



STANDING COMMITTEE - DEVELOPMENT & ENVIRONMENT MEETING

MINUTES

3 SEPTEMBER 2024

Recommendations from this committee were presented at the Ordinary Meeting on 17 September 2024.

These minutes were confirmed at the Development and Environment Committee meeting on the 1st October 2024

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
	APPOINTMENT OF CHAIRPERSON.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	2
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	3
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	4
6	DEPUTATIONS.....	5
	NIL	5
7	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	6
	NIL	6
8	PRESENTATION OF PETITIONS.....	7
	NIL	7
9	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	8
	NIL	8
10	COMMITTEE REPORTS.....	9
	NIL	9
11	REPORTS.....	10
11.1	DEVELOPMENT APPLICATION D-546-2022 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO FIFTEEN LOTS AND ACCESS AND SERVICES EASEMENT) AT LOT 1A VAUGHANS ROAD, ADELAIDE PARK	10
11.2	D-313-2023 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) SITUATED AT 46 ROBERTS ROAD, PACIFIC HEIGHTS)	21
11.3	D-288-2023 - RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT) AT 115 BUDERICK ROAD, COOROOMAN	29
11.4	BIOSECURITY PLAN - CONSULTATION	31
11.5	EMU PARK MAIN BEACH FORESHORE PLAN	32
12	AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS.....	33
	NIL	33
13	URGENT BUSINESS\QUESTIONS	34

NIL	34	
14	CLOSED SESSION	35
15	CONFIDENTIAL REPORTS.....	36
15.1	CONTRIBUTION CHARGES - BAD DEBT	36
15.2	PROPOSAL FOR COUNCIL TO INITIATE ENQUIRY INTO ACQUISITION OF A PORTION OF A FREEHOLD PARCEL FOR COMMUNITY BENEFIT.....	37
16	CLOSURE OF MEETING.....	38

**MINUTES OF THE STANDING COMMITTEE - DEVELOPMENT & ENVIRONMENT
MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON
TUESDAY, 3 SEPTEMBER 2024 COMMENCING AT 2:00 PM**

1 OPENING

APPOINTMENT OF CHAIRPERSON

COMMITTEE RESOLUTION

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

Moved by: Cr Mather

Seconded by: Cr Watson

MOTION CARRIED UNANIMOUSLY

2 PRESENT

Members Present:

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

Officers in Attendance:

Sonia Tomkinson – Acting General Manager Communities
Alastair Dawson – Interim Chief Executive Officer
Greg Abbotts – Manager Development and Environment
Renee Dwyer – Executive Assistant to the Mayor
Gretta Cowie – Planning Officer
Tammy Wardrop – Principal Planning Officer
Leise Childs – Coordinator Natural Resource Management

3 LEAVE OF ABSENCE / APOLOGIES

Councillor Pat Eastwood (Co-Chairperson)

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Development & Environment Committee Meeting held on 6 August 2024 be taken as read and adopted as a correct record.

Moved by: Councillor Warcon

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

6 DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

10 COMMITTEE REPORTS

Nil

11 REPORTS

11.1 DEVELOPMENT APPLICATION D-546-2022 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO FIFTEEN LOTS AND ACCESS AND SERVICES EASEMENT) AT LOT 1A VAUGHANS ROAD, ADELAIDE PARK

File No: D-546-2022

Attachments:

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

Responsible Officer: Greg Abbotts - Manager Development and Environment
Sonia Tomkinson - Acting Manager Economy and Places

Author: Tammy Wardrop - Principal Planning Officer

THIS REPORT HAS BEEN WITHDRAWN BY APPLICANT

SUMMARY

<i>Applicant:</i>	<i>James St Pty Ltd</i>
<i>Consultant:</i>	<i>Capricorn Survey Group (CQ) Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 1 on SP234708</i>
<i>Area of Site:</i>	<i>36.88 hectares</i>
<i>Planning Scheme:</i>	<i>Livingstone Planning Scheme 2018 (Version 3)</i>
<i>Planning Scheme Zone:</i>	<i>Rural Zone / Capricorn Coast Rural Precinct</i>
<i>Planning Scheme Overlays:</i>	<i>OM02 Agricultural Land Classification</i>
	<i>OM07 Biodiversity – Habitat and Vegetation</i>
	<i>OM12 Bushfire Hazard Area</i>
	<i>OM18 Landslide Hazard Area</i>
	<i>OM19 Regional Infrastructure</i>
	<i>OM21 Scenic Amenity Area</i>
	<i>OM27 Height Limits</i>
<i>Existing Development:</i>	<i>Dwelling house</i>
<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>9 Submissions received</i>
<i>Referral matters:</i>	<i>Ergon Energy</i>
<i>Infrastructure Charge Area:</i>	<i>Outside the Priority Infrastructure Area</i>

Application progress:

TABLE 1 – APPLICATION PROGRESS

APPLICATION MILESTONE	DATE
Application received:	22 December 2022
Application properly made:	22 December 2022
Development control unit meeting:	4 January 2023

<i>Confirmation notice issued:</i>	<i>12 January 2023</i>
<i>Information request issued:</i>	<i>21 February 2023</i>
<i>Information request response received:</i>	<i>4 March 2024</i>
<i>Public notification period:</i>	<i>18 March 2024 – 12 April 2024</i>
<i>Further Advice issued:</i>	<i>20 March 2024</i>
<i>Notice of compliance received:</i>	<i>15 April 2024</i>
<i>Submission consideration period:</i>	<i>15 April 2024 – 30 April 2024</i>
<i>Decision period commenced:</i>	<i>30 April 2024</i>
<i>Further advice received:</i>	<i>9 July 2024</i>
<i>Extension of time agreed to:</i>	<i>16 July 2024</i>
<i>Standing Committee date:</i>	<i>3 September 2024</i>
<i>Ordinary Council date:</i>	<i>17 September 2024</i>
<i>Statutory determination date:</i>	<i>24 September 2024</i>

COMMITTEE RECOMMENDATION

THAT the Committee recommends to Council, that in relation to the application for a Development Permit for a Reconfiguring a Lot (one lot into fifteen lots, access and services easement and drainage basin), made by James St Pty Ltd, on Lot 1 on SP234708 and located at Lot 1A Vaughans Road, Adelaide, Council resolves to Approve the application given pursuant to Section 60(2)(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:

- (a) The design of the development is out of character for the intended role for the Capricorn Coast Rural Precinct – which allows for lots with a minimum size of 10ha. However, this area of Adelaide Park is closely adjacent to the Park Residential Precinct, and adjoining lots to the east have been developed for Park Residential Estates.
- (b) Whilst the site is zoned Rural and supports Rural activities, the viability of the site is already reduced due to site characteristics, specifically being that environmental covenants cover 75% of the site, and separation for Rural activities is challenging due to the narrow width of the site and proximity to park residential estates to the east.
- (c) The settlement pattern should promote a diverse range of housing options and opportunities for living close to services and facilities – the subject site is approximately 3km from the Yeppoon Centre.
- (d) The site protects both scenic amenity and biodiversity characteristics through existing and proposed Environmental Covenants.
- (e) The development mitigates bushfire hazard and landslide hazard, ensuring the the proposed new lots are generally clear of hazard.
- (f) The development results in a constructed road frontage and reticulated water supply to all proposed lots.

RECOMMENDATION B

That the Committee recommends to Council , that in relation to the application for a Development Permit for a Reconfiguring a Lot (one lot into fifteen lots, access and services

easement and drainage basin), made by James St Pty Ltd, on Lot 1 on SP234708 and located at Lot 1A Vaughans Road, Adelaide, 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 the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Water Works;
 - (iii) Stormwater Works;
 - (iv) Earthworks; and
 - (v) Clearing Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the approval of a plan of subdivision (survey plan endorsement).
- 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*, *Capricorn Municipal Development Guidelines*, *Queensland Urban Drainage Manual* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Revision</u>	<u>Dated</u>
Reconfiguration Plan - 1 Lot into 15 Lots (Stages 1 – 5)	8089-01-ROL	C	7 November 2023
Conceptual	OSK6449-0002	A	11 October 2023

Stormwater Management Plan			
Yeppoon Water Supply – Network Analysis Report for Lot 1A Vaughans Road, Inverness	-	-	2 July 2024
Removed/ Replaced Vegetation Plan	23-004/SK2	A	November 2023

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 five (5) discrete stages, namely:

3.1.1 Lot 6 to Lot 7 (Stage One);

3.1.2 Lot 1 to Lot 5 (Stage Two);

3.1.3 Lot 8 to Lot 10 (Stage Three);

3.1.4 Lot 11 to Lot 13 (Stage Four);

3.1.5 Lot 14 to Lot 15 (Stage Five)

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

3.2 Stage One must be completed prior to any other Stage. Except Stage One, multiple development stages may be undertaken concurrently, provided all proposed lots and can be connected to the full range of urban infrastructure outlined in this development permit.

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

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

4.0 ROAD WORKS

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

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

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

4.4 All new roads shown on the approved plans (refer to condition 2.1), must comply with all requirements for road classification of “*Urban Residential Access Place*” in

- accordance with *Capricorn Municipal Development Guidelines*.
- 4.5 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 A concrete pathway, with a minimum width of 1.5 metres, must be constructed on one side of full length of the proposed new road, in accordance with *Capricorn Municipal Development Guidelines*.
- 4.7 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 4.8 All pathways must incorporate kerb ramps at all road crossing points.
- 4.9 Vaughans Road, starting from the western end of the chevron marking of the splitting island adjacent to the intersection with Adelaide Park Road, marked as Chainage 0, ending at the existing entrance point of the subject lot, marked as Chainage 1231, must be upgraded, as the following standards:
- 4.9.1 Chainage 200 to Chainage 292 (approximately from the boundary between 11RP801333 and 1SP234712, to the boundary between 1SP148958 and 2RP616637): widen the seal width to be 9m in total, being consistent to the condition at Chainage 0 to 200. The widening must be on the side without kerb channel. Existing access crossovers must be maintained, or properly upgraded, if necessary. This upgrading must be completed before completion of Stage Two (2).
- 4.9.2 Chainage 292 to Chainage 321: widen the seal width to be 8m in total, as per the standard of "*Rural Minor Collector*" in accordance with *Capricorn Municipal Development Guidelines*. This upgrading must be completed before completion of Stage One (1).
- 4.9.3 Chainage 449 to Chainage 531 (approximately from the boundary between 1RP865999 and 3RP615831, to the eastern end of the existing bridge): widen the seal width to be 8m in total, as per the standard of "*Rural Minor Collector*" in accordance with *Capricorn Municipal Development Guidelines*. This upgrading must be completed before completion of Stage One (1).
- 4.9.4 Chainage 616 to Chainage 1043 (approximately from the western end of the existing bridge to the existing kerb channel near the intersection of Vaughans Road & Miller Place): widen the seal width to be 8m in total, as per the standard of "*Rural Minor Collector*" in accordance with *Capricorn Municipal Development Guidelines*. The existing slow point treatment device within this segment must be maintained, and provided with retroreflective paint along the edge. Existing access crossovers must be maintained, or properly upgraded, if necessary. This upgrading must be completed before completion of Stage One (1).
- 4.9.5 Chainage 1088 to Chainage 1231 (approximately from the western end of the existing kerb channel associated with the intersection of Vaughans Road & Miller Place, to the existing boundary of the subject lot): upgraded as per the standard of "*Urban Residential Access Place*" in accordance with *Capricorn Municipal Development Guidelines*. This upgrading must be completed before completion of Stage One (1).
- 4.9.6 A centreline from the existing centreline just to the west of Catherine Avenue to the intersection with Millers Place must be provided in accordance with *Manual of Uniform Traffic Control Devices*. This upgrading must be completed before completion of Stage One (1).

- 4.9.7 Guide posts must be provided at all bridges, floodways and culverts in accordance with *Manual of Uniform Traffic Control Devices*. This upgrading must be completed before completion of Stage One (1).

Details of the upgrading must be provided as a part of the Operational Works Permit application.

- 4.10 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.11 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.

5.0 ACCESS WORKS

- 5.1 All vehicular access to and from proposed Lots 1 to 15 (inclusive) must be via the proposed new roads and Vaughans Road only. Direct vehicular access to Limestone Creek Road is prohibited.

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*, the *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 A new water connection point must be provided at all proposed new lots.
- 6.5 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.
- 6.6 Any new water network must not be commissioned before the commission of Council's proposed upgrade at Inverness Booster Pump Station in accordance with the approved Water Network Analysis Report (refer to Condition 2.1).

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 7.2 All stormwater management works must be designed and constructed in accordance with the 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 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 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.
- 7.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a updated Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:

- 7.5.1 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;
- 7.5.2 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;
- 7.5.3 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;
- 7.5.4 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;
- 7.5.5 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;
- 7.5.6 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;
- 7.5.7 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
- 7.5.8 details of all calculations, assumptions and data files (where applicable).

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 Any application for a Development Permit for Operational Works (earthworks) must be accompanied by an earthworks' plan which clearly identifies the following:
 - 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 8.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments".
- 8.4 Earthworks must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or

worsening to adjoining properties or infrastructure.

9.0 ELECTRICITY AND TELECOMMUNICATIONS

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

9.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the approval of a plan of subdivision (survey plan endorsement).

10.0 ASSET MANAGEMENT

10.1 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.

10.2 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.

10.3 '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.

11.0 ENVIRONMENTAL

11.1 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.

11.2 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.

11.3 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).

11.4 The Erosion and Sediment Control Plan must:

- 11.4.1 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*.

- 11.4.2 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.*

- 11.4.3 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.
- 11.4.4 Identify suitable 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.
- 11.4.5 Set suitable hold points throughout the construction phase.
- 11.4.6 Identify short (temporary) and long-term (permanent) stabilisation measures for all exposed soils.
- 11.4.7 For peak flow for the 1-year and 100-year ARI event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site
- 11.5 An environmental covenant must be registered over Lots 1 and 2. The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the approval of a plan of subdivision (survey plan endorsement).
- 11.6 Covenant H on SP326269 must be amended and registered in accordance with the "Removed/Replaced Vegetation Plan" (refer to condition 2.1). The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the approval of a plan of subdivision (survey plan endorsement).
- 12.0 OPERATING PROCEDURES
- 12.1 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.
- 12.2 Appropriate fencing must be provided along the western boundary of the proposed new road, along the western side of the site.

ADVISORY NOTES

NOTE 1. Water and Sewerage Services

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

NOTE 2. Private Works

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

NOTE 3. Upgrading of Water Network near Inverness Booster Pump Station by Council

As stated under the approved Water Network Analysis (refer to Condition 2.1), the proposed upgrading of water network near Inverness Booster Pump Station has been scheduled for 2024/25 and 2025/26 financial years. Thus, these works would be completed in or before June 2026.

NOTE 4. Access

After the survey plans are endorsed, for each of the new lot, a compliant vehicle access shall be designed and constructed to the development in accordance with the *Capricorn Municipal Development Guidelines*, and shall be:

In accordance with the standard drawing *CMDG-R-041 revision D, "Residential Driveway Slab and Tracks"*; and

Located a minimum of one (1) metre from any sewer connections, access chambers, valves, fire hydrant, water meter boxes, and any other utility services. Any non-compliant vehicle access driveway will require a Development Permit for Operational Works (access works) prior to the commencement of any vehicle access works associated with that lot.

NOTE 5. On-site sewer treatment plant

After the survey plans are endorsed, for each of the new lot:

On-site sewerage treatment and disposal must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies.

Structures or buildings must not be located within the on-site sewerage treatment and disposal area or conflict with separation distances as detailed with the Queensland Plumbing and Wastewater Code.

NOTE 6. Limitation of Future Development to the west

Due to the limited capacity of urban residential place, it must be noted that any future development to the west of the site, shall not get accessed via the proposed new road to be delivered under this development.

NOTE 7. Aboriginal Cultural Heritage

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

NOTE 8. 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 9. 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 10. Property Notes

All vehicular access to and from proposed Lots 1 to 15 (inclusive) must be via the proposed new roads and Vaughans Road only. Direct vehicular access to Limestone Creek Road is prohibited.

All future buildings on the proposed lots must be constructed in compliance with *Australian Standard AS3959 "Construction in Bushfire Prone Areas"*.

NOTE 11. Application to Undertake Alterations or Improvements to Council Controlled Areas and Roads

An Application to Undertake Alterations or Improvements to Council Controlled Areas and Roads (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline* Drawings) may be accepted in place of the Development Permit for Operational Works (access works).

NOTE 12. 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 Reconfiguring a Lot (one lot into fifteen lots, access and services easement and drainage basin), made by James St Pty Ltd, on Lot 1 on SP234708 and located at Lot 1A Vaughans Road, Adelaide, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$296,500.00**.

11.2 D-313-2023 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) SITUATED AT 46 ROBERTS ROAD, PACIFIC HEIGHTS)

File No: D-313-2023

Attachments:

1. Attachment A - Locality Plan
2. Attachment B - Proposal Plan
3. Attachment C - Code Assessment
4. Attachment D - Statement of Reasons

Responsible Officer: Greg Abbotts - Manager Development and Environment
Sonia Tomkinson - Acting Manager Economy and Places

Author: Tammy Wardrop - Principal Planning Officer
Rachael Halson - Support Services Officer
Brendan Standen - Acting Coordinator Development Assessment

SUMMARY

Applicant: K McElhenny

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 1 on RP602748 Area of Site: 5.996 Hectares

Planning Scheme: Livingstone Planning Scheme 2018 (Version 3)

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: OM02 Agricultural Land Classification
OM07 Biodiversity – Habitat and Vegetation
OM11 Biodiversity - Stream Order
OM12 Bushfire Hazard Area
OM18 Landslide Hazard Area
OM21 Scenic Amenity Area
OM27 Heights Limits

Existing Development: Dwelling House and ancillary shed

Level of Assessment: Impact Assessable

Submissions: One (1)

Referral matters: Not applicable

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

Table 1 – APPLICATION PROGRESS

APPLICATION MILESTONE	DATE
<i>Application received:</i>	21 September 2023
<i>Application properly made:</i>	5 October 2023
<i>Development control unit meeting:</i>	11 October 2023
<i>Confirmation notice issued:</i>	13 October 2023
<i>Information request issued:</i>	16 October 2023
<i>Information request response received:</i>	11 June 2024

<i>Public notification period:</i>	<i>13 June 2024 – 4 July 2024</i>
<i>Standing committee meeting date:</i>	<i>3 September 2024</i>
<i>Council meeting date:</i>	<i>17 September 2024</i>
<i>Statutory determination date:</i>	<i>11 September 2024</i>

COMMITTEE RESOLUTION

THAT the Committee recommends to Council that in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into three lots), made by K McElhenny, on Lot 1 on RP602748 and located at 46 Roberts Road, Pacific Heights, Council resolves to Approve the application given pursuant to Section 60(2)(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:

- (a) The subject site is identified as Urban within the Strategic Framework mapping.
- (b) The proposed Lots 1 and 2 will connect to all infrastructure.
- (c) The development avoids areas of landslide hazard and is located in the least hazardous area of the site with respect to bushfire hazard, by locating the development on the periphery of the site fronting a constructed and sealed road (Roberts Road).
- (d) The development provides sufficient buffer to areas of ecological significance and includes a vegetation covenant within proposed Lot 1 to support the adjacent local biodiversity corridor and waterway.

RECOMMENDATION B

THAT the Committee recommends to Council that in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into three lots), made by K McElhenny, on Lot 1 on RP602748, and located at 46 Roberts Road, Pacific Heights, 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 the issue of the certificate of compliance for the Survey Plan, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the issue of the certificate of compliance for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (i) Access Works;

- (ii) Sewerage Works;
- (iii) Earthworks (if required); and
- (iv) Clearing of native vegetation.

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

1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards*, *Capricorn Municipal Development Guidelines*, *Queensland Urban Drainage Manual* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Revision</u>	<u>Dated</u>
Reconfiguration Plan	7549-02-ROL Sheet 1 of 1	A	24 August 2023
Technical Memorandum – Stormwater Management Plan by Stephens Consulting Engineers	24-0108-TM001	-	31 May 2024
Water Supply Hydraulic Analysis by H2ONE	2402611	A	15 May 2024
Conceptual Access and Site Plan	SCE-24-005-02	A	April 2024
Conceptual Access Section Details Plan	SCE-24-005-03	A	April 2024
Conceptual Sewer Reticulated Plan	SCE-24-005-04	A	April 2024
Conceptual Roof Water and Service Plan	SCE-24-005-05	A	April 2024
Bushfire Hazard Assessment by Ecosure	PR5151		March 2020

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

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

3.0 ACCESS WORKS

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

- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 3.3 Access for proposed Lots 1 and 2 must be sealed.
- 3.4 Details of the accesses, including plans and elevation profiles, for all lots, including Lot 100, must be provided as a part of the application of Operational Works (access works). Access for all proposed lots must meet the following standards:
- 3.4.1 A minimum formed width of four (4) metres including any gates;
 - 3.4.2 A minimum six (6) metres clear of standing flammable vegetation;
 - 3.4.3 A minimum cleared height of 4.8 metres;
 - 3.4.4 An average gradient no greater than 14.4% (applicable to Lot 100 only);
 - 3.4.5 An average gradient no greater than twenty-five (25) per cent (applicable to proposed Lot 1 and 2);
 - 3.4.6 A cross fall no greater than eighteen (18) per cent if sealed (applicable to proposed Lots 1 and 2, and Lot 100 if sealed);
 - 3.4.7 A cross fall no greater than 12.5 per cent if unsealed (applicable to Lot 100 only);
 - 3.4.8 Where there are dips or peaks, entry and exit angles no greater than 12.5 per cent;
 - 3.4.9 Access point signed and direction of travel identified; and
 - 3.4.10 Suitable arrangements in place to ensure maintenance in perpetuity.
- 3.5 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*.
- 4.0 SEWERAGE WORKS (APPLICABLE TO PROPOSED LOTS 1 AND 2)
- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 The development must be connected to Council's reticulated sewerage network.
- 4.4 New sewerage connection points must be provided at proposed Lots 1 and 2 respectively.
- 4.5 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.6 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.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* Council's Plumbing and Drainage Policies.
- 5.2 The proposed Lots 1 and 2 must be connected to Council's reticulated water

networks.

- 5.3 New water connection points must be provided for proposed Lots 1 and 2 respectively.

6.0 STORMWATER WORKS

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

- 6.2 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.

7.0 EARTHWORKS (IF APPLICABLE)

- 7.1 A Development Permit for Operational Works (earthworks) must be obtained prior to the commencement of any earthworks, if applicable.

- 7.2 Any application for a Development Permit for Operational Works (earthworks) must be accompanied by an earthworks' plan which clearly identifies the following:

- 7.2.1 the location of cut and/or fill;
- 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
- 7.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.

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

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

8.0 CLEARING WORKS

- 8.1 A Development Permit for Operational Works (Clearing) must be obtained prior to the commencement of any vegetation clearance works.

- 8.2 The development application for Operational Works (Clearing) must include a plan of proposed clearing.

- 8.3 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing.

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

9.0 ENVIRONMENTAL

- 9.1 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.

9.2 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.

9.3 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).

9.4 The Erosion and Sediment Control Plan must:

9.4.1 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*.

9.4.2 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.*

9.4.3 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.

9.4.4 Identify suitable 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.

9.4.5 Set suitable hold points throughout the construction phase.

9.4.6 Identify short (temporary) and long-term (permanent) stabilisation measures for all exposed soils.

9.4.7 For peak flow for the 1-year and 100-year ARI event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site

9.5 An environmental covenant must be registered over proposed Lot 1 in accordance with the approved plan (refer to Condition 2.1). The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the

endorsement of the Survey Plan.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 Electricity and telecommunication connections must be provided to proposed Lots 1 and 2 to the standards of the relevant authorities.
- 10.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the issue of the Compliance Certificate for the Survey Plan.

11.0 ASSET MANAGEMENT

- 11.1 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.
- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

12.0 OPERATING PROCEDURES

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

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Property Notes

All future buildings on the proposed lots must be constructed in compliance with *Australian Standard AS2959 "Construction in Bushfire Prone Areas"* and the approved Bush Fire Management Plan. Where there is any conflict between the conditions of this approval and the details shown on the approved Bush Fire Management Plan (refer to condition 2.1), the conditions of approval must

prevail.

NOTE 5. In accordance with the *Water Supply (Safety & Reliability) Act 2008*, it is an offence to interfere with a service provider's infrastructure. Livingstone Shire Council is the service provider and Infrastructure is the department responsible for water and sewerage services. Alterations to existing services consequential to necessary connections to existing sewerage and / or water infrastructure must be at the responsibility and cost of the Developer. Please contact Infrastructure for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.

NOTE 6. Private Works

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

NOTE 7. 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 Reconfiguring a Lot (one lot into three lots), made by K McElhenny, on Lot 1 on RP602748, and located at 46 Roberts Road, Pacific Heights, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$62,160.00**.

Moved by: Councillor Warcon

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.3 D-288-2023 - RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT) AT 115 BUDERICK ROAD, COOROOMAN

File No: D-288-2023

Attachments:

1. Attachment A - Locality Plan
2. Attachment B - Proposal Plan
3. Attachment C - Code Assessment
4. Attachment D - Statement of Reasons

Responsible Officer: Greg Abbotts - Manager Development and Environment
Sonia Tomkinson - Acting Manager Economy and Places

Author: Gretta Cowie - Planning Officer
Rachael Halson - Support Services Officer
Brendan Standen - Acting Coordinator Development Assessment

SUMMARY

Applicant: Michael & Tebra Hudspith C/- Veris

Consultant: Veris Queensland – Matthew Ward

Real Property Address: Lot 42 on SP264564 Area of Site: 143.8 Hectares

Planning Scheme: Livingstone Planning Scheme 2018 (Version 3)

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Acid Sulfate Soils
Agricultural Land Classification
Biodiversity - Habitat and Vegetation
Biodiversity – Wetlands and Waterway
Biodiversity – Stream Order
Bushfire Hazard Area
Drainage Problem Area
Landslide Hazard Area
Road Hierarchy
Scenic Amenity Area
Height Limits

Existing Development: Dwelling house and ancillary buildings

Category of Assessment: Assessable subject to impact assessment

Submissions: Nil

Referral matters: Clearing Vegetation - Schedule 10, part 3, division 4, table 2, item 1 (10.3.4.2.1)

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

TABLE 1 – APPLICATION PROGRESS

APPLICATION MILESTONE	DATE
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<i>Application received:</i>	<i>31 August 2023</i>
<i>Application properly made:</i>	<i>8 September 2023</i>
<i>Development control unit meeting:</i>	<i>13 September 2023</i>
<i>Confirmation notice issued:</i>	<i>13 September 2023</i>
<i>Application referred to State agency:</i>	<i>20 September 2023</i>
<i>State agency response:</i>	<i>24 October 2023</i>
<i>Information request issued:</i>	<i>6 October 2023</i>
<i>Information request response received:</i>	<i>5 April 2024</i>
<i>Public notification period:</i>	<i>26 April – 21 May 2024</i>
<i>Further advice:</i>	<i>9 May 2024</i>
<i>Decision period commenced:</i>	<i>23 May 2024</i>
<i>Extension of time agreed to:</i>	<i>28 June 2024 – 21 July 2024</i>
<i>Standing committee meeting date:</i>	<i>3 September 2024</i>
<i>Council meeting date:</i>	<i>17 September 2024</i>
<i>Statutory determination date:</i>	<i>20 September 2024</i>

COMMITTEE RESOLUTION

THAT the Committee recommends to Council that in relation to the application for a Development Permit for a Reconfiguring a Lot (one lot into two lots and access easement), made by Michael & Tebra Hudspith C/- Veris, on Lot 42 on SP264564, and located at 115 Budarick Road, Coorooman, Council resolves to Refuse the application pursuant to Section 60(3)(c) of the *Planning Act 2016*.

Moved by: Councillor Warcon

Seconded by: Councillor Watson

MOTION CARRIED

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

Crs G Mather and W Rothery voted in the negative.

11.4 BIOSECURITY PLAN - CONSULTATION

File No: EM11.11.2
Attachments: 1. Biosecurity Plan Engagement
Responsible Officer: Greg Abbotts - Manager Development and Environment
Sonia Tomkinson - Acting Manager Economy and Places
Author: Leise Childs - Coordinator Natural Resource Management

SUMMARY

The current Livingstone Shire Council Biosecurity Plan 2019-2024 is due for review and renewal. A process for internal and external stakeholder review is underway and community consultation on the revised plan is proposed to occur prior to Council adoption in December 2024.

COMMITTEE RESOLUTION

THAT the committee recommends Council endorse the Engagement Plan for the Biosecurity Plan review.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

Mayor Adam Belot entered room at 2:46pm

11.5 EMU PARK MAIN BEACH FORESHORE PLAN

File No: 11.12.04
Attachments: Nil
Responsible Officer: Greg Abbotts - Manager Development and Environment
Sonia Tomkinson - Acting Manager Economy and Places
Author: Greg Abbotts - Manager Development and Environment
Leise Childs - Coordinator Natural Resource Management

SUMMARY

This report discusses an opportunity to include outcomes from the Shoreline Management Plan to develop a Strategic Management Plan for a section of the Emu Park Foreshore.

PROCEDURAL MOTION

That pursuant to s2.18.1(a) and s2.18.2 of Livingstone Shire Council's Meeting Procedures Policy the motion be put to a vote.

THAT Council obtain legal advice from Councils Solicitors seeking advice on public ownership of views.

Moved by: Councillor Watson

MOTION LOST

Crs A Friend and R Watson voted in the affirmative.

Crs A Belot, G Mather, W Rothery and L Warcon voted in the negative.

COMMITTEE RESOLUTION

THAT the committee recommends to Council the following operational plan outcome be considered for the 2025/2026 year along with an associated budget:

- Development of a strategic plan for the Emu Park Main Beach precinct in line with the outcomes proposed in the Shoreline Management plan adopted in 2022.

Moved by: Mayor, Councillor Belot

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 URGENT BUSINESS\QUESTIONS

NIL

14 CLOSED SESSION

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

COMMITTEE RESOLUTION

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

15.1 Contribution Charges - Bad Debt

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

15.2 Proposal For Council to Initiate Enquiry Into Acquisition of a portion of a Freehold Parcel for Community Benefit

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: Mayor, Councillor Belot

Seconded by: Councillor Warcon

MOTION CARRIED UNANIMOUSLY

COMMITTEE RESOLUTION

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

Moved by: Mayor, Councillor Belot

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

15 CONFIDENTIAL REPORTS

15.1 CONTRIBUTION CHARGES - BAD DEBT

File No: D-Y/2007-495, D-Y/2008-144, D-Y2008-301 and D-Y/2003-79

Attachments: Nil

Responsible Officer: Sonia Tomkinson - Manager Economy and Places

Author: Greg Abbotts - Manager Development and Environment

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

SUMMARY

This report details writing off debts associated with contribution charges.

COMMITTEE RESOLUTION

THAT the committee recommends to Council the contribution charges amounting to \$59,274.21 associated with the following applications, D-Y/2007-495, D-Y/2008-144, D-Y2008-301 and D-Y/2003-79 be deemed unrecoverable and no further action required.

Moved by: Councillor Mather

Seconded by: Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

15.2 PROPOSAL FOR COUNCIL TO INITIATE ENQUIRY INTO ACQUISITION OF A PORTION OF A FREEHOLD PARCEL FOR COMMUNITY BENEFIT

File No: x
Attachments: Nil
Responsible Officer: Sonia Tomkinson - Acting Manager Economy and Places
Author: Greg Abbotts - Manager Development and Environment

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

SUMMARY

This report is presented for Council's consideration regarding proposal for Council to initiate enquiry into acquisition of a portion of freehold parcel for community benefit.

COMMITTEE RESOLUTION

THAT the committee recommends to Council the CEO be authorised to make enquiries regarding cost of acquisition of a portion of land to allow lawful access to a beach, on the proviso no commitment to acquire the land is made without further approval by Council and identified source of funding being provided to Council's satisfaction.

Moved by: Mayor, Councillor Belot
Seconded by: Councillor Rothery

MOTION LOST

Crs A Belot, W Rothery and L Warcon voted in the affirmative.

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

16 CLOSURE OF MEETING

There being no further business the meeting closed at 3:52 pm.

Andrea Friend
CHAIRPERSON

03/09/2024