



# **ORDINARY MEETING**

## **MINUTES**

**17 SEPTEMBER 2019**

The resolutions contained within these minutes were confirmed on  
8 October 2019.

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	LEAVE OF ABSENCE / APOLOGIES .....	2
	NIL .....	2
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	3
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA .....	4
6	PUBLIC FORUMS/DEPUTATIONS .....	5
	NIL .....	5
7	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS .....	6
7.1	BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING .....	6
7.2	LIFTING MATTERS LAYING ON THE TABLE .....	7
8	PRESENTATION OF PETITIONS.....	8
8.1	PETITION FROM GARY HALL - SEALING A SECTION OF MILLROY DRIVE .....	8
9	MAYORAL MINUTE .....	9
	NIL .....	9
10	COUNCILLOR/DELEGATE REPORTS .....	10
	NIL .....	10
12.3	DEVELOPMENT APPLICATIONS FOR DEVELOPMENT PERMITS FOR RECONFIGURING A LOT RESULTING IN THE CREATION OF 119 LOTS AND BALANCE LAND AND A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR 119 DWELLING HOUSES (SEA HAVEN ESTATE STAGES 10, 11, 12 AND 13).....	11
12.4	COUNCILLOR AGENDA ITEM REQUESTS .....	57
12.5	MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2019.....	58
12.6	ADOPTION OF THE CAPRICORN COAST EVENT STRATEGY 2025 .....	59
11	URGENT BUSINESS\QUESTIONS .....	60
12	CLOSED SESSION .....	61

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15.1	MANAGEMENT ARRANGEMENTS - KEPPEL SANDS CARAVAN PARK	
15.2	FORMER CATHOLIC CHURCH BUILDING - MARLBOROUGH	
15.3	MOBILE BLACK SPOT PROGRAM – ROUND 5 FUNDING	
<b>13</b>	<b>CONFIDENTIAL REPORTS.....</b>	<b>62</b>
15.1	MANAGEMENT ARRANGEMENTS - KEPPEL SANDS CARAVAN PARK.....	62
15.2	FORMER CATHOLIC CHURCH BUILDING - MARLBOROUGH .....	63
15.3	MOBILE BLACK SPOT PROGRAM – ROUND 5 FUNDING.....	64
12.2	REQUEST FOR WITHDRAWAL OF INFRASTRUCTURE CHARGES NOTICE D-151-2017 FOR BUILDING WORKS FOR A SALES AND HIRE PREMISES LOCATED AT 7 CASSAM STREET, YEPPOON .....	65
12.1	DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO SIX LOTS) AT 535 BUNGUNDARRA ROAD AND LOT 100 BUNGUNDARRA ROAD, BUNGUNDARRA .....	66
<b>14</b>	<b>CLOSURE OF MEETING.....</b>	<b>70</b>

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 17 SEPTEMBER 2019 COMMENCING AT 9.06AM**

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**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."*

**2 PRESENT**

## Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)  
Deputy Mayor, Councillor Nigel Hutton  
Councillor Adam Belot  
Councillor Pat Eastwood  
Councillor Jan Kelly  
Councillor Glenda Mather  
Councillor Tom Wyatt

## Officers in Attendance:

Mrs Chris Murdoch – Chief Executive Officer  
Mr Brett Bacon – Executive Director Liveability and Wellbeing  
Mr Dan Toon – Executive Director Infrastructure  
Mrs Andrea Ellis – Chief Financial Officer  
Mr Brad Callaghan – Acting Chief Technology Officer  
Mr Nick Sheehan - Chief Human Resources Officer  
Mr Dave Battese – Manager Liveability  
Mrs Jenna Davies – Senior Planning Officer  
Mrs Maddie Ward – Senior Planning Officer  
Mrs Melissa Warwick – Senior Strategic Planner  
Mrs Jodie Roche – Development Officer  
Mr Mark McLean – Principal Property Officer  
Mrs Maddie Crigan – Property Officer  
Mrs Trish Weir – Manager Customer Engagement and Communication  
Mrs Meegan Armstrong - Coordinator Engagement and Events  
Mr Alister Gill – Senior Corporate Applications Officer  
Mrs Lucy Walker – Executive Support Officer

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

Nil

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

### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 3 September 2019 be taken as read and adopted as a correct record.

**Moved by:** Councillor Kelly

**Seconded by:** Councillor Mather

**MOTION CARRIED**

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

### **9.36AM**

In accordance with s173(2) of the *Local Government Act 2009*, Deputy Mayor, Councillor Nigel Hutton disclosed a conflict of interest in respect of Item 12.6 – Adoption of the Capricorn Coast Event Strategy 2025 due to his role as president of Yeppoon Lions Club and Chairman of the Pinefest Festival and the implementation of the policy having financial consequences. Councillor Hutton considered his position, did not take part in the debate and left the meeting.

## **6 PUBLIC FORUMS/DEPUTATIONS**

Nil



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

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

**File No:** GV13.4.1

**Attachments:** 1. **Business Outstanding Table - September 2019** [⇒](#)

**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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#### **SUMMARY**

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

#### **COUNCIL RESOLUTION**

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

**Moved by:** Councillor Kelly

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

**MOTION CARRIED**

**7.2 LIFTING MATTERS LAYING ON THE TABLE**

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Nicole Robertson - Coordinator Executive Support

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**SUMMARY**

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

**COUNCIL RESOLUTION**

THAT the following matter/s, that Council resolved to 'Lay on the Table' at the Ordinary Council meeting held on 3 September 2019, be lifted from the table to be dealt with later in the meeting:

- Development Application for a Development Permit for Reconfiguring a Lot (two lots into six lots) at 535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra

**Moved by:** Councillor Mather  
**Seconded by:** Councillor Kelly

**MOTION CARRIED**

## **8 PRESENTATION OF PETITIONS**

### **8.1 PETITION FROM GARY HALL - SEALING A SECTION OF MILLROY DRIVE**

**File No:** GV13.4.7

**Responsible Officer:** Dan Toon - Executive Director Infrastructure

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#### **SUMMARY**

Mayor Bill Ludwig tabled a petition from Gary Hall requesting the sealing of a section (500 metres) of Millroy Drive, Yeppoon.

#### **COUNCIL RESOLUTION**

THAT the petition requesting the sealing of a section of Millroy Drive, Yeppoon be received.

**Moved by:** Mayor Ludwig

**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

**9 MAYORAL MINUTE**

Nil

## **10 COUNCILLOR/DELEGATE REPORTS**

Nil

### 12.3 DEVELOPMENT APPLICATIONS FOR DEVELOPMENT PERMITS FOR RECONFIGURING A LOT RESULTING IN THE CREATION OF 119 LOTS AND BALANCE LAND AND A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR 119 DWELLING HOUSES (SEA HAVEN ESTATE STAGES 10, 11, 12 AND 13)

**File No:** D-13-2018, D-15-2018, D-16-2018 and D-17-2018

**Attachments:**

1. Taroomball Locality Plan [⇒](#)
2. Proposal Plan Stage 10 [⇒](#)
3. Proposal Plan Stage 11 [⇒](#)
4. Proposal Plan Stage 12 [⇒](#)
5. Proposal Plan Stage 13 [⇒](#)
6. Overall Plan of Development (all stages) [⇒](#)

**Responsible Officer:** Maddie Ward - Co-ordinator Development Assessment  
David Battese - Manager Liveability

**Author:** Maddie Ward - Co-ordinator Development Assessment

#### SUMMARY

**Applicant:** Keppel Developments Pty Ltd

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

**Real Property Address:** Lot 5006 on SP296906

**Common Property Address:** Lot 5006 Havenwood Drive, Taroomball

**Area of Site:** 27,640 hectares

**Planning Scheme:** *Livingstone Planning Scheme 2005*

**Planning Scheme Zone:** Rural Zone

**Planning Scheme Overlays:** Drainage problem and steep land (OM2A)  
Waterways and Wetlands (OM3B)  
Good Quality Agricultural Land (OM4A)  
Storm tide Hazard (OM5A)  
Bushfire Hazard (OM5B)  
Acid Sulphate Soils (OM8A)  
Capricorn Coast Landscape Special Management Area – Precinct A and B (OM9)

**Existing Development:** Vacant land (Sea Haven Estate balance land)

**Level of Assessment:** Code Assessable

**Referral matters:** Ergon Energy

**Infrastructure Charge Area:** Charge Area 1

**Application progress:**

Applications received:	23 January 2018
Development control unit meeting:	24 January 2018
Action notices issued:	6 February 2018
Response to Action notices (being payment of fees) extended by agreement until 7 April 2018	19 February 2019

Applications properly made (fee paid):	6 April 2018
Applications stopped until 10 October 2018:	6 April 2018
Confirmation notice issued:	10 October 2018
Information request issued:	23 October 2018
Information request response extended by agreement until 24 July 2019:	4 December 2018
Information request response received:	19 July 2019
Council meeting date:	20 August 2019
Statutory determination date:	26 August 2019
Extension by agreement to decide application:	23 September 2019

## COUNCIL RESOLUTION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit D-13-2018, D-15-2018, D-16-2018 and D-17-2018, made by Keppel Developments Pty Ltd, on Lot 5006 on SP296906, and located at Lot 5006 Havenwood Drive, Taroomball, Council resolves to Approve the applications given pursuant to Section 60(2)(b) of the *Planning Act 2016*, there are considered to be circumstances that favour Council exercising its discretion to approve the development despite the conflict with the Rural zone code. The circumstances are:

- (i) The subject site forms a key urban development link, which will lead to future connectivity between the localities of Taranganba, Taroomball and Lammermoor; providing the site with the opportunity for urban development, as identified within the new planning scheme. In this regard the proposal is simply bringing forward the timing of the development as per the Urban and New Urban provisions in the new planning scheme.
- (ii) The subject site represents a logical extension to existing urban development, considering the subject site is located on the immediate periphery of residential development, and is within proximity to schools, other key services and infrastructure and is consistent with the settlement pattern in the immediate area.

### **RECOMMENDATION B1 – D-13-2018 STAGE 10A AND 10B**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into nineteen (19) lots + balance) and a Development Permit for a Material Change of Use for nineteen (19) Dwelling houses (Stage 10A & 10B), made by Keppel Developments Pty Ltd, on Lot 5006 on SP296906, and located at Lot 5006 Havenwood Drive, Taroomball, Council resolves to Approve the application subject to the following conditions:

### **PART A – RECONFIGURING A LOT (ONE LOT INTO NINETEEN (19) LOTS + BALANCE) STAGES 10A1, 10A2, 10B1 AND 10B2**

#### **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 approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Operational Works:
    - (i) Road Works;
    - (ii) Access Works;
    - (iii) Sewerage Works;
    - (iv) Water Works;
    - (v) Stormwater Works;
    - (vi) Inter-allotment Drainage Works (if necessary); and
    - (vii) Site Works;
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards 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>
Plan of Development Stages 10A-10B	6616-10-ROL Rev B Sheet 1 and Sheet 2	29 June 2019

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

## 3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in four (4) discrete stages, namely:
  - 3.1.1 Stage 10A1: (One lot) Lot 286 and Road reserve;
  - 3.1.2 Stage 10A2: (Ten lots) Lot 287 to Lot 296 and Road reserve;
  - 3.1.3 Stage 10B1: (Five Lots) Lot 297 to Lot 301 and Road reserve; and



- 3.1.4 Stage 10B2: (Three Lots) Lot 302 to Lot 304 and Road reserve.  
in accordance with the approved plans (refer to condition 2.1).
- 3.2 Multiple development stages may be undertaken concurrently, provided all allotments can be connected to the full range of urban infrastructure including access availability from a constructed road frontage.
- 3.3 Infrastructure (including but not limited to road, pedestrian access, water, sewer, stormwater infrastructure) must be provided by the developer in a co-ordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence to facilitate ease of extension of infrastructure during future stages.
- 3.4 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 4.0 ROAD WORKS
- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) within and road reserve(s) at the time of making the application.
- 4.4 Eucalyptus Avenue must be designed and constructed as a Minor Urban Collector road classification standard.
- 4.5 A suitable area of land must be dedicated as road reserve for the extension of Carige Boulevard including any proposed service road and the intersection between Carige Boulevard and the internal road with the creation of the first lot within Stage 10A1.
- 4.6 The Carige Boulevard (full width) section located within the development must be designed and constructed, including all necessary infrastructure, including street lighting to comply with the road classification requirements of a Major Urban Collector.
- 4.7 Carige Boulevard and the internal road intersection (non-trunk) must be designed and constructed, including all necessary infrastructure including street lighting. The subject intersection type must be supported by an intersection analysis (for example a SIDRA intersection analysis) and agreed in consultation with Council as part of an application for a Development Permit for Operational Works (road works).
- 4.8 Direct vehicle access to any Major Collector roads from private allotments is not permitted. Direct vehicle access to a service road within the Major Collector road reserve is permitted.
- 4.9 The design and construction of all terminating roads or cul-de-sac streets must include a sealed turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection vehicle.
- 4.10 The locations and construction requirements of any temporary turning areas must be agreed in consultation with Council as part of any application for a Development Permit for Operational Works (road works).
- 4.11 The area taken up by temporary turning areas at the ends of roads must be covered by road reserve.

- 4.12 All pathways within road reserves (including access ramps) must:
- 4.12.1 Incorporate kerb ramps at all road crossing points; and
  - 4.12.2 Be provided with public space lighting in accordance with *Australian Standard AS1158 Lighting for Roads and Public Spaces*.
- 4.13 Bus set-down area(s) must be investigated and identified within the overall road network layout as part of any application for a Development Permit for Operational Works (road works). Major urban collector road proposed within the development site must be designed and constructed to accommodate bus routes and associated infrastructure in accordance with *Public Transport Infrastructure Manual*.
- 4.14 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 4.15 Any application for a Development Permit for Operational Works (road works) must include details, including signage, of the Council approved road names for all new roads.
- 4.16 Retaining walls must be wholly contained within private allotments and not be constructed within road reserves as Council-owned infrastructure, unless specifically approved as part of a Development Permit for Operational Works (road works).
- 4.17 Any retaining structures above one metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.

A detailed inspection and 'as constructed' record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction. The approved design and/or construction of the retaining walls must not be modified without Council's prior written approval.

#### 5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), the *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 5.3 A compliant access driveway must be designed and constructed for proposed lots 286, 290 and 292.

#### 6.0 SEWERAGE WORKS

- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 All lots within the development must be connected to Council's reticulated sewerage network via gravity connection. Each of the lots must be provided with its own separate sewer connection point, located wholly within its respective property boundaries.
- 6.4 The trunk sewer main (SEW -121) located within the Carige Boulevard road reserve must be extended up to the southern end of the stage 10B2 boundary (i.e southern

property boundary of the proposed Lot 304).

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

- 6.6 Sewerage infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

#### 7.0 WATER WORKS

- 7.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water 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 (water works).

- 7.3 All lots within the development must be connected to Council's reticulated water network. Each of the lots must be provided with its own separate water connection point, located wholly within its respective property boundaries.

- 7.4 The trunk water main (WAT-9) located within the Carige Boulevard road reserve must be extended up to the southern end of the stage 10B2 boundary (i.e southern property boundary of the proposed Lot 304).

- 7.5 Water infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

#### 8.0 STORMWATER WORKS

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

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

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

- 8.4 Any application for Operational works (stormwater works) must identify all areas of the proposed development, which needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to maintain the lawful discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*.

- 8.5 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by the Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.

- 8.6 Any application for Operational Works (stormwater works) must be accompanied by a detailed stormwater management strategy certified by a suitably qualified Registered Professional Engineer of Queensland. The strategy must include the following (but not limited to);

- 8.6.1 A detailed assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios and clearly identifies discharge point(s) and demonstrate lawful discharge;

- 8.6.2 Detention systems. The volume of any detention must be sufficient to attenuate the peak discharge from the site to ensure non-worsening of the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;
- 8.6.3 Layouts showing the extent of the one (1) per cent Annual Exceedance Probability event inundation areas (pre and post) and the details of the available freeboard to the finished ground/floor levels;
- 8.6.4 Pre and post one (1) year average recurrence interval (ARI) event peak flow and velocity details at discharge points within the Ross Creek to demonstrate compliance with waterway stability requirements;
- 8.6.5 Designs of outlet systems for the proposed drainage systems. Considerations must be given to critical scour velocity, discharge frequency /duration at the discharge location(s) and relevant management measures;
- 8.6.6 Full calculations, including (where necessary) electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files) and all details of the modelling assumptions to support the proposed stormwater management strategy;
- 8.6.7 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy; and
- 8.6.8 Details of ongoing maintenance and management actions required with regard to any proposed detention basin / retention systems.
- 8.7 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *Urban Stormwater Quality Planning Guidelines and State Planning Policy*. As part of the Operational Works application (stormwater works) an overall Sea Haven stormwater quality management strategy is required addressing the collection and capture of gross pollutants.
- 8.8 Any culvert/cross drainage structures associated with the development must be designed and constructed to ensure;
  - (i) Safe trafficability during the relevant Defined Flood Event;
  - (ii) Limiting the impacts to adjacent properties and infrastructure with twenty (20) per cent blockage factor; and
  - (iii) The maximum flow depth over any cross drainage structure must be limited to 200 millimetres, demonstrating allowable velocity/depth product(s).
- 9.0 INTER-ALLOTMENT DRAINAGE
- 9.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any inter-allotment drainage works on the site.
- 9.2 Inter-allotment drainage, must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual* for Level II and must be provided to any lot where it cannot be satisfactorily demonstrated that roofwater drainage associated with building construction on that lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge.
- 9.3 Easements must be provided over all inter-allotment drainage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

**10.0 SITE WORKS**

- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 10.2.1 the location of cut and/or fill;
  - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 10.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - 10.2.5 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.
- 10.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 10.4 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 to adjoining properties or infrastructure.
- 10.5 All site works must be undertaken to ensure that no actionable nuisance results from an increase in:
- 10.5.1 peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive); or
  - 10.5.2 downstream or upstream flood inundation levels; or
  - 10.5.3 velocity profiles.

**11.0 LANDSCAPING WORKS**

- 11.1 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.

**12.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 12.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 12.2 Any existing overhead electricity infrastructure traversing the relevant stage to be developed must be removed and the associated easement extinguished.
- 12.3 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.

**13.0 ASSET MANAGEMENT**

- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 13.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in

association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

- 13.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the approval of a plan of subdivision (survey plan endorsement). This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

14.0 ENVIRONMENTAL

- 14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) site location / topography / soil type;
- (ii) objectives;
- (iii) concept;
- (iv) design details;
- (v) implementation procedures for construction and post construction phases of work.
- (vi) vegetation;
- (vii) interim drainage plan during construction;
- (viii) dust suppression;
- (ix) top soil management;
- (x) acid sulphate soils; and
- (xi) erosion susceptibility and risk

- 14.2 The approved 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 Erosion and Sediment Control Management Plan must be available on-site for inspection by Council Officers during those works.

15.0 OPERATING PROCEDURES

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

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits

unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with the *Adopted Infrastructure Charges Resolution (No.2) 2015*. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

NOTE 5. Trunk Stormwater infrastructure

Future stormwater trunk infrastructure D-8 (Ross Creek drainage system management) and D-29 (Ross Creek drainage feature system – Tanby Road) are identified within the subject Lot 5006 SP296906. Stormwater trunk infrastructure D-83 (Ross Creek drainage feature system) and D-84 (Ross Creek District Treatment Facility) are also identified within the subject lot under *Adopted Infrastructure Charges Resolution (No. 3) 2018*. The floodplain areas of Ross Creek within the subject lot can be transferred to Council as “Fee simple” or as “Fee simple as trustee” at no cost to Council.

NOTE 6. Stormwater management strategy

Total catchment modelling must be undertaken to determine preferred location and operational requirements of any stormwater detention / retention system. Target flow regime boundary conditions at discharge locations along the trunk system must be agreed in consultation with Council. No increases in flows for the 5% AEP event to fit current culvert design at Taranganba Road.

Council requires the applicant to investigate and provide sufficient details taking into account all associated catchments for pre and post development scenarios. The investigation should include selected range of events including major and minor events up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration with relevant hydrographs.

Flow regime includes discharge quantity / volume, flood level, velocity, frequency and duration. As part of the detailed design it is important to check the overall impact in terms of flow regime changes at discharge points within Ross Creek. For further clarity cross sections at few intermediate points within the study area including discharge locations needs to be included.

NOTE 7. Stormwater quality

Relevant rainfall intensities (if necessary) may be obtained from Council for MUSIC modelling.

NOTE 8. Water works

A water network analysis / new water supply strategy is required if any building pad level of proposed allotments exceeds thirty-five (35) metres Australian Height Datum to maintain the standard water supply services in accordance with *Water Supply (Safety and Reliability) Act*.

**PART B – MATERIAL CHANGE OF USE FOR NINETEEN DWELLING HOUSES****16.0 ADMINISTRATION**

- 16.1 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.
- 16.2 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.
- 16.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 16.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 16.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of use, unless otherwise stated.
- 16.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 16.6.1 Operational Works:
- (i) Access Works;
- 16.6.2 Plumbing and Drainage Works; and
- 16.6.3 Building Works.
- 16.7 All Development Permits for Operational Works (for any vehicle access that is non-compliant with the *Capricorn Municipal Development Guidelines*) and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 16.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 16.9 The Survey Plan creating the relevant lots the subject of Part A of this permit, cancelling Lot 5006 on SP296906, must be registered prior to the commencement of the use on the land for a Dwelling house.
- 16.10 This approval is for the construction of a Dwelling house and outbuildings necessary for purposes ancillary to the occupation of a Dwelling house on the nineteen (19) proposed allotments shown on the approved plans (refer to condition 18.1). Any development other than a Dwelling house consistent with the approved plans and the conditions of this permit may trigger assessment against the Planning Scheme in force at the time the development occurs.

**17.0 APPROVED PLANS AND DOCUMENTS**

- 17.1 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>
Plan of Development Stages 10A-10B	6616-10-ROL Rev B Sheet 1 and Sheet 2	29 June 2019

- 17.2 Where there is any conflict between the conditions of this approval and the details



shown on the approved plans and documents, the conditions of approval must prevail.

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

18.0 ACCESS WORKS

- 18.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any works on the site.
- 18.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 18.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).
- 18.3 A *Capricorn Municipal Development Guidelines* compliant vehicle access must be designed and constructed for each Dwelling house. Any non-compliant vehicle access will require a Development Permit for Operational Works (access works) prior to commencement of any vehicle access works associated with that lot.
- 18.4 Direct vehicle access to any Major Collector roads from private allotments is not permitted. Direct vehicle access to a service road within the Major Collector road reserve is permitted.
- 18.5 A minimum of two (2) off-street car parking spaces must be provided for each Dwelling house in accordance with the *Queensland Development Code - Mandatory Part 1.2*, one (1) of which must be covered.

19.0 PLUMBING AND DRAINAGE WORKS

- 19.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 19.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 18.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 19.3 The development must be connected to Council's reticulated sewerage and water networks.
- 19.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

20.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 20.1 All roof and allotment drainage must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 20.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or damage infrastructure.

21.0 SITE WORKS

- 21.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 21.2 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.

**22.0 BUILDING WORKS**

- 22.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 22.2 All buildings and structures must be designed and sited in accordance with the 'development standards' specified on the approved plans (refer to condition 17.1).
- 22.3 All buildings and structures must comply with the provisions of the *Queensland Development Code - Mandatory Part 1.4*.
- 22.4 The finished floor level of all habitable areas must be a minimum 300 millimetres above the Defined Flood Event (DFE) level.

**23.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 23.1 Underground electricity and telecommunication connections must be provided to each Dwelling house to the requirements of the relevant authority.

**24.0 ASSET MANAGEMENT**

- 24.1 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.
- 24.2 Any damage to existing 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.
- 24.3 '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 commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

**25.0 ENVIRONMENTAL**

- 25.1 An Erosion and Sediment 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 and Sediment Control Management Plan must be available on-site for inspection by Council Officers during those works.

**26.0 OPERATING PROCEDURES**

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

**ADVISORY NOTES****NOTE 1. Aboriginal Cultural Heritage**

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

**NOTE 2. General Environmental Duty**

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

**NOTE 3. 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.

**RECOMMENDATION B2 - D-13-2018 STAGES 10A AND 10B**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into nineteen (19) lots + balance) and a Development Permit for a Material Change of Use for nineteen (19) Dwelling houses (Stage 10A & 10B) made by Keppel Developments Pty Ltd, on Lot 5006 on SP296906, and located at Lot 5006 Havenwood Drive, Taroomball, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$399,000.00** with the following sub-staging:

<b>10A1</b>	<b>\$21,000.00</b>
<b>10A2</b>	<b>\$210,000.00</b>
<b>10B1</b>	<b>\$105,000.00</b>
<b>10B2</b>	<b>\$63,000.00</b>

**RECOMMENDATION C1 – D-15-2018 STAGE 12A1, 12A2, 12B1 and 12B2**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into forty (40) lots + balance) and a Development Permit for a Material Change of Use for forty (40) Dwelling houses (Stage 12A1, 12A2, 12B1 and 12B2), made by Keppel Developments Pty Ltd, on Lot 5006 on SP296906, and located at Lot 5006 Havenwood Drive, Taroomball, Council resolves to Approve the application subject to the following conditions:

**PART A – RECONFIGURING A LOT (ONE LOT INTO FORTY (40) LOTS + BALANCE) STAGES 12A1, 12A2, 12B1 and 12B2**

**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 approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.

- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:

1.6.1 Operational Works:

- (i) Road Works;
- (ii) Sewerage Works;
- (iii) Water Works;
- (iv) Stormwater Works;
- (v) Inter-allotment Drainage Works (If Necessary); and
- (vi) Site Works;

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

- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards 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>
Plan of Development Stages 12A-12B	6616-12-ROL Rev B Sheet 1 and Sheet 2	29 June 2019

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

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

3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in four (4) discrete stages, namely:

- 3.1.1 Stage 12A1: (Ten lots) Lot 353 to Lot 362 and Road reserve and PUL;
- 3.1.2 Stage 12A2: (Eleven lots) Lot 363 to Lot 373 and Road reserve;
- 3.1.3 Stage 12B1: (Eleven Lots) Lot 374 to Lot 384 and Road reserve; and
- 3.1.4 Stage 12B2: (Eight Lots) Lot 385 to Lot 392 and Road reserve.

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

- 3.2 Multiple development stages may be undertaken concurrently, provided all allotments can be connected to the full range of urban infrastructure including access availability from a constructed road frontage.

- 3.3 Infrastructure (including but not limited to road, pedestrian access, water, sewer, stormwater infrastructure) must be provided by the developer in a co-ordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence to facilitate ease of extension of

infrastructure during future stages.

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

#### 4.0 ROAD WORKS

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

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

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

- 4.4 Direct vehicle access to any Major Collector roads from private allotments is not permitted

- 4.5 All new *cul-de-sac* roads must comply with all requirements for a road classification of "Access Place" in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

- 4.6 The design and construction of all terminating roads or cul-de-sac streets must include a sealed turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection vehicle.

- 4.7 The locations and construction requirements of any temporary turning areas must be agreed in consultation with Council as part of any application for a Development Permit for Operational Works (road works).

- 4.8 The area taken up by temporary turning areas at the ends of roads must be covered by road reserve.

- 4.9 All pathways within road reserves (including access ramps) must:

4.9.1 Incorporate kerb ramps at all road crossing points; and

4.9.2 Be provided with public space lighting in accordance with *Australian Standard AS1158 Lighting for Roads and Public Spaces*.

- 4.10 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and the *Manual of Uniform Traffic Control Devices (Queensland)*.

- 4.11 Any application for a Development Permit for Operational Works (road works) must include details, including signage, of the Council approved road names for all new roads.

- 4.12 Retaining walls must be wholly contained within private allotments and not be constructed within road reserves as Council-owned infrastructure, unless specifically approved as part of a Development Permit for Operational Works (road works).

- 4.13 Any retaining structures above one (1) metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.

A detailed inspection and 'as constructed' record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the

design were inspected and achieved during construction. The approved design and/or construction of the retaining walls must not be modified without Council's prior written approval.

#### 5.0 SEWERAGE WORKS

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

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

5.3 All lots within the development must be connected to Council's reticulated sewerage network via gravity connection. Each of the lots must be provided with its own separate sewer connection point, located wholly within its respective property boundaries.

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

5.5 Sewerage infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

#### 6.0 WATER WORKS

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

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

6.3 All lots within the development must be connected to Council's reticulated water network. Each of the lots must be provided with its own separate water connection point, located wholly within its respective property boundaries.

6.4 Water infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

#### 7.0 STORMWATER WORKS

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

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

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

7.4 Any application for Operational works (stormwater works) must identify all areas of the proposed development, which needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to maintain the lawful discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*.

7.5 Drainage easement(s) must be dedicated in favour of Council over all major overland

- flow paths (land inundated by the Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 7.6 Any application for Operational Works (stormwater works) must be accompanied by a detailed stormwater management strategy certified by a suitably qualified Registered Professional Engineer of Queensland. The strategy must include the following (but not limited to);
- 7.6.1 A detailed assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios and clearly identifies discharge point(s) and demonstrate lawful discharge;
  - 7.6.2 Detention systems. The volume of any detention must be sufficient to attenuate the peak discharge from the site to ensure non-worsening of the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;
  - 7.6.3 Layouts showing the extent of the one (1) per cent Annual Exceedance Probability event inundation areas (pre and post) and the details of the available freeboard to the finished ground/floor levels;
  - 7.6.4 Pre and post one (1) year average recurrence interval (ARI) event peak flow and velocity details at discharge points within the Ross Creek to demonstrate compliance with waterway stability requirements;
  - 7.6.5 Designs of outlet systems for the proposed drainage systems. Considerations must be given to critical scour velocity, discharge frequency /duration at the discharge location(s) and relevant management measures;
  - 7.6.6 Full calculations, including (where necessary) electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files) and all details of the modelling assumptions to support the proposed stormwater management strategy;
  - 7.6.7 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy; and
  - 7.6.8 Details of ongoing maintenance and management actions required with regard to any proposed detention basin / retention systems.
- 7.7 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *Urban Stormwater Quality Planning Guidelines and State Planning Policy*. As part of the Operational Works application (stormwater works) an overall Sea Haven stormwater quality management strategy is required addressing the collection and capture of gross pollutants.
- 7.8 Any culvert/cross drainage structures associated with the development must be designed and constructed to ensure;
- (i) Safe trafficability during the relevant Defined Flood Event;
  - (ii) Limiting the impacts to adjacent properties and infrastructure with twenty (20) per cent blockage factor; and
  - (iii) The maximum flow depth over any cross drainage structure must be limited to 200 millimetres, demonstrating allowable velocity/depth product(s).
- 8.0 INTER-ALLOTMENT DRAINAGE
- 8.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any inter-allotment drainage works on the

site.

8.2 Inter-allotment drainage, must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual* for Level II and must be provided to any lot where it cannot be satisfactorily demonstrated that roofwater drainage associated with building construction on that lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge.

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

#### 9.0 SITE WORKS

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

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

9.2.1 the location of cut and/or fill;

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

9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

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

9.2.5 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.

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

9.4 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 to adjoining properties or infrastructure.

9.5 All site works must be undertaken to ensure that no actionable nuisance results from an increase in:

9.5.1 peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive); or

9.5.2 downstream or upstream flood inundation levels; or

9.5.3 velocity profiles.

#### 10.0 LANDSCAPING WORKS

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

(i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;

(ii) adversely affect any road lighting or public space lighting; or

(iii) adversely affect any Council infrastructure, or public utility plant.

#### 11.0 ELECTRICITY AND TELECOMMUNICATIONS

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

11.2 Any existing overhead electricity infrastructure traversing the relevant stage to be developed must be removed and the associated easement extinguished.



- 11.3 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.

12.0 ASSET MANAGEMENT

- 12.1 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.
- 12.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 12.3 '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 approval of a plan of subdivision (survey plan endorsement). This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

13.0 ENVIRONMENTAL

- 13.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) site location / topography / soil type;
- (ii) objectives;
- (iii) concept;
- (iv) design details;
- (v) implementation procedures for construction and post construction phases of work.
- (vi) vegetation;
- (vii) interim drainage plan during construction;
- (viii) dust suppression;
- (ix) top soil management;
- (x) acid sulphate soils; and
- (xi) erosion susceptibility and risk

- 13.2 The approved 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).

14.0 OPERATING PROCEDURES

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

ADVISORY NOTES

- NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with the *Adopted Infrastructure Charges Resolution (No.2) 2015*. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

NOTE 5. Trunk Stormwater infrastructure

Future stormwater trunk infrastructure D-8 (Ross Creek drainage system management) and D-29 (Ross Creek drainage feature system – Tanby Road) are identified within the subject Lot 5006 SP296906. Stormwater trunk infrastructure D-83 (Ross Creek drainage feature system) and D-84 (Ross Creek District Treatment Facility) are also identified within the subject lot under *Adopted Infrastructure Charges Resolution (No. 3) 2018*. The floodplain areas of Ross Creek within the subject lot can be transferred to Council as “Fee simple” or as “Fee simple as trustee” at no cost to Council.

NOTE 6. Stormwater management strategy

Total catchment modelling must be undertaken to determine preferred location and operational requirements of any stormwater detention / retention system. Target flow regime boundary conditions at discharge locations along the trunk system must be agreed in consultation with Council. No increases in flows for the 5% AEP event to fit current culvert design at Taranganba Road.

Council requires the applicant to investigate and provide sufficient details taking into account all associated catchments for pre and post development scenarios. The investigation should include selected range of events including major and minor events up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration with relevant hydrographs.

Flow regime includes discharge quantity / volume, flood level, velocity, frequency and duration. As part of the detailed design it is important to check the overall impact in terms of flow regime changes at discharge points within Ross Creek. For further clarity cross sections at few intermediate points within

the study area including discharge locations needs to be included.

NOTE 7. Stormwater quality

Relevant rainfall intensities (if necessary) may be obtained from Council for MUSIC modelling.

NOTE 8. Water works

A water network analysis / new water supply strategy is required if any building pad level of proposed allotments exceeds thirty-five (35) metres Australian Height Datum to maintain the standard water supply services in accordance with *Water Supply (Safety and Reliability) Act*.

**PART B – MATERIAL CHANGE OF USE FOR FORTY-EIGHT DWELLING HOUSES**

15.0 ADMINISTRATION

- 15.1 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.
- 15.2 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.
- 15.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 15.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 15.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of use, unless otherwise stated.
- 15.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 15.6.1 Operational Works:
- (i) Access Works;
- 15.6.2 Plumbing and Drainage Works; and
- 15.6.3 Building Works.
- 15.7 All Development Permits for Operational Works (for any vehicle access that is non-compliant with the *Capricorn Municipal Development Guidelines*) and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 15.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 15.9 The Survey Plan creating the relevant lots the subject of Part A of this permit, cancelling Lot 5006 on SP296906, must be registered prior to the commencement of the use on the land for a Dwelling house.
- 15.10 This approval is for the construction of a Dwelling house and outbuildings necessary for purposes ancillary to the occupation of a Dwelling house on the forty (40) proposed allotments shown on the approved plans (refer to condition 17.1). Any development other than a Dwelling house consistent with the approved plans and the conditions of this permit may trigger assessment against the Planning Scheme in force at the time the development occurs.

16.0 APPROVED PLANS AND DOCUMENTS

- 16.1 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>
Plan of Development Stages 12A-12B	6616-12-ROL Rev B Sheet 1 and Sheet 2	29 June 2019

- 16.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 16.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

17.0 ACCESS WORKS

- 17.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any works on the site.
- 17.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 17.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).
- 17.3 A *Capricorn Municipal Development Guidelines* compliant vehicle access must be designed and constructed for each Dwelling house. Any non-compliant vehicle access will require a Development Permit for Operational Works (access works) prior to commencement of any vehicle access works associated with that lot.
- 17.4 A minimum of two (2) off-street car parking spaces must be provided for each Dwelling house in accordance with the *Queensland Development Code - Mandatory Part 1.2*, one (1) of which must be covered.

18.0 PLUMBING AND DRAINAGE WORKS

- 18.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 18.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 17.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 18.3 The development must be connected to Council's reticulated sewerage and water networks.
- 18.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

19.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 19.1 All roof and allotment drainage must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 19.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining

properties or damage infrastructure.

#### 20.0 SITE WORKS

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

20.2 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.

#### 21.0 BUILDING WORKS

21.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

21.2 All buildings and structures must be designed and sited in accordance with the 'development standards' specified on the approved plans (refer to condition 17.1).

21.3 All buildings and structures must comply with the provisions of the *Queensland Development Code - Mandatory Part 1.4*.

21.4 The finished floor level of all habitable areas must be a minimum 300 millimetres above the Defined Flood Event (DFE) level.

#### 22.0 ELECTRICITY AND TELECOMMUNICATIONS

22.1 Underground electricity and telecommunication connections must be provided to each Dwelling house to the requirements of the relevant authority.

#### 23.0 ASSET MANAGEMENT

23.1 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.

23.2 Any damage to existing 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.

23.3 '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 commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

#### 24.0 ENVIRONMENTAL

24.1 An Erosion and Sediment 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 and Sediment Control Management Plan must be available on-site for inspection by Council Officers during those works.

#### 25.0 OPERATING PROCEDURES

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

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a

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

**NOTE 2. General Environmental Duty**

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

**NOTE 3. 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.

**RECOMMENDATION C2 - D-15-2018 STAGES 12A1, 12A2, 12B1, 12B2**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into forty (40) lots + balance) and a Development Permit for a Material Change of Use for forty (40) Dwelling houses (Stage 12A1, 12A2, 12B1, 12B2) made by Keppel Developments Pty Ltd, on Lot 5006 on SP296906, and located at Lot 5006 Havenwood Drive, Taroomball, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$882,000.00** with the following sub-staging:

<b>12A1: \$252,000.00</b>
<b>12A2: \$231,000.00</b>
<b>12B1: \$231,000.00</b>
<b>12B2: \$168,000.00</b>

**RECOMMENDATION D1 – D-16-2018 STAGE 13A, 13B AND 13C**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into twelve (12) lots + balance) and a Development Permit for a Material Change of Use for twelve (12) Dwelling houses (Stage 13A, 13B and 13C), made by Keppel Developments Pty Ltd, on Lot 5006 on SP296906, and located at Lot 5006 Havenwood Drive, Taroomball, Council resolves to Approve the application subject to the following conditions:

**PART A – RECONFIGURING A LOT (ONE LOT INTO TWELVE (12) LOTS + BALANCE) STAGES 13A, 13B AND 13C**

**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 approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Operational Works:
    - (i) Road Works;
    - (ii) Sewerage Works;
    - (iii) Water Works;
    - (iv) Stormwater Works; and
    - (v) Site Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards 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>
Plan of Development Stage 13	6616-13-ROL, rev A	21.01.2018

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
  - 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- ## 3.0 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
  - 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
  - 3.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) within and road reserve(s) at the time of making the application.
  - 3.4 The design and construction of all terminating roads must include a temporary turning area which complies with the relevant performance and technical criteria, and

facilitates suitable turning movements for a Council refuse collection vehicle.

- 3.5 The area taken up by temporary turning areas at the ends of roads must be covered by road reserve.
- 3.6 All pathways within road reserves (including access ramps) must:
- 3.6.1 Incorporate kerb ramps at all road crossing points; and
- 3.6.2 Be provided with public space lighting in accordance with *Australian Standard AS1158 Lighting for Roads and Public Spaces*.
- 3.7 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 3.8 Any application for a Development Permit for Operational Works (road works) must include details, including signage, of the Council approved road names for all new roads.
- 3.9 Retaining walls must be wholly contained within private allotments and not be constructed within road reserves as Council-owned infrastructure, unless specifically approved as part of a Development Permit for Operational Works (road works).
- 3.10 Any retaining structures above one metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.

A detailed inspection and 'as constructed' record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction. The approved design and/or construction of the retaining walls must not be modified without Council's prior written approval.

#### 4.0 SEWERAGE WORKS

- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 All lots within the development must be connected to Council's reticulated sewerage network via gravity connection. Each of the lots must be provided with its own separate sewer connection point, located wholly within its respective property boundaries.
- 4.4 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 Sewerage infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

#### 5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).



- 5.3 All lots within the development must be connected to Council's reticulated water network. Each of the lots must be provided with its own separate water connection point, located wholly within its respective property boundaries.
- 5.4 Water infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 6.2 All stormwater management works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Urban Stormwater Quality Planning Guidelines*, *State Planning Policy*, sound engineering practice, and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 6.4 Any application for Operational works (stormwater works) must identify all areas of the proposed development, which needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to maintain the lawful discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*.
- 6.5 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by the Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 6.6 Any application for Operational Works (stormwater works) must be accompanied by a detailed overall stormwater management strategy certified by a suitably qualified Registered Professional Engineer of Queensland. The strategy must include the following (but not limited to);
- 6.6.1 A detailed assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios and clearly identifies discharge point(s) and demonstrate lawful discharge;
- 6.6.2 Detention systems. The volume of any detention must be sufficient to attenuate the peak discharge from the site to ensure non-worsening of the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;
- 6.6.3 Layouts showing the extent of the one (1) per cent Annual Exceedance Probability event inundation areas (pre and post) and the details of the available freeboard to the finished ground/floor levels;
- 6.6.4 Pre and post one (1) year average recurrence interval (ARI) event peak flow and velocity details at discharge points within the Ross Creek to demonstrate compliance with waterway stability requirements;
- 6.6.5 Designs of outlet systems for the proposed drainage systems. Considerations must be given to critical scour velocity, discharge frequency /duration at the discharge location(s) and relevant management measures;
- 6.6.6 Full calculations, including electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files)

- and all details of the modelling assumptions to support the proposed stormwater management strategy;
- 6.6.7 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy; and
- 6.6.8 Details of ongoing maintenance and management actions required with regard to any proposed detention basin / retention systems.
- 6.7 As part of the Operational Works application (stormwater works) an overall Sea Haven stormwater quality management strategy is required addressing the collection and capture of gross pollutants.
- 7.0 INTER-ALLOTMENT DRAINAGE
- 7.1 Inter-allotment drainage, must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual* for Level II and must be provided to any lot where it cannot be satisfactorily demonstrated that roofwater drainage associated with building construction on that lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge.
- 7.2 Easements must be provided over all inter-allotment drainage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 8.0 SITE WORKS
- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
- 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 8.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
- 8.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 8.4 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 to adjoining properties or infrastructure.
- 8.5 All site works must be undertaken to ensure that no actionable nuisance results from an increase in:
- 8.5.1 peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive); or
- 8.5.2 downstream or upstream flood inundation levels; or
- 8.5.3 velocity profiles.
- 9.0 LANDSCAPING WORKS

- 9.1 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.
- 10.0 ELECTRICITY AND TELECOMMUNICATIONS
- 10.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 10.2 Any existing overhead electricity infrastructure traversing the relevant stage to be developed must be removed and the associated easement extinguished.
- 10.3 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.
- 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 approval of a plan of subdivision (survey plan endorsement). This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 12.0 ENVIRONMENTAL
- 12.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) site location / topography / soil type;
  - (ii) objectives;
  - (iii) concept;
  - (iv) design details;
  - (v) implementation procedures for construction and post construction phases of work.
  - (vi) vegetation;
  - (vii) interim drainage plan during construction;
  - (viii) dust suppression;
  - (ix) top soil management;
  - (x) acid sulphate soils; and
  - (xi) erosion susceptibility and risk
- 12.2 The approved 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).

### 13.0 OPERATING PROCEDURES

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

### ADVISORY NOTES

#### NOTE 1. Aboriginal Cultural Heritage

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

#### NOTE 2. General Environmental Duty

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

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

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

#### NOTE 4. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with the *Adopted Infrastructure Charges Resolution (No.2) 2015*. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

#### NOTE 5. Trunk Stormwater infrastructure

Future stormwater trunk infrastructure D-8 (Ross Creek drainage system management) and D-29 (Ross Creek drainage feature system – Tanby Road) are identified within the subject Lot 5006 SP296906. Stormwater trunk infrastructure D-83 (Ross Creek drainage feature system) and D-84 (Ross Creek District Treatment Facility) are also identified within the subject lot under *Adopted Infrastructure Charges Resolution (No. 3) 2018*. The floodplain areas of Ross Creek within the subject lot can be transferred to Council as "Fee simple" or as "Fee simple as trustee" at no cost to Council.

#### NOTE 6. Stormwater management strategy

Total catchment modelling must be undertaken to determine preferred location and operational requirements of any stormwater detention / retention system. Target flow regime boundary conditions at discharge locations along the trunk system must be agreed in consultation with Council. No increases in flows for the Q20 event to fit current culvert design at Taranganba Road.

Council requires the applicant to investigate and provide sufficient details

taking into account all associated catchments for pre and post development scenarios. The investigation should include selected range of events including major and minor events up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration with relevant hydrographs.

Flow regime includes discharge quantity / volume, flood level, velocity, frequency and duration. As part of the detailed design it is important to check the overall impact in terms of flow regime changes at discharge point(s) within Ross Creek.

NOTE 7. Stormwater quality

Relevant rainfall intensities (if necessary) may be obtained from Council for MUSIC modeling.

NOTE 8. Water works

A water network analysis / new water supply strategy is required if any building pad level of proposed allotments exceeds thirty-five (35) metres Australian Height Datum to maintain the standard water supply services in accordance with *Water Supply (Safety and Reliability) Act*.

**PART B – MATERIAL CHANGE OF USE FOR TWELVE (12) DWELLING HOUSES**

14.0 ADMINISTRATION

14.1 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.

14.2 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.

14.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

14.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.

14.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of use, unless otherwise stated.

14.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:

14.6.1 Operational Works:

(i) Access Works;

14.6.2 Plumbing and Drainage Works;

14.7 All Development Permits for Operational Works (for any vehicle access that is non-compliant with the *Capricorn Municipal Development Guidelines*) and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

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

14.9 The Survey Plan creating the relevant lots the subject of Part A of this permit, cancelling Lot 5006 on SP296906, must be registered prior to the commencement of the use on the land for a Dwelling house.

15.0 APPROVED PLANS AND DOCUMENTS

- 15.1 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>
Plan of Development Stage 13	6616-13-ROL, rev A	21 January 2018

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

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

#### 16.0 ACCESS WORKS

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

- 16.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 15.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).

- 16.3 A *Capricorn Municipal Development Guidelines* compliant vehicle access must be designed and constructed for each Dwelling house. Any non-compliant vehicle access will require a Development Permit for Operational Works (access works) prior to commencement of any vehicle access works associated with that lot.

- 16.4 A minimum of two (2) off-street car parking spaces must be provided for each Dwelling house in accordance with the *Queensland Development Code - Mandatory Part 1.2*, one (1) of which must be covered.

#### 17.0 PLUMBING AND DRAINAGE WORKS

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

- 17.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 15.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 17.3 The development must be connected to Council's reticulated sewerage and water networks.

- 17.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

#### 18.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 18.1 All roof and allotment drainage must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

- 18.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or damage infrastructure.

#### 19.0 SITE WORKS

- 19.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798*

*"Guidelines on Earthworks for Commercial and Residential Developments".*

- 19.2 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.
- 20.0 BUILDING WORKS
- 20.1 All buildings and structures must comply with the provisions of the *Queensland Development Code - Mandatory Part 1.4*.
- 21.0 ELECTRICITY AND TELECOMMUNICATIONS
- 21.1 Underground electricity and telecommunication connections must be provided to each Dwelling house to the requirements of the relevant authority.
- 22.0 ASSET MANAGEMENT
- 22.1 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.
- 22.2 Any damage to existing 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.
- 23.0 ENVIRONMENTAL
- 23.1 An Erosion and Sediment 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 and Sediment Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 24.0 OPERATING PROCEDURES
- 24.1 All construction materials, waste and waste skips must be located and stored on-site. All construction materials and waste must be secured and not allowed to be washed or blown by the wind off-site. At all times machinery and contractor's vehicles must be parked so as to not unreasonably obstruct the road pavement, road verges/footpaths or any neighbouring property accesses.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. 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.

#### **RECOMMENDATION D2 - D-16-2018 STAGES 13A, 13B AND 13C**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into twelve (12) lots + balance) and a Development Permit for a Material Change of Use for twelve (12) Dwelling houses (Stage 13A, 13B and 13C) made by Keppel Developments Pty Ltd, on Lot 5006 on SP296906, and located at Lot 5006 Havenwood Drive, Taroomball, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$252,000.00** with the following sub-staging:

<b>13A</b>	<b>\$21,000.00</b>
<b>13B</b>	<b>\$42,000.00</b>
<b>13C</b>	<b>\$189,000.00</b>

#### **RECOMMENDATION E1 – D-17-2018 STAGE 11A1, 11A2, 11B1, 11B2, 11C1 AND 11C2**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into forty-eight (48) lots + balance) and a Development Permit for a Material Change of Use for forty-eight (48) Dwelling houses (Stage 11A1, 11A2, 11B1, 11B2, 11C1 AND 11C2), made by Keppel Developments Pty Ltd, on Lot 5006 on SP296906, and located at Lot 5006 Havenwood Drive, Taroomball, Council resolves to Approve the application subject to the following conditions:

#### **PART A – RECONFIGURING A LOT (ONE LOT INTO FORTY-EIGHT (48) LOTS + BALANCE) STAGES 11A1, 11A2, 11B1, 11B2, 11C1 AND 11C2**

##### **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 approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Operational Works:
    - (vii) Road Works;
    - (viii) Access Works;
    - (ix) Sewerage Works;



- (x) Water Works;
- (xi) Stormwater Works;
- (xii) Inter-allotment Drainage Works (if necessary); and
- (xiii) Site Works;

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

1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards 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>
Plan of Development Stages 11A-11C	6616-11-ROL Rev B Sheet 1 and Sheet 2	29 June 2019

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

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

## 3.0 STAGED DEVELOPMENT

3.1 This approval is for a development to be undertaken in six (6) discrete stages, namely:

- 3.1.1 Stage 11A1: (Two lots) Lot 305 to Lot 306 and Road reserve;
- 3.1.2 Stage 11A2: (Eleven lots) Lot 307 to Lot 317 and Road reserve;
- 3.1.3 Stage 11B1: (Nine Lots) Lot 318 to Lot 326 and Road reserve;
- 3.1.4 Stage 11B2: (Eight Lots) Lot 327 to Lot 334 and Road reserve.
- 3.1.5 Stage 11C1: (Ten Lots) Lot 335 to Lot 344 and Road reserve; and
- 3.1.6 Stage 11C2: (Eight Lots) Lot 345 to Lot 352 and Road reserve.

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

3.2 Multiple development stages may be undertaken concurrently, provided all allotments can be connected to the full range of urban infrastructure including access availability from a constructed road frontage.

3.3 Infrastructure (including but not limited to road, pedestrian access, water, sewer, stormwater infrastructure) must be provided by the developer in a co-ordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence to facilitate ease of extension of infrastructure during future stages.

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

#### 4.0 ROAD WORKS

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) within and road reserve(s) at the time of making the application.
- 4.4 Direct vehicle access to any Major Collector roads from private allotments is not permitted
- 4.5 All new *cul-de-sac* roads must comply with all requirements for a road classification of “*Access Place*” in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.6 The design and construction of all terminating roads or *cul-de-sac* streets must include a sealed turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection vehicle.
- 4.7 The locations and construction requirements of any temporary turning areas must be agreed in consultation with Council as part of any application for a Development Permit for Operational Works (road works).
- 4.8 The area taken up by temporary turning areas at the ends of roads must be covered by road reserve.
- 4.9 All pathways within road reserves (including access ramps) must:
- 4.9.1 Incorporate kerb ramps at all road crossing points; and
  - 4.9.2 Be provided with public space lighting in accordance with *Australian Standard AS1158 Lighting for Roads and Public Spaces*.
- 4.10 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 4.11 Any application for a Development Permit for Operational Works (road works) must include details, including signage, of the Council approved road names for all new roads.
- 4.12 Retaining walls must be wholly contained within private allotments and not be constructed within road reserves as Council-owned infrastructure, unless specifically approved as part of a Development Permit for Operational Works (road works).
- 4.13 Any retaining structures above one metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.
- A detailed inspection and ‘as constructed’ record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall’s foundation ground conditions nominated in the design were inspected and achieved during construction. The approved design and/or construction of the retaining walls must not be modified without Council’s prior written approval.

## 5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), the *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 5.3 A compliant access driveway must be designed and constructed for proposed lots 310 and 311.

## 6.0 SEWERAGE WORKS

- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 All lots within the development must be connected to Council's reticulated sewerage network via gravity connection. Each of the lots must be provided with its own separate sewer connection point, located wholly within its respective property boundaries.
- 6.4 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 6.5 Sewerage infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

## 7.0 WATER WORKS

- 7.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water 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 (water works).
- 7.3 All lots within the development must be connected to Council's reticulated water network. Each of the lots must be provided with its own separate water connection point, located wholly within its respective property boundaries.
- 7.4 Water infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

## 8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 All stormwater management works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Urban Stormwater Quality Planning Guidelines*, *State Planning Policy*, sound engineering practice, and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.3 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 8.4 Any application for Operational works (stormwater works) must identify all areas of

- the proposed development, which needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to maintain the lawful discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*.
- 8.5 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by the Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 8.6 Any application for Operational Works (stormwater works) must be accompanied by a detailed stormwater management strategy certified by a suitably qualified Registered Professional Engineer of Queensland. The strategy must include the following (but not limited to);
- 8.6.1 A detailed assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios and clearly identifies discharge point(s) and demonstrate lawful discharge;
- 8.6.2 Detention systems. The volume of any detention must be sufficient to attenuate the peak discharge from the site to ensure non-worsening of the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;
- 8.6.3 Layouts showing the extent of the one (1) per cent Annual Exceedance Probability event inundation areas (pre and post) and the details of the available freeboard to the finished ground/floor levels;
- 8.6.4 Pre and post one (1) year average recurrence interval (ARI) event peak flow and velocity details at discharge points within the Ross Creek to demonstrate compliance with waterway stability requirements;
- 8.6.5 Designs of outlet systems for the proposed drainage systems. Considerations must be given to critical scour velocity, discharge frequency /duration at the discharge location(s) and relevant management measures;
- 8.6.6 Full calculations, including (where necessary) electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files) and all details of the modelling assumptions to support the proposed stormwater management strategy;
- 8.6.7 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy; and
- 8.6.8 Details of ongoing maintenance and management actions required with regard to any proposed detention basin / retention systems.
- 8.7 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *Urban Stormwater Quality Planning Guidelines and State Planning Policy*. As part of the Operational Works application (stormwater works) an overall Sea Haven stormwater quality management strategy is required addressing the collection and capture of gross pollutants.
- 8.8 Any culvert/cross drainage structures associated with the development must be designed and constructed to ensure;
- (iv) Safe trafficability during the relevant Defined Flood Event;
- (v) Limiting the impacts to adjacent properties and infrastructure with twenty (20) per cent blockage factor; and
- (vi) The maximum flow depth over any cross drainage structure must be limited to

200 millimetres, demonstrating allowable velocity/depth product(s).

9.0 INTER-ALLOTMENT DRAINAGE

9.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any inter-allotment drainage works on the site.

9.2 Inter-allotment drainage, must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual* for Level II and must be provided to any lot where it cannot be satisfactorily demonstrated that roofwater drainage associated with building construction on that lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge.

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

10.0 SITE WORKS

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

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

10.2.1 the location of cut and/or fill;

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

10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

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

10.2.5 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.

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

10.4 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 to adjoining properties or infrastructure.

10.5 All site works must be undertaken to ensure that no actionable nuisance results from an increase in:

10.5.1 peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive); or

10.5.2 downstream or upstream flood inundation levels; or

10.5.3 velocity profiles.

11.0 LANDSCAPING WORKS

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

(iv) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;

(v) adversely affect any road lighting or public space lighting; or

(vi) adversely affect any Council infrastructure, or public utility plant.

12.0 ELECTRICITY AND TELECOMMUNICATIONS

- 12.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 12.2 Any existing overhead electricity infrastructure traversing the relevant stage to be developed must be removed and the associated easement extinguished.
- 12.3 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.
- 13.0 ASSET MANAGEMENT
- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 13.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 13.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the approval of a plan of subdivision (survey plan endorsement). This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 14.0 ENVIRONMENTAL
- 14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (xii) site location / topography / soil type;
  - (xiii) objectives;
  - (xiv) concept;
  - (xv) design details;
  - (xvi) implementation procedures for construction and post construction phases of work.
  - (xvii) vegetation;
  - (xviii) interim drainage plan during construction;
  - (xix) dust suppression;
  - (xx) top soil management;
  - (xxi) acid sulphate soils; and
  - (xxii) erosion susceptibility and risk
- 14.2 The approved 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).
- 15.0 OPERATING PROCEDURES
- 15.1 All construction materials, waste and waste skips must be located and stored on-site. All construction materials and waste must be secured and not allowed to be washed or blown by the wind off-site. At all times machinery and contractor's vehicles must

be parked so as to not unreasonably obstruct the road pavement, road verges/footpaths or any neighbouring property accesses.

#### ADVISORY NOTES – PART A and PART B

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. General Environmental Duty

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

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

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

##### NOTE 4. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with the *Adopted Infrastructure Charges Resolution (No.2) 2015*. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

##### NOTE 5. Trunk Stormwater infrastructure

Future stormwater trunk infrastructure D-8 (Ross Creek drainage system management) and D-29 (Ross Creek drainage feature system – Tanby Road) are identified within the subject Lot 5006 SP296906. Stormwater trunk infrastructure D-83 (Ross Creek drainage feature system) and D-84 (Ross Creek District Treatment Facility) are also identified within the subject lot under *Adopted Infrastructure Charges Resolution (No. 3) 2018*. The floodplain areas of Ross Creek within the subject lot can be transferred to Council as “Fee simple” or as “Fee simple as trustee” at no cost to Council.

##### NOTE 6. Stormwater management strategy

Total catchment modelling must be undertaken to determine preferred location and operational requirements of any stormwater detention / retention system. Target flow regime boundary conditions at discharge locations along the trunk system must be agreed in consultation with Council. No increases in flows for the 5% AEP event to fit current culvert design at Taranganba Road.

Council requires the applicant to investigate and provide sufficient details taking into account all associated catchments for pre and post development scenarios. The investigation should include selected range of events including major and minor events up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration with relevant hydrographs.

Flow regime includes discharge quantity / volume, flood level, velocity, frequency

and duration. As part of the detailed design it is important to check the overall impact in terms of flow regime changes at discharge points within Ross Creek. For further clarity cross sections at few intermediate points within the study area including discharge locations needs to be included.

NOTE 7. Stormwater quality

Relevant rainfall intensities (if necessary) may be obtained from Council for MUSIC modelling.

NOTE 8. Water works

A water network analysis / new water supply strategy is required if any building pad level of proposed allotments exceeds thirty-five (35) metres Australian Height Datum to maintain the standard water supply services in accordance with *Water Supply (Safety and Reliability) Act*.

**PART B – MATERIAL CHANGE OF USE FOR FORTY-EIGHT (48) DWELLING HOUSES – STAGES 11A, 11B AND 11C**

16.0 ADMINISTRATION

16.1 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.

16.2 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.

16.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

16.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.

16.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of use, unless otherwise stated.

16.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:

16.6.1 Operational Works:

(ii) Access Works;

16.6.2 Plumbing and Drainage Works; and

16.6.3 Building Works.

16.7 All Development Permits for Operational Works (for any vehicle access that is non-compliant with the *Capricorn Municipal Development Guidelines*) and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

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

16.9 The Survey Plan creating the relevant lots the subject of Part A of this permit, cancelling Lot 5006 on SP296906, must be registered prior to the commencement of the use on the land for a Dwelling house.

16.10 This approval is for the construction of a Dwelling house and outbuildings necessary for purposes ancillary to the occupation of a Dwelling house on the forty-eight (48)



proposed allotments shown on the approved plans (refer to condition 18.1). Any development other than a Dwelling house consistent with the approved plans and the conditions of this permit may trigger assessment against the Planning Scheme in force at the time the development occurs.

#### 17.0 APPROVED PLANS AND DOCUMENTS

- 17.1 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>
Plan of Development Stages 11A-11C	6616-11-ROL Rev B Sheet 1 and Sheet 2	29 June 2019

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

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

#### 18.0 ACCESS WORKS

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

- 18.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 18.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).

- 18.3 A *Capricorn Municipal Development Guidelines* compliant vehicle access must be designed and constructed for each Dwelling house. Any non-compliant vehicle access will require a Development Permit for Operational Works (access works) prior to commencement of any vehicle access works associated with that lot.

- 18.4 A minimum of two (2) off-street car parking spaces must be provided for each Dwelling house in accordance with the *Queensland Development Code - Mandatory Part 1.2*, one (1) of which must be covered.

#### 19.0 PLUMBING AND DRAINAGE WORKS

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

- 19.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 18.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 19.3 The development must be connected to Council's reticulated sewerage and water networks.

- 19.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

#### 20.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 20.1 All roof and allotment drainage must be discharged lawfully in accordance with the

requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

- 20.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or damage infrastructure.

#### 21.0 SITE WORKS

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

- 21.2 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.

#### 22.0 BUILDING WORKS

- 22.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

- 22.2 All buildings and structures must be designed and sited in accordance with the 'development standards' specified on the approved plans (refer to condition 18.1).

- 22.3 All buildings and structures must comply with the provisions of the *Queensland Development Code - Mandatory Part 1.4*.

- 22.4 The finished floor level of all habitable areas must be a minimum 300 millimetres above the Defined Flood Event (DFE) level.

#### 23.0 ELECTRICITY AND TELECOMMUNICATIONS

- 23.1 Underground electricity and telecommunication connections must be provided to each Dwelling house to the requirements of the relevant authority.

#### 24.0 ASSET MANAGEMENT

- 24.1 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.

- 24.2 Any damage to existing 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.

- 24.3 '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 commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

#### 25.0 ENVIRONMENTAL

- 25.1 An Erosion and Sediment 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 and Sediment Control Management Plan must be available on-site for inspection by Council Officers during those works.

#### 26.0 OPERATING PROCEDURES

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

ADVISORY NOTES**NOTE 1. Aboriginal Cultural Heritage**

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

**NOTE 2. General Environmental Duty**

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

**NOTE 3. 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.

**RECOMMENDATION E2 - D-17-2018 STAGES 11A1, 11A2, 11B1, 11B2, 11C1 AND 11C2**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into forty-eight (48) lots + balance) and a Development Permit for a Material Change of Use for forty-eight (48) Dwelling houses (Stage 11A1, 11A2, 11B1, 11B2, 11C1 AND 11C2) made by Keppel Developments Pty Ltd, on Lot 5006 on SP296906, and located at Lot 5006 Havenwood Drive, Taroomball, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$1,008,000.00** with the following sub-staging:

<b>11A1</b>	<b>\$42,000.00</b>
<b>11A2</b>	<b>\$231,000.00</b>
<b>11B1</b>	<b>\$189,000.00</b>
<b>11B2</b>	<b>\$168,000.00</b>
<b>11C1</b>	<b>\$210,000.00</b>
<b>11C2</b>	<b>\$168,000.00</b>

**Moved by:** Councillor Belot

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

**MOTION CARRIED**

**12.4 COUNCILLOR AGENDA ITEM REQUESTS**

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Nicole Robertson - Coordinator Executive Support

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**SUMMARY**

*This report is to provide information in relation to Councillor requests for agenda items.*

**COUNCIL RESOLUTION**

THAT Council receive the report in relation to the following items requested by Councillors for inclusion in an agenda:

- Reticulated Water to Mabel Edmund Park
- Reallocation of Funding
- Reinstate Meeting Procedures
- Beach Access Bangalee
- Yeppoon Aquatic Centre
- Hill Street Pedestrian
- Anzac Parade Roundabout
- Henry Beak Bridge

**Moved by:** Councillor Kelly  
**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

**12.5 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2019****File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report - August 2019** [⇒](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Damien Cross - Coordinator Accounting Services  
Rachel Jackson - Coordinator Procurement

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**SUMMARY**

*Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 31 August 2019 by the Chief Financial Officer.*

**COUNCIL RESOLUTION**

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 August 2019 be received.

**Moved by:** Councillor Kelly**Seconded by:** Councillor Mather**MOTION CARRIED**

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**12.6 ADOPTION OF THE CAPRICORN COAST EVENT STRATEGY 2025**

**File No:** ED8.5.17  
**Attachments:** 1. Capricorn Coast Event Strategy 2025 [⇒](#)  
**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing  
**Author:** Trish Weir - Manager Customer Engagement & Communications

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**SUMMARY**

*Livingstone Shire Council secured Building Better Regions Funding to produce the Capricorn Coast Events Attraction Strategy. Minor and major event organisers, venue managers and internal business units have provided input into the Capricorn Coast Region Event Strategy 2025. The vision for all stakeholders was a strategic and co-ordinated approach to growing existing events and attracting new, destination aligned events to increase overnight visitor expenditure, create jobs and grow the economic benefit for the region.*

**09:36AM** Deputy Mayor, Councillor Hutton left the meeting due to a conflict of interest he declared in respect of item 12.6 - Adoption of the Capricorn Coast Event Strategy 2025 (reasons disclosed on page 4).

**COUNCIL RESOLUTION**

THAT Council adopt the *Capricorn Coast Region Strategy 2025* (as contained within Attachment One) as the framework document, which will guide the identification, planning, sponsorship criteria, implementation targets and overall strategic drivers across the region relating to events.

**Moved by:** Councillor Eastwood

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

**09:39AM** Deputy Mayor, Councillor Hutton returned to the meeting.

## **11 URGENT BUSINESS\QUESTIONS**

## 12 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

### COUNCIL RESOLUTION

#### 9.40AM

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

#### 15.1 Management Arrangements – Keppel Sands Caravan Park

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

#### 15.2 Former Catholic Church Building – Marlborough

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 15.3 Mobile Black Spot Program – Round 5 Funding

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

### COUNCIL RESOLUTION

#### 9.59AM

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

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

**Seconded by:** Councillor Eastwood

**MOTION CARRIED**



## 13 CONFIDENTIAL REPORTS

### 15.1 MANAGEMENT ARRANGEMENTS - KEPPEL SANDS CARAVAN PARK

**File No:** PR21.5.2-3

**Attachments:** 1. Keppel Sands Caravan Park - Footprint

**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Executive Director Liveability and Wellbeing

**Author:** Mark McLean - Principal Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

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#### SUMMARY

*The report provides information in relation to the future management/tenure arrangements for the Keppel Sands Caravan Park.*

#### COUNCIL RESOLUTION

THAT Council resolve:

- 1) to authorise Council officers to determine a remuneration framework which reflects the level of work involved in the management of the Keppel Sands Caravan Park and provides reward for effort; and
- 2) to authorise Council officers to invite expressions of interest from parties interested in becoming managers of the park.
- 3) Bring a report back to Council prior to new managers being engaged.

**Moved by:** Councillor Belot

**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

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**15.2 FORMER CATHOLIC CHURCH BUILDING - MARLBOROUGH****File No:** CP5.9.2-227**Attachments:** Nil**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Mark McLean - Principal Property Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**SUMMARY**

*This report provides information in relation to a proposal to offer the former Catholic Church building at Marlborough for sale by written tender.*

**COUNCIL RESOLUTION**

THAT Council resolve:

- 1) to authorise Council officers to proceed to written tender for the sale of Lot 14 on Registered Plan 602167 and the building thereon on an 'as is where is' basis; and
- 2) further, if the written tender process for the sale of Lot 14 on Registered Plan 602167 and the building thereon is unsuccessful, authorise Council officers to proceed to written tender for the lease of this property on an 'as is where is' basis.

**Moved by:** Councillor Kelly**Seconded by:** Councillor Mather**MOTION CARRIED**

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**15.3 MOBILE BLACK SPOT PROGRAM – ROUND 5 FUNDING****File No:** IT17.3.1**Attachments:**

1. Proposed Sites for Black Spot Round 5
2. Stockyard Point MOU
3. Nerimbera MOU

**Responsible Officer:** Chris Murdoch - Chief Executive Officer**Author:** Matthew Willcocks - Chief Technology Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

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**SUMMARY**

*The Mobile Black Spot Program is the Australian Government's initiative to extend and improve mobile phone coverage and competition in regional and remote areas of Australia. Round 5 of the Mobile Black Spot Program was announced in April of this year. Applicants to the grant program are Mobile Network Operators (eg. Telstra, Optus) and Council has been coordinating with Telstra for a planned submission.*

**COUNCIL RESOLUTION**

THAT Council resolves to provide no offer for co-contribution to support the providers submission for blackspot funding for this round, however Council will be prepared to give in-kind support where possible.

**Moved by:** Deputy Mayor, Councillor Hutton**Seconded by:** Councillor Kelly**MOTION CARRIED**

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**12.2 REQUEST FOR WITHDRAWAL OF INFRASTRUCTURE CHARGES NOTICE D-151-2017 FOR BUILDING WORKS FOR A SALES AND HIRE PREMISES LOCATED AT 7 CASSAM STREET, YEPPON****File No:** D-151-2017**Attachments:**

- 1. Approved Site Plan B-446-2016 [⇒](#)
- 2. Infrastructure Charges Notice D-151-2017 [⇒](#)
- 3. Headworks calculation sheet D/Y/2005-1723 [⇒](#)

**Responsible Officer:** Maddie Ward - Co-ordinator Development Assessment  
David Battese - Manager Liveability**Author:** Jodie Roche - Development Officer

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**SUMMARY**

This report provides Council with a comparison of the infrastructure charging mechanisms utilised during the original assessment of the preliminary approval which created the subject site and that of the more recent building works. The report will then detail the request by the owners to apply a credit in line with the headworks contributions paid during the creation of the estate in relation to the new Infrastructure Charges Notice issued for the Building works. This approach is outside the scope of the current statutory charging mechanism.

**COUNCIL RESOLUTION**

THAT, in relation to the request to withdraw Infrastructure Charges Notice D-151-2017 for the amount of \$20,500.00 on the basis that the contributions paid for the property under the original subdivision catered for the full extent of the development, Council resolves to:

1. Issue an amended Infrastructure Charges Notice for \$13,081.49 which applies the full credit of \$32,418.51 reflective of the Headworks contributions paid under the superseded Planning Scheme Policies for the land at subdivision stage

**PROCEDURAL MOTION**

That pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy, the matter lay on the table pending further briefing from officers and to return to a future Council Meeting.

**Moved by:** Councillor Mather**MOTION CARRIED**

## 12.1 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO SIX LOTS) AT 535 BUNGUNDARRA ROAD AND LOT 100 BUNGUNDARRA ROAD, BUNGUNDARRA

**File No:** D-29-2019

**Attachments:**

1. Attachment 1 - Locality Plan [⇒](#)
2. Attachment 2 - Proposal Plan [⇒](#)
3. Attachment 3 - Council Meeting Resolution for Development Permit D-17-2017 [⇒](#)

**Responsible Officer:** Maddie Ward - Co-ordinator Development Assessment  
David Battese - Manager Liveability

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

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### SUMMARY

*This matter was presented to the Council meeting held on 3 September 2019 and it was resolved that the matter was to 'lay on the table' pending Councillors attending a site inspection. The matter is now presented to Council to be dealt with.*

<i>Applicant:</i>	<i>C. &amp; M. Roebuck</i>
<i>Consultant:</i>	<i>Capricorn Survey Group (CQ) Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 1 on SP289213 and Lot 100 on SP280113</i>
<i>Common Property Address:</i>	<i>535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra</i>
<i>Area of Site:</i>	<i>291 hectares combined (approximately)</i>
<i>Planning Scheme:</i>	<i>Livingstone Shire Planning Scheme 2005 (reprint 7, in force 10 July 2017)</i>
<i>Planning Scheme Zone:</i>	<i>Rural Zone</i>
<i>Planning Scheme Overlays:</i>	<i>Overlay Map O2 Steep Land Overlay Map O2 Drainage Problem Area Overlay Map O3 Wetlands and Wetlands 100 metre buffer Overlay Map O3 Waterways and Waterways 100 metre buffer Overlay Map O5 Bushfire Hazard Overlay Map O9 Special Management Area – Precinct B</i>
<i>Planning Scheme Maps:</i>	<i>PSM2A Agricultural Land Classification – Shire Balance PSM10 Locally Significant Vegetation</i>
<i>Existing Development:</i>	<i>Dwelling house and Kennels (not approved)</i>
<i>Level of Assessment:</i>	<i>Code assessable</i>
<i>Submissions:</i>	<i>Not applicable</i>
<i>Referral matters:</i>	<i>Infrastructure – Clearing native vegetation (10.3.4.2.1)</i>
<i>Infrastructure Charge Area:</i>	<i>Outside the Priority Infrastructure Area</i>

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*Application progress:*

Application received:	12 February 2019
Development control unit meeting:	13 February 2019
Application properly made:	19 February 2019
Confirmation notice issued:	26 February 2019
Extension of time agreed to (referral period):	5 March 2019
Application referred to State agency:	8 March 2019
Information request issued:	12 March 2019
State agency response:	8 April 2019
Information request response received:	30 May 2019
Further advice issued:	2 July 2019
Extension of time agreed to:	5 July 2019
Further advice response received:	26 July 2019
Council meeting date:	3 September 2019
Statutory determination date:	6 September 2019

**FIRST WARNING BY CHAIRPERSON**

Pursuant to section 150 (I) of the *Local Government Act 2009* and; part 2.21 and part 3 of Livingstone Shire Council's *Meeting Procedures Policy*, the Chair of the Meeting issued an warning to Councillor Mather in relation to her unsuitable meeting conduct.

**SECOND WARNING BY CHAIRPERSON****11.13 AM**

Pursuant to section 150 (I) of the *Local Government Act 2009* and; part 2.21 and part 3 of Livingstone Shire Council's *Meeting Procedures Policy*, the Chair of the Meeting issued a second warning to Councillor Mather in relation to her unsuitable meeting conduct

**FINAL WARNING BY CHAIRPERSON****11.14AM**

Pursuant to part 2.21 and part 3 of Livingstone Shire Council's *Meeting Procedures Policy*, the Chair of the Meeting issued an order that as Councillor Mather had been named and warned previously during the meeting for unsuitable meeting conduct, that Councillor Mather leave the meeting and stay out for the conclusion of the meeting.

**COUNCIL RESOLUTION**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (two lots into six lots), made by C. & M. Roebuck, over Lot 1 on SP289213 and Lot 100 on SP280113, and located at 535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra, Council resolves to Refuse the application given the following reasons:

- 1.0 The proposal fails to satisfy the purpose of the Rural Zone Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in;
  - (i) the creation of lots that are not designed and developed to achieve the protection of large tracts of bushland having significant local environmental

value and do not have suitable sizes and dimensions commensurate with the natural features, hazards and agricultural land classes exhibited by the site.

- (ii) Potential land use conflicts with nearby productive agricultural uses, resulting from the location of non-rural activities on rural land through the provision of a Dwelling house on each lot (indicated by the Building Location Envelope).
  - (iii) the creation of lots unsuitable for rural purposes to occur, with consideration given to natural hazards and removal of Locally Significant Vegetation. Rural purposes would be subject to the desire of the future landowner and subject to assessment by the Department of Natural Resources, Mines and Energy for a relevant purpose determination prior to clearing as agriculture is not listed as a relevant purpose under section 22A of the *Vegetation Management Act 1999*.
- 2.0 The proposal fails to satisfy the purpose of the Clearing Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in:
- (i) Clearing of large portions of locally significant vegetation for building location envelopes, property boundaries, bushfire mitigation and access tracks, which will significantly and irreversibly impact the visual integrity and ecological features and processes that underpin the biodiversity of site the locality in general.
- 3.0 The proposal fails to satisfy the purpose of the Natural Features Code in relation to Bushfire Hazard Special Management Area under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in:
- (i) Locating building location envelopes in very high hazard areas with Bushfire Attack Levels up to Flame Zone resulting in significant impost upon future landholders to implement and maintain vegetation clearing and building design measures to mitigate the risk to a tolerable level and reduce the Bushfire Attack Level to BAL-29 or less.
  - (ii) Significant building protection zones, of thirty-five (35) metres, are proposed outside of the large Building Location Envelopes, which will result in additional clearing to occur to achieve suitable and safe Bushfire Attack Levels for future buildings.
- 4.0 The proposal fails to satisfy the purpose of the Capricorn Coast Landscape Special Management Area Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in:
- (i) Diminished landscape values in terms of physical changes to the natural environment and significant visual detracting as a result of the necessary clearing for bushfire mitigation. In addition, the proposal does not provide for the protection of vegetation located outside the building location envelopes or along proposed property boundaries.
- 5.0 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 achieved through reasonable and relevant conditions.

**Moved by:** Councillor Kelly

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

**MOTION LOST**

**DIVISION:**

Crs N Hutton and J Kelly voted in the affirmative.

Crs A Belot, P Eastwood, B Ludwig and T Wyatt voted in the negative.

**COUNCIL RESOLUTION**

THAT Council approve the development application for the six properties subject to appropriate conditions being brought back to the table for ratification by resolution.

**Moved by:** Councillor Belot

**Seconded by:** Councillor Wyatt

**MOTION CARRIED**

**DIVISION:**

Crs A Belot, P Eastwood, B Ludwig and T Wyatt voted in the affirmative.

Crs N Hutton and J Kelly voted in the negative.



## **14 CLOSURE OF MEETING**

**There being no further business the meeting closed at 11.19AM.**

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Bill Ludwig  
CHAIRPERSON

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DATE