customer Engagement & Communications  
David Battese - Manager Liveability  
Sonia Barber - Manager Economy and Places  
David Mazzaferri - Manager Community Wellbeing

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**SUMMARY**

*This report provides a summary of a range of strategic and operational activities within the Liveability and Wellbeing portfolio of Council for the 2020 – 2021 financial year.*

**COUNCIL RESOLUTION**

THAT the Liveability and Wellbeing Management report for the 2020 – 2021 financial year be received.

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

## 11.10 LIVINGSTONE COMMUNITY GRANTS ROUND ONE 21/22 ASSESSMENT OUTCOME

<b>File No:</b>	<b>CR2.14.3</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>David Mazzaferri - Manager Community Wellbeing Brett Bacon - Executive Director Liveability &amp; Wellbeing</b>
<b>Author:</b>	<b>Molly Saunders - Principal Community Development &amp; Engagement Officer</b>

### SUMMARY

*This report outlines the outcome of assessments completed by the Assessment Panel for applications received to the Livingstone Community Grants Scheme, Round One, 2021/2022.*

**Councillor Rhodes Watson disclosed that he is Patron of the Keppel Coast Country Music Club. By virtue of s150EO.1.b (ii) of The Local Government Act 2009, Councillor Watson does not have a Declarable Conflict of Interest as he is not an executive member of the club.**

### COUNCIL RESOLUTION

THAT Council resolves to approve allocation of Livingstone Community Grants Funding, as determined by the Livingstone Community Grants Scheme Assessment Panel evaluation process, to the below successful applicants:

<b>Successful Applicant</b>	<b>Initiative Description</b>	<b>Grant Amount</b>
Emu Park Swimming Club Incorporated.	Purchase and installation of fencing.	\$4,290.00
Cawarral Cricket Club Incorporated.	Installation of awning on clubhouse.	\$5,000.00
Yeppoon Junior Rugby League Club Incorporated.	Purchase and installation of kitchen cabinetry for canteen.	\$3,500.00 (partial)
Cawarral School of Arts Association Incorporated.	Stainless steel benches for the Cawarral Hall kitchen.	\$5,000.00
Yeppoon Men's Shed Incorporated.	Air compressor and associated electrical equipment.	\$2,596.00
Yeppoon State Primary School Parents and Citizens Association.	Thermomix for tuckshop.	\$2,734.00
Keppel Coast Country Music Club Incorporated.	Purchase of chairs and pole saw.	\$4,000.00 (partial)
Yeppoon Swimming Club Incorporated.	Purchase of marquees.	\$3,197.00 (partial)
Emu Park Historical Society Incorporated.	Purchase and installation of shade sail.	\$2,557.50 (partial)
Bat Care Capricornia Incorporated	Australian Bat Lyssavirus vaccines for volunteers.	\$1,845.00

**TOTAL****\$34,719.50****Moved by: Councillor Eastwood****Seconded by: Councillor Hutton****MOTION CARRIED UNANIMOUSLY**

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**11.11 VICTORY TENNIS CLUB INCORPORATED REQUEST FOR CHARGES WAIVER.****File No:** CP5.09.02-313**Attachments:**

1. Victory Tennis Invoice⇒
2. Victory Tennis Rates Notice⇒
3. Victory Tennis Letter Requesting Waiver of Charges⇒

**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Executive Director Liveability & Wellbeing**Author:** Molly Saunders - Principal Community Development & Engagement Officer

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**SUMMARY**

*This report details the request from Victory Tennis Club Incorporated to waive fees and charges associated with its tenure, comprising of Lease E on SP321576, Lot 100 Hill Street, Emu Park.*

**COUNCIL RESOLUTION**

THAT Council waive the survey related fees invoiced to Victory Tennis Club Incorporated (invoice number 7415) totalling \$1,299.00, in recognition of the club's lack of understanding that a survey would be required and the amount of fees associated.

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

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**11.18 LIVINGSTONE SHIRE LOCAL DISASTER MANAGEMENT PLAN 2021****File No:** ES9.5.2**Attachments:**

1. **Operational Plan Livingstone Shire Local Disaster Management Group 2020-2021** [⇒](#)
2. **Livingstone Shire Local Disaster Management Plan 2021-2022** [⇒](#)
3. **Operational Plan Livingstone Shire Local Disaster Management Group 2021-2022** [⇒](#)

**Responsible Officer:** Brett Bacon - Executive Director Liveability & Wellbeing**Author:** David Mazzaferri - Manager Community Wellbeing

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**SUMMARY**

*Livingstone Shire Council is dedicated to the continuous improvement of Disaster Management through all levels, including prevention, preparation, response, and recovery. The Local Disaster Management Plan has been prepared by the Livingstone Shire Local Disaster Management Group for Livingstone Shire Council under the provisions of Section 57(1) of the Disaster Management Act 2003. The annual review and amendment of the Livingstone Shire Local Disaster Management Plan is a part of this continuous improvement process.*

**COUNCIL RESOLUTION**

THAT Council adopts the *Livingstone Shire Local Disaster Management Plan* as endorsed by the Livingstone Shire Local Disaster Management Group on 25 August 2021.

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



# 11.12 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE, 28 PARK STREET, YEPPOON

**File No:** D-163-2021

**Attachments:**

1. [Locality Plan](#)
2. [Proposal Plans](#)
3. [Code Assessment](#)
4. [Traffic Impact Assessment](#)

**Responsible Officer:** Erin McCabe - Co-ordinator Development Assessment  
David Battese - Manager Liveability

**Author:** Gretta Cowie - Planning Officer

## SUMMARY

*Applicant:* Paradiso Assets Pty Ltd ATF The Stormbird Unit Trust

*Real Property Address:* Lot 52 on SP131820 Area of Site: 1,717 square metres

*Planning Scheme:* Livingstone Planning Scheme 2018

*Planning Scheme Zone:* Medium density residential zone

*Planning Scheme Overlays:* OM01 Acid sulfate soils  
Potential assessment area  
OM11 Biodiversity overlay – Stream order  
Waterway potential assessment area creek)  
OM14 Coastal hazard area – LSC Aurecon Study area  
OM15 Drainage problem area  
OM17 Flood hazard area  
OM20 Road Hierarchy – Urban Access

*Street:* OM27 Height limit

*Existing Development:* Dwelling house

*Level of Assessment:* Impact Assessable

*Submissions:* No submissions received

*Infrastructure Charge Area:* Charge Area 1

*Application progress:*

<i>Application received:</i>	30 April 2021
<i>Application properly made:</i>	06 May 2021
<i>Development control unit meeting:</i>	06 May 2021
<i>Confirmation notice issued:</i>	25 May 2021

<i>Information request issued:</i>	<i>8 June 2021</i>
<i>Information request response received:</i>	<i>28 June 2021</i>
<i>Public notification period:</i>	<i>13 August 2021 – 03 September 2021</i>
<i>Notice of compliance received:</i>	<i>13 September 2021</i>
<i>Further Advice issued:</i>	<i>2 September 2021</i>
<i>Additional information from applicant received:</i>	<i>Emergency Management and Evacuation Plan – 14 September 2021</i>
<i>Extension of time agreed to:</i>	<i>20 October 2021</i>
<i>Decision period commenced:</i>	<i>06 September 2021</i>
<i>Council workshop date:</i>	<i>5 October 2021</i>
<i>Council meeting date:</i>	<i>19 October 2021</i>
<i>Statutory determination date:</i>	<i>20 October 2021</i>

## COUNCIL RESOLUTION

### RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Child care centre, made by Paradiso Assets Pty Ltd ATF The Stormbird Unit Trust, on Lot 52 on SP131820, and located at 28 Park Street, Yeppoon 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, works, or requirements of this approval must be undertaken and completed at no cost to Council, prior to the issue of the commencement of the use, unless otherwise stated.
- 1.4 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.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.5.1 Operational Works:
    - (i) Access and Parking Works;
    - (ii) Stormwater Works; and
    - (iii) Landscaping works

1.5.2 Building works; and

1.5.3 Plumbing and drainage works.

1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

## 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>
Title	221-046 Rev D Sheet 1	30.06.2021
Overall site plan	221-046 Rev D Sheet 2	30.06.2021
Proposed area plan	221-046 Rev D Sheet 3	30.06.2021
Proposed floor plan – Building 1	221-046 Rev D Sheet 4	30.06.2021
Proposed floor plan – Building 2	221-046 Rev D Sheet 5	30.06.2021
Proposed north elevation – Building 1 Proposed south elevation – Building 1	221-046 Rev D Sheet 6	30.06.2021
Proposed east elevation – Building 1 Proposed west elevation – Building 1	221-046 Rev D Sheet 7	30.06.2021
Proposed north elevation – Building 2 Proposed south elevation – Building 2	221-046 Rev D Sheet 8	30.06.2021
Proposed north elevation – Building 1 Proposed south elevation – Building 1	221-046 Rev D Sheet 9	30.06.2021
Section 1 and Section 2	221-046 Rev D Sheet 10	30.06.2021
Section 3 and Section 4	221-046 Rev D Sheet 11	30.06.2021
Shadow Plan	221-046 Rev D Sheet 12	30.06.2021
3D Views	221-046 Rev D Sheet 13	30.06.2021
3D Views	221-046 Rev D Sheet 14	30.06.2021
Overall 3D View	221-046 Rev D Sheet 15	30.06.2021
Traffic Impact Assessment	Job No. 1112021 Rev B	17.06.2021

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 AND PARKING WORKS

- 3.1 A Development Permit for Access and Parking Works must be obtained prior to the commencement of any access and parking 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, Australian Standard AS2890 "Off Street Car Parking"*.
- 3.3 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 3.4 A minimum of sixteen (16) standard off-street parking spaces (including universal parking spaces) must be provided.
- 3.5 A commercial standard access driveway must be designed and constructed. The final width of the access driveway and its location must be supported by a detailed swept path analysis of the design vehicle.
- 3.6 Only left in and left out traffic movements are permitted for the development.
- 3.7 All ingress and egress traffic movements to and from the development must be in a forward direction (forward gear).
- 3.8 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 3.9 All stormwater runoff from vehicular manoeuvring areas must be discharged lawfully.

### 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 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, Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated water supply and sewer networks.

### 5.0 BUILDING WORKS

- 5.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 5.2 The minimum habitable floor level for the building must be a minimum 300 millimetres above the defined 0.5% annual exceedance probability flood which must be determined as part of the Flood hazard risk assessment report provided as part of the Operational Works application (refer condition 1.5.1 and 6.4).
- 5.3 The treatment for screening any area under the building (to limit access by children as necessary for safety) must be detailed as part as part of the Flood hazard risk assessment report provided as part of the Operational Works application (refer condition 1.5.1 and 6.4).
- 5.4 All buildings must be constructed in accordance with the *Queensland Development Code – MP3.5 — Construction of buildings in flood hazard areas*.
- 5.5 Any earth works associated must not, at any time, in any way adversely restrict, impair or change the natural flow of runoff water or damage infrastructure.
- 5.6 Any retaining structures one metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) or equally qualified person at design submission and certified

on completion of construction for compliance with the design.

- 5.7 All structures and buildings must comply with the provisions of *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*, relative to relevant infrastructure.

## 6.0 STORMWATER WORKS

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

- 6.2 All works must be designed, constructed and maintained in accordance with *Capricorn Municipal Development Guidelines (CMDG)*, *Queensland Urban Drainage Manual (QUDM)*, relevant guidelines, standards (including Australian Standards) and Council policies and certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ).

- 6.3 All stormwater including roof and allotment drainage must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition, or damage infrastructure.

- 6.4 Any application for Development Permit for Operational Works (stormwater works) must be accompanied by:

- 6.4.1 A detailed Stormwater Management Report certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ). The report must include the following but not limited to:

- (i) Details addressing stormwater quantity impacts and any required measures to mitigate. The volume of detention must be sufficient to attenuate the peak discharge from the site to ensure pre development flow regime, immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;
- (ii) Drainage catchment layout plans for pre and post-development scenarios and discharge points;
- (iii) Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of any existing drainage systems; and
- (iv) Designs for outlet systems. Considerations must be given to critical scour velocity, discharge frequency and duration at discharge location(s) and relevant management measures;

- 6.4.2 A Flood Hazard Risk Assessment report prepared in accordance with the framework outlined in *AS/NZS ISO 31000:2009 Risk management* and certified by a suitably qualified Registered Professional Engineer of Queensland. The report must:

- (i) take into account relevant flood event characteristics up to and including the Defined Flood Event (0.5% annual exceedance probability);
- (ii) investigate the level of risk to persons, health and property damage and Include necessary measures to mitigate the impacts; and
- (iii) include the analysis of flood impacts due to the reduction in existing flood storage capacity within the floodplain storage area and details of mitigation measures demonstrating that the proposed development in its current form does not cause nuisance to adjacent properties or damage infrastructure.

As necessary, a flood study must be undertaken. Council can provide available Creek flood information upon request.

6.4.3 An Emergency Management and Evacuation plan must be prepared, implemented and readily available within the proposed development. The plan must identify the potential risks from natural and manmade hazards and how they would be addressed in terms of preventative measures and emergency procedures for each identified risk. The Emergency Management and Evacuation plan must include information related to:

- (i) flood hazard classifications;
- (ii) risk preventive measures;
- (iii) emergency procedures for each identified risk and warning time / systems;
- (iv) operational details for continuing the use during defined flood events, noting that outside play areas will not be accessible; and
- (v) compliance and implementation of suitable measures in a timely manner for safe evacuation in the event of a flood.

The plans must be monitored and implemented at the site on an on-going basis. A periodic review must be undertaken by a suitably qualified person and any recommendations must be implemented to ensure safe operation and evacuation.

## 7.0 ELECTRICITY AND TELECOMMUNICATIONS

7.1 Electricity and telecommunication connections must be provided to the proposed development to the requirements of the relevant authority.

7.2 All electricity and telecommunications infrastructure must be :

7.2.1 located above the defined flood level; or

7.2.2 is designed to exclude water intrusion and resist hydrodynamic and hydrostatic forces from damaging the infrastructure.

## 8.0 ASSET MANAGEMENT

8.1 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.

8.2 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.

8.3 '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.

## 9.0 LANDSCAPING WORKS

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

9.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:

9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:

- (i) location and name of existing trees, including those to be retained (the

- location of the trees shall be overlayed 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 in relation to the 'living wall'
  - (vi) details of landscape structures including areas of deep planting; and
  - (vii) specification notes on mulching and soil preparation.
- 9.2.2 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). All plants shall be located within an edged garden; and
  - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting;
  - (v) The use of suitable local native plants in revegetation of areas near the rear boundary adjacent to Fig Tree Creek. (Council's Natural Resource Management officers are available to advise on suitable endemic species)
- 9.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.4 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.
- 9.5 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of use.
- 9.6 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 10.0 ENVIRONMENTAL
- 10.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) site location / topography / soil type;
  - (ii) objectives;
  - (iii) concept;
  - (iv) design details;
  - (v) implementation procedures for construction and post construction phases of work.
  - (vi) vegetation;
  - (vii) interim drainage plan during construction;
  - (viii) dust suppression;

- (ix) top soil management;
  - (x) Acid sulphate soils; and
  - (xi) erosion susceptibility and risk;
- 10.2 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.
- 10.3 Any Operational Works application must demonstrate that vegetation external to the site will be removed or impacted by the development. To the extent that vegetation may be impacted by the development the related operational works application must provide relevant details to be considered by Council in the assessment of the application.
- 11.0 OPERATING PROCEDURES
- 11.1 The Child care centre use must not exceed a maximum capacity of sixty-eight (68) children and nine (9) staff at any one time.
- 11.2 Hours of operation are restricted to between 0630 hours to 1830 hours, Monday to Friday.
- 11.3 A refuse storage area and must be provided on the site that:
- 11.3.1 is screened from view from a public place by a screen fence, or dense vegetation having a minimum height of 1.8 metres;
  - 11.3.2 has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system;
  - 11.3.3 is within proximity to a hose cock;
  - 11.3.4 is large enough to accommodate a least one (1) or more industrial bins of a size appropriate to the nature and scale of use.
- 11.4 All external elements, such as air conditioners, must be adequately screened from public view.
- 11.5 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"*.
- 11.6 All construction materials, waste and waste skips must be located and stored on-site. All construction materials and waste must be secured and not allowed to be washed or blown by the wind off-site. At all times machinery and contractor's vehicles must be parked so as to not unreasonably obstruct the road pavement, road verges/footpaths or any neighbouring property accesses.

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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



**NOTE 2. Asbestos Removal**

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

**NOTE 3. General Environmental Duty**

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

**NOTE 4. General Safety Of Public During Construction**

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

**NOTE 5. Water and Sewerage Services**

In accordance with the Water Supply (Safety & Reliability) Act 2008, it is an offence to interfere with a service provider's infrastructure. Livingstone Shire Council is the service provider and Infrastructure is the department responsible for water and sewerage services. Alterations to existing services consequential to necessary connections to existing sewerage and / or water infrastructure must be at the responsibility and cost of the Developer. Please contact Infrastructure for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.

**NOTE 6. Infrastructure Charges Notice**

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

**RECOMMENDATION B**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Child care centre only, made by Paradiso Assets Pty Ltd ATF The Stormbird Unit Trust, on Lot 52 on SP131820, and located at 28 Park Street, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$11,930.00**.

**Moved by: Councillor Hutton**

**Seconded by: Councillor Eastwood**

**MOTION CARRIED UNANIMOUSLY**

### 11.13 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE AT 6 MILROY DRIVE, BARMARYEE

**File No:** D-72-2021

**Attachments:**

1. Locality plan [⇒](#)
2. Proposal plans [⇒](#)
3. Code assessment [⇒](#)

**Responsible Officer:** Erin McCabe - Co-ordinator Development Assessment  
David Battese - Manager Liveability

**Author:** Maddie Ward - Principal Planning Officer

#### SUMMARY

*Applicant:* PKM Legacy Pty Ltd Tte

*Consultant:* Capricorn Engineering & Drafting Services

*Real Property Address:* Lot 101 on SP245868Area of Site: 5.774 hectares

*Planning Scheme:* Livingstone Planning Scheme 2018 (version 3)

*Zone:* Rural Residential Zone

*Overlays:* Park Residential Precinct

*Existing Development:* Special Use (Educational Purpose) and Office

*Level of Assessment:* Impact Assessable

*Submissions:* One Submission received

*Related approvals:* Development Permit D-81-2017 for a Material change of use for a Special Use (Educational Purpose) and Office

*Referral matters:* State transport infrastructure (10.9.4.1.1.1)

*Infrastructure Charge Area:* Outside the Priority Infrastructure Area

*Application progress:*

<i>Application received:</i>	26 February 2021
<i>Development Control unit meeting:</i>	3 March 2021
<i>Action Notice issued:</i>	8 March 2021
<i>Response to Action notice received:</i>	9 March 2021
<i>Application properly made:</i>	24 March 2021
<i>Confirmation notice issued:</i>	29 March 2021
<i>Information request not required:</i>	31 March 2021
<i>Extension by agreement to referral period:</i>	20 May 2021
<i>Application referred to SARA:</i>	31 May 2021
<i>SARA issued Action notice:</i>	1 June 2021
<i>SARA issued Confirmation notice:</i>	2 June 2021
<i>SARA referral response received:</i>	14 June 2021
<i>Applicant request to stop the clock until 22 July 2021:</i>	9 July 2021

<i>Notice of intention to commence Public Notification received:</i>	<i>21 July 2021</i>
<i>Public notification period:</i>	<i>23 July – 17 August 2021</i>
<i>Notice of compliance received:</i>	<i>18 August 2021</i>
<i>Submission consideration period:</i>	<i>19 August – 1 September 2021</i>
<i>Decision period commenced:</i>	<i>2 September 2021</i>
<i>Statutory determination date:</i>	<i>21 October 2021</i>

## COUNCIL RESOLUTION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use or a Child care centre, made by PKM Legacy Pty Ltd Tte, on Lot 101 on SP245868, and located at 6 Millroy Drive, Barmaryee 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, works, or requirements of this approval must be undertaken and completed at no cost to Council, prior to the issue of the commencement of the use, unless otherwise stated.
- 1.4 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.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.5.1 Building works; and
  - 1.5.2 Plumbing and drainage works.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

#### 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>
Site Plan – Proposed crèche for the Real Group	20-044-C sheet No 003 Rev A	22 February 2021
Floor Level Plan – Proposed crèche for the Real Group	20-044-C sheet No 102 Rev A	22 February 2021

Elevation 1 and Elevation 2 - Proposed crèche for the Real Group	20-044-C sheet No 200 Rev A	22 February 2021
Elevation 3 and Elevation 4 - Proposed crèche for the Real Group	20-044-C sheet No 201 Rev A	22 February 2021

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 PARKING WORKS

3.1 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"*.

3.2 Delineation of a minimum of five (5) car parking spaces must be made for the exclusive use for employees of the Child care centre and may be provided in tandem.

3.3 The existing access and parking arrangements including the provision of a total of thirty-four (34) on site car parking spaces must be maintained.

### 4.0 PLUMBING AND DRAINAGE WORKS

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

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*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

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

### 5.0 BUILDING 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.

### 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

6.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

6.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

### 7.0 ELECTRICITY AND TELECOMMUNICATIONS

7.1 Electricity and telecommunication connections must be provided to the proposed development to the requirements of the relevant authority, prior to the commencement of the use.

### 8.0 ASSET MANAGEMENT

- 8.1 Any damage or alteration to existing council infrastructure including traffic signs and pavement marking and other public or private utility which occurs during any works carried out in association with the approved development must be repaired and/or replaced at the cost of the Developer.
- 8.2 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.
- 9.0 LANDSCAPING WORKS
- 9.1 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.2 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.
- 9.3 All landscaping must be established, prior to the commencement of the use.
- 9.4 All landscaped areas and vegetation buffers must be subject to an ongoing maintenance and replanting programme (if necessary).
- 10.0 OPERATING PROCEDURES
- 10.1 The operation of use the Child care centre must remain small in scale and must not exceed a maximum capacity of fifteen (15) children and five (5) staff at any one time. The use is limited to children of employees of the operations on the premises only.
- 10.2 Hours of operation are restricted to between 0600 hours to 1800 hours, Monday to Friday.
- 10.3 All waste storage areas must be aesthetically screened, kept in a clean, tidy condition in and must be screened from view of the street by one or more of the following:
- (i) a solid screen fence;
  - (ii) a wall; or
  - (iii) dense vegetation.
- 10.4 All external elements, such as air conditioners, must be adequately screened from public view.
- 10.5 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"*.
- 10.6 All construction materials, waste and waste skips must be located and stored on-site. All construction materials and waste must be secured and not allowed to be washed or blown by the wind off-site. At all times machinery and contractor's vehicles must be parked so as to not unreasonably obstruct the road pavement, road verges/footpaths or any neighbouring property accesses.

ADVISORY NOTES

**NOTE 1. Aboriginal Cultural Heritage**

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

**NOTE 2. Asbestos Removal**

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

**NOTE 3. General Environmental Duty**

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

**NOTE 4. General Safety Of Public During Construction**

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

**NOTE 5. Infrastructure Charges Notice**

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

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Child care centre, made by PKM Legacy Pty Ltd Tte, on Lot 101 on SP245868, and located at 6 Millroy Drive, Barmaryee, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$8,560.00**.

**Moved by: Councillor Hutton**

**Seconded by: Deputy Mayor, Councillor Belot**

**MOTION CARRIED UNANIMOUSLY**

**02:39PM Deputy Mayor, Councillor Belot left the meeting.**

# 11.14 DEVELOPMENT APPLICATION D-214-2021 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A FUNCTION FACILITY AT 138 DRUCES ROAD WOODBURY

**File No:** D-214-2021

**Attachments:**

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

**Responsible Officer:** Erin McCabe - Co-ordinator Development Assessment  
David Battese - Manager Liveability

**Author:** Jenna Davies - Principal Planning Officer

## SUMMARY

*Applicant:* Jason and Ellie Gustafson

*Real Property Address:* Lot 6 on RP836485 *Area of Site:* 40.43 hectares

*Planning Scheme:* Livingstone Planning Scheme 2018

*Planning Scheme Zone:* Rural zone

*Planning Scheme Overlays:*

- Overlay Map OM02 – Agricultural land classification Class A and Class B
- Overlay Map OM07 – Matters of State Environmental Significance – Wildlife habitat
- Overlay Map OM12 – Bushfire hazard area – Medium potential bushfire intensity and Potential impact buffer
- Overlay Map OM15 - Drainage problem area
- Overlay Map OM20 – Road hierarchy – State controlled road (Byfield Road) and Rural access (Drucses Road)
- Overlay Map OM22 – Transport infrastructure – State controlled road
- Overlay Map OM23 – Transport noise corridor – State controlled road
- Overlay Map OM24 – Water resource area
- Overlay Map OM27 – Height limits

*Existing Development:* Dwelling house, ancillary outbuilding and rural pursuit

*Level of Assessment:* Impact assessable

*Submissions:* Eight (8) submissions received

*Referral matters:* Nil

*Infrastructure Charge Area:* Outside the Priority Infrastructure Area

*Application progress:*

<i>Application received:</i>	3 June 2021
<i>Application properly made:</i>	3 June 2021
<i>Development control unit meeting:</i>	9 June 2021

<i>Confirmation notice issued:</i>	<i>16 June 2021</i>
<i>Information request not required issued:</i>	<i>29 June 2021</i>
<i>Public notification period:</i>	<i>21 July 2021 to 13 August 2021</i>
<i>Notice of compliance received:</i>	<i>23 August 2021</i>
<i>Submission consideration period:</i>	<i>23 August 2021 to 6 September 2021</i>
<i>Council meeting date:</i>	<i>19 October 2021</i>
<i>Statutory determination date:</i>	<i>19 October 2021</i>

**I, Councillor Andrew Ireland, have a Declarable Conflict of Interest in Item 11.14 – Development Application D-214-2021 for a Development Permit for a Material Change of Use for a Function Facility at 138 Druces Road, Woodbury as my wife runs a catering business. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.**

**02:40PM Mayor, Councillor Ireland left the meeting.**

**02:42PM Deputy Mayor, Councillor Belot returned to the meeting and assumed the role of the Chair.**

## **COUNCIL RESOLUTION**

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Function facility, made by Jason & Ellie Gustafson, on Lot 6 on RP836485, and located at 138 Druces Road, Woodbury, Council resolves to Approve the application, subject to the following conditions:

#### **1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Operational Works:
    - (i) Access and Parking Works; and
  - 1.6.2 Plumbing and Drainage Works; and
  - 1.6.3 Building Works.



- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Layout Plan	Not numbered	Not dated
Elevations	Not numbered	Not dated
Bushfire Management Plan	Not numbered	Not dated
Site Based Management Plan	Not numbered	Not dated

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

## 3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in two (2) stages, namely:
- 3.1.1 Stage one – Function facility and car parking; and
- 3.1.2 Stage two – Amenities.
- in accordance with the approved plan (refer to condition 2.1).
- 3.2 A site plan illustrating the location of the amenities in Stage two must be provided to Council for approval, prior to the lodgement of a Development Application for Plumbing and Drainage Works or Building Works.
- 3.3 Multiple development stages may be undertaken concurrently.
- 3.4 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

## 4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 4.2 All vehicle manoeuvring areas associated with the proposed development must be upgraded as necessary, maintained to be safe and trafficable for the traffic generated by the development, and must not to create dust nuisance to the neighbouring properties.
- 4.3 A minimum of thirty six (36) off-street parking spaces, including a minimum of one (1) universal parking space and must be provided.
- 4.4 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with the *Manual of*

*Uniform Traffic Control Devices (Queensland).*

- 4.5 The access driveway for the development must be maintained in accordance with the *Capricorn Municipal Development Guidelines Standard Drawing CMDG-R-040 Rural Road Access and Property Access over Table Drains*.
- 4.6 The internal access to the proposed development must:
- 4.6.1 Include adequate drainage and erosion control devices to prevent erosion and sedimentation impacts to any matters of environmental significance;
  - 4.6.2 be maintained to be safe and trafficable at all times;
  - 4.6.3 be a minimum formed width of four (4) metres;
  - 4.6.4 be a minimum cleared width of six (6) metres;
  - 4.6.5 be a minimum cleared height of 4.8 metres; and
  - 4.6.6 achieve a cross fall no greater than 12.5 per cent with adequate drainage to prevent soil erosion.
- 5.0 PLUMBING AND DRAINAGE WORKS – STAGE TWO
- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to commencement of any plumbing and drainage works.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Plumbing and Wastewater Code*, *Capricorn Municipal Development Guidelines*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 A suitably sized on-site sewerage treatment and disposal facility must be provided within the site in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 6.0 BUILDING WORKS
- 6.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 6.2 As part of Stage two, structures or buildings must not be located within the on-site sewerage treatment and disposal area or conflict with separation distances as detailed with the *Queensland Plumbing and Wastewater Code*.
- 6.3 All roof and allotment drainage must be discharged lawfully.
- 6.4 The building for the Function facility must be certified in accordance with the *National Construction Code (Building Code of Australia)*.
- 7.0 ASSET MANAGEMENT
- 7.1 Any damage or alteration to existing council infrastructure including traffic signs and pavement marking and other public or private utility which occurs during any works carried out in association with the approved development must be repaired and/or replaced at the cost of the Developer.
- 8.0 ENVIRONMENTAL
- 8.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan certified by a suitably qualified person.
- 8.2 The approved Erosion and Sediment Control Plan must be implemented and maintained on-site for the duration of the works. The Erosion and Sediment Control Plan must be available on-site for inspection by Council Officers during those works.
- 8.3 A minimum of 22,700 litres must be provided on-site for firefighting purposes dedicated for the Function facility use.

- 8.4 All on-site water storage for firefighting purposes must be:
- 8.4.1 Located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures);
  - 8.4.2 Located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance;
  - 8.4.3 Fitted with fire brigade tank fittings consisting of a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings;
  - 8.4.4 Identified with signage on the tank it is for firefighting purposes only;
  - 8.4.5 Identified by directional signage clearly provided at the street access point (Druces Road access).
- 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 Druces Road.
- 9.2 The Function facility is limited to the following number of functions, days and times:
- 9.2.1 Six (6) weddings per year, on non-consecutive weekends, capped at eighty (80) guests;
  - 9.2.2 Two (2) other events per month, between the hours of 8:30am to 5:30pm, capped at thirty-five (35) guests.
- Set up and pack up of functions can occur outside the above limitations.
- 9.3 The design vehicle associated with the use must not be longer than a 14.5 metre Long Rigid Bus.
- 9.4 The activity must be undertaken in a manner that does not allow environmental nuisance caused by construction material, noise, aerosols, particles dust, ash, fumes, light, odour and smoke, which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.
- 9.5 Outdoor lighting must be designed, installed and maintained in accordance with the parameters and requirements of the current version of the *Australian Standard AS4282 - Control of the obtrusive effects of outdoor lighting*.
- 9.6 The development must be provided with a refuse container and container storage area that:
- 9.6.1 is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.8 metres; and
  - 9.6.2 kept in a clean, tidy condition.
- 9.7 The Function facility must undertaken and managed be in accordance with the approved Bushfire Management Plan (refer to condition 2.1) as amended.
- 9.8 The Bushfire Management Plan must be readily available to all guests accessing the site and must be provided to event organisers as part of any booking package information.
- 9.9 The Bushfire Management Plan must be updated to:
- (i) take into account periodic bushfire hazard warning(s) from Queensland emergency services and / or similar reliable sources; and
  - (ii) ensure compliance and implementation of suitable measures in a timely manner for safe evacuation.

- 9.10 The Bushfire Management Plan must be monitored and implemented at the site on an on-going basis. A periodic review must be undertaken and any recommendations must be implemented to ensure safe operation and evacuation.
- 9.11 The Site Based Management Plan (refer to condition 2.1) must be updated to reflect:
- (i) Permit conditions relevant to operational matters, including approved number of functions, days, guests and times; and
  - (ii) The provisions of the *Environmental Protection Act 1994* in respect of music played at the facility.

The plan must be updated and submitted to Council for endorsement as part of an application for Operational works.

#### 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website <https://www.dsdsatsip.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. 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.

**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.

#### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Function facility, made by Jason & Ellie Gustafson, on Lot 6 on RP836485, and located at 138 Druces Road, Woodbury, Council resolves to issue an Infrastructure Charges Notice for the amount of \$1,734.00.

**Moved by: Councillor Hutton**

**Seconded by: Deputy Mayor, Councillor Belot**

Crs P Eastwood and Hutton voted in the affirmative.

Crs Belot, A Friend, G Mather and R Watson voted in the negative.

**MOTION LOST**

**PROCEDURAL MOTION**

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table until later in the meeting.

**Moved by: Councillor Mather**

**MOTION CARRIED**

**03:15PM Mayor, Councillor Ireland returned to the meeting and resumed the position of Chair.**

**11.15 REGIONAL ARTS DEVELOPMENT FUND ROUND ONE 2021/2022**

**File No:** GS15.2.5

**Attachments:** Nil

**Responsible Officer:** Trish Weir - Manager Customer Engagement & Communications  
Brett Bacon - Executive Director Liveability & Wellbeing

**Author:** Trish Weir - Manager Customer Engagement & Communications

**SUMMARY**

*Twelve applications were received for Round One of the 2021/2022 Regional Arts Development Fund which closed on 26 September 2022, with a total amount of \$84,294 requested. The budget available for 2021/2022 is \$64,500.*

*The Regional Arts Development Fund Assessment Panel assessed the applications and nominated that eight of the twelve applicants met the programme criteria and recommended they be funded the amount of \$42,955.*

**COUNCIL RESOLUTION**

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

Name	Purpose of Grant	Total Project Expenses	Grant Requested	Grant Recommended
Kate Leahy	Towards costs of recording a music EP	\$12,520	\$7,250	\$6000
Sandy Krak Reef Festival	Towards costs of running the Sandy Krak Reef Music and Arts Festival in Emu Park	\$14,400	\$7,400	\$7,400
Emu Park Art Gallery	Towards costs of hosting the Turning Point Workshop Season with Twelve Arts Workshops	\$14,602	\$7,040	\$7,040
Capricorn Film Festival	Towards costs of creating a visual arts activity as part of the 2022 Capricorn film Festival Sensory CQ 2022, Art in the Dark	\$20,040	\$7,500	\$5,040
Keppel Sands Community Advancement League	Towards cost of employing two local artist to paint 12 Ergon Poles celebrating history, community stories, service organisations, flora and fauna	\$31,500	\$12,000	\$6,000
Yeppoon Little Theatre	Towards costs of conducting the Drama Llamas Hit the Stage	\$4,990	\$3,040	\$3,040

	intensive workshop for young people.			
Allegra Studios Pty Ltd	Towards costs of conducting a Dane Skills Workshop and performance of a Midsummer Night's Switch.	\$41,350	\$16,000	\$7,700
QCWA Emu Park	Towards costs of hiring a facilitator to instruct members in making quilts from excess materials then donating to community organisations.	\$1,300	\$735	\$735
<b>Total</b>		<b>\$140,702</b>	<b>\$60,965</b>	<b>\$42,955</b>

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

**11.17 PUTNEY BEACH GROYPE**

<b>File No:</b>	<b>EM11.12.3</b>
<b>Attachments:</b>	<ol style="list-style-type: none"><li><b>1. Project proposal for engineering design and approvals prepared by International Coastal Management - Putney Beach Groyne</b> <a href="#">⇒</a></li><li><b>2. Preliminary advice statement prepared by International Coastal Management - Putney Beach, Great Keppel Island</b> <a href="#">⇒</a></li></ol>
<b>Responsible Officer:</b>	<b>Leise Childs - Coordinator Natural Resource Management</b> <b>David Mazzaferri - Manager Community Wellbeing</b> <b>Brett Bacon - Executive Director Liveability &amp; Wellbeing</b>
<b>Author:</b>	<b>Laurie Rainbird - Community Coastal Hazards Resilience Officer</b> <b>Matthew Baldock - Principal Sustainability Officer</b>

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**SUMMARY**

*The Great Keppel Island Hideaway has approached Council and requested it act as the applicant for development of a groyne on Putney Beach. This report provides information on this topic including budget and staffing implications.*

**I, Councillor Rhodes Watson, have a declarable conflict of interest in Item 11.17 – Putney Beach Groyne, as my parents own a property on Great Keppel Island. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.**

**03:21PM Councillor Watson left the meeting.**

**OFFICER'S RECOMMENDATION**

THAT

- 1) Council resolves to decline the request from the Great Keppel Island Hideaway to act as the applicant for the development of a groyne at Putney Beach.

**COUNCIL RESOLUTION**

THAT

- 1) Council resolves to decline the request from the Great Keppel Island Hideaway to act as the applicant for the development of a groyne at Putney Beach, and
- 2) Due to the following State Government interests, Council write to the State Government seeking for them to coordinate the approvals and works on these projects:
  - a) master planning work currently being led by the Department of Tourism, Innovation and Sport;
  - b) the current proposal for a groyne at Putney Beach; and
  - c) the potential future development of a major marina at Putney Beach.

**Moved by: Councillor Hutton**  
**Seconded by: Mayor, Councillor Ireland**

Crs P Eastwood, Hutton, Ireland and G Mather voted in the affirmative.



Crs Belot and A Friend voted in the negative.

**MOTION CARRIED**

**3:52PM**      **Councillor Watson returned to the meeting**

## **11.16 LIVINGSTONE SHIRE COUNCIL PRIORITY PROJECTS**

**File No:** ED8.5.12

**Attachments:**

1. LSC Draft Priority Project List [⇒](#)
2. LSC Prioritised Project List August 2021 [⇒](#)

**Responsible Officer:** Brett Bacon - Executive Director Liveability & Wellbeing

**Author:** Sonia Barber - Manager Economy and Places

**Previous Items:** 12.9 - Advocacy for Livingstone - Ordinary Council - 27 Oct 2020 9.00am

### **SUMMARY**

*This report provides a list of regionally significant public and private led projects (refer Attachment One), for Council's consideration for inclusion in a strategic priority project brief.*

### **COUNCIL RESOLUTION**

That Council resolves to:

- (1) advocate for the success of the following Livingstone Shire Council led projects, in order of priority:
  - (a) Causeway Lake Redevelopment;
  - (b) Australian Defence Force Central Queensland Attraction Strategy;
  - (c) Mount Charlton Reservoir;
  - (d) Improved Maritime infrastructure;
  - (e) Stage two Capricorn Coast Homemaker Centre;
  - (f) Resource Recovery Facility access and landscaping plus Education Centre;
  - (g) Wreck Point Boardwalk;
  - (h) Bush Chapel at new Capricorn Coast Memorial Parklands and completion of landscaping and facilities;
  - (i) Cooe Bay Activation Strategy;
  - (j) Yeppoon Town Centre Revitalisation Strategy;
  - (k) Chandler Road;
  - (l) The Station Food Innovation Hub;
  - (m) Electric Vehicle Charging Infrastructure;
  - (n) New Council central business district precinct hub development;
  - (o) Yeppoon Foreshore Fisherman's Wharf and Footbridge Connection; and
  - (p) Rail Trail Extension.
- (2) advocate for the success of the following private industry led projects, in no particular order of priority:

Project	Description
Surf Lakes Development	Tourist park with a surf wave pool, restaurant, boutique accommodation, scuba pool, aquapark, campgrounds, solar

	farm
Rejuvenate Great Keppel Island	Delivering vital common-user infrastructure to provide a catalyst for tourism and economic growth on Great Keppel Island
New Yeppoon Showgrounds	Development of a new Show Grounds for the Yeppoon and District Show Society
Keppel Bay Convention and Sporting Hub <i>Noting that this project has been refined post-COVID and has recently been re-submitted to the Federal Government for consideration</i>	1,000 person conference and function centre, aquatic sports centre with master sailing hub, 128 room hotel Multi-level car park deck, club facilities and retail spaces, redeveloped sailing club
Open-water access, all-tide, protected boat ramp(s)	Dedicated major boat ramp to service the growing recreational boating needs of the region.
Capricorn Integrated Resort	300 room five star resort including golf course, caravan and recreational vehicle park, Wagyu cattle farm (farms stays, cattle and sheep farming and education), new residential community of 8,000 dwellings and village centre, airstrip, refurbishment of existing 331 Capricorn Resort.

**Moved by:** Mayor, Councillor Ireland

**Seconded by:** Councillor Eastwood

Crs Belot, P Eastwood, A Friend, Hutton, Ireland and R Watson voted in the affirmative.

Cr G Mather voted in the negative.

**MOTION CARRIED**

**11.19 AMENDMENT TO NOISE NUISANCE POLICY - BARKING DOGS**

**File No:** CM4.07.33

**Attachments:** 1. Amendment to Noise Nuisance (Barking Dog) Policy [⇒](#)

**Responsible Officer:** David Battese - Manager Liveability  
Nat Druery - Coordinator Public Environments

**Author:** Nat Druery - Coordinator Public Environments  
Roy Lewandowski - Principal Local Laws Officer

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**SUMMARY**

*This matter relates to Livingstone Shire Council's Policy on Noise Nuisance (Barking Dogs) v13 - 02092021 and incorrect wording in relation to the definition of Nuisance.*

**COUNCIL RESOLUTION**

THAT Council adopts the proposed change to the wording of Livingstone Shire Council's Policy on Noise Nuisance (Barking Dogs) v13 – 02092021 to ensure evidence collated during investigations is consistent with the proof required under Local and State Laws.

**Moved by:** Councillor Friend

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**

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## 12 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

### 12.1 NOTICE OF MOTION - CR FRIEND - CONSIDERATION OF SIGNAGE IN PLACE OF TREE REMOVAL FOR VIEWS

**File No:** 13.4.3

**Attachments:** 1. Consideration for Signage in Place of Tree Removal for Trees [⇒](#)

**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

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#### SUMMARY

*Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to tree vandalism signage.*

#### COUNCIL RESOLUTION

THAT Council resolves to create three large signs, in readiness for erection, of future tree vandalism.

**Moved by:** Councillor Friend

**Seconded by:** Councillor Watson

**MOTION CARRIED UNANIMOUSLY**

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**12.2 NOTICE OF MOTION - CR FRIEND - LSC SPONSORSHIP APPLICATIONS INCLUSION THAT FOOD VENDORS HAVE MEMBERSHIP IN THE PLASTIC FREE CQ PROGRAM****File No:** GV13.4.3**Attachments:**

1. Notice of Motion - Cr Friend - Membership in the Plastic Free CQ program [⇒](#)
2. Events Application Form [⇒](#)

**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to LSC sponsorship applications inclusion that food vendors have membership in the Plastic Free CQ program.*

**I, Councillor Andrew Ireland, have a Declarable Conflict of Interest in Item 12.2 – Notice of Motion Cr Friend – LSC Sponsorship Applications Inclusion that Food Vendors have membership in the Plastic Free CQ Program due to my wife working for a catering business. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.**

**4:21PM Mayor, Councillor Ireland left the meeting.**

**COUNCIL RESOLUTION**

THAT Council changes its eligibility criteria to make membership of Plastic Free CQ a prerequisite for any food vendors at any Council-controlled, or Council-funded events.

**Moved by:** Councillor Friend**Seconded by:** Councillor Mather**DIVISION:**

Crs A Friend, G Mather and R Watson voted in the affirmative.

Crs Belot, P Eastwood and Hutton voted in the negative.

C r Belot used casting vote to support motion.

**MOTION CARRIED**

**04:38PM Mayor, Councillor Ireland returned to the meeting.**

**12.3 NOTICE OF MOTION - MAYOR ANDY IRELAND - PLAYGROUND EQUIPMENT ROCKYVIEW****File No:** GV13.4.3**Attachments:** 1. Notice of Motion - Playground Equipment Rockyview [⇒](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*Mayor Andy Ireland has submitted a 'Notice of Motion' in relation to Playground Equipment Rockyview.*

**COUNCIL RESOLUTION**

THAT Council requests officers to prepare a business case for the installation of playground equipment at Paramount Park or Rockyview for consideration in the 2022/2023 Budget.

**Moved by:** Mayor, Councillor Ireland**Seconded by:** Councillor Friend**MOTION CARRIED UNANIMOUSLY**

**12.4 NOTICE OF MOTION - MAYOR ANDY IRELAND - STRATEGIC ROAD NETWORK PLANNING****File No:** GV13.4.3**Attachments:** 1. Strategic Road Network Planning [⇒](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*Mayor Andy Ireland has submitted a 'Notice of Motion' in relation to Strategic Road Network Planning.*

**COUNCIL RESOLUTION**

THAT

- 1) officers provide a report to council outlining the strategic considerations and plans for Livingstone Shire Council's road network, in the face of likely traffic volume increases due to expected population and industry growth; and
- 2) said report be presented to council within four months.

**Moved by:** Mayor, Councillor Ireland**Seconded by:** Councillor Watson**MOTION CARRIED UNANIMOUSLY**



**PROCEDURAL MOTION**

That pursuant to s2.18.1(d) and s2.18.13 of Livingstone Shire Council's Meeting Procedures Policy item 11.14 be lifted from the table to be dealt with

**Moved by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

**11.14 DEVELOPMENT APPLICATION D-214-2021 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A FUNCTION FACILITY AT 138 DRUCES ROAD WOODBURY**

**File No:** D-214-2021

**Attachments:**

1. Locality Plan
2. Proposal Plans

**Responsible Officer:** Erin McCabe - Co-ordinator Development Assessment  
David Battese - Manager Liveability

**Author:** Jenna Davies - Principal Planning Officer

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**SUMMARY**

<i>Applicant:</i>	<i>Jason and Ellie Gustafson</i>
<i>Real Property Address:</i>	<i>Lot 6 on RP836485</i>
	<i>Area of Site: 40.43 hectares</i>
<i>Planning Scheme:</i>	<i>Livingstone Planning Scheme 2018</i>
<i>Planning Scheme Zone:</i>	<i>Rural zone</i>
<i>Planning Scheme Overlays:</i>	<i>Overlay Map OM02 – Agricultural land classification Class A and Class B</i>
	<i>Overlay Map OM07 – Matters of State Environmental Significance – Wildlife habitat</i>
	<i>Overlay Map OM12 – Bushfire hazard area – Medium potential bushfire intensity and Potential impact buffer</i>
	<i>Overlay Map OM15 - Drainage problem area</i>
	<i>Overlay Map OM20 – Road hierarchy – State controlled road (Byfield Road) and Rural access (Drucses Road)</i>
	<i>Overlay Map OM22 – Transport infrastructure – State controlled road</i>
	<i>Overlay Map OM23 – Transport noise corridor – State controlled road</i>
	<i>Overlay Map OM24 – Water resource area</i>
	<i>Overlay Map OM27 – Height limits</i>
<i>Existing Development:</i>	<i>Dwelling house, ancillary outbuilding and rural pursuit</i>

<i>Level of Assessment:</i>	<i>Impact assessable</i>
<i>Submissions:</i>	<i>Eight (8) submissions received</i>
<i>Referral matters:</i>	<i>Nil</i>
<i>Infrastructure Charge Area:</i>	<i>Outside the Priority Infrastructure Area</i>
<i>Application progress:</i>	

<i>Application received:</i>	<i>3 June 2021</i>
<i>Application properly made:</i>	<i>3 June 2021</i>
<i>Development control unit meeting:</i>	<i>9 June 2021</i>
<i>Confirmation notice issued:</i>	<i>16 June 2021</i>
<i>Information request not required issued:</i>	<i>29 June 2021</i>
<i>Public notification period:</i>	<i>21 July 2021 to 13 August 2021</i>
<i>Notice of compliance received:</i>	<i>23 August 2021</i>
<i>Submission consideration period:</i>	<i>23 August 2021 to 6 September 2021</i>
<i>Council meeting date:</i>	<i>19 October 2021</i>
<i>Statutory determination date:</i>	<i>19 October 2021</i>

**I, Councillor Andrew Ireland, have a Prescribed Conflict of Interest in Item 11.14 – Development Application D-214-2021 for a Development Permit for a Material Change of Use for a Function Facility at 138 Druces Road, Woodbury. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.**

**4:44pm Mayor, Councillor Ireland left the meeting.**

## **COUNCIL RESOLUTION**

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Function facility, made by Jason & Ellie Gustafson, on Lot 6 on RP836485, and located at 138 Druces Road, Woodbury, Council resolves to Approve the application, subject to the following conditions:

#### **1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of use,

unless otherwise stated.

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

1.6.1 Operational Works:

(i) Access and Parking Works; and

1.6.2 Plumbing and Drainage Works; and

1.6.3 Building Works.

- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to Building Works.

- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Layout Plan	Not numbered	Not dated
Elevations	Not numbered	Not dated
Bushfire Management Plan	Not numbered	Not dated
Site Based Management Plan	Not numbered	Not dated

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

- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council.

3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in two (2) stages, namely:

3.1.1 Stage one – Function facility and car parking; and

3.1.2 Stage two – Amenities.

in accordance with the approved plan (refer to condition 2.1).

- 3.2 A site plan illustrating the location of the amenities in Stage two must be provided to Council for approval, prior to the lodgement of a Development Application for Plumbing and Drainage Works or Building Works.

- 3.3 Multiple development stages may be undertaken concurrently.

- 3.4 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

#### 4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 4.2 All vehicle manoeuvring areas associated with the proposed development must be upgraded as necessary, maintained to be safe and trafficable for the traffic generated by the development, and must not to create dust nuisance to the neighbouring properties.
- 4.3 A minimum of thirty six (36) off-street parking spaces, including a minimum of one (1) universal parking space and must be provided.
- 4.4 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 4.5 The access driveway for the development must be maintained in accordance with the *Capricorn Municipal Development Guidelines Standard Drawing CMDG-R-040 Rural Road Access and Property Access over Table Drains*.
- 4.6 The internal access to the proposed development must:
- 4.6.1 Include adequate drainage and erosion control devices to prevent erosion and sedimentation impacts to any matters of environmental significance;
  - 4.6.2 be maintained to be safe and trafficable at all times;
  - 4.6.3 be a minimum formed width of four (4) metres;
  - 4.6.4 be a minimum cleared width of six (6) metres;
  - 4.6.5 be a minimum cleared height of 4.8 metres; and
  - 4.6.6 achieve a cross fall no greater than 12.5 per cent with adequate drainage to prevent soil erosion.

#### 5.0 PLUMBING AND DRAINAGE WORKS – STAGE TWO

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to commencement of any plumbing and drainage works.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Plumbing and Wastewater Code*, *Capricorn Municipal Development Guidelines*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 A suitably sized on-site sewerage treatment and disposal facility must be provided within the site in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

#### 6.0 BUILDING WORKS

- 6.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 6.2 As part of Stage two, structures or buildings must not be located within the on-site sewerage treatment and disposal area or conflict with separation distances as detailed with the *Queensland Plumbing and Wastewater Code*.
- 6.3 All roof and allotment drainage must be discharged lawfully.
- 6.4 The building for the Function facility must be certified in accordance with the *National Construction Code (Building Code of Australia)*.

#### 7.0 ASSET MANAGEMENT

7.1 Any damage or alteration to existing council infrastructure including traffic signs and pavement marking and other public or private utility which occurs during any works carried out in association with the approved development must be repaired and/or replaced at the cost of the Developer.

8.0 ENVIRONMENTAL

8.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan certified by a suitably qualified person.

8.2 The approved Erosion and Sediment Control Plan must be implemented and maintained on-site for the duration of the works. The Erosion and Sediment Control Plan must be available on-site for inspection by Council Officers during those works.

8.3 A minimum of 22,700 litres must be provided on-site for firefighting purposes dedicated for the Function facility use.

8.4 All on-site water storage for firefighting purposes must be:

8.4.1 Located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures);

8.4.2 Located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance;

8.4.3 Fitted with fire brigade tank fittings consisting of a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings;

8.4.4 Identified with signage on the tank it is for firefighting purposes only;

8.4.5 Identified by directional signage clearly provided at the street access point (Druces Road access).

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 Druces Road.

9.2 The Function facility is limited to the following number of functions, days and times:

9.2.1 Six (6) weddings per year, on non-consecutive weekends, capped at eighty (80) guests;

9.2.2 Two (2) other events per month, between the hours of 8:30am to 5:30pm, capped at thirty-five (35) guests.

Set up and pack up of functions can occur outside the above limitations.

9.3 The design vehicle associated with the use must not be longer than a 14.5 metre Long Rigid Bus.

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

9.5 Outdoor lighting must be designed, installed and maintained in accordance with the parameters and requirements of the current version of the *Australian Standard AS4282 - Control of the obtrusive effects of outdoor lighting*.

9.6 The development must be provided with a refuse container and container storage area that:

- 9.6.1 is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.8 metres; and
- 9.6.2 kept in a clean, tidy condition.
- 9.7 The Function facility must undertaken and managed be in accordance with the approved Bushfire Management Plan (refer to condition 2.1) as amended.
- 9.8 The Bushfire Management Plan must be readily available to all guests accessing the site and must be provided to event organisers as part of any booking package information.
- 9.9 The Bushfire Management Plan must be updated to:
- (i) take into account periodic bushfire hazard warning(s) from Queensland emergency services and / or similar reliable sources; and
  - (ii) ensure compliance and implementation of suitable measures in a timely manner for safe evacuation.
- 9.10 The Bushfire Management Plan must be monitored and implemented at the site on an on-going basis. A periodic review must be undertaken and any recommendations must be implemented to ensure safe operation and evacuation.
- 9.11 The Site Based Management Plan (refer to condition 2.1) must be updated to reflect:
- (i) Permit conditions relevant to operational matters, including approved number of functions, days, guests and times; and
  - (ii) The provisions of the *Environmental Protection Act 1994* in respect of music played at the facility.
- The plan must be updated and submitted to Council for endorsement as part of an application for Operational works.

#### 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website <https://www.dsdsatsip.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. 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.

**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.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Function facility, made by Jason & Ellie Gustafson, on Lot 6 on RP836485, and located at 138 Druces Road, Woodbury, Council resolves to issue an Infrastructure Charges Notice for the amount of \$1,734.00.

**Moved by: Councillor Hutton**

**Seconded by: Deputy Mayor, Councillor Belot**

Crs P Eastwood and Hutton voted in the affirmative.

Crs Belot, A Friend, G Mather and R Watson voted in the negative.

**MOTION LOST**

**COUNCIL RESOLUTION**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Function facility, made by Jason & Ellie Gustafson, on Lot 6 on RP836485, and located at 138 Druces Road, Council resolves to REFUSE the Application given the following reasons:

1. The proposed activities are inconsistent with the contemplated amenity of the surrounding rural area and concerns around increased nuisance to residents is of serious concern to Council, particularly in relation to noise, dust or other nuisance.
2. There are concerns that the rural road network cannot properly accommodate the anticipated increase in traffic, including buses; and
3. There is a lack of adequate utilities to properly service the anticipated crowds at a function venue.

**Moved by: Councillor Friend**

**Seconded by: Councillor Mather**

Crs Belot, A Friend, G Mather and R Watson voted in the affirmative.

Cr P Eastwood abstained.

**MOTION CARRIED**

In accordance with s. 254H(2) of the *Local Government Regulation 2012*, the statement of reasons for Council not adopting the officer's recommendation are those outlined in the alternative resolution passed.

**04:53PM Councillor Hutton left the meeting.**

**4:53PM Mayor, Councillor Ireland returned to the meeting.**

## **13 URGENT BUSINESS**



## 14 CLOSED SESSION

In accordance with the provisions of section 254J of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

### COUNCIL RESOLUTION

**04.54PM**

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J of the *Local Government Regulation 2012*, for the reasons indicated.

**15.1 Amendment to Purchase Offer for Lot 10, 1 Macadamia Drive at the Gateway Business and Industry Park, Hidden Valley.**

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

**15.2 Potential sale of land on Freeman Street, Yeppoon**

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

**15.3 Native Title Determination Application - Woppaburra People**

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

**Moved by: Councillor Mather**

**Seconded by: Mayor, Councillor Ireland**

**MOTION CARRIED UNANIMOUSLY**

### COUNCIL RESOLUTION

**5.05PM**

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

**Moved by: Councillor Mather**

**Seconded by: Councillor Watson**

**MOTION CARRIED UNANIMOUSLY**

## 15 CONFIDENTIAL REPORTS

### 15.1 AMENDMENT TO PURCHASE OFFER FOR LOT 10, 1 MACADAMIA DRIVE AT THE GATEWAY BUSINESS AND INDUSTRY PARK, HIDDEN VALLEY.

**File No:** ED8.5.02

**Attachments:**

1. Survey Plan 296924 - Lot 10, 1 Macadamia Drive, Hidden valley
2. Council Resolution to accept offer for Lot 10
3. Offer One Lot 10, 1 Macadamia Drive, Hidden Valley

**Responsible Officer:** Sonia Barber - Manager Economy and Places  
Brett Bacon - Executive Director Liveability & Wellbeing

**Author:** Arna Hart - Project Support Officer

**Previous Items:** Potential Sale of Lot 1, 1 Pineapple Dr; Lot 13, 13 Macadamia Dr; Lot 10, 1 Macadamia Dr at The Gateway Business and Industry Park, Hidden Valley. - Ordinary Council - 21 Sep 2021 9.00am

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

#### SUMMARY

*At its Ordinary Meeting of 21 September 2021, Council resolved to accept an offer for the purchase of Lot 10 on SP296924 (Attachment One) at 1 Macadamia Drive Hidden Valley. This report provides further clarity regarding the offer.*

#### COUNCIL RESOLUTION

THAT Council accept the Offer Lot 10 Survey Plan 296924 as detailed in the report for Lot 10 on Survey Plan 296924, also known as 1 Macadamia Drive Hidden Valley.

**Moved by:** Councillor Eastwood

**Seconded by:** Deputy Mayor, Councillor Belot

**MOTION CARRIED UNANIMOUSLY**

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**15.2 POTENTIAL SALE OF LAND ON FREEMAN STREET, YEPPOON****File No:** CP5.02**Attachments:****Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Executive Director Liveability & Wellbeing**Author:** Maddie Crigan - Principal Property Officer

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

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**SUMMARY**

*This report pertains to the proposed sale of a Council owned site at 15 Freeman Street, Yeppoon described as Lot 25 on Registered Plan 603028.*

**COUNCIL RESOLUTION**

THAT Council resolve:

1. that the exception mentioned in section 236(1)(c)(iv) of the *Local Government Regulation 2012* may apply in its dealing with the owner of 13 Freeman Street, Yeppoon on Lot 25 on Registered Plan 603028;
2. pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(c)(iv) of the *Local Government Regulation 2012* in its dealing with the owner of 13 Freeman Street, Yeppoon on Lot 25 on Registered Plan 603028; and
3. to sell Lot 25 on Registered Plan 603028 to the owner of 13 Freeman Street, Yeppoon for the amount and on the conditions contained in this report.

**Moved by:** Councillor Mather**Seconded by:** Councillor Watson**MOTION CARRIED UNANIMOUSLY**

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**15.3 NATIVE TITLE DETERMINATION APPLICATION - WOPPABURRA PEOPLE****File No:** CP5.02.13**Attachments:**  
1. Report from Marrawah Law  
2. Section 87 Agreement**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Executive Director Liveability & Wellbeing**Author:** Maddie Crigan - Principal Property Officer

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

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**SUMMARY**

*This report pertains to Council's application to be joined as a respondent party to the Woppaburra People's native title claim.*

**COUNCIL RESOLUTION**


THAT Council resolve that having considered the report on the outcome of the native title claim process for Native Title Determination Application QUD16 of 2019 brought on behalf of the Woppaburra People over parts of Council's local government area, Council in its capacity as a respondent party to the claim:

- (1) approves the draft Section 87 agreement tabled at Council's meeting on 19 October 2021 and authorises Council's legal representative to sign the agreement on Council's behalf;
- (2) consents to the making by the Federal Court of Australia of a native title determination in terms of the draft contained in the Section 87 agreement, and
- (3) authorises Council's Chief Executive Officer to approve any final changes to the draft Section 87 agreement provided they do not depart substantially from the draft tabled at Council's meeting on 19 October 2021 and do not weaken the protection given to Council's interests in the determination area.

**Moved by:** Councillor Friend**Seconded by:** Councillor Watson**MOTION CARRIED UNANIMOUSLY**

## 16 CLOSURE OF MEETING

There being no further business the meeting closed at 5.07pm.



Mayor, Councillor Andy Ireland  
CHAIRPERSON

16 November 2021

DATE