



ORDINARY MEETING

MINUTES

3 DECEMBER 2019

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

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 9.13AM

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 Matthew Willcocks - Chief Technology Officer
Mrs Belinda Housman – Acting Chief Human Resources Officer
Mr David Battese
Mrs Melissa Warwick
Ms Maddie Crigan
Ms Molly Saunders
Mrs Poala Santini
Mrs Tammy Wardrop
Ms Justine Schofield
Mrs Lucy Walker

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 19 November 2019 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 28 November 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

In accordance with section 175D of the *Local Government Act 2009*, Mayor Bill Ludwig disclosed a perceived conflict of interest in respect of Item 12.10 - Request for a Negotiated Decision for Development Permit D-29-2019 for reconfiguring a Lot (Two lots into six lots) located at 535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra as he had previously engaged the services of the same Surveyors as the applicant.

Mayor did not deem the perceived conflict to be of significance and intended to remain in the meeting for voting on Item 12.10. Mayor then put it to the table for a vote which resulted in Councillors voting 3 for and 3 against. In this case, Mayor elected to make himself absent during Item 12.10.

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 LIFTING MATTERS LAYING ON THE TABLE

File No: GV13.4.1

Attachments:

Responsible Officer: Chris Murdoch - Chief Executive Officer

Author: Lucy Walker - Executive Support Officer

SUMMARY

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

COUNCIL RESOLUTION

THAT the following matter/s, that Council resolved to 'Lay on the Table' at the Ordinary Council meeting held on 20 June 2019, be lifted from the table to be dealt with later in the meeting:

- Intermittent Sealing of Unsealed Rural Roads Policy (V3)

Moved by: Councillor Kelly

Seconded by: Councillor Mather

MOTION CARRIED

8 PRESENTATION OF PETITIONS

8.1 PETITION REQUESTING IMPLEMENTATION OF TRAFFIC SAFETY MEASURES ON PACIFIC HEIGHTS ROAD, PACIFIC HEIGHTS

File No: GV13.4.1

Attachments:

1. Letter from Alan Bristow [⇒](#)
2. Copy of Petition [⇒](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Council has received the following petition from Mr Alan Bristow and residents of Pacific Heights requesting the implementation of traffic safety measures on Pacific Heights Road, Pacific Heights.

COUNCIL RESOLUTION

THAT the petition requesting the implementation of traffic safety measures on Pacific Heights Road, Pacific Heights Road be received.

Moved by: Mayor Ludwig

Seconded by: Councillor Mather

MOTION CARRIED

9 MAYORAL MINUTE

9.1 MAYORAL MINUTE - COBRABALL FIRES

File No: GV13.4.3

Responsible Officer: Jan Anfruns - Manager Economy and Places

SUMMARY

Recent bushfire activity in the Livingstone Shire has impacted more than 12,000 hectares of property around Cobraball, Bungundarra, Maryvale, Adelaide Park, Lake Mary and Woodbury.

This report makes recommendations relating to Council's support to assist rebuilding and resilience.

COUNCIL RESOLUTION

THAT Council resolves to proceed with the options outlined below in relation to the Cobraball 2019 fire event.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED UNANIMOUSLY

COMMENTARY

Residential properties and industry have been severely impacted by the Cobraball Fires 2019.

Council resolved on 19 November, 2019 to waiver charges associated with disaster related waste.

Other considerations to support the Community directly impacted by the Cobraball Fires, are outlined below:

Option One. Council enact the Livingstone Shire Council Hardship Policy.

Hardship Category Two. Where there is a commitment to minimal or no payments. Expected duration of hardship up to twelve months. The provision to apply under Hardship Category Two (2) is to hold recovery action and defer payment of rates, charges and interest to the end of the current period. (Interest under this category will still generate on overdue rates) Category two simply defers the payment of interest.

Option Two. Council resolve to extend eligibility of the Financial Hardship Policy to apply to:

Commercial businesses/primary producers in the fire zone directly impacted by the Cobraball Fires 2019.

Option Three. Council utilises a mix of acknowledging existing use rights and exemption certificates for circumstances where 'like' is replacing 'like' or in circumstances where a bushfire management plan has identified a site which is less susceptible to the impacts of natural disasters. Furthermore, Council waive the application fees associated with development applications required for planning, building or plumbing and drainage permits, in instances where the applicant's insurance does not cover such costs or the individual was not insured.

Option Four. Council has replenished water to properties who have used tank water to fight fire. These property owners have managed transport arrangements and cost of

transport. The process has occurred during the disaster and had been lodged through the Guardian system. This process may continue for properties who used tank water to fight fire, or experienced water loss caused by fire damage, or have used tank water in a preventative manner in the lead up to a fire event. This arrangement to continue and to be dealt with operationally.

Option Five. Council resolve to reduce water consumption charges to properties directly impacted by fire, who have used the connected reticulated water to fight fire in a preventative manner in the lead up to a fire event. The proposed refund is fifty percent of water charges for the current quarter ending 2019.

BUDGET IMPLICATIONS

Budget considerations are outlined in the attached documents.

LEGISLATIVE CONTEXT

A disaster was declared by the Minister for Fire and Emergency Services for the area within the local government area of the Livingstone Shire Council by gazettal in the Queensland Government Gazette volume 382 No. 75 on the 9th November 2019 pursuant to section 64 of the *Disaster Management Act 2003*.

LEGAL IMPLICATIONS

There are no legal implications in relation to the matter.

STAFFING IMPLICATIONS

There are no staffing implications in relation to this matter.

RISK ASSESSMENT

Adequate and proactive communications targeted to impacted property owners will be required. Internal processes will need to be established to manage the relief packages as some options will not be triggered until the reconstruction period begins.

CONCLUSION

Council resolve to apply the provisions as outlined within the options.

9.2 THE CAVES COMMUNITY FIRE MEETING REQUEST FOR CHANGES**File No:** GV13.4.3**Responsible Officer:** Brett Bacon – Executive Director Liveability & Wellbeing

SUMMARY

Document from Councillor Mather in relation to The Caves Community Meeting Request for Changes was tabled at the meeting.

COUNCIL RESOLUTION

That Council acknowledge and receive the document and refer it to the LDMG where all of the agencies noted in the document are represented.

Moved by: Mayor Ludwig**Seconded by:** Councillor Mather**MOTION CARRIED**

10 COUNCILLOR/DELEGATE REPORTS

Nil

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

Nil

12 REPORTS

12.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 10 OCTOBER 2019

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Rodney Chapman - Coordinator Governance
Andrea Ellis - Chief Financial Officer
Author: Tanya Callaghan - Support Services Officer

The Audit, Risk and Business Improvement Committee met on 10 October 2019 and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the ARaBIC and Councillor Portals.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee held on 10 October 2019 be received and the following recommendations contained within those minutes be adopted.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 27 August 2019 be taken as read and adopted as a correct record.

7.1 COMMITTEE WORK PROGRAM STATUS

THAT the Committee receive the status of the Annual Work Program.

7.2 CFO Assurance Statement 2018-19

THAT the Audit, Risk and Business Improvement Committee note the Chief Financial Officer statement to the Chief Executive Officer.

7.3 CFO UPDATE

THAT the Committee receive the Chief Financial Officer's update.

7.4 2018-19 GENERAL PURPOSE FINANCIAL STATEMENTS

THAT the Audit, Risk and Business Improvement Committee makes the following recommendations for the consideration of Council:

1. The revised unaudited 2018-19 General Purpose Financial Statements be received;
2. Written notification of the differences between the attached 2018-19 unaudited General Purpose Financial Statements and the draft 2018-19 General Purpose Financial Statements as previously presented to the Audit, Risk and Business Improvement Committee on 27 August 2019 be noted;
3. The Chief Executive Officer and Chief Financial Officer sign the Management Representation letter as part of finalising the audit and for the Mayor and Chief Executive Officer to sign the final 2018-219 audited General Purpose Financial Statements when completed; and
4. Any material change in the final 2018-19 audited General Purpose Financial Statements be reported to Council and the Audit, Risk and Business Improvement Committee.

7.5 QAO'S PROPOSED STRATEGIC AUDIT PLAN

THAT the Committee receive the QAO Proposed Strategic Audit Plan 2020-23.

7.6 EXTERNAL AUDIT UPDATE

THAT the Committee receive the update from the External Auditors.

7.7 EXTERNAL AUDITOR'S UPDATE

THAT the Committee receive the 2018-19 external audit closing report and management representation letter from the Council's external auditors.

7.8 INTERNAL AUDIT UPDATE

THAT the Committee receive the report on Internal Audit.

7.9 INTERNAL AUDIT REPORT – REVIEW OF OVERDUE RATES MANAGEMENT

THAT the Committee receive the Internal Audit Report for Review of Overdue Rates Management.

7.10 INTERNAL AUDIT REPORT – DATA ANALYTICS

THAT the Committee receive this internal Audit report on Data Analytics.

7.11 INTERNAL AUDIT REPORT – FOOTPATH MAINTENANCE

THAT the Committee receive the Internal Audit report on Footpath Maintenance.

7.12 INTERNAL AUDIT REPORT – PLANNING SCHEME OPERATIONS

THAT the Committee receive the Internal Audit Report on Planning Scheme Operations.

7.13 BUSINESS CONTINUITY PLANNING

THAT the Committee receive this report.

7.14 RISK MANAGEMENT UPDATE

THAT the Committee receive the Risk Management Report for information.

7.15 REVIEW OF OPERATIONAL RISK REGISTER – INFRASTRUCTURE

This report has been carried over to the Audit, Risk and Business Improvement Committee meeting scheduled for 2 December 2019.

7.16 BUSINESS TRANSFORMATION TEAM WORKS PROGRAMME HIGHLIGHTS AND UPDATES

THAT the Audit, Risk and Business Improvement Committee receive this report.

7.17 COMMITTEE SELF ASSESSMENT

THAT the Committee note the proposed approach and timetable for its self-assessment process.

7.18 REVIEW DEBT WRITE-OFF REPORT

THAT Council note that the Review of Debt Write-Off report is endorsed by the Audit, Risk and Business Improvement Committee.

7.19 REPORTABLE LOSSES

THAT the Audit, Risk and Business Improvement Committee receive the report on reportable losses.

7.20 LEGISLATIVE COMPLIANCE OVERVIEW

THAT the Committee receive the report on legislative compliance overview.

7.21 ANNUAL OPERATIONAL PLAN UPDATE

THAT the 2018-19 Annual Operational Plan report be received and;

THAT the 2019-20 Operational Plan be noted.

7.22 PROCUREMENT AND TRANSFORMATION PROGRAM UPDATE

THAT the Audit, Risk and Business Improvement Committee receive the update on the Procurement Transformation Program.

7.23 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

THAT the Committee receive the verbal updates provided by the Leadership Team on key activities or issues.

7.24 CEO UPDATE ON EMERGING ISSUES

THAT the Committee receive the verbal update provided by the Chief Executive Officer on emerging issues.

7.25 CONFIRM WHETHER MEMBER'S BRIEFING SESSION IS REQUIRED

THAT the recommendation was dismissed as the Committee agreed that no briefing session was required.

L1 STATUS OF OPEN AGREED AUDIT ACTIONS

THAT the Committee receive this update on the status of open agreed audit actions

L2 DRAFT CONTENT FO THE 2019 ANNUAL REPORT – ARABIC COMMITTEE

THAT the Audit, Risk and Business Improvement Committee receive this report containing proposed content for the Annual Report on the Committee.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

12.2 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2019**File No:** FM12.14.1**Attachments:** 1. Monthly Finance Report - October 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 31 October 2019.

COUNCIL RESOLUTION

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

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

12.3 REVIEW OF CARETAKER PERIOD POLICY

File No: 4.7.13
Attachments: 1. Caretaker Period Policy [↗](#)
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Rodney Chapman - Coordinator Governance

SUMMARY

The Caretaker Period Policy has undergone review and amendments following recent legislative amendments to the Local Government Act 2009 effecting Council operations during the caretaker period preceding quadrennial elections.

COUNCIL RESOLUTION

THAT Council resolve to adopt the amended Caretaker Period Policy.

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

MOTION CARRIED

12.4 DEVELOPMENT APPLICATION D-22-2018 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THIRTY-FOUR LOTS AND TWO BALANCE LOTS) AT 90 CLAYTON ROAD, LAMMERMOOR

File No: D-22-2018

Attachments:

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

Responsible Officer: Tammy Wardrop - Principal Planning Officer
Maddie Ward - Co-ordinator Development Assessment
David Battese - Manager Liveability

Author: Tammy Wardrop - Principal Planning Officer

SUMMARY

Applicant: Nicola and Brian Murdock C/- ADAMS + SPARKES Town Planning

Real Property Address: Lot 2 on RP848877

Area of Site: 6.573 hectares

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zone: Rural

Planning Scheme Overlays: OM2 – Drainage Problem
OM4 – Good Quality Agriculture Land
OM5 – Bushfire Hazard
OM8 – Acid Sulfate Soils (20m AHD)

Planning Scheme Maps: PSM2B – Agricultural Land (Class A1 and Class C1)
PSM10 – Locally Significant Vegetation

Existing Development: Dwelling house and Farm shed

Level of Assessment: Code Assessable

Submissions: Not applicable

Referral matters: Native vegetation clearing

Infrastructure Charge Area: Outside the priority infrastructure area

Application progress:

<i>Application received:</i>	25 January 2018
<i>Application properly made:</i>	31 January 2018
<i>Development control unit meeting date:</i>	31 January 2018
<i>Confirmation notice issued:</i>	14 February 2018
<i>Application referred to SARA:</i>	14 February 2018
<i>Council Information request issued:</i>	28 February 2018
<i>State agency information request issued:</i>	1 March 2018
<i>Information request response to Council received:</i>	28 May 2018

<i>State agency response:</i>	<i>15 June 2018</i>
<i>Decision period commenced:</i>	<i>15 June 2018</i>
<i>First extension of time agreed to:</i>	<i>2 July 2018</i>
<i>Second extension of time agreed to:</i>	<i>11 July 2018</i>
<i>Workshop meeting date:</i>	<i>20 August 2018</i>
<i>Third extension of time agreed to:</i>	<i>28 August 2018</i>
<i>Further advice provided to applicant:</i>	<i>29 August 2018</i>
<i>Amended concept plan (higher density design) submitted for consideration :</i>	<i>29 August 2018</i>
<i>Comments provided to applicant regarding amended concept plan:</i>	<i>11 October 2018</i>
<i>Subsequent extensions of time agreed to in order to facilitate a change application be made:</i>	<i>22 October 2018 – 14 October 2019</i>
<i>Engineering Infrastructure Report and Concept Stormwater Management Plan provided by applicant:</i>	<i>10 May 2019</i>
<i>Meeting held with Consultant Engineers and Council staff:</i>	<i>12 August 2019</i>
<i>Change application received:</i>	<i>14 October 2019</i>
<i>SARA notified of change application:</i>	<i>17 October 2019</i>
<i>Twelfth extension of time agreed to:</i>	<i>5 November 2019</i>
<i>Council meeting date:</i>	<i>3 December 2019</i>
<i>Statutory decision due date:</i>	<i>5 December 2019</i>

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into thirty-four lots and two balance lots), made by Nicola and Brian Murdock C/- ADAMS + SPARKES Town Planning, on Lot 2 on RP848877, and located at 90 Clayton Road, Lammermoor, 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) Site Works; and
- (viii) 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>
Proposed Site Layout Plan	SK002 (Rev B)	17 October 2019
Engineering Infrastructure Report	17-000022 (Rev B)	18 October 2019
Concept Stormwater Management Plan	17-000022 (Rev B)	18 October 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 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 plan (refer condition 2.1), *Capricorn Municipal Development Guidelines*, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).

- 3.3 All new cul-de-sac streets shown on the approved plan (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.

- 3.4 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 Council refuse collection vehicles.
- 3.5 The intersection between Clayton Road and proposed internal Road A must be designed and constructed with an Urban Basic Right Turn and Basic Left Turn (BAR and BAL) treatment in accordance with *Austroads Guide to Road Design: Part 4A Unsignalised and Signalised Intersections* including all necessary stormwater infrastructure and street lighting.
- 3.6 A minimum 1.2 metre wide concrete pathway must be designed and constructed to the full Clayton Road frontage of the development site (along the development side).
- 3.7 The full development frontage of Clayton Road must be designed and constructed (widened) including kerb and channel, to comply with Urban Major Collector standards in accordance with the *Capricorn Municipal Development Guidelines*. Any application for Operational works (road works) must include details of localised widening of Clayton Road including all necessary relocation of infrastructure.
- 3.8 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).
- 3.9 Any application for Operational Works (road works) must include details, including signage, of the Council approved road names for all new roads.
- 3.10 Street and public space lighting must be provided in accordance with *Australian Standard AS1158 Lighting for roads and public spaces*, and Council's *Road, Street and Public Spaces Lighting Policy* and *Road, Street and Public Spaces Lighting Procedure*.

4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plan and reports (refer to condition 2.1), the *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 4.3 A *Capricorn Municipal Development Guidelines* compliant vehicle access driveway must be designed and constructed to the existing Dwelling house within proposed Lot 9. 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.

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 in accordance with the 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).
- 5.3 Any application for Operational Works (water works) must be accompanied by a detailed Water Network Analysis Report, to demonstrate that the proposed development will have the minimum pressure and fire containment requirements in accordance with the design criteria outlined in the *Capricorn Municipal Development Guidelines*.

- 5.4 All lots within the development must be connected to Council's reticulated water network and provided with a separate water connection point, located wholly within the respective property boundaries.
- 5.5 The existing Dwelling house located within proposed Lot 9 must be connected to the reticulated water network.
- 5.6 The existing water property point of connection(s) must be terminated.

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), 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 (sewerage works).
- 6.3 A suitably sized new sewer rising main (non-trunk) must be designed and constructed. The proposed sewer rising main (non-trunk) from the proposed sewer pump (non-trunk) discharging into the existing sewer manhole (located within the sewer easement at Lot 67 on SP247246), must be realigned such that whole parts of the rising main are located within relevant road reserve(s).
- 6.4 A suitably sized 'freehold' lot, with a minimum dimension of twenty (20) metres by twenty (20) metres, must be dedicated to Council for the proposed sewer pump station prior to the approval of a plan of subdivision (survey plan endorsement) for the first lot within the development, generally in accordance with SK 011- SEWER LAYOUT – SHEET 1 OF 2 (refer to condition 2.1). The sewer pump station site must be agreed in consultation with Council as part of the Development Permit for Operational Works (sewerage works).
- 6.5 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*.
- 6.6 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.
- 6.7 All internal plumbing and sanitary drainage systems associated with the existing Dwelling house located within proposed Lot 9 must be located wholly within the property boundaries. Any alterations to the existing internal plumbing and sanitary drainage systems associated with the existing dwelling must be at no cost to Council.

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 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.
- 7.5 Stormwater management devices such as Basin A and Basin B must be dedicated to Council as separate lots, either as fee simple or fee simple in trust free of cost.
- 7.6 Any application for Operational works (stormwater works) must accompany a detailed stormwater management report certified by a suitably qualified *Registered Professional Engineer of Queensland*. The report must include (but not limited to) the following;
- 7.6.1 A detailed assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios which 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 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;
 - 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 Detail design calculations of outlet systems. Considerations must be given to critical scour velocity, discharge frequency /duration at the discharge location(s) and relevant management measures;
 - 7.6.5 Final design details to demonstrate that the potential pollutants in stormwater runoff, discharged from the site are managed to achieve minimum reductions in mean annual load;
 - 7.6.6 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy;
 - 7.6.7 Full calculations, including (where necessary) electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files), hydrological model parameters, calibration details and all details of the modelling assumptions to support the proposed stormwater management strategy; and
 - 7.6.8 Details of ongoing maintenance and management actions required with regard to any proposed detention basin / retention systems.
- 7.7 Any culvert/cross drainage structure within the development must be designed to ensure safe trafficability during a Defined Flood Event, with twenty (20) per cent blockage factor. The maximum flow depth over the cross drainage structure must be limited to 200 millimetres, demonstrating allowable velocity/depth product(s).
- 8.0 INTERALLOTMENT DRAINAGE
- 8.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 8.2 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.

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

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

- 9.3.1 the location of cut and/or fill and batter slopes;
- 9.3.2 the type of fill to be used and the manner in which it is to be compacted;
- 9.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 9.3.4 retaining structures (if necessary); and
- 9.3.5 surface and sub-surface drainage controls (if applicable).

- 9.4 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 a nuisance or worsening to adjoining properties or damage infrastructure.

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

- 9.5.1 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 (AEP) events up to Defined Flood Event (inclusive);
- 9.5.2 an increase in downstream or upstream flood inundation levels; and
- 9.5.3 an increase in velocity profiles.

10.0 LANDSCAPING WORKS

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

- 10.2 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.

- 10.3 A "Planting Plan" and supporting documentation must be 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.

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

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

- 10.6 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.

11.0 ELECTRICITY AND TELECOMMUNICATIONS

- 11.1 Underground electricity and telecommunication connections must be provided to the proposed lots to the standards of the relevant authorities.
- 11.2 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 approval of a plan of subdivision (survey plan endorsement).
- 11.3 Any existing overhead electricity traversing the portion of the site to be developed (i.e. lots) must be removed and any associated easement(s) extinguished.

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 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 demonstrates how the Construction-Phase stormwater management design objectives of the *State Planning Policy* will be achieved.
- 13.2 The Erosion and Sediment Control Plan must include (but 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;
- 13.3 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.

- 13.4 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 13.5 An environmental covenant, pursuant to Section 97A of the *Land Title Act 1994*, must be entered into in respect of the land within proposed Balance Lot 2 to include remnant vegetation mapped generally in accordance with the Proposed Site Layout Plan (refer to condition 2.1) to the effect that:
- 13.5.1 the area is protected as a vegetated flora and fauna habitat and all native vegetation must be retained; and
- 13.5.2 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, manage erosion and sediment, manage drainage, remove weeds and revegetate with local native species.
- 13.5.3 a Weed Management Plan and Re-vegetation Plan must be prepared in consultation with Council's Natural Resource Management Unit to enhance the quality of the protected habitat.
- 13.6 Initial works to reduce weed infestation and replant disturbed areas must be carried out as part of the Operational Works for the development. An inspection will be required to confirm the completion of works according to the Weed Management Plan and Re-vegetation Plan and Operational Works Permit.
- 13.7 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.
- 14.0 OPERATING PROCEDURES
- 14.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Clayton Road.

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 Aboriginal and Torres Strait Islander Partnerships website

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. 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 part of the subject site is mapped by the Department of Environment and Science 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 subject site is mapped by the Department of Environment and Science as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. A permit to undertake clearing may be required. Further advice regarding protected plants can be sought from the Department of Environment and Science.

NOTE 6. 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.

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.

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 7. Infrastructure Charges Notice

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

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into thirty-four lots and two balance lots), made by Nicola and Brian Murdock C/- ADAMS +

SPARKES Town Planning, on Lot 2 on RP848877, and located at 90 Clayton Road, Lammermoor, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$698,670.00**.

Moved by: Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED

12.5 DEVELOPMENT APPLICATION D-229-2019 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR AN INDOOR SPORT AND RECREATION (GYMNASIUM) AT 40-44 JABIRU DRIVE, BARMARYEE

File No: D-229-2019

Attachments:

1. Attachment 1 - Locality plan [⇒](#)
2. Attachment 2 - Proposed floor plan [⇒](#)

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

Author: Jenna Davies - Principal Planning Officer

SUMMARY

Applicant: Smoothy Properties No. 1 Pty Ltd

Consultant: Gideon Town Planning

Real Property Address: Lot 18 on RP859983

Area of Site: 3,974 square metres

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Medium impact industry

Planning Scheme Overlays: Overlay Map OM02 – Agricultural land Class A and Class B
Overlay Map OM20 – Road hierarchy – Industrial collector (Jabiru Drive)

Existing Development: Three (3) industrial sheds and caretaker's residence

Level of Assessment: Impact assessable

Submissions: Nil received

Referral matters: Nil

Infrastructure Charge Area: Charge Area 1

Application progress:

<i>Application received:</i>	24 September 2019
<i>Application properly made:</i>	24 September 2019
<i>Development control unit meeting:</i>	25 September 2019
<i>Confirmation notice issued:</i>	26 September 2019
<i>Information request not required notice issued:</i>	2 October 2019
<i>Public notification period:</i>	10 October 2019 to 31 October 2019
<i>Notice of compliance received:</i>	1 November 2019
<i>Submission consideration period:</i>	Not applicable
<i>Council meeting date:</i>	3 December 2019
<i>Statutory determination date:</i>	16 December 2019

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for an Indoor sport and recreation (gymnasium), made by Smoothy Properties No. 1 Pty Ltd, on Lot 18 on RP859983 and located at 40-44 Jabiru Drive, Yeppoon, 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 commencement of use, 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 commencement of use, 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 Building Works; and
- 1.6.2 Plumbing and Drainage Works (if required).
- 1.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for and Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	SK-002, Revision 2	September 2019
Floor Plan	SK-003, Revision 2	September 2019
Floor Plan	SK-004, Revision 2	September 2019
Elevations	SK-005, Revision 2	September 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 Building Works.

3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 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*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 3.2 Disconnection, alteration, or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under *Plumbing and Drainage Act*.

4.0 ACCESS AND PARKING WORKS

- 4.1 All access and parking works must be maintained in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890.1 "Off Street Car Parking"* and *Australian Standard AS2890.6 2009 "Off-Street parking for people with disabilities"*.
- 4.2 All ingress and egress movements to and from the development must be in a forward direction.
- 4.3 A minimum of nineteen (19) off-street parking spaces must be provided on site, one (1) of which must be a universal parking space in accordance with *Australian Standard AS2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 4.4 Stormwater runoff from access, parking and vehicular manoeuvring areas must be drained so as to demonstrate lawful discharge in accordance with *Queensland Urban Drainage Manual*.
- 4.5 All vehicle operations associated with the use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Manual of Uniform Traffic Control Devices*.
- 4.6 Line markings must be undertaken in accordance with *Australian Standard AS2890.1 - Off Street Car Parking*.

5.0 STORMWATER WORKS

- 5.1 All stormwater drainage works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and *Capricorn Municipal Development Guidelines*.
- 6.0 All stormwater must drain so as to demonstrate lawful discharge and must not adversely affect adjoining land or infrastructure when compared to pre-development condition by way of blocking, altering, diverting existing stormwater runoff patterns, such as to have the potential to cause damage to other infrastructures.

7.0 BUILDING WORKS

- 7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site. A change of classification must be obtained.
- 7.2 Outdoor lighting must be designed, installed and maintained in accordance with the parameters and requirements of the current version of the *Australian Standard AS4282 — Control of the obtrusive effects of outdoor lighting*.

8.0 LANDSCAPING WORKS

- 8.1 The landscaped areas towards Jabiru Drive must be subject to an ongoing

maintenance and replanting programme (if necessary).

9.0 ASSET MANAGEMENT

9.1 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.

9.2 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.

10.0 OPERATING PROCEDURES

10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Jabiru Drive.

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 Partnerships website <https://www.datsip.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 Council policies. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

NOTE 5. Certificate of Classification

It is advised that a Change of Class building application is required to change the Industrial Shed (Class 8) building to a gymnasium (class 9b). Please contact Council's Building team for further information.

NOTE 6. Advertising devices

Operational Works (advertising devices) is accepted, subject to requirements in the table of assessment for operational works (Table 5.7.1). If any of the Acceptable Outcomes of the Development Works Code (outcomes relating to advertising devices) cannot be achieved, a Development Permit for Operational Works (advertising devices) is required to be obtained.

NOTE 7. Trade Waste

A sewerage trade waste permit must be obtained for the discharge of any commercial or non-domestic waste into Council's reticulated sewerage network. Please contact Council's Water and Waste Operations unit for further information.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Indoor sport and recreation (gymnasium), made by Smoothy Properties No. 1 Pty Ltd, on Lot 18 on RP859983 and located at 40-44 Jabiru Drive, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$18,640.00**.

Moved by: Councillor Eastwood

Seconded by: Councillor Mather

MOTION CARRIED

12.6 TEMPORARY DELEGATION FOR DEVELOPMENT APPLICATION DECISIONS

File No: PL22.1.2
Attachments: Nil
Responsible Officer: David Battese - Manager Liveability
Author: Maddie Ward - Co-ordinator Development Assessment

SUMMARY

The purpose of this report is to obtain a temporary delegation to the Chief Executive Officer to facilitate the statutory requirements of the Sustainable Planning Act 2009 and Planning Act 2016 to accommodate the limited Council meeting schedule over the December 2019 – January 2020 period.

COUNCIL RESOLUTION**THAT**

1. Pursuant to section 257 of the *Local Government Act 2009* Council resolves to delegate its powers as 'Assessment Manager' under the *Sustainable Planning Act 2009* and *Planning Act 2016* to the Chief Executive Officer for the period 4 December 2019 until 20 January 2020, both dates inclusive, subject to the following limitation:
(1) The exercise of this delegation will only occur after obtaining written concurrence from the Mayor and Deputy Mayor (inclusive of an Acting Mayor or Acting Deputy Mayor).
2. A report be brought to the first Council Meeting in January 2020 detailing the exercise of these delegations.

Moved by: Deputy Mayor, Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

12.7 LIVINGSTONE PLANNING SCHEME 2018 - PROPOSED PLANNING SCHEME AMENDMENTS

File No: LU18.3.5
Attachments: 1. Proposed Amendment Items [📎](#)
Responsible Officer: Liam Saxby - Strategic Planning Officer
David Battese - Manager Liveability
Author: Liam Saxby - Strategic Planning Officer

SUMMARY

Council has the ability under legislation to make progressive amendments to its planning scheme. This report recommends that amendments be made to the Livingstone Planning Scheme 2018 as part of a package of amendments. The details pertaining to the proposed amendments are outlined in the attachment to the report.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) Make amendments to the *Livingstone Planning Scheme 2018* in accordance with the changes identified in Attachment 1; and
- 2) Advance the amendments to the *Livingstone Planning Scheme 2018* in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules July 2017*.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

12.8 LOCAL GOVERNMENT INFRASTRUCTURE PLAN INTERIM AMENDMENT**File No:** LU 18.3.5**Attachments:**

1. [Schedule of Works 2021 Projects](#)
2. [Schedule of Works 2026 Projects](#)
3. [Schedule of Works 2031 Projects](#)
4. [LGIP Projects Completed](#)

Responsible Officer: Dan Toon - Executive Director Infrastructure**Author:** Michael Prior - Manager Engineering Services

SUMMARY

This report is seeking to discuss making changes to Council's Local Government Infrastructure Plan (LGIP) in a statutory process that is described as an interim LGIP amendment. The Plan is part of the planning scheme which has triggered the need for an amendment process outlined in the Minister's Guidelines and Rules and the Planning Act 2016.

COUNCIL RESOLUTION

THAT Council resolves to make an interim Local Government Infrastructure Plan amendment, as detailed in this report, in accordance with s21 of the Planning Act 2016.

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

12.9 INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY (V3)**File No:** 4.7.28**Attachments:**
1. Draft Policy (v3) [⇒](#)
2. Briefing Session Report 27 May 2019 [⇒](#)**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Carrie Burnett - Policy & Planning Officer

SUMMARY

This report was presented to Council Meeting on 20 June 2019. The matter was 'layed on the table' for further discussion before coming back to a future Council Meeting.

This report seeks Council's adoption of Version 3 of the Intermittent Sealing of Unsealed Rural Roads Policy.

COUNCIL RESOLUTION

THAT Council adopt the Intermittent Sealing of Unsealed Rural Roads Policy (v3).

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

10.29am Mayor Ludwig left the meeting due to perceived conflict in relation to Item 12.10.

12.10 REQUEST FOR A NEGOTIATED DECISION FOR DEVELOPMENT PERMIT D-29-2019 FOR RECONFIGURING A LOT (TWO LOTS INTO SIX LOTS) LOCATED AT 535 BUNGUNDARRA ROAD AND LOT 100 BUNGUNDARRA ROAD, BUNGUNDARRA**File No:** D-29-2019**Attachments:**

1. **Locality Plan**⇒
2. **Amended Lot Layout (with Covenants)**⇒
3. **Agreed Covenant Schedule**⇒
4. **Decision Notice (with original approved plans)**⇒
5. **PSM10 Locally Significant Vegetation Overlaid with amended Proposal Plan**⇒

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

SUMMARY

This report requests a Council resolution in regards to representations made in accordance with section 75 of the Planning Act 2016 for a Negotiated Decision Notice. The nature of the representations pertain largely to conditions requiring an environmental covenant, the wording associated with such covenant schedules and related development applications for Operational works for Clearing Vegetation. The conditions were applied in order to satisfy the requirements of the Livingstone Shire Planning Scheme 2005 in relation to Locally Significant Vegetation as well as explicitly outlining the requirements for future development and successive landowners.

The amended conditions, the layout of the covenant areas and the terms of the covenant schedules as outlined in this report have been determined through agreement with Council officers and the landowners.

COUNCIL RESOLUTION**RECOMMENDATION A**

That in relation to the request for a Negotiated Decision Notice for Development Permit D-29-2019 for Reconfiguring a Lot (two lots into six lots), made by Capricorn Survey Group (CQ) Pty Ltd, on behalf of C. & M. Roebuck, on land described as Lot 100 on SP280113 and Lot 1 on SP289213 and located at Lot 100 Bungundarra Road and 535 Bungundarra Road, Bungundarra, Council resolves that the following changes be made to the conditions;

1. Item 8 of the Decision Notice (approval) be amended to remove reference to Clearing Vegetation Works.
2. Condition 1.6.1 (ii) be deleted (reference to Clearing Vegetation Works).
3. Condition 2.1 be amended to include reference to the amended lot layout plan being "Reconfiguration Plan 2 lots into 6 lots (with Covenant Layout), Reference 6537-07-ROL Revision E" as shown in Attachment 2 of this report.
4. Condition 9.3 be amended to include the words "generally in accordance with the areas shown on the "Reconfiguration Plan 2 lots into 6 lots (with Covenant Layout) Reference 6537-07-ROL Revision E" (refer to Condition 2.1)".
5. Condition 9.3 (i) be amended to remove the wording "excluding the proposed building location envelope and ancillary internal access with a maximum width of six (6) metres".
6. Condition 9.3 (ii) be amended to;

- (i) remove the wording "This covenant area must also include the area already within Covenant B on SP289213"; and
 - (ii) Change the minimum width of 100 metres to 50 metres.
- 7. Condition 9.3 (iii) be deleted (Reference to covenant over Lot 4 as this is now covered in the revised layout for Lot 2).
 - 8. Condition 9.4.2 be amended to remove the wording "as approved by Council".
 - 9. Condition 9.5 be amended to delete the reference to Lot 4, (this covenant area is now incorporated into Lot 2).
 - 10. Condition 9.6 be deleted.

RECOMMENDATION B

That Council agree to the proposed covenant layout being generally in accordance with the "Reconfiguration Plan - 2 lots into 6 lots (with Covenant Layout), Reference 6537-07-ROL Revision E" as shown in attachment 2 of this report.

RECOMMENDATION C

That Council agree to the terms of the "Agreed Covenant Schedule" as shown in attachment 3 of this report.

RECOMMENDATION D

That to reflect the above amendments, Capricorn Survey Group (CQ) Pty Ltd, on behalf of C. & M. Roebuck, be issued with a Negotiated Decision Notice for Development Permit D-29-2019 for Reconfiguring a Lot (two lots into six lots):

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) Access 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.
- 1.9 This approval is for the reconfiguration of Lot 1 on SP289213 and Lot 100 on

SP280113 into six (6) separate titles. The approved plan illustrates a Building Location Envelope over proposed Lots 2, 3, 4, 5 and 6, which denotes the location within which a future Dwelling house and ancillary buildings or structures must be located. This approval does not negate the requirement for a future Material Change of Use, Building Works regulated under the Planning Scheme or Operational Works, pursuant to the categorising instrument in effect at the time of development.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Reconfiguration Plan - 2 lots into 6 lots (with Covenant Layout)	6537-07-ROL, Revision E	2 December 2019
Bushfire Hazard Assessment	PR4406-RE, Revision 02	19 July 2019
Bushfire Management Plan	PR4406-RE, Revision 01	19 July 2019
Slope Stability Assessment Report	GEO154779-B	29 June 2017

- 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) discrete stages, namely:

3.1.1 Stage One: Lot 3 and Lot 4 and balance land; and

3.1.2 Stage Two: Lot 2 and balance land; and

3.1.3 Stage Three: Lot 1, Lot 5 and Lot 6.

Stage One must be completed prior to any other Stage.

- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 3.3 Where expressly stated, the conditions must be read as being applicable only to the particular stages(s) being developed.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development

- Permit for Operational Works (access and parking works).
- 4.3 As part of Stage Two, a compliant vehicle access crossover must be designed and constructed for proposed Lot 2, within the road reserve, in accordance with the *Capricorn Municipal Development Guidelines*.
- 4.4 As part of Stage Two, an access easement must be registered, burdening Lot 1 and in benefit of Lot 2. The access easement must be shown on the Survey Plan and the respective documentation submitted to Council as part of the approval of a plan of subdivision (survey plan endorsement).
- 4.5 As part of Stage Three, a compliant vehicle access crossover must be designed and constructed for proposed Lots 1, 5 and 6, within the road reserve, in accordance with the *Capricorn Municipal Development Guidelines*.
- 4.6 As part of Stage Three, an access easement must be registered, burdening Lot 1 and in benefit of Lots 5 and 6. The access easement must be shown on the Survey Plan and the respective documentation submitted to Council as part of the approval of a plan of subdivision (survey plan endorsement).
- 4.7 All access easements must be a minimum of twenty (20) metres wide.
- 4.8 The internal accesses (private roads) must be designed, constructed and maintained in accordance with the Bushfire Management Plan (refer to condition 2.1).
- 4.9 The internal access (private road) for proposed Lot 2 must be designed and constructed in accordance with the revised Slope Stability Report (refer to condition 8.4) and Bushfire Management Plan (refer to condition 2.1). Where the gradient of the internal access is greater than 12.5 per cent at any point, the internal access must be sealed with concrete or bitumen.
- 4.10 The internal accesses for proposed Lots 1, 2, 4 and 6 must be provided with a minimum ten (10) per cent Annual Exceedance Probability flood immunity.
- 4.11 Rural addressing must be provided for proposed Lots 1, 2, 5 and 6, in accordance with Council's Rural Addressing Policy and Procedure.
- 5.0 CLEARING VEGETATION WORKS
- 5.1 Any clearing must comply with the recommendations of the approved Bushfire Hazard Assessment and Bushfire Management Plan (refer to condition 2.1).
- 6.0 STORMWATER WORKS
- 6.1 All stormwater must achieve demonstrated lawful discharge in accordance with the *Queensland Urban Drainage Manual* and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 7.0 SITE WORKS
- 7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and in accordance with the revised Slope Stability Assessment Report (refer to condition 2.1 and condition 8.4).
- 7.2 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 that causes a nuisance or worsening to adjoining properties or infrastructure.
- 7.3 The Slope Stability Assessment Report (refer to condition 2.1) must be updated to reflect the changed internal access for proposed Lot 2 and be provided to Council with any development application for a Development Permit for Operational Works.

8.0 ASSET MANAGEMENT

- 8.1 Any alteration necessary to electricity, telephone, and/or public utility installations resulting from the development or in connection with the development must be at full cost to the Developer.
- 8.2 Any damage to the existing roadway (including removal of concrete slurry from roads 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.
- 8.3 '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 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.

9.0 ENVIRONMENTAL

- 9.1 The purchaser(s) of each of the proposed lots must be advised by the developer in writing of their responsibility to comply with the requirements of the approved Bushfire Hazard Assessment and Bushfire Management Plan (refer to condition 2.1).
- 9.2 All future buildings and structures must be designed, constructed and certified to satisfy the performance requirements for bushfire ignition risk under the *National Construction Code - Building Code of Australia (Volume 2)*.
- 9.3 An environmental covenant, generally in accordance with the areas shown on the "Reconfiguration Plan - 2 lots into 6 lots (with Covenant Layout), Reference 6537-07-ROL Revision E" (refer to condition 2.1), pursuant to Section 97A of the *Land Title Act 1994*, must be entered into with respect to the extent of vegetation as follows:
- (i) over proposed Lot 2; and
 - (ii) over proposed Lot 1 - being an area with a minimum width of fifty (50) metres that generally covers the Locally Significant Vegetation to the north and south-east of Daly Creek, as shown on Planning Scheme Map PSM 10B, to connect the vegetation covenant on proposed Lot 2 to the existing vegetation Covenant B on SP289213.
- 9.4 The environmental covenant must be entered into to the effect that:
- 9.4.1 the area must be protected as a vegetated flora habitat and all native vegetation must be retained; and
 - 9.4.2 there must be no artificial interference or disturbance of the habitat, except for the following activities:
 - (i) essential management as defined in the *Planning Regulation 2017* (current as at 1 September 2019);
 - (ii) management of an invasive pest plant, in accordance with the requirements of Council;
 - (iii) Bushfire management activities as recommended in the approved Bushfire Hazard Assessment and Bushfire Management Plan under Development Permit D-29-2019 for Reconfiguring a Lot (two lots into six lots) over 535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra.
- 9.5 An environmental covenant must be registered over proposed Lots 1 and 2. The above wording (condition 9.4) must be incorporated into the covenant schedule. 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).

9.6 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan.

9.7 The Erosion Control 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, and landscaped). The prepared Erosion and Sediment Control Management Plan must be available on-site for inspection by Council Officers during those works.

10.0 OPERATING PROCEDURES

10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Bungundarra Road or Madges Road.

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 Partnerships website <https://www.datsip.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. Property Notes

- a. All future buildings on the proposed lots must be constructed in compliance with the *National Construction Code* and the approved Bushfire Hazard Assessment and Bushfire Management Plan.
- b. An environmental covenant applies to Lots 1, 2, and 6 pursuant to Section 97A of the *Land Title Act 1994*.

NOTE 5. Infrastructure Charges Notice

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

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED

Cr Kelly recorded her vote against the motion.

10.44am Mayor Ludwig returned to the meeting.

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - NOTICE TO RESCIND

File No: GV13.4.4

Attachments: 1. Notice of Motion [↗](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 3 December 2019 , as follows:

10.47am Deputy Mayor, Councillor Hutton left the meeting.

10.48am Deputy Mayor, Councillor Hutton returned to the meeting.

COUNCIL RESOLUTION

THAT Council rescind the following motion which was moved at Council Meeting held on 19 November 2019:-

That Livingstone Shire Council resolves to be a Welcoming City and commits to achieving the Established level of membership.

*Moved by Deputy Mayor Cr Nigel Hutton
Seconded by Cr Jan Kelly*

Moved by: Councillor Mather

Seconded by: Councillor Belot

MOTION LOST

13.2 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - LIGHT SPILL**File No:** GC13.4.4**Attachments:** 1. Notice of Motion [⇒](#)**Responsible Officer:** Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 3 December 2019, as follows:

COUNCIL RESOLUTION

THAT Council take the necessary action, with the relevant authority if necessary, to place a light shade over the street light opposite 35 Reef Street, Zilzie, due to the excessive light spill into the homes of five residents in that vicinity affected by this ongoing intrusion.

Further, Council treat this matter as a priority due to the adverse impacts on health and quality of life.

Moved by: Councillor Mather**Seconded by:** Councillor Wyatt**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 a further inspection and to return to a future Council Meeting.

Moved by: Mayor Ludwig**Seconded by:****MOTION CARRIED**

13.3 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - BANGALEE BEACH ACCESS CONSULTATION.**File No:** GV13.4.4**Attachments:** 1. Notice of Motion [⇒](#)**Responsible Officer:** Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council Meeting 3 December 2019, as follows:

RECOMMENDATION

THAT Livingstone Shire Council undertake meaningful community consultation with the Bangalee community and (any other key stakeholders) to determine if there is support for an alternate northern vehicle access point onto Farnborough Beach.

1/ Do you support Council investigating an alternate northern vehicle beach access point accessing onto Farnborough Beach.

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: Mayor Ludwig**Seconded by:****MOTION CARRIED**

14 URGENT BUSINESS\QUESTIONS

15 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**11.36am**

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.

16.1 Lease of Land for Temporary Carpark

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.

16.2 Restaurant Lease – Livingstone Shire Council and The Rocks Yeppoon Pty Ltd

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.

16.3 Proposed Trustee Lease to NBN Co Limited over part of Lot 50 on Survey Plan 207050 – Keppel Sands

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.

16.4 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.

16.5 Write Off - Unrecoverable Debt

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.

16.6 Potential Sale of Council Land in Hidden Valley to an Adjoining Property Owner

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.

16.7 Notice of Motion - Councillor Glenda Mather - Blue Cards for Emergency Services

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.

16.8 Works For Queensland 2019-21

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.

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED

11.54am Mayor Ludwig left the meeting.
12.01pm Mayor Ludwig returned to the meeting.

COUNCIL RESOLUTION**12.01pm**

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

- 16.1 Lease of Land for Temporary Carpark
- 16.2 Restaurant Lease – Livingstone Shire Council and The Rocks Yeppoon Pty Ltd
- 16.3 Proposed Trustee Lease to NBN Co Limited over part of Lot 50 on Survey Plan 207050 – Keppel Sands
- 16.4 Management Arrangements – Keppel Sands Caravan Park
- 16.5 Write Off - Unrecoverable Debt
- 16.6 Potential Sale of Council Land in Hidden Valley to an Adjoining Property Owner

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 LEASE OF LAND FOR TEMPORARY CARPARK

File No: 5.9.1-004

Attachments: 1. Plan of Leased Land

Responsible Officer: Dan Toon - Executive Director Infrastructure

Author: Carrie Burnett - Policy & Planning 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.

SUMMARY

This report seeks a resolution of Council regarding the lease of land for a temporary carpark at the intersection of Queen and Barry Streets Yeppoon.

COUNCIL RESOLUTION

THAT

- a) Council inform the owner of the land leased for the temporary carpark at the corner of Queen and Barry Streets that it accepts the offer to hold over the current lease on a tenancy at will basis; and
- b) At the discretion of the Executive Director Infrastructure the owner be given 60 days' notice of termination.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

**16.2 RESTAURANT LEASE - LIVINGSTONE SHIRE COUNCIL AND THE ROCKS
YEPPOON PTY LTD****File No:** LEA396**Attachments:**
1. Sketch Plan of Lease B1
2. Sketch Plan of Lease B2**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.

SUMMARY

The purpose of this report is to provide information regarding the use of the balcony on the first floor of the Lagoon Precinct building.

COUNCIL RESOLUTION

THAT Council resolve to accept the amendments to the lease which pertains to the upstairs area of the Lagoon Precinct building which is currently operated as a restaurant and an area on the ground floor of the building which is currently operated as a milk bar.

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

16.3 PROPOSED TRUSTEE LEASE TO NBN CO LIMITED OVER PART OF LOT 50 ON SURVEY PLAN 207050 - KEPPEL SANDS**File No:** CP5.9.2**Attachments:**

1. Plan and Aerial - Lot 28 on Crown Plan 861679 and Lot 50 on Survey Plan 207050
2. Plan of Proposed NBN Co Limited Lease Area

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.

SUMMARY

This report provides information in relation to a proposed trustee lease to NBN Co Limited over part of Reserve for Recreation (R547) – Lot 50 on Survey Plan 207050 Schofield Parade, Keppel Sands.

COUNCIL RESOLUTION

THAT Council resolve:

1. that the exception mentioned in section 236(1)(c)(vi) of the *Local Government Regulation 2012* may apply in its dealing with NBN Co Limited over part of Lot 50 on Survey Plan 207050 described as Lease N on Survey Plan 311429;
2. pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(c)(vi) of the *Local Government Regulation 2012* in its dealing with NBN Co Limited over part of Lot 50 on Survey Plan 207050 described as Lease N on Survey Plan 311429; and
3. to provide a twenty (20) year lease to NBN Co Limited, at an initial rent which is yet to be determined but in accordance with Section 236 Subsection (3) of *Local Government Regulation 2012* will be equal to, or more than, the market value of the interest in land, over Lease N on Survey Plan 311429.

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

16.4 MANAGEMENT ARRANGEMENTS - KEPPEL SANDS CARAVAN PARK**File No:** PR21.5.2-3**Attachments:** 1. Council Report 17 September 2019**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.

SUMMARY

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

COUNCIL RESOLUTION

THAT Council resolve:

- 1) to authorise Council Officers to undertake a further Invitation to Tender seeking submissions from parties interested in becoming managers of the Keppel Sands Caravan Park; and
- 2) to delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the *Local Government Act 2009*, to appoint new managers for the Keppel Sands Caravan Park and the terms and conditions under which they are appointed.

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

16.5 WRITE OFF - UNRECOVERABLE DEBT**File No:** FM12.1.9**Attachments:** Nil**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Priscilla Graham - Coordinator Revenue

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.

SUMMARY

This report addresses the need to write off the aged arrears and interest for the assessment 136482-5, L A AP 2344, Great Keppel Island, The Keppels QLD 4703 (DNRM Lease). The Lease has been cancelled by the relevant State Department. The rate and charges in arrears have been identified as unrecoverable and to be written off as a bad debt.

COUNCIL RESOLUTION

THAT Council resolves to write off the rates and charges in arrears on Assessment 136482-5, L A AP 2344, Great Keppel Island, The Keppels totalling \$6,974.55, plus any additional interest applied at the conclusion of the month of November.

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

16.6 POTENTIAL SALE OF COUNCIL LAND IN HIDDEN VALLEY TO AN ADJOINING PROPERTY OWNER**File No:** ED8.5.5**Attachments:** 1. Location Map**Responsible Officer:** Jan Anfruns - Manager Economy and Places
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Elle Wallin - Project Support 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.

SUMMARY

Council received an enquiry from an adjoining land owner who is interested in purchasing a parcel of land to expand an existing business. The purpose of this report is to determine Council's willingness to dispose of this parcel to the adjoining land owner.

COUNCIL RESOLUTION

THAT Council resolve:

1. that the exception mentioned in section 236(1)(c)(iv) of the *Local Government Regulation 2012* may apply in its dealing over 4 Cassam Street, Hidden Valley described as Lot 11 on Survey Plan 220788;
2. pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(c)(iv) of the *Local Government Regulation 2012* in its dealing over 4 Cassam Street, Hidden Valley described as Lot 11 on Survey Plan 220788; and
3. accept the offer outlined in this report for the sale of *Lot 11 on Survey Plan 220788*, delegating authority to the Chief Executive Officer to finalise negotiations with the purchaser and execute a contract of sale.

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

COUNCIL RESOLUTION**12.03pm**

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.

16.7 Notice of Motion - Councillor Glenda Mather - Blue Cards for Emergency Services

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.

16.8 Works For Queensland 2019-21

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.

Moved by: Councillor Kelly

Seconded by: Councillor Eastwood

MOTION CARRIED

COUNCIL RESOLUTION**12.41pm**

THAT the meeting moves out of closed session and be opened to the public to move the following items:

- 16.7 Notice of Motion – Councillor Glenda Mather – Blue Cards for Emergency Services; and
- 16.8 Works for Queensland 2019-21

Moved by: Councillor Kelly

Seconded by: Councillor Mather

MOTION CARRIED

16.7 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - BLUE CARDS FOR EMERGENCY SERVICES**File No:** GV13.4.4**Attachments:** 1. Notice of Motion**Responsible Officer:** Chris Murdoch - Chief Executive 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.

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 3 December 2019, as follows:

RECOMMENDATION

THAT due to the public outcry over the State Government imposing compulsory Blue Cards for Emergency Services personnel, Council strongly advise the relevant Minister that it considers this imposition on all officers responding to emergencies, both insulting, unnecessary and a deterrent to all capable and willing volunteers.

Further, the Minister be encouraged to review what the public sees as revenue raising legislation, and in no way conducive to their core job of saving and protecting lives and property, with a copy to the LGAQ, the Premier and Member for Keppel Brittany Lauga.

Cr Mather withdrew her above Notice of Motion.

16.8 WORKS FOR QUEENSLAND 2019-21**File No:** GS15.2.7-1**Attachments:** 1. Schematic Plans**Responsible Officer:** Chris Murdoch - Chief Executive Officer**Author:** Brett Bacon - Executive Director Liveability and Wellbeing

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.

SUMMARY

This report discusses the Works for Queensland and proposed allocation of project funding.

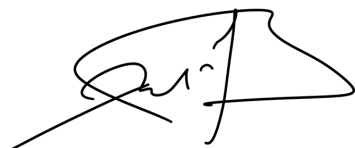
COUNCIL RESOLUTION

THAT Council resolve to proceed in accordance with option two, as detailed within the commentary section of this report.

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

17 CLOSURE OF MEETING

There being no further business the meeting closed at 12.48pm.



Bill Ludwig
CHAIRPERSON

21 January 2020

DATE