



ORDINARY MEETING

MINUTES

20 SEPTEMBER 2022

The resolutions contained within these Minutes were confirmed at the Ordinary Council Meeting of the 25th October 2022.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 20 SEPTEMBER 2022 COMMENCING AT 9.02AM

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 Tanya Sinclair of the Capricorn Coast Uniting Church Yeppoon.

2 PRESENT**Members Present:**

Mayor, Councillor Andrew Ireland (Chairperson)
Deputy Mayor, Councillor Adam Belot (via teleconference in accordance with S.2.22.1 of the Meeting Procedures Policy)
Councillor Pat Eastwood
Councillor Glenda Mather
Councillor Andrea Friend
Councillor Rhodes Watson

Officers in Attendance:

Cale Dendle - Chief Executive Officer
Chris Ireland – Executive Director Liveability and Wellbeing
Michael Kriedemann – Executive Director Infrastructure
Kristy Mansfield - Chief Human Resources Officer
Leise Childs – Coordinator Resource Management
Tony Lau – Manager Engineering Services
Nige Deacon – Manager Water and Waste Operations
Jenna Davies – Principal Planning Officer
Gretta Cowie – Planning Officer
Erin McCabe – Coordinator Development Assessment
Christine McDonald – Acting Principal Property Officer
Caitlyn Good – Management and Treasury Accountant
Dennis Glacken – Coordinator Procurement
Poala Santini – Coordinator Governance

3 LEAVE OF ABSENCE / APOLOGIES

RECOMMENDATION

THAT Councillor Hutton be granted a leave of absence and be noted as an apology for today's meeting.

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 16 August 2022 be taken as read and adopted as a correct record.

THAT the minutes of the Special Meeting held on 23 August 2022 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Councillor Andrea Friend, have a declarable conflict of interest in Item 11.8 - Development Application D-243-2022 for a Development Permit for Reconfiguring a Lot (one lot into two lots and access easement) at 11 Hutton Street, Yeppoon due to me being the owner of an adjoining property. Consequently, I will leave the Chamber for the discussion and voting in relation to this matter.

I, Councillor Rhodes Watson, have a declarable conflict of interest in Item 11.10 - Community Organisation Tenure Renewal due to me being a member of Food Relief Capricorn Coast. Consequently, I will leave the Chamber for the discussion and voting in relation to this matter.

6 DEPUTATIONS

6.1 9.00AM DEPUTATION - DAVID THOMAS - THE CONTENDER PROJECT

File No: GV

Attachments: Nil

Responsible Officer: Amanda Ivers - Coordinator Executive Support

Author: Renee Dwyer - Executive Support Officer

SUMMARY

Through Councillor Friend, Mr David Thomas will present deputation to inform Council and seek advocacy of The Contender Project – combating juvenile crime and rehabilitation.

COUNCIL RESOLUTION

THAT the Deputation be received.

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1

Attachments: 1. Business Outstanding September 2022

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

7.2 LIFTING MATTERS LAYING ON THE TABLE**File No:** GV13.04.06**Attachments:** Nil**Responsible Officer:** Cale Dendle - Chief Executive Officer

SUMMARY

This report is being presented to Council in order for the stated matters to be formally lifted from the table prior to being dealt with at this meeting.

COUNCIL RESOLUTION

THAT Council resolves that the following reports which are currently 'laying on the table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting:

1. Notice of Motion – Councillor Glenda Mather – Lindsay Street Beach Access
2. Notice of Motion – Councillor Adam Belot – Lake Mary Road

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

8 PRESENTATION OF PETITIONS

8.1 PETITION SUBMITTED BY COUNCILLOR MATHER

File No: GV13.04.06

SUMMARY

Councillor Mather submitted to the table a petition requesting that Council does not close the Marlborough works depot.

COUNCIL RESOLUTION

THAT the petition submitted to the table by Councillor Mather be received and the head petitioner be advised accordingly.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

10.1 NOTICE OF MOTION - CR MATHER - SEALING YSHS PARKING AREA

File No: GV13.4.3

Attachments:

1. NOM - Cr Mather - Sealing YSHS parking area
2. YSHS parking area concept plan
3. Photos - NOM - Tabone Street

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to sealing YSHS parking area.

COUNCIL RESOLUTION

THAT Council write to the Minister for Education, alerting her to the displacement of teacher and student parked vehicles from within the YSHS compound, to a Council road reserve opposite the school in order to accommodate the construction of a new educational facility in their place.

That Council seeks the Minister's support in having this unmade section of road upgraded to a sealed standard, which would:

- (a) prevent domestic dust from entering homes,
- (b) provide designated pedestrian access between the school, the bus stop and the parking area, and
- (c) overcome the identified safety issues currently caused by the school-parking separation, which does attract a Police presence; and
- (d) forward a copy to Brittany Lauga Member for Keppel.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

10.2 QUESTIONS ON NOTICE - CR MATHER - 2% EFFICIENCY SMALL PLANT DISPOSALS**File No:** GV13.4.4**Attachments:** 1. Questions on Notice - Cr Mather - 2% Efficiencies**Responsible Officer:** Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted Questions on Notice in relation to 2% efficiencies.

Question 1:

- (a) Was this action intended to be part of Council's goal for 2% efficiencies? –
Answer: No, the review of small plant, tools and equipment for this section of council is independent of the need to reduce expenditure overall by 2% to balance the budget.
- (b) Was this action previously discussed and endorsed at a tool-box or other meeting? –
Answer: I am advised that there were a number of discussions held with staff and supervisors at toolbox meetings and in the field about this topic.
- (c) Where did the idea of this action originate? –
Answer: Management initiated this review in March 2022 following an observation that we were overstocked with some equipment.
- (d) Who signed off on the action? –
Answer: The Acting Manager Community Wellbeing initiated the review and supervisory and field staff undertook the work to determine what equipment was either surplus, not fit for purpose or needed to be retained.
- (e) Was an inventory taken of the tools and their collective value? –
Answer: Yes. An inventory of the equipment has been taken (attached) but no value determined yet as disposal plans (in accordance with policy) have not yet been finalised.
- (f) What identifiable efficiencies are proposed which would equate to 2% or near? –
Answer: As responded to above, this rationalising of surplus equipment is not related to the 2% budget repair obligation.

Question 2:

- (a) What changes are proposed, and where, to reduce the maintenance to open spaces throughout the shire in order to achieve the 2% efficiencies, or near?
Answer: All sections of council have been given the freedom to identify these savings for themselves. In Open Spaces, this will most likely be in the turf renovation/maintenance areas, more effective fleet utilisation, contract review and parks maintenance service levels.
- (b) How are these proposed savings calculated? –
Answer: Please refer response to Q1. Either 2% of operating expenditure, or corresponding increases in revenue.

Prior to this review, there was no comprehensive list of inventory in this section of the organisation, including what tools and equipment were located where (ie. what was in each truck, tractor or shipping container). The review discovered that we were overstocked in some areas and that purchase card usage was not well managed. There is also equipment that was purchased long ago and never utilised (for instance controller boxes for irrigation).

COUNCIL RESOLUTION

THAT the Questions on Notice and officer responses supplied within be received and appended to the minutes.

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

10.3 NOTICE OF MOTION - CR MATHER - REQUEST FOR INTERSECTION UPGRADE**File No:** GV13.4.1**Attachments:** 1. Notice of Motion - Cr Mather - Request for Intersection Upgrade**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to a request for an upgrade to the intersection at Brown Street and Emu Park Road.

COUNCIL RESOLUTION

THAT due to the increased tourist and domestic traffic in the area, a formal request be made to TMR to upgrade the intersection connecting Brown St and Emu Park Road.

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

10.4 NOTICE OF MOTION - CR FRIEND - SEALING OF MINIMAL AREA ADELAIDE PARK ROAD**File No:** GV13.4.1**Attachments:** 1. Notice of Motion - Cr Friend - Sealing of Minimal Area Adelaide Park Road**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to the sealing of an area located on Adelaide Park Road.

COUNCILLOR RECOMMENDATION

That council resolve to seal an off-road area located between 28 -34 Adelaide Park Road for the purpose of minimising dust nuisance.

Or

That council resolve to lay 30-50 ml aggregate to an off-road area located between 28 -34 Adelaide Park Road for the purpose of minimising dust nuisance

Or

That council resolve to install bollards to an off-road area located between 28 -34 Adelaide Park Road for the purpose of minimising dust nuisance and to inhibit the potential of larger vehicles to park.

Moved by: Councillor Friend**Seconded by:** Councillor Watson**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 pending a site visit by Councillors and Officers to return to a future Council Meeting.

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

10.5 NOTICE OF MOTION - CR MATHER - LINDSAY STREET BEACH ACCESS**File No:** GV13.04.03**Attachments:** Nil**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mater has submitted a 'Notice of Motion' in relation to Lindsay Street Beach Access.

COUNCILLOR RECOMMENDATION

THAT due to the popularity and previous good history of the Lindsay St Beach Access Point, and the demand for safe access points for launching small crafts on the coast, Council reopen this site without further delay, and without the need for public consultations.

Moved by: Councillor Mather**Seconded by:** Councillor Watson**MOTION LOST**

Cr G Mather voted in the affirmative.

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

COUNCIL RESOLUTION

THAT Council

- 1) Re-opens the Lindsay Street, Emu Park beach access only for launching and retrieving small craft under a twelve month trial to determine whether permanent access for boat launching should be re-instated; and
- 2) Have officers monitor the usage of the access point over the twelve month trial to determine the level of boat launching activity.

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

10.6 QUESTIONS ON NOTICE - CR MATHER - STAFF EMPLOYMENT**File No:** GV13.4.4**Attachments:** 1. QON - Cr Mather - Staff Employment**Responsible Officer:** Cale Dendle - Chief Executive Officer**SUMMARY**

Councillor Glenda Mather has submitted Questions on Notice in relation to employment of new staff.

Question 1 - When a position is advertised eg outside workforce, what are the steps undertaken by the relevant staff to process those applications?

Answer: When advertising a position, the below steps are undertaken by relevant staff:

1. Applications processed in Aurion (recruitment software) when received;
2. When position closes, all applicants receive an acknowledgement of their application;
3. The Panel shortlist all applicants against the selection criteria and the mandatory requirements of the role as outlined in the position description. The Panel then determine which applicants will be invited to an interview based on their assessment;
4. Interviews are arranged with shortlisted applicants;
5. Council notifies candidates not proceeding to interview stage they are unsuccessful;
6. Interviews are undertaken by the Panel to determine:
 - a. Applicants who are deemed suitable and unsuitable;
 - b. Who the preferred applicant is;
 - c. Who the second preferred applicant is;
7. Panel Chair undertakes reference check of the preferred candidate;
8. If position requires, functional capacity evaluation/skills test/verification of competency are arranged;
9. If applicant passes assessment and satisfies HR of following due process, applicant is offered job.
10. If applicant accepts job offer, all other applicants are notified that they are unsuccessful.

Question 2 – What other agencies, if any, would be involved?

Answer: Council handles all recruitment processes internally, with the exception of a few. On these rare occasions for positions at a senior level or “hard to fill” roles Council may engage a recruitment agency to undertake the recruitment process on our behalf.

Other agencies that may be involved in the recruitment process include:

- Seek.com (ie the website where we externally advertise positions);
- Kinnect (when functional capacity evaluations need to be undertaken relevant to the role); and
- Agencies Council engages to assess verification of competency (eg Coal Train)

COUNCIL RESOLUTION

THAT the Questions on Notice and officer responses be received.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED

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

Cr A Belot did not vote therefore recorded in the negative.

10.7 NOTICE OF MOTION - CR MATHER - PATTISON STREET UPGRADE**File No:** GV13.4.1**Attachments:**
1. NoM - Cr Mather - Pattison Street Upgrade
2. Photographs**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to a request for upgrading of the centre island and carparking area at the eastern end of Pattison Street, Emu Park.

COUNCIL RESOLUTION

THAT the centre island and carparking area at the eastern end of Pattison Street be identified as an area in serious need of upgrade, due to its prominent tourist location and proximity to the heart of the town.

Further, following an inspection when time permits, a brief report confirming an upgrade will be listed for a future budget will be presented at the December briefing session.

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

10.26AM - THAT the meeting be adjourned.

Moved by: Councillor Mather**MOTION CARRIED UNANIMOUSLY****PROCEDURAL MOTION**

10.45AM - THAT the meeting be resumed.

Moved by: Mayor, Councillor Eastwood**MOTION CARRIED UNANIMOUSLY**

10.8 NOTICE OF MOTION - CR MATHER - BARKING DOGS**File No:** GV13.4.1**Attachments:** 1. Notice Of Motion - Cr Mather - Barking Dogs**Responsible Officer:** Amanda Ivers - Coordinator Executive Support**SUMMARY**

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to barking dogs.

PROCEDURAL MOTION

11.35AM - THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland**MOTION CARRIED UNANIMOUSLY****PROCEDURAL MOTION**

11.42AM - THAT the meeting be resumed.

Moved by: Councillor Mather**MOTION CARRIED UNANIMOUSLY****COUNCILLOR RECOMMENDATION**

That due to the on-going barking dogs issue at 49 Kerry Drive which has continued unabated for many months, and years over time, causing domestic disturbance and sleep deprivation to a shift-working family, Council take the strongest and immediate action to ensure this disturbance is addressed.

Moved by: Councillor Mather**Seconded by:** Councillor Watson**COUNCIL RESOLUTION****THAT**

- 1) pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending a report from officers detailing the processes employed in investigating this complaint and providing options for potentially resolving this matter and suggested process improvements for dealing with barking dog matters; and
- 2) the matter be brought to the November briefing session.

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

6.2 11AM - DEPUTATION - ICARE

File No: CS
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

Through Councillor Hutton, iCare will present a deputation to provide an Overview of 2021/22 Financial Year, to be presented by Desley Rial and Sue Hamilton.

COUNCIL RESOLUTION

THAT the Deputation be received.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

**10.9 NOTICE OF MOTION - CR FRIEND - LIGHTING AND STORMWATER
MITIGATION MCLEOD STREET EMU PARK****File No:** GV13.04.04**Attachments:** 1. NOM - Cr Friend - McLeod Street Emu Park**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to lighting and stormwater mitigation in McLeod Street Emu Park.

COUNCILLOR RECOMMENDATION

THAT Council

- 1) resolve to install a streetlight in McLeod Street Emu Park; and
- 2) Install/re-instate a spoon drain, for the mitigation of stormwater inundation, on the Council verge outside of 14 and 12 McLeod Street Emu Park.

COUNCIL RESOLUTION

THAT Council undertake measures in relation to the mitigation of stormwater inundation on the Council verge outside of 14 and 12 McLeod Street Emu Park.

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

10.10 QUESTIONS ON NOTICE - CR MATHER - ANIMAL CONTROL**File No:** GV13.4.4**Attachments:** 1. QON - Cr Mather - Animal Control**Responsible Officer:** Amanda Ivers - Coordinator Executive Support**SUMMARY**

Councillor Glenda Mather has submitted a 'Questions on Notice' in relation to Animal Control.

Question 1:

Following a recent event, a dog from a neighbouring property jumped the fence to attack and cause fear to a visitor of an adjoining property.

By definition, the actions of the dog, being unprovoked, would constitute being classified as a "dangerous dog" and I wish to know on behalf of the complainant, (names withheld) whether this action has been undertaken, and if not, why not?

Answer:

Video evidence has been provided from a customer that confirms that a German Shepard dog was wandering on a customers property however there is no evidence of an alleged dog incident or attack which would require the dog to be declared a menacing or dangerous dog.

The owner of the animal was issued a verbal compliance notice to restrain the dog to their property. \

Part 4 Regulated dog declarations**89 Power to make declaration**

- (1) Any local government may, by complying with the requirements of this part—
 - (a) declare a particular dog to be a declared dangerous dog (a **dangerous dog declaration**); or
 - (b) declare a particular dog to be a declared menacing dog (a **menacing dog declaration**); or
 - (c) declare a particular dog to be a restricted dog (a **restricted dog declaration**).

Note—

See sections 61 (What is a *declared dangerous dog*), 62 (What is a *declared menacing dog*) and 63(2) (What is a *restricted dog*).
- (2) A dangerous dog declaration may be made for a dog only if the dog—
 - (a) has seriously attacked, or acted in a way that caused fear to, a person or another animal; or
 - (b) may, in the opinion of an authorised person having regard to the way the dog has behaved towards a person
- (3) A menacing dog declaration may be made for a dog only if a ground mentioned in subsection (2) exists for the dog, except that the attack was not serious.
- (4) A restricted dog declaration may be made for a dog only if the local government is satisfied the dog is of a breed mentioned in section 63(1).
- (5) The declaration may be made even if the dog is not in the local government's area.
- (6) A declaration under this section is a **regulated dog declaration**.
- (7) In this section—

seriously attack means to attack in a way causing bodily harm, grievous bodily harm or death.

COUNCIL RESOLUTION

THAT the councillor's question on notice and responses provided within be received.

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

10.11 NOTICE OF MOTION - CR BELOT - LAKE MARY ROAD**File No:** GV13.04.04**Attachments:**

1. Notice of Motion - Cr Belot - Lake Mary Road
2. Black Summer Bushfire Recovery Grant
Bushfire Suppression and Mitigation Tools
BSBR000871 - \$419,868

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

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to Lake Mary Road.

COUNCILLOR RECOMMENDATION

THAT in order to improve social resilience and fire preparedness Council seek to re-prioritise funding from Black Saturday bushfire funding to bitumen seal 400 lineal metres of road (approximately) adjacent to newly built Lake Mary Rural Fire Brigade shed. This funding maybe realigned from current approved Machinery elements of \$450,000.

ALTERNATIVE MOTION

THAT in order to improve social resilience and fire preparedness of the region, Council make application to the appropriate federal funding body to re-prioritise previously-approved funding from Black Summer Bushfire Grant away from Bushfire Mitigation Fleet Items (\$419,868) to create a formalised access to the newly-built Lake Mary Rural Fire Shed, including bitumen-sealing the approaches of Lake Mary Road.

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

Crs A Belot and P Eastwood voted in the affirmative.

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

COUNCIL RESOLUTION

THAT Council includes the construction of the Lake Mary Rural Fire Shed bitumen-sealed entrance in budgetary deliberations for the 2023/24 budget as a priority.

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

12.29PM - THAT the meeting be adjourned for lunch.

Moved by: Mayor, Councillor Ireland**MOTION CARRIED UNANIMOUSLY****PROCEDURAL MOTION**

1.07PM - THAT the meeting be resumed.

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

11 REPORTS

11.1 LIVINGSTONE SHORELINE MANAGEMENT PLAN

File No: 11.12.04

Attachments: 1. Livingstone Shoreline Management Plan

Responsible Officer: Greg Abbotts - Manager Community Wellbeing
Bob Truscott - Acting Executive Director Liveability & Wellbeing

Author: Leise Childs - Coordinator Natural Resource Management

SUMMARY

Livingstone Shire Council's Shoreline Management Plan has been revised and updated. The purpose of the Shoreline Management Plan is to assess the status of the shoreline of Livingstone Shire, consult with stakeholders and to provide guidance to address identified issues. It provides recommendations to address key issues in order to protect our coastal assets and encourage system resilience in these areas. This includes recommendations for on-ground works, nature-based solutions to build environmental resilience, future studies, partnerships, and community engagement that will contribute to the wellbeing and strength of Livingstone Shire's shoreline and coastal communities.

COUNCIL RESOLUTION

THAT Council adopt the Livingstone Shoreline Management Plan 2022, noting that:

1. Key findings of the study were:
 - a. Extensive tree loss and resultant dune erosion on many beaches, which is particularly apparent where trees may be perceived as blocking residential views (including at Farnborough Beach, Keppel Sands, and Kinka Beach).
 - b. Issues relating to stormwater drainage affecting dunes and beach systems.
 - c. Widespread infestation of invasive weed species.
 - d. Unapproved works within the dunal system in areas where private properties border dunes.
2. Forty-two recommendations have been made to respond to these findings, including beach-specific and several whole-of-coast strategies, including:
 - a. Where appropriate (that is, where land is unlikely to be used for its current designated purpose in the future), change coastal road reserves and esplanades to areas for Environmental Management and Beach Protection to ensure appropriate management of these areas.
 - b. Ensure future development does not extend further seaward than the existing building alignment, or where no alignment exists, development is located as far landward as practicable to ensure that wherever possible, future property protection works (if necessary) are located within the boundaries of the private property.
 - c. Develop a coastal ecological restoration project, which includes an appropriate endemic planting guide, weed management methods and strategies to work with residents to ensure community and ecological needs are balanced.
 - d. Community engagement and education to promote the importance of dunal

areas, wetlands, and beaches as well as improve understanding of coastal inundation risks and emergency management protocols.

3. Business cases for future budgets will need to be prepared to deliver at least five of the recommendations that cannot be accommodated by existing resources, partnerships and/or funding.
4. Meaningful community engagement is key to proper shoreline management and actively engaging private property owners with coastal frontages is a priority.

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.2 2022-23 CYCLE NETWORK LOCAL GOVERNMENT GRANTS (CNLGG) PROGRAM & 2022-23 WALKING LOCAL GOVERNMENT GRANTS PROGRAM (WLGG) - FUNDING APPLICATION OUTCOME

File No: qA25292 & qA77385
Attachments: Nil
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Tony Lau - Manager Engineering Services
Previous Items: 7.2 - 2022-23 Cycle Network Local Government Grants (CNLGG) Program & 2022-23 Walking Local Government Grants Program (WLGG) - Funding Application Outcome - Briefing Session - 06 Sep 2022 9.00am

SUMMARY

This report is in relation to the outcome of the applications submitted for the 2022-23 Cycle Network Local Government Grants Program and 2022-23 Walking Local Government Grants Program and to provide recommendation on the delivery strategy for the successful projects.

COUNCIL RESOLUTION

That Council resolves to:

1. Undertake the following projects with 50% 2022-23 Cycle Network Local Government Grant Program and 2022-23 Walking Local Government Grant Program funding in 2022/23 and 2023/24:
 1. Taranganba Road (West) - shared path
 2. Matthew Flinders Drive (Wreck Point to Chrisney Street) - shared path
 3. Mulambin - shared path
 4. Kinka Beach - shared path
 5. Adelaide Park Road and Braithwaite Street - shared path
 6. Yeppoon Precinct East – shared path
 7. Yeppoon CBD (WLGG)
 8. Emu Park CBD (WLGG)
2. Defer Rosslyn Bay Trunk Water and reticulation main to 2024/25 and reallocate the funds to deliver these cycle grants projects.

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.3 FEES AND CHARGES AMENDMENT - REPRINTING WASTE VOUCHERS

File No: QA24356
Attachments: 1. 22/23 Fees and Charges Extract
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Nige Deacon - Manager Water and Waste Operations

SUMMARY

Following the introduction of electronic waste vouchers available on phones, tablets and computers there has been over 250 requests for hard copy vouchers of nearly 16,000 eligible residents. Council has requested its commercialised waste business to accommodate these requests and print or post vouchers to customers who can't or won't access electronic vouchers.

Electronic vouchers have the significant advantage of saving postage and handling costs (previously approximately \$18,000 per year) and being fully traceable including when 'lost' since any new device can access the customer's remaining vouchers.

Paper vouchers are similarly traceable, but Council will incur further administration, postage and handling costs if it agrees to replace paper vouchers previously printed by exception free of charge. To recover the handling cost to replace vouchers a fee of \$20.00 is proposed. This fee can be readily avoided by adopting electronic vouchers.

OFFICER'S RECOMMENDATION

THAT Council resolves to add a new administration charge of \$20.00 to its 2022/23 Fee & Charges to apply on occasions where replacement (first hard copy already provided) hard copy Waste Vouchers are requested (and required to be printed) on a second or subsequent occasion by the same rates assessment.

ALTERNATIVE MOTION

THAT Council resolves to add a new administration charge of \$10.00 to its 2022/23 Fee & Charges to apply on occasions where replacement (first hard copy already provided) hard copy Waste Vouchers are requested (and required to be printed) on a second or subsequent occasion by the same rates assessment.

Moved by: Councillor Watson
Seconded by: Councillor Eastwood

MOTION LOST

Crs P Eastwood and R Watson voted in the affirmative.

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

COUNCIL RESOLUTION

THAT Council resolves to add a new administration charge of \$10.00 to its 2023/24 Fee & Charges to apply on occasions where replacement (first hard copy already provided) hard copy Waste Vouchers are requested (and required to be printed) on a second or subsequent occasion by the same rates assessment.

Moved by: Councillor Friend
Seconded by: Councillor Eastwood

MOTION CARRIED

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

Crs G Mather and R Watson voted in the negative.

11.4 FEE REDUCTION - YEPPOON & DISTRICT SHOW SOCIETY**File No:** D-128-2022**Attachments:**
1. Water Network Analysis Quotation
2. Sewer Network Analysis Quotation**Responsible Officer:** Michael Kriedemann - Executive Director Infrastructure**Author:** Tony Lau - Manager Engineering Services

SUMMARY

The Yeppoon & District Show Society has recently lodged an application for Material Change of Use for a new showground. The subsequent Information Request issued from Council requires that the applicant provides a water and sewer network analysis to demonstrate that the proposed development is able to be serviced by the reticulated networks, and that it will not adversely affect the rest of the networks. After receiving a quotation for officers to carry out the network analysis, the applicant now requests that Council waives the fee in support of their not-for-profit organisation. Officers support their request and is seeking Council resolution to waive the \$7,800 fee.

COUNCIL RESOLUTION

THAT Council resolves to waive the quoted fee of \$7,800 for officers to carry out a water supply and sewerage network analysis for the proposed development D-128-2022.

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

11.5 DEVELOPMENT APPLICATION D-59-2022 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE AT LOT 10 TARANGANBA ROAD, TARANGANBA

File No: D-59-2022
Attachments:

1. Proposal Plans
2. Locality Plan
3. Code Assessment

Responsible Officer: David Battese - Manager Liveability
Author: Tammy Wardrop - Principal Planning Officer

SUMMARY

Applicant: Corrigated Pty Ltd ATF The Corrigan Family Trust No. 2
Consultant: Capricorn Survey Group (CQ) Pty Ltd
Real Property Address: Lot 10 on SP284250 Area of Lot: 9.687 hectares
Area of Site: 12,233.7 square metres
Planning Scheme: Livingstone Planning Scheme 2018
Planning Scheme Zone: Low density residential zone code
Planning Scheme Overlays:

- OM01 Acid sulfate soils
- OM02 Agricultural land classification
- OM07 Biodiversity – Habitat and vegetation
 - Matters of Local Environmental Significance - Remnant vegetation
- OM20 Road Hierarchy – Urban sub-arterial (Taranganba Road)
- OM27 Height limits

Existing Development: Vacant land
Level of Assessment: Impact Assessable
Submissions: Nil received
Referral matters: Nil
Infrastructure Charge Area: Charge Area 1
Application progress:

Application received:	18 February 2022
Application properly made:	22 February 2022
Development control unit meeting:	23 February 2022
Confirmation notice issued:	8 March 2022
Information request issued:	22 March 2022
Information request response received:	17 June 2022
Public notification period:	27 June 2022 to 18 July 2022
Notice of compliance received:	20 July 2022

<i>Extension of time agreed to:</i>	<i>15 August 2022</i>
<i>Council meeting date:</i>	<i>20 September 2022</i>
<i>Statutory determination date:</i>	<i>27 September 2022</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 Corrigated Pty Ltd Tte, on Lot 10 on SP284250 and located at Lot 10 Taranganba Road, Taranganba Council resolves to Approve the application given pursuant to Section 45(5)(b) of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks as circumstances/relevant matters have been established in support of the development as follows:

- (a) Although the proposed Child care centre is not small in scale, it is located on an appropriate sized lot, with sufficient outdoor play areas, landscaping, on-site parking and separation to road frontages and adjoining lots.
- (b) The site is accessed via a cul-de-sac off Taranganba Road, which is a Urban sub-arterial road, suitable to cater to higher traffic volumes, and is surrounded by existing similar uses, including Taranganba State School and two existing child care centres.
- (c) The use is not considered a high impact use and not expected to have an adverse impact on adjoining residential uses. The uses provides a service to fill community needs and expectations.
- (d) The shortfall in car spaces is accepted given the staggered drop culture of child care centres and the likelihood of multiple children per family/vehicle at the centre, is justification for a slight reduction in required spaces.

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 Corrigated Pty Ltd Tte, on Lot 10 on SP284250, and located at Lot 10 Taranganba Road, Taranganba 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 and requirement of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council prior to the commencement of use, unless stated otherwise.
- 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 use, unless stated otherwise.
- 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) Road Works;
- (ii) Access and Parking Works;
- (iii) Sewerage Works;
- (iv) Stormwater Works;
- (v) Landscaping Works;

1.5.2 Plumbing and Drainage Works; and

1.5.3 Building Works.

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Site Plan	D21.630- A05	9 February 2022
Proposed Floor Plan	D21.630- A08	9 February 2022
Elevations – Sheet 1	D21.630- A12	9 February 2022
Traffic Impact Assessment	620.30803-M01-Traffic Impact Assessment v1.0-20220308.dox	8 March 2022
Stormwater Management Report	D21.630_Stormwater Management Report for Lot 1 on Lot 10 on SP284250 Revision B	7 June 2022
Stormwater Management Plan Taranganba Flood Impact Assessment Report	NW30298	31 May 2022

- 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 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in two discrete stages, namely:
- 3.1.1 Main Building and all Operational Works (Stage One); and
 - 3.1.2 Kindergarten Building (Stage Two);

- in accordance with the approved plans (refer to condition 2.1).
- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 4.0 ROAD WORKS
- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 The Traffic Impact Assessment report (refer to condition 2.1) must be amended to:
- 4.3.1 incorporate and be consistent with the number of lots, child capacity, and number of staff of the submitted proposal cover letter/report by Capricorn Survey Group CQ (Ref. no. 8489 dated 18th Feb 2022); and
- 4.3.2 include Ivy Street West / Old Scenic Highway / Robinson Street intersection, in the intersection analysis.
- The amended Traffic Impact Assessment must include any identified adverse impacts on the safety and operational efficiency of the road networks and must include details of the relevant mitigating measures. The amended report must be submitted as part of the Operational Works application.
- 4.4 Additional works identified by the amended Traffic Impact Assessment must be carried out as part of the Operational Works (road works).
- 4.5 Road connectivity between Robinson Street, the unnamed road reserve and the development site must be constructed prior to the commencement of Stage one.
- 4.6 Any application for a Development Permit for Operational Works (road works) must:
- 4.6.1 demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) and road reserve(s) at the time of making the application;
- 4.6.2 include an overall road hierarchy plan including all future stages, generally in accordance with the *Capricorn Municipal Development Guidelines* and any pathway details;
- 4.6.3 be accompanied by longitudinal sections of roads, demonstrating compliance with maximum allowable grade in accordance with relevant standards;
- 4.6.4 include details to demonstrate compliance with drainage (flood immunity and trafficability requirements); and
- 4.6.5 be accompanied by details of the Council approved road names for all new roads, in accordance with Councils policy "*Naming of Infrastructure Assets Policy*".
- 5.0 ACCESS AND PARKING WORKS
- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 A commercial standard access driveway must be designed and constructed in accordance with the approved plan (refer to condition 2.1). The final width of the

access driveway and its location must be supported by a detailed swept path analysis of the design vehicle.

- 5.4 The proposed driveway intersecting the unnamed road reserve must be designed and constructed to facilitate left in traffic movements only, including appropriate signage.

- 5.5 All ingress and egress traffic movements to and from the development must be in a forward direction (forward gear).

- 5.6 A minimum of thirty-seven (37) standard off-street parking spaces must be provided generally in accordance with the approved plans (refer to condition 2.1).

- 5.7 Universal parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.

- 5.8 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)*.

- 5.9 All stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and drained lawfully in accordance with *Queensland Urban Drainage Manual*.

- 5.10 All car parking and manoeuvring areas must be sealed.

6.0 SEWERAGE WORKS

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

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

- 6.3 The development must be connected to Council sewer network and must be provided with its own separate property point of connections and located wholly within its respective property boundaries.

- 6.4 Application for a Development Permit for Operational Works (sewer works) must be accompanied by a detailed layout showing all proposed sewer mains (both internal and external to the site) location, sizes, and point of connection complying with the relevant standards.

7.0 PLUMBING AND DRAINAGE WORKS

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

- 7.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

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

8.0 BUILDING WORKS

- 8.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

- 8.2 Earthworks must be undertaken such that stormwater runoff is managed and discharged lawfully and must not adversely affect the adjoining properties compared to pre-development conditions or damage infrastructure.

- 8.3 All earthworks must be designed and constructed/undertaken generally in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 8.4 Retaining structures one (1) metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional Engineer of Queensland or equally qualified person at design submission and certified on completion of construction for compliance with the design.
- 9.0 STORMWATER WORKS
- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 9.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *State Planning Policy*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All roof and allotment drainage must be discharged lawfully and must not adversely affect the upstream or downstream land when compared to pre-development conditions or damage infrastructure.
- 9.4 All stormwater management works must be designed and constructed in accordance with the approved Stormwater Management Report (refer to Condition 2.1).
- 9.5 Application for Development permit for Operational Works (stormwater works) must be accompanied by a detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 9.6 All ongoing maintenance and management actions necessary for any proposed on-site stormwater quality management devices must be carried out by suitably qualified person(s) in a timely manner. A completed log book must be maintained and must be available on-site for inspection by Council and /or relevant authorities.
- 10.0 LANDSCAPING WORKS
- 10.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 10.2 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). The "Extent of Works" must be provided as part of the Operational Works and must include, but is not limited to:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (iv) underground and overhead services;
 - (v) details of landscape structures including areas of deep planting; and
 - (vi) specification notes on mulching and soil preparation.
 - (vii) trees, shrubs and groundcovers to all areas to be landscaped;
 - (viii) position and canopy spread of all trees and shrubs;
 - (ix) 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
- (x) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 10.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 10.4 Root barriers must be provided between proposed trees and relevant infrastructure.
- 10.5 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.6 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 10.7 A two (2) metre high acoustic fence must be constructed along all common boundaries between the development and adjoining sensitive land uses (dwellings).
- 11.0 ELECTRICITY AND TELECOMMUNICATIONS
- 11.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 12.0 ASSET MANAGEMENT
- 12.1 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.
- 12.2 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.
- 12.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 13.0 ENVIRONMENTAL
- Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan certified by a suitably qualified person which addresses, but is not limited to, the following matters:
- (ii) erosion and silt/sedimentation management plan;
 - (iii) acid sulphate soils;
 - (iii) vegetation management and clearing;
 - (iv) top soil management;
 - (v) interim drainage plan during construction;
 - (vi) construction programme including instruction times;
 - (vii) noise and dust suppression; and
 - (viii) waste management.

- 13.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 14.0 OPERATING PROCEDURES
- 14.1 The Child care centre use must not exceed a maximum capacity of 180 children and twenty-seven (27) staff at any one time.
- 14.2 The hours of operation are restricted to between 0615 hours to 1815 hours, Monday to Friday.
- 14.3 The waste storage area located within the car park must be aesthetically screened by a solid screen enclosure and kept in a clean, tidy condition in accordance with *Environmental Protection Regulations*.
- 14.4 All external elements, such as air conditioners, must be adequately screened from public view.
- 14.5 Lighting must be installed within the public use car park in accordance with *Australian Standard AS1158: Public Lighting Code*.
- 14.6 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 14.7 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website www.datsima.qld.gov.au

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council

policies. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Child care centre, made by Corrigated Pty Ltd Tte, on Lot 10 on SP284250, and located at Lot 10 Taranganba Road, Taranganba Council resolves to issue an Infrastructure Charges Notice for the amount of **\$104,017.00**.

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.6 D-364-2022 - REQUEST FOR REDUCTION OF DEVELOPMENT APPLICATION FEES FOR A MATERIAL CHANGE OF USE FOR A RELOCATABLE HOME PARK AND RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) DESCRIBED AS LOT 4 ON SP213135, LOCATED AT LOT 4 TANBY ROAD, TAROOMBALL)

File No: D-364-2022

Attachments:

1. Fee Reduction Request
2. Site Plan and Proposal Plan

Responsible Officer: David Battese - Manager Liveability

Author: Tammy Wardrop - Principal Planning Officer

SUMMARY

Sargeant Planning have made representations to Council seeking a reduction in development application fees for a Relocatable home park at Lot 4 Tanby Road, Taroomball. The application was lodged with Council on 23 August 2022.

COUNCIL RESOLUTION

THAT Council resolve to accept an application fee of \$68,822.00 for Development Application for a Development Permit for a Material Change of Use for a Relocatable home park and Reconfiguring a Lot (one lot into two lots), on the basis of the proposed fee representing the cost recovery allowable under section 97(4) of the *Local Government Act 2009*.

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.7 DEVELOPMENT APPLICATION D-342-2021 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO THIRTY-ONE (31) LOTS AND BALANCE) AND MATERIAL CHANGE OF USE FOR THIRTY-ONE (31) DWELLING HOUSES (SEA HAVEN WEST ESTATE STAGES 1-2) AND DEVELOPMENT APPLICATION D-398-2021 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO SIXTEEN (16) LOTS AND BALANCE) AND MATERIAL CHANGE OF USE FOR SIXTEEN (16) DWELLING HOUSES (SEA HAVEN WEST ESTATE STAGE 3), LOCATED AT LOT 6000 CARIGE BOULEVARD, TAROOMBALL

File No: D-342-2021 and D-398-2021

Attachments:

1. Locality Plan
2. Proposal Plan
3. Planning Scheme Code Assessment

Responsible Officer: David Battese - Manager Liveability

Author: Jenna Davies - Principal Planning Officer

SUMMARY

<i>Applicant:</i>	<i>Keppel Developments Pty Ltd</i>
<i>Consultant:</i>	<i>Capricorn Survey Group (CQ) Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 6000 on SP326467 (previously Lot 15 on RP613832 and Lot 5006 on SP326267)Area of Site: 29.12 hectares</i>
<i>Planning Scheme:</i>	<i>Livingstone Planning Scheme 2018</i>
<i>Planning Scheme Zone:</i>	<i>Emerging community</i>
<i>Planning Scheme Overlays:</i>	<i>OM01 – Acid sulfate soils</i> <i>OM02 – Agricultural land classification</i> <i>OM07 – Biodiversity – Habitat and vegetation</i> <i>OM10 – Biodiversity – Wetlands and waterways</i> <i>OM11 – Biodiversity – Stream order</i> <i>OM12 – Bushfire hazard area</i> <i>OM13 – Coastal hazard – Erosion prone area</i> <i>OM14 – Coastal hazard area – Storm tide hazard Area</i> <i>OM15 - Drainage problem area</i> <i>OM17 – Flood hazard area</i> <i>OM20 – Road hierarchy</i> <i>OM27 – Heights limits</i>
<i>Existing Development:</i>	<i>Vacant land</i>
<i>Level of Assessment:</i>	<i>Impact assessable</i>
<i>Submissions:</i>	<i>Four submissions received</i>
<i>Referral matters:</i>	<i>Nil</i>
<i>Infrastructure Charge Area:</i>	<i>Charge Area 1</i>

<i>Application progress:</i>	<i><u>D-342-2021</u></i>	<i><u>D-398-2021</u></i>
<i>Application received:</i>	<i>26 August 2021</i>	<i>8 October 2021</i>
<i>Application properly made:</i>	<i>26 October 2021</i>	<i>13 October 2021</i>
<i>Development control unit meeting:</i>	<i>1 September 2021</i>	<i>13 October 2021</i>
<i>Action notice issued:</i>	<i>15 September 2021</i>	<i>Nil</i>
<i>Response to Action notice received:</i>	<i>21 October 2021</i>	<i>Nil</i>
<i>Confirmation notice issued:</i>	<i>28 October 2021</i>	<i>26 October 2021</i>
<i>Information request issued:</i>	<i>11 November 2021</i>	<i>11 November 2021</i>
<i>Information request response received:</i>	<i>9 February 2022</i>	<i>9 February 2022</i>
<i>Public notification period:</i>	<i>24 February 2022 to 18 March 2022</i>	<i>24 February 2022 to 18 March 2022</i>
<i>Notice of compliance received:</i>	<i>25 March 2022</i>	<i>25 March 2022</i>
<i>Submission consideration period:</i>	<i>25 March 2022 – 8 March 2022</i>	<i>25 March 2022 – 8 March 2022</i>
<i>Decision period commenced:</i>	<i>8 March 2022</i>	<i>8 March 2022</i>
<i>Further advice issued:</i>	<i>18 March 2022</i>	<i>18 March 2022</i>
<i>Response to Further advice received:</i>	<i>27 April 2022</i>	<i>27 April 2022</i>
<i>Response to Further advice received:</i>	<i>27 April 2022</i>	<i>27 April 2022</i>
<i>Extension by agreement (to decision stage):</i>	<i>20 May 2022</i>	<i>20 May 2022</i>
<i>Extension by agreement (to decision stage):</i>	<i>23 June 2022</i>	<i>23 June 2022</i>
<i>Extension by agreement (to decision stage):</i>	<i>21 July 2022</i>	<i>21 July 2022</i>
<i>Extension by agreement (to decision stage):</i>	<i>18 August 2022</i>	<i>18 August 2022</i>
<i>Council meeting date:</i>	<i>20 September 2022</i>	<i>20 September 2022</i>
<i>Statutory determination date:</i>	<i>23 September 2022</i>	<i>23 September 2022</i>

COUNCIL RESOLUTION

RECOMMENDATION A

That in relation to the application for a development application D-342-2021 for a Development Permit for Reconfiguring a Lot (one lot into thirty one lots and balance) and Material Change of Use for thirty one Dwelling houses - Sea Haven West Estate Stages 1 and 2, and development application D-398-2021 for a Development Permit for Reconfiguring a Lot (one lot into sixteen lots and balance) and Material Change of Use for sixteen Dwelling houses - Sea Haven West Estate Stage 3, made by Keppel Developments Pty Ltd, on Lot 6000 on SP326467, Council resolves to Approve the application given pursuant to Section 60(3)(b) of the Planning Act 2016, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks and circumstances/relevant matters have been established in support of the development as follows:

- (i) The development does not compromise the Strategic Framework – Settlement pattern

theme, Natural environment and hazards, Infrastructure and services, Natural resources and economic development.

- (ii) The development complies with all Overall Outcomes and Performance Outcomes within the Emerging community zone code, General development code and the Development works code.
- (iii) The development does not comply with Acceptable outcome AO12.1 of the Reconfiguring a lot code, given the proposed lot sizes do not meet the minimum lot size of ten (10) hectares within the Emerging community zone. The proposal is for an urban activity which achieves the purpose of the Emerging community zone code.
- (iv) The development does not comply with Acceptable outcome AO15.1 of the Biodiversity overlay code, given the proposed lot sizes do not meet the minimum lot size of ten (10) hectares within the Emerging community zone. Despite the non-compliance the proposal complies with the Performance outcome for the code, subject to the inclusion of conditions through the reconfiguring a lot approval for a subsequent operational works application, rehabilitation and weed management.
- (v) The development is supported by a Bushfire Hazard Assessment and the proposed lots will adjoin areas which are identified as potential bushfire hazard areas. Suitable justification has been provided to support the proposal as there will be a fire management line established and areas on all lots to achieve a bushfire attack level of less than BAL-29.
- (vi) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.

RECOMMENDATION B

That in relation to the development application D-342-2021 for a Development Permit for Reconfiguring a Lot (one lot into thirty one lots and balance) and Material Change of Use for thirty one Dwelling houses - Sea Haven West Estate Stages 1 and 2, made by Keppel Developments Pty Ltd, on Lot 6000 on SP326467, and located at Lot 6000 Carige Boulevard, Taroomball, Council resolves to Approve the application subject to the following conditions:

PART A – RECONFIGURING A LOT

1.0 ADMINISTRATION

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

- (i) Road Works;
- (ii) Sewerage Works;
- (iii) Water Works;
- (iv) Stormwater Works;
- (v) Inter-allotment Drainage Works (where necessary);
- (vi) Earthworks;
- (vii) Clearing Works; and
- (viii) Landscaping Works.

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

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

1.9 As part of stage one, land must be dedicated to Council as Fee Simple or Fee Simple on trust for Local Government purposes, at no cost to Council, over the area generally in accordance with the approved proposed dedication area plan (refer to condition 2.1).

2.0 APPROVED PLANS AND DOCUMENTS

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

Plan/Document Name	Plan/Document Reference	Dated
Reconfiguration Plan Stage A Englobo (1 Lot into 2 Lots) & Stages 1-3	8222-01-ROL, sheet 1 of 2, issue D	27 September 2021
Reconfiguration Plan Stage A Englobo (1 Lot into 2 Lots) & Stages 1-3	8222-01-ROL, sheet 2 of 2, issue D	27 September 2021
Bushfire Hazard Assessment	PR7216 – Revision 00	26 April 2022
Operational Works- Stage 5 Sea Haven Storm Water Management	1148_OpWorks_Flood Study	16th June 2020
Proposed Dedication Area	8222-04-PDA, Issue A	6 August 2022

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 STAGED DEVELOPMENT

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

- 3.1.1 Stage 1: Lots 1 to 6, 21 to 24, 32 to 28 and balance;
 - 3.1.2 Stage 2: Lots 7 to 20 and balance.
- in accordance with the approved plans (refer to condition 2.1).
- 3.2 Stage One must be started first. Multiple development stages can be undertaken concurrently, provided all lots can be connected to the urban infrastructure outlined in this development permit.
 - 3.3 Infrastructure must be provided by the developer in a coordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence to facilitate ease of extension of infrastructure during future stages and /or future developments.
 - 3.4 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 4.0 ROAD WORKS
- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
 - 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).
 - 4.3 Any application for a Development Permit for Operational Works (road works) must:
 - 4.3.1 demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) and road reserve(s) at the time of making the application;
 - 4.3.2 include overall road hierarchy plan including all future stages, generally in accordance with Capricorn Municipal Development Guidelines and any pathway details;
 - 4.3.3 be accompanied by longitudinal sections of roads, demonstrating compliance with maximum allowable grade in accordance with relevant standards;
 - 4.3.4 Include details to demonstrate compliance with drainage (flood immunity and trafficability requirements); and
 - 4.3.5 be accompanied by details of the Council approved road names for all new roads, in accordance with Councils policy "Naming of Infrastructure Assets Policy".
 - 4.4 The design and construction of all terminating roads at development boundaries must include a temporary turning area (sealed or equivalent standards). Any land utilised for temporary turn around areas must extend past the boundary of the last lot (in the balance lot) and wholly located within the road reserve.
 - 4.5 Land utilised for temporary turning areas at the ends of roads must be covered by road reserve.
 - 4.6 All roads must be provided with public space lighting in accordance with Australian Standard AS1158 "Lighting for Roads and Public Spaces", Capricorn Municipal Development Guidelines and Road, street and public place lighting policy and procedures.
 - 4.7 A minimum 1.2 metre wide footpath must be constructed along the east-west minor collector link road to connect with stage three under Development Permit D-398-2021.

- 4.8 The alignment of bicycle and pedestrian pathways must be designed so that they:
- 4.8.1 allow for the retention of trees and other significant features;
 - 4.8.2 maximise the visual interest provided by views and landmarks where they exist;
 - 4.8.3 do not compromise the operation of or access to other infrastructure services; and
 - 4.8.4 are widened at potential conflict points.
- 4.9 All pathways must incorporate kerb ramps at all road crossing points.
- 4.10 Traffic signs and pavement markings including any alterations must be provided in accordance with the Manual of Uniform Traffic Control Devices (Queensland).
- 4.11 Any application for a Development Permit for Operational Works (road works) must include details, including signage, of the Council approved road names for all new roads.
- 4.12 Retaining walls must be wholly contained within private lots and not be constructed within road reserves as Council owned infrastructure, unless specifically approved as part of the Development Permit for Operational Works (road works).
- 4.13 Any retaining structures above one (1) metre in height must:
- (i) be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission, and certified on completion of construction for compliance with the design; and
 - (ii) have a detailed inspection and 'as constructed' record provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction; and
 - (iii) not be modified or altered without Council's prior written approval.
- 5.0 SEWERAGE WORKS
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 All lots within the development must be connected to Council's gravity sewerage network via gravity flow pipe network. Each of the lots must be provided with its own separate property point of connection, located wholly within its respective property boundaries.
- 5.4 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the Capricorn Municipal Development Guidelines.
- 5.5 Sewerage infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.
- 6.0 WATER WORKS
- 6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act and the provisions of a

Development Permit for Operational Works (water works).

6.3 All lots within the development must be connected to Council's reticulated water network. Each of the lots must be provided with its own separate water connection point, located wholly within its respective property boundaries.

6.4 Water infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

7.0 STORMWATER WORKS

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

7.2 All stormwater management works must be designed and constructed in accordance with the Seahaven Stormwater Management Report (1148_OpWorks_Flood Study) dated 16th June 2020 (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy, sound engineering practice, and the provisions of a Development Permit for Operational Works (stormwater works).

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

7.4 Any application for Development Permit for Operational Works (stormwater works) must include:

7.4.1 Layout showing the extent of the one (1) percent Annual Exceedance Probability event inundation areas (post development) and the details of the available freeboard to the finished ground/floor level. In this regard, associated storm water model (refer to condition 2.1) and relevant parts of the Storm Water Management Report must be updated as necessary by incorporating proposed earthworks and stormwater management measures;

7.4.2 An updated Stormwater Management Report (where changes have been made to the approved report);

7.4.3 A Masterplan of the development addressing the stormwater quality impacts and mitigation strategies, must be provided. The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with State Planning Policy;

7.4.4 Designs of outlet systems. Considerations must be given to critical scour velocity, discharge frequency /duration at the discharge location(s) and relevant management measures;

7.4.5 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of any existing drainage systems; and

7.4.6 A detailed layout showing easement(s) that needs to be dedicated in favour of Council and any land area or lot that required to be transferred to Council as "Fee simple" or as "Fee simple on trust".

7.5 Any new culvert structure associated with the development must be designed and constructed to ensure safe trafficability during the Defined Flood Event.

8.0 INTER-ALLOTMENT DRAINAGE

8.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any inter-allotment drainage works on the site (if required).

8.2 Where it cannot be satisfactorily demonstrated that drainage on a lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of

- discharge, a Level (ii) inter-allotment drainage system must be provided.
- 8.3 Easements must be provided over all inter-allotment drainage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the Capricorn Municipal Development Guidelines.
- 9.0 EARTHWORKS
- 9.1 A Development Permit for Operational Works (Earthworks) must be obtained prior to the commencement of any site works.
- 9.2 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".
- 9.3 Any application for a Development Permit for Operational Works (Earthworks) must be accompanied by an earthworks' plan which clearly identifies the following:
- 9.3.1 the location of cut and/or fill;
 - 9.3.2 the type of fill to be used and the manner in which it is to be compacted;
 - 9.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 9.3.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 9.3.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.4 Lot and embankment filling must be carried out to comply with Level 1 certification requirements in accordance with Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments", to confirm as "controlled fill" upon completion.
- 9.5 Earthworks 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 to adjoining properties or damage infrastructure.
- 9.6 All earthworks must be undertaken to ensure that no actionable nuisance results from an increase in:
- 9.6.1 peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive); or
 - 9.6.2 downstream or upstream flood inundation levels; or
 - 9.6.3 velocity profiles.
- 9.7 If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated / proposed fill area, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan certified by a suitably qualified person in accordance with State Planning Policy, Planning Scheme, Queensland Acid Sulphate Soil Technical Manual, and best industry practices with regards to Planning and Managing Development Involving Acid Sulphate Soils must be submitted to Council, as part of any application for a Development Permit for Operational Works (earthworks) (refer to advisory note 12 for the threshold requirements for testing).
- 10.0 CLEARING WORKS (INCLUDING REHABILITATION WORKS)
- 10.1 A Development Permit for Operational Works (clearing works) must be obtained prior to the commencement of any clearing works.
- 10.2 Any application for a Development Permit for Operational Works (clearing works) must include, but is not limited to:
- (i) A plan documenting the "Extent of Clearing" across the waterway and where

- the residential lots are proposed in accordance with the approved Bushfire Hazard Assessment (refer to condition 2.1);
- (ii) Locations and names of existing mature trees, in the Fire management line and proposed road reserves. Mature trees must be retained (where possible and in accordance with the canopy cover requirements of the Bushfire Hazard Assessment);
 - (iii) Locations and names 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). It is recommended to retain the regrowth vegetation in the buffer areas as it is naturally regrowing and will be best suited to the site;
 - (iv) A wildlife habitats and breeding places report from a suitably qualified fauna spotter catcher. The report must identify the management actions to be undertaken.
 - (v) Details of how disturbance to existing vegetation outside of nominated clearing areas will be minimised;
 - (vi) Details of how retained trees will be protected from impacts of adjacent clearing or earthworks through use of exclusion fencing or protective barriers as per Australian Standard 4970 – 2009 Protection of Trees on Development Sites;
 - (vii) Details of weed management, rehabilitation and re-planting;
- 10.3 The cleared area to the eastern side of the proposed new road adjoining proposed Lots 39 to 42 (in accordance with Development Permit D-398-2021), must be revegetated and planted with species endemic to the area to integrate and expand the habitat along the waterway. The plantings must be established within six (6) months of the roadworks and sewer works being completed for Stage One (refer to conditions 4.0 and 5.0).
- 10.4 The stream order two (2) waterway, where disturbed by operational works and works relating to this approval (Part A), must be rehabilitated and revegetated using appropriate species endemic to the area. The species must be appropriate to species associated with surrounding Regional Ecosystem.
- 10.5 Rehabilitated areas must be subject of on-going management and maintenance for a period of eighteen (18) months.
- 10.6 For lots 1 to 4, the Fire management line to the rear, must be inside the proposed lots. Clearing must not occur outside the Lot boundaries. The Fire management line must be within an environmental covenant.
- 10.7 An environmental covenant must be registered over proposed lots 1 to 4. The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, as part of the application for approval of a plan of subdivision (survey plan endorsement).
- 10.8 The environmental covenant must include wording in the schedule to the effect that:
- 10.8.1 No building or structures are permitted within the covenant area;
 - 10.8.2 The area must be maintained in accordance with the approved Bushfire Hazard Assessment (approved under Development Permit D-342-2021);
 - 10.8.3 Landscaping can occur in the covenant area however, must not create an unacceptable risk to people or property and provides for ongoing management of risk from a bushfire, and in accordance with the Bushfire Hazard Assessment.

- 10.9 Rehabilitation and plantings must not create an unacceptable risk to people or property and provides for ongoing management of risk from a bushfire.
- 11.0 LANDSCAPING WORKS
- 11.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works.
- 11.2 A landscaping plan must be provided as part of any Operational Works application.
- 11.3 Landscaping (street trees) must be provided in all areas of road reserve for proposed internal roads to the rate of one (1) tree per lot.
- 11.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure.
- 11.5 Use of locally endemic flora species must be included in street trees, with a focus on those species that flower prolifically to promote habitat amenity and foraging opportunities for resident fauna.
- 11.6 Landscaping must not create an unacceptable risk to people or property and provides for ongoing management of risk from a bushfire.
- 11.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary) until such time as these areas are accepted off-defects by Council (where applicable). All costs associated with the continued maintenance (including irrigation) during the on-defects period will be the responsibility of the Developer.
- 11.8 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.
- 12.0 ELECTRICITY AND TELECOMMUNICATIONS
- 12.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 12.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.
- 13.0 ASSET MANAGEMENT
- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 13.2 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the approval of a plan of subdivision (survey plan endorsement). This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 14.0 ENVIRONMENTAL
- 14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan certified by a Certified Professional in Erosion and Sediment Control or suitably qualified Registered Professional Engineer of Queensland.
- The plan must demonstrate how the Construction-Phase stormwater management design objectives of the State Planning Policy (Appendix 2 Table A) will be achieved

and also addresses the following, but is not limited to;

- (i) top soil management;
- (ii) dust suppression;
- (iii) erosion susceptibility and risk;
- (iv) acid sulphate soils;
- (v) interim drainage plan during construction; and
- (vi) implementation and maintenance procedures during construction phases of work.

14.2 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.

15.0 OPERATING PROCEDURES

15.1 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.

PART B - MATERIAL CHANGE OF USE FOR THIRTY-ONE DWELLING HOUSES

16.0 ADMINISTRATION

16.1 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.

16.2 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.

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

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

16.5 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.

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

16.6.1 Operational Works:

- (i) Access Works (if required);

16.6.2 Plumbing and Drainage Works; and

16.6.3 Building Works.

16.7 All Development Permits for Operational Works (if required) and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

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

16.9 The Plan of Subdivision creating the relevant lots the subject of Part A of this permit, cancelling Lot 6000 on SP326467, must be registered prior to the commencement of

the use on the land for a Dwelling house.

- 16.10 This approval is for the construction of a Dwelling house and outbuildings necessary for purposes ancillary to the occupation of a Dwelling house as the first change of use on thirty-one (31) of the proposed allotments shown on the approved plans (refer to condition 16.1). Any development other than a Dwelling house (and subsequent to the first change of use) consistent with the approved plans and the conditions of this permit, must be assessed against the Planning Scheme in force at the time the development occurs.

17.0 APPROVED PLANS AND DOCUMENTS

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

Plan/Document Name	Plan/Document Reference	Dated
Reconfiguration Plan Stage A Englobo (1 Lot into 2 Lots) & Stages 1-3	8222-01-ROL, sheet 1 of 2, issue D	27 September 2021
Reconfiguration Plan Stage A Englobo (1 Lot into 2 Lots) & Stages 1-3	8222-01-ROL, sheet 2 of 2, issue D	27 September 2021
Bushfire Hazard Assessment	PR7216 – Revision 00	26 April 2022

- 17.2 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.

- 17.3 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.

18.0 ACCESS AND PARKING WORKS

- 18.1 A compliant vehicle access must be designed and constructed to the proposed development in accordance with the Capricorn Municipal Development Guidelines, standard drawing CMDG-R-041 revision D, titled as “residential driveway slab and tracks”, and located minimum one (1) metre away from any sewer connections, access chambers, valves, fire hydrant, water meter boxes, and any other utility services.

Any non-compliant vehicle access driveway will require a Development Permit for Operational Works (access works) prior to the commencement of any vehicle access works associated with that lot.

- 18.2 A compliant vehicle access driveway must be designed and constructed for each Dwelling house.

- 18.3 Parking and associated vehicle manoeuvring areas must be sealed.

- 18.4 A minimum of two (2) off-street car parking spaces must be provided for each Dwelling house, one (1) of which must be covered.

19.0 PLUMBING AND DRAINAGE WORKS

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

- 19.2 All works must be designed and constructed in accordance with the approved plans

(refer to condition 16.1), 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.

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

19.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

20.0 BUILDING WORKS

20.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

20.2 The following conditions are in addition to the Development Standards on the approved Reconfiguration Plan (refer to condition 16.1) as follows:

20.2.1 All buildings and structures must be designed and sited in accordance with the 'development standards' specified on the approved plans (refer to condition 16.1) and the following setback provisions:

20.2.1.1 If the lot is not a corner lot, buildings or structures have a setback from road frontage lot boundaries in accordance with the following:

- a) A dwelling has a setback of at least three (3) metres;
- b) decks, patios, pergolas, verandahs, balconies, gazebos or the like have a setback of at least three (3) metres;
- c) a garage forming part of a dwelling has a setback of at least six (6) metres;
- d) a standalone Class 10a building under the Building Code of Australia being a shed, garage or carport has a setback of at least six (6) metres; and
- e) any other building or structure has a setback of at least six (6) metres.

20.2.2 All buildings and structures on Lots 1 to 10, must be a minimum of ten (10) metres from the rear boundary.

20.2.3 The finished floor level of all habitable areas must be a minimum 300 millimetres above the Defined Flood Event (one (1) per cent Annual Exceedance Probability event) level and must be consistent with the layout extent.

20.2.4 All buildings and structures must be designed, constructed and certified to satisfy the performance requirements for bushfire ignition risk under the National Construction Code Building Code of Australia (Volume 2).

20.2.5 Site cover must not exceed fifty (50) per cent.

20.2.6 The building height of a building ancillary to a Dwelling house, as part of the first change of use (refer to advisory note 13), must not exceed:

20.2.6.1 if there is a dwelling house on the site, the height of the dwelling house; or

20.2.6.2 five (5) metres to the apex of the Class 10a building.

20.2.7 The volume of a standalone Class 10a building under the Building Code of Australia, being a garage or shed, and as part of the first change of use, must not exceed three (3) per cent of the lot volume (refer to advisory note

13).

20.3 All buildings, structures and driveways must be constructed:

20.3.1 on a single building pad which is above the defined flood level; or

20.3.2 so that spaces between buildings, structures and driveways are able to drain freely.

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

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

20.6 All roof and allotment drainage must be discharged lawfully.

20.7 All buildings and structures must comply with the provisions of the Queensland Development Code - Mandatory Part 1.4. In the event of any non-compliances, consent to build over or near relevant infrastructure must be obtained from Council prior to undertake any works on or near relevant infrastructure. In this regard a separate Building Over or near relevant infrastructure (BONRI) application must be submitted and approved by Council.

21.0 ELECTRICITY AND TELECOMMUNICATIONS

21.1 Underground electricity and telecommunication connections must be provided to each Dwelling house to the requirements of the relevant authority.

22.0 ASSET MANAGEMENT

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

22.2 Any damage to existing 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.

23.0 ENVIRONMENTAL

23.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan.

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

23.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Hazard Assessment (refer to condition 16.1).

23.4 For Lots 1 to 4, the Fire management line to the rear, must be maintained in accordance with the Bushfire Hazard Assessment (refer to condition 16.1).

24.0 OPERATING PROCEDURES

24.1 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.

- 24.2 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.
- 24.3 A refuse container and container storage area must be provided for each Dwelling house that:
- 24.3.1 is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres;
 - 24.3.2 is large enough to accommodate at least one (1) standard issue sized rubbish bin per dwelling.

ADVISORY NOTES – PART A and PART B

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 Seniors, Disability Services and Aboriginal and Torres Strait Islander and Multicultural Affairs 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. Vegetation Management

- a. The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in Local Law No. 3 (Community & Environmental Management) 2011 and Schedule 1 of Subordinate Local Law 3 (Community & Environmental Management) 2011 and in the Land Protection (Pest and Stock Route Management) Act 2002 or as amended; to the satisfaction of Council’s Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- b. The subject site is mapped under the Livingstone Planning Scheme 2018 as Matters for Local Environmental Significance Remnant Vegetation’ (Overlay Map OM07 Biodiversity – Habitat and Vegetation). Clearing of this vegetation should not be undertaken without a Development Permit for Operational Works for Clearing.

NOTE 5. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with the Infrastructure Charges Resolution (No.4) 2019. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

NOTE 6. Material Change of Use Notes

A 'blanket' material change of use applies to this lot for the first change of use only. Part B of this development permit allows for one (1) Dwelling house and associated outbuildings to be constructed on each of the approved lots created under Part A of this approval.

An associated outbuilding (shed, garage or carport) must not commence prior to the primary land use being a Dwelling house, commences on the lot.

NOTE 7. Stormwater quality

Prior to undertaking any MUSIC (Model for Urban Stormwater Improvement Conceptualisation) modelling works, obtain relevant rainfall intensities and PET (Potential Evapo-Transpiration) details from Council.

NOTE 8. Drainage

The subject land area may be transferred to Council as "Fee simple" or as "Fee simple on trust" at no cost to Council. This approach is taken so that future lot owner(s) are not required to maintain the subject part of the land (practically it is difficult) and Council will have jurisdiction over that part of the land. It enables Council to use the subject part of the land for other infrastructure.

NOTE 9. 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 10. Access Works

A Capricorn Municipal Development Guidelines compliant vehicle access must be designed and constructed for each Dwelling house. Any non-compliant vehicle access will require a Development Permit for Operational Works (access works) prior to commencement of any vehicle access works associated with that lot.

NOTE 11. Flood Level

It is advised that compliance with condition 21.4 is likely to be achieved through the related Operational Works (earthworks and stormwater works) applications required under Part A of this approval.

NOTE 12. Acid sulfate soils

In accordance with Table 5.9.1 of the Planning Scheme, testing is required if:

(i) located at or below 5 metres Australian Height Datum and the following is involved:

1. excavation of 100 cubic metres or more of soil or sediment; or
2. filling of land below 5 metres Australian Height Datum and there is to be 500 cubic metres of fill material at an average depth of 0.5 metres or more.

Further, if located below twenty (20) metres Australian Height Datum and excavating 100 cubic metres or more of soil or sediment below 5 metres Australian Height Datum.

NOTE 13. Ancillary buildings as part of the first change of use

For conditions 20.2.6 and 20.2.7, if an ancillary building is proposed as part of the first change of use, it must wholly comply with these conditions. Alternatively, the building must be assessed against the planning scheme in effect at the time.

NOTE 14. Trunk Infrastructure

The development site must not discharge to the reticulated sewer network prior to Council completing construction of the following trunk infrastructure.

- a. SEW-121 (Carige Boulevard 300 gravity main);
- b. SEW-65 (Ross Creek 375 gravity main);
- c. SEW-66 (Tanby Road south 200 rising main); and
- d. SEW-86 (Tanby Road sewer pump station).

The above Trunk Infrastructure have been identified in the Local Government Infrastructure Plan with an estimated timing of delivery of 2031. Council agrees to amend the timing of delivery and bring construction forward to meet development demands. As such, Council is currently carrying out detailed design of the above infrastructure and at this stage, anticipates construction to be completed within the next two (2) financial years, pending budget approval.

RECOMMENDATION C

That in relation to the development application D-398-2021 for a Development Permit for Reconfiguring a Lot (one lot into sixteen lots and balance) and Material Change of Use for sixteen Dwelling houses - Sea Haven West Estate Stage 3, made by Keppel Developments Pty Ltd, on Lot 6000 on SP326467, and located at Lot 6000 Carige Boulevard, Taroomball, 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 approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Sewerage Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;

- (v) Inter-allotment Drainage Works (where necessary); and
- (vi) Earthworks.

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

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

2.0 APPROVED PLANS AND DOCUMENTS

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

Plan/Document Name	Plan/Document Reference	Dated
Reconfiguration Plan Stage A Englobo (1 Lot into 2 Lots) & Stages 1-3	8222-01-ROL, issue D	27 September 2021
Reconfiguration Plan Stage A Englobo (1 Lot into 2 Lots) & Stages 1-3	8222-01-ROL, issue D	27 September 2021
Operational Works- Stage 5 Sea Haven Storm Water Management	1148_OpWorks_Flood Study	16th June 2020

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 STAGED DEVELOPMENT

3.1 Stage One, in accordance with Development Permit D-342-2021, must be started first. Multiple development stages can be undertaken concurrently, provided all lots can be connected to the urban infrastructure outlined in this development permit.

3.2 Infrastructure must be provided by the developer in a coordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence to facilitate ease of extension of infrastructure during future stages and /or future developments.

4.0 ROAD WORKS

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

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

4.3 Any application for a Development Permit for Operational Works (road works) must:

- 4.3.1 demonstrate that all new roads and road reserves included in the application

- connect with existing constructed road(s) and road reserve(s) at the time of making the application;
- 4.3.2 include overall road hierarchy plan including all future stages, generally in accordance with Capricorn Municipal Development Guidelines and any pathway details;
- 4.3.3 be accompanied by longitudinal sections of roads, demonstrating compliance with maximum allowable grade in accordance with relevant standards;
- 4.3.4 Include details to demonstrate compliance with drainage (flood immunity and trafficability requirements); and
- 4.3.5 be accompanied by details of the Council approved road names for all new roads, in accordance with Councils policy "Naming of Infrastructure Assets Policy".
- 4.4 The design and construction of all terminating roads at development boundaries must include a temporary turning area (sealed or equivalent standards). Any land utilised for temporary turn around areas must extend past the boundary of the last lot (in the balance lot) and wholly located within the road reserve.
- 4.5 Land utilised for temporary turning areas at the ends of roads must be covered by road reserve.
- 4.6 All roads must be provided with public space lighting in accordance with Australian Standard AS1158 "Lighting for Roads and Public Spaces", Capricorn Municipal Development Guidelines and Road, street and public place lighting policy and procedures.
- 4.7 A minimum 1.2 metre wide footpath must be constructed along the north-south proposed new road reserve, to connect with stage one and two under Development Permit D-342-2021.
- 4.8 All pathways must incorporate kerb ramps at all road crossing points.
- 4.9 The alignment of bicycle and pedestrian pathways must be designed so that they:
 - 4.9.1 allow for the retention of trees and other significant features;
 - 4.9.2 maximise the visual interest provided by views and landmarks where they exist;
 - 4.9.3 do not compromise the operation of or access to other infrastructure services; and
 - 4.9.4 are widened at potential conflict points.
- 4.10 Traffic signs and pavement markings including any alterations must be provided in accordance with the Manual of Uniform Traffic Control Devices (Queensland).
- 4.11 Any application for a Development Permit for Operational Works (road works) must include details, including signage, of the Council approved road names for all new roads.
- 4.12 Retaining walls must be wholly contained within private lots and not be constructed within road reserves as Council owned infrastructure, unless specifically approved as part of the Development Permit for Operational Works (road works).
- 4.13 Any retaining structures above one (1) metre in height must:
 - (iv) be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission, and certified on completion of construction for compliance with the design; and
 - (v) have a detailed inspection and 'as constructed' record provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the

works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction; and

(vi) not be modified or altered without Council's prior written approval.

5.0 SEWERAGE WORKS

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

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

5.3 All lots within the development must be connected to Council's gravity sewerage network via gravity flow pipe network. Each of the lots must be provided with its own separate property point of connection, located wholly within its respective property boundaries.

5.4 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the Capricorn Municipal Development Guidelines.

5.5 Sewerage infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

6.0 WATER WORKS

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

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

6.3 All lots within the development must be connected to Council's reticulated water network. Each of the lots must be provided with its own separate water connection point, located wholly within its respective property boundaries.

6.4 Water infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

7.0 STORMWATER WORKS

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

7.2 All stormwater management works must be designed and constructed in accordance with the Seahaven Stormwater Management Report (1148_OpWorks_Flood Study) dated 16th June 2020 (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy, sound engineering practice, and the provisions of a Development Permit for Operational Works (stormwater works).

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

7.4 Any application for Development Permit for Operational Works (stormwater works) must include:

7.4.1 Layout showing the extent of the one (1) percent Annual Exceedance Probability event inundation areas (post development) and the details of the available freeboard to the finished ground/floor level. In this regard,

- associated storm water model (refer to condition 2.1) and relevant parts of the Storm Water Management Report must be updated as necessary by incorporating proposed earthworks and stormwater management measures;
- 7.4.2 An updated Stormwater Management Report (where changes have been made to the approved report);
- 7.4.3 A Masterplan of the development addressing the stormwater quality impacts and mitigation strategies, must be provided. The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with State Planning Policy;
- 7.4.4 Designs of outlet systems. Considerations must be given to critical scour velocity, discharge frequency /duration at the discharge location(s) and relevant management measures;
- 7.4.5 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of any existing drainage systems; and
- 7.4.6 A detailed layout showing easement(s) that needs to be dedicated in favour of Council and any land area or lot that required to be transferred to Council as "Fee simple" or as "Fee simple on trust".
- 7.5 Any new culvert structure associated with the development must be designed and constructed to ensure safe trafficability during the Defined Flood Event.
- 7.6 Land must be dedicated in favour of Council over major drainage corridors (land inundated by the one (1) per cent Annual Exceedance Probability event) at no cost (refer to Advisory Note 8).
- 8.0 INTER-ALLOTMENT DRAINAGE
- 8.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any inter-allotment drainage works on the site (if required).
- 8.2 Where it cannot be satisfactorily demonstrated that drainage on a lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge, a Level (ii) inter-allotment drainage system must be provided.
- 8.3 Easements must be provided over all inter-allotment drainage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the Capricorn Municipal Development Guidelines.
- 9.0 EARTHWORKS
- 9.1 A Development Permit for Operational Works (Earthworks) must be obtained prior to the commencement of any site works.
- 9.2 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".
- 9.3 Any application for a Development Permit for Operational Works (Earthworks) must be accompanied by an earthworks' plan which clearly identifies the following:
- 9.3.1 the location of cut and/or fill;
- 9.3.2 the type of fill to be used and the manner in which it is to be compacted;
- 9.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 9.3.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
- 9.3.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.4 Lot and embankment filling must be carried out to comply with Level 1 certification

- requirements in accordance with Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments", to confirm as "controlled fill" upon completion.
- 9.5 Earthworks 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 to adjoining properties or damage infrastructure.
- 9.6 All earthworks must be undertaken to ensure that no actionable nuisance results from an increase in:
- 9.6.1 peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive); or
 - 9.6.2 downstream or upstream flood inundation levels; or
 - 9.6.3 velocity profiles.
- 9.7 If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated / proposed fill area, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan certified by a suitably qualified person in accordance with State Planning Policy, Planning Scheme, Queensland Acid Sulphate Soil Technical Manual, and best industry practices with regards to Planning and Managing Development Involving Acid Sulphate Soils must be submitted to Council, as part of any application for a Development Permit for Operational Works (earthworks) (refer to advisory note 12 for the threshold requirements for testing).
- 10.0 LANDSCAPING WORKS
- 10.1 A landscaping plan must be provided as part of any Operational Works application.
- 10.2 Landscaping (street trees) must be provided in all areas of road reserve for proposed internal roads to the rate of one (1) tree per lot.
- 10.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure.
- 10.4 Use of locally endemic flora species must be included in street trees, with a focus on those species that flower prolifically to promote habitat amenity and foraging opportunities for resident fauna.
- 10.5 Landscaping must not create an unacceptable risk to people or property and provides for ongoing management of risk from a bushfire.
- 10.6 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary) until such time as these areas are accepted off-defects by Council (where applicable). All costs associated with the continued maintenance (including irrigation) during the on-defects period will be the responsibility of the Developer.
- 10.7 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (iv) obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - (v) adversely affect any road lighting or public space lighting; or
 - (vi) adversely affect any Council infrastructure, or public utility plant.
- 11.0 ELECTRICITY AND TELECOMMUNICATIONS
- 11.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 11.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections,

in accordance with the requirements of the relevant authorities.

12.0 ASSET MANAGEMENT

12.1 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.

12.2 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the approval of a plan of subdivision (survey plan endorsement). This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

13.0 ENVIRONMENTAL

13.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan certified by a Certified Professional in Erosion and Sediment Control or suitably qualified Registered Professional Engineer of Queensland.

The plan must demonstrate how the Construction-Phase stormwater management design objectives of the State Planning Policy (Appendix 2 Table A) will be achieved and also addresses the following, but is not limited to;

- (i) top soil management;
- (ii) dust suppression;
- (iii) erosion susceptibility and risk;
- (iv) acid sulphate soils;
- (v) interim drainage plan during construction; and
- (vi) implementation and maintenance procedures during construction phases of work.

13.2 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.

14.0 OPERATING PROCEDURES

14.1 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.

PART B - MATERIAL CHANGE OF USE FOR SIXTEEN DWELLING HOUSES

15.0 ADMINISTRATION

15.1 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.

15.2 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.

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

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

- 15.5 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.
- 15.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 15.6.1 Operational Works:
- (ii) Access Works (if required);
- 15.6.2 Plumbing and Drainage Works; and
- 15.6.3 Building Works.
- 15.7 All Development Permits for Operational Works (if required) and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 15.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 15.9 The Plan of Subdivision creating the relevant lots the subject of Part A of this permit, cancelling Lot 6000 on SP326467, must be registered prior to the commencement of the use on the land for a Dwelling house.
- 15.10 This approval is for the construction of a Dwelling house and outbuildings necessary for purposes ancillary to the occupation of a Dwelling house as the first change of use on sixteen (16) of the proposed allotments shown on the approved plans (refer to condition 16.1). Any development other than a Dwelling house (and subsequent to the first change of use) consistent with the approved plans and the conditions of this permit may trigger assessment against the Planning Scheme in force at the time the development occurs.
- 16.0 APPROVED PLANS AND DOCUMENTS
- 16.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:
- | Plan/Document Name | Plan/Document Reference | Dated |
|--|-------------------------|-------------------|
| Reconfiguration Plan
Stage A Englobo (1 Lot into 2 Lots) & Stages 1-3 | 8222-01-ROL, issue D | 27 September 2021 |
| Reconfiguration Plan
Stage A Englobo (1 Lot into 2 Lots) & Stages 1-3 | 8222-01-ROL, issue D | 27 September 2021 |
| Bushfire Hazard Assessment | PR7216 – Revision 00 | 26 April 2022 |
- 16.2 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.
- 16.3 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.
- 17.0 ACCESS AND PARKING WORKS
- 17.1 A compliant vehicle access must be designed and constructed to the proposed development in accordance with the Capricorn Municipal Development Guidelines,

standard drawing CMDG-R-041 revision D, titled as “residential driveway slab and tracks”, and located minimum one (1) metre away from any sewer connections, access chambers, valves, fire hydrant, water meter boxes, and any other utility services.

Any non-compliant vehicle access driveway will require a Development Permit for Operational Works (access works) prior to the commencement of any vehicle access works associated with that lot.

17.2 A compliant vehicle access driveway must be designed and constructed for each Dwelling house.

17.3 Parking and associated vehicle manoeuvring areas must be sealed.

17.4 A minimum of two (2) off-street car parking spaces must be provided for each Dwelling house, one (1) of which must be covered.

18.0 PLUMBING AND DRAINAGE WORKS

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

18.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 16.1), 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.

18.3 The development must be connected to Council’s reticulated sewerage and water networks.

18.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

19.0 BUILDING WORKS

19.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

24.4 The following conditions are in addition to the Development Standards on the approved Reconfiguration Plan (refer to condition 16.1) as follows:

24.4.1 All buildings and structures must be designed and sited in accordance with the ‘development standards’ specified on the approved plans (refer to condition 16.1) and the following setback provisions:

24.4.1.1 If the lot is not a corner lot, buildings or structures have a setback from road frontage lot boundaries in accordance with the following:

- f) A dwelling has a setback of at least three (3) metres;
- g) decks, patios, pergolas, verandahs, balconies, gazebos or the like have a setback of at least three (3) metres;
- h) a garage forming part of a dwelling has a setback of at least six (6) metres;
- i) a standalone Class 10a building under the Building Code of Australia being a shed, garage or carport has a setback of at least six (6) metres; and
- j) any other building or structure has a setback of at least six (6) metres.

24.4.2 The finished floor level of all habitable areas must be a minimum 300 millimetres above the Defined Flood Event (one (1) per cent Annual Exceedance Probability event) level and must be consistent with the layout

extent.

- 24.4.3 All buildings and structures must be designed, constructed and certified to satisfy the performance requirements for bushfire ignition risk under the National Construction Code Building Code of Australia (Volume 2).
- 24.4.4 Site cover must not exceed fifty (50) per cent.
- 24.4.5 The building height of a building ancillary to a Dwelling house, as part of the first change of use (refer to advisory note 13), must not exceed:
 - 24.4.5.1 if there is a dwelling house on the site, the height of the dwelling house; or
 - 24.4.5.2 five (5) metres to the apex of the Class 10a building.
- 24.4.6 The volume of a standalone Class 10a building under the Building Code of Australia, being a garage or shed, and as part of the first change of use, must not exceed three (3) per cent of the lot volume (refer to advisory note 13).
- 24.5 All buildings, structures and driveways must be constructed:
 - 24.5.1 on a single building pad which is above the defined flood level; or
 - 24.5.2 so that spaces between buildings, structures and driveways are able to drain freely.
- 24.6 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".
- 24.7 Earthworks 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.
- 24.8 All roof and allotment drainage must be discharged lawfully.
- 24.9 All buildings and structures must comply with the provisions of the Queensland Development Code - Mandatory Part 1.4. In the event of any non-compliances, consent to build over or near relevant infrastructure must be obtained from Council prior to undertake any works on or near relevant infrastructure. In this regard a separate Building Over or near relevant infrastructure (BONRI) application must be submitted and approved by Council.
- 20.0 ELECTRICITY AND TELECOMMUNICATIONS
- 20.1 Underground electricity and telecommunication connections must be provided to each Dwelling house to the requirements of the relevant authority.
- 21.0 ASSET MANAGEMENT
- 21.1 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.
- 21.2 Any damage to existing roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 22.0 ENVIRONMENTAL
- 22.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan.
- 22.2 An Erosion and Sediment Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are

permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion and Sediment Control Management Plan must be available on-site for inspection by Council Officers during those works.

22.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Hazard Assessment (refer to condition 16.1).

22.4 A ten (10) metre wide fire management line must be maintained to the eastern side of the new road, in accordance with the Bushfire Hazard Assessment (refer to condition 16.1).

23.0 OPERATING PROCEDURES

23.1 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.

23.2 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.

23.3 A refuse container and container storage area must be provided that:

23.3.1 is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres;

23.3.2 is large enough to accommodate at least one (1) standard issue sized rubbish bin per dwelling.

ADVISORY NOTES – PART A and PART B

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. 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. Vegetation Management

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

works. Council will supply a free inspection and advice service on the request of the land owner.

- d. The subject site is mapped under the Livingstone Planning Scheme 2018 as Matters for Local Environmental Significance Remnant Vegetation' (Overlay Map OM07 Biodiversity – Habitat and Vegetation). Clearing of this vegetation should not be undertaken without a Development Permit for Operational Works for Clearing.

NOTE 5. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with the Infrastructure Charges Resolution (No.4) 2019. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

NOTE 6. Material Change of Use Notes

A 'blanket' material change of use applies to this lot for the first change of use only. Part B of this development permit allows for one (1) Dwelling house and associated outbuildings to be constructed on each of the approved lots created under Part A of this approval. Each Dwelling house and associated outbuildings necessary for purposes ancillary to the occupation of the Dwelling house must meet the Development Standards detailed on the approved plans (refer condition 17.1).

An associated outbuilding (shed, garage or carport) must not commence prior to the primary land use being a Dwelling house, commences on the lot.

NOTE 7. Stormwater quality

Prior to undertaking any MUSIC (Model for Urban Stormwater Improvement Conceptualisation) modelling works, obtain relevant rainfall intensities and PET (Potential Evapo-Transpiration) details from Council.

NOTE 8. Drainage

The subject land area may be transferred to Council as "Fee simple" or as "Fee simple on trust" at no cost to Council. This approach is taken so that future lot owner(s) are not required to maintain the subject part of the land (practically it is difficult) and Council will have jurisdiction over that part of the land. It enables Council to use the subject part of the land for other infrastructure.

NOTE 9. 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 10. Access Works

A Capricorn Municipal Development Guidelines compliant vehicle access must be designed and constructed for each Dwelling house. Any non-compliant vehicle access will require a Development Permit for Operational Works (access works) prior to commencement of any vehicle access works associated with that lot.

NOTE 11. Flood Level

It is advised that compliance with condition 21.4 is likely to be achieved through the related Operational Works (earthworks and stormwater works) applications

required under Part A of this approval.

NOTE 12. Acid sulfate soils

In accordance with Table 5.9.1 of the Planning Scheme, testing is required if:

- (ii) located at or below 5 metres Australian Height Datum and the following is involved:
 - a) excavation of 100 cubic metres or more of soil or sediment; or
 - b) filling of land below 5 metres Australian Height Datum and there is to be 500 cubic metres of fill material at an average depth of 0.5 metres or more.

Further, if located below twenty (20) metres Australian Height Datum and excavating 100 cubic metres or more of soil or sediment below 5 metres Australian Height Datum.

NOTE 13. Ancillary buildings as part of the first change of use

For conditions 24.4.6 and 24.4.7, if an ancillary building is proposed as part of the first change of use, it must wholly comply with these conditions. Alternatively, the building must be assessed against the planning scheme in effect at the time.

NOTE 14. Trunk Infrastructure

The development site must not discharge to the reticulated sewer network prior to Council completing construction of the following trunk infrastructure.

- a. SEW-121 (Carige Boulevard 300 gravity main);
- b. SEW-65 (Ross Creek 375 gravity main);
- c. SEW-66 (Tanby Road south 200 rising main); and
- d. SEW-86 (Tanby Road sewer pump station).

The above Trunk Infrastructure have been identified in the Local Government Infrastructure Plan with an estimated timing of delivery of 2031. Council agrees to amend the timing of delivery and bring construction forward to meet development demands. As such, Council is currently carrying out detailed design of the above infrastructure and at this stage, anticipates construction to be completed within the next two (2) financial years, pending budget approval.

RECOMMENDATION D

THAT in relation to the application D-342-2021 for a Development Permit for Reconfiguring a Lot (one lot into thirty-one lots and balance) and Material Change of Use for thirty one dwelling houses - Sea Haven West Estate Stages 1-2, made by Keppel Developments Pty Ltd, on Lot 6000 on SP326467, and located at Lot 6000 Carige Boulevard, Taroomball, Council resolves to issue an Infrastructure Charges Notice for the amount of \$785,250.00.

RECOMMENDATION E

THAT in relation to the application D-398-2021 for a Development Permit for Reconfiguring a Lot (one lot into sixteen lots and balance) and Material Change of Use for sixteen Dwelling houses - Sea Haven West Estate Stage 3, made by Keppel Developments Pty Ltd, on Lot 6000 on SP326467, and located at Lot 6000 Carige Boulevard, Taroomball, Council resolves to issue an Infrastructure Charges Notice for the amount of \$400,000.00.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

I, Councillor Andrea Friend, have a declarable conflict of interest in Item 11.8 - Development Application D-243-2022 for a Development Permit for Reconfiguring a Lot (one lot into two lots and access easement) at 11 Hutton Street, Yeppoon due to me being the owner of an adjoining property. Consequently, I will leave the Chamber for the discussion and voting in relation to this matter.

02:43PM Councillor Friend left the meeting.

11.8 DEVELOPMENT APPLICATION D-243-2022 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT) AT 11 HUTTON STREET, YEPPOON

File No: D-243-2022

Attachments:

1. Locality Plan
2. Proposal Plan
3. Code Assessment

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

Author: Gretta Cowie - Planning Officer

SUMMARY

Applicant: Grant Moffitt

Consultant: Vision Surveys (Qld) Pty Ltd

Real Property Address: Lot 25 on RP601977

Area of Site: 1,012 square metres in area

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Medium density residential zone

Planning Scheme Overlays: OM12 Bushfire hazard area
OM20 Road hierarchy – Urban access street
OM27 Height limits

Existing Development: Dwelling house

Level of Assessment: Impact Assessable

Submissions: 1 Submissions received

Referral matters: Not applicable

Infrastructure Charge Area: Charge Area 1

Application progress:

<i>Application received:</i>	6 June 2022
<i>Application properly made:</i>	7 June 2022
<i>Development control unit meeting:</i>	8 June 2022
<i>Confirmation notice issued:</i>	13 June 2022
<i>Public notification period:</i>	30 June – 20 July 2022
<i>Notice of compliance received:</i>	21 July 2022
<i>Submission consideration period:</i>	22 July – 4 August 2022
<i>Decision period commenced:</i>	4 August 2022
<i>Council meeting date:</i>	20 September 2022
<i>Statutory determination date:</i>	23 September 2022

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots and access easement), made by Grant Moffitt, on Lot 25 on RP601977, and

located at 11 Hutton 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 of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the approval of the survey plan for subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the approval of the survey plan for subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed subdivision plan	22267-PP01 Sheet 1 of 1 Revision A	22/05/2022

- 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 ACCESS WORKS

- 3.1 A compliant vehicle access must be designed and constructed to the proposed development in accordance with the *Capricorn Municipal Development Guidelines, standard drawing CMDG-R-041 revision D*, titled as "residential driveway slab and tracks", and located minimum one (1) metre away from any sewer connections, access chambers, valves, fire hydrant, water meter boxes, and any other utility services.
- 3.2 The internal access way must be designed and constructed to comply with following standards:
 - 3.2.1 Minimum of five (5) metre wide access way.
 - 3.2.2 Minimum 3 metre wide compacted gravel pavement not less than 100

millimetres thick and sealed with:

- 25 millimetres of asphaltic concrete; or
- hot sprayed bitumen consisting of a prime and two (2) seal coats; or
- interlocking pavers; or

3.2.3 a minimum three (3) metre wide reinforced concrete driveway (not car tracks) not less than 100 millimetres thick.

4.0 SEWERAGE WORKS

4.1 All lots must be connected to Council sewer network and must be provided with its own separate property point of connections and located wholly within its respective property boundaries.

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*, and the *Plumbing and Drainage Act*.

5.0 WATER WORKS

5.1 All lots must be connected to Council water supply network and must be provided with its own separate property point of connection.

5.2 The water meter for proposed Lot 2 must be located within the Hutton Street road reserve.

5.3 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.

6.0 STORMWATER WORKS

6.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.

6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy* and sound engineering practice.

7.0 ELECTRICITY AND TELECOMMUNICATIONS

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

7.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.

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

9.0 ENVIRONMENTAL

- 9.1 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.

10.0 OPERATING PROCEDURES

- 10.1 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 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. 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 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 Reconfiguring a Lot for (one lot into two lots and access easement) only, made by Grant Moffitt, on Lot 25 on RP601977, and located at 11 Hutton Street, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of \$25,000.00.

Moved by: Councillor Watson

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED

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

Cr G Mather voted in the negative.

02:47PM Councillor Friend returned to the meeting.

11.9 REQUEST FOR COUNCIL'S VIEWS IN CONSIDERATION OF RENEWAL OF TERM LEASE 0/220444 OVER LOT 95 ON CROWN PLAN LN1449**File No:** GR14.4.2**Attachments:**

1. Email request
2. Aerial with locality
3. Aerial with overlays

Responsible Officer: Bob Truscott - Acting Executive Director Liveability & Wellbeing**Author:** Christine Macdonald - Principal Property Officer

SUMMARY

This report pertains to a request from the Department of Resources for Council's views or requirements on the renewal of Term Lease 0/220444 for grazing purposes over Lot 95 on Crown Plan LN1449 at Mulara.

COUNCIL RESOLUTION

THAT Council resolve to advise the Department of Resources that it offers no objection to the renewal of Term Lease 0/220444 for grazing purposes over Lot 95 on Crown Plan LN1449 located at Mulara.

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

I, Councillor Rhodes Watson, have a declarable conflict of interest in Item 11.10 - Community Organisation Tenure Renewal due to me being a member of Food Relief Capricorn Coast. Consequently, I will leave the Chamber for the discussion and voting in relation to this matter.

02:50PM Councillor Watson left the meeting.

11.10 COMMUNITY ORGANISATION TENURE RENEWAL

File No: CP5.9.2
Attachments: Nil
Responsible Officer: Greg Abbotts - Manager Community Wellbeing
Bob Truscott - Acting Executive Director Liveability & Wellbeing
Author: Molly Saunders - Principal Community Development & Engagement Officer

SUMMARY

This report pertains to the renewal of a tenure agreement for two not-for-profit community organisations and an application for tenure for one not-for-profit organisation over Council controlled land and/or facilities.

COUNCIL RESOLUTION

THAT Council resolves:

- (1) that the exception mentioned in section 236(1)(c)(iii) of the *Local Government Regulation 2012* may apply in its dealing with:
 - (a) Sandhills Community Sports and Social Club Incorporated over 1182 Keppel Sands Road, Keppel Sands (Mabel Edmunds Park) being Lot 43 on LN1961;
 - (b) The Caves Progress and Agricultural Society Incorporated over 76 Rossmoya Road, The Caves (Caves Showgrounds) being Lot 170 on CP858385; and
 - (c) Food Relief Capricorn Coast Incorporated over a portion of 78-84 John Street, Yeppoon (The Community Centre/Yeppoon Library) being Lot 1 on RP801024.
- (2) pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(c)(iii) of the *Local Government Regulation 2012* in its dealing with:
 - (a) Sandhills Community Sports and Social Club Incorporated over 1182 Keppel Sands Road, Keppel Sands (Mabel Edmunds Park) being Lot 43 on LN1961;
 - (b) The Caves Progress and Agricultural Society Incorporated over 76 Rossmoya Road, The Caves (Caves Showgrounds) being Lot 170 on CP858385; and
 - (c) Food Relief Capricorn Coast Incorporated over a portion of 78-84 John Street, Yeppoon (The Community Centre/Yeppoon Library) being Lot 1 on RP801024.
- (3) to provide a Lease for a period of ten years to:
 - (a) Sandhills Community Sports and Social Club Incorporated over 1182 Keppel Sands Road, Keppel Sands (Mabel Edmunds Park) being Lot 43 on LN196;
 - (b) The Caves Progress and Agricultural Society Incorporated over 76 Rossmoya Road, The Caves (Caves Showgrounds) being Lot 170 on CP858385; andto provide a Lease for a period of five years to:
 - (a) Food Relief Capricorn Coast Incorporated over a portion of 78-84 John Street, Yeppoon (The Community Centre/Yeppoon Library) being Lot 1 on RP801024.

Moved by: Councillor Mather
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.11 POLICY REVIEW: COMMUNITY ASSISTANCE PROGRAMMES POLICY**File No:** CM4.07.33**Attachments:**

1. DRAFT Community Assistance Programmes Policy V3 (track changes accepted).
2. Memo - Mayors Discretionary Fund - March 2022
3. Community Assistance Programme Procedure - Mayor's Discretionary Fund V1.1

Responsible Officer: Greg Abbotts - Manager Community Wellbeing
Bob Truscott - Acting Executive Director Liveability & Wellbeing**Author:** Molly Saunders - Principal Community Development & Engagement Officer

SUMMARY

This report presents the proposed amended Community Assistance Programmes Policy for Council's consideration.

COUNCIL RESOLUTION

THAT Council resolves to adopt the revised Community Assistance Programmes Policy (v3), and repeals the Community Assistance Programme Procedure – Mayors discretionary Fund V1.1.

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

02:59PM Councillor Watson returned to the meeting.

11.12 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2022

File No: FM12.14.1

Attachments: 1. Monthly Financial Report - August 2022
2. Contract Award Summaries August 2022

Responsible Officer: Nicole Carr - Support Services Officer
Andrea Ellis - Chief Financial Officer

Author: Caitlyn Good - Management and Treasury Accountant

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 August 2022 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 August 2022 be received with amendments to page 470.\

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.13 CONTRACTING EXCEPTIONS – SOLE SUPPLIER REPORT FOR 2022 - 2023

File No: FM12.07.07
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Denis Glacken - Coordinator Procurement

SUMMARY

The main purpose of this report is to provide a list of suppliers for whom Livingstone Shire council is seeking resolution for annual purchases as an exception to the Local Government Regulation 2012 (s235).

COUNCIL RESOLUTION

THAT Council resolves to apply the contracting exception to the services and suppliers listed in the report in accordance with the *Local Government Regulation 2012* Section 235 (a) or (b) where a local government may enter into a medium-sized contractual arrangement, or a large-sized contractual arrangement without first inviting written quotes or tenders.

Moved by: Councillor Eastwood
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.14 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING 29 AUGUST 2022 VIA FLYING MINUTE**File No:** GV13.4.2**Attachments:** 1. Audit, Risk and Improvement Committee Meeting 29 August 2022 via Flying Minute Unconfirmed Minutes**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Nicole Carr - Support Services Officer

SUMMARY

The Audit, Risk and Improvement Committee (ARaIC) met on 29 August 2022 via Flying Minute and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Audit, Risk and Improvement Committee and Councillor Portals.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Improvement Committee held on 29 August 2022 via Flying Minute be received.

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

11.15 AUDIT, RISK AND IMPROVEMENT COMMITTEE TERMS OF REFERENCE

File No: CM4.2.1

Attachments:

1. Audit Risk and Improvement Committee Terms of Reference (Marked-up) V5
2. Appendix 1 - ARaIC Remuneration Schedule

Responsible Officer: Poala Santini - Coordinator Governance
Andrea Ellis - Chief Financial Officer

Author: Catherine Parfitt - Risk & Governance Officer

Previous Items: 10.2 - Audit, Risk and Improvement Committee Terms of Reference - Ordinary Council - 20 Jul 2021 9.00am

SUMMARY

The Audit, Risk and Improvement Committee Terms of Reference has been revised and is being presented to Council for adoption.

COUNCIL RESOLUTION

That Council adopt the revised Audit, Risk & Improvement Committee Terms of Reference and Appendix 1 - ARaIC Remuneration Schedule.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

11.16 AUDIT, RISK AND IMPROVEMENT COMMITTEE - COUNCILLOR APPOINTMENTS

File No: CM4.02.01
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Cale Dendle - Chief Executive Officer
Author: Catherine Parfitt - Risk & Governance Officer

SUMMARY

This report proposes an amendment to Councillor membership of the Audit, Risk and Improvement Committee.

COUNCIL RESOLUTION

THAT Council:

1. Confirm that Councillor Watson and Councillor Eastwood be appointed to the Audit, Risk and Improvement Committee; and
2. Nominate Mayor Ireland to be the proxy delegate in the event that a nominated Councillor is unable to attend the meeting of the Committee; and
3. Authorise the Chief Executive Officer to administratively amend the Councillor Portfolio Policy to reflect any required changes in the councillor appointments to the Audit, Risk and Improvement Committee.

Moved by: Councillor Mather
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.17 CHANGES TO ORGANISATION STRUCTURE

File No: CM

Attachments: 1. LSC Functional Structure_2020
2. LSC Revised Functional Structure_2022

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Cale Dendle - Chief Executive Officer

SUMMARY

Chief Executive Officer reporting on proposed changes to organisation structure.

COUNCIL RESOLUTION

THAT in accordance with s. 196 of the *Local Government Act 2009*, Council adopts the revised organisation structure (including changed titles) as presented in this report.

Moved by: Councillor Friend

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.18 RESOURCING - FIXED TERM TO PERMANENT CONVERSIONS

File No: GV
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Kristy Mansfield - Chief Human Resources Officer
Michael Kriedemann - Executive Director Infrastructure

SUMMARY

This report proposes resource requirements in addition to the adopted full-time equivalent (FTE) position.

COUNCIL RESOLUTION

THAT Council increases its full-time equivalent employment cap adopted in March 2018 by three (3) positions (from 356.2 to 359.2) to accommodate the conversion of the following positions from temporary to permanent:

1. Reactive Maintenance Officer (3623)
2. Supervisor Foreshore Operations (3570)
3. Waste Support Officer (3637)

Moved by: Councillor Friend
Seconded by: Mayor, Councillor Ireland

MOTION CARRIED**Casting vote in the affirmative**

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

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

11.19 OFFICE OF THE CEO QUARTERLY MANAGEMENT REPORT

File No: GV
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

This report provides a summary of a range of strategic and operational activities within the Office of Chief Executive portfolio of Council for the period of 1 June 2022 to 31 August 2022.

COUNCIL RESOLUTION

THAT The Corporate Management report for the period 1 June 2022 to 31 August 2022 be received.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 URGENT BUSINESS\QUESTIONS**13.1 REQUEST FOR PROJECTS TO BE INCLUDED IN 2023/24 CAPITAL WORKS PROGRAM****File No: GV13.4.**

SUMMARY

Councillor Glenda Mather has submitted the following Urgent Business.

RECOMMENDATION

THAT the following projects be considered as priorities for inclusion in the 2023/24 Capital Works Program:

- 1) Rosslyn Bay Trunk Water & Reticulation Main; and
- 2) Birdwood Avenue Footpath.

CARRIED UNANIMOUSLY

13.2 RITAMADA BEACH CARPARK**File No: GV13.4**

SUMMARY

Councillor Andrea Friend submitted the following Urgent Business.

COUNCIL RESOLUTION

THAT Council resolves to have officers undertake a report relating to a designated carparking area located on Council controlled road at Ritamada Beach.

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

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

4.05PM 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 Properties Eligible for Sale of Land for Rate Arrears

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

15.2 Sale of land at the Gateway Business and Industry Park

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 Sale of land on Tanby Road, Taroomball

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.

15.4 Sale of land on Gus Moore 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.

Moved by: Councillor Mather

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

4.49PM - THAT the meeting moves out of closed session and be opened to the public.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

15 CONFIDENTIAL REPORTS

15.1 PROPERTIES ELIGIBLE FOR SALE OF LAND FOR RATE ARREARS

File No: RV25.01.01

Attachments:

1. Properties Eligible for Land Sale
2. Sale of Land Flowchart

Responsible Officer: Nicole Carr - Support Services Officer
Andrea Ellis - Chief Financial Officer

Author: Poala Santini - Coordinator Governance

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

SUMMARY

Under the provisions of the Local Government Regulation 2012 Council has the authority to recover outstanding rates and charges through a land sale process where the amounts have been overdue for three or more years.

OFFICER'S RECOMMENDATION

THAT

- (a) pursuant to section 140(2) of the *Local Government Regulation 2012* Council proceed with action to sell the land listed below, and also detailed in attachment 1 to the report for overdue rates and charges; and

- 139810 - L 201 SP 251139
- 307319 - Part Lot 201 SP 251139
- 140916 - L 1 SP 137625
- 128432 - L 81 E 15610
- 129903 - L 34 RP 614528
- 130390 - L 46 SP 153929
- 130864 - L 1 RP 608635
- 131821 - L 6 O 7501
- 131895 - L 191 MC 571
- 132552 - L 18 RP 614938
- 132763 - L 46 BUP 60146
- 134718 - L 2 RP 600686
- 135490 - L 13 RP 602613
- 137249 - L 1 RP 616942
- 139382 - L 11 RP 801333
- 141218 - L 3 RP 843227
- 141864 - L 207 SP 166171
- 142052 - L 10 SP 179514
- 143310 - L 440 SP 201389

- 303530 - L 53 SP 239036
- 310050 - L 2 SP 266489

(b) that Council delegate to the Chief Executive Officer the power to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures).

COUNCIL RESOLUTION

THAT

(a) pursuant to section 140(2) of the *Local Government Regulation 2012* Council proceed with action to sell the land listed below, and also detailed in attachment 1 to the report for overdue rates and charges; and

- 139810 - L 201 SP 251139
- 307319 - Part Lot 201 SP 251139
- 140916 - L 1 SP 137625
- 128432 - L 81 E 15610
- 129903 - L 34 RP 614528
- 130864 - L 1 RP 608635
- 131821 - L 6 O 7501
- 131895 - L 191 MC 571
- 132552 - L 18 RP 614938
- 132763 - L 46 BUP 60146
- 134718 - L 2 RP 600686
- 135490 - L 13 RP 602613
- 137249 - L 1 RP 616942
- 139382 - L 11 RP 801333
- 141218 - L 3 RP 843227
- 142052 - L 10 SP 179514
- 143310 - L 440 SP 201389
- 303530 - L 53 SP 239036

(b) that Council delegate to the Chief Executive Officer the power to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures).

Moved by: Councillor Mather

Seconded by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

15.2 SALE OF LAND AT THE GATEWAY BUSINESS AND INDUSTRY PARK**File No:** ED08.05**Attachments:** 1. Summary of offers - (*Confidential*)**Responsible Officer:** Bob Truscott - Acting Executive Director Liveability & Wellbeing**Author:** Maddie Crigan - Property Development Strategist

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

This report pertains to the sale of land at the Gateway Business and Industry Park, Hidden Valley and is commercial in confidence.

OFFICER'S RECOMMENDATION

THAT Council resolve:

- 1) that the exception mentioned in section 236(1)(a) of the *Local Government Regulation 2012* may apply to the disposal of Lots 20, 21 and 23 within stages 2B and three at the Gateway Business and Industry Park; and
- 2) to accept the offers on Lots 20, 21 and 23 contained in this report; and
- 3) to delegate to the Chief Executive Officer to enter into contracts of sale in relation to the offers on Lots 20, 21 and 23 contained in this report.

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

15.3 SALE OF LAND ON TANBY ROAD, TAROOMBALL**File No:** ED08.05**Attachments:** 1. Plan of Lots 1 and 2**Responsible Officer:** Bob Truscott - Acting Executive Director Liveability & Wellbeing**Author:** Maddie Crigan - Property Development Strategist

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

This report pertains to the sale of a Council owned site at Tanby Road, Taroomball and is commercial in confidence.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) invite tenders for the sale of Lot 1 on Survey Plan 292235 and Lot 2 on Registered Plan 607996; and
- 2) delegate to the Chief Executive Officer to negotiate and enter into a contract of sale on Lot 1 on Survey Plan 292235 and Lot 2 on Registered Plan 607996 if a tender offer is received at or above the market value contained in this report.

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

15.4 SALE OF LAND ON GUS MOORE STREET, YEPPOON**File No:** ED08**Attachments:** 1. Copy of survey plan**Responsible Officer:** Bob Truscott - Acting Executive Director Liveability & Wellbeing**Author:** Maddie Crigan - Property Development Strategist

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

This report pertains to the sale of two residential allotments at Gus Moore Street, Yeppoon and is commercial in confidence.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) authorise officers to dispose of Lots 20 and 21 on Survey Plan 321009; and
- 2) delegate to the Chief Executive Officer to enter into contracts of sale in relation to Lots 20 and 21 if offers are received at or above market value.

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

16 CLOSURE OF MEETING

There being no further business the meeting closed at 4.51 pm.



Mayor, Councillor Andy Ireland
CHAIRPERSON

25 October 2022

DATE