



## **ORDINARY MEETING**

## **CONFIRMED MINUTES**

**19 AUGUST 2025**

The resolutions contained within these minutes will be confirmed at the Ordinary Council Meeting on the 16 September 2025.

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 19 AUGUST 2025 COMMENCING AT 11:01 AM**

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**1 OPENING****Welcome of Country – Cr Warcon**

*“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 *Councillor Pat Eastwood*.

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

Mayor, Councillor Adam Belot  
Deputy Mayor, Councillor Pat Eastwood  
Councillor Glenda Mather  
Councillor Rhodes Watson  
Councillor Wade Rothery  
Councillor Lance Warcon  
Councillor Andrea Friend

**Officers in Attendance:**

Alastair Dawson – Interim Chief Executive Officer  
Katrina Paterson - General Manager Strategic Growth (Acting)  
Michael Kriedemann – General Manager Transport and Utilities  
Andrea Ellis – General Manager Communities (Acting)  
Kristy Mansfield – General Manager Corporate Services (Acting)  
Jon Rutledge - Chief Human Resources Officer (Acting)  
Greg Abbotts - Manager Development and Environment  
Jenna Davies – Principal Planning Officer  
Leise Childs - Coordinator Natural Resource Management  
Molly Saunders - Manager Community and Cultural Services  
Laurie Rainbird - Principal Community Development and Engagement Officer  
Carlyn Hepburn - Community Development and Engagement Officer  
Lucy Walker – Coordinator Executive Support

### **3 LEAVE OF ABSENCE / APOLOGIES**

Nil

### **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 15 July 2025 be taken as read and adopted as a correct record.

**Moved by:** Councillor Friend

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**

#### **COUNCIL RESOLUTION**

THAT the minutes of the Special Meeting held on 30 July 2025 be taken as read and adopted as a correct record.

**Moved by:** Councillor Friend

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**

## DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

### *Conflict of Interest Declared - Councillor to Participate*

#### **COUNCIL RESOLUTION**

Pursuant to Section 150EQ, as defined in Section 150EN of the Local Government Act, Councillor Rhodes Watson declared a conflict of Interest in Item 16.2 Great Keppel Island (GKI) Revetment Wall Project Funding and declared the following:

I, Councillor Rhodes Watson inform the meeting that my brother owns a property on Great Keppel Island. Although I have a perceived declarable conflict of interest, I believe I would be reasonably perceived to be impartial because my brother lives 600 metres from the arrival plaza. Therefore, I wish to remain in the meeting and ask the eligible councillors to decide if I may participate in the debate and decision making.

Vote was put for Councillor Watson to remain in the room for the item.

**Moved by:** Mayor, Councillor Belot

**MOTION CARRIED UNANIMOUSLY**

### *Conflict of Interest Declared - Councillor to Participate*

Councillor Wade Rothery declared a conflict of interest at the Special Meeting held on 30 July 2025 in relation to Daniel Park. As the report in today's agenda (Item 8.2 – Petition: Daniel Park) is solely to receive the petition, he will remain in the room and participate in the vote. No vote required by table.

## 5 DEPUTATIONS

### 6.1 11:00AM - CAPRICORN ENTERPRISE BI-ANNUAL PROGRESS REPORT

**File No:** ED8.5.12  
**Attachments:** 1. Jul 2024 - June 2025 KPI Report  
**Responsible Officer:** Katrina Paterson - Acting General Manager Strategic Growth  
Alastair Dawson - Interim Chief Executive Officer  
**Author:** Sonia Tomkinson - Manager Economy and Places

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#### SUMMARY

*Capricorn Enterprise will be providing a bi-annual progress report update to Councillors.*

#### COUNCIL RESOLUTION

THAT the deputation be received.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

**6.2 11:30AM - DEPUTATION - PORSHA PITMAN SUTTIE - ZILZIE BIKE PATH**

**File No:** qA81488  
**Attachments:** Nil  
**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer  
**Author:** Kylie Keech - Executive Support Officer

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**SUMMARY**

Porsha Pitman Suttie to speak on behalf of the local community, families, young and elderly, advocating for the development of a safe, connected pathway from Keppel Cove Estate Zilzie and connecting the three estates into Emu Park.

**COUNCIL RESOLUTION**

THAT the Deputation be received.

**Moved by:** Councillor Watson

**Seconded by:** Councillor Warcon

**MOTION CARRIED UNANIMOUSLY**

***Meeting Proceeds to the Item 9.3 Notice of Motion – Councillor Rhodes Watson – Zilzie Bike Path***

**COUNCIL RESOLUTION**

That pursuant to s2.18.1(c) and s2.18.8 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceeds to Item 9.3 and then returns to Item 6.3 of the agenda.

**Moved by:** Councillor Watson

**MOTION CARRIED UNANIMOUSLY**



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**9.3 NOTICE OF MOTION - COUNCILLOR RHODES WATSON - ZILZIE BIKE PATH****File No:** fA2220**Attachments:**

1. Cycling safety signage
2. Screenshot - Monte Carlo Avenue
3. 25-073 - MASTERPLAN - Yeppoon to Zilzie

**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer

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**SUMMARY**

*Councillor Rhodes Watson has submitted a 'Notice of Motion' in relation to installing cycling safety signage on Svendsen Road and prioritising pathways to Zilzie.*

**COUNCIL RESOLUTION**

THAT Council

1. Installs cycling safety signage on Svendsen Road.
2. Move the Svendsen Road pathway priority up the list to be move from D to B and design be budgeted for 26/27 and constructed in 27/28.

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

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

Cr L Warcon voted in the negative.

***Meeting Adjourned*****COUNCIL RESOLUTION**

12.25PM

THAT the meeting be adjourned.

**Moved by:** Mayor, Councillor Belot**MOTION CARRIED UNANIMOUSLY*****Meeting Resumed*****COUNCIL RESOLUTION**

12.35PM

THAT the meeting be resumed.

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

**6.3 12:00PM - DEPUTATION - ANDREW VANN - D-235-2024 - NEVILLE STREET MULAMBIN DEVELOPMENT**

**File No:** qA81488  
**Attachments:** Nil  
**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer  
**Author:** Kylie Keech - Executive Support Officer

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**SUMMARY**

*Andrew Vann will be presenting in relation to D-235-2024 – Neville Street Mulambin Development. An Officers Report will be presented in this meeting.*

12:57PM Councillor Friend left the meeting.  
12:58PM Councillor Friend returned to the meeting.  
12:58PM Councillor Rothery left the meeting.  
01:00PM Councillor Rothery returned to the meeting.

**COUNCIL RESOLUTION**

THAT the deputation be received.

**Moved by:** Councillor Warcon

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**

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**6.4 12:30PM - DEPUTATION - BEN MURPHY - D-235-2024 - NEVILLE STREET MULAMBIN DEVELOPMENT**

**File No:** qA81488  
**Attachments:** Nil  
**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer  
**Author:** Kylie Keech - Executive Support Officer

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**SUMMARY**

*Ben Murphy will be presenting in relation to D-235-2024 – Neville Street Mulambin Development. An Officers Report will be presented in this meeting.*

**COUNCIL RESOLUTION**

THAT the deputation be received.

**Moved by:** Councillor Warcon

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**

***Meeting Adjourned*****COUNCIL RESOLUTION**

1.30PM

THAT the meeting be adjourned

**Moved by:** Mayor, Councillor Belot

**MOTION CARRIED UNANIMOUSLY**

***Meeting Resumed*****COUNCIL RESOLUTION**

2.02PM

THAT the meeting be adjourned.

**Moved by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

***Meeting Proceeds to Item 13.6 Development Permit for a Reconfiguring a Lot for a Reconfiguring a Lot for One (1) into 77 residential lots and One Environment and Drainage Lot (Stages 1-4), on Lot 2 on RP617670, and located at 1-41 Neville Street, Mulambin QLD 4703***

**COUNCIL RESOLUTION**

That pursuant to s2.18.1(c) and s2.18.8 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceeds to Item 13.6 and then returns to Item 7.1 of the agenda.

**Moved by:** Mayor, Councillor Belot

**MOTION CARRIED UNANIMOUSLY**

**13.6 DEVELOPMENT PERMIT FOR A RECONFIGURING A LOT FOR A RECONFIGURING A LOT FOR ONE (1) INTO 77 RESIDENTIAL LOTS AND ONE ENVIRONMENT AND DRAINAGE LOT (STAGES 1-4), ON LOT 2 ON RP617670, AND LOCATED AT 1-41 NEVILLE STREET, MULAMBIN QLD 4703**

**File No:** 235/2024

**Attachments:**

1. Location and Aerial View
2. Overlay Maps 1-41 Neville Street
3. ROL Plans
4. Sewer Network Analysis
5. Stormwater Management Plan
6. Flood Impact Assessment
7. 1st Environmental Report
8. 2nd Environmental Report
9. Coastal Hazard Assessment
10. Bushfire Management Plan
11. Matrix Summarising Public Submissions

**Responsible Officer:** Greg Abbotts - Manager Development and Environment  
Andrea Ellis - Acting General Manager Communities  
Alastair Dawson - Interim Chief Executive Officer

**Author:** Greg Abbotts - Manager Development and Environment  
Murray Smith - Support Services Officer

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**SUMMARY**

*Development Permit for a Reconfiguring a Lot for a Reconfiguring a Lot for One (1) into 77 residential lots and One Environment and Drainage Lot (Stages 1-4), made by Red Emperor Pty Ltd, on Lot 2 on RP617670, and located at 1-41 Neville Street, Mulambin QLD 4703.*

**COUNCIL RESOLUTION**

**RECOMMENDATION A**

That in relation to the Development Application D-235-2024 for a Development Permit for a Reconfiguring a Lot for a Reconfiguring a Lot for One (1) into 77 residential lots and One Environment and Drainage Lot (Stages 1-4), made by Red Emperor Pty Ltd, on L 2 RP 617670, and located at 1-41 Neville Street, Mulambin QLD 4703, Council resolves to Approve the application pursuant to Section 60(3)(b) of the *Planning Act 2016* for the following reasons:

- (i) The development is consistent with the Strategic Framework of the Planning Scheme.
- (ii) The development does not comply with Specific Outcome PO11 of the Reconfiguring a Lot Code as the resulting sizes of the residential lots do not meet the minimum dimension requirements in Table 9.3.3.4.2. However, despite the non-compliance, the development is considered consistent with the purpose of the Reconfiguring a Lot Code, noting:
  - The proposed development is orderly and logical infill development, consistent with the surrounding pattern of development;
  - The road network and lot configuration integrates well into its urban context;
  - Rural zoned lots that are on the northern side of the development are already fragmented, and are used as 'lifestyle lots', rather than rural production;
  - The land is not otherwise able to be utilised for rural production, and has never been used for this purpose;
  - Urban land use and subdivision is the highest and best use of the land, noting

- the site's location, availability of infrastructure and need for housing;
  - The development eliminates opportunity for rural/residential land use interface issues; and
  - The natural hazard risk applying to the land is able to be satisfactorily mitigated.
- (iii) The development complies with other relevant assessment benchmarks, or can be conditioned to comply with those benchmarks.
- (iv) The development is consistent with the Strategic Framework of the Planning Scheme.
- (v) The development does not compromise the achievement of state interests – natural hazards, risk and resilience outlined in the State Planning Policy.
- (vi) The development does not compromise the achievement of regional outcomes outlined in the Central Queensland Regional Plan.

On balance, the application should be approved because the relevant planning circumstances favour Council exercising its discretion to approve the application notwithstanding the application's non-compliance with one aspect of one assessment benchmark.

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Reconfiguring a Lot for a Reconfiguring a Lot for One (1) into 77 residential lots and One Environment and Drainage Lot (Stages 1-4), made by Red Emperor Pty Ltd, on L 2 RP 617670, and located at 1-41 Neville Street, Mulambin QLD 4703 Council resolves to Approve the application subject to the following conditions:

#### **1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate 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 Compliance Certificate 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) Road Works;
  - (ii) Access Works;
  - (iii) Sewerage Works;
  - (iv) Water Works;
  - (v) Stormwater Works;

- (vi) Site Works;
- (vii) Vegetation clearing;
- (viii) Landscaping Works;
- (ix) Amended Ecological Assessment;
- (x) Environmental Management Plan;
- (xi) Rehabilitation Plan;
- (xii) Soil Erosion and Sediment Control; and
- (xiii) Amended Bushfire Hazard Assessment and Management Plan.

- 1.7 All Development Permits for Operational Work must be obtained prior to the issue of any Development Permit for Building Works (retaining walls).
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Locality Plan and Schedule of Drawings	2415-P01-E	9 April 2025
Overall Layout and Key Plan	2415-P02-D	9 April 2025
Plan of Development Sheet 1	2415-P03-D	9 April 2025
Plan of Development Sheet 2	2415-P04-D	9 April 2025
Plan of Development (Aerial Image) Sheet 1	2415-P05-D	9 April 2025
Plan of Development (Aerial Image) Sheet 2	2415-P06-D	9 April 2025
Road Hierarchy Plan Sheet 1	2415-P07-D	9 April 2025
Proposed Typical Road Cross Sections	2415-P08-D	9 April 2025
Roadworks and Stormwater Drainage Plan Sheet 1	2415-P09-E	21 July 2025
Roadworks and Stormwater Drainage Plan Sheet 2	2415-P10-E	21 July 2025
Typical Site Cross Sections Sheet 1	2415-P11-B	21 July 2025
Typical Site Cross Sections Sheet 2	2415-P12-B	21 July 2025
Sewer Network Analysis Report for 1-41 Neville Street, Mulambin		25 November 2024
Coastal Hazard Assessment	BE240146-RP-CHA-02	October 2024

Site-based Stormwater Management Plan	2415-SBSMP-01 – Version 4.0	July 2025
Flood Impact Assessment	25-0703.FIA-01A	July 2025

- 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 If after the issue of this Decision Notice Approval for construction, errors, omissions or insufficient details are noted on the approved plans, such deficiencies must be corrected prior to construction, or if noted during construction, approval obtained from Council to correct the error, omission or deficiency. Council reserves the right to withhold approval of construction until such remedies are complete and accepted.
- 2.4 Where the approved plans or the *Capricorn Municipal Development Guidelines* are silent on any matter regarding specifications for materials (to be permanently incorporated into the works) or silent on any matter regarding construction standards, the specified requirements in the *Standard Specification – Roads* (Main Roads) and *Standard Drawings – Roads* (Main Roads) must prevail. For water supply and sewer infrastructure, the relevant Australian Standard should be used to address any relevant matter where the *Capricorn Municipal Development Guidelines* are silent.
- 2.5 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 Work.

### 3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in four discrete stages, namely:
- 3.1.1 Lot 1 to Lot 17 and Lots 26, 27, 28 and Lots 68, 69 and 70 (Stage One);
  - 3.1.2 Lot 18 to Lot 25 and Lot 29 to Lot 43 and Lots 71 and 72 (Stage Two);
  - 3.1.3 Lot 44 to Lot 53 and Lots 66, 67, and Lot 73 (Stage Three);
  - 3.1.4 Lot 54 to Lot 65 and Lots 74 to Lot 77, and the Environment and Drainage Lot (Stage Four);
- in accordance with the approved overall layout and key plan (refer to condition 2.1). The stages are required to be undertaken in chronological order.
- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

### 4.0 LAND TRANSFER

- 4.1 The applicant shall submit, prior to any Operational Work application, amended layout plans that clearly identifies the lot or lots that will be transferred Council. The Environment and Drainage Lot to the west of Lots 52 – 56 and the Swales between Lots 48 and 49 and Lots 54 and 55 being transferred to Council must be allocated a specific lot number or lot numbers.
- 4.2 All land to be transferred to Council as “Fee simple” or as “Fee simple on trust” at no cost to Council.
- 4.3 The Environment and Drainage Lot to the west of Lots 52 – 56 and the Swales between Lots 48 and 49 and Lots 54 and 55 shall be transferred to Council upon registration of the Survey Plan for Stage 3 or Stage 4.

### 5.0 ROAD WORKS

- 5.1 A Development Permit for 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 Operational

Works (road works).

- 5.3 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.
- 5.4 The proposed Road 2 and Road 3 must be designed and constructed to Urban Access Street standard, with kerb and drainage infrastructure, in accordance with *Capricorn Municipal Development Guidelines*.
- 5.5 The proposed Road 1 must be designed and constructed to Urban Minor Collector standard, with kerb and drainage infrastructure, in accordance with *Capricorn Municipal Development Guidelines*.
- 5.6 A temporary sealed turning area must be constructed on any temporary terminating road at the boundary of the stage. The temporary sealed turning area must permit the unimpeded development of the adjacent allotments. This may require extensions to the road pavement, to the road reserves and/or provision of easements on the extensions of these roads.
- 5.7 The horizontal alignment of the proposed Road 1 near the proposed Lot 42 must be amended to be bent towards the west before connecting to existing Bluff Crescent. Details must be provided under any application of Operational Works (road works).
- 5.8 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*.
- 5.9 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.
- 5.10 Retaining structures must not be constructed within road reserves.

#### 6.0 ACCESS WORKS

- 6.1 All vehicular access to and from proposed Lots must be via the proposed new roads at their frontage only. Direct vehicular access to Neville Street and Beachside Court is prohibited.
- 6.2 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access and parking works on the site.
- 6.3 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).
- 6.4 The proposed shared access for proposed Lot 31 and 32 must be designed and constructed in general in accordance with the approved plans, prior to endorsement of the survey plan.
- 6.5 The geometry of the proposed swale drain along the proposed new roads must comply with the requirement related to the maximum gradient and maximum change of gradient of access on *Australian Standard AS2890 "Off Street Car Parking"*.
- 6.6 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*.
- 6.7 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standards AS1742.1 "Manual of Uniform Traffic Control Devices"*.

#### 7.0 SEWERAGE WORKS



- 7.1 A Development Permit for Operational Works (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 Operational Works (sewerage works).
- 7.3 The development must be connected to Council's reticulated sewerage.
- 7.4 Each lot must be provided with a separate sewer connection point, located wholly within its respective property boundary.
- 7.5 The existing Sewer Pump Station at Bluff Crescent must be upgraded in accordance with the approved Sewer Network Analysis (refer to Condition 2.1), at no cost to Council.
- 7.6 Under any application of Operational Works (sewerage works), a detailed design of the sewer network must be provided, in general accordance with the scheme under the approved Sewer Network Analysis (refer to Condition 2.1).
- 7.7 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 7.8 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber.

#### 8.0 WATER WORKS

- 8.1 A Development Permit for 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*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 8.3 The development must be connected to Council's reticulated water and must be provided with its own separate water connection point, located wholly within its respective property boundary.
- 8.4 Under any application of Operational Works (water works), a detailed design of the water network must be provided.
- 8.5 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.

#### 9.0 STORMWATER WORKS

- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 9.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwater including roof water and allotment runoff must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.
- 9.4 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.

- 9.5 Any future building design which is within coastal hazard overlay under Livingstone Planning Scheme 2018 must comply with recommended floor levels with respect to one (1) percent probability storm tide event or in accordance with Schedule 9 requirements of the Livingstone Planning Scheme 2018 where otherwise required. To avoid any doubt, the minimum habitable floor level for the building structure within coastal hazard overlay under Livingstone Planning Scheme 2018 must be 5.2 metres Australian Height Datum.
- 9.6 Any application for Operational Works (stormwater works) must include a Master Stormwater Management Plan (Quantity and Quality), prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:
- 9.6.1 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 abovementioned catchment details and lawful point(s) of discharge that comply with the requirements of the Queensland Urban Drainage Manual; 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;
  - 9.6.2 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;
  - 9.6.3 identification and detailed design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
  - 9.6.4 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. The stormwater discharge strategy must be generally in accordance with the approved plans (refer to Condition 2.1), unless otherwise specified;
  - 9.6.5 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;
  - 9.6.6 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;
  - 9.6.7 Storage calculations, detailed designs for the inlet and outlet systems for the proposed detention systems;
  - 9.6.8 MUSIC model demonstrating the proposed stormwater quality treatment facilities can meet the design objectives on State Planning Policies.
  - 9.6.9 Detail design calculations for all proposed energy dissipaters (i.e. rock protection areas) by taking into account permissible velocity and frequency/duration details in accordance with the provisions of Queensland Urban Drainage Manual.

- 9.6.10 Details to demonstrate vehicular, pedestrian amenity and safety criteria are met in accordance with Queensland Urban Drainage Manual;
- 9.6.11 Ongoing maintenance and management actions required with regard to detention and retention systems. and
- 9.6.12 Details of all calculations, assumptions and data files (where applicable).
- 9.7 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 consistent with the Queensland Urban Drainage Manual.
- 9.8 The proposed retaining structure along the western boundary of the development must be within the proposed Lots 52 – 56.
- 9.9 Any proposed retaining structure along the eastern boundary of the subject lot must be fully within the proposed Lots 26 – 32. Drainage easement(s) must be dedicated in favour of Council (at no cost to Council) to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during a 100 year Average Recurrence Interval (ARI) rainfall event, between the proposed retaining structure and the eastern boundary of these lots. Hydraulic calculations must be submitted to demonstrate the sizing of these easements is adequate, to ensure that any stormwater can be contained within Lots 26 – 32 without causing any nuisance to neighbouring properties. Similar approach must be conducted if any retaining structure is proposed along the boundary of the subject lot adjacent to existing neighbouring properties.

#### 10.0 DRAINAGE WORKS

- 10.1 The culvert crossing at Bluff Crescent must be upgraded in accordance with the approved hydraulic modelling undertaken in the Flood Impact Assessment (refer to condition 2.1). inlets must be fitted with debris deflectors, and safety barriers provided where required. Technical details of the upgrade works must be included in the Operational Work (stormwater works) application.
- 10.2 Existing culverts that may pose a siphon hazard must be signed, fenced, or screened appropriately as described in the FIA report, which if left unrestricted could pose a safety hazard to the public, and particularly small children.
- 10.3 All back of wall drainage must be directed to the kerb and channel in accordance with best engineering practices to achieve lawful discharge. Details of such drainage is to be included in the operational works application for the relevant stage.

#### 11.0 GROUND WATER INVESTIGATION

- 11.1 A groundwater investigation must be carried by a suitably qualified and experienced groundwater professional in accordance with recognised best practice and relevant Australian Standards. The investigation must rigorously determine the existing groundwater regime, including seasonal variations, and assess potential impacts of the development on stormwater quantity and quality systems, and drainage function. The investigation findings and any recommended mitigation measures must be documented in a report and submitted through an Operation Work application.

#### 12.0 RETAINING/REVTMENT WALLS

- 12.1 Retaining structures or similar must be provided along the northern development boundary to allow sufficient Neville Street swale capacity and conveyance in accordance with the hydraulic modelling undertaken in the Flood Impact Assessment (refer to condition 2.1). Details of these structures is to be included in the Operational Work application for the relevant stage.
- 12.2 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional

Engineer of Queensland must on completion certify that all works are compliant with the approved design.

- 12.3 A Development Permit of Building Works must be obtained prior to commencement of any retaining structures associated with the development.

- 12.4 Retaining structures must be designed and constructed fully within a lot. Retaining structure must not be constructed on road reserve or any lot to be dedicated to Council. To avoid any doubt, the proposed retaining structure along the western side of the development must be fully within the proposed Lots 52 to 56. Boundaries of the lots must be amended to meet this requirement on the application of endorsement of the Survey Plans.

#### 13.0 SITE WORKS (EARTHWORKS)

- 13.1 A Development Permit for Operational Work (site works (earthworks)) must be obtained prior to the commencement of any site works.

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

- 13.2.1 the location of cut and/or fill;
- 13.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 13.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 13.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
- 13.2.5 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.

- 13.3 Each allotment must be designed so as to be flood free in a one in one hundred year flood event (100 year Average Recurrence Interval).

- 13.4 Easements must be provided over all land assessed to be within the one in one hundred year rainfall event (100 year Average Recurrence Interval) inundation area.

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

- 13.6 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure must not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works must be undertaken at no cost to Council.

#### 14.0 ACID SULPHATE SOILS

- 14.1 Any application for a Development Permit for Operational Work (site works) must be accompanied by a preliminary site investigation into acid sulphate soils in accordance with *State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils*. If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated, a more detailed acid sulphate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works).

- 14.1.1 Should preliminary testing demonstrate that acid sulphate soils are present in the areas to be excavated or filled, an acid sulphate soils investigation following the procedure outlined in Step 2 in Section 6 of the guideline should be carried out and a report provided.

- 14.1.2 Investigation boreholes should be to a depth of one (1) metre below the anticipated depth of disturbance and to at least three (3) metres depth in

areas to be filled. Boreholes should be drilled within areas where the road works, water reticulation, sewerage reticulation, and electricity distribution and telecommunications infrastructures will be located.

- 14.1.3 If there will be groundwater extraction activities (including drainage, pumping or other activity that removes groundwater) carried out in association with excavation activities, then a groundwater investigation will need to be undertaken in accordance with Section 7 of the *State Planning Policy 2/02* guideline.
- 14.1.4 Sampling associated with the acid sulfate soils investigation should follow the *Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland (Ahern et al 1998)*. Laboratory analysis associated with the acid sulphate soils investigation should follow the *Laboratory Methods Guidelines of the Queensland Acid Sulphate Soil Technical Manual*.

## 15.0 LANDSCAPING

- 15.1 A Development Permit for Operational Work (landscape works) must be submitted to Council for approval prior to the commencement of landscape works.
- 15.2 The landscape plan is to be prepared in accordance with Council's Planning SC7.16 Landscaping planning policy, and include the following requirements:
  - 15.2.1 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
  - 15.2.2 Root barriers must be provided between proposed trees and relevant infrastructure.

## 16.0 ELECTRICITY AND TELECOMMUNICATIONS

- 16.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 16.2 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.

## 17.0 ASSET MANAGEMENT

- 17.1 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.
- 17.2 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.

## 18.0 AMENDED ECOLOGICAL ASSESSMENT

- 18.1 Submit, as part of a Development Application for Operational Work, an amended Ecological report that is prepared in accordance with SC7.5 of the Planning Scheme, and specifically include the following items:
  - (a) Results of the desktop review searches for all environmental matters of significance;
  - (b) An outline of flora survey methods used (for example, secondary and quaternary sites);
  - (c) Regional Ecosystem assessments/ transects, timed meander track log for Protected Plants Survey and locations of significant weeds.

(d) Demonstrate that the survey efforts were sufficient and in line with SC7.5.

(e) Include details about fauna survey results that include habitat features and fauna habitat quality.

18.2 The updated ecological assessment should incorporate SARA's Referral Agency Response and the condition requirements therein.

18.3 The updated ecological assessment is to identify any necessary changes to the development layout or concept that are consequential to the work in condition 18.1(a) – (e). Such changes are to be dealt with under Condition 2.6.

#### 19.0 ENVIRONMENTAL MANAGEMENT PLAN

19.1 Submit, as part of a Development Application for Operational Work, a detailed Environmental Management Plan, prepared in accordance with SC7.5 of the Planning Scheme, 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;
- (xii) waste management; and
- (xiii) SARA's Referral Agency Response and the condition requirements therein.

19.2 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.

#### 20.0 REHABILITATION PLAN

20.1 Submit, as part of a Development Application for Operational Work, a Rehabilitation Plan for the land to be transferred to Council per Condition 4.0 above and any other areas as deemed relevant by the amended ecological report. The rehabilitation plan is to be compliant with SC7.5 Environmental Management and additionally consider the following:

- (a) identify any plants of local significance that can be salvaged and provide a re-planting scheme
- (b) any bushfire requirement as discussed in the endorsed bushfire hazard assessment and management plan;
- (c) Include a species management plan for dispersal ( eg. staged clearing, pre-clearing assessment by a spotter catcher). The management plan is to include

but not exclusively the short beaked echidna (*Tachyglossus aculeatus*) – Least of Concern Species;

(d) Consider barriers to movement through the road network, particularly to Neville Street; and

(e) SARA's Referral Agency Response and the conditions requirements therein.

20.2 Rehabilitated areas must be subject of on-going management and maintenance for a period of eighteen (18) months.

## 21.0 VEGETATION CLEARING

21.1 A Development Permit for Operational Work (clearing works) must be obtained prior to the commencement of any clearing works.

21.2 Any application for a Development Permit for Operational Works (clearing works) must include, but is not limited to:

- (i) A plan documenting the "Extent of Clearing" in accordance with the revised ecological assessment, the environmental management plan, approved Bushfire Hazard Assessment (refer to condition 2.1), and suite of approved plans;
- (ii) Locations and names of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design). It is recommended to retain the regrowth vegetation in the buffer areas as it is naturally regrowing and will be best suited to the site;
- (iii) Details of how disturbance to existing vegetation outside of nominated clearing areas will be avoided;
- (iv) Details of how retained trees will be protected from impacts of adjacent clearing or earthworks through use of exclusion fencing or protective barriers as per *Australian Standard 4970 – 2009 Protection of Trees on Development Sites*;
- (v) Details of weed management, rehabilitation and re-planting;

21.3 A pre-clearance survey is to be undertaken by a qualified fauna spotter catcher to minimise disruption to native fauna ;

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

21.5 Cleared native vegetation must be mulched and spread on areas of bare ground. All vegetation which cannot be mulched on site for use on this development or an approved place of use must be disposed of at a suitable place of disposal. Burning is not permitted.

## 22.0 SOIL EROSION AND SEDIMENT CONTROL

22.1 Submit, as part of a Development Application for Operational Work, 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).

22.2 The Erosion and Sediment Control Plan must:

- 22.2.1 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.*

- 22.2.2 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.
- 22.2.3 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.
- 22.2.4 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.
- 22.2.5 Set suitable hold points throughout the construction phase.
- 22.2.6 Identify short (temporary) and long-term (permanent) stabilisation measures for all exposed soils.
- 22.2.7 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.
- 22.2.8 All entry/exist 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.
- 22.3 Excess soil cut from site is to be dumped or repurposed in an approved location. All loads must be watered for dust prevention and covered prior leaving the site. Haul routes are to be included in the traffic management plan submitted to Council for approval, prior to any soil leaving the site.
- 22.4 All care must be taken to prevent sediment being deposited on haul route roads. All materials must be swept up and removed from the access route to the site and not directed into Council's stormwater drainage system.
- 22.5 The principal contractor must also check the Erosion and Sediment Control Measures at the start and end of each day to ensure the entire site is secure and appropriately prepared in the event of rainfall.
- 22.6 A soil test to the level of the base of the any trench must be undertaken prior commencement of works to determine if acid sulphate soils are present and may be disturbed. Where acid sulphate soils are found present during construction, works must cease immediately and a management plan report must be prepared and submitted to Council and works undertaken in accordance with the report.

**23.0 AMENDED BUSHFIRE HAZARD ASSESSMENT & MANAGEMENT PLAN**

- 23.1 Submit, as part of a Development Application for Operational Work an amended Bushfire Hazard Assessment and Management Plan that includes the following:
  - (a) Amended calculations for the asset protection zone that includes a FDI that follows best practices;
  - (b) The Bushfire Management Plan and subdivision layout is to be amended consequently;
  - (c) Recommendations for interim bushfire protection for each stage that include bushfire trails, etc; and
  - (d) SARA's Referral Agency Response and the condition requirements therein.



- 23.2 The applicant shall submit as part of the Operational Work Application, an amended site plan to incorporate:
- (a) Any changes resulting from the amended calculations for the asset protection zone;
- (b) The bushfire trail on the proposed Reserve lot is to:
- provide for a minimum width of 6 m;
  - suitable for two-wheel drive vehicles during the dry season;
  - the vehicles are able to enter and exit in a forward gear or a turnaround is to be provided with an inner turning radius of 6 m and an outer turning radius of 12 m;
- (c) A staging plan indicating interim solutions for the integration of bushfire breaks or other temporary solutions for each stage.
- 23.3 Prior to the endorsement of any Survey plan, a bushfire break is to be established as nominated in the amended Bushfire Hazard Assessment and Management Plan required by Conditions 21.1.
- 23.4 All operational works must be carried out in accordance with the amended Bushfire Hazard Assessment and Management Plan required by Conditions 21.1.
- 23.5 All future owners of the proposed lots must be advised by the developer in writing of their responsibility to comply with the requirements of the amended Bushfire Hazard Assessment and Management Plan required by Conditions 21.1.
- 23.6 All future buildings on the proposed lots must be constructed in compliance with *Australian Standard AS3959 "Construction in Bushfire Prone Areas"* the amended Bushfire Hazard Assessment and Management Plan required by Conditions 21.1. A property note to this effect will be entered against Lots 47 to 77.

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#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. General Environmental Duty

All construction work and other associated activities are permitted only between 0630 hours and 1830 hours Monday to Saturday. No work is permitted on Sundays or public holidays.

The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest

Management Officer, after the finalisation of the Rehabilitation and Weed Management works.

NOTE 3. Construction Specifications

The Capricorn Municipal Development Guidelines construction specifications must be used for the construction works, unless alternative specifications have been granted written Council approved.

NOTE 4. Water and Sewerage Services

In accordance with the Water Supply (Safety & Reliability) Act 2008, it is an offence to interfere with a service provider's infrastructure. Livingstone Shire Council is the service provider and Infrastructure Services 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 Services for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.

NOTE 5. Property Notes

The following property note is to be placed against the parcel of land in Council's database: *"Uncontrolled fill has been placed on the property for aesthetic purposes only. Any future structures to be erected on the property will be subject to specific soil testing and engineering relevant to the proposed structure."*

All future buildings on the proposed lots must be constructed in compliance with *Australian Standard AS3959 "Construction in Bushfire Prone Areas"* and the approved Bush Fire Management Plan.

NOTE 6. Entrance Signage

Any entrance statement signage must be located wholly within private property to protect sight lines for passing or turning traffic and must not obstruct any Council Infrastructure. An Operations Works Permit may need to be obtained for any signage/advertising devices.

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.

NOTE 8. Building Location Envelopes

Building Location Envelopes for the purposes of the siting of future dwellings associated with the approved lots shall be submitted to Council for approval under a concurrence agency referral, for each stage.

NOTE 9. Environmental Protection and Biodiversity Conservation Act 1999

Approval under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) is required for any action that is likely to have a significant impact on a matter of National Environmental Significance.

This approval process is independent of any Council or State approval process, and may be required notwithstanding any State or Council approvals for works.

Information about the EPBC Act assessment process and obligations are available at <https://www.dcceew.gov.au/environment/epbc>

**RECOMMENDATION C**

That in relation to the Development Application D-235-2024 for a Development Permit for a

Reconfiguring a Lot for a Reconfiguring a Lot for One (1) into 77 residential lots and One Environment and Drainage Lot (Stages 1-4), made by Red Emperor Pty Ltd, on L 2 RP 617670, and located at 1-41 Neville Street, Mulambin QLD 4703, Council resolves to issue staged Infrastructure Charges Notices for the total amount of \$2,374,200.

**Moved by:** **Councillor Warcon**

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

**MOTION CARRIED**

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

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

**File No:** fA2206  
**Attachments:** 1. Business Outstanding Table  
**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer

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#### **SUMMARY**

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

#### **COUNCIL RESOLUTION**

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

**Moved by:** Councillor Warcon

**Seconded by:** Councillor Rothery

**MOTION CARRIED UNANIMOUSLY**

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

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**SUMMARY**

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

**COUNCIL RESOLUTION**

THAT Council resolves that the following report which is 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:

- Notice of Motion – Councillor Glenda Mather – Neville Street Development

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

## **7 PRESENTATION OF PETITIONS**

### **8.1 PETITION - AIR POLLUTION, NUISANCE SMOKE AND ODOUR CAUSED BY DEVELOPERS**

**File No:** fA2222

**Attachments:** 1. **Petition - Sea Haven Estate smoke nuisance - Joanne Ballard**

**Responsible Officer:** **Alastair Dawson - Interim Chief Executive Officer**

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#### **SUMMARY**

Council has received the following petition from Joanne Ballard requesting:

1. Council work collaboratively with the Queensland Fire Department (and any other relevant government dept) to develop, implement and manage a process to severely limit the environmental impact of air pollution, nuisance smoke and odour upon the health and wellbeing of residents caused by permitted burn offs by Developers.

2. Provide an avenue for local residents to voice their concerns whereby the Council is able to effectively respond to the resultant air pollution and health and wellbeing complaints and concerns.

#### **COUNCIL RESOLUTION**

THAT the petition be received and the petition be referred to a briefing session for further discussion.

**Moved by:** **Councillor Watson**

**Seconded by:** **Councillor Mather**

**MOTION CARRIED UNANIMOUSLY**

**8.2 PETITION - DANIEL PARK****File No:** GV13.04.07**Attachments:** 1. Petition to Livingstone Shire Council - Daniel Park**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer

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**SUMMARY**

Council has received the following petition from 311 petitioners requesting that Council freehold land, Lot 10 SP251132, Lot 11 SP251132 and Lot 18 SP251132 (known as the old Cooee Bay Tennis Court site) adjacent to Daniel Park, be kept for community open space/parkland.

**COUNCIL RESOLUTION**

THAT the petition requesting the freehold land (known as the old Cooee Bay Tennis Court site) adjacent to Daniel Park, be changed to community open space/parkland be received.

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

**8.1 CORRESPONDENCE RECEIVED - VEGETATION VANDALISM SIGNAGE****File No:** fA2222

**Attachments:**

1. Cover letter - Vegetation Vandalism Signage - *(Confidential)*
2. Correspondence 1 of 2 - Vegetation Vandalism Signage - *(Confidential)*
3. Correspondence 2 of 2 - Vegetation Vandalism Signage - *(Confidential)*

**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer

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**SUMMARY**

At the Ordinary Council Meeting on 17 June 2025 Council resolved to:

1. Erect vegetation vandalism signage at identified sites in Emu Park; and
2. Enact a media campaign seeking public assistance to report vegetation vandalism.

Council has received correspondence from Gerard Houlihan which states:

1. We object to and oppose the erection of the sign
2. We require Council to enforce its local laws and take action to prohibit illegal vegetation planting on dune

**COUNCIL RESOLUTION**

THAT Council notes the correspondence and the documents forwarded by Gerard Houlihan.

**Moved by:** Councillor Warcon

**Seconded by:** Councillor Rothery

**MOTION CARRIED UNANIMOUSLY**



## 8 NOTICES OF MOTION

**Item 9.1 has been withdrawn from the agenda – as per request from Councillor Mather**

### 9.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - NEVILLE STREET DEVELOPMENT

File No: GV

Attachments: 1. NOM - Neville Street Development

Responsible Officer: Greg Abbotts - Manager Development and Environment  
Alastair Dawson - Interim Chief Executive Officer

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This Notice of Motion was presented at the Council Meeting held on 15 April 2025 and was laid on the table pending the outcome of Council's request for legal advice.

#### SUMMARY

*Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to proposed development of D-235-2024.*

#### COUNCILLOR RECOMMENDATION

THAT due to wide public concern over the proposed development of D-235-2024 and the impact which may be caused by major vegetation clearing of the site, Council require a Hydrology Study be undertaken in conjunction with the Application to determine the influence any clearing will have on the water table.

**WITHDRAWN FROM AGENDA**

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**9.2 NOTICE OF MOTION - COUNCILLOR ANDREA FRIEND - RELOCATION OF VEGETATION VANDALISM SIGNAGE****File No:** fA2220**Attachments:**

1. NoM Councillor Friend - Relocation of Vegetation Vandalism Signage
2. Attachment 2 Vegetation Vandalism banner location Emu Park

**Responsible Officer:** Leise Childs - Coordinator Natural Resource Management  
Andrea Ellis - Acting General Manager Communities  
Alastair Dawson - Interim Chief Executive Officer

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**SUMMARY**

*Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to relocation of vegetation vandalism signage.*

03:25PM Councillor Rothery left the meeting.

03:36PM Councillor Rothery returned to the meeting.

**COUNCIL RESOLUTION**

THAT Council resolve to relocate a vegetation vandalism sign, opposite to 52, 54 and 56 Keppel Street Emu Park to approximately 100 meters at the T Intersection of Thomas Street Emu Park.

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

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

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

**COUNCIL RESOLUTION**

THAT the sign remain in the current location for two weeks from today's date and Council review the relevant policy.

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

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

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

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**9.4 NOTICE OF MOTION - COUNCILLOR RHODES WATSON - 9 CASEY DRIVE****File No:** GV13.04.04**Attachments:**

1. Councillor Rhodes Watson - Notice of Motion - 9 Casey Drive
2. ROL-A 9 Casey Drive Map
3. Casey Drive Stormwater Map
4. Overlays, Biodiversity and Flood map - 9 Casey Drive
5. State Veg Map - 9 Casey Drive
6. Map of Casey Drive property in Fig Tree Creek Catchment

**Responsible Officer:** Greg Abbotts - Manager Development and Environment  
Katrina Paterson - Acting General Manager Strategic Growth  
Alastair Dawson - Interim Chief Executive Officer

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**SUMMARY**

*Councillor Rhodes Watson has submitted a 'Notice of Motion' in relation to the purchase of land at 9 Casey Drive to provide a public reserve for environmental, stormwater and open space for all in Livingstone Shire.*

**COUNCIL RESOLUTION**

THAT Council enters negotiations with the landowner of 9 Casey Drive with the aim to obtain land adjoining council's existing block of land, Lot 906 on SP320084, 28 Oxford Road Yeppoon to be turned into a unique nature reserve for all to enjoy.

**COUNCIL RESOLUTION**

THAT the CEO be authorised to make enquiries regarding cost of acquisition of a portion of land adjoining council's existing block of land, Lot 906 on SP320084, 28 Oxford Road Yeppoon to be turned into a unique nature reserve for all to enjoy, on the proviso no commitment to acquire the land is made without further approval by Council.

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

**Item 9.5 has been withdrawn from the agenda – as per request from Councillor Mather**

**9.5 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - INTERIM WORK ON TANBY POST OFFICE ROAD AND HOFFMANS ROAD**

**File No:** GV13.04.04

**Attachments:** 1. NOM - Cr Mather - Tanby Post Office Road and Hoffmans Road

**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer

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**SUMMARY**

*Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to interim work on Tanby Post Office Road and Hoffmans Road.*

**COUNCILLOR RECOMMENDATION**

THAT interim roadworks be carried out on the troublesome sections of both Tanby Post Office Road, and Hoffman's Road, until such time a full maintenance grade is scheduled.

**WITHDRAWN FROM AGENDA**

**9.6 NOTICE OF MOTION - MAYOR ADAM BELOT - KEYS TO THE COAST FOR HARRY****File No:** GV13.04.04**Attachments:** 1. Notice of Motion - Keys to the Coast for Harry**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer

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**SUMMARY**

*Mayor Adam Belot has submitted a 'Notice of Motion' in relation to Keys to the Coast for Harry.*

**COUNCIL RESOLUTION**

THAT Council organise for an event to occur that facilitates the presenting of ' the keys to the Shire ' to Harry Grant for his outstanding efforts in the Rugby League world and that Council create a policy and criteria to enable providing 'The Keys to the Shire', for future considerations.

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

## 9 QUESTIONS ON NOTICE

### 10.1 RESPONSE TO QUESTIONS ON NOTICE - CR ANDREA FRIEND - 33 JAMES STREET, YEPPON

**File No:** D-489-2022

**Attachments:** 1. Questions on Notice

**Responsible Officer:** Andrea Ellis - Acting General Manager Communities  
Alastair Dawson - Interim Chief Executive Officer

**Author:** Greg Abbotts - Manager Development and Environment  
Jenna Davies - Principal Planning Officer

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#### SUMMARY

*Councillor Andrea Friend has asked Question On Notice for the Council Meeting on 15 July 2025, as per attached document.*

#### COUNCIL RESOLUTION

THAT the responses to the Questions on Notice be received.

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

**MOTION CARRIED UNANIMOUSLY**

**10 COMMITTEE REPORTS**

Nil

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

Nil

## 12 REPORTS

### 13.1 RESPONSE TO NOTICE OF MOTION - MAYOR ADAM BELOT - HOUSING CRISIS - RESIDENTIAL COUNCIL DWELLING

**File No:** 25-026

**Attachments:**

1. Mould Report
2. Quantity Surveyor Report

**Responsible Officer:** Sharon Sommerville - Manager Parks and Facilities  
Andrea Ellis - Acting General Manager Communities  
Alastair Dawson - Interim Chief Executive Officer

**Author:** Peter Hyne - Technical Officer Facilities

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#### SUMMARY

*Officers have acted in response to Notice of Motion by Councillor Adam Belot tabled at the Ordinary Meeting held on 21 November 2023, to consider undertaking repairs to the dwelling at 30 Raymond Terrace.*

*Through inspection and specialist reports on the building condition, it was identified that there were significant maintenance issues in relation to mould throughout the building that could only be addressed through complete removal of internal walls due to the building materials being asbestos material and finished with lead paint.*

#### COUNCIL RESOLUTION

THAT Council:

- a) authorises the demolition of 30 Raymond Terrace, Yeppoon due to the extent of repair and high cost to renovate; and
- b) amend the 2025-26 budget to include \$100,000 to complete the demolition and site remediation works associated with the removal of the dwelling at 30 Raymond Terrace, Yeppoon.

**Moved by:** Councillor Friend

**Seconded by:** Mayor, Councillor Belot

**MOTION CARRIED**



**13.2 CHANGE OF DATE - ORDINARY COUNCIL MEETING OCTOBER 2025**

**File No:** fa2206  
**Attachments:** Nil  
**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer  
**Author:** Lucy Walker - Coordinator Executive Support

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**SUMMARY**

It is proposed that the scheduled Ordinary Council Meeting for Tuesday, 21 October 2025 be moved to Monday, 27 October 2025. The change is required due to the Local Government Association of Queensland (LGAQ) Annual Conference being held in the Gold Coast from 20–22 October 2025 which all Councillors will be attending.

**COUNCIL RESOLUTION**

THAT Council approve the rescheduling of the October 2025 Ordinary Council Meeting from Tuesday, 21 October 2025 to Monday, 27 October 2025.

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

**13.3 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JULY 2025****File No:** FM12.14.1**Attachments:**  
1. Monthly Financial Report 31 July 2025  
2. Contract Award Summaries**Responsible Officer:** Kristy Mansfield - Acting General Manager Corporate Services  
Alastair Dawson - Interim Chief Executive Officer**Author:** Aqeel Ahmad - Financial Accountant

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**SUMMARY**

*The purpose of this report is to seek Council's adoption of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 July 2025.*

**COUNCIL RESOLUTION**

THAT Council receive the Livingstone Shire Council Monthly Financial Report for the period ending 31 July 2025 (Attachment 1).

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

**13.4 MONTHLY OPERATIONAL REPORT FOR JULY 2025**

**File No:** fA76756  
**Attachments:** 1. Monthly Operational Report - July 2025  
**Responsible Officer:** Kristy Mansfield - Acting General Manager Corporate Services  
Alastair Dawson - Interim Chief Executive Officer  
**Author:** Poala Santini - Coordinator Governance

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**SUMMARY**

*Council is presented with the first Monthly Operational Report for July 2025.*

**COUNCIL RESOLUTION**

THAT Council receives the Monthly Operational Report for July 2025.

**Moved by:** Councillor Rothery

**Seconded by:** Councillor Warcon

**MOTION CARRIED UNANIMOUSLY**

**13.5 OPERATIONAL PLAN 2024-2025 Q4 PERFORMANCE REPORT**

**File No:** CM4.6.2  
**Attachments:** 1. Quarter 4 2024 - 2025 Operational Plan  
**Responsible Officer:** Poala Santini - Coordinator Governance  
Kristy Mansfield - Acting General Manager Corporate Services  
Alastair Dawson - Interim Chief Executive Officer  
**Author:** Ursula Sleeman - Governance Officer

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**SUMMARY**

*The 2024-2025 Operational Plan progress report for Quarter 4 as at 30 June 2025 is presented, pursuant to Section 174(3) of the Local Government Regulation 2012.*

**COUNCIL RESOLUTION**

THAT Council receive the 2023-2024 Operational Plan Performance Report as at 30 June 2025.

**Moved by:** Councillor Warcon

**Seconded by:** Councillor Rothery

**MOTION CARRIED UNANIMOUSLY**

04:43PM Councillor Mather left the meeting..

**13.7 FOUR PAWS DESEXING STRATEGY RECOGNITION****File No:** fA72730**Attachments:** 1. MoU Agreement**Responsible Officer:** Greg Abbotts - Manager Development and Environment  
Andrea Ellis - Acting General Manager Communities  
Alastair Dawson - Interim Chief Executive Officer**Author:** Nat Druery - Coordinator Public Environments

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**SUMMARY**

*The purpose of this report is to recognise the contribution made for the benefit of the wider Community by the donation received by Four Paws.*

04:45PM Councillor Mather returned to the meeting.

**COUNCIL RESOLUTION**

THAT Council,

- a) receive the report and the contents noted; and
- b) publicly acknowledges the monetary contribution that Four Paws has provided for the welfare of cats and dogs in our Community through the successful desexing program.

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

### 13.8 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (TWO LOTS INTO TWENTY (20) LOTS AND ACCESS AND SERVICES EASEMENTS) - LOCTED AT 255 PANORAMA DRIVE, INVERNESS

**File No:** D-346-2021

**Attachments:**

1. Locality Plan
2. Proposal Plan
3. Code assessment
4. Overlays

**Responsible Officer:** Siobhan Goodhew - Coordinator Development Assessment  
 Greg Abbotts - Manager Development and Environment  
 Andrea Ellis - Acting General Manager Communities  
 Alastair Dawson - Interim Chief Executive Officer

**Author:** Jenna Davies - Principal Planning Officer

#### SUMMARY

Applicant:	Northside Projects Pty Ltd
Consultant:	Capricorn Survey Group (CQ) Pty Ltd
Real Property Address:	Lot 7 on SP280825
Common address:	255 Panorama Drive, Inverness
Area of Site:	Lot 7 – 22.69 hectares
	Planning Scheme: <i>Livingstone Planning Scheme 2018</i>
Planning Scheme Zone:	Rural zone
Planning Scheme Overlays:	<p>Overlay Map OM02 Agricultural land classification</p> <p>Overlay Map OM07 – Biodiversity – Habitat and vegetation – MLES Regional Biodiversity corridor and MSES – Wildlife habitat</p> <p>Overlay Map OM11 – Waterway extra creeks (3 &amp; 4) ad Waterway Potential Assessment area</p> <p>Overlay Map OM12 – Bushfire hazard assessment – Very high, high and medium potential bushfire intensity and Potential impact buffer</p> <p>Overlay Map OM18 – Landslide hazard area</p> <p>Overlay Map OM20 – Road hierarchy – Urban access street (Noon Drive)</p> <p>Overlay Map OM21 – Scenic amenity – Management area A and Management area B</p> <p>Overlay Map OM27 – Height limits</p>
Existing Development:	Lot 7 - Vacant land
Level of Assessment:	Impact assessable
Submissions:	Twelve (12) Submissions received
Referral matters:	10.3.4.2.1 Clearing native vegetation

Infrastructure Charge Area:

Outside the Priority Infrastructure Area

Application progress:

Application received:	30 August 2021
Action notice issued:	13 September 2021
Action notice response:	27 September 2021
Application properly made:	1 October 2021
Confirmation notice issued:	12 October 2021
Information request issued:	8 November 2021
Information request response received (extended by agreement):	30 October 2024
Application referred to SARA:	22 October 2021
SARA information request:	5 November 2021
SARA information request response:	15 August 2022
SARA response:	27 June 2024
Further advice issued (1):	8 November 2024
Further advice response (1):	16 December 2024
Public notification period:	4 November 2024 – 25 November 2024
Notice of compliance received:	27 November 2024
Submission consideration period:	27 November 2024 – 11 December 2024
Decision period commenced:	12 December 2024
Further advice (2) issued:	7 March 2025
Further advice (2) response:	12 May 2025
Change in response to Further advice:	12 May 2025
SARA notified of change in response to Further Advice:	13 May 2025
SARA notified changed referral agency response to be provided:	20 May 2025
SARA changed referral agency response received:	9 June 2025
Council meeting date:	15 July 2025
Statutory determination date (extended by agreement):	18 July 2025

**COUNCIL RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into twenty (20) lots and access and services easement), made by Northside Projects Pty Ltd, on Lot 7 on SP280825 and located at 255 Panorama Drive, Inverness, it is

recommended Council resolve to approve the application, given the development achieves the benchmarks and other relevant matters in accordance with section 45(3) of the *Planning Act 2016* as follows:

- (a) Whilst the development is not consistent with the minimum lot size and dimensions for the Rural zone, the development is consistent with the lot sizes to the south, book-ends the rural residential development and does not adversely conflict with the Strategic Framework for Rural places.
- (b) The development complies with, or has been conditioned to comply with, the outcomes of the Reconfiguring a Lot Code, Development Works Code, Bushfire hazard overlay code, Biodiversity overlay code, Landslide hazard overlay code and Scenic amenity overlay code.

### **RECOMMENDATION B**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into twenty (20) lots and access and services easement), made by Northside Projects Pty Ltd, on Lot 7 on SP280825, and located at 255 Panorama Drive, Inverness, Council resolve 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) Access Works;
    - (iii) Water Works;
    - (iv) Stormwater Works;
    - (v) Earthworks;
    - (vi) Clearing Native Vegetation Works;
  - 1.6.2 Building works (retaining walls if required).
- 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* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.
- 1.11 This development permit is for one (1) lot into twenty (20) lots only, in accordance with Reconfiguration Plan (1 lot into 20 lots), reference no. 6066-02-ROL, Issue A, dated 2 May 2025 (refer to condition 2.1). The building location envelopes have been considered for a Dwelling house land use within the building location envelope area, however this permit does not constitute a Material Change of Use.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Reconfiguration Plan (1 lot into 20 lots)	6066-02-ROL Issue A	2 May 2025
Stormwater Management Plan	24-027-SMP-R002 Revision R002	12 November 2024
Traffic Engineering Report	241270 Issue V01	October 2024
Landslide Risk Assessment Slope Stability Analysis Proposed Subdivision	CQ21483 Version A	11 August 2022
Bushfire Management Plan: SIRIS Panorama Drive Bushfire Management Plan	251029, v0.1	9 April 2025
Reconfiguration Plan (1 lot into 20 lots) – annotated with purple to show proposed vegetation covenant area	6066-02-ROL Issue A	2 May 2025

- 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.
- 2.4 An updated plan must be provided to Council detailing the exact dimensions and

setbacks of each Building Location Envelope. The building location envelopes do not constitute Material Change of Use approval and the planning scheme at the time is required to be addressed.

### 3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works associated with the development.
- 3.2 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).
- 3.3 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.
- 3.4 The proposed extension of Noon Drive must be designed and constructed to Urban Access Street standard, with kerb and channel and drainage infrastructure.
- 3.5 The proposed new road servicing the proposed Lots 7, 8, 9, 10, 16, 17, 18, 19 and 20 must be designed and constructed to Urban Access Place standard, with kerb and channel and drainage infrastructure.
- 3.6 The design hierarchy of the proposed new road servicing the proposed Lots 11 – 15 must be reviewed by the time when the application of the Operational Works (road works) is lodged. Details of the road design corresponding to the relevant design hierarchy, including but not limited to the width of the carriageway and the gradient, must be in accordance with the latest version of *Capricorn Municipal Development Guidelines* by the time when the application of Operational Works (road works) is lodged.
- 3.7 The design and construction of all terminating roads must include a temporary or permanent turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection vehicle. Any turning area must be designed and constructed with maximum gradient of five (5) per cent.
- 3.8 Centreline must be provided on existing Noon Drive where it intersects with Thurston Drive, in general in accordance with the approved Traffic Engineering Report (refer to condition 2.1).
- 3.9 A splitter island must be provided on existing Noon Drive where it intersects with Adelaide Park Road, in general in accordance with the approved Traffic Engineering Report (refer to condition 2.1).
- 3.10 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*.
- 3.11 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.
- 3.12 Retaining structures must not be constructed within road reserves.

#### 4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access 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*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).
- 4.3 The internal access within proposed Lot 3 servicing proposed Lot 4 must be constructed from the edge of the proposed new road to the boundary of the proposed Lot 4, in general in accordance with the approved Reconfiguration Plan (refer to Condition 2.1).
- Construction must be either reinforced concrete not less than hundred (100) millimetre deep or a compacted gravel pavement not less than hundred (100) millimetres deep sealed with either twenty-five (25) millimetres of asphaltic concrete, hot sprayed bitumen consisting of a primer and two (2) seal coats, or approved segmental pavers.
- 4.4 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*.
- 4.5 All vehicular access to and from proposed Lots 13 to 19 (inclusive) must be via the proposed new road only. Direct vehicular access to Panorama Drive is prohibited.

#### 5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 5.3 All proposed lots must be connected to Council's reticulated water network.
- 5.4 New water connection point must be provided to each lot.
- 5.5 Any application of Development Permit of Operational Works (water works) must include a Water Network Analysis with an appropriate water network model demonstrating that all proposed lots will be supplied with desirable service standard in accordance with *Capricorn Municipal Development Guidelines*. In the analysis, a node must be created representing each of the proposed lots. The elevation of the node must be the finished surface/street elevation at the location of the water main, building pad level or at mean lot level, whichever is highest.
- 5.6 The minimum size of the water main must be 150 millimetre diameter.
- 5.7 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.8 The location of hydrants must be designed and constructed that any proposed building envelope (a portion of it which is reasonably sufficient for a dwelling) is within eighty (80) metres from any one of the hydrants.

5.9 Lots must be provided with water supply and pressure in accordance with *Australian Standard AS2419 Fire Hydrant Installations*.

6.0 STORMWATER WORKS

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

6.2 All stormwater including any roof and allotment water must drain so as to demonstrate lawful discharge and must not adversely affect adjoining land or infrastructure when compared to pre-development condition by way of blocking, altering, diverting existing stormwater runoff patterns, or have the potential to cause damage to other infrastructures.

6.3 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

6.4 Each lot must be designed so as to be self-draining and the detention system must be designed and located such that there is no increase in flood levels on adjoining land or properties.

6.5 A detention system must be designed and constructed within the development site. The volume of detention provided must be sufficient to attenuate the peak discharge from the site; to ensure non-worsening of the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive) for a range of storm durations including critical storm duration.

6.6 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with Urban Stormwater Quality Planning Guidelines and State Planning Policy.

6.7 Any application for Operational works (stormwater works) must be accompanied by an updated Stormwater Management Plan prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes include;

6.7.1 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;

6.7.2 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;

6.7.3 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;

6.7.4 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;
- 6.7.5 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;
- 6.7.6 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;
- 6.7.7 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
- 6.7.8 details of all calculations, assumptions and data files (where applicable).
- 6.7.9 Detailed designs for the inlet and outlet systems for the proposed detention systems and swale drain(s);
- 6.7.10 Detail design calculations for all proposed energy dissipaters (i.e. rock protection areas) by taking into account permissible velocity and frequency/duration details in accordance with the provisions of Queensland Urban Drainage Manual.
- 6.7.11 Details to demonstrate vehicular, pedestrian amenity and safety criteria are met in accordance with *Queensland Urban Drainage Manual*; and
- 6.7.12 Ongoing maintenance and management actions required with regard to proposed detention and retention systems.
- 6.7.13 MUSIC model demonstrating the proposed stormwater quality treatment meets the design objective of State Planning Policy.
- 6.8 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by Defined Flood Event) and major drainage systems including any proposed detention basins to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 7.0 EARTHWORKS
- 7.1 A Development Permit for Operational Works (earthworks) must be obtained prior to the commencement of any site works.
- 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 Cut and fill of the subject development must only be undertaken in areas where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments as approved by Council.

7.4 Slope stability must be managed as follows:

7.4.1 all engineering drawings/specifications and designs must comply with the requirements of the relevant *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and must be approved by a Registered Professional Engineer of Queensland;

7.4.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and

7.4.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.

7.5 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

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

8.2 Clearing in areas of landslide hazard (as per the overlay map) must be in compliance with the recommendations of a site specific slope stability assessment report that has been certified by a Registered Professional Engineer of Queensland.

8.3 Significant mature trees, if practicable and as identified in consultation with Council's natural resource officers, must be retained.

8.4 Retained trees must be protected from impacts of adjacent clearing or earthworks through use of exclusion fencing or protective barriers as per *Australian Standard 4970 – 2009 Protection of Trees on Development Sites*.

8.5 A plan indicating the staged clearing of the site must be provided with any application for a Development Permit for Operational Works. Plans showing the direction of clearing and other provisions for wildlife escape and protection during clearing must be provided.

8.6 All trees cleared must be felled away from adjoining vegetation.

8.7 Vegetative materials cleared from the site must not be placed near or within vegetation adjacent to the site, other than strategic placement of fauna habitat if required.

8.8 Cleared native vegetation must be mulched and spread on areas of bare ground. All vegetation which cannot be mulched on site for use on site or at an approved place

of use must be disposed of at a suitable place of disposal.

8.9 Development does not cause land degradation near a waterway or on steep land, including:

- (i) mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and
- (ii) loss or modification of chemical, physical or biological properties or functions of soil.

8.10 A Local Wildlife Management Plan must be provided with any application for a Development Permit for Operational Works. The Plan must include, but not be limited to, the following information:

- (iii) The potential direct and indirect impacts of the construction phase of the proposed development to wildlife wellbeing, any colony or roost or breeding place;
- (iv) How this is to be monitored, evaluated and reported;
- (v) The mitigation options which will be utilized to minimize the potential impacts on the wildlife and their habitat.

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

8.12 Prior to the commencement of any works on site, a joint inspection with the Project Superintendent/Consulting Engineer, the Principal Contractor, fauna spotter / catcher and Council's development assessment and natural resource management unit representatives must occur.

8.13 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. Any vegetation removed must not be burnt.

## 9.0 LANDSCAPING WORKS

9.1 A ten (10) metre vegetation buffer must be maintained to Panorama Drive for proposed Lots 13 to 16. The buffer is for visual purposes and the location must be considered in relation to the referral agency response and the bushfire management plan. The buffer must be existing native vegetation and shown on the reconfiguring a lot plan.

9.2 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.

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

**10.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 10.1 Underground electricity and telecommunication connections must be provided to the proposed development 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.
- 11.3 '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.

**12.0 ENVIRONMENTAL**

- 12.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
- (vi) water quality and drainage;
  - (vii) erosion and silt/sedimentation management;
  - (viii) acid sulphate soils;
  - (ix) fauna management;
  - (x) vegetation management and clearing;
  - (xi) top soil management;
  - (xii) interim drainage plan during construction;
  - (xiii) construction programme;
  - (xiv) geotechnical issues;
  - (xv) weed control;
  - (xvi) bushfire management;
  - (xvii) emergency vehicle access;
  - (xviii) noise and dust suppression; and
  - (xix) waste management.
- 12.2 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).

12.3 The Erosion and Sediment Control Plan must:

12.3.1 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*.

12.3.2 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.

12.3.3 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.

12.3.4 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.

12.3.5 Set suitable hold points throughout the construction phase.

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

12.3.7 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.

12.4 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.

12.5 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

12.6 The development must enhance or maintain the existing surface water hydrological regime of all areas containing matters of environmental significance.

12.7 An environmental covenant, pursuant to Section 97A of the *Land Title Act 1994*, must be entered into in respect of the land outside the proposed building envelopes on proposed Lot 12 and Lot 20, generally in accordance with the approved annotated covenant plan, to the effect that:

12.7.1 the area is protected as a vegetated flora habitat and all native vegetation

must be retained; and

- 12.7.2 there is to be no artificial interference or disturbance of the habitat. Approval may be sought from Council to remove hazards to safety of persons outside of the habitat or remove weeds and revegetate with local native species under an approved plan.
  - 12.7.3 An environmental covenant must be registered over proposed lots 12 and 20. The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the Compliance assessment for the Survey Plan.
  - 12.8 The environmental covenants must be generally in accordance with the approved plan and must be setback approximately ten (10) metres (but no greater than fifteen (15) metres) from the closest boundaries of proposed Lots 3, 4, 10 and 11.
  - 12.9 The northern boundaries of proposed Lots 13 – 19 must be fenced with wildlife friendly fencing. Details of the fencing must be proposed as part of any application for Operational Works for approval prior to installation.
  - 12.10 The development must be undertaken in accordance with the recommendations in the approved Bushfire Management Plan.
  - 12.11 Adequate drainage and erosion control devices are required on access routes and fire management trails to prevent erosion and sedimentation impacts to matters of environmental significance and areas identified as scenic amenity, erosion prone or steep land.
  - 12.12 The Bushfire Management Plan must be updated as follows:
    - 12.12.1 The bushfire management for Lots 1 and 3 is not approved. The vegetation clearing is not approved to extend past the boundary of the parent lot, Lot 7 on SP280825. This must be updated.
    - 12.12.2 The bushfire management for Lots 1, 3, 4, 10, 11 and 20 must be amended to be wholly within the lot it serves (and to not rely on an adjoining proposed lot).
    - 12.12.3 All future land uses must be provided with a connection to the reticulated water supply with sufficient flow and pressure (section 5.2 of the Bushfire Management Plan).
    - 12.12.4 The vegetation clearing for firebreak safety buffer shown in all figures is not approved. The vegetation clearing for firebreak safety must be updated to reflect the above items, be only a ten (10) metre firebreak along the property boundary (as per section 7 – mitigating potential bushfire impact) and consistent with the referral agency response.
- The amended bushfire management plan must be lodged and approved by Council prior to the lodgement of the survey plan.
- 12.13 Future private roads and access driveways must have a maximum length of seventy (70) metres.
  - 13.0 OPERATING PROCEDURES
  - 13.1 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](http://www.datsima.qld.gov.au)

##### NOTE 2. General Environmental Duty

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

##### NOTE 3. Natural Resource Management

- A. The land subject to the above development application must be free of declared pest plants; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011*; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- B. It is advised that part of the subject site is mapped by the Department of Resources, as containing Least Concern Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>
- C. It is advised that part of the subject site is mapped by the Department of Environment, Tourism, Science and Innovation as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Science.
- D. It is advised that the site is mapped as Matter of State Environmental Significance under the *Livingstone Planning Scheme 2018*, Overlay 7 Biodiversity – Habitat and Vegetation, and clearing may require a permit.

##### NOTE 4. General Safety Of Public During Construction

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

##### NOTE 5. Infrastructure Charges Notice

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

**NOTE 6. Building Location Envelopes**

The building location envelopes were used to support the decision however were not assessed as a Material Change of Use application. A future use on any lot may still require a Material Change of Use application. The building location envelopes were informed by a Bushfire Management Plan only (to address the Bushfire Hazard Overlay) under the *Livingstone Planning Scheme 2018*. Development outside of the Building Location Envelopes must be subject to assessment against the full planning scheme provisions and may conflict with the conditions of the Referral Agency Response.

**NOTE 7. Water and Sewerage Services**

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

**NOTE 8. Private Works**

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

**RECOMMENDATION C**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into twenty (20) lots and access and services easement), made by Northside Projects Pty Ltd, on Lot 7 on SP280825, and located at 255 Panorama Drive, Inverness, Council resolves to issue an Infrastructure Charges Notice for the amount of \$551,586.95.

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

**Seconded by:** Councillor Friend

**MOTION CARRIED**

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

Cr G Mather voted in the negative.

**13.9 COMMUNITY ORGANISATION REQUEST FOR TENURE (AMENDMENT TO LEASE TERM) - CAPRICORN COAST MARINE COMMUNITY INCORPORATED**

**File No:** qA82450

**Attachments:** 1. Current leases survey plans and other uses  
Lot 41 Resada Avenue

**Responsible Officer:** Molly Saunders - Manager Community and Cultural Services  
Andrea Ellis - Acting General Manager Communities  
Alastair Dawson - Interim Chief Executive Officer

**Author:** Laurie Rainbird - Principal Community Development and Engagement Officer

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**SUMMARY**

*This report pertains to a request for tenure over Council controlled land by Capricorn Coast Marine Community Incorporated.*

**COUNCIL RESOLUTION**

THAT Council resolves:

- (1) that the exception mentioned in section 236(1)(b)(ii) of the Local Government Regulation 2012 may apply in its dealing with the Capricorn Coast Marine Community Incorporated. over Lot 41 on LN1518
- (2) pursuant to section 236(2) of the Local Government Regulation 2012 to apply section 236(1)(b)(ii) of the Local Government Regulation 2012 in its dealing with Capricorn Coast Marine Community Incorporated. over Lot 41 on LN1518
- (3) to provide a trustee (due diligence) lease to the Capricorn Coast Marine Community Incorporated for a period of five years.

**Moved by:** Councillor Friend

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

**MOTION CARRIED UNANIMOUSLY**

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**13.10 TENURE REQUEST - CAWARRAL CRICKET CLUB INCORPORATED**

**File No:** LEA/370  
**Attachments:** Nil  
**Responsible Officer:** Laurie Rainbird - Principal Community Development and Engagement Officer  
Molly Saunders - Manager Community and Cultural Services  
Andrea Ellis - Acting General Manager Communities  
Alastair Dawson - Interim Chief Executive Officer  
**Author:** Carlyn Hepburn - Community Development and Engagement Officer

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**SUMMARY**

*This report seeks Council's consideration to approve the request from the Cawarral Cricket Club Incorporated for the tenure over whole of Lot 71 Annie Road.*

04:47PM Councillor Rothery left the meeting.

**COUNCIL RESOLUTION**

THAT Council resolves:

- 1) that the exception mentioned in Section 236(1)(b)(ii) of the *Local Government Regulation 2012* may apply in its dealing with the Cawarral Cricket Club Incorporated; and
- 2) pursuant to *Section 236(2)* of the *Local Government Regulation 2012*, apply *Section 236(1)(b)(ii)* in granting tenure to Cawarral Cricket Club Incorporated; and
- 3) to approve tenure for a ten (10) year period to Cawarral Cricket Club Incorporated over Lot 71 Annie Road.

**Moved by:** Councillor Watson

**Seconded by:** Councillor Friend

**MOTION CARRIED UNANIMOUSLY**

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**13.11 KEPPEL COAST ARTS - FIG TREE GALLERY AND WORKSHOP SPACE  
MANAGEMENT REPORT - FEB TO JUNE 2025**

**File No:** LIC/425.06

**Attachments:** 1. Keppel Coast Arts - Fig Tree Gallery and Workshop Space Management Report June 2025.

**Responsible Officer:** Andrea Ellis - Acting General Manager Communities  
Alastair Dawson - Interim Chief Executive Officer

**Author:** Molly Saunders - Manager Community and Cultural Services

**Previous Items:** 11.11 - Keppel Coast Arts - Fig Tree Gallery and Workshop Space proposed future management model. - Ordinary Council - 24 Oct 2023 9.00am

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**SUMMARY**

*The purpose of this report is to provide an update to Council of the activities undertaken by Keppel Coast Arts for the Fig Tree Gallery and Workshop Space for the period 1 February 2025 to 30 June 2025.*

04:48PM Councillor Rothery returned to the meeting.

**COUNCIL RESOLUTION**

THAT Council receive the Keppel Coast Arts – Fig Tree Gallery and Workshop Space Management Report for the period 1 February 2025 to 30 June 2025.

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

**MOTION CARRIED UNANIMOUSLY**

**13.12 COMMUNITY ENGAGEMENT - STANAGE BAY**

**File No:** fA80967  
**Attachments:** Nil  
**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer  
**Author:** Alastair Dawson - Interim Chief Executive Officer

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**SUMMARY**

*The Mayor, Cr Belot, Cr Mather and Cr Warcon recently travelled to Stanage Bay, with the Chief Executive officer, Mr Alastair Dawson, to meet with local residents and talk about issues which impact on their community well being and development.*

*A range of issues were identified but overwhelmingly the community is a vibrant example of community resilience and engaged support which sets an example for many of our regions in terms of community commitment to get things done.*

*The Community has expressed an interest in a new model for engagement and activation of services in Stanage Bay and the CEO is now currently exploring that within the organisation to support that community.*

**COUNCIL RESOLUTION**

THAT Council note the report.

**Moved by:** Mayor, Councillor Belot

**Seconded by:** Councillor Warcon

**MOTION CARRIED UNANIMOUSLY**



**THIS REPORT HAS BEEN PULLED OUT OF CONFIDENTIAL AGENDA DUE TO THE FUNDING BEING ANNOUNCED PUBLICALLY ON 18 AUGUST 2025.**

## **16.1 EAST WEST CONNECTOR (STAGE 1) DETAIL DESIGN FUNDING**

**File No:** 22-2025  
**Attachments:** Nil  
**Responsible Officer:** Michael Kriedemann - General Manager Transport & Utilities  
Alastair Dawson - Interim Chief Executive Officer  
**Author:** Arvind Singh - Manager Infrastructure Projects

### **SUMMARY**

*Council submitted a funding application under the Queensland Government's Residential Activation Fund (RAF) for \$25 million for the construction of the East West Connector Stage 1, designed to unlock and support the development of up to 1,500 new residential lots in Livingstone.*

*The East West Connector Stage 1 requires the design development and construction of three key projects; Rockhampton-Yeppoon Rd & Neils Rd Intersection, East West Corridor for approximately 2km and the Pineapple Drive Extension.*

*While construction of these projects are eligible costs funded through the RAF, pre-construction detail design activities are not an eligible cost and are required to be provided as part of Council's contribution.*

*This report outlines the estimated cost to complete all pre-construction activities, including detailed design, technical investigations such as site survey, and geotechnical, prepare and lodge statutory and regulatory approvals, and produce construction-ready tender documentation.*

*Council endorsement is sought to allocate funding from the existing general revenue fund to progress these critical pre-construction activities.*

### **COUNCIL RESOLUTION**

THAT Council resolve:

1. The report is received and noted; and
2. Allocate \$1.9 million towards pre-construction activities associated with the East West Connector (Stage 1) Project with \$1.53 million allocated in 2025/2026 and \$770,000 allocated in 2026/2027.

**Moved by:** Mayor Belot  
**Seconded by:** Councillor Warcon

**MOTION CARRIED UNANIMOUSLY**

## **13 URGENT BUSINESS\QUESTIONS**

## 14 CLOSED SESSION

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

### COUNCIL RESOLUTION

4.55PM

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.

#### 16.2 Great Keppel Island (GKI) Revetment Wall Project Funding

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Warcon

**MOTION CARRIED UNANIMOUSLY**

### COUNCIL RESOLUTION

5.05PM

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

**Moved by:** Councillor Mather

**Seconded by:** Councillor Watson

**MOTION CARRIED UNANIMOUSLY**

## 15 CONFIDENTIAL REPORTS

### 16.2 GREAT KEPPEL ISLAND (GKI) REVETMENT WALL PROJECT FUNDING

**File No:** 23-2025

**Attachments:** Nil

**Responsible Officer:** Michael Kriedemann - General Manager Transport & Utilities  
Alastair Dawson - Interim Chief Executive Officer

**Author:** Arvind Singh - Manager Infrastructure Projects

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

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#### SUMMARY

*Great Keppel Island's Putney and Fisherman's Beaches form the gateway for visitors arriving via the island's main jetty and are critical to the island's tourism economy, community amenity, and environmental character. However, these foreshore areas have been subject to progressive coastal erosion, storm surge damage, and shoreline retreat for more than a decade, posing a risk to public safety, built infrastructure, and long-term tourism operations.*

*This report seeks the Council's endorsement to initiate the GKI Revetment Wall and Sediment and Erosion Management Plan (SEMP) project formally, incorporate the works into the FY2025–26 and FY2026–27 budgets, and authorise officers to commence procurement alongside the Department of the Environment, Tourism, Sport and Innovation (DETSI) agreement signing.*

#### COUNCIL RESOLUTION

THAT Council resolve:

1. This report is received and noted;
2. ENDORSE the initiation of the GKI Revetment Wall – Planning, Business Case, Preliminary Design and Sediment and Erosion Management Plan project;
3. Allocate \$350,000 in the 2025/2026 operational budget and \$337,000 in the 2026/2027 operational budget to deliver this project.

**Moved by:** Councillor Warcon

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

**MOTION CARRIED UNANIMOUSLY**

## **16 CLOSURE OF MEETING**

There being no further business the meeting closed at 5.06 pm.

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Mayor Adam Belot  
CHAIRPERSON

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19/08/25