



ORDINARY MEETING

UNCONFIRMED MINUTES

16 SEPTEMBER 2025

The resolutions contained within these minutes will be confirmed at the Ordinary Council Meeting on the 27 October 2025.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 16 SEPTEMBER 2025 COMMENCING AT 11:00 AM**1 OPENING****Acknowledgement of Country**

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

Opening Prayer

The opening prayer was delivered by Cr Pat Eastwood.

2 PRESENT**Members Present:**

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

Apology:

Councillor Lance Warcon

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)
Kylie Keech – Executive Support Officer (Minute taker)
Lynda Bayliss – Executive Support Officer (Minute taker)
Greg Abbotts – Manager Development & Environment
Gretta Cowie – Planning Officer
Melissa Warwick – Principal Strategic Planner
Sean Fallis – Manager Engineering Services
Kristy Mansfield – General Manager Corporate Services
Molly Saunders – Manager Community & Cultural Services
Laurie Rainbird – Principal Community Development & Engagement Officer
Christine MacDonald – Principal Property Officer

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE FOR COUNCILLOR LANCE WARCON

File No: GV14.4.1

Attachments: Nil

Responsible Officer: Alastair Dawson - Interim Chief Executive Officer

SUMMARY

Councillor Lance Warcon has requested leave of absence for the Council Meeting on 16 September 2025 due to personal reasons.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Lance Warcon.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 19 August 2025 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

UNCONFIRMED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Conflict of Interest Declared - Councillor Not Participate

COUNCIL RESOLUTION

Pursuant to Section 150EQ, as defined in Section 150EN of the Local Government Act, Councillor Wade Rothery declared a conflict of Interest in Item 13.12 - L.1 – Development Application – MCU for High Impact Industry – 3-5 Pineapple Drive, Hidden Valley and declared the following:

I, Councillor Wade Rothery, declare I have a conflict of interest in respect to Item L.1 as I own a property 500m from the proposal. Councillor Rothery has decided to not participate in the consideration and voting of this matter and will leave the meeting room while this item is being discussed.

Conflict of Interest Declared - Councillor Not Participate

COUNCIL RESOLUTION

Pursuant to Section 150EQ, as defined in Section 150EN of the Local Government Act, Mayor Adam Belot declared a conflict of Interest in Item 13.6 – Cooe Bay Master Plan and declared the following:

I, Mayor Adam Belot, declare I have a conflict of interest in respect to Item 13.6 as I own a property in the area. Mayor Belot has decided to not participate in the consideration and voting of this matter and will leave the meeting room while this item is being discussed.

Conflict of Interest Declared - Councillor Not Participate

COUNCIL RESOLUTION

Pursuant to Section 150EQ, as defined in Section 150EN of the Local Government Act, Deputy Mayor Pat Eastwood declared a conflict of Interest in Item 13.6 – Cooe Bay Masterplan and declared the following:

I, Deputy Mayor Pat Eastwood, declare I have a conflict of interest in respect to Item 13.6 as I own a property in the area. Deputy Mayor Eastwood has decided to not participate in the consideration and voting of this matter and will leave the meeting room while this item is being discussed.

6 DEPUTATIONS

6.1 11:00AM - DEPUTATION - YEPPOON RSL SUB BRANCH

File No: fA2214
Attachments: Nil
Responsible Officer: Alastair Dawson - Interim Chief Executive Officer
Author: Lynda Bayliss - Executive Support Officer

SUMMARY

Jeffrey McIlroy, President of Yeppoon RSL Sub Branch, will present to Council regarding:

- 1. the current Status of the RSL.*
- 2. what community organisations the RSL is in partnership with.*
- 3. the direction the RSL is going in and future events.*
- 4. the RSL is reaching out to the LSC to increase synergy and to become more involved in major community events in a partnership with the LSC.*

An Officers Report will be presented in this meeting.

COUNCIL RESOLUTION

THAT the deputation be received.

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

Meeting Proceeds to Item 13.1

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 13.1 - Yeppoon RSL Sub-Branch request for support for ANZAC Day Commemorative Events and then returns to the next item of business

Moved by: Councillor Friend
MOTION CARRIED UNANIMOUSLY

**13.1 YEPPOON RSL SUB-BRANCH REQUEST FOR SUPPORT FOR ANZAC DAY
COMMEMORATIVE EVENTS****File No:** fA2540**Attachments:** Nil**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
Carlyn Hepburn - Community Development and
Engagement Officer**SUMMARY**

The purpose of this report seeks Council's consideration of a request for support received by the Yeppoon RSL Sub-branch for ANZAC Day commemorative events.

COUNCIL RESOLUTION

THAT Livingstone Shire Council resolves to provide an annual cash sponsorship of \$10,000.00, in-kind venue hire (Beaman Park), and in-kind labour (supply and installation of carpark closure signage) to the Yeppoon RSL Sub-branch for Yeppoon ANZAC Day commemorative events. This sponsorship will be reviewed annually at officer level, with any material change being communicated back to council for decision.

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

6.2 11:30AM - DEPUTATION - LANCINI PROPERTY GROUP - D-246-2024 - 181 TARANGANBA ROAD, TAROOMBALL

File No: fA2214
Attachments: Nil
Responsible Officer: Alastair Dawson - Interim Chief Executive Officer
Author: Kylie Keech - Executive Support Officer

SUMMARY

Lancini Property Group will be presenting in D-246-2024 – 181 Taranganba Road Taroomball.

An Officers Report will be presented in this meeting.

COUNCIL RESOLUTION

THAT the deputation be received.

Moved by: Councillor Mather
Seconded by: Councillor Rothery
MOTION CARRIED UNANIMOUSLY

Meeting Proceeds to Item 13.2**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 13.2 - Development Application D-246-2024 for a Development Permit for a Material Change of Use for a Shopping centre, Reconfiguring a Lot (one lot into two lots and access easement), and Operational Works for native vegetation clearing and returns to the next item of business

Moved by: Councillor Friend
MOTION CARRIED UNANIMOUSLY

13.2 DEVELOPMENT APPLICATION D-246-2024 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOPPING CENTRE, RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT), AND OPERATIONAL WORKS FOR NATIVE VEGETATION CLEARING

File No: D-246-2024

Attachments:

1. Locality
2. Overlays
3. Architectural Plans
4. Code Assessment
5. Peer Review Report
6. Economic Need Peer Review

Responsible Officer: 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

Application number: D-246-2024

Applicant: Landcorp Pty Ltd

Consultant: Therefor Group

Real Property Address: Lot 3 on RP617327

Area of Site: 10.9 hectares

Planning Scheme: Livingstone Planning Scheme 2018 version 3

Planning Scheme Zone: Emerging community zone

Planning Scheme Overlays: OM01 – Acid sulfate soils
 OM02 – Agricultural land classification
 OM07 – Biodiversity – habitat and vegetation of significance
 OM12 – Bushfire hazard area
 OM15 – Drainage problem area
 OM17 – Flood hazard area
 OM20 – Road hierarchy
 OM21 – Scenic amenity
 OM22 – Transport infrastructure
 OM27 – Height limits

Existing Development: Dwelling house and outbuildings

Level of Assessment: Impact assessable

Submissions: Five (5) submissions received (one (1) of which was withdrawn, and 1 was received outside of the formal public notification period and was not properly made)

Referral matters: Material change of use impacting on state transport infrastructure (10.9.4.1.1)

Reconfiguring a lot in proximity to a state-controlled road (10.9.4.2.1)

Reconfiguring a lot adjacent to a state-controlled road (10.9.4.2.3.1)

Material change of use in proximity to a state-controlled road (10.9.4.2.4.1)

Third party referral: Not applicable

Infrastructure Charge Area: 3

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material change of use (shopping centre), Development Permit for Reconfiguring a lot (1 lot into 2 lots and access easement), and Development Permit for Operational works (native vegetation clearing), pursuant to Section 51 of the *Planning Act 2016*, made by Landcorp Pty Ltd, Council resolves to Approve the application pursuant to Section 60 of the *Planning Act 2016*, as the assessment manager is satisfied that:

1. Demonstrated Economic Need

- a) Independent peer review confirms sufficient demand for a new Local Centre from 2028, ensuring viability and avoiding undue impacts on existing centres.
- b) Trading impacts on established centres are within the bounds of normal competition.

2. Planning Need and Lack of Suitable Alternatives

- a) No suitably zoned or available land exists within the current network of centres to accommodate the development.
- b) Sequential site analysis demonstrates that alternative sites (e.g., Yeppoon Major Centre land, Emu Park future centre) are unsuitable due to land size, heritage constraints, or insufficient proximity to the catchment.

3. Strategic Location

- a) Site is at the corner of Tanby Road and Taranganba Road – a highly accessible location within an area of planned and emerging residential growth.
- b) Well-positioned to serve nearby residential communities
- c) The site is capable of future connection to public and active transport networks.

4. Consistency with Local Planning Intent

- a) While outside the formally mapped centre network, the development supports the Planning Scheme's outcomes of convenience, accessibility, and efficient provision of goods and services to residential communities.
- b) Provides a Local Centre scale development (supermarket, specialty retail, food & drink) serving week-to-week convenience needs of households.

5. Traffic and Transport Outcomes

- a) Supported by a detailed Traffic Impact Assessment with intersection upgrades already planned by Council/DTMR.
- b) Access arrangements and car parking provision ensure safe and efficient operation without unacceptable traffic impacts.

6. Integration with Surrounding Development

- a) Proposal complements ongoing residential growth and provides a logical focal point for the community.
- b) Contributes to a balanced settlement pattern by reducing reliance on higher-order centres for convenience needs.

7. Environmental and Amenity Management

- a) Vegetation impacts will be offset through rehabilitation and landscaping (buffers to Tanby Road and Taranganba Road).
- b) Stormwater, bushfire, and flood management assessments confirm the development will not worsen off-site conditions or increase hazard risks.
- c) Design incorporates landscaping, pedestrian connectivity, and building articulation to achieve a high-quality built form outcome.

8. Infrastructure and Servicing

- a) The site can be serviced by existing or planned urban infrastructure networks (water, sewer, electricity, telecommunications, and stormwater).

9. Community and Economic Benefits

- a) Provides new employment opportunities during both construction and operation.
- b) Delivers convenient retail and services for a growing residential catchment, improving community access and reducing travel demand.

10. Reasonable Conditions Can Apply:

- a) Any residual technical or environmental matters (e.g., vegetation clearing, landscaping, transport upgrades) can be managed via reasonable and relevant conditions of approval.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Shopping Centre, Reconfiguring a lot (one lot into two lots and access easement) and Operational Works for Native Vegetation Clearing at 181 Taranganba Road, Taroomball QLD 4703, pursuant to Section 50 of the *Planning Act 2016*, made by Lancorp Pty Ltd, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role 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 development approval must be undertaken, completed and accompanied by a certificate of compliance for any Operational Works required by this development approval:
 - 1.4.1 to Council's satisfaction;
 - 1.4.2 at no cost to Council; and
 - 1.4.3 prior to the commencement of use.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use,

unless otherwise stated.

- 1.6 All works must be designed, constructed and maintained in accordance with Capricorn Municipal Development Guidelines (CMDG), Queensland Urban Drainage Manual (QUDM), relevant guidelines, standards (including Australian Standards) and Council policies and certified by a suitably qualified Registered Professional Engineer of Queensland.
- 1.7 The following further Development Permit must be obtained prior to the commencement of any works associated with their purposes:
- 1.7.1 Plumbing and Drainage Works.
- 1.7.2 Building Works.
- 1.7.3 Operational Work.
- 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:

Plan/Document Name	Reference	Dated
Overall Site Plan	DA100, Revision R	5 August 2025
Development Plan	DA200, Revision A-C	20 August 2025
Overall Roof Plan	DA210, Revision M	5 August 2025
Demolition Plan	D220, Revision E	30 June 2025
Building Elevations	DA400, Revision J	5 August 2025
Overall Site Sections	DA500, Revision K	5 August 2025
Overall Building Sections	DA510, Revision H	5 August 2025
Concept Plan (Traffic)	Figure B, Revision 1	29 June 2025
Vehicle & Pedestrian Circulation Diagrams Prepared by Hames Sharley	DA920 Revision H	24 October 2024
Impervious & Easement Plan Prepared by Hames Sharley	DA930 Revision L	24 October 2024
Traffic Impact Assessment Report Prepared by Traffic	DA930 Revision K	5 August 2025

Transport Plus		
<p>Taranganba Road Site Access Arrangements Concept Plan</p> <p>Prepared by Traffic Transport Plus</p> <p>Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.</p>	Figure A Revision 2	17 October 2024
<p>Dimension Check (Stage 1)</p> <p>Prepared by Traffic Transport Plus</p> <p>Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.</p>	Figure D1 Revision 6	17 October 2024
<p>Dimension Check (Stage 1)</p> <p>Prepared by Traffic Transport Plus</p> <p>Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.</p>	Figure D2 Revision 6	17 October 2024
<p>Swept Path of an HRV (F & B)</p> <p>Prepared by Traffic Transport Plus</p> <p>Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.</p>	Figure D3 Revision 6	17 October 2024
<p>Swept Path of an HRV (Shops)</p> <p>Prepared by Traffic Transport Plus</p> <p>Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.</p>	Figure D4 Revision 6	17 October 2024
<p>Swept Path of an AV (Supermarket)</p>	Figure D5 Revision 6	17 October 2024

Prepared by Traffic Transport Plus Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.		
Hydraulic Impact & Stormwater Quantity Assessment Prepared by Biome Water and Environmental Consulting	BC-24016 Version 2	15 October 2024
Conceptual Stormwater Management Plan Prepared by Biome Water and Environmental Consulting	BC-24016 Version 1	19 July 2024
Civil Engineering Report Prepared by MPN Consulting Pty Ltd	10057	28 June 2024

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

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

3.0 RECONFIGURING A LOT

3.1 The reconfiguring a lot is for one lot into two lots, and access easement.

3.2 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).

3.3 All lots must be separately connected to services.

4.0 DELAY TO COMMENCEMENT OF USE

4.1 The use of premises must not commence prior to 1 January 2028.

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 on the site associated with the development.

5.2 All works must be designed and constructed in accordance with the approved plans, Traffic Engineering Report (refer to condition 2.1), Capricorn Municipal Development Guidelines and relevant Australian Standards.

5.3 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.

- 5.4 Taranganba Road, along the full frontage of the subject property, except the proposed accesses and associated turn treatments and signalised treatments, or the intersection with Tanby Road, must be designed and constructed to urban sub-arterial standard. The vertical geometry of the road must consider the future upgrading of Ross Creek crossing on Taranganba Road. Under any application of Operational Works (road works), detailed design of the upgrading must be provided.

Under any application of Operational Works (road works), the 2-dimensional flood model under the approved Hydraulic Impact & Stormwater Quantity Assessment (refer to Condition 2.1) must be reviewed and updated if required, to include the detailed design of the Taranganba Road upgrading.

- 5.5 The proposed western access via Taranganba Road must be left-in, left-out only, no right hand turn from Taranganba Road is approved.
- 5.6 The proposed eastern access via Taranganba Road must be a four-way signalised intersection, in general in accordance with the recommendations under the approved Traffic Impact Assessment Report and associated plans (refer to Condition 2.1).
- 5.7 The intersection of Tanby Road & Taranganba Road must be upgraded in general in accordance with the recommendations under the approved Traffic Impact Assessment Report (refer to Condition 2.1).
- 5.8 Bus set-down areas, including all weather shelter must be designed and constructed in accordance with the *Public Transport Infrastructure Manual*. The bus set-down areas must be located along both sides of Taranganba Road. Details of the bus set-down area must be provided with any application for a Development Permit for Operational Works (road works).
- 5.9 Retaining structures must not be constructed within road reserves unless approved as part of a Development Permit for Operational Works (road works).
- 5.10 A shared concrete footpath must be constructed in accordance with *Capricorn Municipal Development Guidelines*, along all road frontages.
- 5.11 All pathways and access ramps must be designed and constructed in accordance with Australian Standard AS1428 "Design for Access and Mobility".
- 5.12 All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*. All pathways must incorporate kerb ramps at all road crossing points.

6.0 ACCESS WORKS

- 6.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines and Australian Standard AS2890.1 "Off Street Car Parking".
- 6.3 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 6.4 All ingress and egress movements to and from the development must be in a forward direction.
- 6.5 A minimum of two hundred and eighty (280) car spaces, including
- 6.5.1 246 Standard car parking bays;
 - 6.5.2 7 PWD Car parking bays;
 - 6.5.3 2 PWD Taxi Bays;
 - 6.5.4 6 Van parking spaces

- 6.5.5 10 Staff parking bays;
- 6.5.6 6 Supermarket pickup bays; and
- 6.5.7 3 Fast food drive-through waiting bays.

- 6.6 Universal access spaces must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 6.7 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.
- 6.8 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"*.
- 6.9 Any redundant vehicular crossing(s) must be removed and replaced with Council's standard kerb and channel in accordance with the *Capricorn Municipal Development Guidelines*.

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 network.
- 7.4 A new sewerage main must be designed and constructed in accordance with the recommendation under the Civil Engineering Report prepared by MPN Consulting Pty Ltd (refer to condition 2.1).
- 7.5 A new sewerage connection point must be provided to service the development.
- 7.6 Easements must be provided over all sewerage infrastructure located within private property, if any. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

8.0 WATER WORKS

- 8.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 8.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, the Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 8.3 The development must be connected to Council's reticulated water network.
- 8.4 Water connection point must not be connected to the existing 375mm diameter water main along Taranganba Road. A new water main with appropriate size must be designed and constructed to connect to the existing 375mm diameter water main along Taranganba Road and to service the development. A new water connection point must be provided at this new water main to service the development.
- 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 PLUMBING AND DRAINAGE WORK

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

9.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Plumbing and Drainage Works.

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

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

10.0 BUILDING WORKS

10.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works, including any retaining structures, on the site.

11.0 STORMWATER WORKS

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

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

11.3 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*.

11.4 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.

11.5 Any application for Operational works (stormwater works) must include;

11.5.1 Detailed designs for the inlet and outlet systems for the proposed detention systems and swale drain(s);

11.5.2 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*.

11.5.3 Details to demonstrate vehicular, pedestrian amenity and safety criteria are met in accordance with *Queensland Urban Drainage Manual*; and

11.6 Ongoing maintenance and management

12.0 EARTHWORKS

12.1 A Development Permit for Operational Works (bulk earthworks) must be obtained prior to the commencement of any site works.

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

12.2.1 the location of cut and/or fill;

12.2.2 the type of fill to be used and the manner in which it is to be compacted;

12.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill

levels;

12.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site;

12.2.5 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, and

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

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

13.0 ROOF AND ALLOTMENT DRAINAGE WORKS

13.1 Roof drainage systems of any proposed buildings and overland flow paths within the site must be designed and constructed in accordance with the Queensland Urban Drainage Manual.

14.0 ENVIRONMENTAL

14.1 Submit, as part of a Development Application for Operational Works, a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

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

14.2 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works

14.3 Submit, as part of a Development Application for Operational Works, a site-specific Erosion and Sediment Control Plan, which is certified by Certified Professional in Erosion and Sediment Control (CPESC) or suitably qualified Registered Professional Engineer of Queensland (RPEQ) with experience in writing erosion and sediment control plans.

14.4 The Erosion and Sediment Control Plan must:

14.4.1 Be prepared in accordance with the local best practice engineering reference standards and guidelines identified in SC7.13.3.1. of the Livingstone Planning Scheme 2018.

14.4.2 Demonstrate how the design objectives identified in Table 9.3.2.4.7. of the Development Works Code of the Livingstone Planning Scheme 2018 in effect

at the time of making a Development Application for Operational Work will be achieved.

Advice Note: High efficiency sediment basins are the most effective way to achieve this outcome. Regular sampling must be undertaken in accordance with a sampling program specified in the site specific EMP and evidence of water quality leaving the site must be provided to an authorised officer upon request.

- 14.4.3 Identify sampling locations and sampling frequency. The water quality of discharge flows must be measured at each concentrated discharge point from the site and achieve < 50mg/L total suspended solids (or 60ntu) and maintain pH in the range 6.5 to 8.5 at the point of discharge from the site.
- 14.4.4 Identify suitable stages of works in order to minimise the area of soil exposed at any one time. Soil disturbances must be staged into manageable sized areas to ensure adequate erosion and sediment control management and progressive stabilisation of disturbed surfaces.
- 14.4.5 Set suitable hold points throughout the construction phase.
- 14.4.6 Identify short (temporary) and long-term (permanent) stabilisation measures for all exposed soils.
- 14.4.7 For peak flow for the 1-year and 100-year ARI event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site.
- 14.4.8 All site entry/exit points must have a suitable and approved rumble strip to minimum 15m in length and to fit the width of the entry which prevents vehicle tracked sediment leaving the site.
- 14.4.9 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.
- 14.5 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available onsite for inspection by Council Officers during those works.
- 14.6 Development enhances or maintains the existing surface water hydrological regime of all areas containing matters of environmental significance.
- 14.7 A "Planting Plan" and supporting documentation must be prepared and is to include, but not limited to:
 - (i) trees, shrubs and groundcovers to all areas;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging);
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting. Endemic species must be incorporated in the landscaping and a recommended plant list will be available from the Council's NRM Officers on suitable endemic species; and
 - (v) a maintenance schedule over three (3) years including a weed management and replanting program.
- 14.8 Adequate drainage and erosion control devices are required on access routes to prevent erosion and sedimentation impacts to matters of environmental significance and areas identified as scenic amenity, erosion prone or steep land.

15.0 ELECTRICITY AND TELECOMMUNICATIONS

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

16.0 ASSET MANAGEMENT

- 16.1 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.
- 16.2 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.
- 16.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

17.0 WASTE COLLECTION

- 17.1 Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Part 9.3.1 General development code of the Livingstone Shire Planning Scheme, and in particular:
- 17.1.1 A waste storage area must be provided of sufficient size to accommodate the waste storage needs of each dwelling or non-residential component of the development;
 - 17.1.2 Waste storage areas must be imperviously sealed, with a hose cock fitted in close proximity to the enclosure.
 - 17.1.3 All waste storage areas are screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres.
 - 17.1.4 The minimum overhead clearance required for refuse collection is 6.5 metres. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance must be maintained at all times.
 - 17.1.5 Where Council is the relevant service provider for waste collection, provide easements over all vehicle manoeuvring areas to facilitate lawful access to waste receptacles.
 - 17.1.6 All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

18.0 OPERATIONAL WORK – VEGETATION CLEARING

- 18.1 All trees cleared must be felled away from adjoining vegetation.
- 18.2 Retained trees must be protected from impacts of adjacent clearing or earthworks through use of exclusion fencing or protective barriers as per Australian Standard 4970 – 2009 Protection of Trees on Development Sites.
- 18.3 Cleared native vegetation should be mulched and spread on areas of bare ground. Where this is unable to be achieved, vegetation must be disposed of at a suitable

- place of disposal. Burning is generally not permitted unless the relevant fire authority issues a permit.
- 18.4 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.
- 18.5 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for future landscaping purposes, or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt unless a fire permit has been issued.
- 18.6 A suitably qualified fauna spotter / catcher must be engaged to be onsite during vegetation felling activities to ensure fauna and habitat management actions are taken as required. All clearing works must be halted if fauna is likely to be injured.
- 18.7 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. The purpose of the meeting is to identify vegetation to be cleared and discuss rehabilitation works.
- 18.8 A Local Wildlife Management Plan must be submitted to Council prior to the commencement of works. The Plan must include, but not be limited to, the following information:
- 18.8.1 The potential direct and indirect impacts of both the construction and operation phase of the proposed development to the wildlife wellbeing / colony / roost / breeding places;
- (i) How this is to be monitored, evaluated and reported; and
 - (ii) The mitigation options which will be utilized to minimize the potential impacts on the wildlife and their habitat.
- 18.9 Natural areas degraded as a result of development are rehabilitated by the proponent as near as is practicable to the naturally occurring local native plant species and ecological communities.
- 18.10 Comprehensive weed management must be undertaken during the defects period of 12 months to ensure the landscape vegetation can establish.
- 19.0 OPERATIONAL WORKS – CLEARING VEGETATION - ENVIRONMENTAL MANAGEMENT
- 19.1 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.
- 19.2 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.
- 19.3 Dust is to be kept at a minimum at all times. Dust suppression methods must be used on a regular basis and in the event that high winds prevail, works are to cease.
- 19.4 The Principal Contractor is responsible for ensuring that all aspects of environmental management are complied with at all times.
- 19.5 The principal contractor must 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.

- 19.6 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.
- 19.7 All sediment/silt fencing is to be checked daily and cleaned out after all rain events to ensure they remain effective.
- 19.8 At completion of works or staged sections of works, disturbed/exposed soil areas must be permanently stabilised as soon as practicable using methods which will achieve effective short-term stabilisation. Non-toxic soil binder is recommended for use on exposed soils prior completion of works and prior removal of sediment controls.
- 19.9 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.

ADVISORY NOTES

- NOTE 1. Contaminated Land: Pursuant to the *Environmental Protection Act 1994* in relation to Contaminated Land, if the owner or occupier of land becomes aware a notifiable activity is being carried out on the land, the owner or occupier must, within 22 business days after becoming aware the activity is being carried out, give notice to the relevant State administering authority in the approved form.
- NOTE 2. 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 3. Aboriginal Cultural Heritage: It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander and Multicultural Affairs website <https://www.dsdsatsip.qld.gov.au/>
- NOTE 4. 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 5. Environmental: The land subject to the above development application must be free of declared pest plants; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011*; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

- NOTE 6. Vegetation: It is advised that part of the subject site is mapped by the Department of Resources as containing Least Concern Regrowth Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>
- NOTE 7. 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 8. Infrastructure Charges: The land uses proposed are subject to infrastructure charges in accordance with Council policies. The charges will be presented on an Infrastructure Charges Notice, supplied with this decision notice.
- NOTE 9. Licensable Activities: Should an activity licensable by Livingstone Shire Council be proposed for the premises, Council's Environmental Health Unit must be consulted to determine whether any approvals are required. Such activities may include food business licensing or devolved Environmental Relevant Activity. Approval for such activities is required before 'fit out' and operation.

Moved by: Deputy Mayor, Councillor Eastwood

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

UNCONFIDENTIAL

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: fA2206

Attachments: 1. Business Outstanding Table - September 2025

Responsible Officer: Alastair Dawson - Interim Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Mather

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

Meeting Proceeds to the L.1

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 L.1 Development Application - MCU for High Impact Industry - 3-5 Pineapple Drive, Hidden Valley and then return to next item of business

Moved by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

12:21PM Councillor Rothery left the meeting due to a Conflict of Interest declared (refer to Page 4.

13.12 - L.1 DEVELOPMENT APPLICATION - MCU FOR HIGH IMPACT INDUSTRY - 3-5 PINEAPPLE DRIVE, HIDDEN VALLEY

File No: D-137-2025

Attachments:

1. Locality Plan and Existing Building
2. Overlays
3. Proposal Plans

Responsible Officer: Alastair Dawson - Interim Chief Executive Officer

Author: Greg Abbotts - Manager Development and Environment

SUMMARY

Applicant: Keppel Brand c/- Engineering Applications

Consultant: c/- Bartley Burns

Real Property Address: L 23 SP 321551

Area of Site: 1.5 ha

Planning Scheme: *Livingstone Planning Scheme 2018*

Planning Scheme Zone: Emerging Communities

Planning Scheme Overlays: OM02 Agricultural Land Classification
OM12 Bushfire Hazard Overlay
OM15 Drainage Problem Area
OM22 Transport Infrastructure
OM27 Height Limits

Existing Development: Medium Impact Industry

Level of Assessment: Impact Assessable

Submissions: 11 Submissions received

Referral matters: Environmentally relevant activities
Infrastructure related referrals - electricity infrastructure

Infrastructure Charge Area: Charge Area 1/2

Application progress:

Application received:	28 April 2025
Application properly made:	28 April 2025
Confirmation notice issued:	26 May 2025
Information request issued:	27 March 2025
Information request response received:	29 July 2025
Public notification period:	7 August - 28 August
Notice of compliance received:	28 August 2025
Submission consideration period:	N/A
Ergon response:	29 May 2025

Decision period commenced:	(35 days) less any IR time
Additional information from applicant received:	Bushfire Hazard Assessment Landscape Concept Plan
Council workshop date:	9 September 2025
Council meeting date:	16 September 2025
Statutory determination date:	20 October 2025

COUNCIL RESOLUTION

THAT

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for a High Impact Industry (meat processing facility), made by Engineering Applications, on Lot 23 on SP321551 and located at 3-5 Pineapple Drive, Hidden Valley Council resolves to Approve the application given pursuant to Section 45(5)(b) of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks where relevant matters have been established in support of the development as follows:

- (a) The site is included in the Gateway Business and Industry Park, a clearly defined and transitioning area with an approved structure and vision for industrial use. The Gateway Business and Industry Park Code reflects the most current planning intent and provides the more relevant assessment framework under the changed circumstances. The development is consistent with the intent for the Gateway Business and Industry Park.
- (b) The development will result in significant employment and economic benefit for the Shire and its residents, and enables the growth of a local business that would otherwise not be accommodated on the Capricorn Coast.
- (c) The development will utilise an existing, incomplete industrial building that has been the subject of significant investment. There is benefit to the surrounding precinct, and Shire generally, to see this building completed and utilised for productive purposes.
- (d) The proposed development is not better located elsewhere, particularly noting the proposal's ability to utilise an existing building and site.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a High Impact Industry (meat processing facility), made by Engineering Applications, on Lot 23 on SP321551 and located at 3-5 Pineapple Drive, Hidden Valley 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) Stormwater Works;
 - (ii) Access Works;
 - (iii) Site Works; and
 - (iv) Landscaping Works.
 - 1.6.2 Building Works; and
 - 1.6.3 Plumbing and Drainage Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan - Proposed - Overall	DD-S00428-A004-B	05/09/2024
Site Development Plan	DD-S00428-A005-E	05/09/2024
3d Perspectives	DD-S00428-A006-B	05/09/2024
Floor Plan - Overall	DD-S00428-A101-C	05/09/2024
Floor Plan - Proposed Extension	DD-S00428-A102-E	05/09/2024
Floor Plan -Proposed Process Fitout	DD-S00428-A103-F	05/09/2024
Floor Plan -Proposed Existing Office Fitout	DD-S00428-A104-C	05/09/2024
Elevations	DD-S00428-A201-E	05/09/2024

Sections	DD-S00428-A301-E	05/09/2024
Traffic Engineering Report	Modus Traffic Engineer	31/01/2025
Site Based Stormwater Management Plan	ENAP0222-SBSMP	03/02/2025
Noise Impact Assessment	16433-R1	27/03/2025
Air Quality Impact Assessment	16433-R0	25/03/2025
Bushfire Hazard Assessment Report	-	07/2025
Landscape Concept Plan	-	-

- 2.2 The 'Future Expansion' and '6m Wide Future Driveway' depicted on the site plan are not approved under this development permit.
- 2.3 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.
- 2.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS WORKS
- 3.1 All vehicular access to and from the site must be via Pineapple Drive only. Direct vehicular access to Golden Circuit is prohibited.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Off Street Car Parking"*.
- 3.3 Any proposed new vehicle access must be designed and constructed to the development in accordance with the *Capricorn Municipal Development Guidelines*, must be:
- 3.3.1 In accordance with the drawing CMDG-R-042 revision G, "*Type A – Two Way Access Commercial Driveway Slab*"; and
- 3.3.2 Located a minimum of one (1) meter away from any sewer connections, access chambers, valves, fire hydrant, water meter boxes, and any other utility services.
- Any non-compliant vehicle access driveway will require a Development Permit for Operational Works (access works) prior to the commencement of any vehicle access works associated with that lot.
- 3.4 A minimum of forty (40) off-street parking spaces (including universal access spaces) must be provided.
- 3.5 Access, parking, and associated manoeuvring areas must be sealed using bitumen, concrete, or another surface approved by Council as part of a Development Permit for Operational works (access and parking works).
- 3.6 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs and pavement markings in accordance with Manual of Uniform Traffic Control Devices (Queensland).

- 3.7 Traffic control signs and pavement line markings must be installed in accordance with the Manual of Uniform Traffic Control Devices – Queensland, to direct internal traffic within the facility to maintain traffic and pedestrian safety.
- 3.8 All ingress and egress traffic movements to and from the development must be in a forward direction (forward gear).
- 3.9 All stormwater runoff from car parks and vehicular manoeuvring areas must be discharged lawfully in accordance with State Planning Policy.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 The development must be connected to Council's reticulated water and sewer infrastructure services.
- 4.2 The existing sewerage and water connection point must be retained, and upgraded if necessary, to service the development.
- 4.3 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.
- 4.4 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.
- 4.5 Water meter boxes and sewer connections located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with trafficable lids.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any roof and allotment drainage 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, relevant Australian Standards, the approved Stormwater Management Plan and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 5.3 All stormwater including roof water and allotment runoff must achieve demonstrated lawful discharge in accordance with State Planning Policy 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.
- 6.0 STORMWATER WORKS
- 6.1 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice.
- 6.2 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 6.3 The proposed development must not increase peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.

- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 7.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 7.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 7.4 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.
- 7.5 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.
- 7.6 A detailed inspection and as constructed record must be provided to Council by the consultant Registered Professional Engineer of Queensland prior to acceptance of the works. The consultant must include in the certification confirmation that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.
- 7.7 The detailed inspection and As Constructed record must demonstrate to Council that the wall construction work was closely monitored throughout construction by the Registered Professional Engineer of Queensland including the achieved foundation ground conditions.
- 7.8 The approved design and/or the construction of the retaining walls must not be modified or altered without Council's prior written approval.
- 7.9 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.
- 7.10 All site works must be undertaken to ensure that there is:
- 7.10.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 7.10.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 7.10.3 a lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.
- 8.0 **BUILDING WORKS**
- 8.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

9.0 LANDSCAPING WORKS

- 9.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any site works.
- 9.2 The application for a Development Permit for Operational Works (landscaping works) must be accompanied by for construction landscaping plans that:
- (i) are generally consistent with the approved Landscape Concept Plan (refer to condition 2.1).
 - (ii) provide a minimum 20m wide landscaped buffer to the eastern boundary of the site adjoining Golden Circuit. The vegetation buffer must assist with visually screening the development from Golden Circuit and must be established with fast growing or mature screening species that are endemic to the location.
 - (iii) identify tree planting to site frontages, which will achieve a canopy spread over 50% of the site frontage within 5 years of planting.
- 9.3 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.
- 9.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 9.5 Root barriers must be provided between proposed trees and relevant infrastructure.
- 9.6 All landscaping must be constructed and or established, prior to the commencement of the use.
- 9.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

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 Submit, as part of a Development Application for Operational Works, a detailed Environmental Management Plan, which addresses, but is not limited to, the following

matters:

- (i) water quality and drainage;
- (ii) interim drainage plan during construction;
- (iii) construction programme including operating times;
- (iv) emergency vehicle access;
- (v) noise and dust suppression; and
- (vi) 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 Any lighting associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with 'Australians Standard AS4282 – Control of the obtrusive effects of outdoor lighting'.

- 12.7 Undertake the activity in a manner that does not allow environmental nuisance or water contamination caused by construction material, noise, aerosols, particles dust, ash, fumes, light, odour and smoke, which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.
- 13.0 OPERATING PROCEDURES
- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Pineapple Drive or Golden Circuit.
- 13.2 The operation of the development is permitted to operate 6am to 7pm, Monday to Saturday, unless otherwise approved by Council.
- 13.2.1 Cooking and processing operations are limited only to occur between 6am to 6pm, Monday to Saturday;
- 13.2.2 Deliveries, dispatch, loading and unloading of vehicles is limited to only occur between 6:30am to 6pm.
- 13.3 Record all complaints received relating to the development in a register that includes, as a minimum:
- (i) date and time when complaint was received;
 - (ii) complainants details including name and contact information;
 - (iii) reasons for the complaint;
 - (iv) investigations undertaken and conclusions formed;
 - (v) actions taken to resolve this complaint, including the time taken to implement these actions;
 - (vi) include a notation in the register as to the satisfaction (or dissatisfaction) of the complainant with the outcome.
 - (vii) Prepare and provide a response to the complainant with 48 hours of receipt of the complaint.
 - (viii) Provide an up to date copy of the register if requested by Council.
- 13.4 All waste storage areas must be:
- 13.4.1 kept in a clean and tidy condition;
- 13.4.2 is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.8 metres;
- 13.4.3 has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system;
- 13.4.4 is within proximity to a hose cock;
- 13.4.5 is not located within three (3) metres of the common property boundary where adjoining a lot within a residential category zone;
- 13.4.6 is large enough to accommodate at one (1) or more industrial bins of a size appropriate to the nature and scale of use; and
- 13.4.7 maintained in accordance with *Environmental Protection Regulation 2019*.

14.0 AIR QUALITY

14.1 The development is to be undertaken in a manner that:

- 14.1.1 complies with the assumptions of the Air Quality Assessment report by Assured Environmental (refer to condition 2.1);
- 14.1.2 involves the installation and operation of extraction stacks a minimum height of 3m above roof level;
- 14.1.3 does not cause unacceptable air quality impacts on sensitive receptors;
- 14.1.4 ensures emissions comply with the Environmental Protection (Air) Policy 2019.

15.0 ACOUSTIC MITIGATION

15.1 Noise mitigation measures must be constructed and implemented in accordance with the recommendations in the Noise Impact Assessment by Assured Environmental (refer to condition 2.1).

15.2 The two roller shutter doors servicing the plant room must be acoustically rated to achieve a minimum weighted sound reduction index (Rw) of 22.

15.3 The roof of the plant room must be constructed to achieve a minimum weighted sound reduction index of (Rw) 30. Acceptable construction methods include either:

- (i) A 150 mm thick insulated panel with Colourbond cladding on both sides; or
- (ii) A 6 mm fibre cement board installed beneath an insulated frame with a Colourbond roof.

Alternative construction methods may be permitted if it can be demonstrated to the satisfaction of the relevant authority that they achieve the same or better acoustic performance.

15.4 All on-site vehicles must switch off engines while stationary, including during loading and unloading activities, to minimise noise emissions.

15.5 A 2.5 meter noise barrier must be installed around the boiler in accordance with the indicative location shown in red on figure 6. Of the Noise Impact Assessment (refer to condition 2.1). The barrier must:

- 15.5.1 be located as close as practicable to the boiler, having regard for necessary ventilation and maintenance access;
- 15.5.2 be constructed without gaps; and
- 15.5.3 be made from materials with a minimum surface density of 12 kg/m².

Details of the final barrier design and material must be submitted to and approved by Council.

15.6 The developer must submit to Council post construction acoustic certification demonstrating compliance with the relevant Queensland *Environmental Protection Act 1994* provisions. The acoustic certification must be prepared by a suitably qualified acoustic consultant. The acoustic certification must be submitted to Council within one (1) month of the commencement of the use.

16.0 LICENCING

17.0 The applicant must apply for and obtain approval for a food business licence prior to the commencement of use.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Property Notes

All vehicular access to and from the development must be via the Pineapple Drive only. Direct vehicular access to Golden Circuit is prohibited.

NOTE 6. Application to Undertake Alterations or Improvements to Council Controlled Areas and Roads

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

NOTE 7. Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a High Impact Industry (meat processing facility), made by Engineering Applications, on Lot 23 on SP321551 and located at 3-5 Pineapple Drive, Hidden Valley, Council resolves to issue an Infrastructure Charges Notice for the amount of \$351,985.35.

Moved by: Councillor Watson

Seconded by: Deputy Mayor, Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned**PROCEDURAL MOTION**

12:48PM

THAT the meeting be adjourned for lunch.

Moved by: Mayor, Councillor Belot
MOTION CARRIED UNANIMOUSLY

Meeting Adjourned Resumed**PROCEDURAL MOTION**

01:25PM

THAT the meeting be resumed.

Moved by: Councillor Friend
MOTION CARRIED UNANIMOUSLY

01:25PM Councillor Rothery returned to the meeting.

UNCONFIRMED

8 PRESENTATION OF PETITIONS

Nil

UNCONFIRMED

9 NOTICES OF MOTION

9.1(A) NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - SERIOUS DETERIORATION MARLBOROUGH ROAD

File No: fA2220

Attachments: 1. **NoM - Cr Glenda Mather - Serious Deterioration Marlborough Road**

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

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to the dangerous road conditions of the state-owned Marlborough Road between the Township of Marlborough and the common boundary with the Central Highlands Regional Council, specifically the winding section of the range south of Tarrus Road.

COUNCIL RESOLUTION

THAT the Minister for Transport Main Roads, the Hon Brent Mickelberg be alerted to Livingstone Shire Council's concerns over the urgent and most dangerous conditions of sections of the Marlborough Road, specifically the winding range section where the road edges have eroded away, reducing the traffic lanes, forcing vehicles to merge into the neighbouring lane, overtaking double lines.

As has been confirmed, the Minister has visited the area and witnessed first-hand the dangerous conditions road commuters must endure, competing with the ever-increasing impacts on the road from heavy vehicles and their loads, which service the multiple wind farms in the area.

Further, the Minister be invited to urgently meet with Council to discuss the necessary upgrades to this road, before any further Development or other approvals are given which will increase the current use of this road.

Although upgrades are expected to be substantial and costly, they are crucial to improving road safety for all road commuters, including Primary Producers in this region.

Photographs will be provided to the Minister with this letter and copies forwarded to other relevant stakeholders and Members of Parliament.

Moved by: **Councillor Mather**

Seconded by: **Councillor Friend**

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

That pursuant to s2.18.1(a) and s2.18.2 of Livingstone Shire Council's Meeting Procedures Policy that Notice of Motion 9.1 (B) Bruce Highway Safety – Marlborough and 9.(C) – Apis Creek Upgrade be included following Notice of Motion (A).

Moved by: **Mayor, Councillor Belot**

MOTION CARRIED UNANIMOUSLY

9.1(B) NOTICE OF MOTION - CR GLENDA MATHER – BRUCE HIGHWAY SAFETY - MARLBOROUGH**File No:** fA2220**Responsible Officer:** Michael Kriedemann - General Manager Transport & Utilities

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to signage on Perkins Road and Marlborough Road.

This strip of highway is notorious for accidents and fatalities, some more recently.

At today's public meeting the strong message was the lack of appropriate signage at the named intersection.

The Police Officer in Charge Marlborough District has also identified and reported this site as one of interest.

This is a matter of public safety, which requires our priority.

COUNCIL RESOLUTION

That Council forward the accompanying photographs and information to Officer in Charge Transport Main Roads (TMR) seeking their URGENT attention to the lack of appropriate signage at the identified sites (on Perkins Road and Marlborough Road), which would provide motorists greater notice of the approaching highway.

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

9.1(C) NOTICE OF MOTION - CR GLENDA MATHER - APIS CREEK UPGRADE**File No:** fA2220**Responsible Officer:** Michael Kriedemann - General Manager Transport & Utilities

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Apis Creek Road.

This road is a 27.5k state road coming off Marlborough Rd (also called Old Sarina Road).

Towards the distal end where it meets with CHRC, there are a number of steep hills which allow two-way traffic of all kind. Among these, it is not uncommon for vehicles, especially those lacking sufficient power, to become stuck between the hills, requiring local graziers to tow them out

The local primary producers and their loads (stock or grain) generally manage, but there is one hill which always gives trouble, especially for the producers.

They call this the "jump-up" where the contour of the hill prevents the heavy vehicles from getting sufficient run-up to climb it. The drop over the road edge is not to be dismissed. This can be addressed with some excavation, lowering the hill top, and the surplus gravel would fill the hollow at the bottom of the hill, which would also straighten the road. A win-win.

I attended one of the on-site meetings with TMR, and their officers are well aware of the difficulties the producers are facing in this regard. As the improvement will be in excess of normal maintenance, it will be necessary to gain Council support for the additional work.

Maintenance of the road is already overdue and in need of upgrade.

This is also a safety issue.

COUNCIL RESOLUTION

That Council identifies the difficulties the primary producers (and others) are having with the identified jump-up on Apis Creek Rd, and seek TMR's approval to address this in accordance with discussions TMR officers had with producers recently.

And further, that this improvement be carried out following the substantial road maintenance which is currently needed on the road.

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

10 QUESTIONS ON NOTICE

Nil

11 COMMITTEE REPORTS

Nil

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

UNCONFIRMED

13 REPORTS

13.3 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT) - D-4-2020 - 379 LIMESTONE CREEK ROAD, ADELAIDE PARK

File No: D-4-2020

Attachments:

1. Locality Plan
2. Proposal Plan
3. Overlay Plans
4. Code Assessment
5. Statement of Reasons

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

Author: Gretta Cowie - Planning Officer

SUMMARY

Pursuant to section 60(2)(d), an assessment manager may refuse the application only if compliance cannot be achieved by imposing development conditions.

The assessment of this application concludes that the proposed development conflicts with the purpose and overall outcomes of Council's Strategic Framework and relevant codes under the Planning Scheme. The lot layout results in lot sizes which do not respond to natural hazards of flood and bushfire risk and further compromise the protection of natural environmental values over the site and on surrounding land. In this instance there are not sufficient reasons available to support an alternative favourable consideration of the development.

The assessment summary and pursuant to section 62 (2) of the *Planning Act 2016*, the reasons for refusal are based on findings on material questions of fact and must be included in the reasons accompanying the decision notice and are detailed the recommendation.

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots and access easement), made by S. Stafford and S. Willoughby, C/- Capricorn Survey Group (CQ) Pty Ltd, over Lot 15 on RP617316, and located at 379 Limestone Creek Road, Adelaide Park, Council resolves to Refuse the application given the following reasons:

1. The proposal compromises the Settlement pattern and Natural environment and hazards themes of the Strategic Framework under the *Livingstone Planning Scheme 2018* as;
 - 1.1 Subdivision of the land will adversely affect the protection of values and features identified within biodiversity overlay areas within a Rural place, through vegetation clearing and fragmentation of habitats.
 - 1.2 The proposed layout results in the creation of a smaller rural residential lot, without demonstrated need within the Capricorn Coast Rural Precinct, which is inconsistent with the land use pattern of the locality.
 - 1.3 The proposal directly increases the severity of natural hazards over the site through the creation of an additional rear lot within the Bushfire hazard area, which will increase the potential for unacceptable risks to human life and property, which cannot be avoided, and places unduly burden on disaster management capabilities.

- 1.4 The subdivision results in development within a bushfire hazard area, which will compromise environmental values of the site and surrounding land due to the ability for future accepted clearing for fire management lines, and firebreaks for future infrastructure.
2. The proposal fails to satisfy the overall outcomes of the Reconfiguring a Lot Code under the *Livingstone Planning Scheme 2018* as:
 - 2.1 the proposal does not appropriately consider natural hazards over the site as the proposed lot layout includes proposed Lot 2 as a rear lot with a building location envelope, setback a substantial distance from the road and therefore subject to unacceptable risk from bushfire. Large areas of proposed Lot 2 are affected by Q100 flooding limiting development potential of the site.
 - 2.2 The lot layout will result in adverse impacts on vegetation, ecological values and ecosystems over the site from vegetation clearing necessary for the creation of Lot 2, including a building location envelope for future development, vehicular access, and firebreaks.
 - 2.3 The proposal resulting in proposed Lot 1 being a smaller rural residential lot is not consistent with the land use pattern of the locality, and the proposed access easement in favour of proposed Lot 2 is not conducive to the lots narrow configuration and amenity of the existing Dwelling house.
3. The proposal fails to satisfy the overall outcomes of the Development Works Code under the *Livingstone Planning Scheme 2018* as;
 - 3.1 The subdivision will adversely affect the natural environmental values of the site and surrounds and does not minimise risk to human life, health and safety, and property.
4. The proposal fails to satisfy the overall outcomes of the Biodiversity Overlay Code under the *Livingstone Planning Scheme 2018* as;
 - 4.1 The proposal will have significant adverse impact on matters of environmental significance and nature corridors through the loss, disturbance and fragmentation of vegetation and habitats over the site, resulting from the lot boundaries and associated fencing, building location envelope, easements and bushfire mitigation measures of the subdivision.
5. The proposal fails to satisfy the overall outcomes of the Bushfire Hazard Overlay Code under the *Livingstone Planning Scheme 2018* as:
 - 5.1 The lot layout creates an additional lot with a building location envelope within a medium bushfire hazard risk area which will pose a risk to personal safety and property, and bushfire mitigation measures unable to minimise and mitigate the risk to acceptable levels;
 - 5.2 The development will result in the required clearing of matters of local environmental significance on the site and adjoining land to achieve bushfire hazard minimisation and mitigate risk to a tolerable level;
 - 5.3 The development will result in the required clearing of matters of State environmental significance to achieve bushfire hazard minimisation;
 - 5.4 The layout does not provide safe entry and exit access requirements for residents during bushfire events, with the single access proposed being vulnerable to fire attack and severance due to its substantial length, distance from the road and being adjacent to hazardous vegetation. Alternative access routes proposed by the Bushfire Management Plan are inappropriate and unable to be conditioned, relying on informal access through adjoining properties which do not form part of this application;
 - 5.5 The development provides an unacceptable burden on disaster management

response and recovery capacity and capabilities, as the subdivision results in a lot with constrained access arrangements which will compromise the efficient operation of fire fighters during bushfire events in the protection of personal safety and property for the future land use of proposed Lot 2;

On balance, the application should be refused because the development does not comply with the purpose of above aspects of the assessment benchmarks and compliance is unable to be reasonably or relevantly conditioned.

Moved by: Councillor Rothery

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

UNCONFIRMED

13.4 RESPONSE TO NOTICE OF MOTION FROM COUNCILLOR MATHER - PET CREMATORIALS

File No: fA2220
Attachments: Nil
Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Alastair Dawson - Interim Chief Executive Officer
Author: Melissa Warwick - Principal Strategic Planner

SUMMARY

This report provides details in response to the Notice of Motion on 15 July 2025 in relation to Pet Crematoriums.

The Notice of Motion (NOM) of 15 July 2025 seeks:

1. clarification about the existing approvals and legislative mechanisms available to grant approvals;
2. clarification on details; and
3. requests an amendment to the Livingstone Planning Scheme 2018 to add *Pet Crematorium* as a land use definition to clearly distinguish the vast difference between *Crematoriums* and *Pet Crematoriums*.

COUNCIL RESOLUTION

THAT Council resolve not to amend the Livingstone Planning Scheme 2018 based on the evidence-based research undertaken.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

02:13PM Councillor Friend left the meeting.

02:13PM Councillor Friend returned to the meeting.

13.5 PERMITS TO BURN IN THE PERI URBAN AREA

File No: x
Attachments: Nil
Responsible Officer: Andrea Ellis - Acting General Manager Communities
Alastair Dawson - Interim Chief Executive Officer
Author: Greg Abbotts - Manager Development and Environment
Previous Items: 0.0 - Petition in relation to air pollution, nuisance smoke and odour caused by Developers - Ordinary Council - 19 Aug 2025 9:00 AM

SUMMARY

This report is in response to a Petition received on 9 July 2025 with respect to Development and Permits to Burn.

COUNCIL RESOLUTION

THAT Council writes to the Minister for Fire, Disaster Recovery and Volunteers and the Minister for Environment and Tourism requesting a review of the permit to burn system to develop, implement and manage a process to remove the environmental impacts of air pollution, nuisance smoke and odour upon the health and wellbeing of residents caused by permitted burns in the peri urban area.

Moved by: Councillor Mather
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

02:23PM Mayor, Councillor Belot left the meeting due to Conflict of Interest declared on Page 4..

02:23PM Deputy Mayor, Councillor Eastwood left the meeting due to Conflict of Interest declared on Page 4.

02:23PM Councillor Andrea Friend nominated Councillor Glenda Mather as chair due to the absence of the Mayor.

13.6 COOEE BAY MASTER PLAN**File No:** fA3574**Attachments:**

1. Draft Master Plan Aug 2025
2. Draft Master Plan Feb 2025
3. Cooe Bay Concept Staging Strategy

Responsible Officer: Michael Kriedemann - General Manager Transport & Utilities
Alastair Dawson - Interim Chief Executive Officer**Author:** Sean Fallis - Manager Engineering Services**SUMMARY**

This report provides an update for the Cooe Bay Transport Master Plan and seeks Council approval for the prioritisation of upgrading projects.

COUNCIL RESOLUTION

THAT Council endorse the following priorities for the Cooe Bay Transport Master Plan:

1. Matthew Flinders Drive – Wreck Point north to beach carpark
2. Matthew Flinders Drive – beach carpark to Gregory St including intersection
3. Matthew Flinders Drive – Wreck Point south to Scenic Highway
4. Gregory St - Cathne St roundabout
5. Gregory St carpark

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

02:39PM Mayor, Councillor Belot returned to the meeting and resumed duties as Chair.

02:40PM Deputy Mayor, Councillor Eastwood returned to the meeting.

13.7 ROAD RESERVE ACQUISITION

File No: TBC
Attachments: Nil
Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Michael Kriedemann - General Manager Transport & Utilities
Alastair Dawson - Interim Chief Executive Officer
Author: Sean Fallis - Manager Engineering Services

SUMMARY

This report seeks Council approval to proceed with the acquisition of land for a proposed road connecting the Limestone Creek Road Development to Barmaryee Road.

The Design and Construction of this road by Council is a condition of the Infrastructure Agreement for the development.

COUNCIL RESOLUTION

THAT Council resolve to delegate authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate and finalise all matters relating to the acquisition of land for road purposes from Lot 3 RP610365. In exercising this delegation, the Chief Executive Officer is to comply with Council's 'Acquiring Land and Easements for Infrastructure Services Procedure'

And

THAT funding for the design and construction of the road be confirmed through the budget review process in late 2025.

Moved by: Deputy Mayor, Councillor Eastwood

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

13.8 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2025**File No:** FM12.14.1**Attachments:** 1. August 2025 - Council Monthly Finance Report**Responsible Officer:** Mandy Louda - Support Services Officer
Kristy Mansfield - Acting General Manager Corporate Services
Alastair Dawson - Interim Chief Executive Officer**Author:** Sasha Kolega - Financial Account

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 August 2025.

COUNCIL RESOLUTION

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

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

02:55PM Councillor Rothery left the meeting.

02:56PM Councillor Rothery returned to the meeting.

13.9 AUSTRALIAN COMPANY DIRECTORS COURSE

File No: qA83566
Attachments: 1. Company Directors Course
Responsible Officer: Alastair Dawson - Interim Chief Executive Officer
Author: Lucy Walker - Coordinator Executive Support

SUMMARY

Three Councillors have expressed an interest in undertaking the Australian Company Directors Course. The Chief Executive Officer has identified savings from within his areas budget for two Councillors to attend at this stage and seeks Council support for three Councillors to be approved to enrol in the Company Director Course to further develop governance and leadership skills.

COUNCIL RESOLUTION

That Council approve Councillors enrolling in the Australian Institute of Company Directors course, on the proviso that funds can be identified from savings within Council to fund the course this year.

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

MOTION CARRIED

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

13.10 EVENT SPONSORSHIP PROGRAM - ASSESSMENT OUTCOME

File No: CR2.05.01

Attachments: Nil

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
Carlyn Hepburn - Community Development and Engagement Officer

SUMMARY

The purpose of this report seeks Council's consideration of the Livingstone Shire Council Event Sponsorship Program Round 2 2025/2026 application assessment outcomes.

COUNCIL RESOLUTION

THAT, in accordance with the recommendation of the Livingstone Shire Council Event Sponsorship assessors, Council resolve to endorse the below applicants to be funded from the Livingstone Shire Council Event Sponsorship Program:

Applicant	Event	Amount requested (ex. GST)	Amount proposed (ex. GST)
Community Hall or Market (in-kind only)			
Emu Park Singing Ship Indoor Bowls Club	Emu Park Singing Ship Indoor Bowls weekly games	\$2,400	\$2,400
Lions Club of Emu Park Inc.	Emu Park Lions Bell Park Picnic Markets	\$2,160	\$2,160
Capricorn Coast Writers Festival - KCA	Capricorn Coast Writers Festival - Stories by the Sea	\$885	\$885
Keppel Coast Arts	Keppel Coast Flix	\$1,475	\$1,475
Keppel Coast Arts	Fig Tree Creek Markets	\$1,440	\$1,440
The Country Music Group	The Country Music Group	\$2,112	\$2,112
Community Event (cash and in-kind) – up to \$5,000			
Lam-West Ltd t/a Midpoint Theatre Company	Every Brilliant Thing	\$4,090	\$3,740
The Caves Progress and Agricultural Society Inc	The Caves Agricultural Show	\$5,000	\$4,500
Cawarral Cricket Club Inc.	Australia Day Cricket Carnival	\$2,500	\$2,250
Capricorn Conservation Council	Caring for Country – Youth Leadership on Woppaburra	\$5,000	\$4,500

	Country		
Mt. Chalmers Community History Centre Inc	ANZAC Day service	\$500	\$500
Emu Park SLSC	Emu Park Chickadee Carnival	\$5,000	\$4,500
Yeppoon Choral Society	Yeppoon Choral Society and Livingstone Shire Council's Easter Holiday Musical Workshop	\$4,770	\$4,300
Yeppoon Hack and Pony Club Inc	YHPC Official Showjumping and Jumping Equitation	\$2,500	\$2,250
Yeppoon Hack & Pony Club	Yeppoon Hack & Pony Club One Day Event	\$5,000	\$4,500
Yeppoon Surf Life Saving Club Inc	Wide Bay Capricorn Senior Surf Sport Branch Champs 2026	\$5,000	\$4,500
Marlborough and District Lions Inc.	Marlborough and District Australia Day Celebration	\$1,236	\$1,115
Regional Event (cash and in-kind) - \$5,001-\$10,000			
Lions Club of Emu Park Inc	Emu Park Lions & Triple M Festival of the Wind	\$5,720	\$5,220
Equestrian Queensland	Capricornia Regionals	\$8,000	\$5,000
Queen Street Community Hall Inc.	Queensfest	\$7,000	\$5,000
Keppel Coast Arts	Capricorn Film Festival	\$6,725	\$6,225
Economic Event (cash and in-kind) – \$10,001-\$20,000			
Capricorn Coast Community Events Association Inc	2026 Great Australia Day Beach Party	\$20,000	\$15,000
Great Keppel Island Hideaway	Sunset Sessions	\$20,000	\$10,000
Yeppoon & District Show Society Inc	Yeppoon & District Show	\$20,000	\$15,000
Goodvibe Events Pty Ltd	Salty Hops Festival	\$20,000	\$15,000
SCF AUSTRALIA PTY LTD	King of Kings	\$20,000	\$5,000
Total funds to be disbursed			\$128,572

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

13.11 POLICY REVIEW - LIVINGSTONE SHIRE COUNCIL DONATIONS POLICY**File No:** 11.2**Attachments:**

1. Donations Policy tracked changes
2. Donations Policy clean
3. Donations Procedure tracked changes
4. Donations Procedure clean

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

This report presents the revised *Livingstone Shire Council Donations Policy* (see Attachment One) and *Livingstone Shire Council Donations Procedure* (See Attachment Two) for Council's consideration.

COUNCIL RESOLUTION

THAT Council resolves to adopt the revised *Livingstone Shire Council Donations Policy and Procedure*

And

THAT Council resolve to increase the Donations budget from \$25,000 to \$45,000 in Budget Review One 25/26.

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

14 URGENT BUSINESS\QUESTIONS

Nil

UNCONFIRMED

15 CLOSED SESSION

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

RECOMMENDATION

3:45PM

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

16.1 Request for Further Views - Application to Purchase Part of Unallocated State Land at Stanage Bay - Lot 5 AP16118

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.

16.2 Request for Council's Views - Renewal of State Leases at Keppel Gateway Marina, Rosslyn Bay

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.

COUNCIL RESOLUTION

4:04PM

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

Moved by: Councillor Mather

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

16 CONFIDENTIAL REPORTS

16.1 REQUEST FOR FURTHER VIEWS - APPLICATION TO PURCHASE PART OF UNALLOCATED STATE LAND AT STANAGE BAY - LOT 5 AP16118

File No: fA73129

Attachments:

1. State Mapping Images
2. Aerial Images
3. Email from the Department

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

Author: Christine Macdonald - Principal Property Officer
Alison Morris - Property Officer

Previous Items: 16.1 - Request for Council's Views on an Application to Purchase Part of Unallocated State Land at Stanage Bay - Standing Committee - Development & Environment - 06 May 2025
6.2 - Request for Further Views - Application to Purchase Part of Unallocated State Land at Stanage Bay - Lot 5 AP16118 - Briefing Session - 02 Sep 2025

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.

SUMMARY

This report pertains to a request from the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development seeking Council's views on an application from an adjoining owner to purchase part of unallocated state land, described as Lot 5 AP16118, in Stanage Bay.

COUNCIL RESOLUTION

THAT Council resolve to advise the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development that it objects to the sale of part of unallocated state land, Lot 5 AP16118, in Stanage Bay to an adjoining owner for the following reasons:-

- 1) the subject land is zoned environmental management and conservation, and is constrained by multiple overlays, including biodiversity, bushfire hazard, coastal hazard (erosion prone area), acid sulfate soils and height limitations. The proposed private use is inconsistent with the intent of the environmental management and conservation zone, and the site has significant environmental constraints, which makes allocated state land the most appropriate land tenure;
- 2) the requested area contains State regulated vegetation of high environmental value, namely Regional Ecosystem 11.2.3 Microphyll vine forest ("beach scrub") on sandy beach ridges and dune swales (Of Concern status). This Regional Ecosystem is included in the Federal Government's *Environment Protection and Biodiversity Conservation Act 1999* Endangered ecological community "Semi-Evergreen Vine Thickets of the Brigalow Belt (North and South) and Nandewar Bioregions (Endangered)". The proposed construction of a shed may necessitate further vegetation clearing to maintain a buffer around the structure;

- 3) any sale if considered, it is recommended that it be conditional upon the applicant obtaining all necessary development approvals for the proposed shed; and
- 4) supporting this proposal may also create an undesirable precedent for similar requests involving environmentally constrained unallocated state land.

Moved by: Councillor Mather

Seconded by: Councillor Watson

MOTION CARRIED

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

Cr A Belot voted in the negative.

UNCONFIRMED

16.2 REQUEST FOR COUNCIL'S VIEWS - RENEWAL OF STATE LEASES AT KEPPEL GATEWAY MARINA, ROSSLYN BAY**File No:** fA81119**Attachments:**

1. Letter from the Department
2. Map Image
3. Current Special Lease 203454 Terms
4. Current Special Lease 203450 Terms

Responsible Officer: Sharon Sommerville - Manager Parks and Facilities
Andrea Ellis - Acting General Manager Communities
Alastair Dawson - Interim Chief Executive Officer**Author:** Christine Macdonald - Principal Property Officer
Alison Morris - Property Officer

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.

SUMMARY

This report pertains to a request from the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development seeking Council's views or requirements on the renewal of two special leases for Keppel Gateway Marina, Rosslyn Bay.

COUNCIL RESOLUTION

THAT Council resolve to provide the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development with the following response in relation to its request for views and/or requirements regarding the renewal and amalgamation of Special Leases 203450 and 203454 at Keppel Gateway Marina, Rosslyn Bay for a term of at least 60 years:

1. Council is supportive because the renewal of the leases will provide certainty for continued operation and investment in the region;
2. Council is aware of a breach of lease arising from the lessee's failure to install a sewerage pump out facility for boats, and recommends that appropriate action be taken to rectify the breach;
3. Maritime Safety Queensland be consulted having regard to the Rosslyn Bay State Boat Harbour masterplan currently being developed;
4. updating and modernising lease terms, including removal of clauses where conditions have been satisfied, and considered superfluous, and if applicable, a reconfiguration of a lot application for leases exceeding 10 years; and
5. a land use audit and full planning and development certificate would be required for all relevant lots, to confirm if Condition M248 has been complied with.

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

17 CLOSURE OF MEETING

There being no further business the meeting closed at 4:12PM.

Mayor Adam Belot
CHAIRPERSON

DATE

UNCONFIRMED