



# **ORDINARY MEETING**

## **MINUTES**

**17 APRIL 2023  
AND  
18 APRIL 2023**

The resolutions contained within these minutes were confirmed at the Ordinary Council meeting of 16 May 2023.

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**TUESDAY 18 APRIL 2023**

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPPOON ON MONDAY, 17 APRIL 2023 COMMENCING AT 2.01PM**

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

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

**Opening Prayer**

The opening prayer was delivered by Pastor Eddie Schravemade of the Capricorn Coast Presbyterian Church.

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

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

**Officers in Attendance:**

Cale Dendle - Chief Executive Officer  
Chris Ireland – General Manager Communities  
Michael Kriedemann – General Manager Infrastructure  
Andrea Ellis – Chief Financial Officer  
Matthew Willcocks - Chief Technology Officer  
Kristy Mansfield - Chief Human Resources Officer  
Sean Fallis – Manager Infrastructure Projects  
Tony Lau – Manager Engineering Services  
Molly Saunders – Acting Manager Community and Cultural Services  
Emily Pardon – Economic Development Officer  
Sonia Barber – Manager Economy and Places  
Tammy Wardrop – Principal Planning Officer  
Elysha Marriott – Planning Officer  
Nat Druery – Coordinator Public Environments  
Greg Abbotts – Manager Development and Environment

### 3 LEAVE OF ABSENCE / APOLOGIES

Nil

### 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 21 March 2023 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Watson

**MOTION CARRIED UNANIMOUSLY**

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

I, Councillor Pat Eastwood have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Lance Warcon is a pastor at the church which I attend. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

I, Councillor Pat Eastwood have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Heath Henwood was the Chair of the Chaplaincy Committee of which I was the Chaplain for a number of years. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest. Councillors

I, Councillor Pat Eastwood have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Doris Bell is the partner of an acquaintance with which I socialise from time to time. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

I, Councillor Pat Eastwood have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Helen Schweikert I have had dealings with her during a real estate transaction. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

I, Councillor Adam Belot have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Lance Warcon is a pastor at the church which I attend. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

I, Mayor, Councillor Andy Ireland have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Bernadette Melrose is the owner of a venue with which my wife has dealings as part of her catering business. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

I, Councillor Rhodes Watson have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor due to the following:

Helen Schweikert – I have known her and her partner for many years.

Clint Swadling - I am very good friends with his mother.

Wade Rothery - I have interviewed many times.

Heath Henwood - I have interviewed and known for some years.

Lance Warcon - I attended his church and my son played in his band.

Anthony White - I have been on committees with him.

Warren Maltby has been a friend of mine for some time.

Mike Decman I have done signwriting for for many years.

Bernadette Melrose, I have been on football committee with.

Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

I, Mayor Councillor Andrew Ireland, have a declarable conflict of interest in relation to Item 11.16 – Development Application for a Function Facility at 140 Cobraball Road as my wife owns a catering business which transacts business with this venue. Subsequently I will leave the chambers for the discussion and voting in relation to this matter.

## **6 DEPUTATIONS**

Nil

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

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

**File No:** GV13.4  
**Attachments:** 1. Business Outstanding Table  
**Responsible Officer:** Amanda Ivers - Coordinator Executive Support  
Cale Dendle - Chief Executive Officer

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#### **SUMMARY**

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

#### **COUNCIL RESOLUTION**

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

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

**Seconded by:** Councillor Mather

**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

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**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 Watson – Bungundarra Wild Dogs Removal

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

**8 PRESENTATION OF PETITIONS**

Nil

**9 COUNCILLOR/DELEGATE REPORTS**

Nil

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

### 10.1 NOTICE OF MOTION - CR WATSON - BUNGUNDARRA WILD DOGS REMOVAL

**File No:** qA24221

**Attachments:**

1. Notice of Motion - Councillor Watson - Bungundarra Wild Dogs Removal
2. Bushfire affected landowners-Engagement Plan

**Responsible Officer:** Amanda Ivers - Coordinator Executive Support  
Cale Dendle - Chief Executive Officer

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#### SUMMARY

*Councillor Rhodes Watson has submitted a 'Notice of Motion' in relation to Bungundarra Wild Dogs Removal.*

#### COUNCIL RESOLUTION

THAT Council resolve to conduct a survey to residents of Bungundarra by email or a mailed letter asking who:

1. Has seen these packs of dogs, when and where.
2. Who is interested in contributing towards the cost of a contractor to remove them.
3. Asking residents to contribute any information they have on wild dogs via the Feral Scan app.

This survey will also gauge the interest in the area about wild dogs and possible removal.

**Moved by:** Councillor Watson

**Seconded by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

**10.2 NOTICE OF MOTION - COUNCILLOR BELOT - CAPRICORN COAST  
OUTRIGGERS SAUSAGE SIZZLE****File No:** qA24221**Attachments:** 1. NoM - Capricorn Coast Outriggers Sausage Sizzle**Responsible Officer:** Amanda Ivers - Coordinator Executive Support  
Cale Dendle - Chief Executive Officer**SUMMARY**

*Councillor Adam Belot has submitted a 'Notice of Motion' in relation to Capricorn Coast Outriggers Sausage Sizzle.*

**COUNCIL RESOLUTION**

THAT as part of Council's efforts to 'Support our clubs that strengthen our community' Council commits to partnering with the Capricorn Coast Outrigger Canoe Club (CCOCC) to advance the following actions.

- 1) Undertake meaningful community consultation by holding a 'Saturday morning sausage sizzle' (or similar) in conjunction with the CCOCC, to assess community support for 'minor works to be carried out by Council and CCOCC on the site that they currently operate from at the Southern end of Lammermoor beach. The aim is to assist CCOCC to improve the club's functionality and community wellbeing.

Minor works to be considered would be inline with Department of Environment and Science - Excluded Work Guideline for coastal development document. (page 5 of 8; see below);

- Native vegetation management (including maintenance and planting) and associated fencing, irrigation system or weed control consistent with leading practice in maintaining frontal dune vegetation and dune stability
- Signage, fencing or bollards for pedestrian control
- Reversible works or expendable structures with a footprint less than 10m2 (eg. Benches/seats, showers rubbish bins, signs, picnic shelters) and are consistent with the dedication or purpose of the land.

- 2) If community support is evident from the consultation, then Council will consider providing in-kind support to the CCOCC in order to advance a Master Plan that can be presented to the Council and Community for consideration. All costs outside of in-kind Council support will be negotiated with the CCOCC.

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

**10.3 NOTICE OF MOTION - MAYOR IRELAND - WADALLAH CREEK CROSSING****File No:** qA24221**Attachments:** Nil**Responsible Officer:** Amanda Ivers - Coordinator Executive Support  
Cale Dendle - Chief Executive Officer**SUMMARY**

*Mayor Andrew Ireland has submitted a 'Notice of Motion' in relation to the Wadallah Creek Crossing.*

*The crossing at Wadallah Creek on Stanage Bay Road has been problematic for many years, as it isolates the community of Stanage Bay due to flooding in periods of moderate to heavy rain.*

*The current project that is sealing Stanage Bay Road from the Bruce Highway to the Australian Defence Force gates will not allow for a raised crossing at Wadallah Creek to mitigate this risk, as the Federal funding allocated will not extend to covering this cost. It is proposed that while council crews and contractors are on site, Council funds a raised crossing to mitigate the flooding issue, with officers to provide advice on how best to fund these works in accordance with the designs that have already been prepared.*

**COUNCILLOR RECOMMENDATION****THAT**

- 1) During the life of the current project to seal Stanage Bay Road from the Bruce Highway to the Australian Defence Force gates, Council constructs a raised crossing at Wadallah Creek on Stanage Bay Road to mitigate the risk of isolation of the Stanage Bay community during periods of flooding; and
- 2) Council allocates \$700,000 in the 2023/2024 Budget to construct the crossing; and
- 3) Prior to the adoption of the 2023/2024 Budget, Officers provide an update to Council on the optimal method of funding these works in line with the preferred design.

**COUNCIL RESOLUTION****THAT**

- 1) Council includes a capital works project in the 2024/2025 budget to construct a raised, box culvert crossing at Wadallah Creek on Stanage Bay Road to reduce the risk of isolation of the Stanage Bay community during periods of flooding; and
- 2) Officers prepare a report to Council within six months, outlining the necessary planning (including timing) and costings to enable this project to proceed.

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

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

Crs A Belot and P Eastwood voted in the negative.

## 11 REPORTS

### 11.1 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

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

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#### SUMMARY

*Chief Executive Officer reporting on proposal to appoint external Acting Chief Executive Officer.*

#### COUNCIL RESOLUTION

THAT, in accordance with s195 of the *Local Government Act 1993*, Council appoints Tony Hayward as Acting Chief Executive Officer for the period 10 September to 10 October 2023 (inclusive) and authorises the Mayor and Chief Executive Officer to conclude the necessary arrangements to give effect to the appointment.

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

#### MOTION LOST

Crs A Ireland and R Watson voted in the affirmative.

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

In accordance with s254H of the *Local Government Regulation 2012* and Clause 2.15.8 of the Meeting Procedures Policy, the reasons recorded for Council not adopting the recommendation of Item 11.1 Appointment of Acting Chief Executive Officer are:

1. It would be an unnecessary expense to engage an external locum to act as Chief Executive Officer for this period.
2. There are suitable, internal candidates to fulfill this role as has occurred in the past.

**11.2 EMU PARK WEST RESERVOIR PROJECT - BUDGET INCREASE**

**File No:** fA7224  
**Attachments:** Nil  
**Responsible Officer:** Nige Deacon - Acting General Manager infrastructure  
**Author:** Sean Fallis - Manager Infrastructure Projects

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**SUMMARY**

*The purpose of this report is to seek Council's endorsement to increase the budget allocation for the Emu Park West Reservoir Project by \$140,000 to allow works to be completed.*

**COUNCIL RESOLUTION**

THAT Council resolve to:

Increase the 22/23 budget allocation by \$140,000 from \$2,941,966 to \$3,081,966.

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

**MOTION CARRIED UNANIMOUSLY**

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**11.3 YEPPOON LANDFILL SORTING PAD**

**File No:** fA7098  
**Attachments:** Nil  
**Responsible Officer:** Sean Fallis - Manager Infrastructure Projects  
Nige Deacon - Acting General Manager infrastructure  
**Author:** Doug Bergman - Infrastructure Project Engineer/Project Manager

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**SUMMARY**

*The Yeppoon Landfill site is Council's critical Landfill site, providing landfill and waste services to the Capricorn Coast.*

*Various works have been completed to reduce the amount of waste that reaches the landfill face, thus temporarily deferring the requirement to construct new landfill cells.*

*Further works are required to prepare the proposed new cell area, in addition to providing even more opportunity to reduce the material going to the landfill face.*

**COUNCIL RESOLUTION**

THAT Council

- 1) Approve additional funding of \$250k for land clearing for a new sorting pad to be brought into the current financial year (22/23) from the current landfill extension provision in the Forward Works Plan, and
- 2) Approve additional funding of \$600k for bulk earthworks for a new sorting pad to be brought forward into the next financial year (23/24) from the current landfill extension provision in the Forward Works Plan; and
- 3) Council note that detailed design of the new landfill cells 3A & 3B is proceeding and once done a cost estimate will be prepared and a report prepared for Council. This will confirm whether the earlier estimated capital cost currently provisioned for construction in 2024/25 is sufficient.

**Moved by:** Councillor Friend

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**



**11.4 APPLICATION FOR PERMANENT ROAD CLOSURE – 2 TANBY POINT CLOSE EMU PARK (LOT 1 RP620326)**

**File No:** fA29775  
**Attachments:** 1. Plan  
2. Application for road closure  
**Responsible Officer:** Tony Lau - Manager Engineering Services  
Nige Deacon - Acting General Manager infrastructure  
**Author:** Carrie Burnett - Policy & Planning Officer

**SUMMARY**

*This report pertains to an application to permanently close an area of road reserve adjoining 2 Tanby Point Close Emu Park (Lot 1 RP620326).*

**COUNCIL RESOLUTION**

THAT Council

- 1) advise the applicant that it objects to the proposal to permanently close road reserve adjoining 2 Tanby Point Close Emu Park (Lot 1 RP620326) because:
  - a) the closure will:
    - i. reduce the coastal foreshore area by enabling development to occur further seaward in a coastal hazard area than existing development;
    - ii. prevent public access to the scenic headland and may hinder access to Fishermans Beach;
    - iii. hinder Council's ability to access the headland and carry out maintenance and adversely impact Council's ability to future plan.
  - b) the road reserve in question is:
    - i. within a Coastal Hazard - Erosion Prone area and incorporates areas of Landslide Hazard, both of which are important for mitigating erosion; and
    - ii. valuable public coastal open space which is an essential component of the proposed open space framework.
- 2) authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' advising the Department of Resources that Council, as road manager, objects to the proposal to permanently close road reserve adjoining 2 Tanby Point Close Emu Park (Lot 1 RP620326) for the reasons outlined above.

**Moved by:** Councillor Eastwood

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**

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**11.5 KEPPEL SANDS AND JOSKELEIGH INFRASTRUCTURE PRIORITIES**

**File No:** fA11905

**Attachments:**

1. Feb 2023 Survey Report\_Keppel Sands\_Joskeleigh\_Project Priorities
2. Feb 2023 Survey Responses\_Keppel Sands\_Joskeleigh\_Project Priorities

**Responsible Officer:** Tony Lau - Manager Engineering Services  
Nige Deacon - Acting General Manager infrastructure

**Author:** Stephen Linnane - Technical Officer

**Previous Items:** 7.5 - Keppel Sands Rock Groyne - Briefing Session - 01 Nov 2022 9.00am  
8.4 - Keppel Sands Rock Groyne - Briefing Session - 01 Mar 2022 9.00am

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**SUMMARY**

*Officers investigated options to provide a suitable capping surface to the Keppel Sands rock groyne in 2021, followed up by a specialist options assessment report included in the March 2022 Briefing Session. The assessment report uncovered a number of challenges that would be costly to overcome. Council determined to engage the Keppel Sands and Joskeleigh communities on those findings and to seek their preferences for future works.*

**COUNCIL RESOLUTION**

THAT Council

- 1) Accepts the community engagement results; and
- 2) Endorse officers to progress investigations operationally and consider the business cases for upgrading the Keppel Sands Rock Groyne, and extending the Keppel Sands Pathway Network, at future budget deliberations.

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

**Seconded by:** Councillor Watson

**MOTION CARRIED UNANIMOUSLY**

**11.6 SPORTING NEEDS ANALYSIS****File No:** CS3.02.01**Attachments:**

1. Livingstone Shire Council Sporting Needs Analysis 2023
2. Top Ten Sport and Recreation Priority Projects

**Responsible Officer:** Molly Saunders - Acting Manager Community and Cultural Services  
Chris Ireland - General Manager Communities**Author:** Laurie Rainbird - Community Development and Engagement Officer

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**SUMMARY**

*This report presents a summary of information contained in the Livingstone Shire Sporting Needs Analysis 2023 and a list of ten priority sport and recreation projects for adoption.*

**COUNCIL RESOLUTION**

THAT Council adopt the Livingstone Shire Sporting Needs Analysis 2023 and the Top Ten Sport and Recreation Priority Projects list.

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

**11.7 COMMUNITY ORGANISATION TENURE WITH COUNCIL RENEWAL**

**File No:** CP5.9.02  
**Attachments:** Nil  
**Responsible Officer:** Chris Ireland - General Manager Communities  
**Author:** Molly Saunders - Acting Manager Community and Cultural Services

**SUMMARY**

*This report pertains to the renewal of a tenure agreement for three not-for-profit community organisations 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) Mt Chalmers Community History Centre Incorporated over part of 18 School Street, Mount Chalmers being Lot 3 on SP155342;
  - (b) Keppel Coast Country Music Club Incorporated over 2745 Yeppoon Road, Barmaryee being Part of Lot 270 on SP281980;
  - (c) Yeppoon Hack and Pony Club Incorporated over 2745 Yeppoon Road, Barmaryee being Part of Lot 270 on SP281980; and
- 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) Mt Chalmers Community History Centre Incorporated over part of 18 School Street, Mount Chalmers, being Lot 3 on SP155342;
  - (b) Keppel Coast Country Music Club over 2745 Yeppoon Road, Barmaryee being Part of Lot 270 on SP281980;
  - (c) Yeppoon Hack and Pony Club over 2745 Yeppoon Road, Barmaryee being Part of Lot 270 on SP281980; and
- 3) to provide a freehold lease to
  - (a) Mt Chalmers Community History Centre Incorporated over part of 18 School Street, Mount Chalmers, being Lot 3 on SP155342 for a term of five (5) years;
  - (b) Keppel Coast Country Music Club over 2745 Yeppoon Road, Barmaryee being Part of Lot 270 on SP281980 for a term of five (5) years; and
  - (c) Yeppoon Hack and Pony Club over 2745 Yeppoon Road, Barmaryee being Part of Lot 270 on SP281980 for a term of five (5) years.

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

**11.8 KEPPEL COVE/ZILZIE AND NORTHERN CORRIDOR RESIDENT REACH  
REFERENCE GROUPS**

**File No:** CR21.5.3  
**Attachments:** 1. Draft ToR - Keppel Cove/Zilzie  
2. Draft ToR - Northern Corridor  
**Responsible Officer:** Chris Ireland - General Manager Communities  
**Author:** Molly Saunders - Acting Manager Community and Cultural Services

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**SUMMARY**

*Officers have prepared the following information for councillor consideration regarding the establishment, membership and Terms of Reference regarding the Keppel Cove/Zilzie and Northern Corridor Resident Reach Reference Groups.*

**COUNCIL RESOLUTION**

THAT Council resolves to adopt the establishment of the Keppel Cove/Zilzie Reference Group and Northern Corridor Reference Groups and associated Terms of Reference.

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

## 11.9 LIVINGSTONE SHIRE COUNCIL COMMUNITY GRANTS SCHEME ROUND TWO 2022/23 ASSESSMENT RESULTS

**File No:** CR2.15.03

**Attachments:** Nil

**Responsible Officer:** Molly Saunders - Acting Manager Community and Cultural Services  
Chris Ireland - General Manager Communities

**Author:** Jo Strohfeldt - Community Development & Engagement Officer

### SUMMARY

*This report outlines the outcome of assessments completed by the assessment panel for applications received by Livingstone Shire Council Community Grants Scheme, Round Two 2022/23.*

### COUNCIL RESOLUTION

THAT Council resolves to approve the allocation of the Livingstone Shire Council Community Grants Scheme funding, as determined by the Livingstone Shire Council Grants Scheme assessment panel evaluation process, to the below successful applicants:

Successful Applicant	Initiative Description	Grant Amount
Yeppoon Meals on Wheels	Solar panel installation	\$5,000.00
Keppel Coast Arts Council	Banners and branded table covers	\$1,338.15
Capricorn Coast Netball Association	Laptop with software	\$1,663.00 <i>Partial</i>
The Scout Association of Australia Qld Branch Inc. – Yeppoon Scout Group	Kayaking safety equipment	\$3,791.15
Capricorn Coast Football Club Inc.	Airconditioning for canteen kitchen	\$5,000.00
Capricorn Coast Landcare Group Inc.	Water quality testing equipment	\$1,331.00
Sailability Capricornia	Concrete pathway	\$4,200.00
Capricorn Coast Outrigger Canoe Club	Table, chairs and barbecue for club gatherings	\$3,158.90
Yeppoon Hack & Pony Club	Plumbing upgrades	\$4,960.00
KeppelFM Community Radio	3 x Desktop computers	\$2,997.00
Capricornia Blo Kart Club Inc.	Shade marquees, tables and wagon, laptop equipment	\$4,530.34
Yeppoon Surf Life Saving Club Inc.	Shade marquees and frames	\$4,268.00
Capricornia Catchments Inc.	UHF radio and Cel-Fi-Go Teltra repeator with antenna	\$2,332.00
Broadmeadows Clay Target Club	Perimeter Fencing	\$430.46 <i>Partial</i>
	<b>TOTAL</b>	<b>\$45,000.00</b>

**Moved by:** Councillor Eastwood

**Seconded by:** Mayor, Councillor Ireland

**MOTION CARRIED UNANIMOUSLY**

**11.10 BLUEPRINT 2030 - LIVINGSTONE SHIRE COUNCIL ECONOMIC GROWTH AND INVESTMENT STRATEGY**

**File No:** ED8.5.12

**Attachments:** 1. FINAL Blueprint 2030 Full Strategy  
2. FINAL Blueprint 2030 Design Document

**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places  
Chris Ireland - General Manager Communities

**Author:** Emily Pardon - Economic Development Officer

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**SUMMARY**

*This report presents to Council the final version of the Blueprint 2030 – Livingstone Shire Council Economic Growth and Investment Strategy document and the Blueprint 2030 – Livingstone Shire Council Economic Growth and Investment Prospectus Design Document.*

**COUNCIL RESOLUTION**

THAT Council endorses the Blueprint 2030 – Livingstone Shire Council Economic Growth and Investment Strategy.

**Moved by:** Mayor, Councillor Ireland

**Seconded by:** Councillor Watson

**MOTION CARRIED UNANIMOUSLY**

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

Nil



## **13 URGENT BUSINESS\QUESTIONS**

## 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

**3.43PM** - 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 Anglicare Central Queensland Housing Proposal For Livingstone Shire**

This report is considered confidential in accordance with section 254J(3)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

**15.2 Renewal of Lease – Coracle Challenges Pty Ltd over part of Lot 10 on SP289416**

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 Changes to Organisation Structure**

This report is considered confidential in accordance with section 254J(3)(b), of the *Local Government Regulation 2012*, as it contains information relating to industrial matters affecting employees.

**15.4 Waiver parking fees Keppel Bay Sailing Club**

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.

**15.5 Sale of Proposed Lot 26 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.

**15.6 Sale by Tender of Lots 25 and 30 at the Gateway Business and Industry Park**

This report is considered confidential in accordance with section 254J(3)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

**Moved by:** Councillor Friend

**Seconded by:** Councillor Watson

### MOTION CARRIED

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

Cr A Belot voted in the negative.

**COUNCIL RESOLUTION**

**5.22PM** - THAT the meeting moves out of closed session and be opened to the public.

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

**Seconded by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

## 15 CONFIDENTIAL REPORTS

### 15.1 ANGLICARE CENTRAL QUEENSLAND HOUSING PROPOSAL FOR LIVINGSTONE SHIRE

<b>File No:</b>	<b>ED8.05</b>
<b>Attachments:</b>	<b>1. Attachment One - Anglicare Housing Proposal</b> <b>2. Attachment Two - Survey Plans RP620865 and CP894231</b>
<b>Responsible Officer:</b>	<b>Sonia Tomkinson - Manager Economy and Places</b> <b>Chris Ireland - General Manager Communities</b>
<b>Author:</b>	<b>Arna Hart - Project Support Officer</b> <b>Christine Macdonald - Principal Property Officer</b>
<b>Previous Items:</b>	<b>7.7 - Anglicare Central Queensland Housing Proposal for Livingstone Shire - Briefing Session - 04 Apr 2023 9.00am</b>

This report is considered confidential in accordance with section 254J(3)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

#### SUMMARY

*This report is seeking a Council resolution regarding Anglicare Central Queensland's community housing proposals for Council-owned properties on Cordingley Street, Yeppoon and Fountain Street, Emu Park.*

#### COUNCIL RESOLUTION

THAT Council resolve:

- 1) that the exception mentioned in section 236(1)(b)(ii) of the *Local Government Regulation 2012* may apply in its dealing with the Anglicare Central Queensland (AnglicareCQ) over 16-18 Cordingley St, Yeppoon and 99-115 Fountain Street, Emu Park; and
- 2) pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(b)(ii) of the *Local Government Regulation 2012* in its dealing with AnglicareCQ over 16-18 Cordingley St, Yeppoon and 99-115 Fountain Street, Emu Park;
- 3) to provide a letter of commitment to AnglicareCQ as requested in the housing proposal (Refer Attachment One) to support their funding applications for the development of community housing by way of Council gifting the land at 16-18 Cordingley St, Yeppoon and 99-115 Fountain Street, Emu Park (Refer Attachment Two); and
- 4) to authorise the Chief Executive Officer to negotiate with AnglicareCQ for the gifting of the land at 16-18 Cordingley St, Yeppoon and 99-115 Fountain Street, Emu Park; and
- 5) to condition that the gifting of the land at 16-18 Cordingley St, Yeppoon and 99-115 Fountain Street, Emu Park be subject to AnglicareCQ obtaining the necessary development approvals and undertake any associated public consultation; and
- 6) to condition that the gifting of the land at 16-18 Cordingley St, Yeppoon and 99-115 Fountain Street, Emu Park will be contingent upon AnglicareCQ obtaining adequate State and/or Federal funding to enable the completion of the development of the

community housing projects; and

- 7) to condition that the gifting of land at 16-18 Cordingley St, Yeppoon and 99-115 Fountain Street, Emu Park is for the sole purpose of community housing and cannot be on sold to a third party for profit or be used for any other purpose without Council's consent; and
- 8) to agree that Council may secure and protect its interest in the land via a non-lapsing caveat over the land at 16-18 Cordingley St, Yeppoon and 99-115 Fountain Street, Emu Park, recognising Council's interest in the future use of the land, being:
  - a) Should AnglicareCQ decide to sell the Land at any given time in the future, it is agreed between the Parties that the market value for the Land, excluding any improvements thereon, shall be determined by a Valuer (to be appointed by Council ) who is registered to practice in the State of Queensland , and the said valuation amount shall be paid to Council upon completion of the sale of the Land by Anglicare CQ.

**Moved by:** Councillor Friend

**Seconded by:** Councillor Watson

**MOTION CARRIED**

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

Cr A Belot voted in the negative.

**15.2 RENEWAL OF LEASE – CORACLE CHALLENGES PTY LTD OVER PART OF LOT 10 ON SP289416****File No:** qA25438**Attachments:**  
1. Sketch plan of Lease D  
2. Rental Assessment**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places  
Chris Ireland - General Manager Communities**Author:** Alison Morris - Property Officer  
Christine Macdonald - Principal Property Officer

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

**SUMMARY**

*This report pertains to a request from Coracle Challenges Pty Ltd (known as Chapter) to renew its freehold lease over part of the ground floor of the building (Lease D) in Lot 10 on SP289416, located at 17 Hill Street, Yeppoon.*

**COUNCIL RESOLUTION**

THAT Council resolve:

- 1) to apply the exception mentioned in Section 236(1)(c)(iii) of the *Local Government Regulation 2012* in its dealing with Coracle Challenges Pty Ltd over part of the ground floor of the building (Lease D) in Lot 10 on SP289416;
- 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 Coracle Challenges Pty Ltd over part of the ground floor of the building (Lease D) in Lot 10 on SP289416;
- 3) to provide a three year lease to Coracle Challenges Pty Ltd with an option for a further three years; and
- 4) to delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the *Local Government Act 2009*, to negotiate the terms and conditions of the renewed lease provided to Coracle Challenges Pty Ltd.

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

**15.3 CHANGES TO ORGANISATION STRUCTURE****File No:** CM**Attachments:**  
1. LSC Functional Structure\_2022  
2. Revised Functional Structure 2023**Responsible Officer:** Cale Dendle - Chief Executive Officer**Author:** Cale Dendle - Chief Executive Officer

This report is considered confidential in accordance with section 254J(3)(b), of the *Local Government Regulation 2012*, as it contains information relating to industrial matters affecting employees.

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**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 as presented in this report, to take effect from the 3<sup>rd</sup> July 2023.

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

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

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

**Mayor Ireland used casting vote in the affirmative.**

**15.4 WAIVER PARKING FEES KEPPEL BAY SAILING CLUB****File No:** GV**Attachments:** 1. Parking Occupancy Report**Responsible Officer:** Greg Abbotts - Manager Development and Environment  
Chris Ireland - General Manager Communities**Author:** Nat Druery - Coordinator Public Environments

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**

*The Keppel Bay Sailing Club (KBSC) is undergoing demolition and redevelopment. The current building is located on the eastern side of Anzac Parade. The redevelopment requires paid parking bays on the eastern side of Anzac Parade to be closed for approximately fifteen (15) months. The 2022-2023 fees and charges apply a permit fee of \$190.00 and associated fee of \$16.00 per day, per bay. KBSC have indicated that the redevelopment will take approximately fifteen (15) months, which would equate to approximately \$100,800.00 in applicable fees.*

*The KBSC project manager has requested Council consider waiving the associated fees for the paid parking permit.*

**COUNCIL RESOLUTION**

THAT Council resolves to charge Keppel Bay Sailing Club \$1000.00 per calendar month for the closure of the fourteen (14) paid parking bays on the eastern side of the Anzac Parade paid parking area from 20 March 2023 to 31 May 2024.

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



**15.5 SALE OF PROPOSED LOT 26 AT THE GATEWAY BUSINESS AND INDUSTRY PARK****File No:** ED8.05.02**Attachments:** 1. Offer Document - Lot 26 The Gateway**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places**Author:** Arna Hart - Project Support Officer**Previous Items:** 15.2 - Sale of Land at the Gateway Business and Industry Park - Ordinary Council - 25 Oct 2022 9.00am

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

**SUMMARY**

*This report pertains to an offer received on proposed Lot 26 at the Gateway Business and Industry Park.*

**COUNCIL RESOLUTION**

THAT Council resolve:

- 1) that the exception mentioned in section 236(1)(a) of the *Local Government Regulation 2012* applies to the disposal of proposed Lot 26 at the Gateway Business and Industry Park; and
- 2) to delegate the Chief Executive Officer to enter into a contract of sale in relation to offers above market value that are received on proposed Lot 26 at the Gateway Business and Industry Park.

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

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

Crs A Belot and P Eastwood voted in the negative.

**15.6 SALE BY TENDER OF LOTS 25 AND 30 AT THE GATEWAY BUSINESS AND INDUSTRY PARK****File No:** ED8.5.2

**Attachments:**

1. Attachment One - Site plan for proposed Lots 25 and 30
2. Attachment Two - Offer Document Lot 30
3. Attachment Three - Valuation of Lot 25
4. Attachment Four - Valuation of Lot 30
5. Attachment Five - Procurement Process and Recommendation Report

**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places  
Chris Ireland - General Manager Communities

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

This report is considered confidential in accordance with section 254J(3)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

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**SUMMARY**

*This report pertains to the sale of land at The Gateway Business and Industry Park.*

**COUNCIL RESOLUTION**

THAT Council resolve to:

- 1) delegate the Chief Executive Officer to negotiate the conditions of a contract of sale for proposed Lot 30, Stage 2B The Gateway Business and Industry Estate.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Watson

**MOTION CARRIED**

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

Crs A Belot and P Eastwood voted in the negative.

**5.25pm - In accordance with Clause 2.5 of the Meeting Procedures Policy, the Mayor adjourned the meeting until 9.00am on Tuesday the 18<sup>th</sup> April 2023.**

**9.06am - In accordance with Clause 2.5 of the Meeting Procedures Policy, the Mayor resumed the meeting on Tuesday the 18<sup>th</sup> April 2023.**

I, Councillor Pat Eastwood have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Lance Warcon is a pastor at the church which I attend. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

Councillors Unanimously voted for Cr Eastwood to remain in the room.

I, Councillor Pat Eastwood have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Heath Henwood was the Chair of the Chaplaincy Committee of which I was the Chaplain for a number of years. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

Councillors Unanimously voted for Cr Eastwood to remain in the room.

I, Councillor Pat Eastwood have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Doris Bell is the partner of an acquaintance with which I socialise from time to time. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

Councillors Unanimously voted for Cr Eastwood to remain in the room.

I, Councillor Pat Eastwood have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Helen Schweikert I have had dealings with her during a real estate transaction. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

Councillors Unanimously voted for Cr Eastwood to remain in the room.

I, Councillor Adam Belot have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Lance Warcon is a pastor at the church which I attend. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

Councillors Unanimously voted for Cr Belot to remain in the room.

I, Mayor, Councillor Andy Ireland have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor as Bernadette Melrose is the owner of a venue with which my wife has dealings as part of her catering business. Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

Councillors Unanimously voted for Mayor Ireland to remain in the room.

I, Councillor Rhodes Watson have a declarable conflict of interest in relation to Item 11.1 – Appointment of Councillor due to the following:

Helen Schweikert – I have known her and her partner for many years.

Clint Swadling - I am very good friends with his mother.

Wade Rothery - I have interviewed many times.

Heath Henwood - I have interviewed and known for some years.

Lance Warcon - I attended his church and my son played in his band.

Anthony White - I have been on committees with him.

Warren Maltby has been a friend of mine for some time.

Mike Decman I have done signwriting for, for many years.

Bernadette Melrose, I have been on football committee with.

Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial therefore, I wish to remain in the room and ask the eligible Councillors to decide if I may participate despite my declarable conflict of interest.

Councillors Unanimously voted for Cr Watson to remain in the room.

**11.11 APPOINTMENT OF COUNCILLOR**

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

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**SUMMARY**

*Chief Executive Officer reporting on conclusion of process to appoint a candidate to fill the vacancy created following Cr Nigel Hutton's resignation as councillor effective 31 March 2023.*

**COUNCIL RESOLUTION**

THAT pursuant to s166.1.c and s166B.6 of the *Local Government Act 2009*, Council appoints Clint Swadling to the position of councillor for the remainder of this quadrennial local government term (concluding March 2024).

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

**MOTION CARRIED**

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

Crs A Belot and P Eastwood voted in the negative.

**09:23AM** Mayor, Councillor Ireland left the meeting.

In accordance with S.2.6.2 of the *Meeting Procedures Police*, Deputy Mayor assumed the chair.

**11.12 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2023****File No:** FM12.14.1**Attachments:**  
1. Monthly Financial Report 31 March 2023  
2. Contract Award and Non-Award Summaries**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Caitlyn Good - Acting Coordinator Accounting Services

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**SUMMARY**

*Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 March 2023 by the Chief Financial Officer.*

**09:26AM** Mayor, Councillor Ireland returned to the meeting and resumed the chair.

**COUNCIL RESOLUTION**

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 March 2023 be received (Attachment 1).

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

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**11.13 NEW COMMUNITY POLICY - BUDGET DEVELOPMENT AND MANAGEMENT POLICY****File No:** fA1942**Attachments:**

1. Budget Development and Management Policy
2. Budget Development and Management Guideline

**Responsible Officer:** Cale Dendle - Chief Executive Officer**Author:** Andrea Ellis - Chief Financial Officer

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**SUMMARY**

*The proposed policy enables Council officers to implement an agile approach to managing budget changes in order to respond to challenges or opportunities to the adopted budget within delegated authority.*

**OFFICER'S RECOMMENDATION**

THAT Council adopt the Budget Development and Management Policy.

**Moved by:** Councillor Watson**Seconded by:** Mayor, Councillor Ireland**COUNCIL RESOLUTION**

THAT Council adopt the Budget Development and Management Policy with the removal of point 5.1.6 of the Guidelines.

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

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

Cr G Mather voted in the negative.

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**11.14 ANNUAL REVIEW OF COUNCIL POWERS TO THE CHIEF EXECUTIVE OFFICER****File No:** qA24573**Attachments:**

1. Council to CEO Delegations
2. Limitations and Conditions to the Exercise of Powers
3. Financial Delegation to the Chief Executive Officer

**Responsible Officer:** Poala Santini - Coordinator Governance  
Andrea Ellis - Chief Financial Officer**Author:** Melanie Holgate - Governance Officer

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**SUMMARY**

*The report provides Council the opportunity to review the legislative delegations as recommended by the Local Government Association of Queensland, delegated to the position of Chief Executive Officer, in accordance with section 257(5) of the Local Government Act 2009.*

**OFFICER'S RECOMMENDATION**

1. THAT in accordance with section 257 of the *Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer, the exercise of powers as itemised in Attachment One and limited by the scope contained within Attachment Two; and
2. THAT Council resolves to delegate the Chief Executive Officer the Financial Delegations as contained in Attachment Three.

**COUNCIL RESOLUTION**

1. THAT in accordance with section 257 of the *Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer, the exercise of powers as itemised in Attachment One and limited by the scope contained within Attachment Two; and
2. Council conditions the delegation granted under s195 of the Act to appoint an Acting Chief Executive Officer to be limited to internal personnel only; and
- 3 THAT Council resolves to delegate the Chief Executive Officer the Financial Delegations as contained in Attachment Three.

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



# 11.15 DEVELOPMENT APPLICATION - RELOCATABLE HOME PARK (OVER 50'S VILLAGE) AND RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) - LOT 4 TANBY ROAD, TAROOMBALL

**File No:** D-364-2022

**Attachments:**

1. Locality Plan
2. Staging Plan
3. Proposal Plan - Relocatable Home Park
4. Subdivision Plan
5. Easement and Lot boundary amendment
6. Code Assessment

**Responsible Officer:** Greg Abbotts - Manager Development and Environment  
Erin McCabe - Coordinator Development Assessment

**Author:** Tammy Wardrop - Principal Planning Officer

## SUMMARY

**Applicant:** SYZ Land Pty Ltd

**Consultant:** Sargeant Planning

**Real Property Address:** Lot 4 on SP213135 Area of Site: 23.89 hectares

**Planning Scheme:** *Livingstone Planning Scheme 2018*

**Planning Scheme Zone:** Low-medium density

**Planning Scheme Overlays:**

- OM01 Acid Sulfate Soils*
- OM02 Agricultural Land Classification*
- OM07 Biodiversity – Habitat and Vegetation of Significance*
  - *MLES Local biodiversity corridor*
  - *MLES Remnant vegetation*
- OM10 Biodiversity – Wetlands and Waterways*
  - *MLES Wetlands*
- OM11 Biodiversity – Stream Order*
  - *Waterway potential assessment area*
- OM12 Bushfire Hazard Area*
- OM13 Coastal Hazard Area – Erosion Prone Area*
- OM14 Coastal Hazard Area – Storm Tide Hazard Area*
- OM15 Drainage Problem Area*
- OM17 Flood Hazard Area*
- OM20 Road Hierarchy – State and Urban sub-arterial*
- OM21 Scenic Amenity*
  - *Coastal scenic transport route*

- *Coastal scenic transport route potential assessment area*

*OM23 Transport Noise Corridors*

*OM27 Height Limits*

*Existing Development:*

*Vacant land*

*Level of Assessment:*

*Impact assessable*

*Submissions:*

*one (1) submission received*

*Referral matters:*

*Vegetation clearing and State controlled road*

*Infrastructure Charge Area:*

*Charge Area 1*

## **COUNCIL RESOLUTION**

### **RECOMMENDATION A**

THAT in relation to the 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), made by Syz Land Pty Ltd, on Lot 4 on SP213135, and located at Lot 4 Tanby Road, Taroomball, Council resolves to Approve the application subject to the following conditions:

### **PART A - MATERIAL CHANGE OF USE**

#### **1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Operational Works:
    - (i) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Sewerage Works;
    - (iv) Water Works;
    - (v) Stormwater Works;
    - (vi) Earthworks Works; and
    - (vii) Landscaping Works;
  - 1.6.2 Building Works; and
  - 1.6.3 Plumbing and Drainage Works.
- 1.7 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.

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

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

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposal Plan	Plan 1 Revision 06	01.11.22
Staging Plan	101 Revision 01	16.10.22
Stormwater Management Plan and Flood Advice	128-21-22	18 August 2022
Traffic Impact Assessment	12B-21-22	28 October 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 six (6) discrete stages with sub-staging, namely:

3.1.1 Tanby Road access and twenty-three (23) sites (Stage 1A);

3.1.2 Sixteen (16) sites (Stage 1B);

3.1.3 Thirty-three (33) sites and Clubhouse (Stage 2A);

3.1.4 Twenty-five (25) sites and recreational vehicle parking (Stage 2B);

3.1.5 Twenty-two (22) sites (Stage 3A);

3.1.6 Twenty-three (23) sites and Taranganba Road access (Stage 3B);

3.1.7 Thirty-six (36) sites (Stage 4);

3.1.8 Nineteen (19) sites (Stage 5A);

3.1.9 Twenty-five (25) sites (Stage 5B);

3.1.10 Thirty-nine (39) sites and recreational vehicle parking (Stage 6A);

3.1.11 Twenty-three (23) sites (Stage 6B).

Stage 1A must be completed prior to any other Stage. All other Stages are not required to be undertaken in any chronological order in accordance with condition 3.2.

3.2 Development 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 and

integration of infrastructure during future stages.

- 3.3 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 access off Taranganba Road must be constructed as part of Stage 1A.
- 4.4 Any application for a Development Permit for Operational Works (road works) must include details of localised widening of the Taranganba Road access in accordance with the approved plans (refer to condition 2.1) and the *Capricornia Municipal Development Guidelines*.
- 4.5 Any application for a Development Permit for Operational Works (road works) must include all relevant intersection sight distance details in accordance with the approved plans (refer to condition 2.1) and *Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
- 4.6 Street and public space lighting must be provided in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*, and Road, street and public place lighting policy and procedures.
- 4.7 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 4.8 The proposed pathway must integrate with the existing pathway along the frontage of the development site (south-west) in accordance with the approved plans (refer to condition 2.1) and relevant standards.
- 4.9 Retaining walls must be wholly contained within private allotments and not be constructed within road reserves as Council-owned infrastructure, unless approved as part of a Development Permit for Operational Works (road works).

#### 5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 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 works).
- 5.3 All ingress and egress movements to and from the development must be in forward direction.
- 5.4 A minimum of one (1) covered parking space must be provided per dwelling, with an additional seventy-six (76) parking spaces provided for visitors.
- 5.5 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *"Manual of Uniform Traffic Control Devices"*.
- 5.6 All internal access road and parking spaces must be sealed, with turning templates for all required service vehicles provided as part of the application for operational works.
- 5.7 Stormwater runoff from vehicular manoeuvring areas including from internal access

way, must be discharged lawfully.

- 5.8 The internal access must be of a suitable width to enable fire services to access water safely, effectively and efficiently.

#### 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 Any application for Development Permit for Operational Works (sewerage works) must include details of the proposed rising main along Tanby Road in accordance with the approved plans (refer to condition 2.1) and relevant standards (refer to Advisory Note 4).

- 6.4 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*.

#### 7.0 WATER WORKS

- 7.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water 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* and the provisions of a Development Permit for Operational Works (water works).

- 7.3 The proposed development must connect to Councils reticulated water supply.

- 7.4 The development must be connected to suitably designed system for domestic and firefighting purposes at the issue of building approvals.

- 7.5 Fire hydrants must be installed internal to the site and must be:

7.5.1 maintained by the owner of the property; and

7.5.2 suitably identified.

#### 8.0 STORMWATER WORKS

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

- 8.2 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.

- 8.3 All stormwater management works must be designed and constructed in accordance with the Stormwater Management Report (refer to condition 2.1).

- 8.4 Any 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 exiting drainage systems to implement the proposed drainage strategy.

- 8.5 All ongoing maintenance and management actions necessary for any proposed 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.

#### 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 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.
- 9.3 All earth works must be undertaken to ensure that no nuisance results from an increase in:
- 9.3.1 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);
  - 9.3.2 downstream or upstream flood inundation levels; and
  - 9.3.3 velocity profiles.
- 9.4 Any retaining structures one metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional Engineer of Queensland or equally qualified person at design submission and certified on completion of construction for compliance with the design.
- 10.0 **BUILDING WORKS**
- 10.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 10.2 Building height must not exceed 8.5 metres above ground level.
- 10.3 The dwellings 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)*.
- 10.4 All roof and allotment drainage must be discharged lawfully.
- 11.0 **PLUMBING AND DRAINAGE WORKS**
- 11.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing or drainage works on the site.
- 11.2 All internal plumbing and sanitary drainage works must be in accordance with the approved plans (refer condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, regulated work under the *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 11.3 Each dwelling must be connected to Council's water and sewer networks.
- 12.0 **LANDSCAPING WORKS**
- 12.1 A Planting Plan and supporting documentation must be submitted for approval by Council as part of a Development application for Operational Work (landscaping works). The landscaping works must be generally in accordance with the approved plans (refer condition 2.1) and must document the "Extent of Works" which includes, but is not limited to:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
  - (ii) the extent of soft and hard landscape proposed;
  - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
  - (iv) for vehicle parking areas, the planting of vegetation involves species that have

- clear trunks up to a height of two (2) metres or that have low ground covers less than one (1) metre in height;
  - (v) underground and overhead services;
  - (vi) typical details of critical design elements (stabilisation of batters, retaining walls, trees in car park areas, fences);
  - (vii) details of landscape structures including areas of deep planting; and
  - (viii) specification notes on mulching and soil preparation;
  - (ix) details of species to be used in the bio-basins (stormwater);
  - (x) trees, shrubs and groundcovers to all areas to be landscaped;
  - (xi) position and canopy spread of all trees and shrubs;
  - (xii) 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
  - (xiii) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 12.2 The landscaping on the site and in the buffer strip fronting Tanby Road and Taranganba Road, must include the:
- (i) Use of locally endemic flora species, with a focus on those species that flower prolifically to promote habitat amenity and foraging opportunities for resident fauna; and
  - (ii) Use of endemic columnar and / or fastigate form trees will allow for screening amenity.
- 12.3 Dedicated pedestrian linkages through the proposed development must be provided in accordance with the approved plans (refer to condition 2.1).
- 12.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 12.5 Root barriers must be provided between proposed trees and relevant infrastructure.
- 12.6 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.
- 12.7 All landscaping must be constructed and or established, prior to the commencement of the use.
- 12.8 Landscaping must not increase the exposure of a habitable building not located in a building protection zone to a bushfire hazard.
- 12.9 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 13.0 ELECTRICITY AND TELECOMMUNICATIONS
- 13.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 14.0 ASSET MANAGEMENT
- 14.1 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.
- 14.2 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.

- 14.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

15.0 ENVIRONMENTAL

- 15.1 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:

- (i) erosion and silt/sedimentation management plan;
- (ii) 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.

- 15.2 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.

- 15.3 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;

- 15.4 The plan must addresses the following, but is not limited to;

- (i) top soil management;
- (ii) dust suppression;
- (iii) erosion susceptibility and risk;
- (iv) vegetation;
- (v) interim drainage control during construction;
- (vi) acid sulphate soils (if applicable); and
- (vii) Implementation and maintenance procedures during construction and post construction phases of work.

- 15.5 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.

16.0 OPERATING PROCEDURES

- 16.1 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.

- 16.2 Each dwelling and any communal area(s) must be provided with a refuse container and container storage area that:

16.2.1 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;

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

- 16.3 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*.

## **PART B - RECONFIGURING A LOT**

### **17.0 ADMINISTRATION**

- 17.1 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.

- 17.2 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.

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

- 17.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.

- 17.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council, prior to the issue of the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.

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

- 17.7 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.

- 17.8 Dedicate Lot 2 (as amended, refer condition 18.1) as public use land as a reserve for environmental purposes under Council trusteeship.

- 17.9 Dedicate a fifteen (15) metre wide public utility easement in favour of Council with Standard Easement Terms Dealing No 718630483 for sewerage, water and drainage purposes on an alignment identified by Council.

- 17.10 Weed management works must be undertaken within Lot 2 prior to dedication to Council.

### **18.0 APPROVED PLANS AND DOCUMENTS**

- 18.1 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>
Subdivision Plan	001 Revision 06	05.04.23

SEW-65 Proposed Easement and Lot Boundary	22-081-C-01 Rev. A	06.04.2023
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18.2 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.

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

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. 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 connection. Infrastructure Charges Notice.

##### NOTE 5. Infrastructure Charges Notice

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

#### RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Relocatable home park and Reconfiguring a Lot (one lot into two lots), made by Syz Land Pty Ltd, on Lot 4 on SP213135, and located at Lot 4 Tanby Road, Taroomball, Council resolves to issue an Infrastructure Charges Notice based on the following charge rate:

- a) \$17,000 per 1 or 2 bedroom relocatable dwelling site, or
- b) \$25,000 per 3 or more bedroom relocatable dwelling site.

c) less a **credit** of \$25,000.00 for the existing lot.

**Moved by: Councillor Eastwood**

**Seconded by: Councillor Watson**

**MOTION CARRIED UNANIMOUSLY**

I, Councillor Andy Ireland, have a declarable conflict of interest in relation to Item 11.16 – Development Application as my wife owns a catering business. Subsequently I will leave the chambers for the discussion and voting in relation to this matter.

**10:43AM Mayor, Councillor Ireland left the meeting.**

**In accordance with S.2.6.2 of the *Meeting Procedures Police*, Deputy Mayor Belot assumed the chair.**

## 11.16 DEVELOPMENT APPLICATION FOR A FUNCTION FACILITY AT 140 COBRABALL ROAD, BONDOOLA

**File No:** D-248-2022

**Attachments:**

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

**Responsible Officer:** Erin McCabe - Coordinator Development Assessment  
Greg Abbotts - Manager Development and Environment

**Author:** Elysha Marriott - Planning Officer

### SUMMARY

*Applicant:* M Thomas

*Consultant:* Capricorn Survey Group (CQ) Pty Ltd

*Real Property Address:* Lot 1 on MPH25368 Area of Site: 16.026 hectares

*Planning Scheme:* Livingstone Planning Scheme 2018

*Planning Scheme Zone:* Rural zone – Capricorn Coast Rural Precinct

*Planning Scheme Overlays:*

- OM02 – Agricultural Land Classification
- OM07 – Biodiversity – Habitat and Vegetation
- OM11 – Biodiversity – Stream Order
- OM12 – Bushfire Hazard Area
- OM15 - Drainage Problem Area
- OM18 – Landslide Hazard Area
- OM20 – Road Hierarchy
- OM21 – Scenic Amenity
- OM24 – Water Resource Area
- OM27 – Heights Limits

*Existing Development:* Dwelling house and Cropping

*Level of Assessment:* Impact Assessable

*Submissions:* One submission received

*Referral matters:* Not applicable

*Infrastructure Charge Area:* Outside the Priority Infrastructure Area

### COUNCIL RESOLUTION

#### RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Function facility, made by M Thomas, on Lot 1 on MPH25368 and located at 140 Cobraball Road, Bondoola, Council resolves to Approve the application given pursuant to Section 45(5) 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:

- (a) The development does not compromise the Strategic Framework – Settlement pattern theme; Natural environment and hazards theme; Transportation and

- movement theme; and Natural resources and economic development theme.
- (b) The development does not comply with Performance Outcome PO12 of the Rural zone code as a Function facility is not a preferred use in the zone or precinct, intensive animal industry or horticulture or within the accommodation activities group. Despite the non-compliance, the development complies with aspects of the Overall Outcomes, as the development is compatible with the existing orchard on the site, does not impact or limit the operation or compromise future rural uses occurring on the site and occurs on a lot with sufficient size and dimension and landscaping to screen the use from the road and adjoining lots.
  - (c) The development does not comply with Acceptable Outcome AO6.3 of the General development code as the development does not include a well-lit entry and exit point. Despite the non-compliance, the development complies with Performance Outcome PO3 as the entry and exit point it is easily identifiable by signage and is appropriate for the rural setting in which the site is located.
  - (d) The development does not comply with Acceptable Outcome AO2.5 of the Development works code as the development will require an access driveway crossover that does not meet the relevant standard drawing in the Capricorn Municipal Development Guidelines. Despite the non-compliance, the development complies with Performance Outcome PO2 as the alternative driveway crossover will ensure the safety and efficiency of Cobraball Road as per the recommendations of the Traffic Impact Assessment.
  - (e) The development does not comply with Acceptable Outcome AO3.3 of the Development works code as the fence sign does not meet the size and height requirements of Table 9.3.2.4.4. Despite the non-compliance, the development is complies with Performance Outcome PO3 as the sign is appropriate for the site and surrounding area and does not have an adverse impact on the visual amenity, character or operation of Cobraball Road.
  - (f) The development complies with the specific outcomes of the Biodiversity overlay code.
  - (g) The development does not comply with Acceptable Outcome AO5.1 of the Bushfire hazard overlay code as the internal access driveway is greater than 200 metres in length from Cobraball Road. Despite the non-compliance, the proposal is able to comply with Performance Outcome PO5 the driveway avoids potential entrapment and provides safe evacuation during a bushfire given it is provided with a suitable cleared width and separation for the hazardous vegetation.
  - (h) The development does not comply with Acceptable Outcome AO1.3 and AO1.5 of the Scenic amenity overlay code as the function building includes a single roof plane and single wall plane greater than ten (10) metres in length. Despite the non-compliance, the development complies with Performance Outcome PO1 as the building is not visually prominent against the surrounding vegetation, is finished in subdued and non-reflective dark grey colours and includes articulation in the roof form to include shadows and interest.
  - (i) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.
  - (j) The development does not compromise the achievement of regional outcomes outlined in the Central Queensland Regional Plan.
  - (k) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with aspects of the assessment benchmarks.

**RECOMMENDATION B**

THAT in relation to the application for a Development Permit for a Material Change of Use

for a Function facility, made by M Thomas, on Lot 1 on MPH25368, and located at 140 Cobraball Road, Bondoola, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

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

#### 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	8568-01-MCU, Sheet 1 of 1, Issue A	27 May 2022
Traffic Impact Assessment	D22.339-RP03, Revision B	30 November 2022
Bushfire Attack Level Assessment and Bushfire Management Plan	D22.339-RP02, Revision B	21 March 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 ACCESS WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 The access driveway crossover must be upgraded in accordance with Appendix A of the Traffic Impact Assessment report (refer to condition 2.1).
- 3.3 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).
- 3.4 The internal access to the proposed development must:
- 3.4.1 Include adequate drainage and erosion control devices to prevent erosion and sedimentation impacts to any matters of environmental significance;
  - 3.4.2 be maintained to be safe and trafficable at all times;
  - 3.4.3 be a minimum formed width of four (4) metres;
  - 3.4.4 be a minimum cleared width of six (6) metres;
  - 3.4.5 be a minimum cleared height of 4.8 metres; and
  - 3.4.6 achieve a cross fall no greater than 12.5 per cent with adequate drainage to prevent soil erosion.
- 3.5 All vehicle manoeuvring areas associated with the proposed development must be upgraded as necessary, maintained to be safe and trafficable for the traffic generated by the development, and must not to create dust nuisance to the neighbouring properties.
- 3.6 All ingress and egress movements to and from the development must be in a forward direction.
- 3.7 Stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and drained to a lawful point of discharge in accordance with *Queensland Urban Drainage Manual*.
- 3.8 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.

### 4.0 BUILDING WORKS

- 4.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 4.2 All earthworks must be undertaken in accordance with *Australian Standard, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 4.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

### 5.0 PLUMBING AND DRAINAGE WORKS

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

- 5.3 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*, *Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for plumbing and Drainage Works.
- 5.4 On-site sewerage treatment and disposal facility must be provided within the site in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 5.5 Any structures or buildings must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.
- 5.6 On-site water storage for potable water supply purposes, with a minimum combined capacity of 25,000 litres, must be provided for the developments. The water storage must be provided with a tap for access and identified with signage on the tank it is potable water
- 5.7 All on-site water storage for firefighting purposes must be:
- 5.7.1 Located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures);
  - 5.7.2 5.5.2 Located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance;
  - 5.7.3 5.5.3 Fitted with fire brigade tank fittings consisting of a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings;
  - 5.7.4 5.5.4 Identified with signage on the tank it is for firefighting purposes only;
  - 5.7.5 5.5.5 Identified by directional signage clearly provided at the street access point.
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 6.1 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 7.0 ELECTRICITY AND TELECOMMUNICATIONS
- 7.1 Electricity and telecommunication connections must be provided to the proposed development to the standards 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.
- 9.0 OPERATING PROCEDURES
- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Cobraball Road.
- 9.2 Functions are limited to a maximum capacity of 200 people including guests and staff associated with the function activities.



- 9.3 A vegetated buffer with a minimum width of five (5) metres must be maintained along the western side boundary.
- 9.4 The activity must be undertaken in a manner that does not allow environmental nuisance caused by construction material, noise, aerosols, particles dust, ash, fumes, light, odour and smoke, which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.
- 9.5 Outdoor lighting must be designed, installed and maintained in accordance with the parameters and requirements of the current version of the *Australian Standard AS4282 - Control of the obtrusive effects of outdoor lighting*.
- 9.6 The development must be undertaken and managed in accordance with the approved Bushfire Management Plan (refer to condition 2.1).
- 9.7 The Bushfire Management Plan must be readily available to all patrons accessing the site and must be provided to event organisers as part of any booking package information.
- 9.8 The Bushfire Management Plan must be updated to:
- 9.8.1 take into account periodic bushfire hazard warning(s) from Queensland emergency services and / or similar reliable sources; and
  - 9.8.2 ensure compliance and implementation of suitable measures in a timely manner for safe evacuation.
- 9.9 The Bushfire Management Plan must be monitored and implemented at the site on an on-going basis. A periodic review must be undertaken and any recommendations must be implemented to ensure safe operation and evacuation.
- 9.10 The development must be provided with a refuse container and container storage area that:
- 9.10.1 is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.8 metres; and
  - 9.10.2 kept in a clean, tidy condition.
- 9.11 Water used at the function facility for drinking, washing hands, washing utensils, filling mobile food vehicle clean water tanks, must be safe for human consumption and safe for use when preparing food.
- 9.12 Way finding signage must be used for functions to identify flow of traffic, additional parking areas and function areas.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all

stages of the development including earthworks, construction and operation.

**NOTE 3. General Safety Of Public During Construction**

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

**NOTE 4. Infrastructure Charges Notice**

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

**NOTE 5. Licensable Activities**

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

**RECOMMENDATION C**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Function facility only, made by M Thomas, on Lot 1 on MPH25368, and located at 140 Cobraball Road, Bondoola, Council resolves to issue an Infrastructure Charges Notice for the amount of \$3,778.95.

**Moved by: Councillor Watson**

**Seconded by: Councillor Eastwood**

**MOTION CARRIED UNANIMOUSLY**

**PROCEDURAL MOTION**

10.53AM - THAT the meeting be adjourned for morning tea.

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

**MOTION CARRIED UNANIMOUSLY**

**11:09AM Mayor, Councillor Ireland returned to the meeting and resumed the chair.**

**PROCEDURAL MOTION**

11.09AM - THAT the meeting be resumed.

**Moved by: Mayor, Councillor Ireland**

**MOTION CARRIED UNANIMOUSLY**

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**11.17 ROADWORKS CONTRIBUTIONS FOR SVENDSEN ROAD, HARTLEY STREET AND CLAUDE STREET INTERSECTION UPGRADE WORKS PAYABLE UNDER COUNCIL'S INFRASTRUCTURE AGREEMENT**

**File No:** D/2007-344, D-279-2011 and D-54-2012  
**Attachments:** Nil  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Kim Cree - Coordinator - Revenue  
David McDowell - Revenue/Debtors Officer

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**SUMMARY**

*This report pertains to long-standing roadworks contributions of \$533,951.80 to upgrade Svendsen Road, Hartley and Claude Streets during 2013-2014 and 2014-2015 years which were the subject of an Infrastructure Agreement between the developer and Council and identifies costings and who is responsible for payment of the charges and proposed outcome as the development which was only partly developed and sold off.*

**COUNCIL RESOLUTION**

That Council support \$222,381.22 to be written off as a bad debt and for Council Solicitors to respond to M & S International Investments Pty Ltd with a reduced liability amount due and payable of \$311,570.58 to be offset against the transport network infrastructure charges for any future development of the land.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

**11.18 COMMUNITIES PORTFOLIO MANAGEMENT REPORT**

**File No:** GV  
**Attachments:** Nil  
**Responsible Officer:** Chris Ireland - General Manager Communities  
**Author:** Jo McLennan - Executive Officer

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**SUMMARY**

*This report provides a summary of a range of strategic and operational activities within the Communities portfolio of Council for the period 1 January 2023 to 30 March 2023.*

**COUNCIL RESOLUTION**

THAT the Communities portfolio management report for the period 1 January 2023 to 30 March 2023 be received.

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

**MOTION CARRIED UNANIMOUSLY**

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**11.19 CONTRACTING EXCEPTIONS – SOLE SUPPLIER EXEMPTION**

**File No:** Error! No document variable supplied.  
**Attachments:** Nil  
**Responsible Officer:** Molly Saunders - Acting Manager Community and Cultural Services  
Chris Ireland - General Manager Communities  
**Author:** Jo Strohfeldt - Community Development & Engagement Officer

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**SUMMARY**

*The Local Government Regulation 2012 provides for an exception to the requirements to obtain quotes or tenders where the local government resolves that there is only one (1) supplier reasonably available to it.*

**COUNCIL RESOLUTION**

THAT Council resolves to apply an exception to Mental Health First Aid Australia for their engagement to facilitate and deliver Mental Health First Aid Instructor training for twelve (12) persons in Yeppoon under section 235(a) of the *Local Government Regulation 2012*, due to the provider of the Mental Health First Aid training owning the program with no other training organisation able to offer the qualification.

**Moved by:** Councillor Eastwood

**Seconded by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

**16 CLOSURE OF MEETING**

There being no further business the meeting closed at 11.35am.

\_\_\_\_\_  
Mayor, Councillor Andy Ireland  
CHAIRPERSON

\_\_\_\_\_  
DATE