

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

14 APRIL 2015

The Council resolutions contained within these minutes were confirmed at Council meeting on 28 April 2015.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPOON ON TUESDAY, 14 APRIL 2015 COMMENCING AT 9:03AM

1 OPENING

2 PRESENT

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Deputy Mayor, Councillor Graham Scott
Councillor Nigel Hutton
Councillor Jan Kelly
Councillor Glenda Mather
Councillor Tom Wyatt

In Attendance:

Ms Chris Murdoch – Director Corporate Services
Mr Ian Dare – Acting Director Community and Planning Services
Mr Phil McKone - Manager Infrastructure Planning & Design
Mr Arvind Singh – Project Engineer
Ms Melissa Minter – Coordinator Community Partnership
Ms Erin McCabe – Coordinator Development Assessment
Mr Ahsan Yousuf – Senior Planning Officer
Ms Jenna Brosseuk – Planning Officer
Ms Melissa Warwick – Senior Strategic Planner
Ms Tara Norley - Support Services Officer
Ms Judy Couttie – Cultural Development Officer
Ms Robyn Black – PA to Mayor & Deputy Mayor
Ms Suzanne Pambid – PA to Chief Executive Officer

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE FOR COUNCILLOR TOM WYATT - 27-29 APRIL 2015

File No: GV13.4.1

Attachments: Nil

Responsible Officer: Justin Commons - Chief Executive Officer

SUMMARY

Councillor Tom Wyatt has requested leave of absence for the period 27 April to 29 April 2015.

COUNCIL RESOLUTION

THAT Leave of Absence be granted to Councillor Tom Wyatt for the period 27 April to 29 April 2015.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

3.2 LEAVE OF ABSENCE FOR COUNCILLOR ADAM BELOT - 14 APRIL 2015**File No:** GV13.4.1**Attachments:** Nil**Responsible Officer:** Justin Commons - Chief Executive Officer

SUMMARY

Councillor Adam Belot has requested leave of absence for 14 April 2015.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Adam Belot for 14 April 2015.

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

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

5.1 MAYORAL MINUTE - COUNCIL INTERVENTION WITH ASSISTANCE FOR CLEARING PROPERTY OF FIRE HAZARD FOR PROPERTY OWNERS WITH DEMONSTRATED HARDSHIPS

File No: CR2.13.11
Attachments: Nil
Responsible Officer: Justin Commons - Chief Executive Officer

BACKGROUND

In view of the number of property owners, particularly in rural areas, who have contacted Council post Tropical Cyclone Marcia with regard to potential dangerous situations in relation to fire risk due to fallen vegetation and their inability to carry out the necessary clearing to make their residence safe; the Mayor proposes to move the following motion.

COUNCIL RESOLUTION

THAT in view of the impact of TC Marcia in relation to fallen vegetation, Council undertake a workshop to develop an interim policy position on assisting property owners who are incapacitated or can demonstrate significant financial hardship with regards to clearing fallen vegetation to make their residences and associated buildings safe from potential fire danger.

Moved by: Mayor Ludwig
Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

L.1 MAYORAL MINUTE - MOBILE PHONE BLACKSPOT FUNDING

File No: CR2.13.3
Attachments: Nil
Responsible Officer: Justin Commons - Chief Executive Officer

SUMMARY

Council has previously discussed the Commonwealth Government's \$100 million co-investment mobile blackspot programme. Under this programme, national mobile operators are able to apply for funding to build new mobile towers across the country. Proposals are assessed based on a broad range of criteria including location, community benefits, level of State funding contribution and level of Council investment.

Council has expressed interest in 5 locations being considered under this programme (Mt Chalmers Rd, Millman Rd, Stones Rd, Canal Creek Rd and Coorumburra Rd). Of these areas, only one site has been deemed eligible under the programme – Mt Chalmers Rd.

Other sites considered include Bungundarra Rd, Marlborough Rd and Stanage Bay Rd, however Telstra have now deemed these sites as not meeting the program's eligibility criteria.

Telstra has approached Livingstone Shire Council to sign a memorandum of understanding regarding the contribution Council is prepared to make towards the cost of a mobile phone tower at Mt Chalmers. The memorandum of understanding is required as part of Telstra's submission to the Commonwealth Government to demonstrate Council's commitment. The Commonwealth Government awards one (1) point in the assessment process for every \$10,000 in co-funding from Councils.

At the time of expressing interest, it was felt that \$50,000 per site would be the maximum that Council would be able to contribute which would include Council undertaking the access and site works and that the funding would be considered in detail as part of the 2015-16 budget process. Note in-kind contribution does not count in the assessment process.

Council is now being asked to sign the memorandum of understanding with Telstra which means the matter needs to be resolved before the 2015-16 budget can be finalised.

With respect to the proposed Mt Chalmers tower, there are approximately 114 occupied properties in the area comprising farming, grazing and residential homes. The average daily traffic volume through the area is 1,344 vehicles. Of particular note is the risk of wildfires in this area and threat to lives, infrastructure, crops and animals. The coordinates for the mobile blackspot in this area are latitude -23.2622 to -23.3007 and longitude 150.6584 to 150.6417.

COUNCIL RESOLUTION

THAT following previous discussion at Council workshop, and based on Telstra's advice that Mt Chalmers is the only eligible site in the shire for consideration under the Commonwealth Government's mobile blackspot funding programme, Livingstone Shire Council commit to providing \$50,000 towards the mobile tower at Mt Chalmers on the basis that Council be engaged to undertake access and site works for the tower and that the Director Corporate Services be authorised to sign the memorandum of understanding with Telstra on behalf of Council.

Moved by: Mayor Ludwig
Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 24 February 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 24 March 2015 be taken as read and adopted as a correct record, noting Report 12.1 Delegation of Powers to the Chief Executive Officer - Item 6 relating to Instrument of Delegation – Residential Tenancies and Rooming Accommodation Regulation 2009 be referred to Council Workshop for discussion.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

7 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

12:07PM

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Scott disclosed a potential perceived conflict of interest in respect of Item 16.1 Proposed Acquisition of Land – Northern Strategic Link Road – Panorama Drive. Councillor Scott announced his intention to remain in the room and to vote on the matter.

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Wyatt disclosed a potential perceived conflict of interest in respect of Item 16.1 Proposed Acquisition of Land – Northern Strategic Link Road – Panorama Drive. Councillor Wyatt announced his intention to remain in the room and to vote on the matter.

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. Business Outstanding Report
Responsible Officer: Justin Commons - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Wyatt
Seconded by: Councillor Kelly

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 BUSINESS IMPROVEMENT COMMITTEE - 24 MARCH 2015

File No:	CM4.2.1
Attachments:	1. Business Improvement Committee Meeting Minutes - 24 March 2015
Responsible Officer:	Chris Murdoch - Director Corporate Services
Author:	Suzanne Pambid - PA to the CEO

SUMMARY

The Business Improvement Committee met on 24 March 2015 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 Councillor Portal.

COUNCIL RESOLUTION

That the minutes of the Business Improvement Committee meeting held on 24 March 2015 be received and that the following recommendations contained within those minutes be adopted:

1.1 EMERGING ISSUES UPDATE

THAT the verbal updates provided on Tropical Cyclone Marcia, NDRRA funding eligibility/compliance and Internal Auditor be noted.

2.2 LEGAL MATTERS REPORT

THAT the update on legal matters involving Council be noted.

3.3 WORKPLACE HEALTH AND SAFETY

THAT the update on the organisation's performance in relation to Workplace Health and Safety be noted.

6.1 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

THAT the Business Outstanding table for the Business Improvement Committee meeting be noted.

7.1 CHANGES TO BUSINESS IMPROVEMENT COMMITTEE

THAT Council endorse the proposed changes to the Business Improvement Committee name, membership, frequency of meetings and duration.

7.2 BUSINESS IMPROVEMENT COMMITTEE 2015 ANNUAL PROGRAM OF WORK

THAT Council adopt the draft annual program of work for the Business Improvement Committee as endorsed by the Business Improvement Committee.

7.3 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2015

THAT Council Summary Budget Management Report for the period ending 28 February 2015 be noted.

7.4 RISK MANAGEMENT ANC CORPORATE GOVERNANCE

THAT the update on activities associated with Risk Management and Corporate Governance be noted.

7.5 LIVINGSTONE SHIRE COUNCILS' INSURANCE PROGRAM 2015

1. THAT the information supplied relating to the Livingstone Shire Council's Insurance program be noted.
2. THAT Council obtain quotes to undertake risk profiling to inform future decision-making regarding insurance cover.

7.6 CRIME AND CORRUPTION COMMISSION – CORRUPTION IN THE PUBLIC SECTOR: THE BIG ISSUES

THAT the Crime and Corruption Commission December 2014 report be noted.

7.7 FINAL AUDIT REPORT FOR LIVINGSTONE SHIRE COUNCIL FOR PERIOD ENDED 30 JUNE 2014

THAT Council note the Final Audit Report for Livingstone Shire Council to 30 June 2014 as endorsed by the Business Improvement Committee.

7.8 CLIENT STRATEGY - LIVINGSTONE SHIRE COUNCIL 30 JUNE 2015

THAT the Client Strategy for Livingstone Shire Council 30 June 2015 be endorsed.

7.9 BUSINESS SERVICES REVIEW PROJECT

THAT the information supplied relating to the Business Service Review Project be noted.

7.10 BETTER COUNCILS, BETTER COMMUNITIES PROJECT

THAT the information supplied relating to Better Councils, Better Communities Project be noted.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.2 REVIEW OF CORPORATE PLAN 2014-19

File No: CM4.6.1
Attachments: 1. Corporate Plan 2014-19
Responsible Officer: Chris Murdoch - Director Corporate Services
Author: Catherine Rivett - Corporate Strategist

SUMMARY

This report seeks Council's approval to not undertake a review of the Corporate Plan 2014-19 which was adopted by Council on 8 July 2014.

COUNCIL RESOLUTION

THAT Council endorse that the *Corporate Plan 2014-19* not undergo a review at this stage.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.3 APPOINTMENT OF NEW MEMBER AND PROXY OF THE BUSINESS IMPROVEMENT COMMITTEE

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Justin Commons - Chief Executive Officer
Author: Chris Murdoch - Director Corporate Services

SUMMARY

At the Council meeting of 14 January 2014, Council resolved to establish a Business Improvement Committee and appointed Councillor Hutton and Councillor Scott as the two Councillor representatives to the Business Improvement Committee with Councillor Kelly appointed as delegate in the event Councillor Hutton or Councillor Scott were unable to attend the meeting(s) of the committee.

Councillor Scott, in addition to his duties as Deputy Mayor is also now Chairperson of the Regional and Economic Development Taskforce following Tropical Cyclone Marcia, which of all the Taskforces, is likely to continue for some time.

The purpose of this report is to recommend that Council appoint Councillor Kelly as a Councillor representative to the Business Improvement Committee replacing Councillor Scott, and that Councillor Belot be appointed as delegate in the event Councillor Kelly or Councillor Hutton are unable to attend the meeting(s) of the committee.

COUNCIL RESOLUTION

THAT Council appoint Councillor Kelly as a Councillor representative to the Business Improvement Committee replacing Councillor Scott, and that Councillor Belot be appointed as delegate in the event Councillor Kelly or Councillor Hutton are unable to attend the meeting(s) of the committee.

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

MOTION CARRIED

L.1 BUDGET VARIATION TO MAYOR'S DISCRETIONARY FUND

File No: CR2.5.2
Attachments: Nil
Responsible Officer: Chris Murdoch - Director Corporate Services
Author: Damien Cross - Senior Management Accountant

SUMMARY

A reception is being held at Government House in Brisbane on Thursday 30 April 2015 to thank volunteers who assisted with the recovery of those local communities affected by Tropical Cyclone Marcia. This report seeks Council resolution to approve a budget variance to increase the Mayor's Discretionary Fund to provide funding for return flights of those attending the Governor's reception.

COUNCIL RESOLUTION

THAT Council resolves to approve an increase in the 2014/15 Mayor's Discretionary Fund from \$10,000 to \$20,000, with the source of these additional funds to be identified in the May 2015 budget review.

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

MOTION CARRIED

12.4 YEPPON TRIATHLON FESTIVAL SEEKING EVENT SPONSORSHIP

File No: CR2.15.3
Attachments: Nil
Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services
Author: Melissa Minter - Co-ordinator Community Partnership

SUMMARY

Council has received a request for support for the Yeppoon Triathlon Festival. The event will debut in Yeppoon on 1 August 2015 and is expected to attract approximately 1,000 to 1,500 people (including 500 competitors) to the local area. The event organisers are seeking to attract 200 competitors from outside the region.

COUNCIL RESOLUTION

THAT Council

(a) provide in-kind support of marketing and promotion assistance, road safety and closure plan preparation, supply of witches' hats, street sweeping, bollards, raised platform area for dais and announcer and finish line and labour assistance on the day to an amount to be determined; and

(b) provide cash sponsorship of \$3,000 to the Yeppoon Triathlon Festival in 2015 and that this amount be reviewed in September 2015 for consideration of future support; and

(c) refer this event to the Economic Development Taskforce for consideration and support from other private and government agencies.

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

12.5 EMU PARK LIONS CLUB FORMALISATION OF TENURE OF 'THE SHACK' AT EMU PARK AND EXTENSION OF ALTERNATIVE LEARNING SPACE TO EMU PARK

File No: CP5.9.2
Attachments: Nil
Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services
Author: Melissa Minter - Co-ordinator Community Partnership

SUMMARY

The Emu Park Lions Club has been a long-term occupant of 'The Shack' at Emu Park. No formal lease exists to secure its tenancy and provide assurance of long-term occupancy. Council representatives have met with Emu Park Lions Club Committee representatives with a view to formalising the Club's occupancy.

In addition, the Committee was canvassed regarding the possibility of operating an Alternative Learning Space out of 'The Shack' several days per week, as an extension to the successful and growing Yeppoon Alternative Learning Space.

COUNCIL RESOLUTION

THAT Council:

1. formalise tenure and occupancy for 'The Shack' at Emu Park with the Emu Park Lions Club in the form of a trustee lease with a life of thirty (30) years;
2. waive trustee lease establishment costs and annual lease fees associated with the lease of the premise;
3. liaise with relevant partners (including Distance Education, the Police Citizens Youth Club and the Emu Park Lions Club) to extend the Alternative Learning Space programme to Emu Park; and
4. approve 'The Shack' as the premise for the Emu Park Alternative Learning Space for three (3) days per week commencing in the April school term 2015.

Moved by: Mayor Ludwig
Seconded by: Councillor Wyatt

MOTION CARRIED UNANIMOUSLY

12.6 LIVINGSTONE SHIRE COUNCIL / KEPPEL BAY SAILING CLUB COMMUNITY GRANTS SCHEME ROUND TWO 2014-2015

File No: CR2.15.3
Attachments: Nil
Responsible Officer: Ian Dare - Manager Community Wellbeing
 Brett Bacon - Director Community & Planning Services
Author: Melissa Minter - Co-ordinator Community Partnership

SUMMARY

The February 2015 round of the 2014-2015 Livingstone Shire Council / Keppel Bay Sailing Club Community Grants Scheme closed on 20 March 2015. A total of forty-two (42) applications were received and subsequently assessed by the Funding Panel. This report provides an overview of the assessment and makes recommendations pertaining to the distribution of funds from the current round.

COUNCIL RESOLUTION

THAT Council approve the following grant applications, to be funded through Round Two (2) of the 2014-2015 Livingstone Shire Council / Keppel Bay Sailing Club Community Grants Scheme :

Applicant	Detail	Location	Amount (\$)	Notes
Yeppoon Rugby League Football Club Inc	Communications system upgrade Webb Park	Yeppoon	2,667	NA
Yeppoon Hack and Pony Club	Restore grounds and equipment	Yeppoon	1,400	Requested \$3,835. Part funded (fridge purchase component)
Yeppoon Australian Football Club Inc	Upgrade of club facilities (kitchen)	Yeppoon	5,000	NA
The Mill Gallery Yeppoon Inc	Exhibition frames	Yeppoon	4,170	NA
Stanage Township Organisation	Matthew Flinders Project	Stanage	3,784	NA
Qld Country Women's Association	Rotunda Restoration Project	Emu Park	5,000	NA
Mount Chalmers History Centre Inc	Grounds Improvement	Mt Chalmers	1,775	NA
Marlborough Public Hall Committee	Hall improvements	Marlborough	4,400	NA
Keppel Crew (Keppel Islands Conservation Community Inc)	Bird Counts, monitoring debris and coral, mangrove and seagrass monitoring	Livingstone Shire	1,249	Requested 5,000. Part funded (drone purchase component)
Keppel Coast Camera Club Inc	Studio lighting set	Yeppoon	1,000	NA

<i>Applicant</i>	<i>Detail</i>	<i>Location</i>	<i>Amount (\$)</i>	<i>Notes</i>
Keppel Coast Arts Council	Shade cover for Fig Tree spaces	Yeppoon	5,000	NA
GEN YADABA	Programme items	Livingstone Shire	705	Requested 1,408. Part funded (Shade structure and first aid kit)
Four Paws Adoption and Education Inc	Items to support operational expansion and community education programme	Livingstone Shire	2,534	Requested 4,882.05. Part funded (gazebo, bbq, iceboxes and carriers)
Emu Park Sport and Recreation Association Inc	Facility upgrades to premises	Emu Park	5,000	NA
Emu Park Historical Museum Society Inc	Display cases and restoration management	Emu Park	1,590	NA
Emu Park Emus Junior and Senior Rugby League	Goal posts	Emu Park	4,000	Requested \$5,000. Part funded (goal posts only)
Emu Park District Mens Activity Shed Inc	Installation of kitchen new premise	Emu Park	3,051	NA
Capricorn Coast PCYC Leadership Development Centre	Alternative Learning Space Emu Park Printer	Emu Park	1,943	NA
Capricorn Coast Landcare Group Inc	Junior Landcare Programme	Livingstone Shire	5,000	NA
Capricorn Coast Healthy Aging Group	Service trolleys	Livingstone Shire	1,108	NA
TOTAL Expended			60,376	

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

12.7 REGIONAL ARTS DEVELOPMENT FUND 2014/2015 QUICK RESPONSE APPLICATION

File No: GS15.2.5
Attachments: Nil
Responsible Officer: Ian Dare - Manager Community Wellbeing
 Brett Bacon - Director Community & Planning Services
Author: Judy Coultie - Cultural Development Officer

SUMMARY

One Quick Response application was received for an Individual Professional Development Grant from the 2014/2015 Regional Arts Development Fund for the amount of \$1,476. Budget available for the remainder of 2014/15 is currently \$1,600.

The Regional Arts Development Fund Committee assessed the application and nominated that this application met the programmed criteria, recommending the applicant be funded for the total requested amount of \$1,476.

COUNCIL RESOLUTION

THAT in accordance with the recommendation of the Livingstone Regional Arts Development Fund Committee, the following grant application be funded from the Regional Arts Development Fund:

Name	Purpose of Grant	Total Project Expenses	Grant Requested	Grant Recommended
Renton Bishopric	Towards travel expenses to Korea as the sole Australian artist of 14 international artists invited by the Korean government to attend the 'Inter-Local Workshop' as part of the 2015 Incheon Ceramics Festival being held 24 April to 17 May 2015	\$12,150	\$1,476	\$1,476

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.8 PROPOSED BAN ON DISPOSAL OF CAPITAL DREDGE MATERIAL IN THE GREAT BARRIER REEF MARINE PARK**File No:** EM11.12.10**Attachments:**

1. **Great Barrier Reef Marine Park Authority Invitation to Livingstone Shire Council to Comment on the Proposed Ban on Capital Dredge Disposal in the Great Barrier Reef Marine Park**
2. **Email Response to Great Barrier Reef Marine Park Authority**

Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services**Author:** Matthew Baldock - Senior Sustainability Officer

SUMMARY

The Great Barrier Reef Marine Park Authority is proposing a new regulation to ban the disposal of capital dredge material in the Great Barrier Reef Marine Park. This will apply to both new developments and existing permits but will exclude small scale dredging programmes (less than 15,000 cubic metres) and critical infrastructure for islands such as water, telecommunications or electricity. The Great Barrier Reef Marine Park authority has notified Council of the proposal via correspondence and asked for feedback by 27 March 2015. Due to the short timeframes, a response was sent to the Great Barrier Reef Marine Park Authority supporting the proposal. Formal approval is now sought from Council.

COUNCIL RESOLUTION

THAT Council support the Great Barrier Reef Marine Park's proposal for a new regulation banning the disposal of capital dredge material in the Great Barrier Reef Marine Park.

Moved by: Mayor Ludwig**Seconded by:** Deputy Mayor, Councillor Scott**MOTION CARRIED UNANIMOUSLY**

12.9 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (THREE LOTS INTO 115 LOTS)

File No: D/29-2014

Attachments: 1. Locality Plan
2. Proposal Plans

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
Ian Dare - Manager Community Wellbeing

Author: Ahsan Yousuf - Senior Planning Officer

SUMMARY

Development Application Number: D/29-2014

Applicant: Abiwood Pty Ltd C/- Sedgman Yeats

Real Property Address: Lot 5 Chandler Road, Lammermoor;
Lot 67 Chandler Road, Lammermoor; and
Lot 500 Chandler Road, Lammermoor

Common Property Address: Lot 5 on RP607357, Parish of Hewittville;
Lot 67 on SP265313, Parish of Hewittville; and
Lot 500 on SP275129 (previously Lot 157 on SP225779), Parish of Hewittville

Area of Site: Approximately 14 hectares

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Residential Zone (R1 Precinct)

Planning Scheme Overlays: Steep Land
Good Quality Agricultural Land
Bushfire Hazard
Visual Quality (Precinct A)

Existing Development: Vacant land

Existing Approvals: D-Y/2008-89 – Reconfiguring a Lot (three lots into 165 lots) – Applies to adjoining site utilised for stormwater purposes

Approval Sought: Development Permit for a Reconfiguring a Lot for a (one lot into 115 lots)

Level of Assessment: Code

Submissions: Not applicable

Referral Agency(s): Department of State Development, Infrastructure and Planning

Within Priority Infrastructure Area: Yes

Application Progress:

<i>Application lodged:</i>	25 February 2014
<i>Application properly made:</i>	12 March 2014
<i>Request for Further Information sent:</i>	5 May 2014

<i>Changed application received:</i>	<i>1 July 2014</i>
<i>Changed application properly made:</i>	<i>8 September 2014</i>
<i>Request for Further Information sent:</i>	<i>24 September 2014</i>
<i>Notice of missed referral: (Due to lack of fee payment)</i>	<i>6 November 2014</i>
<i>Date properly referred:</i>	<i>12 November 2014</i>
<i>Request for Further Information responded to:</i>	<i>9 December 2014</i>
<i>Date not properly made: (Due to lack of owners' consent alongside information response for the use of Lot 500 on SP275129 (previously Lot 157 on SP225779), Parish of Hewittville)</i>	<i>9 December 2014</i>
<i>Government Agency request for addition time:</i>	<i>Nil</i>
<i>Government Agency Response:</i>	<i>12 December 2014</i>
<i>Decision stage commenced: (Owners' consent provided on this date)</i>	<i>27 January 2015</i>
<i>Council request for additional time:</i>	<i>26 February 2015 and 25 March 2015</i>
<i>Last receipt of information from applicant:</i>	<i>5 February 2015</i>
<i>Statutory determination date:</i>	<i>2 April 2015</i>

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot for a (three lots into 115 lots), made by Abiwood Pty Ltd, over Lot 5 on RP607357, Lot 67 on SP265313, and Lot 500 on SP275129 (previously Lot 157 on SP225779), Parish of Hewittville, and located at Lots 5, 67, and 500 Chandler 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 issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the

commencement of any works associated with its purposes:

- 1.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access Works;
 - (iii) Sewerage Works;
 - (iv) Water 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>
Site Survey	SK-021(Rev A)	11 September 2014
Conceptual Stormwater Management Plan	SK-019 (Rev B)	5 February 2015
Conceptual Water Reticulation Layout Plan	SK-018 (Rev B)	5 February 2015
Conceptual Sewerage Reticulation Layout Plan	SK-020 (Rev B)	5 February 2015
Staging Layout Plan	SK-023 (Rev A)	18 March 2015
Overall Landscape Masterplan	0714-0642-00 (Rev 02)	November 2014
Slope Stability Assessment	Project No: 114-16721	November 2014

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 DEVELOPMENT STAGING AND IMPLEMENTATION

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

namely:

- 3.1.1 Stage 1 (32 lots, plus balance lot) – comprising Lots 59 to 80, 105 to 113, and 115;
- 3.1.2 Stage 2 (25 lots, plus balance lot) – comprising Lots 49 to 58, 91 to 104, and 114;
- 3.1.3 Stage 3 (30 lots, plus balance lot) – comprising Lots 1 to 10, 21 to 24, 34 to 39, and 81 to 90; and
- 3.1.4 Stage 4 (28 lots) – comprising Lots 11 to 20, 25 to 33, and 40 to 48.

in accordance with the approved reconfiguring a lot plan (refer to condition 2.1).

As legal access to lots within the development is proposed to be provided sequentially, the development stages are required to be completed in chronological order. Multiple sequential stages may be completed concurrently.

- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 3.3 The entirety of proposed Lot 115, which contains the proposed sub-regional retention basin, must be dedicated to Council for all Local Government purposes as part of the application for a Compliance Certificate for the Survey Plan for the first Stage(s) to be developed.
- 3.4 In the event that land identified on the approved plans (refer to condition 2.1) as intended to be transferred to Council is not exchanged for Lot 67 on SP265313 prior to development, the land must be provided to Council as road reserve as part of the application for a Compliance Certificate for the Survey Plan associated with the first stage to be developed.
- 3.5 To enable Lot 67 on SP265313 to be incorporated into the development, an easement must be provided over Council infrastructure currently located within the lot. The easement must be extinguished at the time the infrastructure within the lot is de-commissioned.
- 3.6 Should the need arise, allotment boundaries within Stages 1 and 3 must be altered to accommodate any increased sizing requirements for the major overland flow paths between Lots 77 and 76, and Lots 67, 68, 72 and 73, as determined through a Development Permit for Operational Works.

4.0 ROAD WORKS

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) and road reserve(s) at the time of making the application.
- 4.4 Half the width of Bottlebrush Drive must be designed and constructed from the northern edge of proposed Lot 69 (currently Lot 67 on SP265313) to the northern edge of proposed Lot 115 to a “Minor Urban Collector” standard (inclusive of associated drainage systems). Half width seal (extending 0.5 metres past the centre line and having a minimum width of 4.5 metres) must be provided at minimum.
- 4.5 As an alternative to condition 4.4 the extension of Bottlebrush Drive may be designed and constructed to “Minor Urban Collector” standard (inclusive of associated

- drainage systems) to an extent greater than half width construction. The length of construction must be from the northern edge of proposed Lot 69 (currently Lot 67 on SP265313) to the northern edge of proposed Lot 115.
- 4.6 A road reserve for the full length of the Chandler Road extension from the edge of the construction in association with the roundabout to the westernmost boundary of proposed Road 01 must be created as part of the issue of a Compliance Certificate for the Survey Plan for the first stage(s) to be developed. The alignment of the road reserve for the Chandler Road extension must be determined in consultation with Council.
- 4.7 In association with Stages 1 and 2, Chandler Road (Road 01) must be designed and constructed to "Major Rural Collector" standard from the edge of the construction associated with the roundabout to twenty (20) metres past the western boundary of the proposed temporary access. The construction must be undertaken in accordance with the *Capricorn Municipal Development Guidelines*, inclusive of all associated drainage systems.
- 4.8 In association with Stages 3 and 4, Chandler Road (Road 01) must be upgraded or constructed to "Major Urban Collector" standard from the edge of the construction associated with the roundabout to twenty (20) metres past the intersection of Roads 01 and 04.
- 4.9 In accordance with the approved plans (refer to condition 2.1), Stages 1 and 2 of the development must be provided with temporary vehicular access via Lot 81, with a minimum sealed width for safe vehicular movements.
- 4.10 A performance guarantee bond in lieu of the subject access (to "Urban Access Street" standard) must be provided prior to issue the Compliance Certificate for Survey Plan for Stages 1 and 2. The bond will be released at the time a Compliance Certificate is issued for the Survey Plan for Stage 3.
- 4.11 The temporary access to Stages 1 and 2 must be removed at the time the Chandler Road extension (Road 01) is constructed in association with Stage 3.
- 4.12 A bus set-down area on the Chandler Road extension (Road 01) must be designed and constructed in accordance with the *Public Transport Infrastructure Manual*. Details of the bus set-down area must be provided with any application for a Development Permit for Operational Works (road works).
- 4.13 The design and construction of all terminating roads must include a temporary turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection vehicle.
- 4.14 The area taken up by temporary turning areas at the ends of roads must be covered by either easements in favour of Council or such other tenure arrangements that are satisfactory to Council. Arrangements must be finalised as part of a Development Permit for Operational Works (road works).
- 4.15 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)*.
- 4.16 All pathways within road reserves (including access ramps) must:
- 4.16.1 be designed and constructed in accordance with *Australian Standard AS1428 Design for Access and Mobility*;
 - 4.16.2 incorporate kerb ramps at all road crossing points;
 - 4.16.3 be provided with public space lighting in accordance with *Australian Standard AS1158 Lighting for Roads and Public Spaces*.
- 4.17 The pedestrian path between lots 48 and 49 must be provided as part of Stage 2 of the development. The path must be contained within a road reserve with a minimum

width of five (5) metres (with no deviations in alignment), and must be constructed to a minimum width of 1.5 metres, using reinforced concrete. Bollards must be placed at both ends of the reserve to prevent unlawful vehicular access.

- 4.18 Pedestrian paths with a minimum width of 1.5 metres must be provided within the road reserves between Lots 76 and 77, and Lots 67, 68, 72 and 73 must be contained if required as part of a Development Permit for Operational Works (road works).
- 4.19 Any application for a Development Permit for Operational Works (road works) must include details of the Council approved road names for all new roads.
- 4.20 Retaining structures must be wholly contained within private allotment boundaries and must not be constructed as Council-owned infrastructure within road reserves, unless specifically approved as part of a Development Permit for Operational Works (road works).
- 4.21 Any retaining structures above one metre in height must be separately approved for structural adequacy by a Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.

A detailed inspection and 'As Constructed' record must be provided to Council by a Registered Professional Engineer of Queensland, prior to acceptance of the works, including certification that the wall's foundation ground conditions nominated in the design were inspected and achieved during construction.

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

- 4.22 As an alternative to the requirement(s) of condition(s) 4.5 and/or 4.8 the Developer may enter into an Infrastructure Agreement with Council, which specifies the development obligations relating to infrastructure for future development of the site. The Infrastructure Agreement must incorporate (but not be limited to) the following principles:
- 4.22.1 Infrastructure necessary to service the development, as well as connectivity to the existing network(s), must be established prior to the issue of a Compliance Certificate for the Survey Plan for the relevant development stage(s); and
- 4.22.2 The agreed cost of road infrastructure constructed and provided by the Developer must be credited against contributions due to be paid.

The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer. The agreed repayment date must be negotiated between Council and the Developer as part of the Infrastructure Agreement process.

5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 Off Street Car Parking* and the provisions of a Development Permit for Operational Works (access works).
- 5.3 All vehicular access to and from the proposed allotments must be via the internal roads or Bottlebrush Drive only. Direct vehicular access to Chandler Road is prohibited. A property note to this effect will be created.
- 5.4 The access to proposed Lots 1, 74, 75 and 102 must be designed and constructed to a sealed or equivalent standard, for the length of the access handle.

- 5.5 Details of property accesses (as necessary) demonstrating compliance with the maximum allowable gradient must be provided with any application for a Development Permit for Operational Works (access works).
- 5.6 All lots must be designed to ensure vehicular access is achievable in accordance with the standards contained in the *Capricorn Municipal Development Guidelines*, including the maximum allowable grade.
- 6.0 SEWERAGE WORKS
- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 All lots within the development must be connected to Council's reticulated sewerage network. Each of the lots must be provided with its own separate sewer connection point, located wholly within its respective property boundary.
- 6.4 A suitably sized gravity sewer main (non-trunk) must be designed and constructed to service the development.
- 6.5 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.6 The development must be connected to Council's sewerage reticulation network via a non-trunk sewer main along the Chandler Road extension (Road 01). The extension must connect to the existing 225 millimetre diameter main within the Chandler Road reserve (to the south east).
Should the connection thus required prove inadequate to service the development, a second connection point for the eastern portion of the development must be provided. Engineering details in this respect must be resolved as part of a Development Permit for Operational Works (sewerage works).
- 6.7 Any application for Operational Works (sewer works) must include a sewer network layout showing proposed sewer mains (both internal and external to the site) and the location(s), size(s), and point(s) of connections.
- 6.8 Any sewerage access chambers located within a park or reserve, or below the peak water level of the ten per cent (10%) Annual Exceedance Probability rainfall event or below Highest Astronomical Tide (HAT) level must be provided with covers and bolt down lids.
- 6.9 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 6.10 The finished level of the sewerage access chamber must be minimum fifty (50) millimetres to a maximum 100 millimetres above the surface of the ground to avoid ponding of stormwater above the top of the chamber.
- 6.11 An appropriately worded covenant must be created over any proposed lots that cannot achieve the required standards to be within the Standard Service Area for standard sewerage service connection availability in accordance with the *Water Supply (Safety and Reliability) Act*. The covenant documents must be provided as part of an application for the issue of a Compliance Certificate for the relevant Survey Plan(s).
- 6.12 If necessary, prior to issue the compliance certificate for the survey plan an appropriately worded covenant must be created over relevant proposed lot(s) to exclude the lots from the Standard Service Area for standard sewerage service

- 7.0 connection availability in accordance with the *Water Supply (Safety & Reliability) Act*.
WATER WORKS
- 7.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 7.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 7.3 A minimum 150 millimetre diameter internal distribution main (non-trunk) must be constructed in accordance with the approved plans (refer to condition 2.1). The maximum elevation of any fire hydrant must be forty (40) metres Australian Height Datum for a 150 millimetre diameter distribution main (non-trunk).
- 7.4 A 375 millimetre diameter trunk water main must be constructed within Chandler Road reserve in accordance with the approved plans (refer to condition 2.1).
- 7.5 All lots must be connected to Council's water network and provided with separate water connection points, located wholly within their respective property boundaries.
- 7.6 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 7.7 Water infrastructure must be provided to each development stage boundary for connectivity.
- 7.8 An appropriately worded covenant must be created over relevant proposed lot(s) with centroid level higher than the forty-one (41) metres Australian Height Datum to exclude the parts of the lots from the Standard Service Area for standard water service connection availability in accordance with the *Water Supply (Safety & Reliability) Act*. The covenant documents must be provided as part of an application for the issue of a Compliance Certificate for the relevant Survey Plan(s).
- 7.9 The Developer may as an alternative to the requirement(s) of condition 7.4 enter into an Infrastructure Agreement with Council, which specifies the development obligations relating to infrastructure for future development of the site. The Infrastructure Agreement must incorporate (but not be limited to) the following principles:
- 7.9.1 Infrastructure necessary to service the development, as well as connectivity to the existing network(s), must be established prior to the issue of a Compliance Certificate for the Survey Plan for the relevant development stage(s); and
- 7.9.2 The agreed cost of water supply infrastructure constructed and provided by the Developer must be credited against contributions due to be paid.
- The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer. The agreed repayment date must be negotiated between Council and the Developer as part of the Infrastructure Agreement process.
- 8.0 STORMWATER WORKS
- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

- 8.3 All stormwater must achieve demonstrated lawful discharge and must not adversely affect upstream or downstream land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure, or cause an actionable nuisance.
- 8.4 Any application for Operational Works (stormwater works) must identify all areas of the proposed development, and all other land, that needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to maintain the lawful discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*.
- 8.5 Each allotment must be designed so as to be self-draining.
- 8.6 Adequate land areas must be dedicated to Council for 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. The major overland flow paths between Lots 76 and 77, and Lots 67, 68, 72 and 73 must be contained within road reserves.
- 8.7 Any land dedicated over the major overland flow paths or major drainage system must be able to contain Design flows, all earthworks, batters and include access, maintenance and freeboard provisions consistent with the *Queensland Urban Drainage Manual*.
- 8.8 A culvert must be designed and constructed across the Bottlebrush Drive frontage of the development to convey the upstream peak flows to downstream Lot 2 on RP618801.
- 8.9 The culvert required under condition 8.8 must be designed to ensure safe trafficability during a one (1) per cent Annual Exceedance Probability event, with twenty (20) per cent blockage factor. The maximum flow depth over the cross drainage structure must be limited to 200 millimetres (maximum), demonstrating allowable velocity/depth product(s). The location, inlet, outlet and grade arrangements must be coordinated with the adjacent landowner(s) or developer(s) of Lot 2 on RP618801 and Lot 157 on SP225779.
- 8.10 In association with Stages 1 and 2, a culvert must be designed and constructed across the Chandler Road (Road 01) to convey all associated upstream peak flows. The culvert must be designed to ensure safe trafficability during a one (1) per cent Annual Exceedance Probability event, with twenty (20) per cent blockage factor. The maximum flow depth over the cross drainage structure must be limited to 200 millimetres (maximum), demonstrating allowable velocity/depth product(s). The location, inlet, outlet and grade arrangements must be coordinated with the adjacent landowner(s) or developer(s).
- 8.11 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *State Planning Policy* and *Urban Stormwater Quality Planning Guidelines*.
- 8.12 All proposed stormwater quality treatment devices must be above ten (10) per cent Annual Exceedance Probability event peak water level.
- 8.13 Detailed design of proposed bio-retention basins and any swale drains must include all required safety measures and facilities (for example child proof fences) to ensure the safety of the public (in particular young children).
- 8.14 Any application for Operational works (stormwater works) must include:
- 8.14.1 Detailed designs for the inlet and outlet systems for the proposed bio - retention systems and swale drain(s) if any;
 - 8.14.2 Detail design calculations for any proposed energy dissipaters (i.e. rock protection areas) by taking into account permissible velocity and frequency/duration details in accordance with the provisions of *Queensland*

Urban Drainage Manual;

- 8.14.3 Ongoing maintenance and management actions required with regard to proposed detention and retention systems;
- 8.14.4 Details to demonstrate vehicular, pedestrian amenity and safety criteria are met in accordance with *Queensland Urban Drainage Manual*; and
- 8.14.5 Details of all calculations, assumptions and data files (where applicable).

9.0 INTER-ALLOTMENT DRAINAGE

- 9.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 9.2 Minimum Level (ii) 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 a place where it is lawfully discharged.
- 9.3 Inter-allotment drainage systems must be wholly contained within an easement, with a minimum width of three (3) metres.
- 9.4 A separate individual connection point for each relevant allotment must be provided.

10.0 SITE WORKS

- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 10.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
 - 10.2.1 the location of cut and/or fill;
 - 10.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 10.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 10.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 10.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 10.3 Cut and fill of the subject allotment(s) must only be undertaken in areas where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments as approved by Council.
- 10.4 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 10.5 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 10.6 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 10.7 Retaining walls associated with allotments within the Capricorn Coast Landscape Area (as shown on Overlay Map O9 of the *Livingstone Shire Planning Scheme 2005*) must be no greater than 1.5 metres in height, unless expressly approved as part of a

Development Permit for Operational Works (site works).

10.8 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- (ii) removed for disposal at a location approved by Council;

within sixty (60) days of clearing. Any vegetation removed must not be burnt unless a fire permit has been issued.

11.0 LANDSCAPING WORKS

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

11.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:

11.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:

- (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 development design);
- (ii) the extent of soft and hard landscape proposed;
- (iii) 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 buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (stabilisation of batters, retaining walls, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

11.2.2 A "Planting Plan" and supporting documentation which includes:

- (i) trees, shrubs and groundcovers to all areas to be landscaped;
- (ii) position and canopy spread of all trees and shrubs;
- (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging).;
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting; and
- (v) mature planting.

11.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.

11.4 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.

11.5 All landscaping must be constructed and or established, in accordance with the approved plans (refer to condition 2.1), the requirements of the Development Permit for Operational Works (landscaping works).

11.6 The landscaped areas must be subject to an ongoing maintenance and replanting

programme (if necessary).

12.0 ELECTRICITY AND TELECOMMUNICATIONS

- 12.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 12.2 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.

13.0 ASSET MANAGEMENT

- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 13.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 13.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

14.0 ENVIRONMENTAL

- 14.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) acid sulphate soils;
 - (iv) fauna management;
 - (v) vegetation management and clearing;
 - (vi) top soil management;
 - (vii) interim drainage plan during construction;
 - (viii) construction programme;
 - (ix) geotechnical issues;
 - (x) weed control;
 - (xi) bushfire management;
 - (xii) emergency vehicle access;
 - (xiii) noise and dust suppression; and
 - (xiv) waste management.
- 14.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;

- (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 14.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 14.4 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (through measures such as turfing, hydromulching, concreting, or landscaping). The Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 15.0 OPERATING PROCEDURES
- 15.1 All construction materials, waste, 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 on Chandler Road or Bottlebrush 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 and Multicultural Affairs website www.datsima.qld.gov.au.

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Natural Resource Management

The subject site must be free of declared pest plants and animals, as declared at the date of development application in *Local Law No. 3 (Community and Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community and Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* (as amended), to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

NOTE 5. Retaining Walls Associated with Lots Within the Capricorn Coast Landscape Area

Retaining walls associated with allotments within the Capricorn Coast Area may be approved where these will ultimately be visually screened by a Dwelling house located immediately between the structure and the downhill slope. Where allotment filling is proposed, terraced retaining walls with sufficient room for landscaping may be considered acceptable at the downhill end of a sloping lot.

NOTE 6. Dedication of Land to Council

This development permit does not contain specific details of the tenure in which land must be dedicated to Council, as the matter is intended to be resolved at the time an application is made for a Compliance Certificate for the Survey Plan.

NOTE 7. Infrastructure Charges Notice

This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented on an Infrastructure Charges Notice.

NOTE 8. Infrastructure Offsets for Chandler Road

To remove all doubt, it is advised that Council will provide an infrastructure offset for Chandler Road to be constructed, as per the requirements of this development permit. The calculation for the total offset to be provided will be based on the construction costs for Chandler Road to be constructed to Major Urban Collector standard from the outset.

The developer has proposed to construct the road to Major Rural Collector standard in association with Stages 1 and 2, and thereafter upgrade to Major Urban Collector standard. Should there be any cost inefficiencies involved with constructing the road to a lower standard and later upgrading to a higher standard, these costs will not be considered within the calculation for infrastructure offsets.

NOTE 9. Conversion Application

Council recognises the scope for the sub-regional retention basin proposed on Lot 115 and its associated outlet(s) draining to the east of Bottlebrush Drive to qualify as trunk infrastructure. It is accordingly advised that the developer may submit an application to Council under Chapter 8 of the *Sustainable Planning Act 2009* for the conversion of these non-trunk infrastructure items to trunk infrastructure.

RECOMMENDATION B

That in relation to the application for a Development Permit for Reconfiguring a Lot for a (three lots into one hundred and fifteen lots), made by Abiwood Pty Ltd, over Lot 5 on RP607357, Lot 67 on SP265313, and Lot 500 on SP275129 (previously Lot 157 on SP225779), Parish of Hewittville, and located at Lots 5, 67, and 500 Chandler Road, Lammermoor, Council resolves to issue an Infrastructure Charges Notice.

Moved by: Councillor Hutton

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

12.10 PANORAMA DRIVE - CIVIL CONSTRUCTION CONTRACT

File No: 14-118

Attachments:

1. Procurement Policy
2. Expression of Interest Evaluation Plan
(*Under Separate Cover*)
3. Invitation to Tender Evaluation Plan

Responsible Officer: Philip McKone - Manager Infrastructure Planning & Design
Dan Toon - Director Infrastructure Services

Author: Craig Jepson - Civil Design

SUMMARY

The Northern Strategic Link Road - Panorama Drive (Segment 2 – Adelaide Park Road to Farnborough Road)) is proposed to begin construction in September 2015. The procurement process for the civil construction of this segment of Panorama Drive is the subject of this report.

COUNCIL RESOLUTION

THAT Council resolves for the Panorama Drive Project (Segment 2) to:

1. Adopt a two stage tender process (Expression of Interest followed by an Invitation to Tender) for the civil construction works as it is in the public interest to invite EOI's to manage and control the risks associated with delivering the civil construction contract within the desired timeframes and budget resources; and
2. Adopt the attached 'Expression of Interest' and 'Invitation to Tender' Evaluation Plans with attention drawn to the amended Procurement Policy with regards to the assessment content for "Local Supplier Level 1" being altered to include Rockhampton Regional Council, and "Local Supplier Level 2" being deleted.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Mayor Ludwig

MOTION CARRIED UNANIMOUSLY

12.11 YEPPOON BEACHFRONT WET PLAY AREA - TENDERER FEEDBACK AND ASSESSMENT ISSUES

File No: 14-111
Attachments: 1. Wetplay Construction Area
Responsible Officer: Philip McKone - Manager Infrastructure Planning & Design
Dan Toon - Director Infrastructure Services
Author: Arvind Singh - Project Engineer

SUMMARY

This report is intended to inform Councillors on Tenderer feedback and Tender Assessment issues that will effect beachfront users.

COUNCIL RESOLUTION

THAT Council approve:

1. The completion date of 30 October 2015
2. To maintain a five day working week at the site however, allow the Director of Infrastructure Services to approve a six day working week in justified cases.

Moved by: Councillor Wyatt
Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

Meeting Adjourned**COUNCIL RESOLUTION**

10:40AM
That the meeting be adjourned until 11:08AM

Moved by: Mayor Ludwig
Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

Meeting Resumed**COUNCIL RESOLUTION**

11:08AM
That the meeting be resumed

Moved by: Mayor Ludwig
Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

L.2 ATTENDANCE AT THE 2015 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT CONVENTION

File No: CR2.2.12
Attachments: 1. ALGA Program 2015
Responsible Officer: Justin Commons - Chief Executive Officer
Author: Suzanne Pambid - PA to the CEO

SUMMARY

The 2015 National General Assembly of Local Government Convention is being held on the 14th – 17th June 2015. This convention will provide a training, development and networking opportunities for attendees with the conference attended by speakers, sponsors, delegates from Councils across all states, and state and federal politicians.

COUNCIL RESOLUTION

THAT Councillor Hutton attend the 2015 National General Assembly of Local Government Convention, together with the Mayor and Director Corporate Services.

Moved by: Mayor Ludwig
Seconded by: Councillor Kelly

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - BYFIELD STORE

File No: GV13.4.4
Attachments: 1. Notice of Motion - Byfield Store
Responsible Officer: Justin Commons - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the Council Meeting on 14 April 2015, as follows:

COUNCIL RESOLUTION

THAT pursuant to s34(1)(f) and s40 Council Meeting Procedures the matter be referred to the Economic Development Taskforce for consideration with further discussion at Council Workshop.

Moved by: Mayor Ludwig
Seconded by: Councillor Mather

MOTION CARRIED

14 URGENT BUSINESSQUESTIONS

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

12:07PM

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 Proposed Acquisition of Land - Northern Strategic Link Road - Panorama Drive

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 Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

12:18PM

THAT the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Kelly

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 PROPOSED ACQUISITION OF LAND - NORTHERN STRATEGIC LINK ROAD - PANORAMA DRIVE

File No: 14-118

Attachments:

1. Option O2 - *(Confidential)*
2. MVS National - Valuation Assessment - Proposed Acquisition by Agreement - *(Confidential)*
3. MVS National - Valuation Assessment - Proposed Resumption - *(Confidential)*
4. Correspondence from Cotsham - 24 November 2014 - *(Confidential)*
5. Correspondence from Cotsham - 15 December 2014 - *(Confidential)*
6. Correspondence from Cotsham - 24 March 2015 - *(Confidential)*

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Craig Jepson - Civil Design

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 proposed acquisition of land for the Northern Strategic Link Road – Panorama Drive.

COUNCIL RESOLUTION

THAT Council authorise the Chief Executive Officer and Mayor to make an offer to the owner of Lot 3 RP614943 to purchase the lot in accordance with contract amounts and conditions as outlined in the body of this report and detailed in the section titled 'Summary of Offer'.

Moved by: Councillor Wyatt

Seconded by: Councillor Hutton

MOTION CARRIED

17 CLOSURE OF MEETING

There being no further business the meeting closed at 12:20PM.

Mayor Bill Ludwig
CHAIRPERSON

DATE