



ORDINARY MEETING

CONFIRMED MINUTES

21 NOVEMBER 2023

The resolutions contained within these minutes were confirmed at the Ordinary Council meeting on the 19 December 2023.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON MONDAY, 20 NOVEMBER 2023 COMMENCING AT 3PM**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 21 NOVEMBER 2023 COMMENCING AT 9AM**

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."

2 PRESENT

Members Present:

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

Officers in Attendance:

Cale Dendle - Chief Executive Officer
Chris Ireland – General Manager Communities
Michael Kriedemann – General Manager Infrastructure
Matthew Willcocks - Chief Technology Officer
Kristy Mansfield - Chief Human Resources Officer

11.1 CHANGE OF ORDINARY MEETING DATE - NOVEMBER 2023

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

SUMMARY

Chief Executive Officer seeking endorsement of actions taken to alter the commencement date and time of the November 2023 Ordinary Meeting.

COUNCIL RESOLUTION

THAT Council endorses the actions of the Chief Executive Officer in altering the start date and time of the November 2023 Ordinary Meeting to accommodate the unusually large number of agenda items.

Moved by: Councillor Friend
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 24 October 2023 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Mayor, Councillor Ireland, inform the meeting that I have a potential Declarable Conflict of Interest in relation to Item 10.12 - Notice of Motion – Councillor Adam Belot – Daniel Park Masterplan and Item 10.14 Lifted from the Table – Notice of Motion – Mayor Andrew Ireland – Cooee Bay Gardens Fence, as my second cousin and her husband own and live at The Villa on the Beach Cooee Bay.

Although I have this declarable Conflict of Interest, I believe that a reasonable person would perceive me to be impartial (as I have no close contact with my second cousin and husband) and therefore, I wish to remain in the meeting and ask the eligible Councillors to decide if I may participate despite my declarable conflict.

3:08PM Mayor, Councillor Ireland left the meeting for Councillors to vote on his potential Declarable COI. Councillor Belot assumed the chair.

Remaining Councillors voted unanimously Mayor, Councillor Ireland did not have a declarable conflict of interest in the matter.

03:12PM Mayor, Councillor Ireland returned to the meeting.

Councillor Watson raised the potential Declarable Conflict of Interest for Deputy Mayor, Councillor Belot and Councillor Eastwood in relation to Item 10.12 Notice of Motion – Councillor Adam Belot – Daniel Park Masterplan, Item 10.14 Lifted from the Table – Notice of Motion – Mayor Ireland – Cooee Bay Gardens Fence and Item 11.20 Community Group Tenure: Yeppoon Tennis Club Amended Lease Area due to both owning and residing in the Cooee Bay Area in close proximity to the locations.

03:24PM Deputy Mayor, Councillor Belot left the meeting.

03:24PM Councillor Eastwood left the meeting.

Remaining Councillors voted unanimously that Deputy Mayor, Councillor Belot and Councillor Eastwood did have a conflict of interest in relation to Item 10.12 Notice of Motion – Councillor Adam Belot – Daniel Park Master Plan, Item 10.14 Lifted from the Table – Notice of Motion – Mayor Ireland – Cooee Bay Gardens Fence and Item 11.20 Community Group Tenure: Yeppoon Tennis Club Amended Lease Area.

03:32PM Deputy Mayor, Councillor Belot returned to the meeting.

03:33PM Councillor Eastwood returned to the meeting.

6 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

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

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

SUMMARY

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

COUNCIL RESOLUTION

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

1. Notice of Motion – Councillor Belot – Farnborough Beach Draft Masterplan
2. Notice of Motion – Mayor Ireland – Cooee Bay Gardens Fence
3. Notice of Motion – Councillor Friend – Byfield Footpaths Forward Works

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

7 PRESENTATION OF PETITIONS

Nil

8 COUNCILLOR/DELEGATE REPORTS

Nil

9 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

10.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - MARLBOROUGH QUEENSLAND POLICE SUGGESTIONS

File No: qA24221

Attachments: 1. Cr Mather NoM - Marlborough QPS suggestions

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to suggestions from Marlborough Queensland Police Station.

COUNCIL RESOLUTION

THAT the *attached* correspondence from the Officer in Charge Marlborough Police identifying the need to urgently address safety issues in the town and surrounds, be received, and Item 4 be referred to TMR for review and approval, and Officer Franklin be thanked for his suggestions and duly updated with a response.

Moved by: Councillor Mather

Seconded by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

10.2 NOTICE OF MOTION - COUNCILLOR FRIEND - CASHLESS LANDFILL**File No:** GV**Attachments:**

1. Notice of Motion Request from Councillor Friend
2. Isaac Regional Council Debtor Form

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to cashless landfills.

COUNCIL RESOLUTION

THAT Council

1. table a report for the reasons why Yeppoon Landfill and waste transfer stations within the shire have become cashless; and
2. within this report offer alternatives for those residents that use only cash.

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

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

Cr A Belot voted in the negative.

10.3 QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - INFRINGEMENT NOTICES**File No:** qA24221**Attachments:** 1. QoN - Cr Glenda Mather - Infringement Notices**Responsible Officer:** Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted Questions on Notice in relation to Infringement Notices.

COUNCIL RESOLUTION

THAT the Questions on Notice be received.

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

10.4 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - VEHICLES ON BEACHES**File No:** qA24221**Attachments:**

1. NOM - Cr Mather - Vehicles on Beach
2. Advice from Grant and Simpson Lawyers - *(Confidential)*

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

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to vehicles on beaches.

COUNCILLOR RECOMMENDATION

THAT due to the unprecedented number of Infringement Notices issued to persons allegedly driving on beaches under Council's control, and a subsequent deputation from members of the public with Management, seeking a review of our relevant Local Laws and Regulations, Council resolve that, as any interim measure to demonstrate the willingness to engage, Council Local Law Officers be given authority to:

- a) withhold the issuing of further Infringement Notices for driving on the beach for alleged offenders, and
- b) take the details of all alleged offenders, and issue them with a warning instead, until such time a review of the relevant local laws are complete, or alternative instructions are issued to Officers.

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

Cr G Mather voted in the affirmative.

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

COUNCIL RESOLUTION

THAT Council continue to monitor and enforce the requirements of Local Law 4 in regard to vehicles driving on beaches, however allow for vehicles that enter the beach to perform an immediate u-turn without penalty to commence 21st November 2023.

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

Meeting Adjourned**COUNCIL RESOLUTION**

4.48PM, Monday 20 November 2023

THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED

Meeting Resumed**COUNCIL RESOLUTION**

4.58PM, Monday 20 November 2023

THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED

10.5 NOTICE OF MOTION - COUNCILLOR MATHER - MARLBOROUGH CONTRACTORS

File No: qA24221
Attachments: 1. NoM - Road Contractors Marlborough
Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to road contractors Marlborough.

COUNCIL RESOLUTION

THAT due to the conditions of sections of both Glenprairie and Anglewood Roads, and the lack of Council resources to administer maintenance to the northern rural areas of the shire, Council employ the services of one or more suitable contractors to undertake the identified sections to be serviced, to be carried out prior to Christmas breakup.

Moved by: Councillor Mather
Seconded by: Councillor Swadling

MOTION CARRIED

Crs A Belot, P Eastwood, A Ireland, G Mather and R Watson voted in the affirmative.
Crs A Friend and Swadling abstained from voting, taken as a vote in the negative.

10.6 NOTICE OF MOTION - COUNCILLOR MATHER - INFRASTRUCTURE CHARGES D-141-2023

File No: qA24221
Attachments: 1. Cr Mather Infrastructure Charges Rose
Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Infrastructure Charges for D-141-2023.

COUNCILLOR RECOMMENDATION

THAT in relation to D/Application No. D-141-2023 for an MCU being a Low Impact Industry in the Marlborough locality,

1. Infrastructure charges calculated at \$42,022.75 for this Application, be withdrawn, for reasons set out in supporting information, and
2. the \$2,648.00 additional 25% loading fee already paid, and applied to the adopted application fee, be refunded to the applicant.

COUNCIL RESOLUTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further discussions with Planning officers and Councillor Mather and to return to a future Council Meeting.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED

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

Crs A Belot and G Mather voted in the negative.

10.7 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - HOUSING CRISIS - RESIDENTIAL COUNCIL DWELLING

File No: qA24221
Attachments: 1. NOM - Cr Belot
2. Buiding Inspection (DWELLING)
Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to a residential Council dwelling adjacent Town Hall being made available for a tenant prior to Christmas.

COUNCILLOR RECOMMENDATION

THAT in order to assist with the housing crisis, Council delegate to the CEO to arrange for the residential Council dwelling adjacent to the Town Hall, to be made available for a tenant within a reasonable timeframe.

Moved by: Deputy Mayor, Councillor Belot
Seconded by: Councillor Eastwood

MOTION LOST

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

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

COUNCIL RESOLUTION

THAT in order to assist with the housing crisis, Council delegate to the CEO authority to arrange the renovations for the residential Council dwelling adjacent to the Town Hall be considered within the 2024/2025 budget.

Moved by: Mayor, Councillor Ireland
Seconded by: Councillor Swadling
MOTION CARRIED UNANIMOUSLY

**10.8 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - CASH PAYMENT
OPTIONS TO WASTE TRANSFER STATIONS AT YEPPOON AND EMU PARK****File No:** GV**Attachments:** 1. NOM - Cr Belot**Responsible Officer:** Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to cash payment options to Waste Transfer Stations at Yeppoon and Emu Park.

COUNCILLOR RECOMMENDATION

THAT in order to demonstrate Councils commitment to be the model community service provider, Council reinstate cash payment options to Waste Transfer Stations.

COUNCIL RESOLUTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending the results of the survey undertaken by Outlook and to return to the Council Meeting on 19 December 2023.

Moved by: Councillor Friend**MOTION CARRIED**

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

Crs A Belot and P Eastwood voted in the negative.

Cr G Mather abstained from voting, taken as a vote in the negative.

10.9 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - INTERNAL STAFF SURVEY RESULTS

File No: GV
Attachments: 1. NOM - Cr Belot
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 the latest internal staff survey results.

COUNCIL RESOLUTION

THAT Council request the CEO to provide insights into the latest internal staff survey results, which revealed low response 60% and low confidence in the Executive Leadership Team 52%.

Moved by: Deputy Mayor, Councillor Belot
Seconded by: Councillor Mather

MOTION CARRIED

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

Cr A Friend voted in the negative.

Meeting Adjourned**COUNCIL RESOLUTION**

6.15PM, Monday 20 November 2023

THAT the meeting be adjourned and to resume on Tuesday, 21 November 2023 at 9AM.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED

Meeting Resumed – ADJORNED ON TUESDAY, 21 NOVEMBER 2023**COUNCIL RESOLUTION**

9AM - Tuesday, 21 November 2023

THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

Opening Prayer

The opening prayer was delivered by *Pastor Peter Rollo of the Yeppoon Seventh Day Adventist Church.*

10 DEPUTATIONS**6.1 9.05AM - DEPUTATION - LOU GEDDES - RATES**

File No: GV

Attachments: Nil

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

Author: Justine Schofield - Executive Assistant to the Mayor

SUMMARY

Mr Lou Geddes will address Council in relation to rates. Stephen Andrew, Member for Mirani will also attend.

OFFICER'S RECOMMENDATION

Deputation was presented and that a motion be crafted under urgent business (refer to page 150).

09:31AM Deputy Mayor, Councillor Belot left the meeting.

09:31AM Councillor Eastwood left the meeting.

09:31AM Councillor Mather left the meeting.

09:31AM Councillor Watson left the meeting.

09:33AM Deputy Mayor, Councillor Belot returned to the meeting.

09:33AM Councillor Eastwood returned to the meeting.

09:33AM Councillor Mather returned to the meeting.

09:42AM Councillor Watson returned to the meeting.

11 REPORTS

11.2 D-313-2022 PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE VARIATION REQUEST TO VARY THE EFFECT OF THE LIVINGSTONE SHIRE PLANNING SCHEME 2018

File No: D-313-2022

Attachments:

1. Locality Plan
2. Concept Master Plan
3. Code Assessment
4. Statement of Reasons

Responsible Officer: Chris Ireland - General Manager Communities

Author: Greg Abbotts - Manager Development and Environment

SUMMARY

Application number: D-313-2022

Applicant: KB Developments Pty Ltd

Consultant: Adams + Sparkes Town Planning

Real Property Address: Lot 31 on SP183254

Area of Site: 150.4 hectares

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Rural zone

Planning Scheme Overlays:

- OM01 – Acid sulfate soils – Known actual or potential, on land at or below both 20 metres AHD and 5 metres AHD
- OM02 – Agricultural land classification
- OM07 – Biodiversity – Habitat and Vegetation
 - Local and Regional biodiversity corridors
 - Matters of Local Environmental Significance (MLES)
 - Matters of State Environmental Significance (MSES) – Wildlife habitat
- OM10 – Biodiversity – wetlands and waterways
 - Matters of State Environmental Significance (MSES) – High Ecological Significance wetlands
 - Waterways – MSES watercourse
- OM11 – Biodiversity – stream order
 - Watercourse stream order 1 and 2
 - Waterway potential assessment area
- OM12 – Bushfire hazard area – High potential bushfire intensity, Medium potential bushfire intensity and Potential impact buffer
- OM13 – Coastal hazard – Erosion prone area

	OM14 – Coastal hazard area – stormtide hazard area (Aurecon study storm tide 100 year ARI – inc. Climate 2100)
	OM15 – Drainage problem area
	OM16 – Extractive and minim resource area (to the west of the site)
	OM17 – Flood hazard area
	OM21 – Scenic amenity – Coastal scenic transport route potential assessment area (Scenic Highway)
	OM22 – Transport infrastructure (State controlled road – Kinka Beach Road)
	OM23 – Transport noise corridors
	OM27 – Height limits
Existing Development:	Vacant land (stormwater infrastructure)
Level of Assessment:	Impact Assessable
Submissions:	294 Submissions received
Referral matters:	Material change of use involving native vegetation clearing (10.3.4.3.1)
	Material change of use impacting on state transport infrastructure (10.9.4.1.1.1)
	Material change of use in proximity to a state transport corridor (10.9.4.2.4.1)
	Material change of use in a wetland protection area (10.20.4.3.1)
Infrastructure Charge Area:	Outside the Priority Infrastructure Area

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Preliminary approval (variation request) to vary the effect of the local planning Instrument (*Livingstone Planning Scheme 2018*, Version 3), in accordance with Kingsway Village Structure Plan pursuant to Section 50(3) of the *Planning Act 2016*, made by KB Developments Pty Ltd, Council resolves to Approve the application pursuant to Section 61 of the *Planning Act 2016*, as the assessment manager is satisfied that:

- (a) The proposed variations for Retirement Facility and Aged Care Facility are consistent with levels of assessment to that of development where these are a preferred land use (such as the Medium Density Residential Zone).
- (b) The level of assessment and assessment benchmarks for Operational Works are consistent with the Planning Scheme levels of assessment and conditions have been included to ensure road works, stormwater works, water supply and sewerage services be code assessable.
- (c) The Local Plan Document will remove future submission rights if each land use was applied for separately. Despite this the opportunity was available as part of this application process for thirty (30) business days, for a submitter to make a submission about the development. Proposal plans were publicly available in relation to the development design and site layout. The local plan document is generally consistent

with the terminology in the proposed assessment benchmarks and levels of assessment to that of the Livingstone Planning Scheme 2018 for the proposed uses, in the preferred zone.

- (d) The development, has been suitably justified to not compromise the Strategic Framework in that:
 - (i) There appears to be a need within the Livingstone Shire to enable new development that accommodates purpose-built retirement and age-appropriate housing and facilities generally in line with the findings of the report(s) commissioned in support of the development.
 - (ii) The strategic framework provides guidance about when urban development should occur outside of urban areas, and that is when it is *'demonstrated that there is an overriding community need as a result of unforeseen rapid population growth, land ownership constraints, market forces, site characteristics or other factors, and the development can be efficiently serviced with infrastructure and facilities in the timeframe proposed'*.
 - (iii) The land has the ability to be serviced with urban water, sewerage and road infrastructure.
 - (iv) The land is not productive agricultural land and has a noted constraints given its location. The development enabled under the proposed Structure Plan needs is considered within the broad context as to whether the encroachment of urban activity offends the orderly and sequential development of the urban footprint within the Region and it is found to be generally compatible with the provision of internalised supporting community infrastructure, and improved connection with the surrounding Kinka Beach community.
 - (v) The Rural Zone Code supports non-residential development where it is compatible with the characteristics of the surrounding area.
- (e) There are other relevant matters considered in support of the proposed development, being:
 - (i) There is an identified need for housing choices in the Livingstone Shire, and this development provides for purpose-built retirement and age-appropriate housing and facilities.
 - (ii) There are limitations for site location and selection for development of this scale and nature within the existing urban zoned land, and future zoned land.
 - (iii) A high number of submissions have been made that are supportive of the proposed application
 - (iv) The development is adjacent to existing residential subdivision approved on Rural Land;
 - (v) The servicing of the development can be undertaken without compromising the infrastructure networks that exist.

RECOMMENDATION B

That in relation to the application for a Preliminary approval (variation request) to vary the effect of the local planning Instrument (*Livingstone Planning Scheme 2018*, Version 3), in accordance with Kingsway Village Special Purpose (Retirement and Residential Care Facilities) Structure Plan pursuant to Section 50(3) of the *Planning Act 2016*, made by KB Developments Pty Ltd, Council resolves to Approve the application subject to the following conditions:

1.0 DEFINITIONS AND INTERPRETATIONS

1.1 In this approval:

- 1.1.1. **Applicant** means KB Developments Pty Ltd being the applicant for a

preliminary approval affecting the Council's Planning Scheme with respect to the Subject Land.

- 1.1.2. **Approval** means the approval of the Application by the Council.
- 1.1.3. **Capricorn Municipal Development Guidelines** means a document adopted by Council containing guidelines and standards for development, as amended from time to time.
- 1.1.4. **Conditions** mean the conditions of this approval including any attachment referred to in these conditions.
- 1.1.5. **Council** means the local government authority having jurisdiction over land use and development on the subject land.
- 1.1.6. **Developer** means the registered proprietor and any occupier of the Subject Land.
- 1.1.7. **Infrastructure** means infrastructure reasonably required to service the proposed development including roads (internal, external and access), water services, sewer services and stormwater drainage.
- 1.1.8. **Schedule of Plans for Trunk Infrastructure** means the infrastructure schedules mentioned in Council's *Local Government Infrastructure Plan* or any other plan which replaces it.
- 1.1.9. **Subject land** means Lot 31 on SP183254 (or subsequent lot and plan number).
- 1.1.10. **Planning Act 2016** means the *Planning Act 2016* as amended from time to time.
- 1.1.11. **Planning Scheme** means Council's *Livingstone Planning Scheme 2018*, version 3, in effect 15 February 2021.
- 1.1.12. **Local Plan Document** means the document titled '*Kingsway Village Structure Plan Version 2, June 2023*' listed under condition 3.1 of this approval, which includes the assessment table and development codes being a plan of the proposed development for a Material Change of Use, Reconfiguring a Lot, Operational Work and Building Work which affects Council's Planning Scheme with respect to the Subject Land, which in particular:
 - (i) states what development is:
 - (a) Assessable Development (requiring Code or Impact Assessment); or
 - (b) Accepted, subject to requirements; or
 - (c) Accepted Development; and
 - (ii) identifies codes for the development.

2.0 ADMINISTRATION

- 2.1 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.
- 2.2 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.
- 2.3 All conditions, works, or requirements of this approval must be undertaken and completed to Council's satisfaction, at no cost to Council.

- 2.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council.

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1 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>Reference</u>	<u>Dated</u>
Kingsway Village Structure Plan	Version 2	June 2023
Kingsway Concept Master Plan	Rev. D	14 June 2023
Conceptual Staging Plan Site Extent Plan - 1	SCE-237-102 Revision E	June 2023
Typical Sections	SCE-237-103 Revision E	June 2023
Conceptual Earthworks Plan	SCE-237-104 Revision E	June 2023
Conceptual Drainage Edging	SCE-237-105 Revision E	June 2023
Conceptual Sewer Reticulation	SCE-237-106 Revision E	June 2023
Conceptual Sewer Reticulation Plan 2 of 3	SCE-237-107 Revision E	June 2023
Conceptual Sewer Reticulation Plan 3 of 3	SCE-237-108 Revision E	June 2023
Conceptual Stormwater Layout	SCE-237-109 Revision E	June 2023
Conceptual Roadwork Road Hierarchy Plan	SCE-237-113 Revision E	June 2023
Conceptual Roadwork Intersection Plan	SCE-237-114 Revision E	June 2023
Traffic Engineering Report	20987 Version DA 02 IRR	June 2023
Technical Memorandum – Stormwater and Flooding	K4721, Revision 2	24 April 2023
Engineering Sewer Analysis	SCE237	25 May 2023
Kingsway Village Precinct Plan. Agricultural Land, Land Use and Soils Assessment		22 March 2021
Assessment & Mitigation of Impacts to Matters of Environmental Significance	40969 V2	5 September 2022
Bushfire Hazard Assessment & Management Principles	40969 BMP V3	6 September 2022

Cultural Heritage and Native Title Duty of Care Assessment	23334	19 April 2023
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3.2 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.

3.3 The development must be generally in accordance with the plans listed in condition 3.1 in terms of the conceptual engineering design and conceptual master plan.

3.4 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 the first application for a Development Permit over the subject land.

4.0 REQUIRED DEVELOPMENT PERMIT(S)

4.1 Other development permits which are necessary to allow the development to be undertaken are listed below and these Conditions do not affect the need to obtain such permits, namely:

4.1.1. Development permits(s) for Reconfiguring a Lot (where required/proposed);

4.1.2. Development permit(s) for Material Change of Use (where required);

4.1.3. Development permit(s) for carrying out Operational Work (where required) for;

(i) Access Works;

(ii) Sewerage Works;

(iii) Water Works;

(iv) Stormwater Works;

(v) Inter-allotment Drainage Works; and

(vi) Earth Works.

4.1.4. Development permit(s) for Building work regulated under the Planning Scheme (where required);

4.1.5. Development permit(s) for all necessary Plumbing and Drainage Works; and

4.1.6. Development permit(s) for carrying out Building Work.

4.2 A Development Permit for Operational Works, Plumbing and Drainage Works or Building Works for development associated with this Approval must not be issued prior to the receipt of the relevant Material Change of Use or Reconfiguring a Lot development permit(s).

5.0 PLANNING FRAMEWORK

Preamble - This is a preliminary approval (variation request) for a Material Change of Use, Reconfiguring a Lot, Building Work and Operational Works, to vary the effect of Council's Planning Scheme under Section 50(3) of the Planning Act 2016 for development in accordance with the proposed Kingsway Village Structure Plan Preliminary Approval Document (the Local Plan Document) and generally in accordance with the proposal plans (refer to condition 3.1).

The Local Plan Document overrides the Planning Scheme.

The Local Plan Document is an independent document which is the sole reference for the determination of any application over the Subject Land for a Material Change of Use, Reconfiguring a Lot, Building Work and Operational Works, in accordance with this approval. The subject land must be developed generally in accordance with the approved Local Plan Document (refer to condition 3.1).

5.1 To remove any doubt the process for determining a category of development and

category of assessment is for any development on the Subject Land is section 4.2 of the Local Plan Document for the purposes of this approval.

5.3 The planning scheme overlays do not change the category of development or assessment under the Local Plan Document.

5.4 The Applicant must submit a copy of this Variation Approval with any Material Change of Use and/or Reconfiguring a Lot and/or Operational Works and/or Building Development application relating to or arising from this development approval.

6.0 LOCAL PLAN

6.1 The local plan must be updated and lodged with Council for endorsement prior to any development permits being granted for development on the subject site:

6.1.1 An updated master plan of the site and surrounding community of Kinka Beach, demonstrating:

- (a) a high level of connectivity and integration through local pedestrian footpath and mobility connections;
- (b) network of local parkland and passive recreational opportunities to provide a high level of urban amenity; and
- (c) inclusion of public transport facilities.

6.1.2 The timing for delivery of the infrastructure identified in 6.1.1, commensurate with each Material Change of Use or Reconfiguring a Lot stage to provide a high level of amenity for Kinka Beach residents.

6.1.3 Communal facilities to cater for the residence of dwellings contained in the first four stages (258 dwellings) must be provided as part of the Material Change of Use for Stage 1. Details of the proposed indoor and outdoor multipurpose facilities are to be provided in the relevant application for Material Change of Use.

6.1.4 Communal facilities to cater for the residence of the whole development (820 dwellings) must be provided as part of the Material Change of Use for Stage 4. Details of the proposed gymnasium, recreation area, ablutions, café/ bar, kitchen and function/ dining space must be provided in the relevant application for Material Change of Use.

6.1.5 The Communal facilities in 6.1.3 and 6.1.4 are integral components of the development and must be maintained and operational for the life of the development.

7.0 CURRENCY PERIOD

7.1 The currency period for this Preliminary Approval is ten (10) years from the date the approval takes effect.

8.0 STAGED DEVELOPMENT

8.1 This approval is for a development to be undertaken in twelve (12) discrete stages described in the application, namely:

Stage 1 – 2.5 Hectares (Stage One);

Stage 2 – 3.0 Hectares (Stage Two);

Stage 3 – 1.5 Hectares (Stage Three);

Stage 4 – 2.6 Hectares (Stage Four);

Stage 5 – 3.7 Hectares (Stage Five);

Stage 6 – 1.8 Hectares (Stage Six);

Stage 7 – 1.3 Hectares (Stage Seven);

Stage 8 – 1.0 Hectares (Stage Eight);

Stage 9 – 1.9 Hectares (Stage Nine);

Stage 10 – 1.5 Hectares (Stage Ten);

Stage 11 – 8.9 Hectares (Stage Eleven);

Stage 12 – 13.4 Hectares (Stage Twelve);

in accordance with the approved KINGSWAY VILLAGE CONCEPTUAL STAGING PLAN, SITE EXTENT PLAN-1, Plan Number SCE-237-102, Revision E (refer to condition 3.1).

The stages are required to be undertaken in chronological order unless otherwise approved by Council.

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

8.4 Multiple development stages can be undertaken concurrently, provided development can be connected to the urban infrastructure outlined in this development permit.

8.5 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.

8.6 Infrastructure (for example: road, property accesses, water, sewer, services) must be provided (if necessary) to the development or stage boundaries for connectivity and to facilitate ease of extension of these Infrastructure during future stages.

9.0 INFRASTRUCTURE

Preamble – In order for development to proceed, infrastructure must be available (or be capable of being made available) to service the development proposed on the Subject Land.

9.1 Infrastructure must be provided by the Developer in a co-ordinated and a planned manner having regard to the staging of the development in a logical and orderly sequence.

10.0 ROAD WORKS

10.1 All vehicular access to and from the site must be via:

10.1.1 The proposed intersection with Kinka Beach Road, or

10.1.2 The proposed intersection with Kingsway Boulevard.

The proposed intersection with Kinka Beach Road must be located on Western Yeppoon-Emu Park Road at approximate chainage 12.526km and generally in accordance with KINGSWAY VILLAGE CONCEPTUAL STAGING PLAN SITE EXTENT PLAN-1, prepared by Siris & Associates, date 08/2022, reference SCE-237-102, revision A, as amended in red by SARA, and constructed prior to the completion of Stage 6 (or a maximum of 434 dwellings).

10.2 No direct vehicular access from Scenic Highway (between Lot 13 on RP609223 and Lot 14 on RP609223) is allowed.

10.3 A Traffic Impact Assessment certified by a Registered Professional Engineer of Queensland must be provided in any subsequent development permit application in relation with this preliminary material change of use application, using the updated and detailed plan of design of the proposed development, to demonstrate that the development will not worsen the safety and efficiency of Kinka Beach Road, Sir Davidson Drive and Scenic Highway, as well as the intersection between Scenic Highway & Kinka Beach Road, and the intersections between Sir Davidson Drive & Scenic Highway;

- 10.4 The proposed designs of access intersection between the site and Kinka Beach Road, and the access intersection between the site and Kingsway Boulevard, comply with the standards on *Capricorn Municipal Development Guidelines, Austroad Guide to Road Design, Department of Transport and Main Roads Supplement to Austroad Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
- 10.5 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.
- 10.6 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Austroad Guide to Road Design, Department of Transport and Main Roads Supplement to Austroad Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 10.7 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 10.8 The internal access roads servicing units must be designed to accommodate the loads and turning manoeuvres associated with a heavy rigid vehicle. A suitable pavement design of the internal access road must be submitted with the application of Development Permit for Operational Works (access and parking).
- 10.9 All internal private access roads must be designed and constructed including necessary drainage and lighting systems to ensure safe vehicle and pedestrian movements.
- 10.10 All ingress and egress movements to and from the development must be in a forward direction.
- 10.11 The provision of off-street car parking requirements for Residential Care Facility and Retirement Facility must comply with Table 9.3.2.4.3 – Requirements for Vehicle Parking and Queuing of Livingstone Planning Scheme 2018.
- 10.12 The proposed development must be provided with separate parking and manoeuvring areas within the site for all relevant modes of transport generated by the use including bicycles, buses, trucks, taxis, emergency vehicles, refuse collection vehicles, and maintenance vehicles.
- 10.13 Universal parking spaces must be provided in accordance with the Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities".
- 10.14 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with the Australian Standards AS1742.1 "Manual of Uniform Traffic Control Devices".
- 10.15 All internal pedestrian pathways must be designed and constructed in accordance with Australian Standard AS1428 "Design for Access and Mobility".
- 10.16 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.
- 11.0 SEWERAGE WORKS
- 11.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 11.2 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).
- 11.3 The development must be connected to Council's reticulated sewerage network.

- 11.4 New sewerage connection points must be provided to service for each sole occupancy building unit.
- 11.5 Construction of a Sewer Pump Station must be conducted in accordance with KINGSWAY VILLAGE CONCEPTUAL SEWER RETICULATION, prepared by Siris & Associates, date 06/2023, reference SCE-237-106, revision E, (refer to condition 3.1.1). Detailed design of the sewer pump station must be provided and certified by a Registered Professional Engineer of Queensland under the Operational Works Permit (sewerage works).
- 11.6 Construction of an additional 200mm diameter rising main from the existing access chamber near the cul-de-sac of Gap Street, Emu Park, to connect to the existing access chamber at Morris Street and Brown Street intersection, Emu Park. Detailed design of the rising main must be provided and certified by a Registered Professional Engineer of Queensland under the Operational Works Permit (sewerage works).
- 11.7 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.
- 11.8 Sewerage access chambers located within a park or reserve, or below a Q100 flood event, must be provided with bolt down lids.
- 11.9 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 11.10 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 12.0 WATER WORKS
- 12.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 12.2 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, the Plumbing and Drainage Act and the provisions of a Development Permit for Operational Works (water works).
- 12.3 The development must be connected to Council's reticulated water network.
- 12.4 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the Queensland Plumbing and Drainage Code and Council's Sub-metering Procedure.
- 12.5 A new water connection point must be provided for each sole occupancy building unit.
- 12.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 12.7 Easements must be provided over all water 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.
- 12.8 Construction of an additional 100mm diameter connection main across Paradise Way, at the location near Lot 59 on SP138803 and Lot 9 on SP138803, must be conducted to connect the existing 100mm diameter water mains along the two sides of Paradise Way.
- 12.9 This approval is subject to the following conditions of water works:
- 12.9.1 The number of units equivalent to 90 Equivalent Tenants (ETs) is approved. The translation from 90 ETs to the number of units must be conducted in accordance with Capricorn Municipal Development Guidelines. In any

subsequent development permit application in relation with this preliminary material change of use application, the number of units being translated from the approved 90 ETs must be conducted by a Registered Professional Engineer of Queensland and provided to Council.

12.9.2 In any subsequent development permit application in relation with this preliminary material change of use application, prior to development of any further units more than 90ETs, a solution of water network upgrading, with an associated water network analysis, certified by a Registered Professional Engineer of Queensland must be provided, demonstrating that:

- (1) All the proposed units can be supplied with water based on the desirable service standard in accordance with Capricorn Municipal Development Guidelines and Livingstone Planning Scheme 2018.
- (2) All existing properties being supplied with reticulated water at the same catchment can be supplied with water based on the desirable service standard in accordance with Capricorn Municipal Development Guidelines and Livingstone Planning Scheme 2018. Any additional demand from the proposed development must not impact the existing water supply of the area.
- (3) The solution must be designed to support the proposed development the subject of this approval only. To remove doubt, the infrastructure required to support the Kingsway Village development pursuant to the Preliminary Approval and subsequent Development Permits is non-trunk infrastructure under section 145 of the Planning Act 2016.

13.0 PLUMBING AND DRAINAGE WORKS

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

13.2 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 Plumbing and Drainage Works.

13.3 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

13.4 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

14.0 BUILDING WORKS

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

15.0 INTER-ALLOTMENT DRAINAGE

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

15.2 All inter-allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, and the provisions of a Development Permit for Operational Works (inter-allotment drainage works).

15.3 All roof and allotment runoff must drain demonstrating lawful discharge in accordance with the requirements of the Queensland Urban Drainage Manual and the Capricorn Municipal Development Guidelines.

- 15.4 All roof and allotment runoff water must not adversely affect the upstream or downstream land when compared to pre-development conditions or cause an actionable nuisance or damage infrastructure.
- 16.0 STORMWATER WORKS
- 16.1 A Stormwater Management Plan certified by a Registered Professional Engineer of Queensland must be provided in any subsequent development permit application in relation with this preliminary material change of use application, to address the following stormwater quantity related aspects:
- 16.1.1 Confirmation of influencing catchments and associated conditions (contours, roughness, imperviousness, slope, infiltration losses etc.);
 - 16.1.2 Confirmation of overall modelling extent and downstream model boundaries & conditions;
 - 16.1.3 Pre-burst effect consideration in the overall flood modelling;
 - 16.1.4 Critical storm durations and temporal patterns for events ranging from 63% AEP, 39%, 20%, 10%, 5%, 2%, 1% to 0.5% AEP;
 - 16.1.5 An assessment of the pre and post development scenarios and associated flooding conditions for events ranging from 63% AEP, 39%, 20%, 10%, 5%, 2%, 1% to 0.5% AEP;
 - 16.1.6 Details surrounding the on site flood mitigation strategies implemented into the proposed development;
 - 16.1.7 Details on the outlet arrangement including scour protection provisions to be implemented;
 - 16.1.8 Ensure no nuisance to the subject site boundary for events ranging from 63% AEP, 39%, 20%, 10%, 5%, 2%, 1% to 0.5% AEP;
 - 16.1.9 Afflux mapping for tailwater sensitivity model runs.
- 16.2 A Stormwater Management Plan certified by a Registered Professional Engineer of Queensland, including an appropriate model, such as Model for Urban Stormwater Improvement Conceptualisation (MUSIC), must be provided in any subsequent development permit application in relation with this preliminary material change of use application, to address the following stormwater quality related aspects:
- 16.2.1 Confirmation of stormwater quality influencing catchments and associated conditions;
 - 16.2.2 Confirmation of overall modelling extent, set up and parameters;
 - 16.2.3 An assessment of the pre and post development scenarios and associated pollutants;
 - 16.2.4 Stormwater quality treatment strategies to be implemented into the proposed development;
 - 16.2.5 Demonstrate that the proposed stormwater quality treatment strategies are able to ensure the potential pollutants in stormwater runoff, discharged from the site can be managed in accordance with Urban Stormwater Quality Planning Guidelines and State Planning Policy.
- 16.3 In any subsequent development permit application in relation with this preliminary material change of use application, it must be demonstrated that future development is to comply with the Flood Hazard overlay and Coastal Hazard overlay codes of the Livingstone Planning Scheme 2018.
- 16.4 In any subsequent development permit application in relation with this preliminary material change of use application, it must be demonstrated that flood resilience provisions are implemented in accordance with the Standards under Flood Hazard

- overlay of Livingstone Planning Scheme 2018. Both residential care facility and retirement facilities must be designed with flood resilience against 0.5% AEP event.
- 16.5 For the area under Coastal Hazard Area – Storm Tide Hazard Area, a Storm Tide Hazard Study Report certified by a Registered Professional Engineer of Queensland must be provided to determine the minimum habitable floor levels by the year of 2100 under 0.5% AEP event. Any proposed habitable facilities within Coastal Hazard Area – Storm Tide Hazard Area must be higher than this level.
- 16.6 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 16.7 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, and the provisions of a Development Permit for Operational Works (stormwater works).
- 16.8 All stormwater works including roof water and allotment runoff must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering, or diverting existing stormwater runoff patterns or cause an actionable nuisance.
- 16.9 All new culvert structure associated with the development must be designed and constructed to ensure safe trafficability during the Defined Flood Event.
- 16.10 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with Urban Stormwater Quality Planning Guidelines and State Planning Policy.
- 16.11 Ongoing maintenance and management actions necessary for the 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.
- 17.0 EARTHWORKS
- 17.1 A Development Permit for Operational Works (Earthworks) must be obtained prior to the commencement of any earthworks on the site.
- 17.2 All site earthworks must be undertaken in accordance with Australian Standard, AS3798 “Guidelines on Earthworks for Commercial and Residential Developments”.
- 17.3 Earthworks must be undertaken such that stormwater runoff is managed and discharged lawfully and must not adversely affect the adjoining properties compared to pre-development conditions or damage infrastructure.
- 17.4 Any retaining structures one (1) metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional Engineer of Queensland or equally qualified person at design submission and certified on completion of construction for compliance with the design.
- 17.5 Any earthwork that results in batter slopes, which exceed twenty-five (25) per cent, must be separately certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and as being structurally stable and safe.
- 17.6 Any application for earthworks must be accompanied by an erosion and sediment control plan and environmental management plan
- 17.7 Any application for a Development Permit for Operational Works (site works) must be accompanied by a preliminary site investigation into acid sulfate soils in accordance with the latest version of Queensland Sampling Guidelines and soil analyses (according to the Laboratory Methods Guidelines or Australian Standard 4969). If preliminary testing indicates that acid sulfate soils are present in the areas to be

excavated, a more detailed acid sulfate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works).

18.0 ELECTRICITY AND TELECOMMUNICATIONS

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

19.0 ASSET MANAGEMENT

19.1 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.

19.2 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.

19.3 '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. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

20.0 VEGETATION CLEARING

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

20.2 A plan indicating the staged clearing of the site must be provided with any application for a Development Permit for Operational Works.

20.3 A suitably qualified fauna spotter / catcher must be engaged to conduct a pre-assessment of wildlife habitats and breeding places and be onsite during vegetation felling activities to ensure fauna and habitat management actions are taken as required. All clearing works must be halted if fauna is likely to be injured.

20.4 A Local Wildlife Management Plan must be submitted to Council prior to the commencement of works. The Plan must include, but not be limited to, the following information:

20.4.1 The potential direct and indirect impacts of both the construction and operation phase of the proposed development to the wildlife wellbeing / colony / roost / breeding places;

20.4.2 How this is to be monitored, evaluated and reported; and

20.4.3 The mitigation options which will be utilized to minimize the potential impacts on the wildlife and their habitat.

21.0 ENVIRONMENTAL

21.1 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:

21.1.1 erosion and silt/sedimentation management plan;

21.1.2 acid sulphate soils;

21.1.3 vegetation management and clearing;

21.1.4 top soil management;

21.1.5 interim drainage plan during construction;

- 21.1.6 construction programme including instruction times;
- 21.1.7 noise and dust suppression; and
- 21.1.8 waste management.
- 21.2 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.
- 21.3 The plan must demonstrate how the Construction-Phase stormwater management design objectives of the State Planning Policy (Appendix 2 Table A) will be achieved.
- 21.4 The plan must address the following, but is not limited to;
 - 21.4.1 top soil management;
 - 21.4.2 dust suppression;
 - 21.4.3 erosion susceptibility and risk;
 - 21.4.4 vegetation;
 - 21.4.5 interim drainage control during construction;
 - 21.4.6 acid sulphate soils (if applicable); and
 - 21.4.7 Implementation and maintenance procedures during construction and post construction phases of work.
- 21.5 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 onsite for inspection by Council Officers during those works.
- 22.0 WASTE COLLECTION
- 22.1 Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Part 9.3.1 General development code of the Livingstone Shire Planning Scheme, and in particular:
 - 22.1.1 A waste storage area must be provided of sufficient size to accommodate the waste storage needs of each dwelling or non-residential component of the development;
 - 22.1.2 Waste storage areas must be imperviously sealed, with a hose cock fitted in close proximity to the enclosure.
 - 22.1.3 All waste storage areas are screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres.
 - 22.1.4 The minimum overhead clearance required for refuse collection is 6.5 metres. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance must be maintained at all times.
- 22.2 Where Council is the relevant service provider for waste collection, provide easements over all vehicle manoeuvring areas to facilitate lawful access to waste receptacles.
- 22.3 All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the Environmental Protection (Waste Management) Regulation

2000.

23.0 ACOUSTIC REPORT

- 23.1 An acoustic report must be prepared for each development application that is for a Material Change of Use for Retirement Facility, Aged Care Facility or community use to demonstrate that noise related impacts resulting from the proposed development are appropriately mitigated with respect to sensitive land uses that may be impacted by the development. The report must identify the respective acoustic environments and identify any acoustic treatments necessary to be implemented, based on the land uses proposed and surrounding land uses.
- 23.2 The Noise Controls outlined in the Environmental Noise Level Impact Assessment prepared by David Moore & Associates Pty Ltd must be integrated into the design of works proposed adjacent to Kinka Beach Road, and identified in an application for Operational Works.

ADVISORY NOTES

NOTE 1. Water and Sewerage Services

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

NOTE 2. Aboriginal Cultural Heritage

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges

The land uses proposed in the Local Plan Document are subject to infrastructure charges in accordance with Council policies. The charges will be presented on an Infrastructure Charges Notice at the time of a future development approval for a Material Change of Use, Reconfiguring a Lot, Operational Works or Building Works.

NOTE 6. Licensable Activities

Should an activity licensable by Livingstone Shire Council be proposed for the

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

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

09:55AM Councillor Friend left the meeting.

09:59AM Councillor Friend returned to the meeting.

11.3 DEVELOPMENT APPLICATION FOR MULTIPLE DWELLING (23 DWELLINGS) AT 40 FARNBOROUGH ROAD, YEPPON

File No: D-519-2022

Attachments:

1. Locality Plan
2. Original Proposal Plans
3. Original Planning Scheme Code Assessment
4. Alternate Design Concept
5. Site Survey

Responsible Officer: Chris Ireland - General Manager Communities

Author: Greg Abbotts - Manager Development and Environment

Previous Items: 11.10 - Development Application for Multiple dwelling (23 dwellings) at 40 Farnborough Road, Yeppoon - Ordinary Council - 15 Aug 2023 9.00am

SUMMARY

Applicant: Keppview Pty Ltd

Consultant: Gideon Town Planning

Real Property Address: Lot 1 on RP602059 Area of Site: 3,035 square metres

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Medium density residential zone

Planning Scheme Overlays: OM01 Acid sulfate soils
OM02 Agricultural land classification
OM07 Biodiversity – Habitat and vegetation
OM13 Coastal hazard – Erosion prone
OM18 Landslide hazard area
OM20 Road hierarchy
OM21 Scenic amenity
OM27 Height limits

Existing Development: Dwelling house

Level of Assessment: Impact assessable

Submissions: 60 Submissions received

Referral matters: Nil

Infrastructure Charge Area: Charge Area 1

Application progress:

<i>Application received:</i>	8 December 2022
<i>Application properly made:</i>	13 December 2022
<i>Development control unit meeting:</i>	14 December 2022
<i>Confirmation notice issued:</i>	9 January 2023

<i>Information request issued:</i>	23 January 2023
<i>Change to application:</i>	28 March 2023
<i>Information request response received:</i>	21 April 2023
<i>Public notification period:</i>	21 April 2023 – 16 May 2023
<i>Notice of compliance received:</i>	17 May 2023
<i>Submission consideration period:</i>	17 May 2023 – 31 May 2023
<i>Further advice issued:</i>	31 May 2023
<i>Extension of time agreed to:</i>	29 June 2023
<i>Further advice responded to:</i>	3 July 2023
<i>Decision period commenced:</i>	31 May 2023
<i>Council meeting date:</i>	15 August 2023
<i>Statutory determination date:</i>	22 August 2023
<i>Extension by Agreement (10bd)</i>	22 August 2023 – 5 September 2023
<i>Special Council Meeting</i>	5 September 2023
<i>Stop a current period (15bd)</i>	5 September 2023 – 25 September 2023
<i>Stop a current period (15bd)</i>	25 September 2023 – 16 October 2023
<i>Extension by Agreement (25bd)</i>	16 October 2023 – 21 November 2023
<i>Council meeting date</i>	21 November 2023

Meeting Adjourned**COUNCIL RESOLUTION**

10.32AM - Tuesday, 21 November 2023

THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED

Meeting Resumed

COUNCIL RESOLUTION

10.55AM - Tuesday, 21 November 2023

THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland
MOTION CARRIED

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling (23 dwellings), made by Keppview Pty Ltd, on Lot 1 on RP602059, and located at 40 Farnborough Road, Yeppoon, Council resolves to approve the application despite the development not meeting some of the assessment benchmarks pursuant to Section 60(3) of the *Planning Act 2016*, there are considered to be circumstances that favour Council exercising its discretion to approve the development. The circumstances are:

- (i) The development does not comply with acceptable outcome AO1.1 and Overall outcome 7(c) of the Medium density residential zone code, as the building height exceeds the height nominated in the Farnborough Road Height Limits figure, which is based on the contours of the site. The proposed building height for the development is 37.8 metres Australian Height Datum and the existing contour height for the site at the western boundary is 27.53 metres. The proposal exceeds the contour height by 10.27 metres, and reduces the previous proposal by 1.4 metres.
 - (a) Despite the non-compliance, the design of the building incorporates contemporary architectural features including variation in balcony design, podiums, stepping of the building at various boundaries and a staggered roofline, to retain the character and amenity of the built form in the area. The green roof as nominated in the previous proposal has been removed to accommodate a reduction in height;
 - (b) The development proposes a modest site cover, and the building is designed into the slope of the site, with established dense vegetation being retained, surrounding the development.
 - (c) The development considers adjoining properties, by attempting to retain outlooks of surrounding residents, and by keeping the height of the building below the contour level of balconies of dwellings to the rear of the site.
 - (d) The development is supported by a Visual Impact Assessment which demonstrates the proposal is of a well considered contemporary architectural design, focused on delivering a visually sympathetic and attractive building into the area. The only change to built form is the removal of green roof space. All other elements remain, variety of exterior façade, natural colour scheme and articulation of the façade.
- (ii) The development does not comply with acceptable outcome AO2.2 of the Medium density residential zone code, as the proposed building setbacks of the site are approximately 2.4 metres less than required, based on an building height above ground level at the specific boundaries.
 - (a) Despite the non-compliance, the design and siting of the development results in a high level of amenity and the proposed setbacks are sufficient to support ventilation between buildings. The development is supported by shadow diagrams to predict potential impact over adjoining properties.
 - (b) The conservative site cover also allows for existing vegetation to remain connected to adjoining vegetation and environmental corridors, which is integral to the adjoining environmental covenants and local species communities.
 - (c) The development provides generous setbacks to the rear and street frontage, further, the built form will be in excess of twenty (20) metres to adjoining buildings.
- (iii) The development complies with the relevant outcomes of the Accommodation activities

code. The proposed development provides the density sought for the Medium density residential zone, given the proposed density of seventy-five (75) dwellings per hectare exceeds the minimum stated density of fifty (50) dwellings per hectare. The development is able to maintain existing site features and vegetation with a modest building footprint (site cover) of 25.4%, resulting in protection of amenity and privacy of adjoining premises. The development complies with the relevant outcomes of the Biodiversity overlay code. The development is supported by an Ecological Assessment Report, supported and advised by a protected plants survey undertaken by a suitably qualified botanist. The assessment did not identify protected plants, or evidence of fauna breeding areas.

- (iv) The development complies with the relevant outcomes of the Coastal hazard overlay code, given only a minor portion of the front of the site (approximately 4 square metres) is located within the Erosion prone area and this area will be landscaped with no buildings or structures within the overlay location.
- (v) The development complies with the relevant outcomes of the Development works code subject to conditions and further development permits for Operational Works.
- (vi) The development does not comply with acceptable outcome AO7.2 of the General development code, given a traffic impact assessment report has not been undertaken.
Despite the non-compliance, a capacity assessment was undertaken of the Urban access place fronting the development site, and post development traffic generation is determined to be within the range for typical Urban access place. A 7.5 metre wide carriageway is proposed for the road link between Farnborough Road and the development.
- (vii) The development has been justified to comply with the Specific Outcomes of the Settlement pattern theme for urban places in the Strategic framework as it provides the desired density and contributes to diverse housing options consistent with intended role and function of the place in the settlement pattern. The development is close to the Major centre zone and public transport corridors contributing to a strong and vibrant centre, and to assist in making more efficient use of infrastructure and other public investment. The proposal as a whole results in development that does not compromise the policy direction embodied in the Strategic Framework.
- (viii) The development does not compromise the achievement of the State interests – Liveable Communities, Water Quality and Planning for Safety and Resilience to Hazards, outlined in the *State Planning Policy*.
- (ix) The development does not compromise the achievement of regional outcomes outlined in the *Central Queensland Regional Plan*.

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 Multiple dwelling (23 dwellings), made by Keppview Pty Ltd, on Lot 1 on RP602059, and located at 40 Farnborough Road, Yeppoon, Council resolves to approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use.
- 1.6 The following 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;
 - (ii) Stormwater Works;
 - (iii) Sewer Works;
 - (iv) Earthworks; and
 - (v) Clearing 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>
Pool Level	DA-100 Revision D	6 December 2022
Lower Basement	DA-103 Revision D	6 December 2022
Upper Basement	DA-104 Revision D	6 December 2022
Level 1	DA-105 Revision D	6 December 2022
Level 2	DA-107 Revision D	6 December 2022
Level 3-4	DA-108	6 December 2022
Level 5	DA-109 Revision D	6 December 2022
Level 6	DA-110 Revision D	6 December 2022
Level 7	DA-111 Revision D	6 December 2022

Roof Plan	DA-112 Revision D	6 December 2022
Elevations	DA-201 Revision D	6 December 2022
South West Elevation	DA-203 Revision D	6 December 2022
East Elevation	DA-204 Revision D	6 December 2022
West Elevation	DA-205 Revision D	6 December 2022
South East Elevation	DA-206 Revision D	6 December 2022
North Elevation	DA-207 Revision D	6 December 2022
Lower Basement Turning Paths	DA-530 Revision D	6 December 2022
Upper Basement Turning Paths	DA-531 Revision D	6 December 2022
Farnborough Road Access Plan	SK10[1]	6 April 2023
Garbage Truck Turnpath Plan 2	SK11[1]	6 April 2023
Landscape Concept Plan	2209-022 Revision B SK001 – SK040	29 November 2022
Stormwater Management Report	Project number 22071	25 November 2022
Preliminary Landslide Risk Assessment	Project number R22-243A Revision 1	8 December 2022
Ecological Assessment Report	-	14 July 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 AND PARKING 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 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).
- 3.3 The carriage way (access driveway) must be constructed in accordance with the approved plans (refer to condition 2.1) and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.4 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 3.5 All ingress and egress movements to and from the development must be in a forward direction.
- 3.6 A minimum of forty-three (43) off-street covered parking spaces must be provided.

- 3.7 Universal parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.8 Tandem parking spaces P7 and P42 must be allocated to a single dwelling unit.
- 3.9 Tandem parking spaces P8 and P43 must be allocated to a single dwelling unit.
- 3.10 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 SEWERAGE WORKS

- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 The development must be connected to Council's reticulated sewerage service.
- 4.4 A new sewerage connection point must be provided.
- 4.5 Any redundant existing sewerage connection points must be disconnected.

5.0 WATER WORKS

- 5.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, and the Plumbing and Drainage Act*.
- 5.2 The development must be connected to Council's reticulated water supply.
- 5.3 The existing water connection point must be retained and upgraded, if necessary, to service the development.
- 5.4 Any redundant existing water connection points must be disconnected.
- 5.5 The proposed development must be provided with a master meter at the property boundary (on the foot path) and sub meters for each sole occupancy unit in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.
- 5.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy*, any Council flood study reports, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.
- 6.4 All major drainage systems must be designed and constructed to cater for peak flow characteristics of the one percent (1%) Annual Exceedance Probability event consistent with the provisions of the *Queensland Urban Drainage Manual*.

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- 6.5 Any application for Operational works (stormwater works) must include the detailed design of any stormwater structures for the access driveway within the lot boundary (between road reserve and the proposed multiple dwelling building), demonstrating that this access driveway is resilient to one percent (1%) Annual Exceedance Probability event.
- 6.6 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *Urban Stormwater Quality Planning Guidelines* and *State Planning Policy*.
- 7.0 **BUILDING WORKS**
- 7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 7.2 The overall building height must not exceed 10.27m above the highest site contour of 27.53 AHD.
- 7.3 The external wall colours for the development must not exceed a light reflectance value (LRV) of eighty (80) per cent.
- 7.4 Any retaining structures one (1) metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional Engineer of Queensland or equally qualified person at design submission and certified on completion of construction for compliance with the design.
- 7.5 All building works must be undertaken in accordance with *Australian Standard, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*, any recommendations of the *Preliminary Landslide Risk Assessment Report* (refer to condition 2.1) and any recommendations of subsequent geotechnical investigation reports.
- 8.0 **ROOF AND ALLOTMENT DRAINAGE WORKS**
- 8.1 All roof and allotment runoff must drain demonstrating lawful discharge in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines* and any recommendations of the slope stability assessment report.
- 8.2 All roof and allotment runoff water must not adversely affect the upstream or downstream land when compared to pre-development conditions or cause an actionable nuisance or damage infrastructure.
- 9.0 **EARTHWORKS**
- 9.1 A Development Permit for Operational Works (earthworks) must be obtained prior to the commencement of any site works.
- 9.2 All earthworks must be undertaken in accordance with *Australian Standard, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and any recommendations of the *Preliminary Landslide Risk Assessment Report* (refer to condition 2.1).
- 9.3 Earthworks must be undertaken such that stormwater runoff is managed and discharged lawfully and must not adversely affect the adjoining properties compared to pre-development conditions or damage infrastructure.
- 9.4 Any application for a Development Permit for Operational Works (earthworks) must be accompanied by a detailed geotechnical assessment and design report certified by a qualified Registered Professional Engineer of Queensland with any feasible option and detailed design to reduce the risk of failure of the retaining wall along the boundary with Lot 0 on GTP105996 (38 Farnborough Road), as the recommendation of the *Preliminary Landslide Risk Assessment Report* (refer to condition 2.1).
- 9.5 Any application for a Development Permit for Operational Works (earthworks) must be accompanied by a detailed geotechnical assessment report certified by a qualified
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Registered Professional Engineer of Queensland, to address all the recommended additional investigation and analysis under Section 5.4 and Section 5.5 of the *Preliminary Landslide Risk Assessment Report* (refer to condition 2.1).

- 9.6 Any building foundations including any retaining structures and associated changes to natural landform (cut and fill) must be separately certified for structural adequacy and geological stability by a suitably qualified Registered Professional Engineer of Queensland at design submission for building works and certified on completion of construction for compliance with the design.
- 9.7 Any earthwork that results in batter slopes, which exceed twenty-five (25) per cent, must be separately certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and as being structurally stable and safe.
- 9.8 Any application for a Development Permit for Operational Works (earthworks) must be accompanied by a preliminary site investigation into acid sulphate soils in accordance with State Planning Policy.

10.0 LANDSCAPING WORKS

- 10.1 A Planting Plan and supporting documentation must be submitted for endorsement by Council prior to establishment of the landscaping on site. 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) underground and overhead services;
 - (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - (vi) details of landscape structures including areas of deep planting;
 - (vii) specification notes on mulching and soil preparation;
 - (viii) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ix) position and canopy spread of all trees and shrubs;
 - (x) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging);
 - (xi) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting. Endemic species must be incorporated in the landscaping; and
 - (xii) a maintenance schedule including a weed management and replanting program.
- 10.2 Native vegetation located west of the proposed building must be retained.
- 10.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 10.4 Root barriers must be provided between proposed trees and relevant infrastructure.
- 10.5 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic*

Engineering Practice' series of publications;

- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.

10.6 All landscaping must be constructed and or established, prior to the commencement of the use.

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

11.0 ELECTRICITY AND TELECOMMUNICATIONS

11.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities, prior to the commencement of the use.

12.0 ASSET MANAGEMENT

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

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

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

13.0 ENVIRONMENTAL

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

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

13.2 The Environmental Management Plan approved as part of a Development Permit for

Operational Works must be part of the contract documentation for the development works.

14.0 CLEARING WORKS

- 14.1 A Development Permit for Operational Works (clearing works) must be obtained prior to the commencement of any clearing works on the site.
- 14.2 Areas degraded as a result of development must be rehabilitated by the proponent as near as is practicable to the naturally occurring local native plant species and in accordance with any Development Permit for Operational Works (clearing works).
- 14.3 Supporting documentation must be submitted with the operational works application and must include, but not limited to:
- (i) A plan indicating the staged clearing of the site;
 - (ii) Clearing directions and procedures to allow for wildlife escape;
 - (iii) Procedures and mitigation actions to prevent impacts to retained vegetation of; construction and excavation, increased salt laden winds, increased sunlight and changed overland flow of water.
 - (iv) Treatment of buffer areas to retained vegetation.
 - (v) Management of run off water of the site to protect the existing native vegetation and natural waterway retained to the west of the proposed building.

15.0 OPERATING PROCEDURES

- 15.1 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 Farnborough Road.
- 15.2 Undertake the activity in a manner that does not allow environmental nuisance or water contamination 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.
- 15.3 The development must be provided with refuse containers and a container storage area that:
- (i) 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;
 - (ii) is large enough to accommodate one (1) or more industrial bins of a size appropriate to the nature and scale of the use;
 - (iii) has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system; and
 - (iv) is within proximity to a hose cock.
- 15.4 Individual units must be clearly numbered and appropriate way finding signage must be provided at each level.
- 15.5 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*.
- 15.6 To reduce artificial light that is directly visible from the beach or ocean and to avoid ambient lighting that contributes to sky glow, outside lighting must be:
- (i) shielded by twenty-five (25) centimetre shields; or
 - (ii) mounted down low or directed downwards and away from the coast.
-

- 15.7 Any building plant must be screened from view of the street by one or more of the following:
- (i) a solid screen fence, or
 - (ii) a roof design feature; or
 - (iii) a wall; or
 - (iv) dense vegetation; or
 - (v) be located within, underneath or central to the building so as to not be visible from the street.
- 15.8 Where necessary, air conditioning units must be provided with acoustic screening to meet the standards set out in the *Environmental Protection Regulation 2008*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Water and Sewerage Services

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

NOTE 6. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling (23 dwellings), made by Keppview Pty Ltd, on Lot 1 on RP602059, and located at 40 Farnborough Road, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$518,000.00**.

Moved by: Councillor Watson

Seconded by: Councillor Swadling

MOTION LOST

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

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

COUNCIL RESOLUTION

THAT, in view of a majority of councillors not supporting the recommendation to approve the development, the applicant/developer be invited to suspend the DA process (stop the clock) and submit a revision to their proposal currently under consideration.

Moved by: Councillor Swadling

Seconded by: Councillor Eastwood

MOTION CARRIED

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

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

Meeting Proceeds to the Item 11.11

COUNCIL RESOLUTION

That pursuant to s2.18.1(c) and s2.18.8 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceeds to Item 11.11 – Appointment to Vacancy: Audit, Risk and Improvement Committee and then return to Item 11.4 D-514-2022 Material Change of Use for a Relocatable Home Park and Reconfiguring a Lot (one lot into two and access easement) and (one lot into one hundred and twenty nine lots) and preliminary approval for a variation request (to vary the effect of the Planning Scheme) for Rural Living to Low Density Residential of the agenda.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

11.11 APPOINTMENT TO VACANCY: AUDIT, RISK AND IMPROVEMENT COMMITTEE

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

SUMMARY

Chief Executive Officer reporting on interview panel recommendations for appointment to fill a pending external member vacancy on the Audit, Risk & Improvement Committee.

COUNCIL RESOLUTION

THAT Jeff Stewart-Harris be appointed to the position of External Member on the Audit, Risk & Improvement Committee being vacated by Kerry Phillips in February 2024.

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.4 D-514-2022 MATERIAL CHANGE OF USE FOR A RELOCATABLE HOME PARK AND RECONFIGURING A LOT (ONE LOT INTO TWO AND ACCESS EASEMENT) AND (ONE LOT INTO ONE HUNDRED AND TWENTY NINE LOTS) AND PRELIMINARY APPROVAL FOR A VARIATION REQUEST (TO VARY THE EFFECT OF THE PLANNING SCHEME) FOR RURAL LIVING TO LOW DENSITY RESIDENTIAL

File No: D-514-2022

Attachments:

1. Locality Plan
2. Overall Master Plan
3. Reconfiguring of Lot Plan (1 into 2)
4. Staging Plans
5. Code Assessment

Responsible Officer: Greg Abbotts - Manager Development and Environment
Chris Ireland - General Manager Communities

Author: Declan Cox - Principal Planning Officer

SUMMARY

<i>Applicant:</i>	<i>Limestone Creek Road Developments Pty Ltd</i>
<i>Consultant:</i>	<i>Reel Planning Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 3 – 5 on RP614856</i>
<i>Area of Site:</i>	<i>157.783 hectares (residential development over 55.38 hectares – Lot 5 only)</i>
<i>Planning Scheme:</i>	<i>Livingstone Planning Scheme 2018 (Version 3)</i>
<i>Planning Scheme Zone:</i>	<i>Rural Zone</i>
<i>Planning Scheme Overlays:</i>	<i>OM02 – Agricultural Land Classification</i>
	<i>OM07 – Biodiversity – Habitat and Vegetation</i>
	<i>OM11 – Biodiversity – Stream Order</i>
	<i>OM12 – Bushfire Hazard Area</i>
	<i>OM15 - Drainage Problem Area</i>
	<i>OM20 – Road Hierarchy</i>
	<i>OM27 – Heights Limits</i>
<i>Existing Development:</i>	<i>Vacant land (grazing)</i>
<i>Level of Assessment:</i>	<i>Impact assessable</i>
<i>Submissions:</i>	<i>91 Submissions received and 1 Petition</i>
<i>Referral matters:</i>	<i>Infrastructure – State transport infrastructure (10.9.4.1.1.1)</i>
	<i>Clearing Native Vegetation (10.3.4.2.1)</i>
	<i>Clearing Native Vegetation (10.3.4.3.1)</i>
<i>Infrastructure Charge Area:</i>	<i>Outside the Priority Infrastructure Area</i>

OFFICER RECOMMENDATION

RECOMMENDATION A

THAT in relation to public notification, the public notification signs referenced 319 dwellings for the Relocatable home park rather than 391 dwellings. Despite the sign identifying a lower number of dwellings, the proposal plans available identified 391 dwellings and the land use remains unchanged. Therefore, the sign identifying 319 dwellings rather than 391 dwellings was unlikely to affect a person's ability to make a submission or be made aware of the development application being on public notification. In accordance with section 53 (3) of the *Planning Act 2016*, even though some requirements were not complied with (as detailed above), the assessment manager is satisfied that the noncompliance has not adversely affected the public's awareness of the existence and nature of the application or restricted the public's opportunity to make properly made submissions about the application. Therefore, the notification period was not required to be repeated.

RECOMMENDATION B

That in relation to the application for a Preliminary Approval (variation request) to vary the effect of the Local Planning Instrument (*Livingstone Planning Scheme 2018*), Development Permit for a Material Change of Use for a Relocatable home park (391 sites), Reconfiguring a Lot (one lot into two lots and access and drainage easements) and (one lot into 132 lots), made by Limestone Creek Road Developments Pty Ltd, on Lot 5 RP 614856, and located at 73 Limestone Creek Road, Inverness, Council resolves to Approve the application despite the development not meeting some of the assessment benchmarks pursuant to Section 60(3) and 61 of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks and circumstances/relevant matters have been established in support of the development as follows:

- (i) The proposed development generally complies with the Strategic Framework under the *Livingstone Planning Scheme 2018*, Version 3. The proposal has been justified to comply with Specific Outcomes SO3 and SO5 of the Settlement pattern theme for rural places as the land uses require a large parcel of land, not suited to an urban area. Furthermore, the development seeks to utilise the rural nature of the site and surrounding sites as a feature and will not limit or compromise the agricultural capacity of the surrounding land for primary production through existing operations and buffers to boundaries.
- (ii) The proposed development has been justified to comply with Specific Outcomes SO2 and SO5 of the Natural environment and hazard's theme for Natural hazards and climate change as the use will be carried out in accordance with the Bushfire Hazard Assessment and conditioned to ensure uses are above flood levels.
- (iii) The proposed Relocatable Home Park is not a preferred use in the Rural zone. Despite not being a preferred use, the development is adequately separated from sensitive land uses (Dwelling houses on rural lots), will not limit existing rural activities and will not compromise future rural activities establishing on the surrounding land. Further, the proposed development is unique in respect of operational and siting needs and requires a large area of land with access and servicing provision that is not available in an urban, special purpose, or tourism zoned land.
- (iv) The subject site has a local biodiversity corridor (habitats and vegetation) mapped within the south-eastern portion of the subject site. An ecological assessment report has been provided in support of addressing the Biodiversity Overlay Code. The proposal is considered to overall demonstrate compliance with the code while providing a vegetation buffer in this area by providing an environmental covenant Lots 1101-1107.
- (v) A bushfire management plan has been provided to address the Bushfire Hazard Overlay Code. The subject site is affected by the medium potential bushfire intensity and potential impact buffer predominately to the south and south-east of the site. The site will be connected to the reticulated water supply and has access to a formed road, and higher order road network. All buildings will be assessed for a Bushfire Attack

Level by the building certifier at the time of building works. Therefore, the risk to life, property, community, economic activity and the environment is considered to be a tolerable level of risk to not require further assessment against the bushfire hazard overlay code. An updated plan for Lots 1101-1107 of the development is required in relation to Condition 33.12 that provides for all vegetation outside of the building envelopes identified in the overall masterplan and subject to the covenant in Condition 33.10 to be retained and not cleared, accounting for all vegetation clearing exemptions and provisions under the *Planning Regulation 2017*.

- (vi) The development either complies with, or has been conditioned to comply with, the relevant Performance Outcomes and Acceptable Outcomes of the Rural zone code, Bushfire hazard overlay code, Biodiversity overlay code, Reconfiguring a Lot Code, Accommodation activities code, General development code and Development works code.
- (vii) The development does not compromise the achievement of the *State Planning Policy 2017*.
- (viii) On balance, the application should be approved because the development has been justified against the strategic framework and can be conditioned to comply with the assessment benchmarks.

RECOMMENDATION C

That in relation to the application for a Preliminary Approval (variation request) to vary the effect of the Local Planning Instrument (*Livingstone Planning Scheme 2018*), Development Permit for a Material Change of Use for a Relocatable home park (391 sites), Reconfiguring a Lot (one lot into two lots and access and drainage easements) and (one lot into 132 lots), made by Limestone Creek Road Developments Pty Ltd, on Lot 5 RP 614856, and located at 73 Limestone Creek Road, Inverness, Council resolves to Approve the application subject to the following conditions:

PART A – PRELIMINARY APPROVAL (VARIATION REQUEST)

1.0 DEFINITIONS AND INTERPRETATIONS

1.1 In this approval:

- 1.1.1. **Applicant** means Limestone Creek Road Developments Pty Ltd being the applicant for a preliminary approval affecting the Council's Planning Scheme with respect to the subject land.
- 1.1.2. **Approval** means the approval of the Application by the Council.
- 1.1.3. **Capricorn Municipal Development Guidelines** means a document adopted by Council containing guidelines and standards for development, as amended from time to time.
- 1.1.4. **Conditions** mean the conditions of this approval including any attachment referred to in these conditions.
- 1.1.5. **Council** means the local government authority having jurisdiction over land use and development on the subject land.
- 1.1.6. **Developer** means the registered proprietor and any occupier of the Subject Land.
- 1.1.7. **Infrastructure** means infrastructure reasonably required to service the proposed development including roads (internal, external and access), water services, sewer services and stormwater drainage.
- 1.1.8. **Schedule of Plans for Trunk Infrastructure** means the infrastructure schedules mentioned in Council's *Local Government Infrastructure Plan* or any other plan which replaces it.

- 1.1.9. **Subject land** means Proposed Lot 1 (or subsequent lot and plan number).
- 1.1.10. **Planning Act 2016** means the *Planning Act 2016* as amended from time to time.
- 1.1.11. **Planning Scheme** means Council's *Livingstone Planning Scheme 2018*, version 3, in effect 15 February 2021.

2.0 ADMINISTRATION

- 2.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 2.2 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.
- 2.3 All conditions, works, or requirements of this approval must be undertaken and completed to Council's satisfaction, at no cost to Council.
- 2.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council.

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1 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>Reference</u>	<u>Dated</u>
Overall Master Plan	Land Dynamics, Job 5614, Drawing No. 0001, Rev F	29 June 2023
Reconfiguration of a Lot (1 into 2 Lots) Plan	Land Dynamics, Job 5614, Drawing No. 0017, Rev D	4 September 2023

- 3.2 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.
- 3.3 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 the first application for a Development Permit over the subject land.

4.0 REQUIRED DEVELOPMENT PERMIT(S)

- 4.1 Other development permits which are necessary to allow the development to be undertaken are listed below and these Conditions do not affect the need to obtain such permits, namely:
- 4.1.1. Development permits(s) for Reconfiguring a Lot (where required/proposed);
- 4.1.2. Development permit(s) for Material Change of Use (where required);
- 4.1.3. Development permit(s) for carrying out Operational Work (where required);
- 4.1.4. Development permit(s) for Building work regulated under the Planning Scheme (where required);
- 4.1.5. Development permit(s) for all necessary Plumbing and Drainage Works; and
- 4.1.6. Development permit(s) for carrying out Building Work.
- 4.2 A Development Permit for Operational Works, Plumbing and Drainage Works or

Building Works for development associated with this Approval must not be issued prior to the receipt of the relevant Material Change of Use development permit(s).

5.0 PLANNING FRAMEWORK

Preamble - This is a preliminary approval (variation request) for a Material Change of Use, Reconfiguring a Lot, Building Work and Operational Works, to vary the effect of Council's Planning Scheme under Section 50(3) of the Planning Act 2016 for development in accordance with the Low density residential zone of the Planning Scheme and generally in accordance with the proposal plans (refer to condition 3.1).

- 5.1 To remove any doubt the process for determining a category of development and category of assessment is for any development on the subject land is section 1.4 and Part 5 of the Planning Scheme relevant to the Low density residential zone for the purpose of this approval.
- 5.2 The Planning Scheme overlays apply to the subject land.
- 5.3 The Applicant must submit a copy of this Variation Approval with any Material Change of Use and/or Reconfiguring a Lot and/or Operational Works and/or Building Development application relating to or arising from this development approval.
- 5.4 Any application submitted to the Council under this Variation Approval must be consistent with this Variation Approval and where inconsistent, must be submitted to the Council instead under the Planning Scheme in effect at the date of application.

6.0 CURRENCY PERIOD

- 6.1 The currency period for this Preliminary Approval is ten (10) years from the date the approval takes effect.

7.0 STAGED DEVELOPMENT

- 7.1 Infrastructure must be provided by the developer in a co-ordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence.
- 7.2 Infrastructure (for example: road, property accesses, water, sewer, services) must be provided (if necessary) to the development or stage boundaries for connectivity and to facilitate ease of extension of these Infrastructure during future stages.

8.0 INFRASTRUCTURE

Preamble – In order for development to proceed, infrastructure must be available (or be capable of being made available) to service the development proposed on the subject land.

- 8.1 Infrastructure must be provided by the Developer in a co-ordinated and a planned manner having regard to the staging of the development in a logical and orderly sequence.

PART B – RECONFIGURING A LOT (1 LOT INTO 2 LOTS)

9.0 ADMINISTRATION

- 9.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 9.2 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.
- 9.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

- 9.4 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.
- 9.5 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.
- 9.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 9.7 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.

10.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Overall Master Plan	Land Dynamics, Job 5614, Drawing No. 0001, Rev F	29 June 2023
Reconfiguration of a Lot (1 into 2 Lots) Plan	Land Dynamics, Job 5614, Drawing No. 0017, Rev D	4 September 2023

- 10.2 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.
- 10.3 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.

11.0 EASEMENT

- 11.1 Lodge for registration at the office of the Land Registry the following easement(s):
- 11.1.1 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 11.1.2 Easements must be provided over all water infrastructure located within private property. The easement location(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 11.1.3 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 11.1.4 Any drainage easements dedicated over the major overland flow paths or major drainage system must be able to contain all earthworks, batters and include freeboard and access and maintenance provisions consistent with the Queensland Urban Drainage Manual.
- 11.1.5 The access easement for Proposed Lot 2 must be generally in accordance with the approved plans (refer to condition 10.1) and Conditions 12.0 –

Access Works. The easement must be shown on the plan of subdivision and the relevant documentation submitted to Council as part of the request for approval of a plan of subdivision (survey plan endorsement).

12.0 ACCESS WORKS

12.1 Provide an access easement for vehicle access and Bushfire Evacuation Route from Limestone Creek Road to Proposed Lot 1 of the development that is in accordance with the general location of the main thoroughfare in Proposed Lot 2 development as shown on the approved plans (refer to Condition 10.1).

12.2 The access driveway for Proposed Lot 1 must be designed and upgraded if required, to comply with the following:

- (i) Minimum cleared width of six (6) metres;
- (ii) Minimum cleared height of 4.8 metres;
- (iii) Minimum formed width of four (4) metres;
- (iv) Passing bays twenty (20) metres long by three (3) metres wide, or turning facilities every 200 metres;
- (v) Maximum allowable gradient of twenty-five (25) per cent if sealed, or eighteen (18) per cent if unsealed;
- (vi) Maximum average gradient must be 14.4 per cent;
- (vii) Maximum allowable cross fall of eighteen (18) per cent if sealed, or twelve (12) per cent if unsealed; and
- (viii) Immune to a flood inundation event having an annual exceedance probability of ten (10) per cent.

12.3 A compliant vehicle access must be designed and constructed Proposed Lot 2 in accordance with the *Capricorn Municipal Development Guidelines, standard drawing CMDG-R-040, titled as rural road access and property access over table drain*. Any non-compliant vehicle access driveway will require a Development Permit for Operational Works (access works) prior to the commencement of any vehicle access works associated with that lot.

12.4 No vehicle access is permitted from Condon Drive in this stage.

13.0 STORMWATER WORKS

13.1 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition or damage infrastructure.

14.0 EARTHWORKS

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

15.0 ASSET MANAGEMENT

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

16.0 ENVIRONMENTAL

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

17.0 OPERATING PROCEDURES

- 17.1 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 Limestone Creek Road, Condon Drive or the unconstructed road reserve.

PART C – RECONFIGURING A LOT (1 LOT INTO 132 LOTS)**18.0 ADMINISTRATION**

- 18.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 18.2 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.
- 18.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 18.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 18.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 18.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 18.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access Works ;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Site Works; and
 - (vii) Landscaping Works
- 18.7 Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines and standards.
- 18.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 18.9 Part B of this approval must not commence until Part A – Reconfiguring a Lot (one lot into two lots) has been undertaken. The development must be wholly located on Proposed Lot 1.
- 18.10 All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 should be read as being non-trunk infrastructure conditioned under *section 145* of the *Planning Act 2016*, unless otherwise stated.
- 19.0 APPROVED PLANS AND DOCUMENTS**
- 19.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the

conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Overall Master Plan	Land Dynamics Job 5614 Drawing No. 0001 Rev F	29 June 2023
Staging Plan	Land Dynamics Job 5614 Drawing No. 0016 Rev F	29 June 2023
Flood Impact Assessment Stormwater Management Plan	Allan & Dennis Report Reference J22091 Version R1v3	09 July 2023
Response to Further Advice	Allan & Dennis Reference J22091_Lt01	07 September 2023
Preliminary Sewer Design Overall Sewer Layout	Sewer Report, Engineers Plus Drawing No. 5614 – L 1001, Revision B	5 March 2023
Preliminary Sewer Design Sewer Layout Plan - North	Sewer Report, Engineers Plus, Drawing No. 5614 – L 1002, Revision B	5 March 2023
Preliminary Sewer Design Sewer Layout Plan - South	Sewer Report, Engineers Plus, Drawing No. 5614 – L 1003, Revision B	5 March 2023
Limestone Creek Road – Large Lot Residential Preliminary Sewer Design	Sewer Report, Engineers Plus, Drawing No. 5614 – L 3002, Revision C	19 April 2023
Water Report	Engineers Plus Job 22421 Rev 4	26 July 2023
Bushfire Hazard Report (not approved for Lots 1101-1107)	Urban Catalyst 3 Reference 21-066	15 November 2022

- 19.2 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.
- 19.3 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.
- 20.0 **BUILDING ENVELOPE**
- 20.1 Carry out building envelopes on Lots 1101 - 1107 in accordance with the approved plans of development unless another condition of this development approval specifically states otherwise.
- 20.2 No development for buildings or structures is to occur outside the nominated building envelopes.
- 20.3 Ensure that a Building Certifier does not issue a Building Works Approval until such time as the Survey Plan has been registered at the Titles Office, Department of Natural Resources & Mines.

Further Advice: Property Record Notation will be imposed on all lots advising that a building envelope encumbers the property. The Property Record notification is to read as follows:

“Building Envelope restrictions apply in respect to the use and development of this property. A copy of the building envelope plan is available from Council. Landowners or purchasers are strongly advised to seek further details by contacting Council’s Development Assessment Branch”.

21.0 STAGED DEVELOPMENT

21.1 This approval is for a development to be undertaken in five discrete stages, namely:

21.1.1 Condon Drive extension, Rail Trail Underpass, Adelaide Park Road (Water Main Upgrade) and Lot 1101 to Lot 1127 (Stage One);

21.1.2 Lot 1201 to Lot 1237 (Stage Two);

21.1.3 Lot 1301 to Lot 1329 (Stage Three);

21.1.4 Lot 1401 to Lot 1421 (Stage Four); and

21.1.5 Lot 1501 to Lot 1518 (Stage Five);

in accordance with the approved Staging Plan (refer to condition 19.1).

Stage One must be completed prior to any other Stage. All other Stages are not required to be undertaken in any chronological order.

21.2 Development Infrastructure must be provided by the developer in a coordinated and 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.

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

22.0 ROAD WORKS

22.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site/associated with the development

22.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 19.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

22.3 If the applicant elects to provide part or all of the trunk infrastructure in Condition 35.3, as part of an Operational Works application (road works) the following information must be provided to support the detailed design:

22.3.1 Detailed design of Condon Drive, from the existing roundabout with Rockhampton Road to the access point of the proposed 129 new lots, at the southeast of the parent lot and the intersection of Condon Drive and the Rail Trail must be provided.

22.3.2 The design of this segment of Condon Drive must be consistent with the design criteria of “Major Urban Collector” in accordance with *Capricorn Municipal Development Guidelines*.

22.3.3 An appropriate intersection designed in accordance with Austroads and *Capricorn Municipal Development Guidelines* standards providing access to the development from the Condon Drive extension. The intersection must be capable of supporting the movements of all vehicles up to and including the design vehicle nominated by *Capricorn Municipal Development Guidelines D01 Annexure D01E*.

22.3.4 Detail Stormwater Management Report with 2-D hydraulic models and

appropriate hydrological inflow / outflow conditions and appropriate ground surface parameters demonstrating that:

- 22.3.4.1 The road is safe for traffic at the defined rainstorm event in accordance with Queensland Urban Drainage Manual.
- 22.3.4.2 All crossroad drainage and road surface drainage are designed to the defined rainstorm event in accordance with Queensland Urban Drainage Manual.
- 22.3.4.3 Stormwater is discharged into a lawful point of discharge and it is not causing actionable nuisances to other properties and the public in accordance with Queensland Urban Drainage Manual.
- 22.3.5 Detailed Geotechnical Investigation and Assessment Report, with reasonable geotechnical investigation works, demonstrating that:
 - 22.3.5.1 The existing ground condition is suitable to support the proposed road, the intersection with the Rail Trail, and the associated loadings.
 - 22.3.5.2 Necessary ground treatment or improvement works are provided to ensure sufficient bearing capacity of the ground to support the proposed road and intersection with the Rail Trail.
 - 22.3.5.3 The estimated settlement of the ground, and any proposed fill material underneath the road and the intersection with the Rail Trail, are within an acceptable range. Reasonable assumptions of loading from the traffic and the structures above must be considered.
 - 22.3.5.4 Differential settlement of the ground must be considered and reviewed to ensure that it is within an acceptable range which will not affect the structural stability of the structures supporting the road and the pavements of the road.
- 22.4 As part of an Operational Works application (road works), under the relevant stage, details of all new road infrastructure to the relevant hierarchy, with cross sections, in accordance with *Capricorn Municipal Development Guidelines* D1 Annexure D01E must be provided.
- 22.5 Provide on-road bicycle lanes in accordance with *Capricorn Municipal Development Guidelines* D1 Annexure D01E to all minor and major urban collector roads.
- 22.6 As part of an Operational Works application (road works), consultation with Translink must be conducted to determine the necessity of providing bus stop(s) to support the proposed development. Locations and details of the bus stop(s) must be provided if it is deemed necessary as per advices from Translink.
- 22.7 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 space lighting policy and procedures.
- 22.8 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 23.0 The design and construction of all terminating roads must include a temporary turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection vehicle.
- 24.0 Traffic calming devices must be provided to control vehicle speeds. Details of traffic calming devices and practical access to adjacent allotments must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 24.1 All pathways and access ramps must be designed and constructed in accordance

with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.

24.2 All pathways must incorporate kerb ramps at all road crossing points.

24.3 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.

25.0 ACCESS AND PARKING WORKS

25.1 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.

25.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 19.1), *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).

25.3 Provide Lots 1101 to 1107 (inclusive) with appropriately designed shared access crossovers as part of Stage R1. Direct lot access to the road frontage is prohibited from any location other than the provided access crossovers.

25.4 No direct lot access is to be permitted to any part of the Major Urban Collector road.

25.5 Stormwater runoff from vehicular manoeuvring areas including from internal access ways must be discharged lawfully.

26.0 SEWERAGE WORKS

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

26.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 19.1), *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).

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

26.4 The development must connect to Council's reticulated sewerage service.

27.0 WATER WORKS

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

27.2 If the applicant elects to provide part or all of the trunk infrastructure in Condition 35.3, as part of an Operational Works application (Water works), submit to Council for approval, a Water Network Plan with an updated Water Network Analysis, demonstrating the following:

27.2.1 Provide details of the upgrading of the water main along Adelaide Park Road, in general in accordance with the recommendations under Section 4 of the approved Water Supply Report Revision 4 (Job Number 22421) prepared by Engineers Plus.

27.3 All works must be designed and constructed in accordance with the approved plans (refer to condition 19.1), *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).

27.4 Easements must be provided over all water infrastructure located within private property. The easement location(s) must be in accordance with the requirements of

the *Capricorn Municipal Development Guidelines*.

- 27.5 The proposed development must be connected to Councils reticulated water supply.

28.0 STORMWATER WORKS

- 28.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 28.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 19.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Urban Stormwater Quality Planning Guidelines*, *State Planning Policy*, any Council flood study reports, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 28.3 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 28.4 Any drainage easements dedicated over the major overland flow paths or major drainage system must be able to contain all earthworks, batters and include freeboard and access and maintenance provisions consistent with the Queensland Urban Drainage Manual.
- 28.5 As part of an Operational Works application (stormwater works), provide a revised Stormwater Management Plan that minimises the number of bio-retention basins as far as practicable.
- 28.6 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.

29.0 EARTHWORKS

- 29.1 A Development Permit for Operational Works (earthworks) must be obtained prior to the commencement of any earthworks on the site.
- 29.2 As part of an Operational Works application (earthworks), provide a clearing plan detailing all areas to be cleared of vegetation in accordance with the requirements of the approved Bushfire Hazard Report.
- 29.3 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.
- 29.4 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.

30.0 ELECTRICITY AND TELECOMMUNICATIONS

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

31.0 ASSET MANAGEMENT

- 31.1 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.
- 31.2 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.

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

32.0 ENVIRONMENTAL

- 32.1 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:

- 32.1.1.1 erosion and silt/sedimentation management plan;
- 32.1.1.2 acid sulphate soils;
- 32.1.1.3 vegetation management and clearing;
- 32.1.1.4 top soil management;
- 32.1.1.5 interim drainage plan during construction;
- 32.1.1.6 construction programme including instruction times;
- 32.1.1.7 noise and dust suppression; and
- 32.1.1.8 waste management.

- 32.2 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.

- 32.3 The plan must demonstrate how the Construction-Phase stormwater management design objectives of the State Planning Policy (Appendix 2 Table A) will be achieved.

- 32.4 The plan must address the following, but is not limited to;

- 32.4.1.1 top soil management;
- 32.4.1.2 dust suppression;
- 32.4.1.3 erosion susceptibility and risk;
- 32.4.1.4 vegetation;
- 32.4.1.5 interim drainage control during construction;
- 32.4.1.6 acid sulphate soils (if applicable); and
- 32.4.1.7 Implementation and maintenance procedures during construction and post construction phases of work.

- 32.5 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 onsite for inspection by Council Officers during those works.

33.0 VEGETATION CLEARING

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

- 33.2 Retained trees must be protected from impacts of adjacent clearing or earthworks through use of exclusion fencing or protective barriers as per Australian Standard

4970 – 2009 Protection of Trees on Development Sites.

- 33.3 A plan indicating the staged clearing of the site must be provided with any application for a Development Permit for Operational Works.
- 33.4 All trees cleared must be felled away from adjoining vegetation.
- 33.5 Vegetative materials cleared from the site must not be placed near or within vegetation adjacent to the site, other than strategic placement of fauna habitat if required.
- 33.6 Development does not cause land degradation near a waterway or wetland, including:
 - 33.6.1 mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and
 - 33.6.2 loss or modification of chemical, physical or biological properties or functions of soil.

33.7 FAUNA MANAGEMENT AND HABITAT

- 33.8 A Local Wildlife Management Plan must be submitted to Council as part of an application for Operational Works (Clearing). The Plan must include, but not be limited to, the following information:
 - 33.8.1 The potential direct and indirect impacts of both the construction and operation phase of the proposed development to the wildlife wellbeing/colony/ roost/ breeding place;
 - 33.8.2 How this is to be monitored, evaluated and reported; and
 - 33.8.3 The mitigation options which will be utilized to minimize the potential impacts on the wildlife and their habitat.

33.9 ENVIRONMENTAL COVENANT

- 33.10 An environmental covenant must be registered over Lots 1101 – 1107 pursuant to Section 97A of the Land Title Act 1994, in the location of land outside the proposed building envelopes to the effect that:
 - 33.10.1 the Covenant area is protected as a vegetated flora habitat and all native vegetation must be retained;
 - 33.10.2 there is to be no artificial interference or disturbance of the habitat. Approval may be sought from Council to remove hazards to safety of persons outside of the habitat, or remove weeds and revegetate with local native species under an approved plan; and
 - 33.10.3 An environmental covenant must be registered over Lots 1101 - 1107. The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the Compliance assessment for the Survey Plan.

33.11 BUSHFIRE HAZARD

- 33.12 An amended Bushfire Management Plan is required, specifically for Lots 1101-1107 of the development that addresses the Bushfire Hazard Overlay Code, and includes the following:
 - 33.12.1 An updated plan that provides for all vegetation outside of the building envelopes identified in the overall masterplan and subject to the covenant in Condition 33.10 to be retained and not cleared, accounting for all vegetation clearing exemptions and provisions under the *Planning Regulation 2017*. This plan is to clearly show:
 - 33.12.1.1 the proposed location for buildings, structures and infrastructure within the lots;

33.12.1.2 any necessary bushfire buffer or setback from vegetation; and

33.12.1.3 the extent of vegetation to be retained, which must correspond with the overall masterplan and Condition 33.10.

33.12.2 Alternatively, if the applicant cannot provide sufficient information to comply with the Bushfire Hazard Overlay Code to provide adequate buffers, clearing and maintenance of vegetation for the abovementioned lots for future dwellings, a consolidation of these lots and amended plans reflecting this will be required to comply with the Code.

Advice Note: The applicant has not provided sufficient information to date regarding bushfire management of Lots 1101-1107 that consider the existing vegetation, buffers required between the building envelopes and the vegetation and the full extent of exempt vegetation clearing provisions. Therefore, an amended plan is required to identify the true extent of vegetation clearing with the above considerations for Lots 1101-1107 in order to determine that the proposed lots will not result in loss of local scenic vegetation onsite.

33.13 The development must be undertaken in accordance with the recommendations in the approved Bushfire Management Plan.

33.14 An easement and practical vehicle access to Limestone Creek Road in the location of the main thoroughfare shown on the approved plans must be provided. This will secure evacuation to Limestone Creek Road in the event that the access to Condon Drive is unsafe.

33.15 LANDSCAPING WORKS

33.16 A landscaping and rehabilitation planting plan must be prepared and submitted to Council as part of an application for Operational Works and must document the "Extent of Works" which includes, but is not limited to:

33.16.1 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);

33.16.2 the extent of soft and hard landscape proposed;

33.16.3 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;

33.16.4 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;

33.16.5 underground and overhead services;

33.16.6 typical details of critical design elements (stabilisation of batters, retaining walls, trees in car park areas, fences);

33.16.7 details of landscape structures including areas of deep planting; and

33.16.8 specification notes on mulching and soil preparation;

33.16.9 details of species to be used in the bio-basins (stormwater);

33.16.10 trees, shrubs and groundcovers to all areas to be landscaped;

33.16.11 position and canopy spread of all trees and shrubs;

33.16.12 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

33.16.13 a plant schedule with the botanic and common names, total plant numbers

and pot sizes at the time of planting.

33.17 The planting plan must consider the approved Bushfire Hazard Assessment and Bushfire Management Plan when nominating species.

33.18 The landscaping on the site 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.

33.19 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.

33.20 Landscaping must not increase the exposure of a habitable building not located in a building protection zone to a bushfire hazard.

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

34.0 ENVIRONMENTAL HEALTH

34.1 Follow the recommendations of the acoustic report.

34.2 Where necessary air conditioning units are to be provided with acoustic screening to meet the standards set out in the *Environmental Protection Regulation 2019*.

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

35.0 TRANSPORT AND WATER NETWORK INFRASTRUCTURE (EXTRA PAYMENT CONDITION)

35.1 This is an extra payment condition, which is imposed under sections 130 and 133 of the *Planning Act 2016*, and in accordance with section 131 of the *Planning Act 2016* states the following:

35.2 This extra payment condition for the extra trunk infrastructure costs stated in Condition 35.1 is imposed on the basis of the following:

35.2.1 The development is for premises completely outside the Priority Infrastructure Area;

35.2.2 The development will require new trunk infrastructure earlier than when identified in the Local Government Infrastructure Plan; and

35.2.3 The development would impose extra trunk infrastructure costs on Council after taking into account the levied charges for the development and the trunk infrastructure provided, or to be provided, by the applicant under this part for the following:

35.2.4 The establishment cost of trunk infrastructure that is:

35.2.4.1 Made necessary by the development; and

35.2.4.2 Necessary to service an area intended for future development for purposes other than rural or rural residential purposes -

necessary to service the rest of the area.

- 35.3 The applicant must pay to Council the amount of trunk infrastructure costs stated in *Table 1 (Extra Trunk Infrastructure Costs)* for the establishment cost of the infrastructure:

Table 1. Extra Trunk Infrastructure Costs

Column 1 Item	Column 2 Infrastructure	Column 3 Establishment Cost	Column 4 Amount of Payment
Transport Network			
1	T-12 (part) - Condon Drive 550 - 0	\$8,663,550 including consultant (10%) and approvals	\$8,663,550 including consultant (10%) and approvals
2	T-121 - Intersection Condon Drive - Rail Trail		
Water Network			
3	Adelaide Park Road water main upgrade	\$732,600 plus Operational works approval costs	\$732,600

- 35.4 The amount of the payment to be made under this extra payment condition which is stated in Condition 35.3 is to be increased in accordance with the increase for the PPI index for the period starting the day the decision notice is given and ending on the day the relevant amount is paid, adjusted by reference to the 3-yearly PPI index average;
- 35.5 The details of the trunk infrastructure for which the payment is required is stated in Condition 35.3 and Appendix 1;
- 35.6 The payment is to be made for the trunk infrastructure stated in Condition 35.3 before the day of development, or the work associated with the development starts, unless otherwise agreed in an infrastructure agreement;
- 35.7 The applicant may instead of making the payment for the establishment cost for the trunk infrastructure stated in Condition 35.3, elect to provide all or part of the infrastructure stated in Condition 35.3; and
- Advice note: Council advises that there is a current development application (D-253-2023) under assessment, situated at Lot 2 Condon Drive, Yeppoon. The Applicant may enter into an Infrastructure Agreement with this applicant and Council regarding Condition 35.3 for items 1 and 2 of transport network infrastructure only.*
- 35.8 If the applicant elects to provide part or all of the trunk infrastructure stated in Condition 35.3, the applicant must provide the trunk infrastructure:
- 35.8.1 In accordance with the requirements for providing the trunk infrastructure stated in Appendix 1;
- 35.8.2 For infrastructure identified as Items 1, 2 and 3 in Table 1, before the approval of the Plan of Subdivision for PART C - Reconfiguring a Lot (Stage 1).

Appendix 1: Details and Construction Requirements of Trunk Infrastructure Items

Infrastructure Item	Details
1. T-12 (part) - Condon Drive 550 - 0	<u>The design and construction works requirements accord with the following:</u>
2. T-121 - Intersection Condon Drive - Rail Trail	<ol style="list-style-type: none"> 1. All relevant conditions under PART C – ROL; 2. Capricorn Municipal Development Guidelines; 3. Relevant Australian Standards; and 4. Manual of Uniform Traffic Control Devices (Queensland).
3. Adelaide Park Road (Water Main Upgrade)	<u>The design and construction works requirements accord with the following:</u> <ol style="list-style-type: none"> 1. All relevant conditions under PART C – ROL; 2. Capricorn Municipal Development Guidelines; 3. Water Supply (Safety and Reliability) Act; and 4. Plumbing and Drainage Act.

PART D – MATERIAL CHANGE OF USE FOR A RELOCATABLE HOME PARK**36.0 ADMINISTRATION**

- 36.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 36.2 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.
- 36.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 36.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 36.5 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.
- 36.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 36.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Earthworks;
 - (vii) Clearing works; and

- (viii) Landscaping Works;
- 36.6.2 Building Works; and
- 36.6.3 Plumbing and Drainage Works.
- 36.7 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.
- 36.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 36.9 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.
- 36.10 Part C of this approval must not commence until Part A – Reconfiguring a Lot (one lot into two lots) has been undertaken. The development must be wholly located on Proposed Lot 2.
- 36.11 All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 should be read as being non-trunk infrastructure conditioned under section 145 of the Planning Act 2016, unless otherwise stated.
- 37.0 APPROVED PLANS AND DOCUMENTS
- 37.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Overall Master Plan	Land Dynamics Job 5614 Drawing No. 0001 Rev F	29 June 2023
Staging Plan	Land Dynamics Job 5614 Drawing No. 0016 Rev F	29 June 2023
Flood Impact Assessment Stormwater Management Plan	Allan & Dennis Report Reference J22091 Version R1v3	29 July 2023
Response to Further Advice	Allan & Dennis Reference J22091_Lt01	7 September 2023
Preliminary Sewer Design Overall Sewer Layout	Sewer Report, Engineers Plus Drawing No. 5614 – L 1001, Revision B	5 March 2023
Preliminary Sewer Design Sewer Layout Plan - North	Sewer Report, Engineers Plus, Drawing No. 5614 – L 1002, Revision B	5 March 2023
Preliminary Sewer Design Sewer Layout Plan - South	Sewer Report, Engineers Plus, Drawing No. 5614 – L 1003, Revision B	5 March 2023
Limestone Creek Road – Large Lot Residential Preliminary Sewer Design	Sewer Report, Engineers Plus, Drawing No. 5614 – L 3002, Revision C	19 April 2023

Water Report	Engineers Plus Job 22421 Rev 4	26 July 2023
Bushfire Hazard Report (not approved for Lots 1101-1107)	Urban Catalyst 3 Reference 21-066	15 November 2022

37.2 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.

37.3 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.

38.0 STAGED DEVELOPMENT

38.1 This approval is for a development to be undertaken in eleven (11) discrete stages, with sub-staging namely:

38.1.1 Limestone Creek Road Access, Adelaide Park Road (Water main upgrade) & Stage 1 (39 sites) and clubhouse/facilities;

38.1.2 Stage 2 (35 sites);

38.1.3 Stage 3 (38 sites);

38.1.4 Stage 4 (35 sites);

38.1.5 Stage 5 (43 sites);

38.1.6 Stage 6 (29 sites);

38.1.7 Stage 7 (35 sites);

38.1.8 Stage 8 (29 sites);

38.1.9 Stage 9 (40 sites);

38.1.10 Stage 10 (43 sites);

38.1.11 Stage 11 (20 sites).

Stage 1 including the Limestone Creek Road Access must be completed prior to any other Stage. All other Stages are not required to be undertaken in any chronologic order in accordance with condition 37.1.

38.2 Development Infrastructure must be provided by the developer in a coordinated and 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.

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

39.0 ROAD WORKS

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

39.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 37.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

39.3 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 space lighting policy and procedures.

- 39.4 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 39.5 If the applicant elects to provide part or all of the trunk infrastructure in Condition 57.2, as part of an Operational Works application (road works) the following information must be provided to support the detailed design:
- 39.5.1 Details of upgrading Limestone Creek Road between the proposed access point to the relocatable home park and the intersection with Adelaide Park Road must be provided, in conjunction with Stage 1 of the relocatable home park development.
 - 39.5.2 Details of upgrading of Limestone Creek Road between the proposed access point to the relocatable home park and the intersection with Neils Road must be provided, in conjunction with Stage 7 of the relocatable home park development, or earlier stage if it is deemed appropriate by the applicant's Registered Professional Engineer of Queensland.
 - 39.5.3 Consultation with Translink must be conducted to determine the necessity of providing bus stop(s) to support the proposed development. Locations and details of the bus stop(s) must be provided if it is deemed necessary as per advices from Translink.
 - 39.5.4 Details of the access from Limestone Creek Road to the proposed relocatable home park must be provided, in conjunction with Stage 1 of the relocatable home park development. The design of the access must be consistent with the design criteria of "Minor Urban Collector" in accordance with *Capricorn Municipal Development Guidelines*. The design of this access must include all relevant intersection sight distance details in accordance with *Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.

Note: This minor urban collector is not a trunk item as it is not consistent with the assumption of Local Government Infrastructure Plan Item T-38 under Table SC3.2.4 – Transport Network Schedule of Works.
 - 39.5.5 Any design of the upgrading must be supported with a Traffic Impact Assessment Report making reference to the latest traffic data and predicted traffic from the relocatable home park.

40.0 ACCESS AND PARKING WORKS

- 40.1 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.
- 40.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 37.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).
- 40.3 All ingress and egress movements to and from the development must be in forward direction.
- 40.4 A minimum of one (1) covered parking space must be provided per dwelling, with an additional one-hundred (100) parking spaces (one per four dwellings) provided for visitors.
- 40.5 Accessible spaces must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 40.6 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"*.
- 40.7 All internal access road and parking spaces must be sealed, with turning templates

provided as part of the application for Operational Works (access and parking works).

- 40.8 Stormwater runoff from vehicular manoeuvring areas including from internal access way, must be discharged lawfully.

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

41.0 SEWERAGE WORKS

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

- 41.2 As part of an Operational Works application (Sewerage works), submit to Council for approval, a Sewerage Network Plan with an updated Sewerage Network Analysis, detailing the proposed sewerage networks from the subject site to Yeppoon Sewerage Treatment Plant.

Note: The proposed sewerage networks shall be designed to support the proposed development only and is not a trunk infrastructure item.

- 41.3 All works must be designed and constructed in accordance with the approved plans (refer to condition 37.1), *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).

- 41.4 The proposed development must be connected to Council's sewerage service.

- 41.5 Any sewerage access chambers located below the peak water level of the ten percent (10%) Annual Exceedance Probability rainfall event or below Highest Astronomical Tide (HAT) level must be provided with covers and bolt down lids.

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

42.0 WATER WORKS

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

- 42.2 If the applicant elects to provide part or all of the trunk infrastructure in Condition 57.2, as part of an Operational Works application (Water works), submit to Council for approval, a Water Network Plan with an updated Water Network Analysis, demonstrating the following:

42.2.1 Provide details of the upgrading of the water main along Adelaide Park Road, in general in accordance with the recommendations under Section 4 of the approved Water Supply Report Revision 4 (Job Number 22421) prepared by Engineers Plus.

- 42.3 All works must be designed and constructed in accordance with the approved plans (refer to condition 37.1), *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).

- 42.4 The proposed development must connected to Councils reticulated water supply.

- 42.5 The proposed development must be serviced with a master meter at the property boundary.

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

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

42.7.1 maintained by the owner of the property; and

42.7.2 suitably identified.

43.0 STORMWATER WORKS

- 43.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 43.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 37.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 43.3 Any existing cross drainage structures on Limestone Creek Road must be upgraded where necessary to achieve immunity in accordance with QUDM and CMDG D1 Annexure D01E.
- 43.4 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 43.5 Any drainage easements dedicated over the major overland flow paths or major drainage system must be able to contain all earthworks, batters and include freeboard and access and maintenance provisions consistent with the Queensland Urban Drainage Manual.
- 43.6 As part of an Operational Works application (stormwater works), provide a revised Stormwater Management Plan that minimises the number of bio-retention basins as far as practicable.
- 43.7 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.

44.0 EARTHWORKS

- 44.1 A Development Permit for Operational Works (earthworks) must be obtained prior to the commencement of any site works.
- 44.2 All earthworks must be designed and constructed / undertaken generally in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 44.3 Earthworks, must be undertaken such that stormwater runoff is managed and discharged lawfully and must not adversely affect the adjoining properties compared to pre-development conditions or damage infrastructure.
- 44.4 Any application for a Development Permit for Operational Works (Earth works) must be accompanied by an earthworks' plan certified by a registered (RPEQ) Engineer which clearly identifies the following:
- 44.4.1 the location and quantum of cut and/or fill;
 - 44.4.2 the type of fill and finished cut and/or fill levels;
 - 44.4.3 Retaining Structures (if any); and
 - 44.4.4 Surface and sub-surface drainage controls.
- 44.5 Lot and embankment filling must be carried out to comply with Level 1 certification requirements in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*, to confirm as "controlled fill" upon completion.
- 44.6 Earthworks must be approved at detailed design submission stage and certified on completion of construction for compliance with the design by a suitably qualified

Registered Professional Engineer of Queensland.

44.7 Any retaining structures above one (1) metre in height must:

- (i) be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission, and certified on completion of construction for compliance with the design;
- (ii) have a detailed inspection and 'as constructed' record provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction; and
- (iii) not be modified or altered without Council's prior written approval.

44.8 If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated / proposed fill area, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan certified by a suitably qualified person in accordance with *State Planning Policy, Planning Scheme, Queensland Acid Sulphate Soil Technical Manual, and best industry practices with regards to Planning and Managing Development Involving Acid Sulphate Soils must be submitted to Council, as part of any application for a Development Permit for Operational Works (site works).*

44.9 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit.

44.10 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance a landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.

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

45.0 BUILDING WORKS

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

45.2 Building height must not exceed 8.5 metres above ground level.

45.3 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)*.

45.4 All roof and allotment drainage must be discharged lawfully.

45.5 The Dwelling house must be demolished as part of Stage one.

46.0 PLUMBING AND DRAINAGE WORKS

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

46.2 All internal plumbing and sanitary drainage works must be in accordance with the approved plans (refer condition 37.1), *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.

46.3 Each dwelling must be connected to Council's reticulated water and sewer network.

47.0 ELECTRICITY AND TELECOMMUNICATIONS

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

48.0 ASSET MANAGEMENT

- 48.1 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.
- 48.2 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.
- 48.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

49.0 ENVIRONMENTAL

- 49.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan certified by a Certified Professional in Erosion and Sediment Control (CPESC) or suitably qualified Registered Professional Engineer of Queensland.
- 49.2 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;
- 49.2.1 The plan must address 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.
- 49.2.2 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

50.0 VEGETATION CLEARING

- 50.1 A Development Permit for Operational Works (clearing works) must be obtained prior to the commencement of any clearing works on the site.
- 50.2 Retained trees must be protected from impacts of adjacent clearing or earthworks through use of exclusion fencing or protective barriers as per Australian Standard 4970 – 2009 Protection of Trees on Development Sites.

- 50.3 A plan indicating the staged clearing of the site must be provided with any application for a Development Permit for Operational Works.
- 50.4 All trees cleared must be felled away from adjoining vegetation.
- 50.5 Vegetative materials cleared from the site must not be placed near or within vegetation adjacent to the site, other than strategic placement of fauna habitat if required.
- 50.6 Development does not cause land degradation near a waterway or wetland, including:
- a. mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and
 - b. loss or modification of chemical, physical or biological properties or functions of soil.

51.0 FAUNA MANAGEMENT AND HABITAT

- 51.1 A Local Wildlife Management Plan must be submitted to Council as part of an application for Operational Works (Clearing). The Plan must include, but not be limited to, the following information:
- (i) The potential direct and indirect impacts of both the construction and operation phase of the proposed development to the wildlife wellbeing/colony/roost/ breeding place;
 - (ii) How this is to be monitored, evaluated and reported; and
 - (iii) The mitigation options which will be utilized to minimize the potential impacts on the wildlife and their habitat.

52.0 BUSHFIRE

- 52.1 An easement and practical vehicle access to Limestone Creek Road in the location of the main thoroughfare shown on the approved plans must be provided. This will secure evacuation to Limestone Creek Road in the event that the access to Condon Drive is unsafe.
- 52.2 The development must be undertaken in accordance with the recommendations in the approved Bushfire Management Plan.

53.0 LANDSCAPING WORKS

- 53.1 A landscaping and rehabilitation planting plan must be prepared and submitted to Council as part of an application for Operational Works 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.
- 53.2 The landscaping on the site and in the buffer area, 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.
- 53.3 The planting plan must consider the approved Bushfire Hazard Assessment and Bushfire Management Plan when nominating species.
- 53.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 53.5 Landscaping must not increase the exposure of a habitable building not located in a building protection zone to a bushfire hazard.
- 54.0 ENVIRONMENTAL HEALTH
- 54.1 Follow the recommendations of the acoustic report.
- 54.2 Where necessary air conditioning units are to be provided with acoustic screening to meet the standards set out in the *Environmental Protection Regulation 2019*.
- 54.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting'.
- 55.0 OPERATING PROCEDURES
- 55.1 The occupancy of any lot and/ or home within the approved Relocatable Home Park must not occur to a person or related person under the age of 55, unless otherwise approved by Council.
- 55.2 The management and operation of the Relocatable Home Park must ensure the easement for the purpose of vehicle access and Bushfire Evacuation Route of Proposed Lot 1 under PART A – Reconfiguration of a Lot (1 into 2 Lots) is free of obstruction for access in the event of a bushfire event that prevents safe access to Condon Drive.
- 55.3 All construction materials, waste, waste skips, machinery and contractors' vehicles
-

- must be located and stored or parked within the site. All construction materials and waste must be secured and not allowed to be washed or blown by the wind off-site.
- 55.4 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.
- 55.5 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*.
- 55.6 Undertake the activity in a manner that does not allow environmental nuisance or water contamination 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.
- 55.7 Each site of the relocatable home park must be clearly defined and include numbering.
- 55.8 A waste management plan must be provided prior to the commencement of the use to determine how waste will be stored prior to collection, and how waste will be collected from the site and collection frequency. The plan must include but not limited to amount of waste generated from the development, bin types, number of bins, a concept drawing of bin collection location and bin wash down facilities/area.
- 55.9 The plan must be provided showing how all vehicles enter and exit the site in a forward gear. In particular how the garbage truck can enter and exit the site in a forward manner. This must also demonstrate that enough overhead clearance (if applicable) is available to empty refuse bin/s.
- 55.10 The development must be provided with a refuse container and container storage area that:
- (i) 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;
 - (ii) is large enough to accommodate at least one (1) standard issue sized rubbish bin per dwelling.
- 55.11 Other than for controlled and well-lit emergency exits, the development must have a clearly identifiable and well-lit entry and exit point which:
- (i) front a road, public place, or communal place; or
 - (ii) are in clear unobstructed view of a road, public place, or communal place; or
 - (iii) front a well-defined, unobstructed and appropriately lit pathway which connects to a road, public place, or communal place.
- 56.0 TRANSPORT AND WATER NETWORK INFRASTRUCTURE (EXTRA PAYMENT CONDITION)
- 56.1 This is an extra payment condition, which is imposed under sections 130 and 133 of the *Planning Act 2016*, and in accordance with section 131 of the *Planning Act 2016* states the following:
- 56.1.1 This extra payment condition for the extra trunk infrastructure costs stated in Condition 56.2 is imposed on the basis of the following:
- 56.1.1.1 The development is for premises completely outside the Priority Infrastructure Area;
 - 56.1.1.2 The development will require new trunk infrastructure earlier than when identified in the Local Government Infrastructure

Plan; and

56.1.1.3 The development would impose extra trunk infrastructure costs on Council after taking into account the levied charges for the development and the trunk infrastructure provided, or to be provided, by the applicant under this part for the following:

56.1.1.4 The establishment cost of trunk infrastructure that is:

56.1.1.4.1 Made necessary by the development; and

56.1.1.4.2 Necessary to service an area intended for future development for purposes other than rural or rural residential purposes - necessary to service the rest of the area.

56.2 The applicant must pay to Council the amount of trunk infrastructure costs stated in Table 1 (Extra Trunk Infrastructure Costs) for the establishment cost of the infrastructure:

Table 1. Extra Trunk Infrastructure Costs

Column 1 Item	Column 2 Infrastructure	Column 3 Establishment Cost	Column 4 Amount of Payment
Transport Network			
1	T-39 (part) - Limestone Creek Road 2700 - 1800	\$2,250,041 including consultant (10%) and approvals	\$2,250,041 including consultant (10%) and approvals
2	T-39 (part) - Limestone Creek Road 1800 - 0		
Water Network			
3	Adelaide Park Road water main upgrade	\$732,600 plus Operational works approval costs	\$732,600

56.3 The amount of the payment to be made under this extra payment condition which is stated in Condition 56.2 is to be increased in accordance with the increase for the PPI index for the period starting the day the decision notice is given and ending on the day the relevant amount is paid, adjusted by reference to the 3-yearly PPI index average;

56.4 The details of the trunk infrastructure for which the payment is required is stated in Condition 56.2 and Appendix 1;

56.5 The payment is to be made for the trunk infrastructure stated in Condition 56.2 before the day of development, or the work associated with the development starts, unless otherwise agreed in an infrastructure agreement;

56.6 The applicant may instead of making the payment for the establishment cost for the trunk infrastructure stated in Condition 56.2, elect to provide all or part of the infrastructure stated in Condition 56.2; and

56.7 If the applicant elects to provide part or all of the trunk infrastructure stated in Condition 56.2, the applicant must provide the trunk infrastructure:

56.7.1 In accordance with the requirements for providing the trunk infrastructure

stated in Appendix 1;

56.7.2 For infrastructure identified as Items 1, 2 and 3 in Table 1, before the start of the first change of use for PART D - Material Change of Use (Stage 1).

Appendix 1: Details and Construction Requirements of Trunk Infrastructure Items

Infrastructure Item	Details
1. T-39 (part) - Limestone Creek Road 2700 - 1800	<u>The design and construction works requirements accord with the following:</u>
2. T-39 (part) - Limestone Creek Road 1800 - 0	<ol style="list-style-type: none"> 1. All relevant conditions under PART D – MCU; 2. Capricorn Municipal Development Guidelines; and 3. Relevant Australian Standards.
3. Adelaide Park Road (Water Main Upgrade)	<u>The design and construction works requirements accord with the following:</u> <ol style="list-style-type: none"> 1. All relevant conditions under PART D – MCU; 2. Capricorn Municipal Development Guidelines; 3. Water Supply (Safety and Reliability) Act; and 4. Plumbing and Drainage Act.

ADVISORY NOTES

NOTE 1. Stormwater Works - Section 4 Fig Tree Creek Erosion Mitigation Works

Council is undertaking Fig Tree Creek Erosion Management Study and Couduroy Creek Reinstatement Works Design. By the time of issuing the Decision Notice, this project is in progress. Based on Council's preliminary design, Section 4 of the project will impact the stormwater management of the subject development. Council invites the applicant to contact Council for the latest and detailed information of this project before lodging the Operational Works Permit (Stormwater Works). The Stormwater Management Report shall be updated by considering this project when lodging the application of Operational Works Permit (Stormwater Works) in associate with this application.

NOTE 2. Aboriginal Cultural Heritage

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

NOTE 3. General Environmental Duty

Undertake the activity in a manner that does not allow environmental nuisance or water contamination 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.

NOTE 4. General Safety of Public During Construction

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

NOTE 5. Water 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 services. Alterations to existing services consequential to necessary connections to existing water infrastructure must be at the responsibility and cost of the Developer. Please contact Infrastructure for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.

NOTE 6. Licensable Activities

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

NOTE 7. ENVIRONMENTAL MANAGEMENT PLAN

An Environmental Management Plan (EMP) covering Erosion and Sediment Controls, noise and dust mitigation, waste management, hours of operation, will be requested to be submitted during the Operational Works stage; for approval by Council prior to commencement of Operational Works.

ENVIRONMENTAL

NOTE 8. The land subject to the above development application must be free of declared pest plants; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011*; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

NOTE 9. It is advised that part of the subject site is mapped by the Department of Natural Resources, Mines and Energy as containing Least Concern Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>

NOTE 10. It is advised that part of the subject site is mapped by the Department of Environment and Science as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Science.

NOTE 11. 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 D

That in relation to the application for a Preliminary Approval (variation request) to vary the

effect of the Local Planning Instrument (*Livingstone Planning Scheme 2018*), Development Permit for a Material Change of Use for a Relocatable home park (391 sites), Reconfiguring a Lot (one lot into two lots and access and drainage easements) and (one lot into 132 lots), made by Limestone Creek Road Developments Pty Ltd, on Lot 5 RP 614856, and located at 73 Limestone Creek Road, Inverness, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$11,044,250**.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Swadling

MOTION LOST

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

COUNCIL RESOLUTION

THAT the application be refused for the following reasons:

1. Traffic will not be sufficiently managed by relying on the minimum age of residents (notionally 55 years+) as many will still be working for many years.
2. The proposed land parcels in the home park are too small and the size of the homes too large. The side access is too small ("frighteningly close to boundaries") by comparison to Emu Park.
3. The proposed development conflicts with the underlying rural zone and therefore represents an over densification of rural land and potential for conflicts with rural uses.
4. The development proposal is not suited to the selected site.
5. The development is not compatible with the park residential amenity common to the region as reflected in submissions.
6. Insufficient assurance is provided that stormwater will be adequately conditioned or managed on site (report states that responsibility will rest with developer and consultants).

Moved by: Councillor Swadling

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

12:12PM Councillor Watson left the meeting.

12:14PM Councillor Watson returned to the meeting.

11.5 D-44-2023 - RECONFIGURING A LOT (ONE LOT INTO TWENTY EIGHT LOTS)**File No:** D-44-2023

Attachments:

1. Locality Plan
2. Proposed Layout Plan
3. Code Assessment
4. Traffic Impact Assessment
5. Bushfire Management Plan
6. Ecological Assessment Report

Responsible Officer: Greg Abbotts - Manager Development and Environment
Chris Ireland - General Manager Communities

Author: Declan Cox - Principal Planning Officer

SUMMARY

Applicant: Norpine Developments Pty Ltd

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 46 on RP887949

Area of Site: 219.9 hectares

Planning Scheme: Livingstone Planning Scheme 2018 Version 3.0

Planning Scheme Zone: Rural Zone – Capricorn Coast Rural Precinct

Planning Scheme Overlays: OM02 Agricultural Land Classification
OM07 Biodiversity – Habitat and Vegetation
OM10 Biodiversity – Wetlands and Waterways
OM11 Biodiversity – Stream Order
OM12 Bushfire Hazard Area
OM15 Drainage Problem Area
OM18 Landslide Hazard Area
OM20 Road Hierarchy
OM21 Scenic Amenity
OM27 Heights Limits

Existing Development: vacant land

Level of Assessment: Impact Assessable

Submissions: 18 submissions received

Referral matters: Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017)

Infrastructure Charge Area: Outside the Priority Infrastructure Area

OFFICER RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (One lot into Twenty-eight (28) lots), made by Norpine Developments Pty Ltd, on Lot 46 on RP887949 and located at Lot 46 Norpine Road, Bungundarra, Council resolves to Approve the application given pursuant to Section 60(3) of the *Planning Act 2016*, the assessment

manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks and circumstances/relevant matters have been established in support of the development as follows:

- (i) The proposed development generally complies with the Strategic Framework under the *Livingstone Planning Scheme 2018, Version 3*. The proposal has been justified to comply with Specific Outcomes SO3 and SO5 of the Settlement pattern theme for rural places. The development seeks to utilise the rural nature of the site and surrounding sites as a feature and will not limit or compromise the agricultural capacity of the surrounding land for primary production through existing operations and buffers to boundaries. It is further noted that the proposal is considered consistent with surrounding lot sizes and character of the surrounding area on Norpine Road.
- (ii) The proposed development has been justified to comply with Specific Outcomes SO2 and SO5 of the Natural environment and hazards theme for Natural hazards and climate change as the use will be conditioned to be carried out in accordance with the Bushfire Hazard Assessment and the ecological assessment report.
- (iii) The proposal is considered to comply with the Reconfiguring a Lot Code for lot size under the Rural Zone. The site requires a minimum lot size of 10 hectares under the Rural Zone – Capricorn Coast Rural Precinct. The proposal has been assessed against Performance Outcome (PO11) of the Code and considered to comply with lot size on the following basis outlined below:
 - a. the development would be integrated with the surrounding character of lots within this Zone and Precinct and will not limit existing rural activities and will not compromise future rural activities establishing on the surrounding land;
 - b. The proposed development includes lots with area between 2.006 hectares to 6.81 hectares, and there is evidence of further smaller lots under the 10 hectares surrounding the site on Norpine Road;
 - c. The surrounding area has a mix of smaller and larger lots some lots connected to water infrastructure and others have onsite water supply. It is considered that the smaller lots of the development (Proposed Lots 1, 18 and 2-17) are supported for lot size based on this part of the development achieving connection to reticulated water supply; and
 - d. The remaining lots are larger and can be accommodated with onsite water supply that is also consistent with surrounding lot sizes.
- (iv) The subject site identified within the mapping for local biodiversity corridor (habitats and vegetation) and wetland and waterways. An ecological assessment report has been provided in support of addressing the Biodiversity Overlay Code. The proposal is considered to overall demonstrate compliance with the code while providing a vegetation retention, rehabilitation, vegetation buffer in this area by providing an environmental covenant where required.
- (v) The site is mapped within the Very high Potential Bushfire Intensity, High Potential Bushfire Intensity, Medium Potential Bushfire Intensity and Potential Impact Buffer. A bushfire management plan has been for the whole subject site to address the Bushfire hazard overlay code. All future buildings must be constructed in accordance with the *Australian Standard AS3959 "Construction of Buildings in Bushfire-Prone Areas"* and the Bushfire Resilient Building Guidance for Queensland Homes guideline and the approved Bushfire Management Plan. Therefore, the risk to life, property, community, economic activity and the environment is considered to be a tolerable level of risk to not require further assessment against the bushfire hazard overlay code.
- (vi) The development either complies with, or has been conditioned to comply with, the relevant Performance Outcomes and Acceptable Outcomes of the Rural zone code, Bushfire hazard overlay code, Biodiversity overlay code, Reconfiguring a Lot Code, Accommodation activities code, General development code and Development works

code.

- (vii) The development does not compromise the achievement of the *State Planning Policy 2017*.
- (viii) On balance, the application should be approved because the development has been justified against the strategic framework and can be conditioned to comply with the assessment benchmarks.

RECOMMENDATION B

That in relation to the application for a Development Permit for Reconfiguring a Lot (One lot into Twenty-eight (28) lots), made by Norpine Developments Pty Ltd, on Lot 46 on RP887949, and located at Lot 46 Norpine Road, Bungundarra, Council resolves to Approve the application subject to the following conditions:

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 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) Water Works; and
 - (iii) Stormwater Works;
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 should be read as being non-trunk infrastructure conditioned under *section 145 of the Planning Act 2016*, unless otherwise stated.
- 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>
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Reconfiguration Plan 1 Lot into 28 Lots + New Road	8866-01-ROL Revision C	5 June 2023
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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, namely:

3.1.1 Stage 1 - Lot 1 and Lot 18;

3.1.2 Stage 2 - Lot 2 to Lot 6, and Lot 15 to Lot 17;

3.1.3 Stage 3 - Lot 7 to Lot 14;

3.1.4 Stage 4 - Lot 27 to Lot 28;

3.1.5 Stage 5 - Lot 19 and Lot 25 to Lot 26;

3.1.6 Stage 6 - Lot 20 to Lot 24.

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

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

3.3 Multiple development stages may be undertaken concurrently, provided all proposed lots and can be connected to the full range of urban infrastructure outlined in this development permit.

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

4.0 ROAD WORKS

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

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

4.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) within and road reserve(s) at the time of making the application.

4.4 All new roads shown on the approved plans (refer to condition 2.1), must comply with all requirements for road classification of "*Rural Minor Collector*" in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

4.5 All new *cul-de-sac* roads shown on the approved plans (refer to condition 2.1) must comply with all requirements in accordance with *Capricorn Municipal Development Guidelines*. The design and construction of all terminating roads must include a permanent turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection

vehicle.

- 4.6 The whole segment of Norpine Road, from the intersection with Woodbury Road to the western end of the current road reserve, must be upgraded to comply with all requirements for road classification of “*Rural Minor Collector*” in accordance with *Capricorn Municipal Development Guidelines*.
- 4.7 The intersection of the new road shown on the approved plans (refer to condition 2.1) and Norpine Road must be designed and constructed in accordance with the requirements of the *Capricorn Municipal Development Guidelines*, *Austroad Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* and *Department of Transport and Main Road’s Supplement to Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*. This intersection must be designed to comply with sight distance requirements in accordance with *Section 3 of Austroad Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
- 4.8 Traffic signs and pavement markings must be provided in accordance with the *Australian Standards AS 1742.1:2021 - Manual of Uniform Traffic Control Devices*.
- 4.9 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.
- 4.10 All new roads shown on the approved plans (refer to condition 2.1), must be designed to demonstrate compliance to relevant requirements of flood immunity in accordance with *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual*.

5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 5.3 The Developer must provide a booster pump on the Woodbury Heights reservoir inlet line to allow for automatic filling of the reservoir. This booster is to be fully integrated with Livingstone Shire Councils SCADA system with a minimum flow rate of 10 l/s. This is not considered to be trunk infrastructure
- 5.4 Any application for a Development Permit for Operational Works (water works) must contain an updated Water Network Analysis demonstrating the appropriate booster pump sizing for the reticulated water network. This Analysis is to ensure that the entirety of the system meets the minimum service standards in accordance with the CMDG.
- 5.5 Reticulated water supply is permitted only to Lots 1-18. These lots must also have water tanks for Domestic and Fire fighting purposes as per Council policy.
- 5.6 No reticulated supply is permitted for Lots 19-28. These lots are to have water tanks for Domestic and Fire fighting purposes as per Council policy
- 5.7 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

6.0 PLUMBING AND DRAINAGE WORKS

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

and Drainage Act, Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies.

- 6.3 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This condition applies to all proposed lots, regardless if reticulated water supply is provided.
- 6.4 The dwelling must be provided with water storage tanks and couplings for fire fighting purposes in accordance with Plumbing and Drainage Act and Council's adopted *Bushfire Risk Study, Performance Criteria and Acceptable Solutions, Bushfire minimisation methods*. This condition applies to all proposed lots, regardless if reticulated water supply is provided.

7.0 STORMWATER WORKS

- 7.1 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.
- 7.2 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 7.3 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.4 Any application for Development Permit for Operational Works (stormwater works) must demonstrate that any future building will not be impacted by the one (1) per cent Annual Exceedance Probability flood event. A Building Location Envelope and freeboard details must be provided within relevant lots.
- 7.5 Any new culvert structure associated with the development must be designed and constructed to ensure safe trafficability during the Defined Flood Event in accordance with *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual*.
- 7.6 All existing culvert structures across Norpine Road must be reviewed, and upgraded if required, to ensure safe trafficability during the Defined Flood Event in accordance with *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual*.

8.0 VEGETATION RETENTION

- 8.1 Nature corridors or links must be maintained and where appropriate, rehabilitated and expanded to support wildlife movement, ecological functions.
- 8.2 Protect riparian vegetation in and adjacent to drainage lines. No fencing to be installed along the minor waterways to maintain connectivity and wildlife movement across the landscape.
- 8.3 Development enhances or maintains the existing surface water hydrological regime of all areas containing matters of environmental significance.

9.0 REHABILITATION

- 9.1 Undertake habitat restoration works within the three MLES watercourses within proposed lots 25, 26 and 27, including, establishment of a riparian zone buffer of at least 10m on either side of the watercourse through supplementary planting with endemic native species. A rehabilitation and planting plan for the area must be prepared and submitted to Council for endorsement as part of an application for Operational Works.
- 9.2 Rehabilitate fire affected MLES with proposed lots 1 and 18. A rehabilitation and

planting plan for the area must be prepared and submitted to Council for endorsement as part of an application for Operational Works.

- 9.3 Fauna friendly fences must be utilised in all areas that bound Matters of Local Environmental Significance.

10.0 BUSHFIRE HAZARD

- 10.1 All future buildings must be constructed in accordance with the Australian Standard AS3959 "Construction of Buildings in Bushfire-Prone Areas" and the [Bushfire Resilient Building Guidance for Queensland Homes guideline](#) and the approved Bushfire Management Plan.

- 10.2 Adequate drainage and erosion control devices are required on access routes and fire management trails to prevent erosion and sedimentation impacts to matters of environmental significance and areas identified as scenic amenity, erosion prone or steep land.

11.0 ENVIRONMENTAL COVENANT

- 11.1 An environmental covenant, pursuant to Section 97A of the Land Title Act 1994, must be entered into in respect of the land outside the proposed building envelopes on proposed lots 19, 23, 24, 28 to the effect that:

11.1.1 the area is protected as a vegetated flora habitat and all native vegetation must be retained; and

11.1.2 there is to be no artificial interference or disturbance of the habitat. Approval may be sought from Council to remove hazards to safety of persons outside of the habitat or remove weeds and revegetate with local native species under an approved plan.

12.0 VEGETATION CLEARING

- 12.1 A Development Permit for Operational Works (Clearing Works) must be obtained prior to the commencement of any clearing works within the Biodiversity Overlay on the site.

- 12.2 A plan indicating the staged clearing of the site must be provided with any application for a Development Permit for Operational Works (Clearing of vegetation must only occur in the stage being developed).

- 12.3 Erosion and sediment control measures are to be implemented in line with the Erosion and Sediment control plan.

- 12.4 Construction activities will be restricted to daylight hours to minimise noise, dust and light impacts.

13.0 FAUNA MANAGEMENT AND HABITAT

- 13.1 A suitably qualified fauna spotter / catcher must be engaged to conduct a pre-assessment of wildlife habitats and breeding places and be onsite during vegetation felling activities to ensure fauna and habitat management actions are taken as required. All clearing works must be halted if fauna is likely to be injured.

14.0 INSPECTIONS

- 14.1 Joint inspections with the Project Superintendent/Consulting Engineer, the Principal Contractor, a fauna spotter / catcher and Council's Operational Works Inspector(s) are required.

- 14.2 Vegetation:

- (i) pre-inspection of vegetation prior to undertaking any works on this site;
- (ii) final inspection at completion of removal of all vegetation;
- (iii) pre-inspection of area prior to undertaking any rehabilitation plantings;

- (iv) Revegetation/rehabilitation works inspection; and
- (v) off-defects inspections (weed management and revegetation progress).

15.0 DEFECTS LIABILITY

15.1 Rehabilitation Plantings Defects Period

- 15.2 Comprehensive weed management must be undertaken during the defects period of 12 months to ensure revegetation of the endemic native vegetation can establish.

16.0 NOISE

- 16.1 Noise from the activity must not cause an environmental nuisance.

17.0 LIGHTING

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

18.0 ELECTRICITY AND TELECOMMUNICATIONS

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

19.0 ASSET MANAGEMENT

- 19.1 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.
- 19.2 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.
- 19.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

20.0 OPERATING PROCEDURES

- 20.1 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 Norpine Road and Daly Creek Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. 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 3. Limitations of Reticulated Water Supply

Due to the limited capacity of the Woodbury Heights Reservoir, Council is unable to support any further reticulated water network development associated to this reservoir, other than the works being conditioned under this application. Any further reticulated water network development associated with the Woodbury Heights Reservoir could only be considered after the capacity of this reservoir is upgraded. Lots 1 to 18 must have a back up supply in the form of water tanks in case supply from the reticulated system is temporarily interrupted in cases of an emergency or otherwise

Environmental

NOTE 4. The land subject to the above development application must be free of declared pest plants; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011*; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

NOTE 5. It is advised that part of the subject site is mapped by the Department of Resources as containing Least Concern Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>

NOTE 6. It is advised that part of the subject site is mapped by the Department of Environment and Science as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Science.

NOTE 7. It is advised that part of the subject site is mapped under the planning scheme as a matter of local environment significance and any future clearing in this area may require a development permit for Operational Works.

NOTE 8. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* 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 9. Licensable Activities

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

NOTE 10. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council

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

RECOMMENDATION C

That in relation to the application for a Development Permit for Reconfiguring a Lot (One lot into Twenty-eight (28) lots) only, made by Norpine Developments Pty Ltd, on Lot 46 on RP887949, and located at Lot 46 Norpine Road, Bungundarra, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$654,000.00**.

Moved by: Councillor Swadling

Seconded by: Councillor Watson

MOTION LOST

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

COUNCIL RESOLUTION

THAT the application be refused for the following reasons:

1. Concerns over capacity to supply sufficient water service and particularly for firefighting capability.
2. Acknowledging that licensing of water bores is a State matter, the approval of additional allotments could result in additional draw on a finite aquifer source.
3. The allotments are too small thereby requiring services that cannot be accommodated.

Moved by: Councillor Swadling

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned

COUNCIL RESOLUTION

12.25PM – Tuesday, 21 November 2023

THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

1PM – Tuesday, 21 November 2023

THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

11.6 FINALISE THE STRUCTURE PLAN FOR THE WEST EMU PARK DEVELOPMENT AREA**File No:****Attachments:** 1. Emu Park West Options Analysis (May 2023)**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Greg Abbotts - Manager Development and Environment

SUMMARY

Public consultation for the current planning scheme (2018) identified matters that related to the growth of Emu Park West. This report and recommendation proposes a basis for future land use planning for Emu Park West.

COUNCIL RESOLUTION

THAT Council endorse the Structure Planning Options Analysis for Emu Park West dated May 2023 as part of the consultation activities and package of amendments for the next version of the Livingstone Planning Scheme (2018).

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

11.7 LOT 48 EMU PARK ROAD/EMU PARK AIRSTRIP FUTURE USE - COMMUNITY CONSULTATION RESULTS AND OFFICER RECOMMENDATION**File No:** fa3370

Attachments:

1. Lot 48 Emu Park Road/Emu Park Airstrip Community Consultation Summary
2. Lot 48 Emu Park Road/Emu Park Airstrip Community Consultation Additional Comments
3. Lot 48 Emu Park Road/Emu Park Airstrip Community Consultation Results Analysis
4. Risk Assessment Report - Lot 48 Emu Park Road/Emu Park Airstrip - March 2023
5. Lot 48 Emu Park Road/Emu Park Airstrip Vegetation Mapping
6. Lot 48 Emu Park Road/Emu Park Airstrip Landslide Hazard Mapping
7. Lot 48 Emu Park Road/Emu Park Airstrip Scenic Amenity Mapping

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

Previous Items:

5.4 - Emu Park Airfield Viability and Improvements needed - Briefing Session - 03 Nov 2020 9.00am

5.11 - Emu Park Airfield Compliance Report, Remedial Action and Maintenance - Briefing Session - 01 Dec 2020 9.00am

7.3 - Lot 48 Emu Park Road/Emu Park Airstrip Engagement Plan - Briefing Session - 06 Jun 2023 9.00am

11.5 - Lot 48 Emu Park Road/Emu Park Airstrip Engagement Plan - Ordinary Council - 18 Jul 2023 9.00am

7.3 - Lot 48 Emu Park Road/Emu Park Airstrip Community Consultation Results. - Briefing Session - 03 Oct 2023 9.00am

SUMMARY

This report details the results from the Queensland State Government endorsed Livingstone Shire community consultation regarding the future of Lot 48 Emu Park Road/Emu Park Airstrip and internal stakeholders' recommendation for future use of the site.

OFFICER RECOMMENDATION

THAT Council:

- 1) Surrender the Trusteeship of Lot 48 Emu Park Road/Emu Park Airstrip to the Queensland State Government; and,
- 2) advise the Queensland State Government that:
 - a. The site is no longer needed for the purpose of reserve for landing ground for aircraft; and
 - b. The highest and best use of Lot 48 Emu Park Road is for the future growth of Emu Park, for example residential; a high school; a green break or other

community purpose compatible with urban expansion.

MOTION LAPSED FOR WANT OF A MOVER

COUNCIL RESOLUTION

THAT Council:

Retains the Trusteeship of Lot 48 Emu Park Road/Emu Park Airstrip and facilitates it's continued use as a 'landing ground for aircraft' and allocates \$40,000 in the 2024/2025 budget to address improvement conditions outlined in option B below;

Option	Condition	Investment (\$)	Mitigation Level
A.	<p><u>ALA REMAINS IN CURRENT CONDITION</u></p> <p>Service Level: Mowing only.</p> <p>NOTE: Equipment (cones, gables and windsock) remain in deteriorated condition and not sufficient as visual flight aids. No Operating Manual/Procedures to guide ongoing management of ALA by Council. Staff not appropriately trained.</p> <p>*Note: this option provides the least amount of mitigation against identified risks associated with ALA operations, with heightened risk of litigation.</p>	\$ 9,000 per annum	Low
B.	<p>ALA IMPROVEMENTS (minimum mitigation actions in accordance with recent Risk Assessment Report – March 2023)</p> <p>Service Level: Mowing, ongoing maintenance of VFA equipment, signage, and ALA management and reporting in accordance with Aerodrome Operator requirements.</p> <ol style="list-style-type: none"> Develop an Aerodrome Operating Procedure (to include: <ul style="list-style-type: none"> Maintenance arrangements – specific intervention levels and associated responsibilities. Replacement schedule of equipment (markers, windsock). Inspection schedule and associated checklist. Communication Procedures – ground-to-air via signal circle notification of hazards via ERSA (Airservices Australia) and internal communications for authorised use. Training and education requirements for officers with respective roles and responsibilities). Develop an Emergency Response Plan (for inclusion within the Aerodrome Operation Procedure). Update the En Route Supplement Australia (ERSA) to include known hazards. Review Obstacle Limitation Surface (OLS) requirements from a town planning perspective. 	<p>\$9,000 per annum (mowing)</p> <p>\$25,000 once off (VFA equipment replacement + signage installation)</p> <p>\$4000 per annum (ongoing budget for maintenance of equipment) *estimate only</p> <p>\$500 (Industry advice/review of AOP) *estimate only</p> <p>*Costs associated with OLS review are currently unknown.</p>	Moderate

	<p>5. Review last Obstacle Limitation Survey (2020) to determine required actions associated with vegetation control.</p> <p>6. Investigate what agreements are in place for commercial activities and use of the Aerodrome.</p> <p>7. Training of relevant officers (post implementation of the Aerodrome Operating Procedure).</p> <p>8. Install signage at all entry points to the aerodrome to make the public aware of aerodrome operations and restricted access.</p> <p>*NOTE: the above actions are identified as minimum requirements for compliance and sufficiently mitigating the identified risks associated with ALA operations.</p>		
C.	<p>ALA ENHANCEMENTS (as outlined within the Aerodrome Compliance Inspection – February 2020)</p> <p>Service Level: In additional to all items identified above (Option B), undertaking of the following actions which were noted for consideration in the above-named report:</p> <ol style="list-style-type: none"> 1. Fencing (installation of perimeter fencing to enhance safety for both users and the general public, and preventing entry of unauthorised persons, vehicles, and animals) *Approx. \$50-90/m x 2514m. 2. Vehicle Access Track (redirect the vehicle access track at the northern end so that it goes around the runway) 3. Wind Direction Indicator (relocation of WDI so it is visible from aircraft that are in flight or aircraft that are on the movement area) 4. VHF Radios (purchase a VHF radio for use by ground maintenance staff) <p>*NOTE: these items are not a requirement for compliance against the Civil Aviation Safety regulations/standards/guidelines, however, would enhance the overall safety of the ALA.</p>	<p>\$250,000 (fencing) *estimate only</p> <p>*Costs associated with relocation of the vehicle access track and WDI are currently unknown.</p> <p>\$1000 (VHF radio)</p>	High

Moved by: Councillor Watson

Seconded by: Councillor Friend

MOTION CARRIED

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

Cr G Mather voted in the negative.

In accordance with s. 245H of the Local Government Regulation 2012, the reasons recorded for voting against the officer's recommendation is that the proposal was inconsistent with the results of community consultation on the matter.

11.8 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2023**File No:** FM12.14.1**Attachments:**

1. Monthly Financial Report 31 October 2023
2. Contract Award Summary

Responsible Officer: Andrea Ellis - Chief Financial Officer**Author:** Caitlyn Good - Management & Treasury Accountant

SUMMARY

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

COUNCIL RESOLUTION

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

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

11.9 OPERATIONAL PLAN 2023-2024 Q1 PROGRESS REPORT

File No: CM4.6.2
Attachments: 1. Quarter 1 2023-2024 Operational Plan
Responsible Officer: Poala Santini - Coordinator Governance
Andrea Ellis - Chief Financial Officer
Author: Ursula Sleeman - Governance Officer

SUMMARY

The 2023-2024 Operational Plan progress report for Quarter 1 as of 30 September 2023 is presented, pursuant to Section 174(3) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT Council receives the 2023-2024 Operational Plan Performance Report as of 30 September 2023.

Moved by: Councillor Friend
Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.10 ANNUAL REPORT - 1 JULY 2022 - 30 JUNE 2023

File No: qA24779
Attachments: Nil
Responsible Officer: Poala Santini - Coordinator Governance
Andrea Ellis - Acting Chief Financial Officer
Author: Ursula Sleeman - Governance Officer

SUMMARY

The Annual Report 2022–2023 for the period from 1 July 2022 to 30 June 2023 is presented to Council, pursuant to section 182 of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT Council adopts the Annual Report 2022–2023 for the period 1 July 2022 to 30 June 2023.

Moved by: Deputy Mayor, Councillor Belot
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.12 CONTRACTING EXCEPTIONS - SOLE SUPPLIER EXEMPTION

File No: Sole Supplier
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Denis Glacken - Coordinator Procurement

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 Shave and Brett for the preparation of the financial statements for year ending 30 June 2024 under section 235(b) of the *Local Government Regulation 2012*, due to the specialized understanding of the services that are sought, it would be impractical or disadvantageous to invite quotes.

Moved by: Councillor Friend
Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.13 PROCUREMENT POLICY

File No: A1090634
Attachments: 1. Procurement Policy v5.1 - DRAFT
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Denis Glacken - Coordinator Procurement

SUMMARY

This report presents the Procurement Policy for annual review.

COUNCIL RESOLUTION

THAT the Procurement Policy be adopted as per *section 198* of the *Local Government Regulation 2012*.

Moved by: Councillor Swadling
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.14 LOT 505 SP178471 TANBY ROAD ACQUISITION OF LAND FOR OVERDUE RATES AND CHARGES.

File No: RV25.01.01, qA24586
Attachments: 1. Title Search (Including Historical) L505 SP178471
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Priscilla Graham - Coordinator Revenue

SUMMARY

This report pertains to Council acquiring L505 SP178471 (301 M2) for overdue rates and charges. This lot is a vegetation buffer between Tanby Road (road reserve) and adjacent to Lakeside Drive properties. Council has received complaints regarding the maintenance to the vegetation such as the site being overgrown and an accumulation of palm fronds. This 301m2 Lot was intended to be transferred to Council at the conclusion of the Development. Acquisition under the jurisdiction provided by the Local Government Regulation will provide Council the ability to write off all arrears, action vegetation maintenance and ensure the title transfer occurs as originally intended.

COUNCIL RESOLUTION

THAT pursuant to section 148 & 149 of the *Local Government Regulation 2012*, Council proceed with action to acquire Lot 505 SP178471, L505 Tanby Road, Taroomball QLD 4703.

Moved by: Councillor Friend
Seconded by: Councillor Swadling
MOTION CARRIED UNANIMOUSLY

**11.15 INFRASTRUCTURE PORTFOLIO - QUARTERLY MANAGEMENT REPORT FOR
THE PERIOD 1 JULY 2023 TO 30 SEPTEMBER 2023**

File No: qA25480
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Jon Edge - Coordinator Water & Sewage Operations
Jeff Carter - Manager Construction & Maintenance
Sean Fallis - Acting Manager Engineering Services
Donna Ward - Acting Supervisor Systems and QA

SUMMARY

This report provides a summary of a range of operational activities within the Infrastructure portfolio of Council for the period 1 July 2023 to 30 September 2023.

COUNCIL RESOLUTION

THAT the Infrastructure portfolio management report for the period 1 July 2023 to 30 September 2023 be received.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.16 RESOURCING - ADDITIONAL POSITIONS - PLUMBER & OGMORE LABOURER**File No:** GV**Attachments:** Nil**Responsible Officer:** Kristy Mansfield - Chief Human Resources Officer**Author:** Michael Kriedemann - General Manager Infrastructure

SUMMARY

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

COUNCIL RESOLUTION

THAT Council increases its full-time equivalent employment cap adopted on 24 October 2023 by 1.65 FTE (from 360.2 to 361.85) to accommodate:

1. An additional permanent Plumber (1.0 FTE) resource in the Network Maintenance team; and
2. Converting the existing temporary part time Labourer (0.65 FTE) position located at Ogmores to permanent part time.

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

11.17 MARLBOROUGH DEPOT RESOURCING

File No: Qa24221
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Jeff Carter - Manager Construction & Maintenance
Previous Items: 11.1 - Marlborough Depot Resourcing - Ordinary Council
- 24 Oct 2023 9.00am

SUMMARY

The maintenance of an ever-decreasing unsealed road network in the northern areas of the shire is a fundamental requirement of Council. This report acknowledges the difficulties in forming a crew based at Marlborough to service roads in the north of the shire in the short to medium term, and beyond.

COUNCIL RESOLUTION

THAT:

1. Council accepts that:
 - a. Despite several attempts over 12+ months, it has not been possible to fill a sufficient number of vacancies to assemble a properly-resourced crew to operate permanently from Marlborough Depot; and,
 - b. This situation is not likely to improve into the future.
2. Accordingly, Council repeals its relevant decision of 15 November 2022 noting that it cannot be properly implemented.
3. The Chief Executive Officer takes whatever steps necessary to properly resource the construction and maintenance functions for the northern part of the shire.

Moved by: Councillor Watson
Seconded by: Councillor Swadling

MOTION CARRIED

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

Crs P Eastwood and G Mather voted in the negative.

11.18 CAPRICORN COAST OUTRIGGERS CANOE CLUB AND SURROUNDING AREA

File No: qA24221

Attachments: 1. Community Engagement Results

Responsible Officer: Chris Ireland - General Manager Communities

Author: Michael Kriedemann - General Manager Infrastructure

Previous Items: 10.2 - Notice of Motion - Councillor Belot - Capricorn Coast Outriggers Sausage Sizzle - Ordinary Council - 18 Apr 2023 9.00am
10.5 - Notice of Motion - Councillor Belot - Land Tenure Capricorn Coast Outriggers Canoe Club - Ordinary Council - 18 Jul 2023 9.00am
7.1 - Community Consultation Capricorn Coast Outriggers Canoe Club and Surrounding Area - Briefing Session - 03 Oct 2023 9.00am

SUMMARY

The community engagement event held on Sunday 23 July 2023 was well attended by a cross section of the local community. Topics discussed included the Outrigger Canoe Club requirements for storage and a covered area, park improvements, pedestrian and cycleway connectivity along the foreshore, safe pedestrian crossing locations on the Scenic Highway and traffic volumes & speeds and future trunk road planning.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Note the feedback from the community;
2. Inform the community of the results of the feedback;
3. Note the estimate to undertake a master plan and consider allocating \$50,000 in the 2024/2025 operational budget to undertake a master planning exercise at the southern end of Lammermoor Beach.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

**11.19 ROAD CLOSURE APPLICATION – MANNS ROAD EMU PARK (LOT A AP2518)
ADJOINING 3190 EMU PARK ROAD, EMU PARK (LOT 44 RP886614)****File No:** fA39212**Attachments:**

1. Plan
2. Road Closure Application
3. Biodiversity Map provided by Coordinator
Natural Resource Management

Responsible Officer: Sean Fallis - Manager Engineering Services
Michael Kriedemann - General Manager Infrastructure**Author:** Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close part of Manns Road Emu Park adjacent to Lot 44 RP886614.

COUNCIL RESOLUTION

THAT Council resolve:

- a) To authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' stating that Council, as road manager, objects to the proposed permanent closure of part of Manns Road Emu Park (identified as Lot A AP2518), adjacent to Lot 44 RP886614 because the road:
 - provides connectivity back to Emu Park Rd for future use;
 - may provide an alternate access and egress for evacuation and emergency use in the future; and
 - provides an important native vegetation linkage for wildlife movement between two mapped local Biodiversity Corridors to the east and west.
- b) That the applicant be advised of Council's decision and provided with the completed Part C.

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

- 02:40PM Deputy Mayor, Councillor Belot left the meeting in relation to Item 11.20 – Community Group Tenue: Yeppoon Tennis Club Amended Lease Area due to Declarable Conflict of Interest (refer to page 7 of agenda).
- 02:40PM Councillor Eastwood left the meeting in relation to Item 11.20 – Community Group Tenue: Yeppoon Tennis Club Amended Lease Area due to Declarable Conflict of Interest (refer to page 7 of the agenda).

11.20 COMMUNITY GROUP TENURE: YEPPOON TENNIS CLUB AMENDED LEASE AREA

File No: 9517299
Attachments: Nil
Responsible Officer: Molly Saunders - Manager Community and Cultural Services
Chris Ireland - General Manager Communities
Author: Laurie Rainbird - Community Development and Engagement Officer

SUMMARY

This report pertains to a request from the Yeppoon Tennis Club Incorporated to have the area of their current lease over Council owned land extended.

COUNCIL RESOLUTION

THAT Council resolves:

- 1) the exception mentioned in section 236(1)(b)(ii) of the Local Government Regulation 2012 may apply in its dealing with the Yeppoon Tennis Club over part of Lot 2 RP844401 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 the Yeppoon Tennis Club over part of Lot 2 RP844401 and
- 3) to provide a freehold lease over the proposed area on Lot 2 RP844401 to the Yeppoon Tennis Club Incorporated.

Moved by: Councillor Mather
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

02:42PM Deputy Mayor, Councillor Belot returned to the meeting.

02:42PM Councillor Eastwood returned to the meeting.

11.21 COMMUNITY GROUP TENURE RENEWAL: EMU PARK GOLF CLUB

File No: qA81083
Attachments: Nil
Responsible Officer: Chris Ireland - General Manager Communities
Author: Laurie Rainbird - Community Development and Engagement Officer
Molly Saunders - Manager Community and Cultural Services

SUMMARY

This report pertains to the renewal of the tenure agreement held by the Emu Park Golf Club over Council controlled land.

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 the Emu Park Golf Club Incorporated over Lot 151 on LNCP906603.
- (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 the Emu Park Golf Club Incorporated over Lot 151 on LNCP906603.
- (3) to provide a ten-year trustee lease to the Emu Park Golf Club over Lot 151 on LNCP906603.

Moved by: Councillor Friend
Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.22 PROPOSED TRUSTEE LEASE TO THE BUREAU OF METEOROLOGY FOR FLOOD EQUIPMENT UPGRADE, YAAAMBA**File No:** fA38589**Attachments:**

1. Letter from the Bureau to Council
2. Bureau of Meteorology and Reserve Site Yaamba Redacted Document
3. Water Level Type 3
4. Proposed Location of Flood Equipment

Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities**Author:** Alison Morris - Property Officer
Christine Macdonald - Principal Property Officer

SUMMARY

This report is to provide information in relation to a proposed trustee lease between the Bureau of Meteorology and Council as Trustee of an area of Reserve for Recreation located at Lot 61 Auckland Street, Yaamba, described as Lot 61 on LN792 for flood equipment upgrades.

COUNCIL RESOLUTION

THAT Council resolve:

1. that the exception mentioned in section 236(1)(b) of the *Local Government Regulation 2012* may apply in its dealing with the Bureau of Meteorology over part of Lot 61 on LN792;
2. that pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(b) of the *Local Government Regulation 2012* in its dealing with the Bureau of Meteorology over part of Lot 61 on LN792;
3. to provide a minimum of a 10-year trustee lease to the Bureau of Meteorology and in accordance with section 236(4) of the *Local Government Regulation 2012*, the rental amount shall be \$1.00 excluding GST per annum;
4. to consent to the Bureau of Meteorology installing flood warning equipment prior to surveying the area and finalising a draft trustee lease; and
5. 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 trustee lease provided to the Bureau of Meteorology.

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

**11.23 PROPOSED TRUSTEE LEASE TO AMPLITEL PTY LTD FOR A
TELECOMMUNICATION FACILITY AT HAWKE STREET, EMU PARK**

File No: CP5.9.2
Attachments: 1. Aerial
Responsible Officer: Chris Ireland - General Manager Communities
Sonia Tomkinson - Manager Economy and Places
Author: Alison Morris - Property Officer
Christine Macdonald - Principal Property Officer

SUMMARY

The purpose of this report is to provide information in relation to a proposal to formalise tenure over an existing telecommunications facility on part of Reserve for Water Supply purposes, located at 46-48 Hawke Street, Emu Park described as Lot 5 on SP157082, by way of a trustee lease to Amplitel Pty Ltd.

COUNCIL RESOLUTION

THAT Council resolve:

1. that the exception mentioned in Section 236(1)(c)(vi) of the *Local Government Regulation 2012* may apply in its dealing with Amplitel Pty Ltd over part of Lot 5 on SP157082;
2. pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(c)(vi) of the *Local Government Regulation 2012* in its dealing with Amplitel Pty Ltd over part of Lot 5 on SP157082;
3. to provide a trustee lease to Amplitel Pty Ltd with an initial rent in accordance with section 236(3) of the *Local Government Regulation 2012* which will be equal to, or more than the market value of the interest in the land, part of Lot 5 on SP157082; 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 trustee lease provided to Amplitel Pty Ltd.

Moved by: Councillor Swadling

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.24 PRELIMINARY SCOPE OF INVESTIGATION - FLINDERS PARK MATTER

File No: FP

Attachments:

1. LSC1-23 Preliminary Enquiries Report (Final) 06112323 (002) Redacted
2. LSC1-23 CE 301023 (Matter 1)_ (002)
3. LSC 1-23 Management Plan 1 - Council Officers Redacted
4. LSC1-23 CE 301023 (Matter 2) (002)
5. LSC 1-23 Management Plan 2 - Councillor Belot
6. LSC1-23 CE 301023 (Matter 3) (002)
7. LSC 1-23 Management Plan 3 - Councillor Eastwood
8. LSC1-23 CE 301023 (Matter 4) (002)
9. LSC 1-23 Management Plan 4 - Mayor Ireland

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Cale Dendle - Chief Executive Officer

SUMMARY

Chief Executive Officer reporting on results of independent recommendations for scope of investigation into the Flinders Park matter.

COUNCIL RESOLUTION

THAT:

1. The report by Ashdale recommending a scope for detailed investigations into four different matters concerning the proposed Flinders Park transaction be 'received'.
2. Council not proceed with the detailed investigations estimated by Ashdale to cost a further \$22,000.
3. Council notes that Matter No. 1 (allegation against CEO) has been referred to the Crime and Corruption Commission for initial assessment.
4. In the event the Crime and Corruption Commission refers Matter No. 1 back to Council, the Nominated Person (Mayor) then put the allegation formally to the CEO for response to be reported back to Council.
5. The Office of the Independent Assessor be provided a copy of the investigation scopes including the draft allegations involving councillors for independent assessment by that body.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED

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

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

11.25 LIVINGSTONE SHIRE COUNCIL PRIORITY PROJECTS 2023-2024

File No: ED8.5.12
Attachments: 1. Livingstone Shire Council Priority Projects
Responsible Officer: Chris Ireland - General Manager Communities
Author: Sonia Tomkinson - Manager Economy and Places
Previous Items: 11.15 - Livingstone Shire Council Federal Election
Priority Projects 2022 - Ordinary Council - 15 Mar 2022
9.00am
12.9 - Advocacy for Livingstone - Ordinary Council - 27
Oct 2020 9.00am

SUMMARY

This report presents to Council the final version of the Livingstone Shire Council Priority Projects 2023-2024 (Priority Projects) document (Attachment One).

COUNCIL RESOLUTION

THAT Council

- (1) endorses the Livingstone Shire Council Priority Projects 2023-2024 document (Attachment One), and
- (2) approves the future inclusion of a 'Roads of Strategic Importance' project page in the document once infrastructure planning is completed.

Moved by: Councillor Eastwood

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

13 URGENT BUSINESS\QUESTIONS

13.1 LOU GEDDES - RATES

File No: TBA

Responsible Officer: Lucy Walker - Executive Support Officer

SUMMARY

Lou Geddes presented a deputation to the Council Meeting in relation to rates.

COUNCIL RESOLUTION

THAT Council

1. Thank Lou Geddes and other constituents for their deputation and suggestions to Councillors regarding rural rates.
2. Mr Geddes be advised that, alongside earlier commitments to exploring rate capping, Council will also commit to a review of his suggestions for both banding and rates in the dollar for rural properties in the 2024/2025 budget.
3. A copy of the resolution be provided to Member for Mirani, Mr Steven Andrew.

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

13.2 BANGALEE BEACH RAMP**File No:** TBA**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure

SUMMARY

Councillor Adam Belot presented an urgent business report in regards to Bangalee Beach Ramp.

COUNCIL RESOLUTION

THAT in order to mitigate the potential traffic risks due to increasing 4WD activity onto Farnborough Beach as a result of Queensland National Parks closing access to the Five Rocks Beaches (except for Local Traffic) up until February 2024, Council undertake urgent safety improvements to the Bangalee Beach Access Ramp.

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

13.3 COUNCIL STAFF APPRECIATION**File No:** TBA**Responsible Officer:** Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Glenda Mather presented an urgent business report in regards to conveying to all staff Council's appreciation.

COUNCIL RESOLUTION

THAT the Chief Executive Officer please convey to all staff Council's appreciation for the amount of work undertaken for the year within their department, given the vast amount of requests which have been referred their way

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

Mayor Ireland has withdrawn the above item 10.10 Notice of Motion – Mayor, Councillor Ireland – Formalised Car Parking, Vin E Jones Drive, Rosslyn from the agenda.

10.10 NOTICE OF MOTION - MAYOR, COUNCILLOR IRELAND - FORMALISED CAR PARKING, VIN E JONES DRIVE, ROSSLYN

File No: qA24221

Attachments: 1. Design Plan for Additional Carparking

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Ireland has submitted a 'Notice of Motion' in relation to formalised parking at Vin E Jones Drive, Rosslyn.

COUNCILLOR RECOMMENDATION

THAT the seaward side of Vin E Jones Drive from Beaches Restaurant to the Rosslyn Bay Service Station be considered for formalised parking within the 2024/2025 or 2025/2026 Capital Works Program, with relevant costings presented to Council as part of the budget deliberation process.

ITEM WITHDRAWN FROM AGENDA

10.11 NOTICE OF MOTION - COUNCILLOR MATHER - OLD ROADHOUSE, KUNWARARA

File No: GV

Attachments: 1. NoM - Old Kunwarara Roadhouse
2. NoM - Photos

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

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to the old roadhouse building at Kunwarara.

COUNCIL RESOLUTION

THAT due to the seriously dilapidated state of the old Kunwarara roadhouse on the Bruce Highway, Council forward a notice to clean it up within 30 days, or fines will apply.

Moved by: Councillor Mather
Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned**PROCEDURAL MOTION**

3.13PM Tuesday, 21 November 2023

THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

3.23PM Tuesday, 21 November 2023

THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

3.23PM Tuesday, 21 November 2023

THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

03:26pm Councillor Eastwood left the meeting in relation to Item 10.12 – Notice of Motion – Councillor Adam Belot – Daniel Park Master Plan and Item 10.14 - Lifted from The Table – Notice of Motion- Mayor Ireland – Cooee Bay Gardens Fence due to a Declarable Conflict of Interest (refer to page 7 of the agenda).

03:32PM Deputy Mayor, Councillor Belot presented Item 10.12 - Notice of Motion – Councillor Adam Belot – Daniel Parks Masterplan to the table and then left the meeting due to a Declarable Conflict of Interest (refer to page 7 of the agenda).

10.12 NOTICE OF MOTION - COUNCILLOR BELOT - DANIEL PARK MASTER PLAN

File No: GV

Attachments: 1. NoM - Daniel Park Master Plan

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 Daniel Park Master Plan.

COUNCILLOR RECOMMENDATION

THAT in acknowledgment of the significant amount of Community consultation and Council resources already invested into the Cooee Bay master planning process (over approx six years) Council move forward in line with 2021 report which identified green space consisting of the old tennis courts adjacent to Daniel Park and not four storey units.

COUNCIL RESOLUTION

THAT:

1. Lot 10 SP251132, Lot 11 SP251132 and Lot 18 SP251132 being 27-31 Matthew Flinders Drive, Cooee Bay and council owned land, be included within the Cooee Bay Masterplan Engagement Process to determine the community's preferred use of these lots; and
2. A wide range of community input be sought to determine the most preferred use of these lots.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Watson

MOTION CARRIED

DIVISION:

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

Cr G Mather voted in the negative.

Meeting Proceeds to the Item 10.14

COUNCIL RESOLUTION

That pursuant to s2.18.1(c) and s2.18.8 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceeds to Item 10.14 - Lifted from The Table – Notice of Motion- Mayor Ireland – Cooe Bay Gardens Fence and then returns Item 10.13 Lifted from Table - Notice of Motion - Councillor Adam Belot - Farnborough Beach Draft Master Plan of the agenda.

Moved by: Mayor, Councillor Ireland

Seconded by:

MOTION CARRIED UNANIMOUSLY

03:44PM Deputy Mayor, Councillor Belot returned to the meeting.

03:45pm Deputy Mayor, Councillor Belot left the meeting in relation to Item 10.14
Lifted from The Table – Notice of Motion- Mayor Ireland – Cooee Bay Gardens Fence due
to a Declarable Conflict of Interest (refer to page 7 of the agenda).

10.14 * LIFTED FROM TABLE - NOTICE OF MOTION - MAYOR IRELAND - COOEE BAY GARDENS FENCE

File No: GV
Attachments: Nil
Responsible Officer: Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer
Previous Items: 7.11 - Cooee Bay Gardens Fence - Briefing Session - 07
Nov 2023 9.00am

SUMMARY

At the Ordinary Meeting of Council held on the 19th September 2023 Mayor Andy Ireland submitted a 'Notice of Motion' in relation to the fence located at Cooee Bay Gardens. The proposal was.

COUNCILLOR RECOMMENDATION

THAT Council considers the request from the Body Corporate of Cooee Bay Gardens to jointly fund the erection of a new fence between their complex and the adjoining Drainage Reserve (Lot 75 LN801094).

COUNCIL RESOLUTION

The body corporate of Cooee Bay Gardens be advised THAT:

1. Council cannot agree to their request to fund the reconstruction of the fence that divides drainage and road reserves as it would create exclusive use for them and would contravene Council's requirements under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* (the Act) and Council's *Dividing Fence Contribution Adjoining Council Owned/Controlled Land Policy*.
2. Furthermore, Council accepts that Cooee Bay Gardens are under no obligation to maintain the drainage reserve nor construct a fence on the boundary of their land and the drainage reserve should they choose not to.
3. Should Cooee Bay Gardens wish to acquire ownership of the drainage reserve from the Queensland Government, Council would be willing to assist in the application process. An application fee of \$314.71 would be payable to the State by Cooee Bay Gardens for such an application from which the applicant is under no obligation to proceed with should any offer from the state not be to their liking.

Moved by: Councillor Mather
Seconded by: Councillor Watson

MOTION CARRIED

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

Cr A Friend voted in the negative.

03:59PM Deputy Mayor, Councillor Belot returned to the meeting.

03:59PM Councillor Eastwood returned to the meeting.

10.13 * LIFTED FROM TABLE - NOTICE OF MOTION - COUNCILLOR ADAM BELOT - FARNBOROUGH BEACH DRAFT MASTER PLAN

File No: qA24221

Attachments:

1. Farnborough Beach Foreshore Management Plan
2. Master

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 the Farnborough Beach Draft Master Plan.

COUNCIL RESOLUTION

THAT in order to promote transparent and accountable decision making in the public interest, Council:

1. Release the preliminary Farnborough Beach Master Plan to the Community and stakeholders and invite feedback on the elements identified within the Plan.
2. Bring a report back to Council within a reasonable timeframe of the outcomes of the engagement, in order to assist Council decision making into the future.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

-

**10.15 * LIFTED FROM TABLE - NOTICE OF MOTION - COUNCILLOR FRIEND -
BYFIELD FOOTPATHS FORWARD WORKS**

File No: qA24221

Attachments:

1. Notice of Motion - Councillor Friend - Byfield Footpaths Forward Works
2. Pathway Priority List

Responsible Officer: Amanda Ivers - Coordinator Executive Support

Previous Items:

- 8.5 - Byfield Footpath Master Plan - Briefing Session - 02 Nov 2021 9.00am
- 8.3 - Byfield Community Footpath Master Plan - Briefing Session

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to Byfield Footpaths Forward Works.

COUNCIL RESOLUTION

THAT Council commences the construction of the Byfield Footpath Master Plan, through staging each component. Commencing in 2024 to 2025 with Stage 1 Byfield School to Byfield, Raspberry Creek, Library. 765 meters, costing \$330,000.00 and that this cost be placed in the 2024 - 2025 budget for construction.

Moved by: Councillor Friend
Seconded by: Councillor Eastwood

MOTION CARRIED**DIVISION:**

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

Crs A Belot and G Mather voted in the negative.

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

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

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 Request for Renewal of Freehold Lease to Win Television QLD Pty Ltd over part of Lot 75 on RP601977

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

15.2 Legal Matter

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

15.3 Roadworks Contributions for Svendsen Road, Hartley Street and Claude Street Intersection upgrade works.

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

Moved by: Councillor Mather
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

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

Moved by: Councillor Mather
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

16 CONFIDENTIAL REPORTS

15.1 REQUEST FOR RENEWAL OF FREEHOLD LEASE TO WIN TELEVISION QLD PTY LTD OVER PART OF LOT 75 ON RP601977

File No: qA81296
Attachments: 1. Aerial
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 is to provide information in relation to a request from Win Television QLD Pty Ltd to renew its freehold lease over part of land described as Lot 75 on RP601977, located at Mount Street, Yeppoon.

COUNCIL RESOLUTION

THAT Council resolve:

1. that the exception mentioned in Section 236(1)(c)(vi) of the *Local Government Regulation 2012* may apply in its dealing with Win Television Qld Pty Ltd over part of Lot 75 on RP601977;
2. pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(c)(vi) of the *Local Government Regulation 2012* in its dealing with Win Television Qld Pty Ltd over part of Lot 75 on RP601977;
3. to provide a 10 year lease to Win Television Qld Pty Ltd at an initial rent yet to be determined but in accordance with section 236(3) of the *Local Government Regulation 2012* which will be equal to, or more than the market value of the interest in the land, part of Lot 75 on RP601977; 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 lease provided to Win Television Qld Pty Ltd.

Moved by: Councillor Swadling

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

15.2 LEGAL MATTER**File No:** fA14406**Attachments:** Nil**Responsible Officer:** Cale Dendle - Chief Executive Officer**Author:** Cale Dendle - Chief Executive Officer

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

SUMMARY

Chief Executive Officer reporting to councillors on a legal matter.

COUNCIL RESOLUTION

THAT the Chief Executive Officer be authorised to:

1. Proceed with an application to have the matter dismissed from the Supreme Court.
2. Negotiate to conclusion settlement of the matter in the manner proposed.

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

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

15.3 ROADWORKS CONTRIBUTIONS FOR SVENDSEN ROAD, HARTLEY STREET AND CLAUDE STREET INTERSECTION UPGRADE WORKS.**File No:** D-2007-344, D-279-2011, D-54-2012**Attachments:** 1. Keppel Cove Infrastructure Agreement**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Greg Abbotts - Manager Development and Environment

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 discusses writing off debt relating to an infrastructure agreement executed in late 2013.

COUNCIL RESOLUTION

THAT the remaining infrastructure charges associated with the infrastructure agreement executed on 14 November 2013 be written off as a bad debt.

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

6 CLOSURE OF MEETING

There being no further business the meeting closed at 4.40 pm.

Mayor Andrew Ireland
CHAIRPERSON

DATE