



ORDINARY MEETING

MINUTES

8 OCTOBER 2019

The resolutions contained within the Minutes were confirmed at the Council Meeting held on 22 October 2019.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	2
	NIL	2
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	3
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	4
6	PUBLIC FORUMS/DEPUTATIONS	5
	NIL	5
7	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	6
	NIL	6
8	PRESENTATION OF PETITIONS.....	7
	NIL	7
9	MAYORAL MINUTE	8
	NIL	8
10	COUNCILLOR/DELEGATE REPORTS	9
	NIL	9
11	AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS.....	10
	NIL	10
12	REPORTS.....	11
12.1	COUNCILLOR AGENDA ITEM REQUESTS	11
12.2	PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 166 ON MC175, KNOWN AS 103 BELAR STREET, OGMORE	12
12.3	CANCELLATION OF RESERVE FOR PARK - LOT 22 ON CROWN PLAN 905907	13
12.4	CONSIDERATION OF RENEWAL OF TERM LEASE 216952 OVER LOT 5 ON PS120.....	14
12.4	RENEWAL OF LEASE OVER BARNBOROUGH ISLAND, STANAGE	14
12.6	REQUEST FOR REGULATED PARKING CONCESSION.....	15
12.7	LIVINGSTONE SHIRE LOCAL DISASTER MANAGEMENT PLAN 2019	16
13	URGENT BUSINESS\QUESTIONS	17

14	CLOSED SESSION	18
15.1	CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCIL'S (CQROC) - PROPOSED LEGAL STRUCTURE	
15.2	RECYCLED WATER FEES AND CHARGES	
15.3	INTEGRATED BUSINESS SOLUTION PROCUREMENT PROCESS	
15	CONFIDENTIAL REPORTS.....	19
15.1	CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCIL'S (CQROC) - PROPOSED LEGAL STRUCTURE.....	19
15.2	RECYCLED WATER FEES AND CHARGES	20
15.3	INTEGRATED BUSINESS SOLUTION PROCUREMENT PROCESS.....	21
12	REPORTS	
12.5	DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO SIX LOTS) AT 535 BUNGUNDARRA ROAD AND LOT 100 BUNGUNDARRA ROAD, BUNGUNDARRA	23
16	CLOSURE OF MEETING.....	31

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 8 OCTOBER 2019 COMMENCING AT 9.02AM

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:

Mr Dan Toon – Acting Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mr David Mazzaferri – Manager Liveability and Wellbeing
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mr Nick Sheehan - Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 17 September 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 30 September 2019 be taken as read and adopted as a correct record.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Mather advised that she would be declaring a perceived conflict of interest in relation to Item 12.5 of the agenda arising from notification she has received from the Office of the Independent Assessor (OIA) regarding a complaint about her conduct as a Councillor of the Livingstone Shire Council.

Cr Eastwood declared a perceived conflict of interest for the same reason as stated by Cr Mather.

Cr Wyatt declared a perceived conflict of interest for the same reason as stated by Cr Mather.

Cr Belot declared a perceived conflict of interest for the same reason as stated by Cr Mather. Cr Belot stated that he believed he would be able to act in the public interest due to his decision making not being affected by the perceived conflict and would be remaining in the meeting when the matter was discussed.

Mayor Ludwig declared a perceived conflict of interest in relation to Item 12.5 of the agenda due to a business relationship with a consultant engaged by the developer named in Item 12.5, however, he stated that he believed he would be able to act in the public interest due to his decision making not being affected by the perceived conflict and would be remaining in the meeting when the matter was discussed.

The Meeting Chair decided that Item 12.5 would be dealt with as the last item on the agenda to allow further discussions.

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

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

Nil

12 REPORTS

12.1 COUNCILLOR AGENDA ITEM REQUESTS

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Dan Toon - Acting Chief Executive Officer
Author: Nicole Robertson - Coordinator Executive Support

SUMMARY

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

COUNCIL RESOLUTION

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

- Reticulated Water to Mabel Edmund Park
- Reallocation of Funding
- Reinstate Meeting Procedures
- Beach Access Bangalee
- Yeppoon Aquatic Centre

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

MOTION CARRIED

**12.2 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 166 ON MC175,
KNOWN AS 103 BELAR STREET, OGMORE**

File No: GR14.4.2
Attachments: 1. Aerial of proposed closure area [⇒](#)
Responsible Officer: David Mazzaferri - Executive Director Livability and Wellbeing
Author: Maddie Crigan - Property Officer

SUMMARY

This report pertains to a request to permanently close approximately 700 square metres of road reserve in Belar Street, Ogmore to enable it to be amalgamated with the adjoining freehold land, described as Lot 166 on MC175, known as 103 Belar Street.

COUNCIL RESOLUTION

THAT Council resolve to advise the owner of Lot 166 on MC175 that it does not object to the proposal to close approximately 700 square metres of road reserve in Belar Street, Ogmore so that it may be amalgamated with Lot 166 on MC175.

Moved by: Councillor Eastwood

Seconded by: Councillor Kelly

MOTION CARRIED

12.3 CANCELLATION OF RESERVE FOR PARK - LOT 22 ON CROWN PLAN 905907

File No: GR14.4.2
Attachments: 1. Locality plan of boat ramp site [⇒](#)
Responsible Officer: David Mazzaferri - Executive Director Livability and Wellbeing
Author: Maddie Crigan - Property Officer

SUMMARY

This report discusses options available to rectify an inconsistency of tenure over an area of Corbetts Landing Road, Byfield which is located in a Reserve for Park described as Lot 22 on Crown Plan 905907.

COUNCIL RESOLUTION

THAT Council resolve to endorse Option B proposed by Officers in this report to make an application to the Department of Natural Resources, Mines and Energy to have the Reserve for Park described as Lot 22 on Crown Plan 905907 cancelled and re-dedicated as a Reserve for Landing Place.

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

12.4 CONSIDERATION OF RENEWAL OF TERM LEASE 216952 OVER LOT 5 ON PS120

File No: GR14.4.2
Attachments: 1. Aerial photograph [📎](#)
Responsible Officer: David Mazzaferri - Executive Director Livability and Wellbeing
Author: Maddie Crigan - Property Officer

SUMMARY

This report pertains to a request from the Department of Natural Resources, Mines and Energy for Council's views or requirements on the renewal of Term Lease 0/216952 over Lot 5 on PS120 located at Bamborough Island, Stanage.

COUNCIL RESOLUTION

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that it does not object to the renewal of Term Lease 0/216952 over Lot 5 on PS120 located at Bamborough Island, Stanage.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED

12.4 RENEWAL OF LEASE OVER BARNBOROUGH ISLAND, STANAGE

File No: GR14.4.2
Responsible Officer: David Mazzaferri - Executive Director Liveability and Wellbeing

QUESTION WITHOUT NOTICE

Councillor Jan Kelly asked if there is a process that alerts members of the public that a property is available for lease in case someone else might be interested in submitting an application to lease the area?

The Chair accepted the question and as it could not be answered by the officers in attendance directed that a response be provided to Councillors.

12.6 REQUEST FOR REGULATED PARKING CONCESSION

File No: CR2.13.34
Attachments: Nil
Responsible Officer: David Mazzaferri - Executive Director Livability and Wellbeing
Author: David Battese - Manager Liveability

SUMMARY

This report relates to a request for concessions from paid parking received from the Yeppoon Ladies Probus Club Inc., which has written to Council seeking consideration for paid parking concessions to be given to its members for attending monthly meetings at the Keppel Bay Sailing Club.

COUNCIL RESOLUTION

THAT Council resolve to approve the Yeppoon Ladies Probus Clubs request for a twelve (12) month trial of the Clubs membership card being accepted as a parking concession, for Club member vehicles parked in the off-street car park, immediately to the north of the Keppel Bay Sailing Club for the duration of the Clubs meetings (including lunch) that occur on the last Thursday of each month.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Mayor Ludwig

MOTION CARRIED UNANIMOUSLY

12.7 LIVINGSTONE SHIRE LOCAL DISASTER MANAGEMENT PLAN 2019

File No: ES9.5.2
Attachments: 1. Livingstone Shire Local Disaster Management Plan 2019 [⇒](#)
Responsible Officer: David Mazzaferri - Executive Director Livability and Wellbeing
Author: Laura Bradford - Support Services Officer

SUMMARY

Livingstone Shire Council is dedicated to the continuous improvement of Disaster Management through all levels, including prevention, preparation, response and recovery. The Local Disaster Management Plan has been prepared by the Livingstone Shire Local Disaster Management Group for Livingstone Shire Council under the provisions of Section 57(1) of the Disaster Management Act 2003. The annual review and amendment of the Livingstone Shire Local Disaster Management Plan is a part of this continuous improvement process.

COUNCIL RESOLUTION

That Council adopts the *Livingstone Shire Local Disaster Management Plan* as endorsed by the Livingstone Shire Local Disaster Management Group on 22 August 2019.

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

13 URGENT BUSINESS\QUESTIONS

14 CLOSED SESSION

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

COUNCIL RESOLUTION

9.20am

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

15.1 Central Queensland Regional Organisation of Council's (CQROC) - Proposed Legal Structure

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

15.2 Recycled Water Fees and Charges

This report is considered confidential in accordance with section 275(1)(d), of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

15.3 Integrated Business Solution Procurement Process

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

Moved by: Councillor Kelly

Seconded by: Councillor Eastwood

MOTION CARRIED

COUNCIL RESOLUTION

9.59am

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

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCIL'S (CQROC) - PROPOSED LEGAL STRUCTURE

File No: CM4.12.1

Attachments:

1. Legal Structures Comparative Table
2. Draft Paper On Appropriate Legal Structure for CQROC

Responsible Officer: Dan Toon - Acting Chief Executive Officer

Author: Sonia Barber - Principal Economic Development and Innovation 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 provides an assessment of the alternative corporate legal structures available to the Central Queensland Organisation of Councils (CQROC) and a recommendation for adoption by Council.

COUNCIL RESOLUTION

THAT Council resolve to support the recommendation that the Central Queensland Regional Organisation of Councils (CQROC) undertake the process of becoming a company limited by guarantee.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED UNANIMOUSLY

15.2 RECYCLED WATER FEES AND CHARGES**File No:** WS32.8.5**Attachments:** 1. Recycled Water Agreements Data**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Scott Casey - Manager Water & Waste Operations

This report is considered confidential in accordance with section 275(1)(d), of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

SUMMARY

Council has numerous users of recycled water at both Yeppoon and Emu Park. The existing recycled water agreements have all expired and are due for a review and re-negotiation with the users. Hence this report being presented to Council.

COUNCIL RESOLUTION

THAT Council adopt the individual agreement charges and recommended actions as set out in the conclusion of this report.

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

15.3 INTEGRATED BUSINESS SOLUTION PROCUREMENT PROCESS**File No:** 17.1.1**Attachments:** Nil**Responsible Officer:** Dan Toon - Acting Chief Executive Officer
Matthew Willcocks - Chief Technology Officer
Damien Cross - Acting Chief Financial Officer**Author:** Michael Green - Project Manager

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 seeks Council approval to undertake a two-stage procurement process for the supply, implementation and support of the Councils Integrated Business Solution.

COUNCIL RESOLUTION

THAT Council resolve to adopt a two-stage procurement process as outlined in the *Local Government Regulation 2012* (s228) due to it being in the public interest for the supply, implementation and support of Council's Integrated Business Solution.

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

Item 12.5 Development Application for a Development Permit for Reconfiguring a Lot (two lots into six lots) at 535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra

The Chair advised that due to Councillors Mather, Eastwood, Wyatt, Belot and Ludwig having each declared a personal interest in the form of a perceived conflict of interest related to Item 12.5 at the commencement of the meeting, the Chair could not accept any motion that is decision making in relation to item 12.5 and that he was proposing to adjourn the meeting to seek advice on how to proceed.

PROCEDURAL MOTION

Mayor Ludwig moved a procedural motion to adjourn the meeting and recommence at 4.30pm on the 8th of October 2019 so that advice could be sought with regards to the majority of Councillors having declared a personal interest with regards to Item 12.5.

Meeting procedures were suspended at 10.32am

Moved by: Mayor Ludwig

Meeting procedures resumed at 4.37pm

Mayor Ludwig provided Councillors with an update on the advice received regarding the appropriate way forward for dealing with item 12.5 given the circumstances and proposed an alternative motion taking into consideration that advice.

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

File No: D-29-2019

Attachments:

1. **Proposal Plan** [⇒](#)
2. **Annotated Covenant Plan** [⇒](#)

Responsible Officer: David Battese - Manager Liveability

Author: Jenna Davies - Principal Planning Officer

SUMMARY

This matter was resolved, at the Council Meeting on 17 September 2019, that Council approve the development application for the six properties subject to appropriate conditions being brought back to the table for ratification by resolution. The matter is now presented to Council to be dealt with.

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

Application received:	12 February 2019
Development control unit meeting:	13 February 2019
Application properly made:	19 February 2019
Confirmation notice issued:	26 February 2019
Extension of time agreed to (referral period):	5 March 2019
Application referred to State agency:	8 March 2019
Information request issued:	12 March 2019
State agency response:	8 April 2019
Information request response received:	30 May 2019
Further advice issued:	2 July 2019
Extension of time agreed to:	5 July 2019
Further advice response received:	26 July 2019
Council meeting date:	8 October 2019
Statutory determination date:	11 October 2019

OFFICERS RECOMMENDATION

THAT notwithstanding the Officers Recommendation presented at the Council Meeting of 17 September 2019, should Council resolve to approve Development Application D-29-2019 for a Development Permit for Reconfiguring a Lot (two lots into six lots) located at 535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra, Council resolve to:

A1 Develop a Statement of Reasons in accordance with section 63(5) of the *Planning Act 2016* for inclusion in any Decision Notice to be issued.

A2 Issue a Decision Notice which includes all of 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, 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;
- (ii) Clearing Vegetation 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 within. 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 Ortho Underlay)	6537-07-ROL, Revision C	29 July 2019
Bushfire Hazard Assessment	PR4406-RE, Revision 02	19 July 2019
Bushfire Management Plan	PR4406-RE, Revision 0	19 July 2019
Slope Stability Assessment Report	GEO154779-B	29 June 2017
Annotated Covenant Plan	Not numbered	25 September 2

- 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 and driveway 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 and driveway 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 access driveways (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 driveway (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 driveway is greater than 12.5 per cent at any point, the driveway must be sealed with concrete or bitumen.

- 4.10 The internal access driveways 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 A Development Permit for Operational Works (Clearing Vegetation Works) must be obtained prior to the commencement of any clearing works on the site.

- 5.2 Any application for a Development Permit for Operational Works (Clearing Vegetation Works) associated with this Development Permit, must be limited to purposes required for survey of proposed allotment boundaries and the internal access driveways, generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:

- 5.2.1 A plan documenting the "Extent of Works" and supporting documentation

which includes (but not limited to):

- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed lot layout);
- (ii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed building envelopes;
- (iii) underground and overhead services; and
- (iv) typical details of critical design elements (such as, stabilisation of batters, retaining walls, fences).

5.3 The boundaries of areas proposed to be cleared must be clearly delineated for machinery operators, with clearing confined to the area required, in order to minimise impacts on adjacent habitats prior to and during vegetation clearing.

5.4 Clearing of vegetation must only occur in the stage being developed (refer to condition 3.1). Clearing may only occur outside the stage boundaries where approved by a Development Permit for Operational Works (Clearing Vegetation Works).

5.5 Any clearing must comply with the recommendations of the approved Bushfire Hazard Assessment and Bushfire Management Plan (refer to condition 2.1).

5.6 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes; or
- (ii) removed for disposal at a location approved by Council;

within sixty (60) days of clearing. Any vegetation removed must not be burnt without a fire permit.

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

5.8 Clearing of the Building Location Envelopes and clearing recommended by the Bushfire Management Plan for future buildings and structures, must not occur until all related approvals are granted including a Development Permit for a Material Change of Use and/or Building Works regulated under the Planning Scheme. This does not negate the requirement to obtain a Development Permit for Operational Works (Clearing Vegetation Works).

6.0 FAUNA MANAGEMENT

6.1 A fauna spotter / catcher must be onsite prior to and during vegetation felling activities to ensure fauna and habitat management actions are taken as required. All clearing works must be halted if fauna is likely to be injured.

7.0 STORMWATER WORKS

7.1 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.

8.0 SITE WORKS

8.1 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).

8.2 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.

- 8.3 Vegetation must not be cleared unless and until written approval has been provided by Council by way of a Development Permit for Operational Works (Clearing Vegetation Works).
- 8.4 The Slope Stability Assessment Report (refer to condition 2.1) must be updated to reflect the changed Building Location Envelope and internal access driveway for proposed Lot 2 and provided to Council with any development application for a Development Permit for Operational Works.
- 8.5 All future owners of the proposed lot 2 must be advised by the developer in writing of their responsibility to comply with the requirements of the revised Slope Stability Report (refer to condition 2.1).

9.0 ELECTRICITY AND TELECOMMUNICATIONS

- 9.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 9.2 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).

10.0 ASSET MANAGEMENT

- 10.1 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.
- 10.2 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.
- 10.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

11.0 ENVIRONMENTAL

- 11.1 All future owners of the proposed lots must be advised by the developer in writing of their responsibility to comply with the requirements of the approved Bushfire Hazard Assessment and Bushfire Management Plan (refer to condition 2.1).
- 11.2 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)*.
- 11.3 An environmental covenant, pursuant to Section 97A of the *Land Title Act 1994*, must be entered into with respect to the extent of vegetation, outside of the proposed building location envelope and ancillary internal access driveway(s) over proposed Lots 2, 3 and 4, to the north and south of Daly Creek over proposed Lot 1, and generally in accordance with the approved annotated covenant plan (refer to condition 2.1) to the effect that:
- 11.3.1 the area is protected as a vegetated flora habitat and all native vegetation must be retained; and
- 11.3.2 there is to be no artificial interference or disturbance of the habitat, except

as approved by Council by a Development Permit for Operational works (Clearing Vegetation) for the following activities:

- (i) essential management as defined in the *Planning Regulation 2017* (current as at 1 September 2019);
- (ii) management of a declared pest, in accordance with the requirements of the relevant State agency and/or 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.

11.4 An environmental covenant must be registered over proposed Lots 1, 2, 3 and 4. The above wording (condition 11.3) 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).

11.5 As part of Stage Three, Covenant B on SP289213 must be amended to be wholly located on proposed Lot 6. The amended 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).

11.6 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

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

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

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

12.0 OPERATING PROCEDURES

12.1 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 each lot 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.

- A3** Issue an Infrastructure Charges Notice for the amount of \$61,000.00 in accordance with Council's *Adopted Infrastructure Charges Resolution (No. 3) 2018*.

COUNCIL RESOLUTION

That pursuant to section 175E(6) of the *Local Government Act 2009*, Council delegate deciding appropriate conditions for Development Application D-29-2019 for a development permit for reconfiguring a lot (two lots into six lots) at 535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra, to the Chief Executive Officer pursuant to [section 257](#) of the *Local Government Act 2009*.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

16 CLOSURE OF MEETING

There being no further business the meeting closed at 4.43 pm.

Bill Ludwig
CHAIRPERSON

DATE