



# **STANDING COMMITTEE - DEVELOPMENT & ENVIRONMENT MEETING**

## **MINUTES**

### **4 JUNE 2024**

Recommendations from this committee will be presented for consideration at the Ordinary Meeting of 18 June 2024.

These minutes were confirmed at the Development and Environment Committee meeting on the 2<sup>nd</sup> July 2024.

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**MINUTES OF THE STANDING COMMITTEE - DEVELOPMENT & ENVIRONMENT  
MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON  
TUESDAY, 4 JUNE 2024 COMMENCING AT 2:00 PM**

**1 OPENING**

**2 PRESENT**

Members Present:

Councillor Pat Eastwood (Co-Chairperson)  
Councillor Wade Rothery (Co-Chairperson)  
Mayor, Councillor Adam Belot  
Councillor Glenda Mather  
Councillor Rhodes Watson  
Councillor Lance Warcon  
Councillor Andrea Friend

Officers in Attendance:

Chris Ireland – General Manager Communities – Committee Secretary  
Cale Dendle - Chief Executive Officer  
Michael Kriedemann – General Manager Infrastructure  
Andrea Ellis – Chief Financial Officer  
Matthew Willcocks - Chief Technology Officer  
Kristy Mansfield - Chief Human Resources Officer  
Renee Dwyer – Acting Executive Assistant to the Mayor  
Greg Abbotts – Manager Development and Environment  
Brendan Standen – Acting Coordinator Development Assessment  
Tammy Wardrop – Principal Planning Officer  
Sonia Tomkinson – Manager Economy and Places  
Nat Druery – Coordinator Public Environments  
Leise Childs – Coordinator Natural Resource Management  
Melissa Warwick – Principal Strategic Planner

***APPOINTMENT OF CHAIRPERSON***

**COMMITTEE RESOLUTION**

That pursuant to s2.6.4 of Livingstone Shire Council's Meeting Procedures, Councillor Pat Eastwood be appointed as Chairperson for this meeting of the Development and Environment Committee.

**Moved by:** Councillor Watson

**Seconded by:** Councillor Warcon

**MOTION CARRIED UNANIMOUSLY**

**3 LEAVE OF ABSENCE / APOLOGIES**

Nil

**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Nil

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

I, Councillor Glenda Mather, inform the meeting that I have a potential Declarable Conflict of Interest in relation to Item 11.1 - Development Application D-400-2023 for a Development Permit for Reconfiguring a Lot (one lot into two lots) at 72 Howes Road, Farnborough, as my son owns a property on Howes Road Farnborough. Pursuant to Section 150ES, as defined in Section 150EN of the Local Government Act 2009, Councillor Glenda Mather does not have either a real or perceived conflict of interest in the matter and after a unanimous vote from the table, Cr Mather can remain in the room for this item.

**6 DEPUTATIONS**

Nil

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

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 COUNCILLOR/DELEGATE REPORTS**

Nil

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

Nil

## 11 REPORTS

### 11.1 DEVELOPMENT APPLICATION D-400-2023 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) AT 72 HOWES ROAD, FARNBOROUGH

**File No:** D-400-2023

**Attachments:**

1. Locality Plan
2. Proposal Plan

**Responsible Officer:** Chris Ireland - General Manager Communities  
Brendan Standen - Acting Coordinator Development Assessment  
Greg Abbotts - Manager Development and Environment

**Author:** Rachael Halson - Support Services Officer  
Tammy Wardrop - Principal Planning Officer

#### SUMMARY

**Applicant:** T and M Bredhauer

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

**Real Property Address:** Lot 53 on SP289442 Area of Site: 14.18 hectares

**Planning Scheme:** *Livingstone Planning Scheme 2018* (Version 3.0)

**Planning Scheme Zone:** Rural

**Planning Scheme Precinct:** Capricorn Coast Rural Precinct

**Planning Scheme Overlays:** OM02 Agricultural Land Class  
OM07 Biodiversity overlay – Habitat and Vegetation  
OM12 Bushfire Hazard Area  
OM21 Scenic Amenity  
OM27 Height Limits

**Existing Development:** Dwelling house

**Level of Assessment:** Impact Assessable

**Submissions:** One (1) Submission received

**Referral matters:**

**Infrastructure Charge Area:** Outside the Priority Infrastructure Area

**Application progress:**

Application received:	5 December 2023
Application properly made:	7 December 2023
Development control unit meeting:	13 December 2023
Confirmation notice issued:	13 December 2023
Information request issued:	4 January 2024
Information request response received:	16 April 2024

Public notification period:	22 April 2024 to 17 May 2024
Standing Committee meeting date:	4 June 2024
Council meeting date:	18 June 2024

**COMMITTEE RECOMMENDATION**

THAT the committee recommends to Council that the development application for Reconfiguring a Lot (one lot into two lots) located at Lot 53 on SP289442 and situated at 72 Howes Road, Farnborough, be refused as the proposal conflicts with the Strategic Framework and requirements for Reconfiguring a lot within the Rural zone and the Capricorn Coast Rural Precinct as prescribed by the *Livingstone Planning Scheme 2018* (Version 3.0), and there are no relevant matters that outweigh the conflicts.

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

**THE MOTION LAPSED FOR WANT OF A SECONDER**

**PROCEDURAL MOTION**

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

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

**MOTION CARRIED UNANIMOUSLY**

**11.2 D-369-2023 MATERIAL CHANGE OF USE FOR RELOCATABLE HOME PARK**

**File No:** D-369-2023

**Attachments:**

1. Attachment 1 - Locality Plan
2. Attachment 2 - Proposed Master Plan
3. Attachment 3 - Sewer Plan as annotated by Council 3 May 2024

**Responsible Officer:** Brendan Standen - Acting Coordinator Development Assessment  
Greg Abbotts - Manager Development and Environment  
Chris Ireland - General Manager Communities

**Author:** Tammy Wardrop - Principal Planning Officer  
Rachael Halson - Support Services Officer  
Aleena Suosaari - Support Services Officer

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**SUMMARY**

**Applicant:** Keppel Developments Pty Ltd

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

**Real Property Address:** Lot 6000 on SP329791 Area of Site: 28.73 hectares

**Planning Scheme:** *Livingstone Planning Scheme 2018* (Version 3.0).

**Planning Scheme Zone:** Emerging community

**Planning Scheme Overlays:** OM01 Acid Sulfate Soils  
OM02 Agricultural Land Classification  
OM07 Biodiversity – Habitat and Vegetation  
OM10 Biodiversity – Wetlands and Waterways  
OM11 Biodiversity – Stream Order  
OM12 Bushfire Hazard Area  
OM13 Coastal Hazard – Erosion Prone Area  
OM14 Coastal Hazard Area – Storm Tide Hazard Area  
OM15 Drainage Problem Area  
OM17 Flood Hazard Area  
OM20 Road Hierarchy – Urban Major Collector and Urban Sub-Arterial  
OM27 Height Limits

**Existing Development:** Display home

**Category of Assessment:** Assessable subject to Impact assessment

**Submissions:** Two (2) submissions received

**Referral matters:** SARA – State transport infrastructure (10.9.4.1.1.1)

**Infrastructure Charge Area:** Charge Area 1

**Application progress:**



Application received:	6 November 2023
Action notice issued:	14 November 2023
Response to Action notice received:	14 November 2023
Development control unit meeting:	16 November 2023
Application properly made:	17 November 2023
Confirmation notice issued:	27 November 2023
Application referred to State agency:	1 December 2023
Information request issued:	11 December 2023
Information request response received:	11 March 2024
Public notification period:	18 March 2024 – 12 April 2024
State agency response:	3 April 2024
Notice of compliance received:	15 April 2024
Submission consideration period:	15 April 2024 – 8 May 2024
Further Advice issued	17 April 2024
Response to Further Advice received:	3 May 2024
Decision period commenced:	8 May 2024
Standing Committee meeting date:	4 June 2024
Council meeting date:	18 June 2024
Statutory determination date:	12 June 2024

## COMMITTEE RECOMMENDATION

### **RECOMMENDATION A**

THAT the Committee recommends to Council that in relation to the application for a Development Permit for a Material Change of Use for a Relocatable home park (286 dwelling sites), made by Keppel Developments Pty Ltd, on Lot 6000 on SP329791 and located at Lot 6000 Carige Boulevard, Taroomball, Council resolves to Approve the application given pursuant to Section 45(5)(b) of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks and circumstances/relevant matters have been established in support of the development as follows:

1. There is sufficient demonstrated need for additional residential land supply, specifically catering to an older demographic. The proposed use type is one which is identified as part of the Queensland Government's ongoing strategy to deliver more affordable housing as highlighted in the *Queensland Housing Strategy 2017-2027*, and the *Housing and Homelessness Strategy Plan 2021-2025*.
2. The subject site is identified as new urban in accordance with Strategic Framework Mapping and is proposed for urban development.
3. The subject site can connect to reticulated infrastructure.
4. The development generally avoids areas of potential natural hazard, including bushfire and flood hazard, by centrally locating the development in the least affected area of the site.
5. The development avoids areas of mapped State vegetation, local biodiversity corridor

and waterways which connect to Ross Creek.

6. The development provides for an alternative housing option to meet the changing needs of the population and creates opportunities for living close to services and facilities within an existing residential locality.
7. The design of development, whilst on a smaller scale in terms of road design, "lot" size and dwelling size, is consistent with the built form and character of Taranganba.

### **RECOMMENDATION B**

THAT the committee recommends to Council that in relation to the application for a Development Permit for a Material Change of Use for a Relocatable home park (286 dwelling sites), made by Keppel Developments Pty Ltd, on Lot 6000 on SP329791, and located at Lot 6000 Carige Boulevard, Taroomball Council resolves to Approve the application subject to the following conditions:

#### **1.0 ADMINISTRATION**

- 1.1 The 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 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 commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Operational Works:
    - (i) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Sewerage Works;
    - (iv) Water Works;
    - (v) Stormwater Works;
    - (vi) Earthworks;
    - (vii) Clearing Works; and
    - (viii) Landscaping 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.
- 1.10 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.

## 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>Revision</u>	<u>Dated</u>
Concept Masterplan	AU8089-01	-	10 February 2023
Concept Plans – Community Facilities and Dwelling Types	Suite of plans	-	19 December 2018
Concept Plans – Temporary Clubhouse	22L000BF Sheet 1 - 5	D	16 June 2023
Traffic Impact Assessment	R065-22-23	-	26 June 2023
Tanby Road and Taranganba Road Plan	R0132324-0001	A	17 August 2023
Sea Haven – Material Change of Use Application Western Precinct – Relocatable Home Park – Flood Study	2328_Sea Haven Relocatable Home Park	-	31 October 2023
Technical Memorandum – Proposed Sewer Network Level Check	R013-23-24	-	11 August 2023
Preliminary Sewer Plan (Annotated)	-	-	As annotated by Council 3 May 2023
Bushfire Hazard Assessment	-	-	April 2022
Weed and Revegetation Management Plan	-	-	February 2024

- 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 twenty-nine (29) discrete stages consisting of ten (10 ) dwellings per stage (until the final stage of 6 dwellings).
- 3.2 The stages are not required to be undertaken in any chronological order and stages may be undertaken concurrently.
- 3.3 Development Infrastructure must be provided by the developer in a coordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence to facilitate ease of extension and integration of infrastructure during future stages.
- 3.4 The temporary clubhouse must be constructed within Stage 1, and operational prior to the commencement of use of the tenth dwelling.
- 3.5 The permanent clubhouse must be constructed within Stage 15, and operational prior to the commencement of use of the 150<sup>th</sup> dwelling.
- 3.6 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 4.0 ACCESS WORKS
- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access works on the site.
- 4.2 All vehicular access to and from the site must be via the proposed internal road connected to the roundabout with Havenwood Drive and Carige Boulevard only. Direct vehicular access to Taranganba Road is prohibited, except for emergency purpose only.
- 4.3 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 The internal road connecting to the roundabout with Havenwood Drive and Carige Boulevard must be constructed prior to commencement of the use of any dwelling within the site.
- 4.5 Any application for a Development Permit for Operational Works (access and parking works) must include all relevant intersection sight distance details in accordance with the approval plans (refer to condition 2.1) and *Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
- 4.6 Access, parking and associated vehicle manoeuvring areas must be sealed, with turning templates for all required service vehicles provided as part of the application for operational works.
- 4.7 All ingress and egress movements to and from the development must be in a forward direction.
- 4.8 The internal access must be of a suitable width to enable fire services to access water safely, effectively and efficiently.
- 4.9 A minimum of one (1) covered parking space per dwelling and one (1) visitor space per four (4) dwelling must be provided.
- 4.10 Universal access spaces must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 4.11 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*.
- 4.12 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standards AS1742.1 "Manual of Uniform Traffic Control Devices"*.

## 5.0 SEWERAGE WORKS

- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 Any application for Development Permit for Operational Works (sewerage works) must include details of the proposed 375mm diameter sewer gravity main along western boundary of the site, in general in accordance with the approved plans (refer to condition 2.1). It must be designed to match with the proposed sewer mains at Taranganba Road to be constructed by Council (refer to Advisory Notes for details).
- 5.4 An easement of ten (10) metres wide for sewer purpose must be provided along the full western boundary of the site, from Taranganba Road at the north to the southern boundary adjoining to Lot 5006 on SP346289. The proposed 375mm diameter sewer gravity main along western boundary of the site must be within this easement. (Refer to Advisory Notes).
- 5.5 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.

## 6.0 WATER WORKS

- 6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 The development must be connected to Council's reticulated water network.
- 6.4 The development must be connected to suitably designed system for domestic and firefighting purposes at the issue of building approvals.
- 6.5 Fire hydrants must be installed internal to the site and must be:
- 6.5.1 maintained by the owner of the property; and
  - 6.5.2 suitably identified.
- 6.6 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.

## 7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 7.2 All stormwater 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*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater 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.

- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 A culvert / cross drainage structure must be designed and constructed across the proposed internal road connecting to the roundabout with Havenwood Drive and Carige Boulevard to convey the upstream peak flows to downstream along the creek. The culvert / cross drainage structure must be designed to ensure safe trafficability during a one (1) percent Annual Exceedance Probability event with 20% blockage factor. The maximum flow depth over the culvert / cross drainage structure must be limited to 300mm (maximum). The maximum flow depth / velocity product must be limited to 0.45 m<sup>2</sup>/s, in accordance with *Queensland Urban Drainage Manual*.
- 7.9 A stormwater channel must be properly designed and constructed along the western boundary of the lot, to discharge the stormwater from west of the lot to the waterway at the north of the lot.
- 7.10 Any application for Operational works (stormwater works) must include an updated Stormwater Management Plan (Quantity and Quality), starting from the approved Flood Study (refer to Condition 2.1), with the following information:
- (i) identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the above mentioned catchment details and lawful point(s) of discharge that comply with the requirements of the Queensland Urban Drainage Manual;
  - (ii) an assessment of the peak discharges for a range of design rainfall events up to and including the one in one-hundred-year rainfall event (100 year Average Recurrence Interval) for a range of storm durations including critical storm duration, for the pre-development and post-development scenarios;
  - (iii) details of any proposed on-site detention / retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
  - (iv) identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
  - (v) demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual and the Capricorn Municipal Development Guidelines;
  - (vi) identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
  - (vii) identification of all areas of the proposed development, and all other land (which may include land not under the control of the developer), which needs to be

dedicated to, or encumbered in favour of Council or another statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the Queensland Urban Drainage Manual. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the Queensland Urban Drainage Manual; and

- (viii) details of all calculations, assumptions and data files (where applicable).
- (ix) details of the proposed earthwork filling up the site, with proposed level of the fill.
- (x) Stormwater quality treatments with a MUSIC model demonstrating that the potential pollutants in stormwater runoff, discharged from the site are managed in accordance with *Urban Stormwater Quality Planning Guidelines* and State Planning Policy.
- (xi) Details to demonstrate vehicular, pedestrian amenity and safety criteria are met in accordance with Queensland Urban Drainage Manual; and
- (xii) Ongoing maintenance and management actions required with regard to detention and retention systems.

#### 8.0 EARTHWORKS

- 8.1 A Development Permit for Operational Works (earthworks) must be obtained prior to the commencement of any site works.
- 8.2 Earthwork must be constructed such that they do not, at any time, in any way restrict, impair or change the nature flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 8.3 All earthwork must be undertaken to ensure that no nuisance results from an increased in:
  - (i) peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
  - (ii) downstream or upstream flood inundation levels; and
  - (iii) velocity profiles.
- 8.4 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. (Refer to Advisory Notes)

#### 9.0 PLUMBING AND DRAINAGE WORKS

- 9.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing or drainage works on the site.
- 9.2 All internal plumbing and sanitary drainage works must be in accordance with the approved plans (refer condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, regulated work under the *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 9.3 Each dwelling must be connected to Council's water and sewer networks.

#### 10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 10.2 Building height must not exceed 8.5 metres above ground level.

- 10.3 The dwellings must be designed, constructed and certified to satisfy the performance requirements for bushfire ignition risk under the *National Construction Code Building Code of Australia (Volume 2)*.
- 10.4 All roof and allotment drainage must be discharged lawfully.
- 11.0 LANDSCAPING WORKS
- 11.1 A Planting Plan and supporting documentation must be submitted for approval by Council prior to establishment of the landscaping or commencement of use. The landscaping works must be generally in accordance with the approved plans (refer condition 2.1) and must document the "Extent of Works" which includes, but is not limited to:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
  - (ii) the extent of soft and hard landscape proposed;
  - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
  - (iv) for vehicle parking areas, the planting of vegetation involves species that have clear trunks up to a height of two (2) metres or that have low ground covers less than one (1) metre in height; underground and overhead services;
  - (v) typical details of critical design elements (retaining walls, trees in car park areas, fences);
  - (vi) details of landscape structures including areas of deep planting; and
  - (vii) specification notes on mulching and soil preparation.
  - (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). All plants shall be located within an edged garden; and
  - (xi) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 11.2 Dedicated pedestrian linkages through the proposed development must be provided in accordance with the approved plans (refer to condition 2.1).
- 11.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 11.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 11.5 Root barriers must be provided between proposed trees and relevant infrastructure.
- 11.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 11.7 Landscaping must be constructed and or established in line with staging, prior to the commencement of the use for that stage.
- 11.8 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 12.0 ELECTRICITY AND TELECOMMUNICATIONS



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

13.0 ASSET MANAGEMENT

- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 13.2 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.
- 13.3 '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.

14.0 VEGETATION MANAGEMENT

- 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 A plan indicating the staged clearing of the site must be provided with any application for a Development Permit for Operational Works (clearing works). Vegetation clearing must only occur in the stage being developed.
- 14.3 The Ross Creek waterway and riparian buffer corridor must be protected from construction and operational impacts and be contained within an Environmental Open Space lot to become public land under the management of Council.
- 14.4 Nature corridors or links must be maintained and where appropriate, rehabilitated and expanded to support wildlife movement, ecological functions.
- 14.5 Natural areas degraded as a result of development are rehabilitated by the proponent as near as is practicable to the naturally occurring local native plant species and ecological communities.
- 14.6 A detailed "Planting Plan" and supporting documentation must be prepared at Operational Works stage and is to include, but not limited to:
- (i) trees, shrubs and groundcovers to identified disturbed areas;
  - (ii) position and canopy spread of all trees and shrubs;
  - (iii) the extent and type of works inclusive of site preparation techniques;
  - (iv) 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;
  - (v) a maintenance schedule including a weed management and replanting program.

15.0 ENVIRONMENTAL

- 15.1 Submit, as part of a Development Application for Operational Works, 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 including operating times;
- (ix) weed control;
- (x) emergency vehicle access;
- (xi) noise and dust suppression; and
- (xii) waste management.

**Advice Note:** *Erosion and silt/sedimentation management within the EMP may also reference/duplicate the plans required by condition 15.3 to 15.4 of this development approval.*

- 15.2 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.
- 15.3 Submit, as part of a Development Application for Operational Works, a site-specific Erosion and Sediment Control Plan, which is certified by Certified Professional in Erosion and Sediment Control (CPESC) or suitably qualified Registered Professional Engineer of Queensland (RPEQ).
- 15.4 The Erosion and Sediment Control Plan must:
- 15.4.1 Be prepared in accordance with the local best practice engineering reference standards and guidelines identified in SC7.13.3.1. of the *Livingstone Planning Scheme 2018*.
  - 15.4.2 Demonstrate how the design objectives identified in Table 9.3.2.4.7. of the Development Works Code of the *Livingstone Planning Scheme 2018* in effect at the time of making a Development Application for Operational Work will be achieved.
- Advice Note:** *High efficiency sediment basins are the most effective way to achieve this outcome. Regular sampling must be undertaken in accordance with a sampling program specified in the site specific EMP and evidence of water quality leaving the site must be provided to an authorised officer upon request.*
- 15.4.3 Identify sampling locations and sampling frequency. The water quality of discharge flows must be measured at each concentrated discharge point from the site and achieve < 50mg/L total suspended solids (or 60ntu) and maintain pH in the range 6.5 to 8.5 at the point of discharge from the site.
  - 15.4.4 Identify staging stages of works in order to minimise the area of soil exposed at any one time. Soil disturbances must be staged into manageable sized areas to ensure adequate erosion and sediment control management and progressive stabilisation of disturbed surfaces.
  - 15.4.5 Set suitable hold points throughout the construction phase.
  - 15.4.6 Identify short and long-term (permanent) stabilisation of all exposed soils.
- 15.5 The EMP must be implemented and maintained on-site for the duration of the works and be available on site for inspection by Council Officers during those works.
- 15.6 A suitably qualified fauna spotter / catcher must be engaged to conduct a pre-

assessment of wildlife habitats and breeding places and provide a report to Council.

15.7 A suitably qualified fauna spotter / catcher must be engaged to 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.

15.8 Documentation of the fauna and habitat management actions must be kept and provided to Council upon request.

#### 16.0 OPERATING PROCEDURES

16.1 All construction materials, waste and waste skips must be located and stored on-site. All construction materials and waste must be secured and not allowed to be washed or blown by the wind off-site. At all times machinery and contractor's vehicles must be parked so as to not unreasonably obstruct the road pavement, road verges/footpaths or any neighbouring property accesses.

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

- (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.

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

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. General Environmental Duty

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

##### NOTE 3. General Safety of Public During Construction

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

##### NOTE 4. Environmental

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 Of 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. 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 8. Private Works

Council can provide cost estimates for any water and sewerage connection works as requested.

NOTE 9. Construction of Sewer Trunk Infrastructures by Council

Council is currently undertaking design and construction of the following trunk sewer infrastructures:

1. Ross Creek 375mm gravity main, identified as SEW-65 in endorsed Local Government Infrastructure Plan 2018
2. Tanby Road south 200mm rising main, identified as SEW-66 in endorsed Local Government Infrastructure Plan 2018
3. Tanby Road sewer pump station, identified as SEW-86 in endorsed Local Government Infrastructure Plan 2018

The applicant shall contact Council for any update of the design of these sewer infrastructures to ensure that the proposed 375mm sewer gravity main along western boundary can match with the proposed sewer gravity main to be constructed by Council.

Based on the latest program of this project, the project is targeted to be completed by December 2025.

NOTE 10. Easement for Future Sewer Mains SEW-122

Council encourages the applicant to dedicate the 10m wide easement for sewer purpose in favour of Council along the western boundary of the lot as early as possible, prior to commencement of the use. The easement is dedicated for future sewer mains of SEW-122 as per endorsed Local Government Infrastructure Plan. The applicant could negotiate with Council for the process.

NOTE 11. Ross Creek Treatment Facility, new, district, Item D-84 of Local Government Infrastructure Plan

Ross Creek Treatment Facility being identified as D-84 in endorsed Local Government Infrastructure Plan (LGIP) is within the subject lot. Based on Council's latest strategic planning, this item is very likely to be removed from the next updating of LGIP. Council does not have any preliminary design or any other details related to this item either. To comply with State Planning Policy of stormwater quality, under any application of Development Permit of Operational

Works (stormwater), the applicant shall provide stormwater quality treatment plans with MUSIC models demonstrating

**NOTE 12.     Retaining Walls**

In accordance with the definition of building works and operational works under *Schedule 2 of Planning Act 2016*, a retaining wall not associated with Reconfiguring a Lot is considered as building works, and excluded as operational works. In accordance *with Section 5(1)(c) of Building Act 1975*, a retaining wall is considered as building works. A Building Permit is required for a retaining wall not associated with Reconfiguring a Lot, whilst Operational Works Permit is not required for this scenario.

**NOTE 13.     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 the committee recommends to Council that in relation to the application for a Development Permit for a Material Change of Use for a Relocatable home park (286 dwelling sites), made by Keppel Developments Pty Ltd, on Lot 6000 on SP329791, and located at Lot 6000 Carige Boulevard, Taroomball, Council resolves to issue an Infrastructure Charges Notice.

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

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

**MOTION CARRIED**

Crs A Belot, P Eastwood, A Friend, G Mather, W Rothery and L Warcon voted in the affirmative.

Cr R Watson voted in the negative.

**11.3 REQUEST FOR VIEWS - APPLICATION FOR CONVERSION OF TERM LEASE 0/221561 OVER LOT 120 LN174, NERIMBERA SCHOOL ROAD, NERIMBERA TO FREEHOLD****File No:** fA43943**Attachments:**

1. Email from Department of Resources
2. Aerial
3. Current Title Search
4. Growth Management Memo

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

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**SUMMARY**

*The purpose of this report is to provide information in relation to an application received by the Department of Resources for conversion of Term Lease 0/221561 over Lot 120 LN174, located at Lot 120 Nerimbera School Road, Nerimbera, to freehold.*

**COMMITTEE RECOMMENDATION**

THAT the committee recommends to Council to advise the Department of Resources that it objects to the conversion of Term Lease 0/221561 over Lot 120 LN174, located at Lot 120 Nerimbera School Road, Nerimbera to freehold for the following reasons:-

- (a) The current term lease condition G61 states the lessee of Term Lease 0/221561 is not allowed to make an application for conversion in terms of the *Land Act 1994*;
- (b) the land contains significant environmental values, mapped within Council's Planning Scheme and by the State Government, being core habitat area for the endangered, locally endemic Marlborough Blue Cycad (*Cycas ophiolitica*), the land also provides significant wildlife habitat and protection of the upper catchment of Blacks Creek; healthy habitats and biodiversity play a role in supporting healthy, active communities now and in the future;
- (c) the conversion to freehold will provide the landowner with opportunities to conduct clearing through available exemptions and accepted development codes that would weaken the level of protection of the vegetation and wildlife habitat; and
- (d) the existing lease conditions strongly outline the intent for the site is for a quarry buffer zone to minimise potential impacts between quarry operations and adjoining sensitive land use. This is an appropriate use of Lot 120 on LN174 and this use should remain unchanged into the future.

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

3:06PM – Mayor, Councillor Belot left the meeting

**11.4 FOUR PAWS - DESEXING AND MICROCHIPPING**

**File No:** TBA  
**Attachments:** Nil  
**Responsible Officer:** Greg Abbotts - Manager Development and Environment  
Chris Ireland - General Manager Communities  
**Author:** Nat Druery - Coordinator Public Environments

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**SUMMARY**

*This report is for the briefing of Councillors prior to the matter being dealt with operationally.*

**COMMITTEE RECOMMENDATION**

THAT the committee recommends to Council that it receive the report and its contents be noted.

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

**MOTION CARRIED**

Crs P Eastwood, A Friend, G Mather, W Rothery, L Warcon and R Watson voted in the affirmative.

Mayor Belot not present for vote.

3:11PM – Mayor Councillor Belot returned to the meeting

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**11.5 REEF GUARDIAN COUNCILS PROGRAM****File No:** EM11.12.03**Attachments:**

1. Memorandum of Understanding with Reef Authority
2. Reef Guardian Councils Terms of Reference 2024-2028
3. Reef Guardian Council Program Information Sheet
4. Reef Guardian Council Roles nomination form

**Responsible Officer:** Greg Abbotts - Manager Development and Environment  
Chris Ireland - General Manager Communities**Author:** Leise Childs - Coordinator Natural Resource Management

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**SUMMARY**

*A Deputation from the Great Barrier Reef Marine Park Authority (GBRMPA) was received on 7 May 2024. Livingstone Shire Council has been invited to reaffirm participation in the Reef Guardian Councils Program.*

**COMMITTEE RECOMMENDATION**

THAT the committee recommends to Council that:

- 1 - It enter a Memorandum Of Understanding with the Great Barrier Reef Marine Park Authority and authorise the CEO to co-sign the MOU for the term 2024 to 2028; and
- 2 - Endorse the nomination of Reef Guardian representatives to participate in the Executive Committee and Reef Guardian Council's Working Group.

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



**11.6 ACTIONS IDENTIFIED IN THE LIVINGSTONE REEF GUARDIAN ACTION PLAN**

**File No:** EM11.12.10  
**Attachments:** 1. Reef Guardian Action Plan 2023-2026  
**Responsible Officer:** Chris Ireland - General Manager Communities  
Greg Abbotts - Manager Development and Environment  
**Author:** Leise Childs - Coordinator Natural Resource Management

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**SUMMARY**

*This report discusses the actions identified in the Livingstone Reef Guardian action plan completed*

**COMMITTEE RECOMMENDATION**

THAT the committee recommends to Council that the report be received and its contents noted.

**Moved by:** Councillor Friend

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**

# 11.1 DEVELOPMENT APPLICATION D-400-2023 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) AT 72 HOWES ROAD, FARNBOROUGH

**File No:** D-400-2023

**Attachments:** 1. Locality Plan  
2. Proposal Plan

**Responsible Officer:** Chris Ireland - General Manager Communities  
Brendan Standen - Acting Coordinator Development Assessment  
Greg Abbotts - Manager Development and Environment

**Author:** Rachael Halson - Support Services Officer  
Tammy Wardrop - Principal Planning Officer

## SUMMARY

**Applicant:** T and M Bredhauer

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

**Real Property Address:** Lot 53 on SP289442 Area of Site: 14.18 hectares

**Planning Scheme:** *Livingstone Planning Scheme 2018* (Version 3.0)

**Planning Scheme Zone:** Rural

**Planning Scheme Precinct:** Capricorn Coast Rural Precinct

**Planning Scheme Overlays:** OM02 Agricultural Land Class  
OM07 Biodiversity overlay – Habitat and Vegetation  
OM12 Bushfire Hazard Area  
OM21 Scenic Amenity  
OM27 Height Limits

**Existing Development:** Dwelling house

**Level of Assessment:** Impact Assessable

**Submissions:** One (1) Submission received

**Referral matters:**

**Infrastructure Charge Area:** Outside the Priority Infrastructure Area

**Application progress:**

Application received:	5 December 2023
Application properly made:	7 December 2023
Development control unit meeting:	13 December 2023
Confirmation notice issued:	13 December 2023
Information request issued:	4 January 2024
Information request response received:	16 April 2024
Public notification period:	22 April 2024 to 17 May 2024
Standing Committee meeting date:	4 June 2024

Council meeting date:	18 June 2024
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**PROCEDURAL MOTION**

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

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

**MOTION CARRIED UNANIMOUSLY**

**COMMITTEE RECOMMENDATION**

THAT, notwithstanding the officer recommendation, Council approves the DA for the following reasons:

- (i) The development **complies** with the relevant outcomes of the Development Works Code with regards to the provision of on-site services and infrastructure.
- (ii) The development **complies** with the relevant acceptable outcomes and performance outcomes of the Biodiversity Overlay Code given the areas of environmental significance over the site are able to be retained within a single lot (Lot 53). The proposed common boundary does not impact areas of biodiversity mapping, the proposal does not require any clearing of native vegetation to be undertaken and the existing internal access for Lot 53 is suitably designed in accordance with its proximity to a mapped waterway.
- (i) The development **complies** with the Scenic Amenity Overlay Code as although Proposed Lot 1 does not achieve the minimum lot size of 10 hectares for the Capricorn Coast Rural Precinct, the development does not result in fragmentation of the identified scenic landscape, given that the proposed common lot boundary is outside of Scenic Amenity Area A.
- (i) The development **does not compromise** the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.
- (ii) The development **does not compromise** the achievement of regional outcomes outlined in the Central Queensland Regional Plan.

**Moved by:** Councillor Warcon

**Seconded by:** Councillor Rothery

**MOTION CARRIED**

Crs A Belot, P Eastwood, A Friend, G Mather, W Rothery and L Warcon voted in the affirmative.

Cr R Watson voted in the negative.

In accordance with s254H of the *Local Government Regulation 2012*, the Chief Executive Officer records that the reasons for not adopting the officer recommendations (refer pg. 5) are those shown above.

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

Nil

**13    URGENT BUSINESS\QUESTIONS**

## 14 CLOSED SESSION

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

### COMMITTEE RESOLUTION

3:20PM

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 D-44-2023 - Update on Appeal with Planning and Environmental Court - Reconfiguring a Lot (one lot into twenty-eight (28) lots) at 189 Norpine Road, Bungundarra**

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

#### **15.2 6 Monthly Update on Key Development Applications**

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 Options concerning progression of Homemaker Stage 2 and future consolidation of Council offices**

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

#### **15.4 Taroomball and Hidden Valley Draft Options Analysis**

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: Deputy Mayor, Councillor Eastwood**

**MOTION CARRIED UNANIMOUSLY**

**COMMITTEE RESOLUTION**

4:54PM

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

**Moved by:** Councillor Mather

**Seconded by:** Mayor, Councillor Belot

**MOTION CARRIED UNANIMOUSLY**

## 15 CONFIDENTIAL REPORTS

### 15.1 D-44-2023 - UPDATE ON APPEAL WITH PLANNING AND ENVIRONMENTAL COURT - RECONFIGURING A LOT (ONE LOT INTO TWENTY-EIGHT (28) LOTS) AT 189 NORPINE ROAD, BUNGUNDARRA

**File No:** D-44-2023

**Attachments:**

1. Attachment A - Decision Notice (Refusal)
2. Attachment B - Email dated 14 February 2024
3. Attachment C - Reconfiguration Plan

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

**Author:** Aleena Suosaari - Support Services Officer  
Brendan Standen - Acting Coordinator Development Assessment

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.

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#### SUMMARY

*On 21 November 2023, Council at its Ordinary Meeting, decided to Refuse development application D-44-2023 for a Development Permit for Reconfiguring a Lot (One lot into twenty-eight (28) lots) at L 46 Norpine Road, Bungundarra (Lot 46 on RP887949). The officer recommendation was for Approval, subject to conditions. The refusal was based on three (3) grounds all relating to the provisioning of water for the development.*

*The Decision Notice Refusal was subsequently appealed by the Applicant through the Planning and Environment Court. As part of the Court ordered mediation and through without prejudice meetings, Council officers and the Applicant met on several occasions to seek to resolve the matter outside of a trial. Council officers also met with the elected members on 15 February 2024 to gauge their position and appetite to do so.*

*Council officers then worked to clarify the issues around the provisioning of water for the development, along with other matters raised by the Applicant during the appeal process. Council officers have drafted conditions of approval that achieve compliance with the requirements of the Livingstone Planning Scheme 2018 (Version 3) with respect to water provisioning.*

#### COMMITTEE RECOMMENDATION

##### RECOMMENDATION A

THAT the committee recommends 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, Refused by Council on 21 November 2023 and subsequently appealed by the Applicant, Council resolve to settle the appeal for the following reasons:

- (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 the committee recommends 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, Refused by Council on 21 November 2023 and subsequently appealed by the Applicant, Council resolve to settle the appeal 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, works, or requirements of this development approval must be undertaken, completed and accompanied by a certificate of compliance for any Operational Works required by this development approval:
  - 1.4.1 to Council's satisfaction;
  - 1.4.2 at no cost to Council; and
  - 1.4.3 Prior to issue of a Survey Plan Approval Certificate unless otherwise stated.
- 1.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.5.1 Operational Works:
    - (i) Road Works;
    - (ii) Vegetation Clearing;
    - (iii) Water Works; and
    - (iv) Stormwater Works.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 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.

## **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>Revision</u>	<u>Dated</u>
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Reconfiguration Plan 1 Lot into 28 Lots + New Road (with Nearmap underlay)	8866-01-ROL	D	15 February 2024
Bushfire Hazard Assessment and Management Plan*	PR23101_BHAMP_Norpine Road	A	10 June 2023
Ecological Assessment Report	PR23101_Norpine Road, Bungundarra	A	1 June 2023
Reconfiguration Plan 1 Lot into 28 Lots + New Road (with Nearmap Underlay) amended in blue*  *relates to condition 8.1 'Annotated Biodiversity Overlay Site Plan'	8866-01-ROL	D	15 February 2024

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 Stages 1, 2 and 3 must be undertaken concurrently or in chronological order. Stages 4, 5 and 6 must be undertaken concurrently or in chronological order. Stages 4-6 may be undertaken prior to stages 1-3.

3.3 The delivery of infrastructure (road works, water works and stormwater works) required by this development approval must occur in a logical and sequential manner in line with the approved staging.

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), unless otherwise stated.
- 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 Upgrade the segment of Norpine Road, from the intersection of Woodbury Road to the western end of the current road reserve, to a “*Rural Minor Collector*” standard, in accordance with the *Capricorn Municipal Development Guidelines*.
- 4.7 Where it is not feasible to provide an eight (8) metre wide pavement width at crossroad drainage structure locations, the seal width must be upgraded as close to the standard of a *Rural Minor Collector Road* in accordance with the *Capricorn Municipal Development Guideline*.
- 4.8 Where road upgrade works are outside of the 3.0 metre running lanes, the embankment and shoulder widenings are to be established using a heavy formation grade and placement of makeup gravel, with an approved bitumen seal. Only the widening for existing sealed segment of Norpine Road is to be sealed.
- Advice Note:** *The existing sealed section of Norpine Road is not required to be resealed.*
- 4.9 Where required, following assessment in line with *Austroads Guide to Road Design AGRD06 Roadside Design, Safety and Barriers*, and where the Network Roadside Risk Intervention Threshold is lower than the evaluated risk of any section of the existing road, safety measures, endorsed by a Registered Professional Engineer of Queensland with relevant experience, must be provided as part of a development application for Operational Works (Road Works)
- 4.10 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*.
- 4.11 Traffic signs and pavement markings must be provided in accordance with the *Australian Standards AS 1742.1:2021 – Manual of Uniform Traffic Control Devices*.
- 4.12 Any application for a Development Permit for Operational Works (Road Works) must include details of the Council approved road names for all new roads.
- 4.13 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 (CMDG)*, *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 Council's SCADA system with a minimum flow rate of 10 l/s.
- 5.4 Provide an updated Water Network Analysis, as part of a Development Application for Operational Works (Water Works), demonstrating the appropriate booster pump sizing for reticulated water network. The Analysis is to ensure that the entirety of the system meets the minimum service standards in accordance with the *Capricorn Municipal Development Guidelines*.
- 5.5 Connect lots 1 – 18 with reticulated water supply. No reticulated water supply is permitted for Lots 19 – 28.
- 5.6 Install tank(s) that provide a minimum capacity of 25,000 litres of water, for domestic water supply, for lots 1 – 18 at the time of the first material change of use on those lots.

**Advice Note:** Tanks are required for lots 1 – 18 for back-up supply in case supply from the reticulated system is temporarily interrupted in cases of an emergency or otherwise.

**Advice Note:** In accordance with the requirements of the Planning Scheme, material change of use for a dwelling house on lots 19 – 28 will be required to provide a minimum of 50,000 litres of potable water for domestic purposes, and to the extent is affected by OM12 Bushfire Hazard Area, a minimum of 25,000 litres for firefighting purposes.

- 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.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (Stormwater Works) must be obtained prior to the commencement of any stormwater works on the site.
- 7.2 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.

**Note:** It must be demonstrated that suitable area is provided within each lot, with freeboard details.

- 7.3 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.

7.4 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).

7.5 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*.

#### 8.0 FENCING

8.1 Where fencing (boundary fencing or otherwise) is constructed along the drainage lines identified in the approved Annotated Biodiversity Overlay Site Plan (refer to condition 2.1) within lots 19, 25, 26, 27 and 28, it must be fauna friendly fencing to maintain wildlife connectivity and wildlife movement.

**Advice Note:** *This condition does not apply to fencing existing at the time of the decision notice approval.*

#### 9.0 REHABILITATION

9.1 Prior to submission of the first Development Application for Operational Work, submit to and have approved by Council, a Rehabilitation and Planting Plan to undertake habitat restoration works within the three (3) drainage lines that are also within lots 19, 25, 26, 27 and 28 (refer to condition 2.1). The Rehabilitation and Planting Plan must include:

9.1.1 Establishment of a riparian zone buffer of at least ten (10) metres on either side of the watercourses through supplementary planting with local native species; and

9.1.2 Identify the location, type, and maintenance of any fauna friendly fences in all areas that bound Matters of Local Environmental Significance.

9.2 Implement the endorsed Rehabilitation and Planting Plan in perpetuity with the land following the creation of the component lot affected by condition 9.1.

**Advice Note:** *Implementation of the Rehabilitation and Planting Plan would be the responsibility of landowner at the time of Survey Plan and endorsement for the component lot, until such time the Applicant ceases to be the registered owner. The responsibility then falls on subsequent landowners.*

#### 10.1 BUSHFIRE HAZARD

10.1 Prior to submission of the first development application for Operational Work, provide an updated Bushfire Hazard Assessment and Management Plan that:

(a) Reflects the most recent subdivision layout;

(b) Reflects lots 1 – 18 being connected to the reticulated water network;

(c) Reflects lots 19 – 28 relying on on-site water supply;

(d) Identifies fire management trails within the covenant areas required by condition 11.0;

(e) Identifies periodic burn-offs within the covenant area that reflect the burn-off requirements identified for the relevant regional ecosystem.

**Advice Note:** *The only clearing permitted within the covenant areas will be that identified in the approved Bushfire Hazard Assessment and Management Plan.*

**Advice Note:** *In accordance with Table 5.9.4 of the Planning Scheme, as the Bushfire Hazard Assessment and Management Plan does not nominate Building Location Envelopes, Material Change of Use for Dwelling house in areas mapped as being affected by OM12 Bushfire Hazard Area are categorised as Assessable development.*

- 10.2 Adequate drainage and erosion control devices are required on any 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 Enter into an environmental covenant, pursuant to Section 97A of the Land Title Act 1994, over all mapped MLES within lots 23, 24 and 28. The terms of the covenant must include but not be limited to:

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, except for:

- (i) Where approval is sought and given by 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;
- (ii) Fire management trails as allowed for within the amended Bushfire Hazard Assessment and Management Plan (refer to condition 10.1).
- (iii) Periodic burn-offs in line with an updated Bushfire Hazard Assessment and Management 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 ELECTRICITY AND TELECOMMUNICATIONS

- 13.1 Lots must be provided with connection to telecommunications infrastructure as follows:

13.1.1 Reticulated telecommunications infrastructure that is provided in accordance with the requirements of the relevant telecommunications supply authority; or

13.1.1 It be demonstrated they can be provided with on-site telecommunications equipment sufficient to enable contact to emergency services providers in normal circumstances.

- 13.2 Lots must be provided with connection to electricity infrastructure as follows:

13.2.1 Reticulated grid electricity supply that is provided in accordance with the requirements of the relevant energy supply authority; or

13.2.1 It be demonstrated lots can be provided with on-site energy supply installed in accordance with all laws and regulations and current best practice.

14.0 ASSET MANAGEMENT

- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 14.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 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 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](http://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 the committee recommends 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, Refused by Council on 21 November 2023 and subsequently appealed, Council resolves to settle the appeal and issue an Infrastructure Charges Notice for the amount of **\$654,000.00**, and that the recommendation be forwarded to the Ordinary Council Meeting on 18 June 2024 for resolution.

**Moved by:** Councillor Mather

**Seconded by:** Mayor, Councillor Belot

### **MOTION CARRIED**

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

Crs A Friend and W Rothery voted in the negative.



## 15.2 6 MONTHLY UPDATE ON KEY DEVELOPMENT APPLICATIONS

**File No:** TBA

**Attachments:** Nil

**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)(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.

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### SUMMARY

*This report and presentation provides an update on key development applications.*

### COMMITTEE RECOMMENDATION

THAT the committee recommends to Council that the report be received and its contents noted.

**Moved by:** Councillor Friend

**Seconded by:** Councillor Watson

#### MOTION CARRIED UNANIMOUSLY

Crs A Belot, P Eastwood, A Friend, G Mather, W Rothery, L Warcon and R Watson voted in the affirmative.

Cr Rhodes Watson declared an interest in items D-276-2019 and D-207-2022 and, although no decision was to be taken, voluntarily left the meeting during discussion of each of these matters.

Cr Glenda Mather declared an interest in item D-91-2023 and, although no decision was to be taken, voluntarily left the meeting during discussion of this item.

### 15.3 OPTIONS CONCERNING PROGRESSION OF HOMEMAKER STAGE 2 AND FUTURE CONSOLIDATION OF COUNCIL OFFICES

**File No:** ED8.5.22  
**Attachments:** Nil  
**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places  
Chris Ireland - General Manager Communities  
**Author:** Russell Claus - Urban Strategist  
**Previous Items:** 15.1 - Stage Two - Capricorn Coast Homemaker Centre - Ordinary Council - 16 Nov 2021 9.00am  
9.1 - Capricorn Coast Homemaker Centre - Stage Two Commercialisation - Briefing Session - 05 Apr 2022 9.00am  
11.9 - Feasibility investigations - New Depot & Capricorn Coast Homemaker Stage 2 - Ordinary Council - 24 Oct 2023 9.00am

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

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#### SUMMARY

*This report discusses options regarding Council property considerations.*

Consider sequencing and decision-making actions required to facilitate development of Homemaker Stage 2 and to consolidate Council accommodation into a single location.

#### COMMITTEE RECOMMENDATION

THAT the committee recommends that the options report regarding progression of Homemaker Stage 2 and future consolidation of Council offices is received.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Friend

#### MOTION CARRIED

Crs P Eastwood, A Friend, G Mather, W Rothery, L Warcon and R Watson voted in the affirmative.

Cr A Belot voted in the negative.

#### 15.4 TAROOMBALL AND HIDDEN VALLEY DRAFT OPTIONS ANALYSIS

**File No:** qA25479

**Attachments:**

1. Project area and planning scheme zones
2. Project area and strategic framework
3. Project area and sites with specific considerations

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

**Author:** Melissa Warwick - Principal Strategic Planner

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

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#### SUMMARY

*This report is for the briefing of Councillors prior to consideration of the matter at a future Council meeting.*

#### COMMITTEE RECOMMENDATION

THAT the committee recommends to Council that:

- 1 - the report be received and contents noted; and
- 2 – and a workshop is convened with Councillors on 16 July 2024 to present and discuss the options analysis recommendations.

**Moved by:** Councillor Warcon

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**

## **16 CLOSURE OF MEETING**

There being no further business the meeting closed at 5:03 pm.

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CR PAT EASTWOOD  
CHAIRPERSON

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4 June 2024