



ORDINARY MEETING

MINUTES

18 JANUARY 2022

The resolutions contained within these minutes were confirmed at the Ordinary Council meeting of February 2022.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 18 JANUARY 2022 COMMENCING AT 9.01AM

1 OPENING**Acknowledgement of Country**

"I would like to take this opportunity to respectfully acknowledge the Darumbal People. The traditional custodians and elders past, present and emerging of the land on which this meeting is taking place today."

2 PRESENT

Members Present:

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

Officers in Attendance:

Cale Dendle - Chief Executive Officer
Brett Bacon – Executive Director Liveability and Wellbeing
Tony Lau – Acting Executive Director Infrastructure
Andrea Ellis – Chief Financial Officer
Erin McCabe – Coordinator Development Assessment
Jenna Davies – Principal Planning Officer
Jeff Carter – Manager Construction and Maintenance
Nige Deacon – Manager Water and Waste Operations
Justine Schofield – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 21 December 2021 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 7 January 2022 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED

Crs A Belot, P Eastwood, A Friend, A Ireland, G Mather and R Watson voted in the affirmative.

Cr N Hutton voted in the negative.

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Councillor Adam Belot, have a Prescribed Conflict of Interest in Item 11.3 – Development Application D-120-2021 for a Preliminary Approval (Variation Request), Material Change of Use (Tourist attraction, Tourist park, Short term accommodation and Renewable energy facility) and Reconfiguring a Lot (two lots into three lots), located at 1662 and Lot 393 Yeppoon Road, Mulara, as I am a shareholder of Surflakes.Holdings Ltd. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

I, Councillor Pat Eastwood, have a Prescribed Conflict of Interest in Item 11.3 – Development Application D-120-2021 for a Preliminary Approval (Variation Request), Material Change of Use (Tourist attraction, Tourist park, Short term accommodation and Renewable energy facility) and Reconfiguring a Lot (two lots into three lots), located at 1662 and Lot 393 Yeppoon Road, Mulara, as I am a shareholder of Surflakes.Holdings Ltd. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

I, Councillor Rhodes Watson, have a Declarable Conflict of Interest in Item 11.5 – Bangalee Beach Access Reference Group, as I own a property at Bangalee. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

Mr John Watson addressed the Councillors acknowledging the tributes to his wife and thanking Council for its kind words and support.

09:19AM Councillor Watson left the meeting.

09:21AM Councillor Watson returned to the meeting.

6 PUBLIC FORUMS/DEPUTATIONS

6.1 9AM DEPUTATION - DEVELOPMENT APPLICATION D-137-2021 - FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE (115 PLACES) AT 9-11 TANBY ROAD, YEPPON

File No: GV13.4.3
Attachments: Nil
Responsible Officer: Amanda Ivers - Coordinator Executive Support
Author: Lucy Walker - Executive Support Officer

SUMMARY

Chris Hewitt, Associate Director/Principal Civil Engineer, McMurtrie Consulting Engineers will address the Councillors in relation to the Development Application D-137-2021 – For a Material Change of Use for a Child Care Centre at 9-11 Tanby Road, Yeppoon.

COUNCIL RESOLUTION

THAT the deputation be received.

Moved by: Councillor Hutton

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

THAT the meeting proceeds to Item 11.2 - Development Application D-137-2021 - For a Material Change of Use for a Child Care Centre (115 Places) at 9-11 Tanby Road, Yeppoon.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

11.2 DEVELOPMENT APPLICATION D-137-2021 - FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE (115 PLACES) AT 9-11 TANBY ROAD, YEPPOON

File No: D-137-2021

Attachments:

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

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Liveability

Author: Gretta Cowie - Planning Officer

SUMMARY

Applicant: C. and D. Thomasson

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 53 on RP855451 and Lot 54 on RP602613
Area of Site: 2,860 square metres in area

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Low density residential zone; Tanby Road commercial transition precinct

Planning Scheme Overlays: OM01 Acid sulfate soils
 OM11 Biodiversity – Waterway Potential Assessment Area
 OM14 Coastal hazard – Storm tide hazard and Erosion prone area
 OM15 Drainage problem area
 OM17 Flood hazard area
 OM20 Road hierarchy
 OM27 Height limit

Existing Development: A Dwelling house on each lot

Level of Assessment: Impact Assessable

Submissions: Four (4) submissions received

Referral matters: Nil

Infrastructure Charge Area: Charge Area 1

Application progress:

<i>Application received:</i>	12 April 2021
<i>Application properly made:</i>	13 April 2021
<i>Development control unit meeting:</i>	14 April 2021
<i>Confirmation notice issued:</i>	28 April 2021
<i>Information request issued:</i>	11 May 2021

<i>Information request response received:</i>	<i>3 September 2021</i>
<i>Public notification period:</i>	<i>10 September 2021 – 5 October 2021</i>
<i>Notice of compliance received:</i>	<i>8 October 2021</i>
<i>Submission consideration period:</i>	<i>8 October 2021 – 22 October 2021</i>
<i>Extension of time agreed to:</i>	<i>21 December 2021</i>
<i>Decision period commenced:</i>	<i>25 October 2021</i>
<i>Statutory determination date:</i>	<i>21 December 2021</i>

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Child care centre (115 places), made by C. and D. Thomasson, on Lot 53 on RP855451 and Lot 54 on RP602613, and located at 9 and 11 Tanby Road, Yeppoon, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this approval must be undertaken and completed at no cost to Council, prior to the issue of the commencement of the use, unless otherwise stated.
- 1.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - (i) Operational Works:
 - (i) Access and Parking Works;
 - (ii) Stormwater Works; and
 - (iii) Landscaping works
 - (ii) Building works; and
 - (iii) Plumbing and drainage works.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

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>
3D Render 1	21_203 S-01	November 2021
3D Render 2	21_203 S-02	November 2021
3D Render 3	21_203 S-03	November 2021
Site Plan	Wd2a	Not dated
Part Floor Plan A	Wd3	Not dated
Part south west elevation	Wd5	
Part south west elevation	Wd6	
Elevation Walkway	Wd7	
Section e-e, Section d-d and Section c-c	Wd8	
Plan room areas	Wd9	
Plan play area	Wd10	
Part Drainage Plan B	Wd13	
Proposed finished levels Plan Part A	Wd16A	
Traffic Impact Assessment	Job No. 1242021 Rev A	August 2021
Tanby Rd Child Care (CP – Dims)	No Reference	Received 17.01.2022
Tanby Rd Child Care (CP – Layout)	No Reference	Received 17.01.2022

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

3.0 ACCESS AND PARKING WORKS

3.1 A Development Permit for Access and Parking Works must be obtained prior to the commencement of any access and parking works on the site.

4.0 A compliant vehicle access must be designed and constructed to the proposed development in accordance with the *Capricorn Municipal Development Guidelines, standard drawing CMDG-R-042, titled as "Commercial Driveway slab"*, and located minimum one (1) metre away from any sewer connections, access chambers, valves, fire hydrant, water meter boxes, and any other utility services.

Any non-compliant vehicle access driveway will require a Development Permit for Operational Works (access works) prior to the commencement of any vehicle access works associated with that lot.

4.1 All works must be designed and constructed in accordance with the approved plans

(refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Off Street Car Parking"*.

- 4.2 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 4.3 A minimum of thirty-four (34) standard off-street parking spaces (including universal parking spaces) must be provided.
- 4.4 Only left in and left out traffic movements are permitted for the development.
- 4.5 The commercial standard access driveway must be designed and constructed to facilitate only left in and left out traffic movements for the development. The final width of the access driveway and its location must be supported by a detailed swept path analysis of the design vehicle.
- 4.6 All ingress and egress traffic movements to and from the development must be in a forward direction (forward gear).
- 4.7 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)*.
- 4.8 All stormwater runoff from vehicular manoeuvring areas must be discharged lawfully.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 The development must be connected to Council's reticulated water supply and sewer networks.

6.0 BUILDING WORKS

- 6.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 6.2 The minimum habitable floor level for the building must be 300 millimetres above the defined 0.5% annual exceedance probability flood which must be determined as part of the Flood hazard risk assessment report provided as part of the Operational Works application.
- 6.3 Fencing between the road frontage lot boundary and the front building line (excluding any driveway location) must have:
 - (i) a maximum height of 1.2 metres; or
 - (ii) a maximum height of 1.8 metres if having a minimum transparency of fifty (50) per cent.
- 6.4 A maximum 1.8 metre high wooden fence must be located along all adjoining property (north, south and east) boundaries excluding locations where there are built to boundary walls.
- 6.5 All buildings must be constructed in accordance with the *Queensland Development Code – MP3.5 – Construction of buildings in flood hazard areas*.
- 6.6 Any associated earth works must not, at any time, in any way adversely restrict, impair or change the natural flow of runoff water or damage infrastructure.
- 6.7 Any retaining structures one (1) metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional

Engineer of Queensland (RPEQ) or equally qualified person at design submission and certified on completion of construction for compliance with the design.

- 6.8 All structures and buildings must comply with the provisions of *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*, relative to relevant infrastructure.

7.0 STORMWATER WORKS

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

- 7.2 All works must be designed, constructed and maintained in accordance with *Capricorn Municipal Development Guidelines (CMDG)*, *Queensland Urban Drainage Manual (QUDM)*, relevant guidelines, standards (including Australian Standards) and Council policies and certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ).

- 7.3 All stormwater including roof and allotment drainage must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition, or damage infrastructure.

- 7.4 Any application for Development Permit for Operational Works (stormwater works) must be accompanied by:

- (i) A detailed Stormwater Management Report certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ). The report must include the following but not limited to:

- (i) Details addressing stormwater quantity impacts and any required measures to mitigate. The volume of detention must be sufficient to attenuate the peak discharge from the site to ensure pre development flow regime, immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;
 - (ii) Drainage catchment layout plans for pre and post-development scenarios and discharge points;
 - (iii) Details addressing the stormwater quality impacts and any required measures to mitigate. The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with State Planning Policy. Rainfall and PET (Potential Evapo-Transpiration) details must be obtained from Council for any stormwater quality modelling (example: MUSIC);
 - (iv) Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of any existing drainage systems; and
 - (v) Designs for outlet systems. Considerations must be given to critical scour velocity, discharge frequency and duration at discharge location(s) and relevant management measures;

All ongoing maintenance and management actions necessary for any proposed stormwater quality management devices must be carried out by suitably qualified person(s) in a timely manner. A completed log book must be maintained and must be available on-site for inspection by Council and /or relevant authorities.

- (ii) A Flood Hazard Risk Assessment report supported by a flood study must be prepared in accordance with the framework outlined in AS/NZS ISO 31000:2009 Risk management and certified by a suitably qualified Registered Professional Engineer Queensland. The report must:

- (i) take into account all relevant flood event characteristics including

the Defined Flood Event (0.5% AEP flood event);

- (ii) investigate the level of risk to persons, health and property damage and Include necessary measures to mitigate the impacts; and
 - (iii) include the analysis of flood impacts due to the reduction in existing flood storage capacity within the floodplain storage area and details of mitigation measures demonstrating that the proposed development in its current form not adversely affect the upstream or downstream land when compared to pre-development condition or damage infrastructure.
- (iii) An Emergency Management and Evacuation plan must be prepared, implemented and readily available within the proposed development. Any such plan must identify the potential risks from natural and manmade hazards and how they would be addressed in terms of preventative measures and emergency procedures for each identified risk. The Emergency Management and Evacuation plan must include information related to:
- (i) flood hazard classifications;
 - (ii) risk preventive measures;
 - (iii) emergency procedures for each identified risk and warning time / systems; and
 - (iv) compliance and implementation of suitable measures in a timely manner for safe evacuation in the event of a flood.

The plans must be monitored and implemented at the site on an on-going basis. A periodic review must be undertaken by a suitably qualified person and any recommendations must be implemented to ensure safe operation and evacuation.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 Electricity and telecommunication connections must be provided to the proposed development to the requirements of the relevant authority.
- 8.2 All electricity and telecommunications infrastructure must be :
- (i) located above the defined flood level; or
 - (ii) is designed to exclude water intrusion and resist hydrodynamic and hydrostatic forces from damaging the infrastructure.

9.0 ASSET MANAGEMENT

- 9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 9.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 9.3 '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.

10.0 LANDSCAPING WORKS

- 10.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 10.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:
- (i) A plan documenting the “Extent of Works” and supporting documentation which includes:
 - (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (iv) underground and overhead services;
 - (v) typical details of critical design elements in relation to the ‘living wall’
 - (vi) details of landscape structures including areas of deep planting; and
 - (vii) specification notes on mulching and soil preparation.
 - (ii) A “Planting Plan” and supporting documentation which includes:
 - (i) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden; and
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting;
 - (v) The use of suitable local native plants in revegetation of areas near the rear boundary adjacent to Fig Tree Creek. (Council’s Natural Resource Management officers are available to advise on suitable endemic species)
- 10.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 10.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads ‘Guide to Traffic Engineering Practice’* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.5 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of use.
- 10.6 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 11.0 ENVIRONMENTAL
- 11.1 Undertake the activity 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.

11.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) site location / topography / soil type;
- (ii) objectives;
- (iii) concept;
- (iv) design details;
- (v) implementation procedures for construction and post construction phases of work.
- (vi) vegetation;
- (vii) interim drainage plan during construction;
- (viii) dust suppression;
- (ix) top soil management;
- (x) Acid sulphate soils; and
- (xi) erosion susceptibility and risk;

11.3 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

11.4 Any Operational Works application must demonstrate that vegetation external to the site will be removed if impacted by the development. To the extent that vegetation may be impacted by the development the related operational works application must provide relevant details to be considered by Council in the assessment of the application.

12.0 OPERATING PROCEDURES

12.1 The Child care centre use must not exceed a maximum capacity of 115 children and twenty-two (22) staff at any one time.

12.2 Hours of operation are restricted to between 0630 hours to 1830 hours, Monday to Friday.

12.3 A refuse storage area and must be provided on the site that:

- (i) is screened from view from a public place by a screen fence, or dense vegetation having a minimum height of 1.8 metres;
- (ii) has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system;
- (iii) is within proximity to a hose cock;
- (iv) is large enough to accommodate a least one (1) or more industrial bins of a size appropriate to the nature and scale of use.

12.4 All external elements, such as air conditioners, must be adequately screened from public view.

12.5 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"*.

- 12.6 All construction materials, waste and waste skips must be located and stored on-site. All construction materials and waste must be secured and not allowed to be washed or blown by the wind off-site. At all times machinery and contractor's vehicles must be parked so as to not unreasonably obstruct the road pavement, road verges/footpaths or any neighbouring property accesses.

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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnership website www.dsdsatsip.qld.gov.au

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Water and Sewerage Services

In accordance with the Water Supply (Safety & Reliability) Act 2008, it is an offence to interfere with a service provider's infrastructure. Livingstone Shire Council is the service provider and Infrastructure is the department responsible for water and sewerage services. Alterations to existing services consequential to necessary connections to existing sewerage and / or water infrastructure must be at the responsibility and cost of the Developer. Please contact Infrastructure for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.

NOTE 6. Flood Study

0.5% AEP flood information is not available. A specific flood study will be required to determine 0.5 % AEP events.

NOTE 7. Infrastructure Charges Notice

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

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Child care centre (115 places), made by C. and D. Thomasson, on Lot 53 on RP855451 and Lot 54 on RP602613, and located at 9 and 11 Tanby Road, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of \$20,680.00.

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

6.2 9.30AM DEPUTATION - RODNEY JACOBSEN - LAND AT KUNWARARA**File No:** GV**Attachments:** Nil**Responsible Officer:** Amanda Ivers - Coordinator Executive Support**Author:** Justine Schofield - Executive Assistant to the Mayor

SUMMARY*Mr Jacobsen will address the Councillors in relation to land at Kunwarara.***COUNCIL RESOLUTION**

THAT the Deputation be received.

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

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV

Attachments: 1. Business Outstanding January 2022 [↗](#)

Responsible Officer: Michael Kriedemann - 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

- 1) the Business Outstanding table for the Ordinary Council Meeting be received; and
- 2) Officers undertake an audit of resolutions passed for inclusion on the Business Outstanding table.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

7.2 LIFTING MATTERS LAYING ON THE TABLE**File No:** GV13.04.06**Attachments:** Nil**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

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

COUNCIL RESOLUTION

THAT Council resolves that the following reports which are currently 'laying on the table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting:

1. Development Application D-137-2021 – For a Material Change of Use for a Child Care Centre (115 Places) at 9-11 Tanby Road, Yeppoon.

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

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

11 REPORTS

11.1 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2021

File No: FM12.14.1

Attachments: 1. Monthly Financial Report - December 2021 [↗](#)

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Caitlyn Good - Management and Treasury Accountant
Katie Donovan - Graduate Accountant

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Hutton

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

I, Councillor Adam Belot, have a Prescribed Conflict of Interest in Item 11.3 – Development Application D-120-2021 for a Preliminary Approval (Variation Request), Material Change of Use (Tourist attraction, Tourist park, Short term accommodation and Renewable energy facility) and Reconfiguring a Lot (two lots into three lots), located at 1662 and Lot 393 Yeppoon Road, Mulara, as I am a shareholder of Surflakes Holdings Ltd.. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

I, Councillor Pat Eastwood, have a Prescribed Conflict of Interest in Item 11.3 – Development Application D-120-2021 for a Preliminary Approval (Variation Request), Material Change of Use (Tourist attraction, Tourist park, Short term accommodation and Renewable energy facility) and Reconfiguring a Lot (two lots into three lots), located at 1662 and Lot 393 Yeppoon Road, Mulara, as I am a shareholder of Surflakes Holdings Ltd.. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

10:55AM Deputy Mayor, Councillor Belot left the meeting.

10:55AM Councillor Eastwood left the meeting.

11.3 DEVELOPMENT APPLICATION D-120-2021 FOR A PRELIMINARY APPROVAL (VARIATION REQUEST), MATERIAL CHANGE OF USE (TOURIST ATTRACTION, TOURIST PARK, SHORT TERM ACCOMMODATION AND RENEWABLE ENERGY FACILITY) AND RECONFIGURING A LOT (TWO LOTS INTO THREE LOTS), LOCATED AT 1662 AND LOT 393 YEPPOON ROAD, MULARA

File No: D-120-2021

Attachments:

1. [Locality Plan](#)
2. [Overall Masterplan](#)
3. [Stage One Masterplan](#)
4. [Reconfiguring a Lot Plan](#)
5. [Planning scheme code assessment](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Liveability

Author: Jenna Davies - Principal Planning Officer

SUMMARY

Applicant: Surf Lakes Holdings Limited c/- Place Design Group

Consultant: Place Design Group

Real Property Address: Lot 1 on LN2240 and Lot 393 on LIV4064
Area of Site: Lot 1 – 321.054 hectares
Lot 393 – 291.374 hectares

Planning Scheme: *Livingstone Planning Scheme 2018*

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Overlay Map OM07 – Biodiversity – Habitat and Vegetation – Matters of State Environmental Significance

Existing Development: Dwelling house, associated buildings and cattle grazing. The Surf Lake has been constructed on Lot 1 as Operational Works.

Level of Assessment: Impact Assessable

Submissions: Nil

Referral matters: Clearing Native Vegetation (10.3.4.3.1)
Infrastructure – state transport infrastructure (10.9.4.1.1.1)
State transport corridors and future State transport corridors (10.9.4.2.1.1)
State transport corridors and future State transport corridors (10.9.4.2.4.1)
Ergon Energy

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

Application received:	29 March 2021
Application properly made:	4 June 2021

Development control unit meeting:	7 April 2021
Action notice issued:	13 April 2021
Response to Action notice received:	4 June 2021
Confirmation notice issued:	14 June 2021
Application referred to the State Assessment and Referral Agency:	23 July 2021
Application referred to Ergon:	16 July 2021
Information request issued:	2 July 2021
Information request response received:	12 October 2021
Public notification period:	28 October 2021 to 10 December 2021
Notice of compliance received:	15 December 2021
Submission consideration period:	Not applicable, no submissions received.
Ergon Energy response:	16 July 2021
State Assessment and Referral Agency response:	4 November 2021
Council meeting date:	18 January 2022
Statutory determination date:	24 January 2022

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Preliminary Approval (Variation Request) to vary the effect of the Local Planning Instrument (*Livingstone Planning Scheme 2018*, version 3) in accordance with the Surf Lake Local Plan ('SLLP' or Variation Instrument) pursuant to Section 50(3) of the *Planning Act 2016*; Development Permit for a Material Change of Use for a Tourist attraction (Surf Lake and associated facilities), Tourist park (fifty two (52) cabins and 100 caravan or tent sites), Short-term Accommodation (fifty two (52) cabins) and Renewable energy facility (stage one); and Development Permit for a Reconfiguration of a Lot (two (2) lots into three (3) lots), made by Surf Lakes Holdings Ltd, on Lot 1 on LN2240 and Lot 393 on LIV4064 and located at 1662 Yeppoon Road and Lot 393 Yeppoon Road, Mulara, Council resolves to Approve the application despite the development not meeting some of the assessment benchmarks pursuant to Section 60(3) and 61 of the *Planning Act 2016*, there are considered to be circumstances that favour Council exercising its discretion to approve the development. The circumstances are

- (i) The proposed development has been justified to comply with Specific Outcomes SO3 and SO5 of the Settlement pattern theme for rural places as the land uses require a large parcel of land, not suited to an urban area. Furthermore, the development seeks to utilise the rural nature of the site and surrounding sites as a feature and will not limit or compromise the agricultural capacity of the adjoining land for primary production through existing operations and buffers to boundaries.
- (ii) The proposed development has been justified to comply with Specific Outcomes SO2 and SO5 of the Natural environment and hazards theme for Natural hazards and climate change as the use will be carried out in accordance with the Bushfire Hazard Assessment and conditioned to ensure uses are above flood levels.
- (iii) The proposed development has been justified to comply with the Specific Outcomes of the Natural resources and economic development theme for Tourism as the main land

use on the subject site, being the Tourist attraction, is close to unique cultural features, achieves the rural places specific outcomes and will not compromise the agricultural land or productive capacity of surrounding rural land. The development provides accommodation for tourists and visitors and supports the growth of the tourism industry in the Shire.

- (iv) The proposed land uses are not preferred uses in the Rural zone. Despite not being preferred uses, the development is adequately separated from sensitive land uses (Dwelling houses on rural lots), will not limit existing rural activities on the two (2) balance lots and will not compromise future rural activities establishing on the surrounding land. Further, the proposed development is unique in respect of operational and siting needs and requires a large area of land with access and servicing provision that is not available in an urban, special purpose, or tourism zoned land.
- (v) The development either complies with, or has been conditioned to comply with, the relevant Performance Outcomes and Acceptable Outcomes of the Rural zone code, Bushfire hazard overlay code, Reconfiguring a Lot Code, Accommodation activities code, General development code and Development works code.
- (vi) The Surf Lake Local Plan, the subject of the variation request, is a reasonable, relevant and comprehensive assessment document for the appropriate future development of the Surf Lake tourism activities on proposed Lot 1.
- (vii) The development does not compromise the achievement of the State Planning Policy.
- (viii) On balance, the application should be approved because the development has been justified against the strategic framework and can be conditioned to comply with the assessment benchmarks.

RECOMMENDATION B

THAT in relation to the application for a Preliminary Approval (Variation Request) to vary the effect of the Local Planning Instrument (*Livingstone Planning Scheme 2018*, version 3) in accordance with the Surf Lake Local Plan ('SLLP' or Variation Instrument) pursuant to Section 50(3) of the *Planning Act 2016*; Development Permit for a Material Change of Use for a Tourist attraction (Surf Lake and associated facilities), Tourist park (fifty two (52) cabins and 100 caravan or tent sites), Short-term Accommodation (fifty two (52) cabins) and Renewable energy facility (stage one); and Development Permit for a Reconfiguration of a Lot (two (2) lots into three (3) lots), made by Surf Lakes Holdings Ltd, on Lot 1 on LN2240 and Lot 393 on LIV4064 and located at 1662 Yeppoon Road and Lot 393 Yeppoon Road, Mulara, Council resolves to Approve the application subject to the following conditions:

PART A - PRELIMINARY APPROVAL

1.0 DEFINITIONS AND INTERPRETATIONS

1.1 In this approval:

- 1.1.1. **Applicant** means Surf Lakes Holdings Ltd being the applicant for a preliminary approval affecting the Council's Planning Scheme with respect to the Subject Land.
- 1.1.2. **Approval** means the approval of the Application by the Council.
- 1.1.3. **Application means the Application made by the Applicant** to the Council on 29 March 2021 over the Subject Land for a Preliminary Approval varying the effect of Council's Planning Scheme for development consistent with the *Surf Lake Local Plan*.
- 1.1.4. **Capricorn Municipal Development Guidelines** means a document adopted by Council containing guidelines and standards for development, as amended from time to time.
- 1.1.5. **Conditions** mean the conditions of this approval including any

attachment referred to in these conditions.

- 1.1.6. **Council** means the local government authority having jurisdiction over land use and development on the subject land.
- 1.1.7. **Developer** means Surf Lakes Holdings Ltd or the registered proprietor and any occupier of the Subject Land.
- 1.1.8. **Infrastructure** means infrastructure reasonably required to service the proposed development including roads (internal, external and access), water services and stormwater drainage.
- 1.1.9. **Schedule of Plans for Trunk Infrastructure** means the infrastructure schedules mentioned in Council's *Local Government Infrastructure Plan* or any other plan which replaces it.
- 1.1.10. **Planning Act 2016** means the *Planning Act 2016* as amended from time to time.
- 1.1.11. **Subject Land** means proposed Lot 1 in accordance with Part C – Reconfiguring a Lot of this Decision Notice.
- 1.1.12. **Planning Scheme** means Council's *Livingstone Planning Scheme 2018*, version 3, in effect 15 February 2021.
- 1.1.13. **Local Plan Document** means the document titled 'Surf Lake Local Plan', listed under condition 3.1 of this approval, which includes the assessment table and development codes being a plan of the proposed development for a Material Change of Use, Reconfiguring a Lot, and Overlays, which affects Council's Planning Scheme with respect to the Subject Land, which in particular:
 - (i) states what development is:
 - (a) Assessable Development (requiring Code or Impact Assessment); or
 - (b) Accepted, subject to requirements; or
 - (c) Accepted Development; and
 - (ii) identifies codes for the development.

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, works, or requirements of this approval must be undertaken and completed to Council's satisfaction, at no cost to Council.
- 2.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council.

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1 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>Reference</u>	<u>Dated</u>
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Surf Lake Local Plan	Version 1.2, 1618030	8 October 2021
Overall Masterplan – Preliminary Approval Illustrative Plan	SK-PA-01, 1620025	11 October 2021
Traffic Impact Assessment	620.30100-R01-v1.0	25 March 2021
Traffic Technical Memorandum	620.30100-M02-v1.0 Surf Park Yeppoon - TTM 20211008	8 October 2021
Wastewater Treatment and Effluent Management Report	Project No: 212822, Ref AG/AG/101636RPT, Issue B	September 2021
Noise Impact Assessment	Document No: ATP200506-R-NIA-02, Issue 2	8 October 2021
Environmental Assessment Report	Project No 2020184, Issue 1, Rev 2	26 March 2021
Cultural Heritage Assessment and Native Title Duty of Care Assessment	Project No COS20001, Final Report V1.2	8 February 2021
Bushfire Hazard Assessment	Not referenced	February 2021

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 the first application for a Development Permit over the subject land.

4.0 REQUIRED DEVELOPMENT PERMIT(S)

4.1 Other development permits which are necessary to allow the development to be undertaken are listed below and these Conditions do not affect the need to obtain such permits, namely:

4.1.1. Development permits(s) for Reconfiguring a Lot;

4.1.2. Development permit(s) for Material Change of Use (where required);

4.1.3. Development permit(s) for carrying out Operational Work (where required);

4.1.4. Development permit(s) for Building work regulated under the Planning Scheme (where required);

4.1.5. Development permit(s) for all necessary Plumbing and Drainage Works; and

4.1.6. Development permit(s) for carrying out Building Work.

4.2 A Development Permit for Operational Works, Plumbing and Drainage Works or Building Works for development associated with this Approval must not be issued prior to the receipt of the relevant Material Change of Use development permit(s).

5.0 PLANNING FRAMEWORK

Preamble - This is a preliminary approval (variation request) for a Material

Change of Use, Reconfiguring a Lot, Building Work and Operational Works, to vary the effect of Council's Planning Scheme under Section 50(3) of the Planning Act 2016 for development in accordance with the proposed Surf Lake Local Plan (the Local Plan Document). The Local Plan Document varies the Table of Assessment for Building work regulated under the planning scheme and Operational Work however, any reference to the Rural Zone or Rural zone code is to be substituted for a reference to the Local Plan. The Local Plan Document overrides the Planning Scheme overlays and no changes to the category of development or assessment occurs.

The Local Plan Document is an independent document which is the sole reference for the determination of any application over the Subject Land for a Material Change of Use, Reconfiguring a Lot, Building Work and Operational Works, in accordance with this approval. The subject land must be developed generally in accordance with the approved Local Plan Document (refer to condition 3.1).

- 5.1 To remove any doubt the process for determining a category of development and category of assessment is for any development on the Subject Land is section 2.3 of the Local Plan Document for the purposes of this approval and the development of a tourist attraction based around the core surf lake with a series of associated activities and accommodation.

- 5.2 The planning scheme overlays do not apply to the Plan Area in the *Surf Lake Local Plan* and do not change the category of development or assessment under the local plan document.

6.0 CURRENCY PERIOD

- 6.1 The currency period for this Preliminary Approval is ten (10) years from the date the approval takes effect.

7.0 STAGED DEVELOPMENT

- 7.1 Infrastructure must be provided by the developer in a co-ordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence.

- 7.2 Infrastructure (for example: road, property accesses, water, sewer, services) must be provided (if necessary) to the development or lots or stage boundaries for connectivity and to facilitate ease of extension of these Infrastructure during future stages.

8.0 INFRASTRUCTURE CHARGES

Preamble – In order for development to proceed, infrastructure must be available (or be capable of being made available) to service the development proposed on the Subject Land.

- 8.1 Infrastructure must be provided by the Developer in a co-ordinated and a planned manner having regard to the staging of the development in a logical and orderly sequence.

- 8.2 Pursuant to the *Planning Act 2016*, the Developer may enter into an Infrastructure Agreement with Council, which specifies the development obligations relating to infrastructure for future development of the site.

9.0 ROAD WORKS

- 9.1 The proposed Rural Wide Median Treatment and associated intersection works must not damage or impact any Council infrastructure. Any application for a Development Permit for Operational Works (road works) must be provided with a detailed layout demonstrating safety of Council infrastructure.

10.0 WATER WORKS

- 10.1 The development must be connected to Council' reticulated water supply.
- 10.2 A special service arrangement must be established with the relevant service providers.

11.0 STORMWATER DRAINAGE WORKS

- 11.1 All stormwater management works must be designed and constructed in accordance with the Stormwater Management Plan (refer to condition 3.1), the *Capricorn Municipal Development Guidelines*, *Queensland Urban Drainage Manual*, *State Planning Policy*, sound engineering practice, and the provisions of a Development Permit for Operational Works (stormwater works).
- 11.2 All stormwater including roof and allotment drainage must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development conditions or damage infrastructure.
- 11.3 The Stormwater Management Plan (refer to condition 3.1) must be updated and replaced with a Registered Professional Engineer of Queensland certified detailed stormwater quantity and quality management report. The detail analysis of relevant drainage catchments, pre and post development flows, flow routing, and attenuation must be undertaken using industry standard hydrological/ hydraulic software in accordance with best practices. The report must be submitted as part of the first material change of use or operational works application for the development.

12.0 ASSET MANAGEMENT

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

PART B – MATERIAL CHANGE OF USE (STAGE 1)

13.0 ADMINISTRATION

- 13.1 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.
- 13.2 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.
- 13.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 13.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to commencement of use, unless otherwise stated.
- 13.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to prior to commencement of use, unless otherwise stated.

- 13.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 13.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - (v) Earthworks; and
 - (vi) Landscaping Works;
- 13.6.2 Building Works; and
- 13.6.3 Plumbing and Drainage Works.
- 13.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
- 13.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 13.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 13.10 Stage one in accordance with Part B of this approval, must not occur until the survey plan has been registered with Titles Queensland for proposed Lot 1 in accordance with Part C of this approval.
- 13.11 This approval includes fifty two (52) cabins that are able to be used interchangeably as either a Tourist park or Short term accommodation.
- 14.0 APPROVED PLANS AND DOCUMENTS
- 14.1 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>
Stage 1 Overall Masterplan	1620025, SK-MCU-ST1-02	11 October 2021
Stage 1 MCU – Stage 1A	1620025, SK-MCU-ST1-03	11 October 2021
Stage 1 MCU – Stage 1B	1620025, SK-MCU-ST1-04	11 October 2021
Stage 1 MCU – Stage 1C	1620025, SK-MCU-ST1-05	11 October 2021
Stage 1 MCU – Stage 1D	1620025, SK-MCU-ST1-06	11 October 2021
Stage 1 MCU – Stage 1E	1620025, SK-MCU-ST1-07	11 October 2021
Bushfire Hazard Assessment by Queensland Bushfire Planning	Not numbered	February 2021
Statement of Landscape Intent Surf Lakes Yeppoon Stage 1 SLI	1620025, Revision B	8 October 2021
Surf Lakes Yeppoon Urban Design Report	1620025, Revision B	7 October 2021

Noise Impact assessment	ATP200506, revision 1, issue 2	11 October 2021
Traffic Technical Memorandum	SLR Consulting (Ref 620.30100-MO2 –v1.0)	8 October 2021
Stormwater Management Plan	REFERENCE: JM/JM/101593RPT-Issue B	September 2021
Engineering Services Report	REPORT NO: CT/CT/101609RPT ISSUE B	September 2021
Traffic Impact Assessment (Car parking Considerations – clauses 5 and 6)	620.30100-R01-V1.0	25 March 2021
DA Services Report (for section 2.1.3 for proposed infrastructure (electrical), 2.2 Telecommunications, 2.3 Lighting and section 3 Energy Services)	301350197, revision 006	8 October 2021
General arrangement plan - Pavilion	DD-2000, Revision B	26 March 2021
Cabin – Type 1 (Studio)	DD-2010, Revision B	26 March 2021
Cabin – Type 2 (Accessible Studio)	DD-2011, Revision B	26 March 2021
Cabin – Type 3 (2 bedroom)	DD-2012, Revision B	26 March 2021
Cabin – Type 4 (Dual)	DD-2013, Revision B	26 March 2021
General arrangement plan – Pump Room	DD-2020, Revision B	26 March 2021
Building Elevations – Pavilion	DD-3000, Revision B	26 March 2021
Building Elevations and Sections – Type 4 (Dual)	DD-3010, Revision B	26 March 2021
Building Elevations – Pump room	DD-3020, Revision B	26 March 2021

14.2 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.

14.3 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.

15.0 STAGED DEVELOPMENT

15.1 This approval is for a development to be undertaken in five (5) discrete stages, namely:

15.1.1 Surf Lake, Pavilion, car parking, storage compound, access, pump room and storage water (Stage 1A);

15.1.2 thirty two (32) interim camp sites, ten (10) interim glamping camp sites, pop up food and beverage and amenities (Stage 1B);

- 15.1.3 Research and development lake, skate park, scuba pool, fifteen (15) cabins and vehicle washdown (Stage 1C);
- 15.1.4 removal of interim camp sites as per stage 1B and replaced with Village green, ten (10) cabins, seven (7) 6x9 metre cabins and twelve (12) 6x6 metre cabins, amenities and kitchen, thirty five (35) camping sites and group camping areas (total of 44 sites) (Stage 1D);
- 15.1.5 lagoon and learn to surf, eight (8) hybrid cabins, twenty one (21) tent sites, solar inverter and solar farm (Stage 1E),
in accordance with the approved plans (refer to condition 14.1).
- 15.2 The stages are not required to be undertaken in any chronological order.
- 15.3 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 16.0 **ROAD WORKS**
- 16.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 16.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 14.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 16.3 Road access works at the road access location comprising a Rural Wide Median Treatment, (at the proposed intersection on Yeppoon Road) must be provided generally in accordance with Modified Rural Wide Median Treatment, prepared by Covey Associates Pty Ltd, dated 17 August 2021, reference SK004 and Issue A (refer to the Traffic Technical Memorandum as per condition 14.1) and must comply with the requirements of the relevant authorities.
- 16.4 The proposed Rural Wide Median Treatment and associated intersection works must not damage or impact any Council infrastructure. Any application for a Development Permit for Operational Works (road works) must be provided with a detailed layout demonstrating safety of Council infrastructure.
- 16.5 The proposed Stage 1 road (refer to condition 14.1) must be designed and constructed to comply with a "*Rural Major Collector*" road classification standard with agreed verge widths. The extent of the full width road seal must be a minimum twenty (20) metres past the proposed access location to the eastern car park area.
- 16.6 All new Council roads must be provided with street lighting. Street and public space lighting must be provided in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*, and road, street and public place lighting policy and procedures.
- 16.7 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 16.8 Any application for a Development Permit for Operational Works (road works) must include (but is not limited to);
 - 16.8.1 a detailed design drawing for the proposed new road (subject full length of the Council leg) detailing the proposed design configuration and extent of road and seal works, main development entry and exit intersection types (for both stage 1 and ultimate development), and any pedestrian and cycle provisions;
 - 16.8.2 details to demonstrate compliance with drainage (flood immunity and trafficability requirements) and street lighting requirements; and
 - 16.8.3 details, including signage of the Council approved road names for all new

roads.

- 16.9 The termination of the proposed stage 1 road (refer to condition 14.1) must include;
- 16.9.1 a temporary turning area (sealed or equivalent standards) which facilitates safe turning movements of the relevant design vehicle;
 - 16.9.2 details of the swept path analysis; and
 - 16.9.3 associated stormwater and public street lighting infrastructure.

The development must not rely on the above turn around area. As part of future road works within the subject road reserve Council may extinguish the subject turnaround area. All necessary manoeuvring and turnaround areas required by the development generated vehicle(s) must be provided within the development site.

17.0 ACCESS AND PARKING WORKS

- 17.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 17.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 14.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 17.3 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 17.4 All internal private access roads must be designed and constructed including necessary drainage and lighting systems to ensure safe vehicle and pedestrian movements.
- 17.5 A commercial standard access driveway must be designed and constructed. The width of the access driveway(s) and its locations must demonstrate compliance with the detailed swept path analysis of the design vehicle.
- 17.6 All ingress and egress traffic movements to and from the development must be in a forward direction (forward gear).
- 17.7 The provision of off-street car parking requirements for Tourist and Non-tourist attractions must comply with Table 4 (stage 1 and stage 2) – Revised Parking Requirements of the Traffic Technical Memorandum and Parking accumulation profile(s) of the Traffic Impact Assessment (Car parking Considerations – Clauses 5 and 6). The proposed Stage 1 of the development must be provided, with a minimum of 302 car parking spaces including minimum of seven (7) universal parking spaces, out of which;
- 17.7.1 Minimum of 184 spaces must be provided for the Tourist park and Short-term accommodation, with one (1) car parking space provided adjacent to each cabin and space for one (1) vehicle per camp site; and
 - 17.7.2 Minimum of 118 spaces must be provided for the Tourist attraction.
- 17.8 Proposed Stage 1 of the development must be provided with separate parking and manoeuvring areas within the site for all relevant modes of transport generated by the use including bicycles, buses, trucks, taxis, emergency vehicles, refuse collection vehicles, and maintenance vehicles.
- 17.9 Universal parking spaces must be provided in accordance with the *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 17.10 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 17.11 Access intersections between the main development entry and exit and proposed

stage 1 road must be provided with public street lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*, and Road, street and public place lighting policy and procedures.

17.12 Any application for a Development Permit for Operational Works (access and parking works) must:

17.12.1 provide details and demonstrate sufficient entering queue space is available at all site entry point (s) for Stage 1 and ultimate development (a sensitivity check is required for the ultimate stage);

17.12.2 be accompanied by design drawings of proposed access intersections between the main development entry and exit and proposed stage 1 road (for both stage 1 and ultimate stage), and include details of allowable types of ingress and egress traffic movements at each access locations, queuing distances, access spacing details, intersection treatment types, compliant lighting and drainage provisions and swept path movements for the relevant design vehicle(s);

17.12.3 include relevant intersection sight distance details;

17.12.4 include a detailed layout of the parking module accommodating provisions for set down and drop-off facilities, taxi parking if any, public transport, bus parking and set down areas, loading and unloading zones, emergency vehicle parking areas, maintenance vehicle parking areas, waste / refuse collection bay (refer condition 5.6);

17.12.5 be accompanied by a layout of interconnecting access roads and detailed swept path analysis of the design vehicle to demonstrate safe and free flow of traffic movements within the site from relevant entry points to exit points; and

17.12.6 include details including immunity levels to demonstrate that stormwater runoff from parking and vehicular manoeuvring areas are discharged lawfully; and

17.12.7 include sufficient details regarding technical parameters associated with the internal private access roads (geometric details, pavement details, seal type, necessary lighting details and drainage immunity details) to ensure safe operation.

17.13 An Internal Operational Plan must be implemented over the lifespan of the development to address traffic management including internal vehicle parking, service vehicle entries and manoeuvres and to meet the requirements of separate users adequately and orderly. The Operational Plan must be:

17.13.1 Implemented for all uses within the site on an on-going basis; and

17.13.2 made available to Council officers upon request.

18.0 SEWERAGE WORKS

18.1 The development must be connected to suitably sized on-site sewage treatment and disposal system designed and constructed to comply with requirements of relevant authorities.

19.0 WATER WORKS

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

19.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 14.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).

- 19.3 The development must be connected to Council's reticulated water supply.
- 19.4 The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by the service provider.
- 19.5 A special service arrangement must be established with relevant service providers.
- 19.6 The proposed development must be provided with a master meter at the property boundary and if necessary sub-meters for each individual tenancy or sole occupancy units in accordance with the *Queensland Plumbing and Wastewater Code* and *Council's Sub-metering Policy*.
- 20.0 **STORMWATER WORKS**
- 20.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 20.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 14.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, State Planning Policy, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 20.3 All stormwater including roof and allotment drainage must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development conditions or damage infrastructure.
- 20.4 The Stormwater Management Plan (refer to condition 14.1) must be updated and replaced with a Registered Professional Engineer of Queensland certified detailed stormwater quantity and quality management report. The detail analysis of relevant drainage catchments, pre and post development flows, flow routing, and attenuation must be undertaken using industry standard hydrological/ hydraulic software in accordance with best practices.
- 20.5 Any application for Development Permit for Operational Works (stormwater works or earthworks, whichever occurs the sooner) must accompany a detailed stormwater quantity and quality management report certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ). The report must include the following but not limited to:
- 20.5.1 Details addressing stage 1 and ultimate stormwater quantity impacts and measures to mitigate. The volume of any detention must be sufficient to attenuate the peak discharge from the site to ensure no nuisance due to the flow regime, immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;
- 20.5.2 Drainage catchment layout plans for pre and post-development scenarios;
- 20.5.3 Details of discharge point(s) demonstrating compliance with lawful discharge requirements;
- 20.5.4 Details addressing stage 1 and ultimate stormwater quality impacts and measures to mitigate. The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with State Planning Policy. Rainfall and Potential Evapo-Transpiration details must be obtained from Council for any stormwater quality modelling (example: MUSIC);
- 20.5.5 Provisions for the discharge management of the facility;
- 20.5.6 Details of finished ground levels, free board requirements and habitable floor levels for stage 1 and ultimate development;
- 20.5.7 Detailed engineering plans with details of any new drainage systems, or the

amendment and upgrading of any existing drainage systems; and

- 20.5.8 Designs of outlet systems. Considerations must be given to critical scour velocity, discharge frequency /duration at the discharge location(s) and relevant management measures;
- 20.6 All ongoing maintenance and management actions necessary for any proposed stormwater quality management devices must be carried out by suitably qualified person(s) in a timely manner. A completed log book must be maintained and must be available on-site for inspection by Council and /or relevant authorities.
- 20.7 All new culvert structure associated with the development must be designed and constructed to ensure safe trafficability during the Defined Flood Event.
- 20.8 The development must be resilient to the adverse impacts of a flood by locating the floor level of all building rooms used for habitation or work, a minimum of 300 millimetres above the level of a flood event of at least the annual exceedance probability specified in Table SC5.1.1 located in Schedule 5 of the planning scheme.
- 21.0 EARTHWORKS
- 21.1 A Development Permit for Operational Works (earthworks) must be obtained prior to the commencement of any site works.
- 21.2 Any application for a Development Permit for Operational Works (earthworks) must be accompanied by an earthworks' plan which clearly identifies the following:
- 21.2.1 the location of cut and/or fill;
- 21.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 21.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 21.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
- 21.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 21.3 Lot and embankment filling must be carried out to comply with Level 1 certification requirements in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments*, to confirm as "controlled fill" upon completion.
- 21.4 Any application for Development Permit for Operational Works (earth works) must accompany a layout plan certifying finished ground levels, habitable floor level and freeboard requirements supported by a detailed Registered Professional Engineer of Queensland certified stormwater quantity and quality management report (refer condition 20.5).
- 21.5 Earthworks must be undertaken such that stormwater runoff is managed and discharged lawfully and must not adversely affect the adjoining properties compared to pre-development conditions or damage infrastructure.
- 21.6 All earthworks must be undertaken to ensure that no adverse impact results from an increase in:
- 21.6.1 peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive); or
- 21.6.2 downstream or upstream flood inundation levels; or
- 21.6.3 velocity profiles.
- 22.0 PLUMBING AND DRAINAGE WORKS
- 22.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any Plumbing and Drainage Works on proposed Lot 1.

- 22.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 14.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 22.3 The development must be provided with adequate fire-fighting protection, in accordance with *Australian Standard AS2419.1 'Fire Hydrant Installations'* and onsite fire-fighting equipment. To remove all doubt, additional facilities must be provided in accordance with the requirements for the location, number, pressure, and other provisions for hydrants, as per the Standard. Should the existing hydrant not comply with the requirements, it must be upgraded in accordance with the Standard.
- 22.4 Any alteration or relocation of internal plumbing and drainage works associated with the building(s) must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 23.0 **BUILDING WORKS**
- 23.1 A Development Permit for Building Works must be obtained prior to the commencement of any Building Works on proposed Lot 1.
- 23.2 All roof and allotment drainage must be discharged lawfully.
- 23.3 All buildings and structures must comply with the provisions of the *Queensland Development Code - Mandatory Part 1.4*.
- 23.4 All habitable floor levels and freeboard requirements must be certified and supported by a detailed Registered Professional Engineer of Queensland certified stormwater quantity and quality management report (refer condition 20.5).
- 24.0 **LANDSCAPING WORKS**
- 24.1 A Planting Plan and supporting documentation must be submitted for approval by Council prior to establishment of the landscaping or commencement of use. The landscaping works must be generally in accordance with the Landscape Intent (refer condition 14.1) and must document the "Extent of Works" which includes, but is not limited to:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design). It is recommended to retain the regrowth vegetation in the buffer areas as it is naturally regrowing and will be best suited to the site;
 - (ii) landscaping internal to the site should be native species (refer to advisory note 7);
 - (iii) the extent of soft and hard landscape proposed;
 - (iv) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (v) underground and overhead services;
 - (vi) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - (vii) details of landscape structures including areas of deep planting;
 - (viii) specification notes on mulching and soil preparation.
 - (ix) trees, shrubs and groundcovers to all areas to be landscaped;
 - (x) position and canopy spread of all trees and shrubs;
 - (xi) the extent and type of works (inclusive but not limited to paving, fences and

- garden bed edging);
- (xii) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting; and
 - (xiii) mature plantings in the buffer areas of the site.
- 24.2 Landscaping must not increase the exposure of a habitable building not located in a building protection zone to a bushfire hazard and be in accordance with the bushfire hazard assessment (refer to condition 14.1).
- 24.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 24.4 Root barriers must be provided between proposed trees and relevant infrastructure.
- 24.5 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 24.6 A minimum ten (10) metre wide vegetation buffer must be planted to all boundaries (except for the location of the Renewable energy facility area). The vegetation buffers must assist with visually screening the development from the surrounding area and must be established with fast growing or mature screening species that are endemic to the location. The buffer, to all boundaries, must be planted as part of Stage one. The buffer must be in accordance with the Landscape Intent and Urban Design Report (refer to condition 14.1).
- 24.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 25.0 ELECTRICITY AND TELECOMMUNICATIONS
- 25.1 Electricity and telecommunication connections must be provided to the proposed development in accordance with the DA Services Report (refer to condition 14.1) and to the standards of the relevant authorities.
- 26.0 ASSET MANAGEMENT
- 26.1 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.
- 26.2 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.
- 26.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 27.0 ENVIRONMENTAL
- 27.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;

- (ii) erosion and silt/sedimentation management;
 - (iii) acid sulphate soils;
 - (iv) fauna management;
 - (v) vegetation management and clearing;
 - (vi) top soil management;
 - (vii) interim drainage plan during construction;
 - (viii) construction programme;
 - (ix) geotechnical issues;
 - (x) weed control;
 - (xi) bushfire management;
 - (xii) emergency vehicle access;
 - (xiii) noise and dust suppression; and
 - (xiv) waste management.
- 27.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 27.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 27.4 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 27.5 The development must be undertaken in accordance with the recommendations in the approved Bushfire Hazard Assessment (refer to condition 14.1).
- 28.0 FAUNA MANAGEMENT AND HABITAT
- 28.1 A suitably qualified fauna spotter / catcher must be engaged to conduct a pre-assessment of wildlife habitats and breeding places prior to any clearing in the road reserve and on proposed Lot 1. 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.

- 28.2 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. Directional clearing must be undertaken to reduce the risk of fauna heading towards Yeppoon Road. Records must be made available to Council on request.
- 28.3 A record of fauna observed, relocated, injured or killed must be kept and provided to Council on request.
- 28.4 Clearing is to be avoided in breeding and nesting seasons where possible.
- 28.5 Proposed Lot 1 must be provided with wildlife movement infrastructure including:
- 28.5.1 Fauna exclusion fencing along roadways;
 - 28.5.2 Fauna friendly fencing along boundaries; and
 - 28.5.3 Speed limits on internal roads.
- 28.6 Any fences constructed must be:
- 28.6.1 using non-combustible or fire retardant materials within twenty (20) metres of any building used for accommodation;
 - 28.6.2 with gates that can be freely accessed for fire-fighting purposes (if applicable); and
 - 28.6.3 to not impede the safe movement of fauna (where applicable); and
 - 28.6.4 in accordance with the approved Bushfire hazard assessment (refer to condition 14.1).
- 28.7 Relocation of the identified *Stackhousia tryonii* must be undertaken. Council's Natural Resource Management team can be contacted for further information.
- 29.0 OPERATING PROCEDURES
- 29.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Yeppoon Road or the newly constructed road.
- 29.2 Noise must be mitigated and managed in accordance with the Noise impact assessment report (refer to condition 14.1).
- 29.3 Outdoor lighting must be designed, installed and maintained in accordance with the DA Services report (refer to condition 14.1), requirements of the current version of the *Australian Standard AS4282 - Control of the obtrusive effects of outdoor lighting* and *Australian Standard AS1158: Public Lighting Code*.
- 29.4 The activities must be undertaken in a manner that does not allow environmental nuisance 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.
- 29.5 Refuse disposal container(s) and container storage areas for the Tourist park and Short term accommodation must be provided:
- 29.5.1 throughout the premises must be sited at one-hundred (100) metre intervals; and
 - 29.5.2 screened from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres.
- 29.6 The Tourist attraction must be provided with a refuse container and container storage

area that:

- 29.6.1 is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.8 metres;
 - 29.6.2 has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system;
 - 29.6.3 is within proximity to a hose cock;
 - 29.6.4 is large enough to accommodate at one (1) or more industrial bins of a size appropriate to the nature and scale of use; and
 - 29.6.5 is not located within three (3) metres of the common property boundary where adjoining a lot within a residential category zone or township zone.
- 29.7 A Water Discharge Management Plan for safe draining of the facility (Surf Lake) must be prepared and implemented taking into account lawful discharge, flooding impacts, public safety and damage to infrastructure. The plan must be certified by a suitably qualified person and is subject to compliance and implementation of suitable measures in a timely manner for safe operation.
- 29.8 Cabins and sites of the Tourist park and Short term accommodation must be provided with:
- 29.8.1 appropriately designed and sited numbering which clearly identifies the cabin or site number; and
 - 29.8.2 appropriately designed and sited signage for way finding and premises identification.

PART C – RECONFIGURING A LOT

30.0 ADMINISTRATION

- 30.1 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.
- 30.2 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.
- 30.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 30.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 30.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 30.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 30.7 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.

31.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Reconfiguration Plan	6711-01-ROL, Issue D, sheet 1 of 1	13 October 2020

31.2 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.

31.3 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.

32.0 ACCESS WORKS

32.1 A compliant vehicle access must be designed and constructed to proposed Lot 3 in accordance with the *Capricorn Municipal Development Guidelines, standard drawing CMDG-R-040, titled as rural road access and property access over table drain*. Any non-compliant vehicle access driveway will require a Development Permit for Operational Works (access works) prior to the commencement of any vehicle access works associated with that lot.

32.2 Proposed Lot 1 must maintain access from Tookers Road, in accordance with the current agreement with Council, until such time the new road access from Yeppoon Road is constructed as part of Part B and Part C of this approval and the Concurrence Agency conditions.

32.3 The existing access to proposed Lot 2 must be maintained.

33.0 STORMWATER WORKS

33.1 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition or damage infrastructure.

34.0 EARTHWORKS

34.1 Earthworks must be undertaken such that stormwater runoff is managed and discharged lawfully and must not adversely affect the adjoining properties compared to pre-development conditions or damage infrastructure.

35.0 ASSET MANAGEMENT

35.1 Any damage or alteration to existing council infrastructure including traffic signs and pavement marking and other public or private utility which occurs during any works carried out in association with the approved development must be repaired and/or replaced at the cost of the Developer.

36.0 ENVIRONMENTAL

36.1 An Erosion and Sediment Control Plan must be implemented and maintained on-site for the duration of the works. The Erosion and Sediment Control Plan must be available on-site for inspection by Council Officers during those works.

37.0 OPERATING PROCEDURES

37.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Yeppoon Road or the unconstructed road reserve.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander and Multicultural Affairs website <https://www.dsdsatsip.qld.gov.au/>

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Water Services

In accordance with the *Water Supply (Safety & Reliability) Act 2008*, it is an offence to interfere with a service provider’s infrastructure. Livingstone Shire Council is the service provider and Infrastructure is the department responsible for water services. Alterations to existing services consequential to necessary connections to existing water infrastructure must be at the responsibility and cost of the Developer. Please contact Infrastructure for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.

NOTE 5. Provision for on-site sewer services

On-site sewerage and disposal must be provided for all lots in accordance with the *Queensland Plumbing and Waste Water Code* and Council Plumbing and Drainage Policies. On-site sewerage and disposal facilities must be installed at the issue of building approvals.

NOTE 6. Infrastructure Charges Notice

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

NOTE 7. Clearing in the road reserve

Council’s assessment of clearing vegetation in the road reserve will be undertaken in accordance with the Accepted Development Vegetation Clearing Code for relevant infrastructure and is accepted under schedule 7, part 3, section 12 of the *Planning Regulation 2017*. The limit of the clearing is to twenty (20) wide and two (2) hectares. If clearing occurs beyond the code, a Development Application for Operational Works for Clearing vegetation is required to be lodged for assessment.

NOTE 8. Landscaping

Council’s Natural Resource team can assist further with native species that are endemic and compatible with the design. The use of natives will also reduce weeds.

RECOMMENDATION C

THAT in relation to the application for a Preliminary Approval (Variation Request) to vary the

effect of the Local Planning Instrument (*Livingstone Planning Scheme 2018*, version 3) in accordance with the Surf Lake Local Plan ('SLLP' or Variation Instrument) pursuant to Section 50(3) of the *Planning Act 2016*; Development Permit for a Material Change of Use for a Tourist attraction (Surf Lake and associated facilities), Tourist park (fifty two (52) cabins and 100 caravan or tent sites), Short-term Accommodation (fifty two (52) cabins) and Renewable energy facility (stage one); and Development Permit for a Reconfiguration of a Lot (two (2) lots into three (3) lots), made by Surf Lakes Holdings Ltd, on Lot 1 on LN2240 and Lot 393 on LIV4064 and located at 1662 Yeppoon Road and Lot 393 Yeppoon Road, Mulara, Council resolves to issue an Infrastructure Charges Notice for the amount of \$854,100.90.

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

PROCEDURAL MOTION

11.21AM

THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

11.41AM

THAT the meeting be resumed.

Moved by: Councillor Mather
MOTION CARRIED UNANIMOUSLY

11:41AM Councillor Eastwood returned to the meeting.

11:41AM Deputy Mayor, Councillor Belot returned to the meeting.

11.4 ENVIRONMENTAL SUSTAINABILITY IN LIVINGSTONE: THE YEAR IN REVIEW 2021

File No: 11.12.3

Attachments: 1. Environmental Sustainability in Livingstone: The Year in Review 2021 [⇒](#)

Responsible Officer: David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Executive Director Liveability & Wellbeing

Author: Matthew Baldock - Principal Sustainability Officer

SUMMARY

The *Environmental Sustainability in Livingstone: The Year in Review 2021* report has been compiled to showcase all of the projects, plans, initiatives, and other activities under Environmental Sustainability which have been delivered in 2021, as identified in relevant corporate governance documents. The report also provides a list of proposed activities in the year ahead and highlights a number of projects, plans, initiatives, and other activities which will need to be resourced to be delivered in future years. The past year has by in large been a successful year with a number of key outcomes achieved, despite challenges with resources, funding and Covid 19.

COUNCIL RESOLUTION

That Council: Receive the *Environmental Sustainability in Livingstone: The Year in Review 2021* report.

Moved by: Councillor Friend

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

I, Councillor Rhodes Watson, have a Declarable Conflict of Interest in Item 11.5 – Bangalee Beach Access Reference Group, as I own a property at Bangalee. Consequently, I will leave the Chambers for the discussion and voting in relation to this matter.

11:50AM Councillor Watson left the meeting.

11.5 BANGALEE BEACH ACCESS REFERENCE GROUP

File No: CR2.13.40
Attachments: 1. Terms of Reference [⇒](#)
Responsible Officer: Michael Kriedemann - Acting Chief Executive Officer
Author: Tony Lau - Acting Executive Director Infrastructure
Previous Items: 8.7 - Bangalee Beach Access Reference Group - Briefing Session - 07 Dec 2021 9.00am

SUMMARY

Officers presented the draft Terms of Reference for the Bangalee Beach Access Reference Group at the December 2021 briefing session. Officers have since received comments and feedback from Council and now seek resolution to adopt the Terms of Reference and form the Reference Group.

OFFICER'S RECOMMENDATION

THAT Council resolves to endorse the draft Terms of Reference and supports the composition of the Bangalee Beach Access Reference Group.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table, pending clarification of previous resolutions, to return to a future Council Meeting.

Moved by: Deputy Mayor, Councillor Belot

MOTION CARRIED

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

Cr A Friend voted in the negative.

12:03PM Councillor Watson returned to the meeting.

11.6 EMU PARK WEST RESERVOIR PROJECT - BUDGET INCREASE

File No: WS32.03.04
Attachments: Nil
Responsible Officer: Tony Lau - Acting Executive Director Infrastructure
Author: Nige Deacon - Manager Water and Waste Operations

SUMMARY

The purpose of this report is to seek Council's endorsement to increase the budget allocation for Emu Park West Reservoir project in order to award a contract to the preferred tenderer and deliver the project.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Increase the total budget allocations within the 2021/2022 & 2022/2023 financial years for the Emu Park West Reservoir project from \$2.5M to \$3.102M;
2. Carryover an estimated \$2.15 M from current approved 2021/22 budget into 2022/23 based on revised total projected expenditure of \$0.35 M in 2021/22 and \$2.15 M in 2022/23.
3. Note that the increased remaining allocation of \$2.752M will reduce the available capital budget for other projects yet to be prioritised in the 2022/2023 budget process by a total of \$0.602 M.

Moved by: Councillor Friend
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.7 RESPONSE TO QUESTIONS ON NOTICE - DRAINAGE ISSUE 4-6 RICHARD STREET, EMU PARK**File No:** CR2.13.38**Attachments:**

- 1. QoN - 21 December 2021 [⇒](#)
- 2. Contour map - 4-6 Richard Street, Emu Park [⇒](#)
- 3. 4-6 Richard Street - Google street view image [⇒](#)

Responsible Officer: Tony Lau - Acting Executive Director Infrastructure**Author:** Kat Groves - Executive Assistant to Director Infrastructure Services**Previous Items:** 12.3 - Questions on Notice - Councillor Mather - Drainage Issue 4-6 Richard Street, Emu Park - Ordinary Council - 21 Dec 2021 9.00am

SUMMARY

This report provides a response to Questions on Notice tabled by Councillor Mather at the Ordinary Council meeting on 21 December 2021.

COUNCIL RESOLUTION

THAT Council resolves to receive the report providing a response to Councillor Mather's Questions on Notice regarding drainage issues at 4-6 Richard Street, Emu Park.

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

12 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

12.1 QUESTIONS ON NOTICE - COUNCILLOR NIGEL HUTTON - TARANGANBA ROAD

File No: GV13.4.4

Attachments: 1. Questions on Notice - Councillor Nigel Hutton - Taranganba Road [↗](#)

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Nigel Hutton submitted a request to include the attached Questions on Notice at the Council Meeting 18 January 2022.

COUNCIL RESOLUTION

THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to a future Council meeting.

Moved by: Councillor Hutton

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

12.2 QUESTIONS ON NOTICE - COUNCILLOR NIGEL HUTTON - TREES**File No:** GV13.4.4**Attachments:** 1. Questions on Notice - Councillor Nigel Hutton - Trees [⇒](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Nigel Hutton submitted a request to include the attached Questions on Notice at the Council Meeting 18 January 2022.

COUNCIL RESOLUTION

THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to a future Council meeting.

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

12.3 NOTICE OF MOTION - COUNCILLOR NIGEL HUTTON - BOTANIC TRAIL**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Councillor Nigel Hutton - Botanic Trail [📄](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY*Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to Botanic Trail.***COUNCIL RESOLUTION**

THAT Council seek funding opportunities to create the Livingstone Botanic Trail from 'the Bush to the Bay'

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

12.4 NOTICE OF MOTION - COUNCILLOR NIGEL HUTTON - ELECTRIC VEHICLES**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Councillor Nigel Hutton - Electric Vehicles [⇒](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY*Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to Electric Vehicles.***COUNCIL RESOLUTION**

THAT Council investigate opportunities to amend the Livingstone Shire Planning Scheme to accommodate the uptake of electric vehicles through the inclusion/incentivisation of 'charging infrastructure' in private developments.

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

13 URGENT BUSINESS\QUESTIONS

13.1 REQUEST FOR LEAVE OF ABSENCE ON COMPASSIONATE GROUNDS

Responsible Officer: **Cale Dendle - Chief Executive Officer**

COUNCIL RESOLUTION

THAT leave of absence be granted for Cr Rhodes Watson between 19 January and 22 February 2022 following the recent passing of his mother.

Moved by: **Mayor, Councillor Ireland**

Seconded by: **Councillor Friend**

MOTION CARRIED UNANIMOUSLY

14 CLOSURE OF MEETING

There being no further business the meeting closed at 12.47pm.

A handwritten signature in black ink, appearing to read 'Andy Ireland', written over a horizontal line.

Mayor, Councillor Andy Ireland
CHAIRPERSON

15 February 2022

DATE