



ORDINARY MEETING

MINUTES

16 FEBRUARY 2021

The resolutions contained within these minutes were confirmed at the Ordinary Council Meeting of the 16th March 2021.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 16 FEBRUARY 2021 COMMENCING AT 9.00AM

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."

Opening Prayer

The opening prayer was delivered by Reverend Rob Stanley of the Anglican Parish of Yeppoon.

2 PRESENT**Members Present:**

Mayor, Councillor Andrew Ireland (Chairperson)
Deputy Mayor, Councillor Adam Belot
Councillor Nigel Hutton
Councillor Pat Eastwood
Councillor Glenda Mather
Councillor Tanya Lynch
Councillor Andrea Friend

Officers in Attendance:

Mr Cale Dendle - Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mr Michael Kriedemann – Executive Director Infrastructure
Mrs Andrea Ellis – Chief Financial Officer
Mr Jeff Carter – Manager Construction and Maintenance
Mr Tony Lau – Manager Engineering Services
Mr Amal Meegahawattage – Coordinator Infrastructure Planning
Ms Molly Saunders – Principal Community Development and Engagement Officer
Ms Justine Schofield – Executive Support

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 19 January 2021 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Lynch

MOTION CARRIED

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

Nil

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. Business Outstanding Table - February 2021
Responsible Officer: Amanda Ivers - Coordinator Executive Support
Brett Bacon - Acting 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 16 February be received.

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

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

9.1 ORGANISATIONAL PERFORMANCE COMMUNITY VOICE PANEL UPDATE FROM MEETING HELD ON 07 DECEMBER 2020

File No: GV13.9.6
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Michelle Broadfoot - Support Services Officer

SUMMARY

Organisational Performance - Councillor Adam Belot facilitated the Community Voice Panel Meeting on 1 February 2021.

COUNCIL RESOLUTION

THAT Council receives the Organisational Performance Voice Panel notes from the Meeting held on 1 February 2021.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

9.2 COMMUNITY VOICE PANEL - TRANSPORT - UPDATE FROM MEETING HELD ON 21 JANUARY 2021

File No: GV13.09.02
Attachments: Nil
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Kat Groves - Executive Assistant to Director Infrastructure Services
Previous Items: 3.1 - Transport - Community Voice Panel - Transport - 21 Jan 2021 2.00PM

SUMMARY

Councillor Glenda Mather facilitated the Transport Community Voice Panel meeting on 21 January 2021.

COUNCIL RESOLUTION

THAT Council receives the Transport Community Voice Panel notes from the meeting held on 21 January 2021.

Moved by: Councillor Mather
Seconded by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

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

Nil

11 REPORTS

11.1 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2021

File No: FM12.14.1
Attachments: 1. Monthly Finance Report - January 2021
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Anish Antony - Coordinator Accounting
Damien Cross - Coordinator Accounting

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 January 2021 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 January 2021 be received.

Moved by: Councillor Mather
Seconded by: Deputy Mayor, Councillor Belot
MOTION CARRIED UNANIMOUSLY

09:44AM Councillor Friend left the meeting.

09:45AM Councillor Friend returned to the meeting.

11.2 OPERATIONAL PLAN 2020-2021 Q2 PROGRESS REPORT

File No: CM4.6.2
Attachments: 1. Q2 Operational Plan 2020 - 2021 December
Responsible Officer: Poala Santini - Coordinator Governance
Andrea Ellis - Chief Financial Officer
Author: Tanya Callaghan - Governance Officer

SUMMARY

The 2020 - 2021 Operational Plan progress report for Quarter 2 as at 31 December 2020 is presented, pursuant to Section 174(3) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT Council receives the 2020 - 2021 Operational Plan Performance Report for December 2020.

Moved by: Councillor Mather

Seconded by: Councillor Lynch

MOTION CARRIED UNANIMOUSLY

11.3 COUNCILLOR FACILITIES AND EXPENSES POLICY**File No:** CM4.7.36**Attachments:**

1. Councillor Facilities and Expenses Policy (marked-up version)
2. Councillor Facilities and Expenses Policy (clean version)

Responsible Officer: Brett Bacon - Acting Chief Executive Officer**Author:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

The Councillor Facilities and Expenses Policy has been reviewed and is being presented to Council for consideration and adoption. Any policy regarding Councillor expenses reimbursement may only be discussed at a Council meeting and not in closed (confidential) session.

COUNCIL RESOLUTION

THAT Council resolves to adopt the *Councillor Facilities and Expenses Policy*, as contained within Attachment Two.

Moved by: Mayor, Councillor Ireland**Seconded by:** Councillor Lynch**MOTION LOST*****Meeting Adjourned*****COUNCIL RESOLUTION**

10.30AM

THAT the meeting be adjourned for morning tea with invitees Dave and Lyn Stretton – former managers of the Keppel Sands Caravan Park.

Moved by: Mayor, Councillor Ireland**MOTION CARRIED*****Meeting Resumed*****COUNCIL RESOLUTION**

11.00AM

THAT the meeting be resumed.

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

Mayor Ireland and Councillor Mather acknowledged and thanked Dave and Lyn Stretton for their efforts in improving Keppel Sands Caravan Park during their tenure as managers.

Mayor Andy Ireland informed the meeting of a declarable interest in Item 11.4 – Cycle Network Local Government Grants Program 2021-22 – Shared Path Funding due to his residence being in the vicinity of the proposed Matthew Flinders Drive project.

11:14AM Mayor Councillor Ireland left the meeting and Deputy Mayor Councillor Belot assumed the chair.

11.4 CYCLE NETWORK LOCAL GOVERNMENT GRANTS PROGRAM 2021-22 - SHARED PATH FUNDING

File No: GS15.2.03-06
Attachments: Nil
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Amal Meegahawattage - Co-ordinator Infrastructure Planning
Previous Items: 12.4 - Cycle Network Local Government Grants Program 2020/21 - Shared Path Funding - Ordinary Council - 04 Feb 2020 9.00am

SUMMARY

The purpose of this report is to gain approval for two shared path projects and to apply for funds under the Cycle Network Local Government Grants Program 2021-22.

COUNCIL RESOLUTION

THAT Council

1) Resolve to submit applications for the following shared path projects under the Cycle Network Local Government Grants Program 2021-22:

- a. Hartley Street Shared Path Upgrade (construction only); and
- b. Matthew Flinders Drive Cyclist and Pedestrian Refuge (construction only); and

2) Proceeding with acceptance of any successful grants remain subject to positive outcomes of engagement with relevant stakeholders.

Moved by: Councillor Eastwood

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11:42AM Mayor, Councillor Ireland returned to the meeting and resumed the chair.

11:42AM Deputy Mayor, Councillor Belot left the meeting.

11:44AM Deputy Mayor, Councillor Belot returned to the meeting.

PROCEDURAL MOTION

THAT pursuant to s2.18.1(c) and s2.18.8 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceeds to Item 11.15.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

11.15 CHANGE APPLICATION (OTHER CHANGE) FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE OF PREMISES FOR AN EXTRACTIVE INDUSTRY FOR SAND AND GRAVEL AND ASSOCIATED ACTIVITIES AND A MATERIAL CHANGE OF USE OF PREMISES FOR A CONCURRENCE ENVIRONMENTALLY RELEVANT ACTIVITY, ETNA CREEK ROAD AND MELDRUM ROAD, ETNA CREEK

File No: D-174-2015

Attachments:

1. Locality Plan
2. Amended Proposal Plans
3. Amended Road Section Plan
4. Proposed T intersection plans
5. State Assessment and Referral Agency Response (changed)
6. Environmental Authority Permit (amended)
7. Planning Scheme Code Assessment

Responsible Officer: David Battese - Manager Liveability
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing

Author: Erin McCabe - Co-ordinator Development Assessment

SUMMARY

Development Application No: D-174-2015

Applicant: Belmont Sands Pty Ltd

Real Property Address: Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451

Common Property Address: Lot 2, Lot 3, Lot 5, Lot 6, Lot 8, Lot 10, Lot 118 and Lot 2197 Meldrum Road and 887 Etna Creek Road, Etna Creek

Area of Site: 1,976 hectares

Planning Scheme: Livingstone Planning Scheme 2017 (Version 2, effective 25 June 2018)
(Original assessment pursuant to the Livingstone Shire Planning Scheme 2005 (Reprint 6, 9 June 2009))

Planning Scheme Zoning: Rural zone

Planning Scheme Overlays: OM01 Acid Sulfate Soils
OM02 Agricultural Land Classification
OM07 Biodiversity Habitat Vegetation
OM10 Biodiversity Wetlands Waterways
OM11 Biodiversity Stream Order
OM12 Bushfire Hazard Area

OM14 Coastal Hazard Area Storm Tide Hazard

OM15 Drainage Problem Area

OM16 Extractive Mining Resource Area

OM17 Flood Hazard Area

OM18 Landslide Hazard Area

OM19 Regional Infrastructure

OM20 Road Hierarchy

OM24 Water Resource Area

Existing Development: Belmont Research Station Agriculture (grazing), Caretaker's Residence and Dwelling houses

Existing Approvals: Development Permit D-174-2015 for a Material Change of Use for Extractive industry (sand and gravel extraction and associated activities) and Environmentally Relevant Activities

Approval Sought: Change application (other change) for a Development Permit for a Material Change of Use of premises for an Extractive industry for sand and gravel and associated activities and a Material Change of Use of premises for a Concurrence Environmentally Relevant Activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year)

Level of Assessment: Impact Assessable

Submissions: Original application – 39 submissions (38 properly made, 1 not properly made)
Change application – 13 properly made submissions

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

Application progress

<i>Original Application received</i>	7 August 2015
<i>Original Application approved:</i>	18 July 2018 (decision notice issued 19 July 2018)
<i>Change application received:</i>	14 February 2020
<i>Confirmation Notice issued:</i>	6 March 2020
<i>Referral to Concurrence Agencies:</i>	26 March 2020

<i>Concurrence Agency Decision issued:</i>	<i>29 April 2020</i>
<i>Public Notification commenced:</i>	<i>27 April 2020</i>
<i>Public Notification concluded:</i>	<i>20 May 2020</i>
<i>Response to submissions received:</i>	<i>8 June 2020</i>
<i>Request for Further Information issued:</i>	<i>22 June 2020</i>
<i>Extension to Assessment timeframes:</i>	<i>25 September 2020</i>
<i>Response to Request for Further Information received:</i>	<i>10 December 2020</i>
<i>Extension to Assessment timeframes:</i>	<i>15 December 2020</i>
<i>Council Meeting:</i>	<i>16 February 2021</i>
<i>Statutory determination date:</i>	<i>16 February 2021</i>

COUNCIL RESOLUTION

THAT in relation to the change application (other change) for a development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), made by Belmont Sands Pty Ltd (c/- Groundwork Plus), on Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451, Council resolves that:

1. Condition 3.1 – be amended;
2. Conditions 4.0 – be amended and new conditions added;
3. Conditions 5.0 – be amended and new conditions added;
4. Conditions 6.0 – be amended;
5. Conditions 9.3, 9.4 – be amended and, 9.5 and 9.7 – be added as new; and
6. Conditions 11.2 and 11.3 – be amended and 11.5 – be added as new.

RECOMMENDATION B

THAT in relation to the change application (other change) for a development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), made by Belmont Sands Pty Ltd (c/- Groundwork Plus), on Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451, Council resolves to approve the change application subject to the following conditions:

1.0 APPROVED DEVELOPMENT

- 1.1 The approved development is:
- 1.1.1 making a material change of use of premises for an extractive industry for sand and gravel, at an extraction rate of not more than 1,000,000 tonnes of sand and gravel (combined extraction limit) per calendar year, including the following associated activities:
 - 1.1.1.1 screening extracted material (for this development, extracted material is the total material extracted, including sand, gravel, clay, silt and waste material);
 - 1.1.1.2 washing extracted material;
 - 1.1.1.3 stockpiling extracted material;
 - 1.1.1.4 processing plant;
 - 1.1.1.5 transporting sand and gravel off-site;
 - 1.1.1.6 weighbridge facilities;
 - 1.1.1.7 storage shed; and
 - 1.1.1.8 office facilities;and
 - 1.1.2 making a material change of use of premises for concurrence ERA 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), on the subject premises, which must be in accordance with the endorsed plans (refer to condition 3.1).
- 1.2 The extraction rate limit of 1,000,000 tonnes per calendar year applies to the total amount of sand and gravel (combined) extracted. The extraction rate limit of 1,000,000 tonnes of sand and gravel (combined) per calendar year applies unless a lesser extraction rate limit is confirmed with Council as part of any development application for carrying out operational work for road works and that lesser extraction limit is the subject of a successful change application to vary this approval.
- 1.3 Extraction of material is limited to the locations identified as Resource Area 1 and Resource Area 2 on the approved conceptual site layout plan (refer to condition 3.1).
- 2.0 ADMINISTRATION
- 2.1 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.
- 2.2 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.
- 2.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 2.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 2.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 2.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 2.6.1 Operational Works:

- (i) Road Works;
- (ii) Access Works;
- 2.6.2 Plumbing and Drainage Work; and
- 2.6.3 Building Works.
- 2.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant development permits, Council policies, guidelines and standards.
- 2.8 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 (RPEQ).

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1 The approved development must commence, and be maintained, operated and completed 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 Layout	1810.DRG.067 revision 1	12 February 2020
Alternative Haul Route	1810.DRG.065 revision 2	12 February 2020
Alternative Haul Route (insets 1 & 2)	1810.DRG.065A revision 2	12 February 2020
Alternative Haul Route (inset 3)	1810.DRG.065B revision 2	12 February 2020
Example Site Office Layout	1810.035	6 July 2015
Example Storage Shed Layout	1810.036	6 July 2015
Amended Road Section Plan	1810.CA1.005_LTRO_other Change Application page 13	12 February 2020
Environmental Management Plan	1810.610.001 Revision 2	12 February 2020
Bushfire Management Plan	15-059 Report	October 2015
Hydrology Assessment Report	1810.610.002 Issue 0	12 November 2015
Ecological Assessment	Not numbered	July 2015
Traffic Response to Council's Further Advice	20201204_10005_Response to Council IR	4 December 2020

- 3.2 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.

- 3.3 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.

4.0 ROAD WORKS

- 4.1 The haul route for the development is Etna Creek Road from the site access at the western end of section D (refer to approved plan "amended road section plan") at Lot 2 on RP610451 to the intersection of Etna Creek Road and the Bruce Highway. Heavy vehicles associated with the development must not use any other route.
- 4.2 The developer must design and construct the haul route (Etna Creek Road), including pavement and road drainage works (cross drains and roadside drainage) in accordance with this condition 4.0.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 4.3 The haul route, except section D (refer to approved plan "amended road section plan"), must be designed and constructed to:

- 4.3.1 have a minimum formation width of eight (8) metres; and
- 4.3.2 have a minimum sealed width of 6.5 metres; and
- 4.3.3 a standard (including geometric, structural and drainage aspects) that is suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and
- 4.3.4 a standard supported by a pavement design report that is certified by a suitability qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitability qualified RPEQ experienced in geotechnical engineering.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

Note: The minimum formation width (8 metres) and the minimum sealed width (6.5 metres) are formulated on the basis that the site may extract up to 1,000,000 tonnes of sand and gravel (combined) per calendar year. Accordingly the haul route referred to in condition 4.0 must be designed and constructed with a pavement appropriate for the 1,000,000 tonne maximum extraction rate of sand and gravel (combined) unless a lesser extraction rate is confirmed with Council as detailed in condition 1.2 and is the subject of a successful change application for this approval.

- 4.4 Section D of the haul route (refer to approved plan "amended road section plan"), must be designed and constructed to:

- 4.4.1 have a minimum formation width of seven (7) metres; and
- 4.4.2 have a minimum unsealed width of 5.5 metres; and
- 4.4.3 have a grid at the interface between sections C and D of haul route; and
- 4.4.4 have the necessary stormwater drainage infrastructure including bed level crossings; and
- 4.4.5 a standard (including geometric, structural and drainage aspects) that is suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and
- 4.4.6 a standard supported by a pavement design report that is certified by a suitability qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitability qualified RPEQ experienced in geotechnical engineering.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

Note: The minimum formation width (7 metres) and the minimum unsealed width (5.5 metres) are formulated on the basis that the site may extract up to 1,000,000 tonnes of sand and gravel (combined) per calendar year. Accordingly the haul route referred to in condition 4.0 must be designed and constructed with a pavement appropriate for the 1,000,000 tonnes maximum extraction rate of sand and gravel (combined) unless a lesser extraction rate is confirmed with Council as detailed in condition 1.2 and is the subject of a successful change application for this approval.

- 4.5 Section D of the haul route (refer to approved plan “amended road section plan”), must be maintained by the developer for the life of the quarry operations.
- 4.6 The “T” intersection between Etna Creek Road and proposed road section D (refer to approved plan “amended road section plan”), must be designed and constructed to:
- 4.6.1 have a sealed pavement on Etna Creek Road and on the part of the road section D (extent of the sealed area of the intersection) generally in accordance with the concept layout & swept path plans in the approved Traffic Response to Council’s Further Advice document (refer to condition 3.1). The final extent of the sealed pavement must be agreed in consultation with Council as part of any Development Application for Operational works (road works); and
 - 4.6.2 have a suitable turn warrant treatment (minimum basic right / basic left) in accordance with *Austroads Guide to Road Design: Part 4A “Unsignalised and Signalised Intersection*; and
 - 4.6.3 safely accommodate swept paths of the largest design vehicle (Truck and Dog (overall length 18.5m, payload 36 tonne)); and
 - 4.6.4 have necessary stormwater drainage infrastructure and street lighting; and
 - 4.6.5 a standard (including geometric, structural and drainage aspects) that is suitable for the traffic generated by the development operating at the maximum extraction rate of 1,000,000 tonnes of sand and gravel (combined) per calendar year; and
 - 4.6.6 a standard supported by a pavement design report that is certified by a suitability qualified RPEQ experienced in pavement engineering that includes a geotechnical investigation certified by a suitability qualified RPEQ experienced in geotechnical engineering.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 4.7 A Development Permit for Operational works (road works) must be obtained prior to the commencement of any works on a Council controlled road.
- 4.8 All works must be designed and constructed in accordance with the approved plans (refer to condition 3.1), this condition 4.0, the *Capricorn Municipal Development Guidelines*, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).
- 4.9 Ancillary road drainage works (for example, cross drains and roadside drainage) associated with any road works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines* and the *Queensland Urban Drainage Manual*.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

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

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 4.11 Any Development Application for Operational works (road works) must demonstrate that the bus stopping areas remain available for users and include signage to indicate positions of the school bus stopping locations.

5.0 ACCESS WORKS

- 5.1 Vehicle access to the subject site (at Lot 2 on RP610451) from the western end of road section D of the haul route (refer to approved plan "amended road section plan") must be designed and constructed to cater for the largest design vehicle (Truck and Dog (overall length 18.5m, payload 36 tonne)) associated with the development operating at the maximum extraction rate.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 5.2 Light vehicle access to the subject site from Etna Creek Road at the Lindleys Road intersection must be maintained to cater for light vehicle access associated with the development operating at the maximum extraction rate.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 5.3 The internal haul route (proposed access route), internal approved access route and internal proposed light vehicle access must be maintained to a trafficable standard for the largest design vehicle, relevant to the usage of the access or route, associated with the development operating at the maximum extraction rate.

- 5.4 Once constructed in accordance with this condition 5.0, the vehicle access must be maintained to comply with this condition 5.0 at all times while the extractive industry use (including the associated activities and the ERAs) is occurring.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 5.5 All heavy vehicles associated with the development must use the internal haul route in accordance with the approved plans (refer to condition 3.1). Heavy vehicles associated with the development must not use any other route.

- 5.6 Carry out all creek crossing works in accordance with the approved erosion and sediment control device(s) referenced in the Environmental Management Plan (refer to condition 3.1) as amended.

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

- 5.8 All works must be designed and constructed in accordance with the approved plans (refer to condition 3.1), *Capricorn Municipal Development Guidelines* and the provisions of a Development Permit for Operational Works (access works).

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 On-site sewage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 6.2 On-site water supply for domestic (potable) and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 6.3 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage work associated with the development.

- 6.4 All plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*, any relevant development permit for carrying out plumbing or drainage work, and Council's Plumbing and Drainage Policies.

7.0 SITE WORKS

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

7.2 Any vegetation cleared or removed must be:

7.2.1 Mulched on-site and utilised on-site for landscaping purposes; or

7.2.2 Removed for disposal at a location approved by Council;

Within sixty (60) days of clearing. Any vegetation removed must not be burnt unless authorised by a relevant fire permit.

8.0 BUILDING WORKS

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

8.2 The minimum habitable floor height for new buildings must be 17.2 metres Australian Height Datum.

8.3 All electrical outlets and distribution boxes must be located above the predicted flood level of 16.9 metres Australian Height Datum.

9.0 ENVIRONMENTAL

9.1 All applications for a Development Permit for Operational Works (road works and access works) must be accompanied by a detailed Construction Environmental Management Plan prepared by a suitably qualified RPEQ (civil or environmental engineering), 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.

9.2 All applications for a Development Permit for Operational Works (road works and access works) must be accompanied by a detailed Erosion and Sediment Control Plan, which addresses, but is not limited to, the following:

- (i) site location/topography/soil type;
- (ii) objectives;
- (iii) concept;
- (iv) design details;

- (v) implementation procedures for construction and post construction phases;
- (vi) vegetation;
- (vii) interim drainage plan during construction;
- (viii) dust suppression;
- (ix) top soil management;
- (x) acid sulphate soils; and
- (xi) erosion susceptibility and risk.

- 9.3 The erosion and sediment control device(s) referenced in the Environmental Management Plan (refer condition 3.1), as approved and amended pursuant to this approval, must be installed and maintained at all times while the extractive industry use (including the associated activities and the ERAs) is occurring and for the duration of rehabilitation works.

This condition is imposed pursuant to section 145 of the *Planning Act 2016*.

- 9.4 Vegetation must not be cleared, removed or damaged unless it is in accordance with the approved plans (refer condition 3.1). A plan indicating vegetation proposed to be cleared for the internal haul route including creek crossings must be submitted to Council as part of a Development Permit for Operational Works (where triggered for assessment by the planning scheme)

- 9.5 Replanting and rehabilitation of creek crossing locations must include endemic species selected in consultation with Council's Natural Resource Management unit. The replanting and rehabilitation must occur where vegetation is cleared for the haul route including any creek crossings.

- 9.6 The development must include:

9.6.1 A storage area for hazardous contaminants that has a secondary containment system to prevent any release of contaminants from the system, or container within the system, to land, groundwater, or surface waters; and

9.6.2 Containers for hazardous contaminants that are secured at all times to prevent movement and leaking during any flood event.

9.6.3 A storage area for hazardous contaminants that is above the minimum two (2) per cent Annual Exceedance Probability (AEP) event flood level.

- 9.7 Certification from a suitably qualified RPEQ experienced in hydrology, must be submitted to Council, prior to the commencement of use, certifying the:

9.7.1 Location of the proposed additional stockpile area, pad levels, and available freeboard from the defined flood event; and

9.7.2 Relevant risks including risk of personal injury, health and property damage due to flood waters are within the acceptable / tolerable levels in accordance with relevant standards.

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

11.0 OPERATING PROCEDURES

- 11.1 The hours of operations for the development must be limited to:

- (i) 0600 hours to 1800 hours Mondays to Saturdays (not including public holidays); and
- (ii) No operations on Sundays or Public Holidays

- 11.2 As part of the submission for the first related operational works application, the *Environmental Management Plan* (refer condition 3.1) must be amended to include the requirements of this development permit and:

- (i) incorporate the recommendations of the *Bushfire Management Plan* (refer to condition 3.1);
- (ii) incorporate the recommendations of the *Hydrology Assessment Report* (refer to condition 3.1);
- (iii) include the conditions imposed by the Environmental Authority;
- (iv) include the haul vehicle driver code of conduct required as per condition 11.5
- (v) include appropriate measures to ensure rainfall and storm warnings are closely monitored, to assess whether the site may be at risk of inundation;
- (vi) include water quality, sediment and erosion control measures specific to the internal haul route operations including all creek crossings; and
- (vii) include the replanting and rehabilitation strategy as required by condition 9.5.

- 11.3 The amended *Environmental Management Plan* (refer condition 3.1), required by 11.2, must be given to Council as part of the submission for the first related operational works application.

- 11.4 A detailed record of the extraction operations must be maintained on site at all times and must be available for inspection by Council. Records must be kept for a minimum of 5 years. The record of extraction operations must include the following information:

- 11.4.1 date of extraction;
- 11.4.2 quantity of material extracted;
- 11.4.3 quantity of sand and quantity of gravel extracted;
- 11.4.4 quantity of sand and gravel transported from subject site; and
- 11.4.5 quantity of extracted material screened.

- 11.5 A haul vehicle driver code of conduct must be developed and submitted to Council as part of any Development Application for Operational Works. The code must include, but is not limited to, the following information:

- (i) general requirements;
- (ii) vehicle speed;
- (iii) vehicle departure and arrival;
- (iv) breakdowns and incidents;

- (v) overtaking;
- (vi) crossing creeks; and
- (vii) a clause stating "All drivers must be aware of the locations of the school bus stops on the Bruce Highway and Etna Creek Road, particularly between the hours of 0715 to 0830 and 1500 to 1600 on school days".

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

- a. General environmental duty under the *Environmental Protection Act 1994* 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.
- b. The development must be undertaken in a manner that does not allow environmental nuisance or water contamination caused by construction material, noise, aerosols, particles dust, ash, fumes, light, odour and smoke, which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.

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. Road

Council is not obliged at any stage in the future to open the road on the currently closed and unformed road reserve, or to form and construct the road to service the development.

NOTE 5. Flood Levels and Immunity

It is advised that the immunity from flood events shall be provided to a minimum of one (1) per cent Annual Exceedance Probability of 16.9 metres Australian Height Datum, plus a reasonable freeboard allowance (minimum 300 millimetres) for the finished floor levels of the site office, storage shed and for any electrical switchboard.

NOTE 6. Environmental

- a. The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site

works. Council will supply a free inspection and advice service on the request of the land owner.

- b. It is advised that part of the subject site is mapped by the Department of Environment and Heritage Protection as containing Regulated Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>

RECOMMENDATION C

THAT to reflect the above changes to conditions, Belmont Sands Pty Ltd (c/- Groundwork Plus), be issued with a Decision Notice (changed) for Development Permit D-174-2015 for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year) on Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451.

RECOMMENDATION D

THAT in relation to the change application (other change) for a development permit for making a material change of use of premises for an extractive industry for sand and gravel and associated activities and making a material change of use of premises for concurrence environmentally relevant activity 16(3) 2(b) extracting and 3(b) screening sand and gravel (more than 100,000 tonnes but not more than 1,000,000 tonnes in a calendar year), made by Belmont Sands Pty Ltd (c/- Groundwork Plus), on Lot 3 on RP601603, Lot 5 on RP601603, Lot 6 on RP601603, Lot 8 on RP601603, Lot 10 on SP142291, Lot 2197 on LIV40813, Lot 118 on LN284 and Lot 2 on RP610451, Council resolves not to levy infrastructure charges in respect of the change application.

Moved by: Councillor Hutton

Seconded by: Councillor Lynch

Suspension of Standing Orders

PROCEDURAL MOTION

11.48AM

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 11.15 - Change application (other change) for a Development Permit for a Material Change of Use of premises for an Extractive industry for sand and gravel and associated activities and a Material Change of Use of premises for a Concurrence Environmentally Relevant Activity, Etna Creek Road and Meldrum Road, Etna Creek prior to entering into formal debate.

Moved by: Councillor Mather

MOTION CARRIED

12:03pm Councillor Friend left the meeting.

12:04pm Councillor Friend returned to the meeting.

Resumption of Standing Orders

PROCEDURAL MOTION

12.20PM

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

THAT the motion be amended by adding a Recommendation E:

RECOMMENDATION E

THAT Council requires the inclusion of 'Local Traffic Only' signs on Section D of the subject road as part of the Operation Works Application.

Moved by: Councillor Belot

Seconded by: Councillor Eastwood

MOTION LOST

The original motion was then put to the meeting and carried.

DIVISION:

Crs A Belot, P Eastwood, AF Friend, Hutton, A Ireland and T Lynch voted in the affirmative.

Cr G Mather voted in the negative.

Meeting Adjourned

COUNCIL RESOLUTION

1.15PM

THAT the meeting be adjourned for lunch.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED

Meeting Resumed

COUNCIL RESOLUTION

1.52PM

THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland

Seconded by:

MOTION CARRIED

11.5 RESPONSE TO NOTICE OF MOTION - MANAGEMENT PLAN FOR MANAGING TRAFFIC ISSUES

File No:	CR2.13.40
Attachments:	Nil
Responsible Officer:	Tony Lau - Manager Engineering Services Michael Kriedemann - Executive Director Infrastructure
Author:	Amal Meegahawattage - Co-ordinator Infrastructure Planning
Previous Items:	13.2 - Notice of Motion - Councillor Andrea Friend - Management Plan for Managing Traffic Issues - Ordinary Council - 15 Sep 2020 9.00am 5.16 - Response to Notice of Motion - Management Plan for Managing Traffic Issues - Briefing Session - 02 Feb 2021 9.00am 5.3 - Hinz Avenue Bangalee Beach Access - Briefing Session - 01 Dec 2020 9.00am

SUMMARY

This report is in response to a Notice of Motion tabled by Councillor Friend at the Ordinary Council meeting on 15 September 2020 in relation to traffic management at Bangalee.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Note the various options detailed in this report;
2. Commence community engagement with key stakeholders, residents of Bangalee and the broader community; and
3. Council Officers table a report summarising the results of this engagement at a future meeting of Council.

Moved by: Councillor Friend

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

11.6 RESPONSE TO MAYORAL MINUTE - PACIFIC HEIGHTS ROAD TRAFFIC ISSUES

File No:	CR2.13.40
Attachments:	1. Letter_DG_Changes to MUTCD P4 and TRUM Vol 2 P3 2. Enclosure 3_Crown Law Advice
Responsible Officer:	Michael Kriedemann - Executive Director Infrastructure Author: Amal Meegahawattage - Co-ordinator Infrastructure Planning
Previous Items:	12.7 - Response to Mayoral Minute - Pacific Heights Road Traffic Issues - Ordinary Council - 18 Aug 2020 9.00am 9.1 - Mayoral Minute - Pacific Heights Road - Ordinary Council - 18 Aug 2020 9.00am

SUMMARY

On 18 August 2020 Council resolved, by way of a Mayoral Minute, to reduce the speed limit along Pacific Heights Road to 40 kilometres per hour. The speed limit reduction has now been the subject of an internal officer speed limit review, an external independent speed limit review and discussed at the Fitzroy District 3E Speed Management Committee who advise that both the Department of Main Roads and Transport and the Queensland Police Service do not support the reduction of the speed limit.

RECOMMENDATION

That Council resolves to:

1. Maintain the current default speed limit of 50 kilometres per hour;
2. Maintain the current number of speed limit signs; and
3. Officers to monitor traffic speed environment following completion of the on-going shared pathway project.

Prior to consideration by the meeting, the Chief Executive Officer sought leave to withdraw Item 11.6 (Response to Mayoral Minute – Pacific Heights Road Traffic Issues) from the agenda for further work to be undertaken on the matter.

11.7 REQUEST FOR CAPITAL FUNDING - ARTHUR STREET SEWER PROJECT

File No: 15-040
Attachments: Nil
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Jeff Carter - Manager Construction & Maintenance

SUMMARY

Construction & Maintenance's specialist Water & Sewerage Construction team will complete their allocated projects by early March 2021 and require an additional project in 2020/2021 so they are utilised to their fullest potential.

COUNCIL RESOLUTION

THAT Council resolve to allocate \$700,000 in the 2020/2021 capital budget for stage 1 of the Arthur Street sewer upgrade project.

Moved by: Councillor Friend
Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

**11.8 AUSTRALIAN GOVERNMENT BUILDING BETTER REGIONS FUND -
INFRASTRUCTURE PROJECTS STREAM - ROUND 5**

File No: GS15.2.03-17
Attachments: 1. Mount Charlton Reservoir Water Supply Area
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Nige Deacon - Manager Water and Waste Operations

SUMMARY

This report provides a recommendation to Council regarding an eligible project for the Australian Government Building Regions Fund – Infrastructure Projects Stream – Round 5.

COUNCIL RESOLUTION

THAT Council resolves to submit an application to Round 5 of the Australian Government Building Better Regions Infrastructure Projects Stream for the Mt Charlton Reservoir roof and asset improvement project.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

**11.9 APPLICATION FOR PERMANENT ROAD CLOSURE - ADJACENT TO LOT 2
RP605873 - CANAL CREEK ROAD, CANAL CREEK**

File No: 14.4.2
Attachments: 1. Plan
2. Application for road closure
Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close an area of Canal Creek Road road reserve.

COUNCIL RESOLUTION

THAT Council

1. Resolve to advise the applicant that it does not object to the proposal to permanently close the section of Canal Creek Road that traverses Lot 2 RP605873; and
2. Authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, does not object to the proposal to permanently close the section of Canal Creek Road that traverses Lot 2 RP605873.

Moved by: Councillor Mather
Seconded by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

**11.10 APPLICATION FOR PERMANENT ROAD CLOSURE - MOUNT CHALMERS
ROAD ADJACENT TO LOT 41 LN539****File No:** 14.4.2**Attachments:**

1. Plan of Proposed Road Closure
2. Application for road closure
3. Mapping of Environmental Features
4. Photos - weeds and pest plants

Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure**Author:** Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close a part of the Mount Chalmers Road road reserve.

COUNCIL RESOLUTION

THAT Council

- 1) Resolve to advise the applicant that it does not support the proposal to permanently close an area of the Mount Chalmers Road road reserve adjacent to Lot 41 LN539 because:
 - a) it contains native vegetation;
 - b) the site is a wetland environment which contains some significant old growth trees; and
 - c) it will place part of the constructed road within private property; and
- 2) Authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, does not support the road closure proposal adjacent to Lot 41 LN539 because:
 - a) it contains native vegetation;
 - b) the site is a wetland environment which contains some significant old growth trees; and
 - c) it will place part of the constructed road within private property.

Moved by: Councillor Mather**Seconded by:** Councillor Friend**MOTION CARRIED UNANIMOUSLY**

**11.11 APPLICATION FOR PERMANENT ROAD CLOSURE - ST LAWRENCE ROAD
(BRUCE HIGHWAY) MARLBOROUGH**

File No: 14.4.2
Attachments: 1. Plan
2. Application for road closure
Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close an area of road reserve off St Lawrence Road (Bruce Highway) Marlborough.

COUNCIL RESOLUTION

THAT Council

1. Resolve to advise the applicant that it does not object to the proposal to permanently close the road reserve that adjoins Lot 20 RP602110 and Lot 28 LI299; and
2. Authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, does not object to the proposal to permanently close the road reserve that adjoins Lot 20 RP602110 and Lot 28 LI299.

Moved by: Councillor Mather
Seconded by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

11.12 LETTERS OF HARDSHIP - SPORTING CLUBS YEPPOON/EMU PARK**File No:** RV25.5.9**Attachments:** 1. Letters of Hardship Sporting Clubs**Responsible Officer:** Leise Childs - Coordinator Natural Resource Management
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing**Author:** Molly Saunders - Principal Community Development and Engagement Officer

SUMMARY

This report discusses the requests by six Livingstone Shire sporting organisations for fee relief and or rating concessions, due to the impact COVID-19 has had on their operations and revenue.

OFFICERS RECOMMENDATION

THAT Council resolves to support requests for financial assistance from Yeppoon Junior Rugby League Incorporated, Emu Park Rugby League Incorporated, Capricorn Coast Touch Football Association, Capricorn Coast Netball Association, Yeppoon Australian Football Club Incorporated and Yeppoon Rugby League Incorporated by;

1. Providing each aforementioned club with the total financial support requested in their respective hardship letter; OR
2. Providing each aforementioned club with a total fee waiver for the 20/21 financial year
3. Providing each aforementioned club an equal rebate amount exhausting the COVID Community Grant Funding; AND/OR
4. Providing the Yeppoon Swans Australian Football Club Incorporated a discount in water consumption charges by way of reducing their water usage charge to 0.04c per litre.

COUNCIL RESOLUTION

THAT Council resolves to support requests for financial assistance from Yeppoon Junior Rugby League Incorporated, Emu Park Rugby League Incorporated, Capricorn Coast Touch Football Association, Capricorn Coast Netball Association, Yeppoon Australian Football Club Incorporated and Yeppoon Rugby League Incorporated by providing each aforementioned club with a total fee waiver for the 20/21 financial year, to be partly funded by COVID Community Grant Funding.

Moved by: Councillor Hutton**Seconded by:** Councillor Eastwood**MOTION CARRIED****DIVISION:**

Crs A Belot, P Eastwood, AF Friend, Hutton, A Ireland and T Lynch voted in the affirmative.

Cr G Mather voted in the negative.

11.13 BUILDING OUR REGIONS PROJECT - CAUSEWAY LAKE REVITALISATION BUSINESS CASE

File No: GS15.2.03
Attachments: Nil
Responsible Officer: Russell Claus - Urban Strategist
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing
Author: Carlyn Hepburn - Project Support Officer
Previous Items: 14.2 - Queensland Government - Building Our Regions - Round 5 - Ordinary Council - 13 Aug 2019 4.00pm (Special)

SUMMARY

A resolution from the Council is required to comply with the project funding agreement for Causeway Lake Revitalisation Business Case administered by the Department of State Development, Tourism and Innovation.

COUNCIL RESOLUTION

THAT Council resolves to

1. Resolves to commit to delivering the Causeway Lake Revitalisation Business Case (Project ID: BoR R05 LIVI 0089) by September 2021; and
2. Acknowledges responsibility for any funding shortfall if costs change.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Hutton

MOTION CARRIED

11.14 THE STATION BUILDING BETTER REGIONS SUBMISSION**File No:** ED8.5.20**Attachments:** 1. Station Concept Plan**Responsible Officer:** David Mazzaferri - Acting Executive Director - Liveability & Wellbeing**Author:** Sonia Barber - Acting Manager Economy & Places

SUMMARY

Activation of the Station Quarter site in the Yeppoon town centre as per The Station proposal, Attachment One, will provide social and economic benefits to the community, as well as increase visitation and job creation. There is an opportunity to apply for Building Better Regions Funding Round Five to facilitate remediation of the former railway site and complete a Stage One development. This report seeks Council approval to apply for the funding.

COUNCIL RESOLUTION

THAT Council resolve to apply for Building Better Regions Round Five Tourism Infrastructure Funding for \$10 million dollars for the purpose of developing Stage One of The Station project, if the funding application is successful.

Moved by: Mayor, Councillor Ireland**Seconded by:** Councillor Friend**MOTION CARRIED**

Cr Hutton recorded his vote against the motion.

03:22PM Mayor, Councillor Ireland left the meeting.

03:24PM Mayor, Councillor Ireland returned to the meeting.

Meeting Adjourned**COUNCIL RESOLUTION**

3.52PM

THAT the meeting be adjourned for a short break.

Moved by: Mayor, Councillor Ireland**MOTION CARRIED*****Meeting Resumed*****COUNCIL RESOLUTION**

4.02PM

THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland**MOTION CARRIED**

11.16 DEVELOPMENT APPLICATION D-128-2020 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR AN EXTRACTIVE INDUSTRY, ENVIRONMENTALLY RELEVANT ACTIVITIES (ERA 16(2)(B) AND (3)(B)) AND OPERATIONAL WORKS FOR VEGETATION CLEARING AT LOT 1 KUNWARARA ROAD, CANOONA

File No: D-128-2020

Attachments:

1. Locality Plan
2. Site Plan
3. Proposal Plan

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Liveability
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing

Author: Jenna Davies - Principal Planning Officer

SUMMARY

Applicant: Grycan Pty Ltd T/A Blomfield Excavations Gladstone

Consultant: Groundwork Plus

Real Property Address: Lot 1 on RP908293

Area of Site: 63.55 hectares

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays:

- Overlay Map OM07 - Biodiversity – Habitat and Vegetation - Matters of Local Environmental Significance – Remnant Vegetation
- Overlay Map OM10 – Matters of Local Environmental Significance – Wetlands, Waterways and Waterway Potential Assessment Area
- Overlay Map OM11 – Biodiversity – Stream Order – Stream Order 3 and Waterway Potential Assessment Area
- Overlay Map OM12 – Bushfire hazard – High Potential Bushfire Intensity, Medium Potential Bushfire Intensity and Potential Impact Buffer
- Overlay Map OM15 – Drainage problem
- Overlay Map OM20 – Road Hierarchy – State Controlled Road (Kunwarara Road)
- Overlay Map OM22 – Transport Infrastructure – Rail Network and Road Network (property frontage)
- Overlay Map OM23 – State Controlled Road Noise Corridor and Rail Network Noise Corridors

Existing Development: Quarry

<i>Level of Assessment:</i>	<i>Impact assessable</i>
<i>Submissions:</i>	<i>One (1) submission received</i>
<i>Referral matters:</i>	<i>Clearing native vegetation (10.3.4.3.1)</i> <i>Infrastructure – State transport infrastructure (10.9.4.1.1.1)</i> <i>Environmentally relevant activities (10.5.4.2.1)</i> <i>Infrastructure – state transport infrastructure (10.9.4.1.1.1)</i> <i>State transport corridors and future state transport corridors (10.9.4.2.4.1)</i>
<i>Infrastructure Charge Area:</i>	<i>Located outside the priority infrastructure area</i>

Application progress:

<i>Application received:</i>	<i>19 May 2020</i>
<i>Application properly made:</i>	<i>2 June 2020</i>
<i>Development control unit meeting:</i>	<i>21 May 2020</i>
<i>Confirmation notice issued:</i>	<i>17 June 2020</i>
<i>Application referred to State agency:</i>	<i>22 June 2020</i>
<i>Information request issued:</i>	<i>15 July 2020</i>
<i>Information request response received:</i>	<i>13 October 2020</i>
<i>Public notification period:</i>	<i>19 October–10 November 2020</i>
<i>Notice of compliance received:</i>	<i>11 November 2020</i>
<i>Submission consideration period:</i>	<i>12 November–25 November 2020</i>
<i>State agency response:</i>	<i>18 November 2020</i>
<i>Decision period commenced:</i>	<i>25 November 2020</i>
<i>Extension by agreement:</i>	<i>27 January 2021</i>
<i>Change representations made to State agency:</i>	<i>1 December 2020</i>
<i>Change representations withdrawn from State agency:</i>	<i>21 January 2021</i>
<i>Additional information from applicant received:</i>	<i>3 December 2020</i>
<i>Application Stopped:</i>	<i>17 December 2021</i>
<i>Application re-stated:</i>	<i>19 January 2021</i>
<i>Extension of time agreed to:</i>	<i>27 January 2021</i>
<i>Council meeting date:</i>	<i>16 February 2021</i>
<i>Statutory determination date:</i>	<i>16 February 2021</i>

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for an Extractive industry, Environmentally Relevant Activities (ERA 16(2)(b) and (3)(b)) and

Operational Works for Vegetation Clearing, Council resolves that it is satisfied under section 53 (3) of the *Planning Act 2016*, that the following non-compliance with notification procedures have not adversely affected the public's awareness of the existence and nature of the application or restricted the public's opportunity to make properly made submissions about the application:

- (i) The public notification sign was taken down during the public notification period on the morning of the last stated day. The applicant advised the land owner was not aware the sign was required to remain on the front of the property on the last stated day (being the 10 November 2020). As the applicant allowed seventeen (17) days for the public notification period and the sign was up for sixteen (16) days, it is considered that the requirements of section 53 (4) of the *Planning Act 2016*, in respect of placing a sign on the land for the minimum period of fifteen (15) business days were still met.

RECOMMENDATION B

THAT in relation to the application for Development Permits for a Material Change of Use for an Extractive industry and concurrent Environmentally Relevant Activities (ERA 16(2)(b) and (3)(b)), and Operational Works for Vegetation Clearing, made by Grycan Pty Ltd T/A Blomfield Excavations Gladstone, on Lot 1 on RP908293 and located at Lot 1 Kunwarara Road, Canoona, Council resolves to approve the application subject to the following conditions:

PART A – MATERIAL CHANGE OF USE

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 and at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities and at no cost to Council prior to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes, where relevant:
 - 1.6.1 Plumbing and Drainage Work; and
 - 1.6.2 Building Work.
- 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 extraction, screening and transportation of hard rock quarry material from the subject premises which must be in accordance with the endorsed plans (refer to condition 2.1) and at an extraction rate of no more than 1,000,000 tonnes per year.

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 Layout Plan	2428.DRG.003 Revision 5	30 October 2020
Environmental Management Plan (and associated management plans in sections 4.1–4.9)	2428_610_001 Revision 1	October 2020
Stormwater Management Plan	2428.800.001 Revision 2	3 December 2020
Noise and Dust Impact Assessment	20-120, Revision 1	8 October 2020
Schematic Internal Access Road Cross Section	2428.DRG.008 Revision 1	21 August 2020

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

3.0 ACCESS WORKS

- 3.1 All works must be designed and constructed in accordance with the approved Schematic Internal Access Road Cross Section (refer to condition 2.1).
- 3.2 The internal access road must be upgraded to cater for the additional traffic load from the development in accordance with the Schematic Internal Access Road Cross Section (refer to condition 2.1). The access road maintained regularly to a safe and trafficable condition so as not to create dust issues to the neighbouring properties.
- 3.3 A minimum of ten (10) standard off-street parking spaces must be provided.
- 3.4 Parking and associated vehicle manoeuvring areas must be constructed with compacted gravel pavement to provide safe, non-slip and dust free surface.
- 3.5 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with Manual of Uniform Traffic Control Devices (Queensland).

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage work associated with the development.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

4.4 Any structures or buildings must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

4.5 On-site water supply for domestic purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

4.6 On-site water storage for potable water supply purposes, with a minimum combined capacity of 50,000 litres, must be provided for the Site Office and Amenities buildings.

5.0 STORMWATER WORKS

5.1 All stormwater must achieve demonstrated lawful discharge 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.

5.2 All stormwater works must be in accordance with the approved Stormwater Management Plan (refer to condition 2.1). It must be implemented at all times while the extractive industry use is occurring and for the duration of rehabilitation works.

5.3 If the extraction area expands beyond the catchment boundary nominated in the approved Stormwater Management Plan, the Stormwater Management Plan must be updated and certified by suitably qualified Registered Professional Engineer of Queensland (RPEQ) to address all relevant quantity and quality requirements to the satisfaction of relevant authorities.

6.0 SITE WORKS

6.1 Any earthworks associated with the subject development must not, at any time, in any way restrict, impair, or cause an actionable nuisance to adjoining properties or damage infrastructure.

6.2 Any vegetation cleared or removed must be:

6.2.1 Mulched on-site and utilised on-site for landscaping purposes; or

6.2.2 Removed for disposal at a location approved by Council;

Within sixty (60) days of clearing. Any vegetation removed and if proposed to be burnt, must be in accordance with a relevant fire approval.

7.0 BUILDING WORKS

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

8.0 ENVIRONMENTAL

8.1 In addition to conditions 4.6, adequate on-site water storage for dust suppression purposes must be provided for the development and may include the provision of a bore, dams, water storage tanks or a combination of each.

8.2 The Rehabilitation Management Plan and Rehabilitation Concept Plan which forms part of the Environmental Management Plan (refer to conditions 2.1) must be amended and submitted to Council for endorsement prior to commencement of use. The Rehabilitation Management Plan and Rehabilitation Concept Plan must be amended as follows:

8.2.1 The rehabilitation planting plan be amended to align with the Site Layout Plan and Stormwater Management Plan (refer to condition 2.1).

8.2.2 Within the fifty (50) metre watercourse buffer, must be revegetated with species listed in the "Terminal batters" species list. This buffer must be illustrated on the rehabilitation concept plan (refer to condition 2.1).

8.2.3 Areas currently identified as containing vegetation classified as Matters of Local Environmental Significance are revegetated with species listed in the "Terminal batters" species list.

8.2.4 The following invasive exotic species are removed from Table 8 – Species Suitable for Vegetation *Panicum coloratum* (Bambasti), *Cenchrus ciliaris* (Buffel), *Panicum maximum* (Hamil grass).

8.2.5 Old growth trees and native vegetation located within the designated area must be retained where possible.

8.3 Progressive rehabilitation and vegetation must be completed within six (6) months after completion of the extraction or operation in an area and the rehabilitated area must be subject of on-going management and maintenance for a period of two (2) years.

Written notice must be provided to Council once the area is rehabilitated and revegetated and inspections will be undertaken at the time the area is revegetated, and following the maintenance period.

8.4 The erosion and sediment control device(s) referenced in the Stormwater Management Plan (refer condition 2.1), as approved and amended pursuant to this approval, must be installed and maintained at all times while the extractive industry use (including the associated activities and the ERAs) is occurring and for the duration of rehabilitation works.

9.0 ELECTRICITY AND TELECOMMUNICATIONS

9.1 The ancillary Site Office and Amenities must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice. (Note if the development is provided with a reticulated grid electricity supply, the reticulated supply must be provided in accordance with the requirements of the relevant energy supply authority.)

9.2 The ancillary Site Office and Amenities must be provided with on-site telecommunications infrastructure for the use sufficient to enable contact in normal circumstances with the each of the nearest emergency services. (Note if the development is provided with reticulated telecommunications infrastructure, the reticulated infrastructure must be provided in accordance with the requirements of the relevant telecommunications supply authority.)

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.

11.0 OPERATING PROCEDURES

11.1 The hours of operations must be limited to:

(i) For all operations (excluding blasting):

- a) 0600 hours to 0700 hours Mondays to Sunday Product Sales Only (loading trucks from stockpiles and dispatch of materials via trucks)
- b) 0700 hours to 1800 hours Mondays to Sunday Full Operations; and
- c) Not permitted on Public Holidays.

(ii) For blasting:

- a) 0900 hours to 1500 hours Monday to Friday;
- b) 0900 hours to 1300 hours Saturday; and
- a) Not permitted on Sundays or Public Holidays.

- 11.2 A detailed record of the extraction operations must be maintained on site at all times and must be available for inspection by Council. Records must be kept for a minimum of five (5) years. The record of extraction operations must include how many tonnes of material has been transported from the site.
- 11.3 The development must be undertaken in accordance with Environmental Management Plan (refer to condition 2.1).
- 11.4 The Noise & Dust Impact Assessment (refer to condition 2.1) must be complied with at all times.
- 11.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 11.6 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 the unnamed road reserve.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

The development must be undertaken in a manner that does not allow environmental nuisance or water contamination caused by construction material, noise, aerosols, particles dust, ash, fumes, light, odour and smoke, which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.

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. Environmental

- a. The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site

works. Council will supply a free inspection and advice service on the request of the land owner.

- b. It is advised that part of the subject site is mapped by the Department of Environment and Heritage Protection as containing Regulated Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>

NOTE 5. Water

- a. Any barrier works associated with mapped Queensland waterways for waterway barrier works require approval for Operational Works unless compliance is achieved with the *Accepted development requirements for operational work that is constructing or raising waterway barrier works*

PART B: OPERATIONAL WORK – CLEARING VEGETATION

12.0 ADMINISTRATION

- 12.1 All works must be constructed pursuant to the conditions of this Decision Notice and approved plans and documents, or for any subsequent variations as approved in writing by Council.

13.0 APPROVED PLANS AND DOCUMENTS

- 13.1 The development must be completed and maintained in generally in accordance with the approved plans and documents, except where amended by the conditions of this Decision Notice.

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Layout Plan	2428.DRG.003 Revision 5	30 October 2020
Rehabilitation Concept Plan	2428.DRG.009 Revision 0	7 October 2020
Environmental Management Plan (and associated management plans in sections 4.1–4.9)	2428_610_001 Revision 1	October 2020

- 13.2 A set of the above stamped approved plans are returned to you as the Applicant who must supply a copy to the contractor or suitably qualified professional undertaking the clearing work, which must be retained on site at all times during clearing.

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

14.0 INSPECTION REQUIREMENTS

- 14.1 Prior to the commencement of any vegetation clearing on site, a joint inspection with the Project Superintendent/Consulting Engineer, the Principal Contractor, Fauna Spotter / Catcher and Council's Development Assessment and Natural Resource Management Unit representatives must occur. The purpose of the meeting is to identify vegetation to be cleared and retained and discuss rehabilitation works.

- 14.2 Joint inspections with the Project Superintendent/supervising Engineer, the Principal Contractor, a Fauna Spotter / catcher and Council's Operational Works Inspector(s) and Natural Resource Management Unit are required for all hold points. All works must conform with the inspection and test plan as defined by the *Capricorn Municipal Development Guidelines* and be in accordance with the approved Environmental

Management Plan (revised plan to be submitted to Council for approval prior to the pre start meeting).

- 14.3 A pre-start meeting must be held, prior to the commencement of any vegetation clearing, in accordance with section CP1.08 – Notice to commence works and CP1.09 – Pre-start meeting of the *Capricorn Municipal Development Guidelines*. The following information must be presented prior to, or at the meeting:

14.3.1 notification of the Fauna Spotter / Catcher and permit number;

14.3.2 existing vegetation must be inspected prior to undertaking any works on this site. The boundaries of clearing areas must be clearly delineated for machinery operators for inspection by Council Officers at the pre-start meeting and prior to works commencing; and

14.3.3 a programme of works, demonstrating all major activities and milestones.

- 14.4 Council's minimum inspection programme is as follows, however this does not preclude the requirement for further inspections if deemed appropriate by Council officers:

14.4.1 Vegetation:

- (i) pre-inspection of vegetation prior to undertaking any works on this site;
- (ii) final inspection at completion of vegetation removal;
- (iii) pre-inspection of area prior to undertaking any rehabilitation plantings;
- (iv) Revegetation/rehabilitation works inspection; and
- (v) off-defects inspections (weed management and revegetation progress).

15.0 ENVIRONMENTAL MANAGEMENT

- 15.1 The Principal Contractor or suitably qualified professional undertaking the clearing work is responsible for ensuring that all aspects of the Environmental Management Plan (refer to condition 13.1) are complied with at all times.

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

- 15.3 Significant mature trees and native vegetation, if practicable, must be retained during clearing works.

- 15.4 Retained trees must be protected from impacts of adjacent clearing or earthworks through use of exclusion fencing or protective barriers as per *Australian Standard 4970 – 2009 Protection of Trees on Development Sites*.

- 15.5 Development does not cause land degradation near a waterway or wetland, including:

15.5.1 mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and

15.5.2 loss or modification of chemical, physical or biological properties or functions of soil.

16.0 FAUNA MANAGEMENT AND HABITAT

- 16.1 A suitably qualified fauna spotter / catcher must be engaged to conduct a pre-assessment of wildlife habitats and breeding places. The suitably qualified fauna spotter / catcher must be provided with the Development Approval and be onsite

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.

- 16.2 A suitably qualified and licenced spotter catcher is to maintain daily records of pre-clearing assessments conducted, breeding places identified and assessed (including in top layers of sediment to be excavated), observations of wildlife movement and escape and all incidents and actions taken in regard to fauna. Records must be made available to Council on request.

- 16.3 A record of fauna observed, relocated, injured or killed must be kept and provided to Council on request.

- 16.4 Clearing is to be avoided in breeding and nesting seasons where possible.

17.0 DEFECTS LIABILITY PERIOD

- 17.1 Comprehensive weed management must be undertaken during the defects period of one (1) year to ensure revegetation of the endemic native vegetation can occur.

18.0 EROSION AND SEDIMENT CONTROL

- 18.1 The Principal Contractor is responsible for ensuring that Erosion Controls are in place at the start and end of each day to ensure the works area is secure and appropriately prepared in the event of rainfall.

- 18.2 The principal contractor must also check the Erosion and Sediment Control Measures at the start and end of each day to ensure the entire site is secure and appropriately prepared in the event of rainfall.

19.0 DOCUMENTATION

- 19.1 The Contractors Construction Certificate and a Registered Professional Engineer of Queensland's supervision certificate must be submitted to Council at the completion of works verifying that all works have been carried out in accordance with Council approved drawings, approval conditions, specifications and best engineering and construction practices (including any variations and departures) for the works supervised and constructed.

20.0 AS CONSTRUCTED AND DEFECTS LIABILITY REQUIREMENTS

- 20.1 Rehabilitation Plantings Maintenance must be undertaken in accordance with approved revegetation plan during the defects period to ensure revegetation of the endemic native vegetation can occur.

ADVISORY NOTES

(a) 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 www.datsip.qld.gov.au

(b) Environmental Duty

- a. The *Environmental Protection Act 1994*, *Environmental Protection (Water) Policy 2008*, *Environmental Protection (Air) Policy 2008* and *Environmental Protection (Noise) Policy 2008* control the way in which dust emissions, soil erosion and sediment control are dealt with on building and development sites. It is the responsibility of the Developer to ensure compliance with the aforementioned legislative requirements. Non-compliance issues are regulated by the Department of Environmental and Heritage Protection which may

investigate and act on any complaint/s received in relation to the release of regulated contaminants from a site.

- b. All construction work and other associated activities are permitted only between 0630 hours and 1830 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act* and *Environmental Protection Regulations* must be observed at all times.
- c. During all stages of the development, operations must be undertaken in a manner that does not allow environmental nuisance caused by noise, aerosols, dust, ash, fumes, light, odour or smoke and must not go beyond the boundaries of the property, as stated in the *Environmental Protection Act 1994* and subordinate legislation.
- d. The land subject to the above development application must be free of declared pest plants; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011*; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

(c) Standard Council Templates

Livingstone Shire Council has standard templates for the following forms which are available on Council's website www.livingstone.qld.gov.au/582/Forms:

- [INF-8-F06](#) – *Operational Works Design Certificate* (covering Statement of Compliance Engineering Design and/or Statement of Compliance Engineering Design for Geotechnical Certification)
- [INF-8-F05](#) - *Operational Works Construction Completion Certificate*: (covering Engineering Supervision Certificate and/or Principal Contractor Certificate).

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for an Extractive industry, Environmentally Relevant Activities (ERA 16(2)(b) and (3)(b)) and Operational Works for Vegetation Clearing, made by Grycan Pty Ltd T/A Blomfield Excavations Gladstone, on Lot 1 on RP908293 and located at Lot 1 Kunwarara Road, Canoona, there is no requirement to issue an Infrastructure Charges notice due to the credit attaching to the land and none of the lot credit being utilised by the existing Town Planning Consent, therefore, there is no charge payable as the credit exceeds the charge.

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

12 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

12.1 NOTICE OF MOTION - COUNCILLOR HUTTON - SCHOOLIES WEEK

File No: GV13.4.4

Attachments: 1. Notice of Motion - Councillor Hutton - Schoolies Week

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to Schoolies Week.

COUNCIL RESOLUTION

THAT Council engage with stakeholders to consider developing a program of events and promoting the Capricorn Coast as a destination for the 2021 Schoolies Week festivities.

Moved by: Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

12.2 NOTICE OF MOTION - COUNCILLOR HUTTON - BEACH MATTING ON COASTAL BEACHES**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Councillor Hutton - Beach Matting**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to Beach matting on coastal beaches.

COUNCIL RESOLUTION

THAT Council investigates the potential costs and grant opportunities for inclusive beach matting to be rolled out on both Yeppoon and Emu Park beaches on a regular basis.

Moved by: Councillor Hutton**Seconded by:** Councillor Friend**MOTION CARRIED UNANIMOUSLY**

Mayor Councillor Andy Ireland informed the meeting that he did not have a conflict of interest in Item 12.3, Notice of Motion – Cr Mather – Air BNB as he had not had property listed for short-term rental with Air BNB for over 18 months.

Councillor Tanya Lynch informed the meeting of a prescribed conflict of interest in Item 12.3, Notice of Motion – Cr Mather – Air BNB due to owning property in the shire being offered for short-term rental via Air BNB.

Councillor Adam Belot informed the meeting of a prescribed conflict of interest in Item 12.3, Notice of Motion – Cr Mather – Air BNB due to owning property in the shire being offered for short-term rental via Air BNB.

4.27PM Deputy Mayor Councillor Belot and Councillor Tanya Lynch left the meeting.

12.3 NOTICE OF MOTION - COUNCILLOR MATHER - AIR BNB

File No: GV13.4.4

Attachments: 1. Notice of Motion - Councillor Hutton - Air BNB

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Air BNB.

COUNCIL RESOLUTION

THAT as a matter of some urgency, Council authorise the Planning Department to investigate the Councils which have already investigated Air BNB and prepare a report for Council in time for the 2021/22 budget deliberations.

Moved by: Councillor Mather

Seconded by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

04:37PM Deputy Mayor, Councillor Belot and Councillor Lynch returned to the meeting.

**12.4 NOTICE OF MOTION - COUNCILLOR FRIEND - REPEAL OF RESOLUTION 10.3
19 JANUARY 2021****File No:** GV13.4.4**Attachments:** 1. Previous Resolution 10.3 and Notice of Motion - Cr Friend - Proposed Repeal of Resolution**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to the repeal of resolution 10.3 at Ordinary Council Meeting on 19 January 2021.

COUNCIL RESOLUTION

THAT Council in accordance with section 262 of the *Local Government Regulation 2012*: the Council resolve to repeal the resolution 10.3 of Councils Ordinary Meeting of 19th January 2021.

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

Cr Hutton requested that his vote be recorded against the motion.

**12.5 NOTICE OF MOTION - COUNCILLOR FRIEND - 50% FEE REDUCTION 31
BUCCANEER AVENUE LAMMERMOOR****File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Councillor Friend - 50%
Fee Reduction 31 Buccaneer Avenue
Lammermoor**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to a 50% fee reduction 31 Buccaneer Avenue Lammermoor.

COUNCIL RESOLUTION

THAT Council resolve to reduce by 50% the fee for the landfill acceptance of material containing asbestos for the current owners of 31 Buccaneer Avenue Lammermoor.

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

13 URGENT BUSINESS\QUESTIONS

13.1 REQUESTED LETTER OF SUPPORT FROM GKI PROGRESS ASSOCIATION INC

Responsible Officer: Justine Schofield - Executive Support Officer

SUMMARY

Mayor Councillor Andy Ireland tabled a letter received from the GKI Progress Association Inc. requesting a letter of support from Livingstone Shire Council to the Minister for Tourism Industry Development and Innovation endorsing a list of infrastructure projects to be funded by the Queensland Government on Great Keppel Island.

COUNCIL RESOLUTION

THAT the letter from GKI Progress Association Inc. be received.

Moved by: Councillor Mather

Seconded by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

Suspension of Standing Orders

COUNCIL RESOLUTION

4.56PM

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 13.1- Urgent Business – Letter from GKI Progress Association prior to entering into formal debate.

Moved by: Councillor Mather

MOTION CARRIED

Resumption of Standing Orders

COUNCIL RESOLUTION

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED

COUNCIL RESOLUTION

THAT Councillors take soundings from the community to inform a special meeting of Council to be held on Tuesday the 2nd March 2021 in relation to the matters raised in the letter from the GKI Progress Association Inc.

Moved by: Councillor Hutton

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

14 CLOSURE OF MEETING

There being no further business the meeting closed at 5.19pm.

Mayor Councillor Andy Ireland
CHAIRPERSON

DATE