



ORDINARY MEETING

MINUTES

17 DECEMBER 2024

The resolutions contained within these minutes were confirmed at the Ordinary Council Meeting on the
21st January 2025.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 17 DECEMBER 2024 COMMENCING AT 9:02 AM

1 OPENING**Acknowledgement of Country**

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

Opening Prayer

The opening prayer was delivered by *Cr Pat Eastwood*

2 PRESENT**Members Present:**

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

Officers in Attendance:

Terry Dodds - Chief Executive Officer
Katrina Paterson - General Manager Communities
Michael Kriedemann – General Manager Infrastructure
Andrea Ellis – Chief Financial Officer
Jon Rutledge – Acting Chief Technology Officer
Kristy Mansfield - Chief Human Resources Officer
Renee Dwyer – Executive Assistant to the Mayor
Lynda Bayliss – Executive Support Officer
Greg Abbotts – Manager Development and Environment
Arvind Singh – Manager Infrastructure Projects
Jacob Weir – Infrastructure Project Manager
Sonia Tomkinson – Manager Economy and Places

3 LEAVE OF ABSENCE / APOLOGIES

Councillor Glenda Mather

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

THAT the minutes of the Ordinary Meeting held on 19 November 2024 be taken as read and adopted as a correct record.

Moved by: Councillor Warcon

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

6 DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 LIFTING MATTERS LAYING ON THE TABLE

File No: GV13.04.06

Attachments: Nil

Responsible Officer: Terry Dodds - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

- D-253-2023 – ROL and Preliminary approval to include a Supplementary Table of Assessment – Condon Drive Yeppoon

Moved by: Councillor Friend

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter remain laid on the table pending further information to be obtained and item to return to the Council Meeting in February 2025.

- D-395-2020 - MCU for an Extractive Industry at Rossmoya Road, Milman Road and Yaamba Road.

Moved by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

7.2 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV
Attachments: 1. Business Outstanding Table - December
Responsible Officer: Terry Dodds - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Deputy Mayor, Councillor Eastwood

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

8 PRESENTATION OF PETITIONS

8.1 PETITION - SUBMISSION ON PROPOSED DEVELOPMENT AT 1-41 NEVILLE STREET MULAMBIN

File No: fA2222

Attachments: 1. Petition - Mulambin Development

Responsible Officer: Lucy Walker - Executive Support Officer

SUMMARY

Council has received the following petition from Andrew Vann regarding Proposed Development at 1-41 Neville Street Mulambin.

COUNCIL RESOLUTION

THAT the petition be received and referred to a Council Workshop.

Moved by: Councillor Friend

Seconded by: Deputy Mayor, Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

9 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

10 COUNCILLOR REPORTS

Nil

11 COMMITTEE REPORTS

11.1 INFRASTRUCTURE COMMITTEE MINUTES 3 DECEMBER 2024

File No: INF
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Michael Kriedemann - General Manager Infrastructure

SUMMARY

This report is of the Infrastructure Standing Committee Meeting held on 3 December 2024. The recommendations are presented for the determination by the Council.

COUNCIL RESOLUTION

THAT Council receives the report of the Infrastructure Committee meeting held on 3 December 2024 and adopts the recommendations contained therein.

- Local Government Infrastructure Plan (5 year review) and Planning Scheme Amendment
- Designated waste collection area – expansion survey results for Cawarral and Mount Chalmers
- Application for permanent road closure – adjacent to 23&25 Bartlem Street Yeppoon (Lots 3&4 RP603548)
- Monthly Progress Report – Capital Projects
- Infrastructure Portfolio – Quarterly Management Report for the period 1 July 2024 to 30 September 2024

The below report will be dealt with separately

- Coowonga Green Waste Pad

Moved by: Councillor Watson

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.1 CLOSURE OF COOWONGA GREEN WASTE PAD

File No: qA77303
Responsible Officer: Michael Kriedemann - General Manager Infrastructure

SUMMARY

This report is associated with the closure of the Coowonga green waste pad.

COUNCIL RESOLUTION

Council defer its decision to close the Coowonga Green Waste Facility until genuine community consultation is undertaken with the Keppel Sands and Joskeleigh Community to explore other options.

Moved by: Mayor, Councillor Belot

MOTION CARRIED

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

Cr R Watson voted in the negative.

11.2 RECREATION & CULTURE COMMITTEE MINUTES 3 DECEMBER 2024

File No: GV
Attachments: Nil
Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Author: Sonia Tomkinson - Manager Economy and Places

SUMMARY

This report is of the Recreation and Culture Standing Committee Meeting held on 3 December 2024. The recommendations are presented for the determination by the Council.

COUNCIL RESOLUTION

THAT Council receives the report of the Recreation & Culture Committee meeting held on 3 December 2024 and adopts the recommendations contained therein.

- Event Sponsorship Program Round Two 24/25 - Late Applicants
- Regional Arts Development Fund Round One 2024/2025
- Monthly Progress Report - Capital Projects
- Applications to Purchase State Land – Reserve for Environmental Park – Lot 351 SP335293 (Scenic Highway Kinka Beach)

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.3 DEVELOPMENT & ENVIRONMENT COMMITTEE MINUTES 3 DECEMBER 2024

File No: GV
Attachments: Nil
Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Author: Sonia Tomkinson - Manager Economy and Places

SUMMARY

This report is of the Development and Environment Standing Committee Meeting held on 3 December 2024. The recommendations are presented for the determination by the Council.

COUNCIL RESOLUTION

THAT Council receives the report of the Development & Environment Committee meeting held on 3 December 2024 and adopts the recommendations contained therein.

- MCU for a Dual Occupancy - 2 Burlington Street, Lammermoor
- ROL (1 lot into 10 lots and balance lot) at 111 Hidden Valley Road, Hidden Valley
- MCU for a Dual Occupancy - 15 Burlington Street, Lammermoor
- Livingstone Planning Scheme 2018 - Minor Amendments - Zone Changes - Embed Development Approvals
- Yeppoon Ladies Probus Club- Parking Permits
- Recommendation to Repeal the Encroachment on Public Land Policy
- Policy Review: Dividing Fence Contribution Adjoining Council Owned/Controlled Land Policy
- Biosecurity Plan 2025 – 2029
- Flying Fox Management Plan
- 6 Monthly Update on Key Development Matters

Moved by: Deputy Mayor, Councillor Eastwood

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

12 REPORTS

12.2 D-395-2020 MCU FOR AN EXTRACTIVE INDUSTRY AT ROSSMOYA ROAD, MILMAN ROAD AND YAAMBA ROAD.

File No: D-395-2020

Attachments:

1. Locality Plan
2. Overlay Mapping
3. Code Assessment
4. Statement of Reasons

Responsible Officer: Greg Abbotts - Manager Development and Environment
Katrina Paterson - General Manager Communities

Author: Declan Cox - Principal Planning Officer
Aleena Suosaari - Support Services Officer
Trene Miller - Support Services Officer

THIS REPORT WAS RESOLVED IN ITEM 7.1 OF MINUTES TO REMAIN LAID ON THE TABLE

**12.3 EMU PARK CENTENARY OF ANZAC MEMORIAL WALK EXTENSION - RSL
REQUEST FOR A MEMORANDUM OF UNDERSTANDING****File No:** ED8.5**Attachments:**

1. Preliminary Design and Cost Estimate - Hartecs Group 2021
2. Emu Park Centenary of Anzac Memorial Walk Extension-MOU Mark-Up

Responsible Officer: Katrina Paterson - General Manager Communities**Author:** Michael Kriedemann - General Manager Infrastructure
Sonia Tomkinson - Manager Economy and Places**Previous Items:** 11.7 - Emu Park Surf Life Saving Club Revetment Wall - Ordinary Council - 19 Dec 2023 9.00am

SUMMARY

This report provides information relating to Council support for the progression of the ANZAC Memorial Walk extension.

COUNCIL RESOLUTION

THAT Council enter a Memorandum of Understanding (Attachment 2) with Emu Park RSL Sub-Branch, Federal Member for Capricornia and State Member for Keppel to support the progression of the Emu Park Centenary of ANZAC Memorial Walk Extension Project.

Moved by: Deputy Mayor, Councillor Eastwood**Seconded by:** Councillor Friend**MOTION CARRIED****DIVISION:**

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

Cr L Warcon voted in the negative.

12.4 GREAT KEPPEL ISLAND GATEWAY PRECINCT ARRIVAL PLAZA - PROJECT DESIGN AND COMMUNITY CONSULTATION UPDATE

File No: 2024-012

Attachments: 1. Attachment A - Arrival Plaza Concept Design (*Under Separate Cover*)

Responsible Officer: Michael Kriedemann - General Manager Infrastructure

Author: Arvind Singh - Manager Infrastructure Projects

SUMMARY

This report summarises the key outcomes from the Gateway Precinct Arrival Plaza Project Concept Design process, including the feedback received as part of the public consultation process, as well as outlining the next steps for the project to proceed into detail design and construction.

COUNCIL RESOLUTION

THAT the report is received by Council and the Concept Design, consultation outcomes and next steps for the project are noted.

Moved by: Councillor Warcon

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Pursuant to Section 150EQ, as defined in Section 150EN of the Local Government Act, Councillor Rhodes Watson declared a perceived conflict of Interest in Item 12.4 and declared the following: Councillor Rhodes Watson owns a family home on Great Keppel Island, notwithstanding the conflict, Councillor Watson has declared that he will remain in the meeting room and participate while this matter is discussed and voted on.

Moved by: Councillor Friend

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

10:52AM

THAT the meeting be adjourned for morning tea.

Moved by: Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

11:16AM

THAT the meeting be resumed.

Moved by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

12.5 OFFICE OF THE CEO QUARTERLY MANAGEMENT REPORT - FINANCE & GOVERNANCE

File No: GV
Attachments: Nil
Responsible Officer: Terry Dodds - Chief Executive Officer
Author: Andrea Ellis - Chief Financial Officer

SUMMARY

This report provides a summary of a range of strategic and operational activities within the Office of Chief Executive – Finance & Governance portfolio of Council for the period up to 30 November 2024.

COUNCIL RESOLUTION

THAT the Finance & Governance Corporate Management report for the period up to 30 November 2024 be received.

Moved by: Councillor Warcon
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

12.6 2024-25 BUDGET REVIEW 1 (25BR1)**File No:** qA84009

- Attachments:**
1. 2024-25 Revised Budget 1 (25BR1) and Long Term Financial Forecast
 2. 2024-25 Revised Budget 1 (25BR1) Long Term Sustainability Statement
 3. 2024-25 Revised Budget 1 (25BR1) Change in Rates and Charges
 4. 2024-25 Revised Budget 1 (25BR1) Estimated Activity Statement
 5. 2024-25 Revised Budget 1 (25BR1) Capital Investment Program

Responsible Officer: Terry Dodds - Chief Executive Officer**Author:** Andrea Ellis - Chief Financial Officer

SUMMARY

The 25BR1 Budget Review will be presented to Council for adoption recognising changes to the financial position since the adoption of the 2024-25 Budget on 23 July 2024.

COUNCIL RESOLUTION

- 1) THAT Council resolve to adopt, pursuant to Sections 169 and 170 of the Local Government Regulation 2012, Revised Budget 1 (25BR1) for the financial year 2024-25 and the Long-Term Financial Forecast for the financial years 2024-25 to 2033-34, as contained within the document titled 2024-25 Revised Budget and Long-Term Financial Forecast (Attachment One) and set out in the pages contained therein:
 - a) Statement of Financial Position (Attachment One).
 - b) Statement of Cash Flows (Attachment One).
 - c) Statement of Income and Expenditure (Attachment One).
 - d) Statement of Changes in Equity (Attachment One).
 - e) Long-Term Sustainability Statement (Attachment One).
 - f) Relevant Measures of Financial Sustainability (Attachment Two).
 - g) Total Value of change in the rates and charges expressed as a percentage (Attachment Three); and
 - h) Revised estimated business activity costs for the period ending 30 June 2025 (Attachment Four).
- 2) THAT Council receive the following documents as working papers to papers to support the 2025-24 revised budget:
 - a) changes to the 2024-25 capital investment programme (Attachment Five).

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

12.7 COMMUNITY PLAN 2030

File No: CM4.6.1
Attachments: 1. Community Plan 2030 (Content Only)
Responsible Officer: Terry Dodds - Chief Executive Officer
Author: Andrea Ellis - Chief Financial Officer

SUMMARY

This report seeks Council's approval the Community Plan 2030.

COUNCIL RESOLUTION

THAT Council

- a) *Repeal Livingstone Community Plan: Towards 2050; and*
- b) *Adopts the Community Plan 2030 pursuant to section 104(5) of the Local Government Act 2009 and sections 165 and 166 of the Local Government Regulation 2012 to be implemented in the 2025-26 financial year as the first financial year that is covered by the plan.*

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

12.8 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2024**File No:** FM12.14.1**Attachments:**

1. Monthly Financial Report 30 November 2024
2. November 2024 Contract Award Summary

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

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 30 November 2024 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 November 2024 be received (Attachment 1).

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

12.9 AMENDED AND NEW COUNCIL POWERS TO THE CHIEF EXECUTIVE OFFICER**File No:** qA24573**Attachments:**

1. Council to Chief Executive Officer Delegations
2. Limitations and Conditions to the Chief Executive Officer

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

SUMMARY

Local Government Association of Queensland has conducted a bi-annual review of the delegation's registers. This report presents an update of the powers to be delegated to the position of Chief Executive Officer, in accordance with section 257(1)(b) of the Local Government Act 2009.

COUNCIL RESOLUTION

1. THAT in accordance with section 257 of the *Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer, the exercise of powers as itemised in Attachment One and limited by the scope contained within Attachment Two for inclusion into the delegation register as resolved by Council 20 May 2024.

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

12.1 D-253-2023- RECONFIGURING A LOT AND PRELIMINARY APPROVAL TO INCLUDE A SUPPLEMENTARY TABLE OF ASSESSMENT - CONDON DRIVE YEPPON

File No: D-253-2023

Attachments:

1. Locality Plan
2. Annotated Subdivision Plan
3. Overlay Mapping
4. Statement of Reasons

Responsible Officer: Greg Abbotts - Manager Development and Environment
Katrina Paterson - General Manager Communities

Author: Declan Cox - Principal Planning Officer
Aleena Suosaari - Support Services Officer

SUMMARY

<i>Applicant:</i>	<i>Teangue Pty Ltd (TTE) c/ - Pivotal Perspective Pty Ltd</i>
<i>Consultant:</i>	<i>Pivotal Perspective Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 2 SP 213922</i>
<i>Area of Site:</i>	<i>19.56 hectares</i>
<i>Planning Scheme:</i>	<i>Livingstone Planning Scheme 2018 (Version 3)</i>
<i>Planning Scheme Zone:</i>	<i>Emerging Community Zone</i>
<i>Planning Scheme Overlays:</i>	<i>Agricultural Land Classification</i>
	<i>Acid Sulfate Soils</i>
	<i>Biodiversity – Habitat and Vegetation</i>
	<i>Biodiversity – Stream Order</i>
	<i>Bushfire Hazard Area</i>
	<i>Drainage Problem Area</i>
	<i>Flood Hazard Area</i>
	<i>Landslide Hazard Area</i>
	<i>Road Hierarchy</i>
	<i>Heights Limits</i>
<i>Existing Development:</i>	<i>Vacant land</i>
<i>Level of Assessment:</i>	<i>Impact assessable</i>
<i>Submissions:</i>	<i>51 Properly Made Submissions</i>
<i>Referral matters:</i>	<i>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) - Development application for a reconfiguring a lot impacting state transport infrastructure</i>
<i>Infrastructure Charge Area:</i>	<i>Outside the Priority Infrastructure Area</i>

TABLE 1 – APPLICATION ASSESSMENT TIMEFRAME

APPLICATION MILESTONE	DATE
<i>Application received:</i>	<i>31 July 2023</i>
<i>Application properly made:</i>	<i>31 July 2023</i>
<i>Confirmation notice issued:</i>	<i>30 October 2023</i>
<i>Information Request issued:</i>	<i>27 November 2023</i>
<i>Information Response received:</i>	<i>23 February 2024</i>
<i>Further advice issued:</i>	<i>16 May 2024</i>
<i>Further advice response received:</i>	<i>9 July 2024</i>
<i>Public notification period:</i>	<i>24 February 2024 – 12 April 2024</i>
<i>Notice of compliance received:</i>	<i>16 April 2024</i>
<i>SARA response:</i>	<i>1 March 2024</i>
<i>Decision period commenced:</i>	<i>3 March 2024</i>
<i>Standing Committee date:</i>	<i>5 November 2024</i>
<i>Ordinary Council date:</i>	<i>19 November 2024</i>
<i>Decision Date:</i>	<i>17 December 2024 (updated to reflect lifting off the table)</i>

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Preliminary Approval (variation request) to vary the effect of Zoning to Low Density Residential Zone (*Livingstone Planning Scheme 2018*) and Development Permit for Reconfiguring A Lot (1 Lot Into 128 Lots Plus 4 Drainage/Environment Lots), made by Teangue Pty Ltd (TTE) c/ - Pivotal Perspective Pty Ltd, located at Lot 2 Condon Drive, Yeppoon Qld 4703, the Committee recommends to Council to resolve 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:

- (i) The subject site is identified as Urban within the Strategic Framework mapping. The proposal includes a variation request to vary the effect of the zoning to Low Density Residential Zone to support smaller lots and to be more consistent with the established residential area adjoining to the east of the site.
- (ii) The subject development will be connected to all reticulated infrastructure.
- (iii) The subject site has a local biodiversity corridor (habitats and vegetation) mapped within the south-eastern portion of the subject site. An ecological assessment report has been provided in support of addressing the Biodiversity Overlay Code. An updated rehabilitation and planting plan is required and conditioned to be provided at Operational Works Stage to minimise impacts of the development on Matters of Local Environment Significance within the riparian corridor. Furthermore, the proposal will include a construction management plan and local wildlife management plan as part of the Operational Works Stage to ensure there is no over clearing or impact to existing biodiversity over the site.

- (iv) A bushfire management plan has been provided to address the Bushfire Hazard Overlay Code. The subject site is affected by the medium potential bushfire intensity. The site will be connected to the reticulated water supply and has access to a formed road, and higher order road network. All buildings will be assessed for a Bushfire Attack Level by the building certifier at the time of building works. Therefore, the risk to life, property, community, economic activity and the environment is considered to be a tolerable level of risk to not require further assessment against the bushfire hazard overlay code.
- (v) The development either complies with, or has been conditioned to comply with, the relevant Performance Outcomes and Acceptable Outcomes of the Emerging Community Zone, Low Density Residential Zone Code, Bushfire Hazard Overlay Code, Biodiversity Overlay Code, Flood Hazard Overlay Code, Reconfiguring a Lot Code, General development code and Development works code.
- (vi) The development does not compromise the achievement of the *State Planning Policy 2017*.
- (vii) On balance, the application should be approved because the development has been justified against the strategic framework and can be conditioned to comply with the assessment benchmarks.

RECOMMENDATION B

THAT in relation to the application for a Preliminary Approval (variation request) to vary the effect of Zoning to Low Density Residential Zone (*Livingstone Planning Scheme 2018*) and Development Permit for Reconfiguring A Lot (1 Lot Into 128 Lots Plus 4 Drainage and Environment Lots) made by Teague Pty Ltd (TTE) c/ - Pivotal Perspective Pty Ltd, located at Lot 2 Condon Drive, Yeppoon Qld 4703, the Committee recommends to Council to resolve to approve the application subject to the following conditions:

PART A – PRELIMINARY APPROVAL (VARIATION REQUEST)

1.0 DEFINITIONS AND INTERPRETATIONS

1.1 In this approval:

- 1.1.1. **Applicant** means Teague Pty Ltd (TTE) c/ - Pivotal Perspective Pty Ltd being the applicant for a preliminary approval affecting the Council's Planning Scheme with respect to the subject land.
- 1.1.2. **Approval** means the approval of the Application by the Council.
- 1.1.3. **Capricorn Municipal Development Guidelines** means a document adopted by Council containing guidelines and standards for development, as amended from time to time.
- 1.1.4. **Conditions** mean the conditions of this approval including any attachment referred to in these conditions.
- 1.1.5. **Council** means the local government authority having jurisdiction over land use and development on the subject land.
- 1.1.6. **Developer** means the registered proprietor and any occupier of the Subject Land.
- 1.1.7. **Infrastructure** means infrastructure reasonably required to service the proposed development including roads (internal, external and access), water services, sewer services and stormwater drainage.
- 1.1.8. **Schedule of Plans for Trunk Infrastructure** means the infrastructure schedules mentioned in Council's *Local Government Infrastructure Plan* or any other plan which replaces it.
- 1.1.9. **Subject land** means Lot 2 Condon Drive, Yeppoon (or subsequent lot and plan number).

1.1.10. **Planning Act 2016** means the *Planning Act 2016* as amended from time to time.

1.1.11. **Planning Scheme** means Council's *Livingstone Planning Scheme 2018*, version 3, in effect 15 February 2021.

2.0 ADMINISTRATION

2.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.

2.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

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

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

3.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Rev</u>	<u>Dated</u>
Concept Plan prepared by Saunders Havill Group	11908 P 01 – Con 01	D	18 July 2024

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

3.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of the first application for a Development Permit over the subject land.

4.0 REQUIRED DEVELOPMENT PERMIT(S)

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

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

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

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

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

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

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

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

5.0 PLANNING FRAMEWORK

Preamble - This is a preliminary approval (variation request) for a Material Change

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

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

6.0 CURRENCY PERIOD

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

7.0 STAGED DEVELOPMENT

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

8.0 INFRASTRUCTURE

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

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

PART B – RECONFIGURING A LOT (1 LOT INTO 128 LOTS PLUS 4 DRAINAGE/ENVIRONMENT LOTS)

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.
- 1.6 The following further Development Permits for Carrying Out Operational Works must be obtained prior to the commencement of any works associated with the approved development:
- (i) Road Works;
 - (ii) Sewerage Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - (v) Earthworks;
 - (vi) Landscaping Plan; and
 - (vii) Vegetation Clearing.
- 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.
- 1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 should be read as being non-trunk infrastructure conditioned under *section 145* of the *Planning Act 2016*, unless otherwise stated.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Reference	Rev	Dated
Bushfire Management Plan	002.08.23	0	9 August 2023
Traffic Impact Assessment Condon Drive Yeppoon by Bitzios Consulting	P6068 Version 002		13 February 2024
Hydraulic Impact Assessment Condon Drive, Yeppoon by Water Technology (Updated report required)	23020308-R01-V02	V02	20 February 2024
Stormwater Quality Management Plan by Hurley Consulting Engineers	B23078AR001	C	22 July 2024
Concept Roadworks Layout Plan – Condon Drive – Sheet 1 of 2	C23078A-SK-120	B	17 July 2024
Concept Roadworks Layout Plan – Condon Drive – Sheet	C23078A-SK-121	B	17 July 2024

2 of 2					
Pineapple Longitudinal Section	Rail and	Trail Cross	C23078A-SK-122	B	17 July 2024
Pineapple Overpass 3D	Rail	Trail Concept	C23078A-SK-123	B	17 July 2024
Pineapple Overpass Images	Rail 3D	Trail Concept	C23078A-SK-124	B	17 July 2024
Concept Layout Plan Sheet 1 of 3	Bulk	Earthwork	C23078A-SK-C100	B	23 January 2024
Concept Layout Plan Sheet 2 of 3	Bulk	Earthwork	C23078A-SK-C101	B	23 January 2024
Concept Layout Plan Sheet 3 of 3	Bulk	Earthwork	C23078A-SK-C102	B	23 January 2024
Concept Service Layout Plan – Master			C23078A-SK-C110	B	23 January 2024
Concept Service Layout Plan – Sheet 1 of 3			C23078A-SK-C111	B	23 January 2024
Concept Service Layout Plan – Sheet 2 of 3			C23078A-SK-C112	B	23 January 2024
Concept Service Layout Plan – Sheet 3 of 3			C23078A-SK-C113	B	23 January 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 two (2) discrete stages, namely:

3.1.1 Lot 1 to Lot 72 (Stage One) as land dedication as per Condition 4.1;

3.1.2 Lot 73 to Lot 128 (Stage Two);

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

3.2 Stage One (1) must be completed prior to the approval of a plan of subdivision (survey plan endorsement) and prior to Stage two (2). Except for Stage One (1), multiple development stages may be undertaken concurrently, and all proposed lots 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 LAND DEDICATION

- 4.1 Dedicate land as part of Stage one (1) shown on the approved plan of development as follows:

- 4.1.1 land identified as Environmental Open Space (Proposed Lot 900, Lot 903 and Lot 964) must be transferred to Council in fee simple on trust for the purpose of Park land;
- 4.1.2 land identified as Stormwater Detention and Drainage (Proposed Lot 800, Lot 801 and Lot 802); and
- 4.1.3 All major overland flow paths or major drainage systems as per conditions 10.3 and 10.4.

- 4.2 The land is to be dedicated at no cost to Council.

This condition is imposed under section 145 of the Planning Act 2016.

Further Advice: Documentation in relation to any land required to be registered to the benefit of Council is required to be prepared and carried out by Council's solicitors at the owner's expense.

5.0 ROAD WORKS

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

- 5.2 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 carrying out Operational Works (road works).

- 5.3 Any application for a Development Permit for carrying out Operational Work (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.

- 5.4 If the applicant elects to provide part or all of the transport trunk infrastructure in Condition 10.3, as part of an application for a Development Permit for carrying out Operational Works (road works) the following information must be provided to support the detailed design:

- 5.4.1 Detailed design of Condon Drive, from the existing roundabout with Rockhampton Road to the access point of the proposed 128 new lots, at the southwest of the parent lot and the intersection of Condon Drive and the Rail Trail must be provided.
- 5.4.2 The design of this segment of Condon Drive must be consistent with the design criteria of "Major Urban Collector" in accordance with *Capricorn Municipal Development Guidelines*.
- 5.4.3 An appropriate intersection designed in accordance with Austroads and *Capricorn Municipal Development Guidelines* standards providing access to the development from the Condon Drive extension. The intersection must be capable of supporting the movements of all vehicles up to and including the design vehicle nominated by *Capricorn Municipal Development Guidelines D01 Annexure D01E*.

- 5.4.4 The proposed stormwater drainage culvert crossing at the waterway, approximately at Chainage 340 on *Drawing C23078A-SK-121 Revision B - Concept Roadworks Layout Plan – Condon Drive – Sheet 2 of 2 date 17 July 2024*, and all filling works at this location, is not approved. Instead, a bridge structure must be provided at this waterway crossing. The bottom level of the deck must be higher than the estimated water level along the waterway under the Defined Flood Event with appropriate freeboard in accordance with Queensland Urban Drainage Manual. The level of the deck of the bridge must be assessed and designed under the updated Hydraulic Impact Assessment as required under relevant conditions of this Decision Notice. The structure of the bridge must be designed by a Registered Professional Engineer of Queensland with sufficient experiences in structural engineering to ensure structural adequacy.
- 5.4.5 Updated Stormwater Management Report with 2-D hydraulic models and appropriate hydrological inflow / outflow conditions and appropriate ground surface parameters demonstrating that:
- 5.4.5.1 The road is safe for traffic at the defined rainstorm event in accordance with Queensland Urban Drainage Manual.
 - 5.4.5.2 All crossroad drainage and road surface drainage are designed to the defined rainstorm event in accordance with Queensland Urban Drainage Manual.
 - 5.4.5.3 Stormwater is discharged into a lawful point of discharge and it is not causing actionable nuisances to other properties and the public in accordance with Queensland Urban Drainage Manual.
 - 5.4.5.4 Detailed Geotechnical Investigation and Assessment Report, with reasonable geotechnical investigation works, demonstrating that:
 - 5.4.5.5 The existing ground condition is suitable to support the proposed road, the intersection with the Rail Trail, and the associated loadings.
 - 5.4.5.6 Necessary ground treatment or improvement works are provided to ensure sufficient bearing capacity of the ground to support the proposed road and intersection with the Rail Trail.
 - 5.4.5.7 The estimated settlement of the ground, and any proposed fill material underneath the road and the intersection with the Rail Trail, are within an acceptable range. Reasonable assumptions of loading from the traffic and the structures above must be considered.
 - 5.4.5.8 Differential settlement of the ground must be considered and reviewed to ensure that it is within an acceptable range which will not affect the structural stability of the structures supporting the road and the pavements of the road.
 - 5.4.5.9 Stability assessment of all new slopes to be formed associated with the road.
- 5.5 The proposed stormwater drainage culvert crossing at the waterway connecting the southwest part and northeast part of the development, along Road 01, between the intersections with Road 03 and Road 04, on *Drawing C23078A-SK-C112 Revision B - Concept Service Layout Plan – Sheet 2 of 3 date 23 January 2024*, and all filling works at this location, is not approved. Instead, a bridge structure must be provided at this waterway crossing. The bottom level of the deck must be higher than the estimated water level along the waterway under the Defined Flood Event with appropriate freeboard in accordance with the Queensland Urban Drainage Manual. The level of the deck of the bridge must be assessed and designed under the

- updated Hydraulic Impact Assessment as required under relevant conditions of this Decision Notice. The structure of the bridge must be designed by a Registered Professional Engineer of Queensland with sufficient experiences in structural engineering to ensure structural adequacy.
- 5.6 As part of an application for a Development Permit for carrying out Operational Work (road works), details of all new road infrastructure to the relevant hierarchy, with cross sections, in accordance with *Capricorn Municipal Development Guidelines* D1 Annexure D01E must be provided.
- 5.7 Provide on-road bicycle lanes in accordance with *Capricorn Municipal Development Guidelines* D1 Annexure D01E to all minor and major urban collector roads.
- 5.8 As part of an application for a Development Permit for carrying out Operational Work (road works), consultation with Translink must be conducted to determine the necessity of providing bus stop(s) to support the proposed development. Locations and details of the bus stop(s) must be provided if it is deemed necessary as per advices from Translink.
- 5.9 Street and public space lighting must be provided in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*, and road, street and public space lighting policy and procedures.
- 5.10 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 5.11 The design and construction of all terminating roads must include a temporary turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection vehicle.
- 5.12 Traffic calming devices must be provided to control vehicle speeds. Details of traffic calming devices and practical access to adjacent allotments must be demonstrated in any application for a Development Permit for carrying out Operational Works (road works).
- 5.13 Provide pathways in accordance with *Capricorn Municipal Development Guidelines* D1 Annexure D01E to all new roads.
- 5.14 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"*.
- 5.15 All pathways must incorporate kerb ramps at all road crossing points.
- 5.16 Any application for a Development Permit for carrying out Operational Work (road works) must include details of the Council approved road names for all new roads.
- 5.17 Retaining structures must not be constructed within road reserves.
- 6.0 FOOTPATHS
- 6.1 Construct a concrete footpath, with a minimum width of 1.5 metres wide on at least one (1) side of all the new internal roads within the site.
- 7.0 SEWERAGE WORKS
- 7.1 A Development Permit for carrying out Operational Work (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 7.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for carrying out Operational Works (sewerage works).
- 7.3 A Sewer Network Analysis covering the external sewer network catchment, from the

development site to the pump station at Charles Street, or any new pump station at nearby location within the catchment by the time of lodging an application for Development Permit for carrying out Operational Work (sewerage works). The capacity of the external catchment must be reviewed to ensure that the catchment has the capacity to support the development. If any necessary upgrading works along the network external to the development site are required as found under the Sewer Network Analysis, they must be proposed, designed in detail, and constructed by the applicant.

7.4 The proposed development must be connected to Councils reticulated sewerage service.

7.5 New sewerage connection points must be provided to each new lot.

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

7.7 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.

8.0 WATER WORKS

8.1 A Development Permit for carrying out Operational Work (water works) must be obtained prior to the commencement of any water works on the site.

8.2 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 carrying out Operational Work (water works).

8.3 A Water Network Analysis covering the external sewer network catchment, from St. Faith Reservoir to the development site, must be provided under the application for a Development Permit for carrying out Operational Work (water works). The capacity of the external catchment must be reviewed to ensure that the catchment has the capacity to support the development. If any necessary upgrading works along the network external to the development site is required as found under the Water Network Analysis, they must be proposed, design in detailed, and constructed by the applicant.

8.4 If the applicant elects to provide part or all of the trunk infrastructure in Condition 10.3, the Water Network Analysis must include details of the trunk infrastructure, as part of an application for carrying out Operational Work (Water works).

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

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

8.7 New water connection points must be provided to each of the new lot.

8.8 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.

9.0 BUILDING WORKS

9.1 A Development Permit for carrying out Building Works regulated under the Building Act 1975 must be obtained prior to the commencement of construction of any retaining structure on the site.

10.0 STORMWATER WORKS

10.1 A Development Permit for carrying out Operational Work (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.

- 10.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 19.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Urban Stormwater Quality Planning Guidelines*, *State Planning Policy*, any Council flood study reports, and sound engineering practice and the provisions of a Development Permit for carrying out Operational Work (stormwater works).
- 10.3 Adequate land area must be dedicated to Council in freehold title 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 in accordance with the *Queensland Urban Drainage Manual*.
- 10.4 Any land dedicated over the major overland flow paths or major drainage system must be able to contain all earthworks, batters and include access, maintenance and freeboard provisions in accordance with the *Queensland Urban Drainage Manual*.
- 10.5 Any application for a Development Permit carrying out for Operational Work (stormwater works) must be accompanied by an updated Hydraulic Impact Assessment, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:
- 10.5.1 A bridge structure must be provided at the road crossing (along Road 1 and between Road 3 and Road 5) over the existing waterway. The bottom level of the deck must be higher than the estimated water level along the waterway under the Defined Flood Event with appropriate freeboard in accordance with the *Queensland Urban Drainage Manual*. The level of the deck of the bridge must be assessed and designed.
- Advice Note: The proposed five (5) x 1800mm RCPs beneath the new road crossing the waterway under Section 5.3 of the Hydraulic Impact Assessment prepared by Water Technology date 20 February 2024 are not approved.*
- 10.5.2 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*;
- 10.5.3 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;
- 10.5.4 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;
- 10.5.5 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;
- 10.5.6 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*;
- 10.5.7 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;

- 10.5.8 identification of all areas of the approved 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 approved 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
- 10.5.9 details of all calculations, assumptions and data files (where applicable).
- 10.5.10 any required updates under other conditions of this Decision Notice.
- 10.6 If the applicant elects to provide part or all of the transport trunk infrastructure (Condon Drive) in Condition 12.3, the Hydraulic Impact Assessment must be updated, which as a minimum includes:
 - 10.6.1 review the external catchment of the waterway crossing Condon Drive at about 50 metres to the south of the intersection of Condon Drive and the Rail Trail, which is the catchment further upstream of sub-catchment C010 as per Figure 4-1 of the Hydraulic Impact Assessment prepared by Water Technology date 20 February 2024, and update the hydrologic model accordingly;
 - 10.6.2 as minimum, the hydrologic study must cover the catchment south of Barmaryee Road, before it splits to two different components to the west and east; and
 - 10.6.3 Provide a bridge structure across the waterway, at about 50 metres to the south of the intersection of Condon Drive and the Rail Trail. Minimum level of the deck structure must be higher than the estimated water level under the Defined Flood Event with appropriate freeboard in accordance the Queensland Urban Drainage Manual.
- 11.0 EARTHWORKS
- 11.1 A Development Permit for carrying out Operational Work (earthworks) must be obtained prior to the commencement of any site works.
- 11.2 All earthworks must be designed and constructed / undertaken generally in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 11.3 Earthworks, must be undertaken such that stormwater runoff is managed and discharged lawfully and must not adversely affect the adjoining properties compared to pre-development conditions or damage infrastructure.
- 11.4 A Geotechnical Report prepared by a Registered Professional Engineer of Queensland must be provided with any Development Permit for carrying out Operational Work (earthworks) for the subject site. No works can commence on the site until this report has been approved by Council.
- 11.5 Any application for a Development Permit for carrying out Operational Works (Earth works) must be accompanied by an earthworks plan and certified on completion of construction for compliance with the design by a registered (RPEQ) Engineer which clearly identifies the following:
 - 11.5.1 the location and quantum of cut and/or fill;
 - 11.5.2 the type of fill and finished cut and/or fill levels;
 - 11.5.3 Retaining Structures (if any); and
 - 11.5.4 Surface and sub-surface drainage controls.

- 11.6 Lot and embankment filling must be carried out to comply with Level 1 certification requirements in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*, to confirm as "controlled fill" upon completion.
- 11.7 Any batter slope steeper than 1 to 4 and any retaining structures above one (1) metre in height must:
- (i) be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at Operational Works stage, and certified on completion of construction for compliance with the design;
 - (ii) have a detailed inspection and 'as constructed' record provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction; and
 - (iii) not be modified or altered without Council's prior written approval.
- 11.8 If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated / proposed fill area, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan certified by a suitably qualified person in accordance with *State Planning Policy, Planning Scheme, Queensland Acid Sulphate Soil Technical Manual, and best industry practices with regards to Planning and Managing Development Involving Acid Sulphate Soils must be submitted to Council, as part of any application for a Development Permit for Operational Works (earthworks).*
- 12.0 **TRANSPORT AND WATER NETWORK INFRASTRUCTURE (EXTRA PAYMENT CONDITION)**
- 12.1 This is an extra payment condition, which is imposed under sections 130 and 133 of the *Planning Act 2016*, and in accordance with section 131 of the *Planning Act 2016* states the following:
- 12.2 This extra payment condition for the extra trunk infrastructure costs stated in Condition 10.3 is imposed on the basis of the following:
- 12.2.1 The development is for premises completely outside the Priority Infrastructure Area;
 - 12.2.2 The development will require new trunk infrastructure earlier than when identified in the Local Government Infrastructure Plan; and
 - 12.2.3 The development would impose extra trunk infrastructure costs on Council after taking into account the levied charges for the development and the trunk infrastructure provided, or to be provided, by the applicant under this part for the following:
 - 12.2.4 The establishment cost of trunk infrastructure that is:
 - 12.2.4.1 Made necessary by the development; and
 - 12.2.4.2 Necessary to service an area intended for future development for purposes other than rural or rural residential purposes - necessary to service the rest of the area.
- 12.3 The applicant must pay to Council the amount of trunk infrastructure costs stated in *Table 1 (Extra Trunk Infrastructure Costs)* for the establishment cost of the infrastructure:

Table 1. Extra Trunk Infrastructure Costs

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

- 12.4 The amount of the payment to be made under this extra payment condition which is stated in Condition 10.3 is to be increased in accordance with the increase for the PPI index for the period starting the day the decision notice is given and ending on the day the relevant amount is paid, adjusted by reference to the 3-yearly PPI index average;
- 12.5 The details of the trunk infrastructure for which the payment is required is stated in Condition 10.8 and Appendix 1;
- 12.6 The payment is to be made for the trunk infrastructure stated in Condition 10.3 before the day of development, or the work associated with the development starts, unless otherwise agreed in an infrastructure agreement;
- 12.7 The applicant may instead of making the payment for the establishment cost for the trunk infrastructure stated in Condition 12.3, elect to provide all or part of the infrastructure stated in Condition 12.3; and
- 12.8 If the applicant elects to provide part or all of the trunk infrastructure stated in Condition 12.3, the applicant must provide the trunk infrastructure:
- 12.8.1 In accordance with the requirements for providing the trunk infrastructure stated in Appendix 1;
- 12.8.2 For infrastructure identified as Items 1, 2 and 3 in Table 1, before the approval of the Plan of Subdivision for PART A - Reconfiguring a Lot.

Appendix 1: Details and Construction Requirements of Trunk Infrastructure Items

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

13.0 ENVIRONMENTAL

- 13.1 Submit, as part of a Development Application for a Development Permit for carrying out Operational Work (Vegetation Clearing), 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.

13.2 Submit, as part of a Development Application for a Development Permit for carrying out Operational Work (Earthworks/Road 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).

13.3 The Erosion and Sediment Control Plan must:

13.3.1 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*.

13.3.2 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.*

13.3.3 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.

13.3.4 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.

13.3.5 Set suitable hold points throughout the construction phase.

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

13.3.7 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.

13.3.8 All entry/exit points must have a suitable and approved rumble strip to minimum 15m in length and to fit the width of the entry which prevents

vehicle tracked sediment leaving the site.

13.4 BUSHFIRE HAZARD

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

14.0 VEGETATION CLEARING, RETENTION AND REVEGETATION PLANS

14.1 As part of a development application for carrying out Operational Works (vegetation clearing), the Rehabilitation and Planting Plan by Urban Forest Concepts must be updated with further details to minimise impacts of the development on Matters of Local Environment Significance within the riparian corridor; specifically;

14.1.1 Identify the location of established trees that occur in the riparian corridor with a diameter at breast height of more than 400 millimetres, determine the trees which can be retained within the future open space lot.

14.1.2 Identify Pandanus, grass trees and macrozamia that can be salvaged.

14.1.3 Identify the plants that will be salvaged and replanted in the future open space lots, where they cannot be reused on-site Council may accept donated plants that can be replanted in nearby Council land.

14.1.4 Identify measures to maintain riparian habitat and wildlife passage through the site during construction.

14.1.5 Refine the species list for planting to reflect the vegetation community associated with the waterway, being a humid micro-environment more closely resembling regional ecosystem 8.3.3a.

14.2 As part of a development application for carrying out Operational Works (vegetation clearing) provide the following:

14.2.1 A plan identifying the direction and staging of clearing works must be submitted showing boundaries of areas proposed to be cleared with clearing confined area required for each stage in order to minimise impacts on adjacent habitats prior to and during vegetation clearing.

14.2.2 Provide a Construction Environmental Management Plan for the whole site that includes Controls on clearing and earthworks, erosion and sediment controls, noise and dust controls and waterway protection and stabilisation to ensure the water quality and integrity of flow through the site during construction.

14.3 Development does not cause land degradation near a waterway, including:

14.3.1 Mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and

14.3.2 Loss or modification of chemical, physical or biological properties or functions of soil.

15.0 STREET TREE PLANTING

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

15.2 Street planting must be established on each side of any new road at a minimum of one (1) tree species, endorsed by Council, planted every fifteen (15) metres. Street trees must be in minimum 40 litre bags and structurally supported, where necessary.

15.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure.

15.4 Landscaping, or any part thereof, upon reaching full maturity, must not:

- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.

16.0 REHABILITATION PLANTINGS DEFECTS PERIOD

- 16.1 A site rehabilitation defects period of two (2) years is required to ensure the sustainability of the vegetation restoration of the riparian area prior to Council accepting ownership of the Open Space area.

17.0 ELECTRICITY AND TELECOMMUNICATIONS

- 17.1 Electricity and telecommunication connections must be provided to all proposed lots to the standards of the relevant authorities.

18.0 ASSET MANAGEMENT

- 18.1 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.
- 18.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

19.0 OPERATING PROCEDURES

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

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

Undertake the activity in a manner that does not allow environmental nuisance or water contamination caused by construction material, noise, aerosols, particles dust, ash, fumes, light, odour and smoke, which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.

NOTE 3. General Safety of Public During Construction

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

constructed on a road.

NOTE 4. Water Services

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

NOTE 5. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Preliminary Approval (variation request) to vary the effect of Zoning to Low Density Residential Zone (*Livingstone Planning Scheme 2018*) and Development Permit for Reconfiguring a Lot (1 Lot Into 128 Lots plus 4 drainage and environment lots) made by Teangue Pty Ltd (TTE) c/ - Pivotal Perspective Pty Ltd, located at Lot 2 Condon Drive, Yeppoon Qld 4703, the Committee recommends to Council to resolve to issue an Infrastructure Charges Notice for the amount of Stage 1 total: **\$2,331,000** and Stage 2 total: **\$1,740,480**

RECOMMENDATION D

That Officers make contact with the developer to explore improved community outcomes for the site acknowledging the intrinsic values such as the proximity to the Rail Trail, environmental values and its strategic location.

RECOMMENDATION E

That the developer provide additional planting to the rear of lots abutting the rail trail for screening purposes and maintenance of amenity in consultation with Council at the operational works stage.

Moved by: Councillor Rothery

Seconded by: Deputy Mayor, Councillor Eastwood

MOTION CARRIED – MAYOR CASTING VOTE

Crs A Belot, P Eastwood and W Rothery voted in the affirmative.

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

COUNCIL RESOLUTION

That pursuant to s2.18.1(c) and s2.18.8 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceeds to the next item of business with this report moved to later in the meeting.

Moved by: Councillor Warcon

MOTION CARRIED UNANIMOUSLY

13 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

14 URGENT BUSINESS\QUESTIONS

14.1 BONDOOLA RURAL FIRE BRIGADE

Responsible Officer: Adam Belot - Mayor

BACKGROUND

The Bondoola Fire Brigade service has had to leave their former home and shortly will be establishing the service from Lot 132 Cobraball Road, Bondoola

It is understood there are normal regulatory approval processes, as per any development.

There is an opportunity during the Christmas break to utilise volunteers to assist in accelerating the process, by engaging their manual labour (a working bee) to clear the area required for the building, driveway, parking etc.

The challenge is that the application assessment process, especially at this late time in the calendar year, won't normally provide the opportunity to work within the window of time offered.

COUNCIL RESOLUTION

That Council support the Bondoola Fire Brigade's efforts by providing an administrative pathway and subsequently orchestrating a fast-tracked approval process for the necessary clearing of space to enable the development of this important community facility.

Moved by: Councillor Friend

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

15 CLOSED SESSION

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

COUNCIL RESOLUTION

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

16.1 Dunbar Appeal - Update

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.

Moved by: Councillor Warcon

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

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

Moved by: Councillor Warcon

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

16 CONFIDENTIAL REPORTS

16.1 DUNBAR APPEAL - UPDATE

File No: D-35-2016

Attachments:

1. Locality Plan
2. Layout Plan
3. Overall Land Holdings
4. Letter of Appeal
5. Notice of Appeal
6. Appeal Specific Matters
7. Proposed Mediated Outcome

Responsible Officer: Katrina Paterson - 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.

SUMMARY

This report discusses an outcome to an applicant driven appeal with respect to D-35-2016–Dawson Road

COUNCIL RESOLUTION

THAT Council delegates resolution of the appeal to the Chief Executive Officer.

Moved by: Deputy Mayor, Councillor Eastwood

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

17 CLOSURE OF MEETING

There being no further business the meeting closed at 12:36 pm.

Adam Belot
CHAIRPERSON

17/12/2024