



SPECIAL MEETING

MINUTES

19 DECEMBER 2019

The resolutions contained within in these Minutes were confirmed at the Council meeting held on 21 January 2020.

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MINUTES OF THE SPECIAL MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON THURSDAY, 19 DECEMBER 2019 COMMENCING AT 1.07PM

1 OPENING

2 PRESENT

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Deputy Mayor, Councillor Nigel Hutton
Councillor Adam Belot – via teleconference
Councillor Pat Eastwood
Councillor Jan Kelly
Councillor Glenda Mather (arrived at 1.08pm)
Councillor Tom Wyatt

Officers in Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing (not in attendance at start of meeting)
Mr Dan Toon – Executive Director Infrastructure
Mrs Andrea Ellis – Chief Financial Officer (not in attendance at start of meeting)
Mr Matthew Willcocks - Chief Technology Officer
Mrs Belinda Housman – Acting Chief Human Resources Officer
Mr David Battese – Manager Liveability
Ms Michelle Ballenger – Principle Planning Officer
Mrs Gretta Geddes – Planning Officer
Mr Johnathon Trevett-Lyall – Strategic Planning Officer
Ms Tessa Horgan – Planning Officer
Mrs Tammy Wardrop – Principal Planning Officer
Ms Amy Haydock – Communications and Marketing Officer
Ms Leise Childs – Coordinator Natural Resource Management

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

In accordance with section 175D of the *Local Government Act 2009*, Mayor Bill Ludwig disclosed a perceived conflict of interest in respect of Item 11.1 – Development Application for a Development Permit for Reconfiguring a Lot (Six Lots into Fifty-One Lots) as he has previously engaged the services of two of the consultants (Engineer and Surveyor) as the Applicant in relation to subdivisions.

Mayor indicated that he believed he could discharge his duties fairly and appropriately and intended to remain in the meeting for voting on Item 11.1.

1.08PM Councillor Mather attended the meeting prior to vote on Mayor's declaration.

Mayor then put it to the table for a vote which was carried by a majority of the Councillors.

In accordance with section 175C of the *Local Government Act 2009*, Councillor Wyatt declared a Material Personal Interest in relation to Item 11.1 - Development Application for a Development Permit for Reconfiguring a Lot (Six Lots into Fifty-One Lots) as part of the development relates to his property.

Councillor Wyatt removed himself from the meeting for Item 5.1 – Pete Sparkes (Adams & Sparkes Town Planning & Development) and Peter Delaney (KB Developments/The Kingsway Group) in relation to D-23-2018, 1056 Scenic Highway, Kinka Beach and Item 11.1 - Development Application for a Development Permit for Reconfiguring a Lot (Six Lots into Fifty-One Lots) .

01:11PM Councillor Wyatt left the meeting.

5 PUBLIC FORUMS/DEPUTATIONS

5.1 DEPUTATION – PETE SPARKES (ADAMS & SPARKES TOWN PLANNING & DEVELOPMENT) AND PETER DELANEY (KB DEVELOPMENTS/THE KINGSWAY GROUP) IN RELATION TO D-23-2018, 1056 SCENIC HIGHWAY, KINKA BEACH

File No: D-23-2018
Attachments: Nil
Responsible Officer: David Battese - Manager Liveability
Author: Melissa Warwick - Principal Strategic Planner

SUMMARY

Further to ongoing discussions with various Council Officers in relation to D23-2018, the applicant, KB Developments, have sought a deputation regarding the above development application. The purpose is to

- 1. Provide further information in relation to a proposed Retirement Community at Kinka Beach adjacent to the site for the current development application D23-2018. The landowners will present information about their intentions to move forward with this proposal in the new year and what's new with this proposal since last presented to Council. This is yet to be lodged with council.*
- 2. Discuss the current Park Residential subdivision application (D-23/2018) and what has occurred since the last deputation in August 2019.*

The presentation will consist of a short introduction from Peter Delany, follows by a 5-7min video that covers off on both agenda items mentioned above. Pete Sparkes and Peter Delaney would then be available for any questions.

COUNCIL RESOLUTION

THAT the deputation be received.

Moved by: Deputy Mayor, Councillor Hutton
Seconded by: Councillor Mather
MOTION CARRIED

6 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

7 PRESENTATION OF PETITIONS

Nil

11 REPORTS

11.1 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (SIX LOTS INTO FIFTY-ONE LOTS)

File No: D-23-2018
Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Proposal Plans](#)

Responsible Officer: David Battese - Manager Liveability
Author: Michelle Ballenger - Principal Planning Officer

SUMMARY

Applicant: Kinka Beach Estate Pty Ltd C/- ADAMS + SPARKES Town Planning
Consultant: ADAMS + SPARKES Town Planning - Pete Sparkes
Real Property Address:

- Lot 1 on RP609873
- Lot 2 on RP617442
- Lot 2 on SP112319
- Lot 4 on RP603904
- Lot 5 on RP603904
- Lot 6 on RP603904

Common Property Address:

- 1056 Scenic Highway, Kinka Beach
- Lot 2 Alfred Street, Kinka Beach
- 1060 Scenic Highway, Kinka Beach
- Lot 4 Scenic Highway, Kinka Beach
- Lot 5 Scenic Highway, Kinka Beach
- Lot 6 Scenic Highway, Kinka Beach

Area of Site:

- Total – 25.54ha
- Lot 1 on RP609873 – 2,529m²
- Lot 2 on RP617442 – 7.66ha
- Lot 2 on SP112319 – 5.51ha
- Lot 4 on RP603904 – 4.04ha
- Lot 5 on RP603904 – 4.04ha
- Lot 6 on RP603904 – 4.04ha

Planning Scheme: Livingstone Shire Planning Scheme 2005
Planning Scheme Zone: Rural Zone
Planning Scheme Maps:

- Planning Scheme Map 2B – Capricorn Coast – Class C2 and Class C3
- Planning Scheme Map 10 – Locally Significant Vegetation

<i>Planning Scheme Overlays:</i>	Overlay Map OM02 – Drainage problem area Overlay Map OM05 – Bushfire hazard area Overlay Map OM08 – Acid sulfate soils - Limit of known or actual potential - At or below twenty (20) metres Australian Height Datum
<i>Existing Development:</i>	Dwelling house, nursery and vacant land
<i>Level of Assessment:</i>	Code Assessable
<i>Submissions:</i>	Not applicable
<i>Referral matters:</i>	Infrastructure – State transport infrastructure (thresholds) (10.9.4.1.1.1) Infrastructure – State transport corridors (10.9.4.2.1.1)
<i>Infrastructure Charge Area:</i>	Outside the Priority Infrastructure Area

Application progress:

<i>Application received:</i>	25 January 2018
<i>Application properly made:</i>	25 January 2018
<i>Development control unit meeting:</i>	31 January 2019
<i>Confirmation notice issued:</i>	9 February 2019
<i>Council agrees to applicant's request to extend the referral period</i>	21 February 2018
<i>Information request issued:</i>	23 February 2018
<i>Council agrees to applicant's request to extend the referral period</i>	9 March 2018
<i>Information request response received and minor change to application:</i>	14 March 2019
<i>Minor change application sent to State:</i>	27 March 2019
<i>Council agrees to applicant's request to extend the referral period</i>	9 April 2018
<i>Application referred to State agency as concurrence agency:</i>	9 May 2018
<i>Applicant stopped the application</i>	23 May 2018
<i>State concurrence agency response received:</i>	11 June 2018
<i>Council agrees to applicant's request to withdraw request to stop the application and requests extension to information request response period:</i>	15 August 2018
<i>Council agrees to applicant's request to extend the information request response period:</i>	28 August 2018
<i>Council agrees to applicant's request to extend the information request response period:</i>	27 November 2018
<i>Council agrees to applicant's request to extend the information request response period:</i>	28 February 2019
<i>Council requests extension to decision period:</i>	12 April 2019
<i>Council requests extension to decision period:</i>	29 May 2019
<i>Council requests extension to decision period:</i>	26 June 2019

<i>Council requests extension to decision period:</i>	<i>18 July 2019</i>
<i>Council briefing session:</i>	<i>29 July 2019</i>
<i>Applicant submits change application:</i>	<i>6 September 2019</i>
<i>Action notice issued:</i>	<i>12 September 2019</i>
<i>Properly made date for change:</i>	<i>26 September 2019</i>
<i>Confirmation notice issued:</i>	<i>1 October 2019</i>
<i>Referral confirmation notice received:</i>	<i>11 October 2019</i>
<i>Information request issued:</i>	<i>16 October 2019</i>
<i>SARA information request issued:</i>	<i>23 October 2019</i>
<i>Information response received:</i>	<i>5 November 2019</i>
<i>Council briefing session:</i>	<i>25 November 2019</i>
<i>SARA response received:</i>	<i>28 November 2019</i>
<i>Decision period commenced:</i>	<i>28 November 2019</i>
<i>Additional information from applicant received:</i>	<i>28 November 2019</i>
<i>Council special meeting date:</i>	<i>19 December 2019</i>
<i>Statutory determination date:</i>	<i>10 January 2020</i>

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (six lots into fifty-one lots), made by Kinka Beach Estate Pty Ltd C/- ADAMS + SPARKES Town Planning, Lot 1 on RP609873, Lot 2 on RP617442, Lot 2 on SP112319, Lot 4 on RP603904, Lot 5 on RP603904 and Lot 6 on RP603904, and located at 1056 Scenic Highway, Lot 2 Alfred Street, 1060 Scenic Highway, Lot 4 Scenic Highway, Lot 5 Scenic Highway and Lot 6 Scenic Highway, Kinka Beach, Council resolves to Refuse the application given the following reasons:

1. REASONS OF THE DECISION

The development application is refused and the reasons for the decision are based on findings on material questions of fact:

- 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 for residential uses which is not a 'rural purpose' in the *Livingstone Shire Planning Scheme 2005*;
 - (ii) The creation of a park residential style development which is not compatible with a rural purpose, thereby being a conflicting land use;
 - (iii) Detrimental impacts to the visual amenity of the area due to the bushland and landscaped setting being cleared to facilitate the filling of the site to achieve flood immunity;
 - (iv) The creation of lots that do not have sufficient area for preferred or consistent uses within the Rural zone, which will reduce the viability of the land for preferred or consistent uses within the Rural zone;

- (v) The creation of lots that will not have sufficient area for the location of relevant activities and works associated with the Rural zone;
- (vi) Significant impacts to existing environmental conditions due to earthworks impacting the parallel sand dune landform and changing the hydrology of the site;
- (vii) the introduction of park residential development which is a form of development that is not envisaged or intended in a rural area;
- (viii) the increase of traffic associated with the residential use;
- (ix) increasing ribbon development through the fragmentation and loss of rural lands.
- (x) The inability for future development on each lot to achieve the setbacks required in the Rural Zone under the *Livingstone Planning Scheme 2018*.

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

The evidence or other material on which the findings were based are:

- The common material for the development application;
- The assessment benchmarks identified in section 2 of this notice;
- The matters prescribed by regulation identified in section 5 of this notice.

2. ASSESSMENT BENCHMARKS

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Rural Zone Code Natural Features Code	<i>Livingstone Planning Scheme 2005</i> Reprint 7 as in force 10 July 2017
Regional Policies	<i>Central Queensland Regional Plan, October 2013</i>
Part E: State interest policies and assessment benchmarks (Biodiversity, Agriculture and Natural hazards, risk and resilience)	<i>State Planning Policy, July 2017</i>

3. COMPLIANCE WITH BENCHMARKS

The development does not comply with the assessment benchmarks as per the summary set out in the findings on material questions of fact in section 1 of this notice.

4. RELEVANT MATTERS

Not applicable to this application.

5. MATTERS RAISED IN SUBMISSIONS

Not applicable to this application.

6. MATTERS PRESCRIBED BY REGULATION

The following matters were given regard to in undertaking the assessment of this development application:

COUNCIL RESOLUTION

- (i) The State Planning Policy – Part E;

- (ii) The Central Queensland Regional Plan;
- (iii) The Rural Zone Code and Natural Features Code, in the *Livingstone Planning Scheme 2005 (reprint 7)*;
- (iv) The land at 1056 Scenic Highway, Kinka Beach, the subject of the application is developed with a Dwelling house;
- (v) The land at 1060 Scenic Highway, Kinka Beach, the subject of the application is developed with a Dwelling house and Nursery;
- (vi) The land at Lot 2 Alfred Street, Lot 4 Scenic Highway, Lot 5 Scenic Highway and Lot 6 Scenic Highway, Kinka Beach, the subject of the application are vacant;
- (vii) The surrounding development, in terms of commensurate and consistent development; and
- (viii) The common material, being the material submitted with the application.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION LOST

RESOLUTION

RECOMMENDATION A

That in relation to the application for a Development Permit for Reconfiguring a Lot (six lots into fifty-one lots), made by Kinka Beach Estate Pty Ltd C/- ADAMS + SPARKES Town Planning, Lot 1 on RP609873, Lot 2 on RP617442, Lot 2 on SP112319, Lot 4 on RP603904, Lot 5 on RP603904 and Lot 6 on RP603904, and located at 1056 Scenic Highway, Lot 2 Alfred Street, 1060 Scenic Highway, Lot 4 Scenic Highway, Lot 5 Scenic Highway and Lot 6 Scenic Highway, Kinka Beach, Council resolves to Approve the application given the following reasons:

- (i) The site is not considered highly suitable for agricultural purposes.
- (ii) The site has access to reticulated sewer and water.
- (iii) The proposed development is located close to existing residential and rural residential development.
- (iv) Constraints on the site associated with bushfire, locally significant vegetation, wetlands, stormwater and flooding can be adequately addressed through site design and development conditions.

The proposed development offers rural residential style lots in close proximity to the coast that currently do not exist in the area.

RECOMMENDATION B

That in relation to the application for a Development Permit for Reconfiguring a Lot (six lots into fifty-one lots), made by Kinka Beach Estate Pty Ltd C/- ADAMS + SPARKES Town Planning, Lot 1 on RP609873, Lot 2 on RP617442, Lot 2 on SP112319, Lot 4 on RP603904, Lot 5 on RP603904 and Lot 6 on RP603904, and located at 1056 Scenic Highway, Lot 2 Alfred Street, 1060 Scenic Highway, Lot 4 Scenic Highway, Lot 5 Scenic Highway and Lot 6 Scenic Highway, Kinka Beach, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.

- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the 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, the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access Works;
 - (iii) Water Works;
 - (iv) Sewerage Works;
 - (v) Stormwater works;
 - (vi) Inter-allotment Drainage Works;
 - (vii) Vegetation Clearing;
 - (viii) Site Works; and
 - (ix) Landscaping 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>
Engineering Infrastructure Report	17-000022 Rev B	18 October 2018
Traffic Impact Assessment Report	19839 A – V01	October 2019
Kinka Beach Road Development	SCE-119-202 (Rev C) to SCE-119-220 (Rev C)	November 2019
Kinka Beach Stormwater Review (BMT)	L.B23161.001.SW_review.docx	9 December 2019
Kinka Beach Estate Bushfire	Kinka Beach Estate Bushfire	4 November

Management Plan (BMP) D23-2018 (October 2019 update) (Ecosure)	Management Plan (BMP) D23-2018 (October 2019 update)	2019
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- 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 three (3) stages, namely:
- 3.1.1 Stage 1: Lot 14 to Lot 35, and Lot 47 to Lot 51;
 - 3.1.2 Stage 2: Lot 36 to Lot 46; and
 - 3.1.3 Stage 3: Lot 1 to Lot 13.
- 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, access, water, 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 AMENDED LAYOUT
- 4.1 Prior to an application for a Development Permit for Operational Works, provide an amended layout that:
- 4.1.1 Removes the rear allotment accessway on:
 - 4.1.1.1 Lot 6, such that access is obtained from Young Avenue only.
 - 4.1.1.2 Lot 15, such that access is obtained from Road B only.
 - 4.1.2 Provides Lot 16 with road frontage to Road A only.
 - 4.1.3 Provides Lot 18 with road frontage to Road C only.
 - 4.1.4 Removes Road D.
 - 4.1.5 Removes the strip of land north of Lot 27 and Lot 44.
 - 4.1.6 Includes a vegetation covenant on Lot 23, Lot 24, Lot 27 and Lot 44.
 - 4.1.7 Includes the cul-de-sac to the west of Lot 44 within the subject site.
 - 4.1.8 Amends the cul-de-sac location on Road B to remove the second frontage to Lot 16 and Lot 18.
 - 4.1.9 Amends the cul-de-sac location between Lot 26 and Lot 27 so that it does not provide access to the vegetation covenant area, and enables a link to the covenant areas on Lot 27 and Lot 44 to be provided.
 - 4.1.10 Includes all Building Location Envelopes for Lots 1, 2, 3, 4, 10, 13, 23, 24, 25, 26, 27, 36, 37, 43, 44, and 45 as shown on the approved plans (refer Condition 2.1) and required by Condition 9.10 and Condition 15.4.
 - 4.1.11 Contains detention basin/s on a separate lot, as required by Condition 9.11.

5.0 ROAD WORKS

- 5.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plan (refer condition 2.1), *Capricorn Municipal Development Guidelines*, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).
- 5.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) within road reserve(s) at the time of making the application.
- 5.4 All new *cul-de-sac* streets shown on the approved plans (refer to condition 2.1) must be designed and constructed, including all necessary infrastructure and street lighting to comply with the road classification requirements of an “*Access Place*” in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 5.5 The design and construction of all cul-de-sac streets (refer to condition 2.1) must include;
- a permanent sealed turning area which complies with the relevant performance and technical criteria, and facilitates single movement turning of the Council refuse collection vehicle; and
 - Associated stormwater and public street lighting infrastructure.
- 5.6 The design and construction of all terminating roads at development boundaries must include a temporary turning area (sealed or equivalent standards) which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for the Council refuse collection vehicle.
- 5.7 The intersection between Scenic Highway and proposed internal Road A must be designed and constructed with a urban Channelized Right and Basic Auxiliary Left (CHR (S) and AUL(S)) treatment in accordance with Intersection Plan SCE -119-214 (Rev C) Dated November 2019 and *Austroads Guide to Road Design: Part 4A “Un signalized and Signalized Intersection* including all necessary stormwater infrastructure and street lighting.
- 5.8 The clearance from the Scenic Highway to the proposed road connection of Young Avenue to the proposed Road A (development access street) must be minimum 40 metres.
- 5.9 The proposed pathway (minimum 1.2 meters wide) within the proposed Road A must be extended northwards along the Scenic Highway (development side) to the full road frontage of the development site.
- 5.10 The proposed road layout must be amended to promote safe operating speed environment within the development by minimising long straight road sections. Any proposals with regards to traffic calming devices such as roundabouts must be agreed in consultation with Council as part of Development Permit for Operational Works (road works).
- 5.11 No direct vehicular access from the proposed private lots to the Scenic Highway is permitted. All proposed private lots must gain access off internal road systems only.
- 5.12 Any application for Development Permit for Operational Works (road works) must include details of localised widening of subject Scenic Highway road section including kerb and channel and necessary relocation of existing infrastructure.
- 5.13 The proposed Road A must be designed and constructed to comply with Urban Minor Collector standards in accordance with *Capricorn Municipal Development*
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Guidelines.

- 5.14 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and *Manual of Uniform Traffic Control Devices (Queensland)*.
- 5.15 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.
- 5.16 Street and public space lighting must be provided in accordance with Australian Standard AS1158 "Lighting for Roads and Public Spaces", and Road, street and public place lighting policy and procedures.
- 5.17 Pathways must incorporate kerb ramps at all road crossing points. All pathways within road reserves (including access ramps) must be designed and constructed in accordance with Australian Standard AS1428 "Design for Access and Mobility".
- 5.18 Retaining walls must be wholly contained within private allotments and not be constructed within road reserves as Council-owned infrastructure.

6.0 ACCESS WORKS

- 6.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 6.2 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).
- 6.3 A *Capricorn Municipal Development Guidelines* compliant vehicle access must be designed and constructed to lots 6, 7, 13, and 15.
- 6.4 The access way for any rear lot must be designed and constructed with;
 - (i) a minimum three (3) metres wide compacted gravel pavement not less than one-hundred (100) millimetres thick and sealed with:
 - (a) twenty-five (25) millimetres of asphaltic concrete; or
 - (b) hot sprayed bitumen consisting of a prime and two (2) seal coats; or
 - (c) interlocking pavers; or
 - (ii) a minimum three (3) metres wide reinforced concrete driveway (not car tracks) not less than one-hundred (100) millimetres thick.

7.0 WATER WORKS

- 7.1 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 in accordance with approved plan (refer condition 2.1), regulated work under the *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 via suitably sized new non-trunk water mains. Each of the lots must be provided with its own separate water connection point, located wholly within its respective property boundaries.
- 7.4 The proposed water main proposed within the detention system adjacent to Road A must be relocated. The final alignment must be agreed in consultation with Council.
- 7.5 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 7.6 Water infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

8.0 SEWER WORKS

- 8.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 8.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage Works).
- 8.3 The proposed development must be connected to the existing 450 millimetre trunk gravity sewer main (intended connection point for this development) via suitably sized new non-trunk sewer gravity mains. The existing 150 millimetre pressure rising main along Kinka Beach Road is not intended for any connections from this development, as the capacity is fully planned for the Tanby Heights area.
- 8.4 All lots within the development must be connected by the Developer to Council's reticulated sewer network. Each of the lots must be provided with its own separate sewer connection point, located wholly within its respective property boundaries.
- 8.5 Easements must be provided over all new sewerage infrastructure located within private property. The easement locations and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 8.6 Sewerage infrastructure must be provided (if necessary) to each development stage boundaries for connectivity.

9.0 STORMWATER WORKS

- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 9.2 All stormwater 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*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development conditions by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 9.4 Any application for a Development Permit 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*.
- 9.5 Development must not adversely impact Lot 12 on RP603904.
- 9.6 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.
- 9.7 The Stormwater Management Strategy Plan (Ref: K4721-0010) dated 4 October 2019 is not approved in its current form. Any application for a Development Permit for Operational works (stormwater works) must accompany a detailed stormwater management strategy plan certified by a suitably qualified Registered Professional Engineer of Queensland. The strategy must include the following but not limited to;
- 9.7.1 Suitably scaled catchment plan showing drainage catchment and sub-catchment details for the pre-development and post-development scenarios including lawful point(s) of discharge; Refer to advisory note 12.

- 9.7.2 A detailed assessment of major and minor rainfall event peak discharges for pre-development and post-development scenarios;
- 9.7.3 Detail design of the proposed detention system. The volume of any detention must be sufficient to attenuate the peak discharge from the site to ensure no actionable nuisance due to 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;
- 9.7.4 Measures to prevent salt water entering the upper reaches of the channel;
- 9.7.5 Details addressing the environmental impacts (extensive ponding, health issue etc) and damage to the existing wetland communities along with necessary mitigation measures;
- 9.7.6 Measures to overcome seasonal ground water level variations and high ground water level impacts;
- 9.7.7 Designs for outlet systems. Considerations must be given to critical scour velocity, discharge frequency and duration at discharge location(s) and relevant management measures;
- 9.7.8 A sensitivity analysis incorporating appropriate higher tail water conditions;
- 9.7.9 A severe storm impact statement reviewing extreme flood events (up to and including Probable Maximum Flood) to inform flood emergency management procedures and site layout;
- 9.7.10 Details of ongoing maintenance and management actions required with regard to any proposed detention basin; and
- 9.7.11 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.
- 9.8 The stormwater quality management measures shown on the site layout plans are to be deleted as part of the required revised stormwater management strategy.
- 9.9 Relevant existing culverts across the Scenic Highway must be upgraded (if necessary) to ensure safe trafficability during the Defined Flood Event.
- 9.10 Building location envelopes (BLE) must be shown on a layout plan for all proposed lots affected by the Defined Flood Event including lots 1, 2, 10, 13, 23, 24, 25, 36, 37, 43, 44, and 45 in accordance with recommendations of an approved stormwater management strategy plan certified by a suitably qualified Registered Professional Engineer of Queensland.
- 9.11 Detention basins must be provided with all required safety measures and facilities (for example child proof fences) to ensure the safety of the public and must be dedicated to Council as a separate lot, either as fee simple or fee simple in trust, at free of cost.
- 10.0 INTER-ALLOTMENT DRAINAGE
- 10.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 10.2 Inter-allotment drainage must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and must be provided to any lot where it cannot be satisfactorily demonstrated that roof water drainage associated with building construction on that lot, could reasonably be directed to the frontage kerb and channel or alternative lawful discharge.
- 10.3 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*.

11.0 SITE WORKS

- 11.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 11.2 No site works are to be carried out within the vegetation covenant areas without the approval of Council.
- 11.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 11.4 Allotment and embankment filling must be carried out with Level 1 (minimum) Geotechnical Inspection Testing Authority (GITA) to confirm as "controlled fill" upon completion.
- 11.5 Any application for a Development Permit for Operational Works (site works) must be accompanied by a preliminary site investigation into acid sulfate soils in accordance with State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. If preliminary testing indicates that acid sulfate soils are present in the areas to be excavated, a more detailed acid sulfate soil investigation must be completed, and an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works).
 - 11.5.1 Should preliminary testing demonstrate that acid sulfate soils are present in the areas to be excavated or filled, an acid sulfate soils investigation following the procedure outlined in Step 2 in Section 6 of the guideline should be carried out and a report provided.
 - 11.5.2 Investigation boreholes should be to a depth of one (1) metre below the anticipated depth of disturbance and to at least three (3) metres depth in areas to be filled. Boreholes should be drilled within areas where the road works, water reticulation, sewerage reticulation, and electricity distribution and telecommunications infrastructures will be located.
 - 11.5.3 If there will be groundwater extraction activities (including drainage, pumping or other activity that removes groundwater) carried out in association with excavation activities, then a groundwater investigation will need to be undertaken in accordance with Section 7 of the State Planning Policy 2/02 guideline.
 - 11.5.4 Sampling associated with the acid sulfate soils investigation should follow the *Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland* (Ahern et al 1998). Laboratory analysis associated with the acid sulfate soils investigation should follow the *Laboratory Methods Guidelines of the Queensland Acid Sulfate Soil Technical Manual*.
- 11.6 Any application for a Development Permit for Operational Works (site works) must be accompanied by an detailed earthworks' plan which clearly identifies the following:
 - 11.6.1 the location of cut and/or fill, batter slopes;
 - 11.6.2 the type of fill to be used and the manner in which it is to be compacted;
 - 11.6.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 11.6.4 Retaining structures (if necessary);
 - 11.6.5 Finished ground level(s), building pad levels and freeboard details for relevant lots;

11.6.6 Surface and sub-surface drainage controls (if applicable); and

11.6.7 Measures to mitigate impact from acid sulfate soils (if applicable).

The recommended habitable floor level (with respect to storm surge) for the subject site is 5.0 metres AHD. Note that 1 % AEP peak water levels adjacent to those lots beside proposed Road E, are greater than the above recommended habitable floor level (5.0 metres AHD). Any application must investigate a suitable Defined Flood Event level and adopt finished ground levels accordingly. Refer to advisory note 10.

11.7 Site works must be constructed such that they do not, at any time, in any way adversely restrict, impair or change the natural flow of runoff water, or cause an actionable nuisance to adjoining properties or damage infrastructure.

11.8 All site works must be undertaken to ensure that no actionable nuisance results from:

11.8.1 an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (1 % AEP event) events up to Defined Flood Event (inclusive);

11.8.2 an increase in downstream or upstream flood inundation levels; and

11.8.3 increase in velocity profiles.

12.0 LANDSCAPING WORKS

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

12.2 Landscaping (street trees) must be provided in all areas of road reserve for proposed internal roads (Road A and Road B) to the rate of one (1) tree per lot.

12.3 A "Planting Plan" and supporting documentation must be submitted for approval by Council prior to, or in conjunction with, the request for an approval of a plan of subdivision (survey plan endorsement), which includes:

(i) a plant schedule with the botanic and common names (preferably endemic species), total plant numbers and root preparation;

(ii) underground and overhead services.

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

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

12.6 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.

13.0 ELECTRICITY AND TELECOMMUNICATIONS

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

13.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the issue of the Compliance Certificate for the Survey Plan.

14.0 ASSET MANAGEMENT

- 14.1 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.
- 14.2 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.
- 14.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 15.0 ENVIRONMENTAL
- 15.1 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; and
 - (x) erosion susceptibility and risk;
- 15.2 The Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 15.3 The Erosion and Sediment Control 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.
- 15.4 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) acid sulphate soils;
 - (iv) fauna management;
 - (v) vegetation management and clearing;
 - (vi) top soil management;
 - (vii) interim drainage plan during construction;
 - (viii) construction programme;
 - (ix) geotechnical issues;

- (x) weed control;
 - (xi) bushfire management;
 - (xii) emergency vehicle access;
 - (xiii) noise and dust suppression; and
 - (xiv) waste management.
- 15.5 An environmental covenant, pursuant to Section 97A of the *Land Title Act 1994*, must be entered into in respect of the mapped Locally Significant vegetation within proposed lots 23 24, 25, 26, 27 and 44 outside identified building envelopes to the effect that:
- 15.5.1 the area is protected as a vegetated flora and fauna habitat and all native vegetation must be retained; and
 - 15.5.2 there is to be no artificial interference or disturbance of the habitat, except as approved by Council for the following purposes; remove hazards to safety of persons outside of the habitat, remove weeds and revegetate with local native species.
 - 15.5.3 A land management plan including weed management and re-vegetation plan must be prepared in consultation with Council's Natural Resource Management Unit to enhance the quality of the protected habitat.
- 15.6 The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 15.7 A Development Permit for Operational Works (Clearing) is required before any vegetation clearing or earthworks occur. Studies and plans that will be required to support the application:
- 15.7.1 A detailed vegetation survey to identify potential wildlife breeding habitats and species that are appropriate to salvage and translocate.
 - 15.7.2 Vegetation Salvage Plan for all cycads, and appropriate specimens of macrozamia, grass tree, pandanus palm and cabbage tree palm.
 - 15.7.3 Wildlife Management Plan, including, but not limited to, the following information:
 - (i) The potential direct and indirect impacts of both the construction and operation phase of the proposed development to the resident wildlife /colony/ roost/ breeding place;
 - (ii) How this is to be monitored, evaluated and reported;
 - (iii) The mitigation options, which will be utilized to minimize the potential impacts on the wildlife and their habitat.
- 15.8 The development must be undertaken in accordance with the recommendations in the approved Bushfire Management Plan.(Refer to condition 2.1)
- 15.9 All future buildings on the proposed lots must be constructed in compliance with *Australian Standard AS3959 "Construction in Bushfire Prone Areas"* and the approved Bush Fire Management Plan (refer to condition 2.1).
- 16.0 OPERATING PROCEDURES
- 16.1 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 to not unreasonably obstruct the road pavement, road verges/footpaths or any neighbouring property accesses.
- 17.0 ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under *Section 23 of the Aboriginal Cultural Heritage Act*, 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 Environment and Resource Management website www.derm.qld.gov.au

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Adopted Infrastructure Charges Notice

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

NOTE 6. All internal plumbing works must be in accordance with regulated work under the Plumbing and Drainage Act.

NOTE 7. Live Water and Sewer Connection Works

Council / licenced plumber approved by Council can carry out the water and sewerage connection works. In accordance with Water Supply (Safety and Reliability) Act, prior to carrying out any live service connections, applicant must obtain relevant service provider(s) consent.

NOTE 8. Alterations that may require when Council is carrying out the connection of the water and sewerage mains must be the responsibility of the developer. This requirement may require negotiations with other service authorities such as Telstra and Ergon.

NOTE 9. Any construction works proposed in the vicinity of Council’s existing water supply and sewerage infrastructure must not adversely affect the integrity of the infrastructure. Any restoration works required on the existing water supply and sewerage infrastructure, caused by the construction of the proposed development, must be borne by the applicant.

NOTE 10. Aurecon 2017 Study (updated coastal and inland sites): parts of the site have been clarified as coastal land (refer to blue area at image 1 below). The recommended habitable floor level for a coastal site is 7.1 metres Australian Height Datum.

NOTE 11. Acid sulfate soils

A preliminary site investigation into acid sulfate soils by a suitably qualified person in accordance with State Planning Policy, Planning Scheme,

Queensland Acid Sulfate Soil Technical Manual, and best industry practices will be required.

NOTE 12. Stormwater

A review of all existing flow paths be conducted to provide a more detailed representation of the site. Refinements to the catchment definition to more accurately reflect the swale nature of the topography is required.

NOTE 13. Environmental

- (i) The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- (ii) It is advised that the Department of Environment and Science map part of the subject site as containing Least Concern Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/management/vegetation>
- (iii) It is advised that the subject site is mapped under the *Livingstone Planning Scheme* as containing Matters of Local Environment Significance. Clearing of this vegetation should not be undertaken without Council permission.
- (iv) It is advised that the Department of Environment and Science as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*, map the subject site. A permit to undertake clearing may be required. Further advice regarding protected plants can be sought from the Department of Environment and Science.

RECOMMENDATION C

That in relation to the application for a Development Permit for Reconfiguring a Lot (six lots into fifty-one lots), made by Kinka Beach Estate Pty Ltd C/- ADAMS + SPARKES Town Planning, Lot 1 on RP609873, Lot 2 on RP617442, Lot 2 on SP112319, Lot 4 on RP603904, Lot 5 on RP603904 and Lot 6 on RP603904, and located at 1056 Scenic Highway, Lot 2 Alfred Street, 1060 Scenic Highway, Lot 4 Scenic Highway, Lot 5 Scenic Highway and Lot 6 Scenic Highway, Kinka Beach, Council resolves to issue an Infrastructure Charges Notice for the amount of \$1,150,000.00.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

02:21PM Councillor Wyatt returned to the meeting.

02:22PM Deputy Mayor, Councillor Hutton left the meeting.

02:24PM Deputy Mayor, Councillor Hutton returned to the meeting.

**11.2 REDISTRIBUTION OF BUDGET ALLOCATION POST-BUSH FIRES -
LIVINGSTONE COMMUNITY GRANTS**

File No: CR2.15.3
Attachments: Nil
Responsible Officer: David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Executive Director Liveability and Wellbeing
Author: Jared Thomsen - Principal Community Development and Engagement Officer

SUMMARY

This report discusses a redistribution of funds within existing budget allocations to local rural fire brigades following recent bush fires.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Not proceed with round two (2019/20) of the *Livingstone Community Grants*;
2. Redistribute the remaining budget allocation for the *Livingstone Community Grants* for the 2019/20 financial year equally between the rural fire brigades throughout the Livingstone Shire; and
3. Redistribute the remaining budget allocation for the *Mayor's Discretionary Fund* equally to rural fire brigades throughout the Livingstone Shire.
4. Council acknowledge the Livingstone Shire Council community partners, Inverness Yeppoon and Keppel Bay Sailing club for their agreement to join us by making their funds available to the Rural Fire Brigades as well.

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

11.3 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2019**File No:** FM12.14.1**Attachments:** 1. Monthly Finance Report - November 2019 [⇒](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Damien Cross - Coordinator - Accounting Services
Rachel Jackson - Coordinator Procurement
Priscilla Graham - Coordinator Revenue

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 30 November 2019 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 November 2019 be received.

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

8 MAYORAL MINUTE

8.1 MAYORAL MINUTE - GKI

File No: GV13.4.3
Attachments: Nil
Responsible Officer: Bill Ludwig - Mayor

SUMMARY

The Queensland Government initiative to provide water supply and electricity connections from the mainland to Great Keppel Island has been re-scoped to exclude any land based water supply infrastructure and Livingstone Shire Council has an opportunity to assist the project by contributing funding.

COUNCIL RESOLUTION

THAT Council resolve to support the Great Keppel Island Revitalisation Project, and the estimated, 1400 jobs it will create, by funding the cost of the mainland water supply infrastructure between Emu Park Reservoir and the submarine pipeline subject to a proponent proceeding with the resort development and the Queensland Government constructing the submarine pipeline.

Moved by: Mayor Ludwig
Seconded by: Councillor Kelly

MOTION LOST

DIVISION:

Crs J Kelly, B Ludwig and T Wyatt voted in the affirmative.

Crs A Belot, P Eastwood, N Hutton and G Mather voted in the negative.

03:11PM Mayor Ludwig left the meeting.

03:12PM Councillor Wyatt left the meeting.

8.2 MAYORAL MINUTE - LAND ZONING REVIEW KINKA BEACH

File No: GV13.4.3
Attachments: Nil
Responsible Officer: Bill Ludwig - Mayor

SUMMARY

This Mayoral Minute seeks to have Council undertake a review of the current rural zoning of an area of land at Kinka Beach being that area of land bounded by Scenic Highway; Kinka Beach Rd (also known as Tanby Rd); Barlow's Sand Quarry; and the boundary of Coolwaters Holiday Park (refer to attachment). The purpose of the review is to evaluate the suitability of the site for uses other than rural (.e.g rural residential or residential) . As the site has access to reticulated sewer and water, is located close to existing residential and rural residential development and is not considered highly suitable for agricultural purposes, it is considered appropriate to identify alternative future use potential. This review is also considered timely in the context of two development applications over the land, for rural residential uses for parts of the site, that Council officers have been assessing over the last 18 months, one of which is now due for determination.

RECOMMENDATION

THAT Council call for expressions of interest, from suitably qualified planning consultants, to undertake an assessment of the area of land shown in the attachment to this report to determine its suitability for zonings other than rural, including Emerging Community Zone.

COUNCIL RESOLUTION**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 discussion and to return to a future Council Meeting.

Moved by: Councillor Belot

Seconded by:

MOTION CARRIED UNANIMOUSLY

03:18PM Councillor Wyatt returned to the meeting.

14 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

3.18PM

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 Capricorn Coast Memorial Parkland Management

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 Kelly
Seconded by: Councillor Eastwood
MOTION CARRIED

COUNCIL RESOLUTION

3.24PM

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

Moved by: Councillor Mather
Seconded by: Councillor Eastwood
MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 CAPRICORN COAST MEMORIAL PARKLAND MANAGEMENT

File No: P15.16

Attachments:

1. Briefing Session Report - Capricorn Coast Memorial Parkland Management
2. Capricorn Memorial Parkland - Landscape Plan
3. Capricorn Memorial Parkland - Layout Plan

Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing

Author: David Mazzaferri - Manager Community Wellbeing

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.

SUMMARY

This report provides information in relation to the future management arrangements for the Capricorn Memorial Parklands.

COUNCIL RESOLUTION

THAT Council resolve to authorise Council officers to invite expressions of interest from parties interested in the provision and management of the following components of the Capricorn Coast Memorial Parkland:

- (1) provision of burials and inurnment of ashes in accordance with the *Capricorn Coast Memorial Parkland Landscape Key Plan 2: Burial Plot Layout*, including:
 - (a) using the modern burial system (crypt burial system) for formal lawn and informal lawn burials;
 - (b) provision of ashes garden(s);
 - (c) provision of columbarium(s); and
 - (d) the establishment of a pet cemetery;
- (2) horticultural and general maintenance of the site;
- (3) general operation (including opening hours) of the site;
- (4) development of a chapel; and
- (5) development of a crematorium.

Move by: Councillor Belot

Seconded by: Councillor Wyatt

MOTION CARRIED

8 COUNCILLOR/DELEGATE REPORTS

Nil

**9 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE
 REPORTS**

**102 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM
COUNCILLORS**

Nil

113 URGENT BUSINESS\QUESTIONS

Nil

12 CLOSURE OF MEETING

There being no further business the meeting closed at 3.24 pm.



Mayor, Councillor Bill Ludwig
CHAIRPERSON

21 January 2020

DATE