



**General Meeting of Council**

# **MINUTES**

**Meeting held in the Central Highlands Regional Council Chambers, Emerald Office**

**Wednesday 16 January 2013**

**Commenced at 2.00pm**

# CENTRAL HIGHLANDS REGIONAL COUNCIL

## GENERAL MEETING OF COUNCIL

WEDNESDAY 16 JANUARY 2013

### MINUTES CONTENTS

|  |           |
|--|-----------|
| <b>PRESENT</b> .....   | <b>3</b>  |
| <b>APOLOGIES</b> .....   | <b>3</b>  |
| <b>LEAVE OF ABSENCE</b> .....  | <b>3</b>  |
| <b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b> .....   | <b>3</b>  |
| General Council Meeting : 12 December 2012 .....   | 3         |
| <b>MATERIAL PERSONAL INTEREST, PERSONAL GIFTS &amp; BENEFITS &amp; CONFLICT OF INTEREST</b> .....  | <b>3</b>  |
| <b>INFRASTRUCTURE, ASSETS &amp; PUBLIC FACILITIES SECTION</b> .....  | <b>4</b>  |
| Emerald Transfer Station Operations .....  | 4         |
| <b>ORGANISATIONAL SUPPORT SERVICES' SECTION</b> .....  | <b>4</b>  |
| Monthly Financial Report – December 2012 .....   | 4         |
| <b>COMMUNITY &amp; DEVELOPMENT SERVICES SEGMENT</b> .....  | <b>4</b>  |
| 1.1 - 4178/11 – Jellinbah Mining Pty Ltd C/- DTS Group Qld Pty Ltd (JG Land Co Pty Ltd) – Capricorn<br>Highway Bluff – Material Change of Use – Workers Accommodation – Negotiated Decision .....          | 4         |
| 1.2 - 4017/12 – John Gurney C/- Murray & Associates (Qld) Pty Ltd (Claywell Pty Ltd) – 13 Dundas Street<br>Emerald – Material Change of Use – Multiple Dwelling .....                                      | 7         |
| 1.3 - 4033/12 – Meltley Pty Ltd C/- Murray & Associates (Qld) Pty Ltd – 9 Cypress Street Emerald –<br>Material Change of Use – Multiple Dwelling .....   | 14        |
| 1.4 - 4082/12 – Bowen Basin Residences Pty Ltd C/- Murray & Associates (Qld) Pty Ltd (TJ Savage) – 9-11<br>O'Brien Street Capella – Material Change of Use – Multiple Dwelling – Negotiated Decision ..... | 16        |
| Delegated Approvals .....  | 17        |
| Preparation of a Temporary Local Planning Instrument .....   | 17        |
| <b>CHIEF EXECUTIVE OFFICER'S REPORT</b> .....  | <b>18</b> |
| Councillor Remuneration 2013 .....   | 18        |
| <b>GENERAL BUSINESS</b> .....  | <b>18</b> |
| Conference – Making FIFO work in Regional Communities.....   | 18        |
| Rebate of Rates for Assessment 13.....   | 18        |
| Blackwater Native Title Matters .....  | 18        |
| Constitutional Recognition for Local Government .....  | 19        |
| <b>CLOSED SESSION</b> .....  | <b>19</b> |
| <b>CLOSURE OF MEETING</b> .....  | <b>20</b> |

**MINUTES – GENERAL MEETING**  
**HELD AT 2.00PM WEDNESDAY 16 JANUARY 2013 IN THE CENTRAL HIGHLANDS REGIONAL**  
**COUNCIL CHAMBERS, EMERALD OFFICE**

**PRESENT**

**Councillors**

Councillor (Cr) P. Maguire (Mayor)

Councillors (Cr) P. Bell AM, C. Brimblecombe, K. Cracknell, G. Godwin-Smith, P. Maundrell, G. Nixon, G. Sypher

**Officers**

Chief Executive Officer B. Ottone, General Manager Community and Development Services B. Duke , Acting General Manager Organisational Support Services J. Nuss, General Manager Infrastructure, Assets & Public Facilities G. Brayford, Executive Manager Administration and Customer Services M. Webster, Executive Manager Corporate Communications & Strategy M. Sidhu, General Manager CHDC S. Hobbs, Manager Planning & Development Services L. Lankowski, Manager Financial Services A. Scott, M. Wills (Minute Secretary)

**Opening Prayer**

Lt Richard Day (Salvation Army) delivered the opening prayer.

**APOLOGIES**

Cr K. Pickersgill

**LEAVE OF ABSENCE**

**Resolution:**

Cr Maundrell moved and seconded by Cr Nixon “That a leave of absence be granted for Cr Pickersgill for today’s meeting.”

Carried

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**General Council Meeting : 12 December 2012**

**Resolution:**

Cr Nixon moved and seconded by Cr Brimblecombe ‘That the minutes of the above meeting, as printed and circulated to members, be adopted’.

Carried

**Business Arising Out Of Minutes**

Roads Alliance Group – submission of boundary changes was lodged and no response received to date.

**MATERIAL PERSONAL INTEREST, PERSONAL GIFTS & BENEFITS & CONFLICT OF INTEREST**

Cr Cracknell advised that he received a gift as former chair of the Blackwater Progress Association to attend the Woodford Folk Festival for his presentation regarding FIFO.

## **INFRASTRUCTURE, ASSETS & PUBLIC FACILITIES SECTION**

### **Emerald Transfer Station Operations**

#### **Resolution:**

Cr Bell moved and seconded by Cr Brimblecombe “That:

1. The Emerald Transfer Station be confirmed as a domestic facility for light vehicles including cars, station wagons, utilities and the like together with a box trailer to a maximum size of 1.2m x 1.8m and all other vehicles carting waste (commercial and industrial) be taken to Lochlees Rd Landfill;
2. The requirements take effect from the 2 April 2013 to coincide with the new fee structure;
3. Council consider commercial / industrial recycling effective 1 July 2013 for the Council area subject to successful negotiations with the service provider.”

Carried

## **ORGANISATIONAL SUPPORT SERVICES’ SECTION**

### **Monthly Financial Report – December 2012**

#### **Resolution:**

Cr Bell moved and seconded by Cr Brimblecombe “That Council receive the Monthly Financial Report for the period ending 31 December 2012 as tabled.”

Carried

### **Acceptance of the General Manager – Organisational Support Services’ Report**

Cr Nixon moved and seconded by Cr Cracknell ‘That the General Manager – Organisational Support Services’ Report and Monthly Information Bulletin be received.’

Carried

#### **Attendance**

Council Officer A. Scott left the meeting at 3.01pm

## **COMMUNITY & DEVELOPMENT SERVICES SEGMENT**

### **Former Shire of Duaringa**

#### **1.1 - 4178/11 – Jellinbah Mining Pty Ltd C/- DTS Group Qld Pty Ltd (JG Land Co Pty Ltd) – Capricorn Highway Bluff – Material Change of Use – Workers Accommodation – Negotiated Decision**

|                            |  |
|----------------------------|--|
| Application No:            | 4178/11  |
| Applicant:                 | Jellinbah Mining Pty Ltd                                       |
| Owner:                     | JG Land Company Pty Ltd  |
| Site Address:              | Capricorn Highway, Bluff QLD 4702                              |
| Real Property Description: | Lot 16 on HT190  |
| Area of Land:              | 141.8423Ha   |
| Current Use of Land:       | Existing residence and associated structures                   |
| Applicant’s Name:          | Jellinbah Mining Pty Ltd                                       |
| Applicant’s Address:       | C/- DTS Group QLD Pty Ltd<br>PO Box 361<br>PADDINGTON QLD 4064 |

|                                    |   |
|------------------------------------|---|
| <b>Applicable Planning Scheme:</b> | <b>Duringa Shire Planning Scheme (Amendment 1 – 2011)</b>                                   |
| <b>Zone:</b>                       | <b>Rural Zone</b>   |
| <b>Proposal:</b>                   | <b>Material Change of Use – Workers Accommodation – 557 units &amp; ancillary buildings</b> |
| <b>Approval Type:</b>              | <b>Development Permit</b>   |
| <b>Development Type:</b>           | <b>Material Change of Use</b>   |
| <b>Level of Assessment:</b>        | <b>Impact</b>   |
| <b>Referral Agencies:</b>          | <b>Department of Transport and Main Roads (DTMR)</b>  |
| <b>Submissions:</b>                | <b>Two (2)</b>  |
| <b>Attachments:</b>                | <b>1. Locality Map<br/>2. Applicant’s Request to Negotiate Conditions</b>                   |

***Resolution:***

Cr Godwin-Smith moved and seconded by Cr Brimblecombe “That the applicant, Jellinbah Mining Pty Ltd, be advised that the request to negotiate conditions of Decision Notice for a Development Permit for Material Change of Use to establish Workers Accommodation (557 units and ancillary buildings) on land at Capricorn Highway, Bluff formally described as Lot 16 on HT190 is **approved** subject to the following amended conditions;

**1. APPROVED USE**

The use permitted as part of this approval is Workers Accommodation.

This approval has a relevant period of eight (8) years and will remain in force until 16 January 2021.

Should the development not be completed within this timeframe, this approval will lapse. A new application will need to be made to Council, unless an approval has been obtained for an extension of this period.

**Timing:**

To be maintained at all times after commencement of use.

***Advisory Note:***

*The relevant period of this approval with is in accordance with Section 341 of the Sustainable Planning Act 2009.*

(Amendment 1 – 16 January 2013 – the relevant period of the approval has been amended to reflect the current decision date in accordance with the provisions of the *Sustainable Planning Act 2009*).

**4. REMEDIATION – SITE CONTAMINATION**

Delete.

(Amendment 1 – 16 January 2013 – deletion of condition on the grounds that the Applicant has provided sufficient evidence to Council to demonstrate that the site has been removed from the Contaminated Land Register).

**24. FUTURE RESIDENTIAL DWELLINGS**

All future residential dwellings to be located upon the subject land shall have a finished floor level of 300mm above the Q100 level.

**Timing:**

Prior to commencement of use.

(Amendment 1 – 16 January 2013 – amendment to condition in order to clarify for the developer that the “Finished Floor Level” is above the Q100 level).

**27. SEWERAGE TREATMENT**

All sewerage generated on each of the proposed lots shall be treated onsite and any resultant effluent disposed of onsite. The system of onsite sewerage treatment and effluent disposal shall comply with *Australian Standard 1547-2012* and the *Queensland Plumbing and Wastewater Code*.

Locate sewerage treatment systems and their associated effluent disposal areas above Q100 line, unless the sewerage treatment systems subjects sewerage to a Class A and higher standard, and is approved by the Department of Environment and Heritage Protection as part of an ERA 63 – Sewerage Treatment application, in which case the sewerage treatment component of the system must be above the Q100 line but the effluent disposal area may be below.

Submit to Council for approval, the Plumbing Application and demonstrate that all effluent disposal areas comply with the stipulated setbacks for grade of treated effluent being disposed of in the manner of disposal (i.e. spray irrigation or subsurface irrigation) in accordance with *AS/NZ 1547: 2012 – Onsite Domestic Wastewater Management* and the *Queensland Plumbing and Wastewater Code*.

Ensure that sewer reticulation is provided to all proposed accommodation units within the development. Carry out all works in accordance with *AS3500 Plumbing and Drainage* and Council's standards. Be responsible for all costs associated with the connection and inspection of the proposed works.

**Timing:**

At the Plumbing Approvals Application Stage and after Development Approval for Environmentally Relevant Activity.

*Advisory Note:*

*The proposed onsite effluent treatment plant to service the proposed 550 persons Worker's Accommodation facility is an Environmentally Relevant Activity ERA 63 Sewerage Treatment pursuant to the Environmental Protection Regulation 2008. A subsequent Development Application for Environmentally Relevant Activity ERA63 – Sewerage Treatment is required under the Sustainable Planning Act 2009. It is acknowledged that the Department of Environment and Heritage Protection will be the Assessment Manager.*

(Amendment 1 – 16 January 2013 – amendment to clarify the location of effluent disposal area below Q100 whereby a Class A or higher standard onsite sewerage treatment plant is utilised, which is consistent with the Department's guidelines. Notwithstanding the detailed design of the onsite sewerage treatment plant will be subject to subsequent development approvals for an environmentally relevant activity and plumbing).

**33. LIFE SPAN OF DEVELOPMENT**

The approved use is required to support the operations of the Jellinbah Mine. The approved use will have the same life span of the Jellinbah Mine in the Central Highlands Regional Council area. The approved use must cease at the same time that the Jellinbah Mine operations within the Central highlands Regional Council area cease. All built structures and associated infrastructure must be removed and the site rehabilitated. The Applicant must notify Council in writing in 10 business days of when the approved use ceases and buildings are removed from site.

**Timing:**

As specified in the condition.

(Amendment 1 – 16 January 2013 – this condition has been amended to clarification of the Jellinbah Mine operations in the local government area)."

Council resolved not to support any change to Condition 26.

Carried (6-2)

**Former Shire of Emerald**

**1.2 - 4017/12 – John Gurney C/- Murray & Associates (Qld) Pty Ltd (Claywell Pty Ltd) – 13 Dundas Street Emerald – Material Change of Use – Multiple Dwelling**

**Application No:** 4017/12  
**Applicant:** Mr John Gurney  
 C/- Murray & Associates (Qld) Pty Ltd  
**Owner:** Claywell Pty Ltd  
**Site Address:** 13 Dundas Street, Emerald  
**Real Property Description:** Lot 9 on E21635  
**Area of Land:** 2,023m<sup>2</sup>  
**Current Use of Land:** House  
**Applicant's Address:** PO Box 246 Nambour Qld 4560  
**Applicable Planning Scheme:** Emerald Shire Planning Scheme  
 (Amendment No. 1 – 2009)  
**Zone:** Town Zone: Residential Precinct  
**Proposal:** Material Change of Use: Multiple Dwelling (10 Units)  
**Approval Type:** Development Permit  
**Development Type:** Material Change of Use  
**Level of Assessment:** Impact  
**Referral Agencies:** Department of Transport and Main Roads (DTMR)  
**Submissions:** One (1)  
**Attachments:** Locality Plan  
 Plans of Development  
 Department of Transport & Main Roads Conditions  
 Submission  
 Applicant's Response to Submission

***Resolution:***

Cr Sypher moved and seconded by Cr Bell "That the applicant, Mr John Gurney C/- Murray & Associates (Qld) Pty Ltd, be advised that the application for a Development Permit for a Material Change of Use: Multiple Dwelling (Ten [10] Units) on land at 13 Dundas Street, Emerald, described as Lot 9 on E21635, be **approved** subject to the following conditions:

**1. APPROVED USE**

Ensure that the use permitted as part of this approval is a Multiple Dwelling (10 Units).

This approval has a currency period of four (4) years and will remain in force until 16 January 2017. Should the development not be completed within this timeframe, this approval will lapse. A new application will need to be made to Council, unless an approval has been obtained for an extension of this period.

**Timing:**

Prior to commencement of use and to be maintained thereafter.

**2. APPROVED PLANS AND DOCUMENTATION**

The use shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this approval:

| Drawing Name | Drawing No. / Sheet No. | Prepared by                 | Dated    |
|--------------|-------------------------|-----------------------------|----------|
| Site Plan    | 11592 / 1 of 14         | Caloundra Design & Drafting | 02.07.12 |

|                                      |                 |                             |          |
|--------------------------------------|-----------------|-----------------------------|----------|
| Landscape Plan                       | 11592 / 2 of 14 | Caloundra Design & Drafting | 02.07.12 |
| Upper Floor Plan (Units 1-6)         | 11592 / 3 of 14 | Caloundra Design & Drafting | 02/07/12 |
| Ground Floor (Units 1-6)             | 11592 / 4 of 14 | Caloundra Design & Drafting | 02/07/12 |
| Elevations (East & South Units 1-6)  | 11592 / 5 of 14 | Caloundra Design & Drafting | 02/07/12 |
| Elevations (North & West Units 1-6)  | 11592 / 6 of 14 | Caloundra Design & Drafting | 02/07/12 |
| Section A-A                          | 11592 / 7 of 14 | Caloundra Design & Drafting | 02/07/12 |
| Upper Floor Plan (Units 7-10)        | 11592 / 6 of 9  | Caloundra Design & Drafting | 02/07/12 |
| Elevations (East & South Units 7-10) | 11592 / 7 of 9  | Caloundra Design & Drafting | 02/07/12 |
| Elevations (North & West Units 7-10) | 11592 / 8 of 9  | Caloundra Design & Drafting | 02/07/12 |
| Ground Floor Plan (Units 7-10)       | 11592 / 9 of 9  | Caloundra Design & Drafting | 02/07/12 |

This development is limited to a maximum of 10 x 2 bedroom units.

**Timing:**

Prior to commencement of use.

**3. REMOVAL OF EXISTING DWELLING UNIT**

Remove the existing dwelling unit from the site.

**Timing:**

Prior to commencement of use.

**4. AMENITY - LANDSCAPING**

Carry out landscaping and associated earthworks, site preparation and other necessary works in accordance with the approved landscape plan and Development Design Code in the *Emerald Shire Planning Scheme (Amendment No. 1 2009)*.

Maintain landscaping at all times.

**Timing:**

Prior to commencement of use.

**5. AMENITY - EMISSIONS**

Operate the use so that there is no interference with the amenity of the area or detriment effect on any person by reason of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, wastewater, waste products, grit, oil or otherwise.

**Timing:**

To be maintained at all times after commencement of use.

**6. AMENITY – SCREEN FENCING**

a) Repair and 'make good' any damage, at the applicants expense, caused by this development to existing property boundary fences to at least the state the fence was in prior to the development occurring.

OR

b) Install, unless otherwise required in other conditions of this approval, a 1.8 metre high fence along the side and rear boundaries of the development site at the applicant's expense; AND

Install a fence along the Dundas Street frontage of the site with a maximum height of 1.2 metres.

**Timing:**

Prior to commencement of use.

**7. PRIVACY SCREENING**

a) Internal fencing is to be erected between the dwelling units to a minimum height of 1.5m for the



purposes of screening private open space.

- b) Ensure at all times that where any 'habitable room window' has a direct outlook to 'another habitable room window' in another dwelling unit on the site or adjoining land appropriate privacy screening is provided.
- c) Ensure that where any deck, balcony or window attached to a 'dwelling unit' has a direct outlook onto the private open space of 'another dwelling unit' on the site or adjoining land, appropriate privacy screening is provided.

**Timing:**

Prior to commencement of use.

**8. AMENITY – HOURS OF CONSTRUCTION**

Ensure that construction work that makes or causes audible noise is only carried out on the development site from Mondays to Saturdays between the hours of 6:30 am and 6:30 pm.

Ensure that any construction work outside of the hours of 6.30 am and 6.30 pm from Mondays to Saturdays, including Sundays and public holidays has the prior written approval of the Chief Executive Officer, or delegate. Ensure that these hours are maintained at all times during construction works.

**Timing:**

Prior to commencement of use.

**9. AMENITY – LOCATION OF SERVICE AND PLANT EQUIPMENT**

Locate and maintain at all times all service equipment, including air conditioning units and lighting so as not to cause a nuisance to the occupants of adjoining and neighbouring premises.

All mechanical plant must comply with the noise criteria below:

**Mechanical Plant Noise Limits**

| Period  | Time       | Maximum noise limits at noise sensitive receiver (measured as LA90) |
|---------|------------|---|
| Day     | 7am – 6pm  | 51dB(A) + 5dB(A) = 56dB(A)  |
| Evening | 6pm-10pm   | 46 dB(A) + 5dB(A) = 51dB(A)   |
| Night   | 10pm – 7am | 42 dB(A) + 5dB(A) = 45dB(A)   |

Source: Section 440U of the *Environmental Protection Act 1994*.

**Timing:**

Prior to commencement of use.

**10. AMENITY – WASTE MANAGEMENT**

Provide and maintain a refuse storage area for each of dwelling units 1 to 10 in accordance with the approved plans in a way so as not to cause visual or odour nuisances to adjoining or surrounding properties. Ensure that these storage areas are impervious and drained and are screened from the view from public land.

Provide twenty (20) Central Highlands Regional Council's refuse storage bins for the proposed development. Ensure that each dwelling unit is allocated two (2) refuse storage bins.

Seal and drain all refuse storage areas within the development site as shown on the approved plans of development.

*Advisory note: Each Council's bin has a capacity of 240 litres and is purchased from the Council. One bin is used for the general waste and the other bin for recycling.*

**Timing:**

Prior to commencement of use.

**11. AMENITY – LIGHTING**

Use angle or shade lighting to illuminate the premises, so the light does not directly illuminate or cause any environmental nuisance (e.g. glare) to nearby premises or roads.

Provide lighting in accordance with AS 4282:1997 *Control of the Obtrusive Effects of Outdoor Lighting* and *CPTED (Crime Prevention through Environmental Design) Guidelines*.

**Timing:**

Prior to commencement of use.

**12. AMENITY – OPEN SPACE**

Provide and maintain at all times a private open space area for each of dwelling units located at the ground level which:

- a) is minimum of 25m<sup>2</sup> in area;
- b) has a minimum dimension of 5m;
- c) is directly accessible from the dwelling unit, ideally from living areas or non-habitable rooms;
- d) contains clothes drying areas which are screened from the view of adjoining roads to protect the amenity of the surrounding area; and
- e) is fenced or otherwise screened for privacy and exclusive use of the dwelling unit.

**Timing:**

Prior to commencement of use.

**13. AMENITY – MAIL DELIVERY**

Provide each of dwelling units 1 to 10 with a separate letter box located along the frontage onto Dundas Street as shown on the approved plans of development.

Maintain at all times a separate letter box for each of proposed Dwelling Units 1 to 10.

**Timing:**

Prior to commencement of use.

**14. VEHICLE ACCESS – NEW CROSSOVER**

Design, construct and maintain the access driveway at the location shown on the approved plans of development. The commercial slab crossing of the verge shall be constructed in accordance with Council's *Standard Drawing CMDG-R-042, Revision B. The slab shall have a minimum width of 8.5m at the kerb line tapering to a minimum width of 6m at the property line.*

Seal and drain concrete driveway and refuse storage areas within the development site as shown on the approved plans of development.

Submit to Council for approval, an Operational Works application.

**Timing:**

Prior to commencement of use.

**15. VEHICLE ACCESS – EXISTING CROSSOVER**

Reinstate the kerb and channel on the existing access driveway on Dundas Street at the location shown on the approved plans of development.

Submit to Council for approval, an Operational Works application.

**Timing:**

Prior to commencement of use.

**16. VEHICLE PARKING AND MANOEUVRING AREA**

Provide and maintain at all times twenty (20) car parking spaces for the proposed development in the form of underneath and open carports as shown on the approved plans of development.

Design and construct a concrete vehicle manoeuvring area with a minimum dimension of 5.5 metres in accordance with the *Capricorn Municipal Development Manual, AS/NZS 2890.1 2004 Parking Facilities – Off-Street Parking* and the approved plans of development, except that the minimum width of a car space must be 2.75m.

Seal and drain both car parking areas within the development site as shown on the approved plans of development.

Ensure that all carports remain open ended without any sort of enclosures.

Provide adequate vehicle manoeuvring areas so that all vehicles are able to enter and exit the site in a forward direction.

Submit to Council for approval, an Operational Works application.

**Timing:**

Prior to commencement of use.

**17. PROVISION OF UTILITIES**

Provide documentary evidence to the Chief Executive Officer or delegate from relevant electrical and telecommunication service providers confirming that satisfactory arrangements have been made for the provision of such services to proposed dwelling units 1 to 10.

**Timing:**

Prior to commencement of use.

**18. WORKS – APPLICANT'S EXPENSE**

Be responsible for the full cost of any connection, inspection and alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and / or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

**Timing:**

Prior to commencement of use.

**19. STORMWATER DRAINAGE – DISCHARGE & DISPOSAL**

Undertake stormwater management on the development site in accordance with the design and construction criteria contained in the *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual*.

Ensure that the lawful point of discharge for the site is the kerb and channel in Dundas Street as shown on the approved plans of development and that 'No Worsening' is achieved by ensuring that post-development peak flows are equal to or less than the pre-development peak flows.

Submit to Council, a Compliance Certificate from a Registered Professional Engineer Queensland (RPEQ), certifying that stormwater management has been undertaken on the development site in accordance with the conditions of this approval and any other relevant approval issued by Council.

**Timing:**

Prior to commencement of use.

**20. EROSION & SEDIMENT CONTROL – GENERAL**

a) Submit to Council for approval, an Erosion and Sediment Control Plan (ESCP) with engineering drawings. Ensure that the ESCP is prepared by in accordance with the *Capricorn Municipal Development Guidelines*.

b) Ensure that the requirements of the approved ESCP are implemented on the site.

**Timing:**

- a) Prior to site clearing, construction or commencement of earthworks.
- b) While site and/or building works are occurring.

**21. SEWER**

Provide sewerage reticulation to proposed dwelling units 1 to 10, including connection to the existing system at no cost to Council. Ensure that only one point of connection is permitted for the development site.

Carry out all works in accordance with Council's standards.

**Timing:**

Prior to commencement of use.

**22. WATER SUPPLY RETICULATION**

Provide water supply reticulation to proposed dwelling units 1 to 10, including connection to the existing system. Ensure that only one connection to Council's main is permitted for the development site and that the connection is metered.

Advisory Note:

*This supply may be augmented by rainwater tanks.*

- a. Ensure that no direct cross connection between the tanks and the main water supply occurs.
- b. Carry out all works in accordance with Council's standards
- c. Provide individual water meters with a 20 millimetre diameter to each of Dwelling Units 1 to 9 in accordance with Council's standards.

**Timing:**

Prior to commencement of use.

**23. INFRASTRUCTURE CHARGES**

Pay an infrastructure charge of \$46,068.00 in accordance with Council's *Adopted Infrastructure Charges Resolution (No. 5) 2011 – IPA Planning Scheme (Amendment No. 1) for Emerald Shire (2009)*. The rate has been calculated as follows:

$$AIC = AC - D$$

AIC is the adopted infrastructure charge that may be levied for development.

AC is the adopted charge for the trunk infrastructure networks to service the development stated in Tables 2a and 2b.

D is the discount for the trunk infrastructure networks servicing the premises stated in section 5.4 (Discounting).

Therefore:

$$AC = (\$5,758.40 \times 10 \text{ units}) = \$57,584.00$$

$$D = \$11,516.00$$

$$AIC = \$57,584.00 - \$11,516.00 = \$46,068.00$$

| Network      | Adopted Charge | % of Total Adopted Charge |
|--------------|----------------|---------------------------|
| Water Supply | \$22,113.00    | 48%                       |
| Sewer        | \$23,955.00    | 52%                       |

**Timing:**

Prior to commencement of use.

**24. DEVELOPMENT STANDARDS – MINIMUM FINISHED FLOOR LEVEL**

Design and construct all buildings and structures to provide a minimum habitable finished floor level of 178.9 metres Australian Height Datum (AHD).

Provide certification from a Cadastral Surveyor to the Building Certifier that the finished floor level has been achieved as specified in this condition. Submit this certification to Council as part of the Building Application.

**Timing:**

Prior to the issue of the final Building Decision Notice.

**25. DEVELOPMENT STANDARDS – CIVIL WORKS CONSTRUCTION**

Undertake all works, services, facilities and/or public utility alterations required by this approval at the applicant/owner's expense.

Undertake the construction of all the works in accordance with good engineering practice and workmanship and generally in accordance with the provisions of the *Capricorn Municipal Development Guidelines*.

Do not commence on works which will ultimately revert to Council or on adjacent roads or drainage schemes until Council has been advised in writing, of the name of the responsible contractor and that the contractor has received from Council a notice of appointment of principal contractor under the provisions of the *Work Health and Safety Act 2011*.

Do not commence on construction (or upgrading) of any proposed (or existing) road, park or other facility under (or proposed to be transferred to) the control, trusteeship or ownership of council until:

- a) All engineering plans, drawings, specifications, drainage calculations and plans for electricity reticulation and street lighting (as prepared by a consulting electrical engineer or electricity provider) for the work have been lodged for Council's approval;
- b) Council's written approval for (a) has been issued; and
- c) Any appeal, lodged against Council's decision to approve (with or without conditions) the development application, has been decided or resolved.

**Timing:**

Prior to commencement of use.

**26. DEVELOPMENT STANDARDS – CIVIL WORKS CONSTRUCTION – SUPERVISION OF WORKS**

Ensure that the construction of all works associated with the proposal is supervised by the RPEQ whose appointment shall require the approval of the Chief Executive Officer or delegate. On completion of the works the applicant/owner shall give to the Council a Certificate from the RPEQ stating that the work of constructing the operational works has been completed in accordance with the plans and specification approved by Council.

**Timing:**

Prior to commencement of use.

**27. DISABILITY DISCRIMINATION ACT**

Ensure that provision is made within the development for disabled access in accordance with Australian Standard 1428 and take into account the Disability Discrimination Act 1992 and the Anti-Discrimination Act 1991.

**Timing:**

Prior to commencement of use and at all times thereafter.

**28. EASEMENTS**

Provide an internal easement to Council for any part of a sewerage, water supply or drainage network (including overland flow paths) that passes through the site and is of benefit to another

allotment. Ensure that any such easement is of an adequate width, as set out in any future Operational Works Decision Notice, to protect that infrastructure. Ensure that the minimum width of any easement is 4m and is provided at no cost to Council.

**Timing:**

Prior to commencement of use.

Carried

**1.3 - 4033/12 – Meltley Pty Ltd C/- Murray & Associates (Qld) Pty Ltd – 9 Cypress Street Emerald – Material Change of Use – Multiple Dwelling**

**Application No:** 4033/12  
**Applicant:** Meltley Pty Ltd  
**Owner:** Meltley Pty Ltd  
**Site Address:** 9 Cypress Street, Emerald  
**Real Property Description:** Lot 1 on RP612452  
**Area of Land:** 2,659m<sup>2</sup>  
**Current Use of Land:** Vacant  
**Applicant’s Address:** C/- Murray and Associates (QLD) Pty Ltd  
 PO Box 246  
 NAMBOUR QLD 4560  
**Applicable Planning Scheme:** Emerald Shire Planning Scheme  
 (Amendment 2 – 2011)  
**Zone:** Town Zone: Residential Accommodation Precinct  
**Proposal:** Material Change of Use to establish a Multiple Dwelling (17 x 1  
 bedroom units)  
**Approval Type:** Development Permit  
**Development Type:** Material Change of Use  
**Level of Assessment:** Impact  
**Referral Agencies:** Nil  
**Submissions:** One (1) properly made  
**Attachments:** 1. Locality Map  
 2. Development Plans  
 3. Request for Negotiated Decision

***Resolution:***

Cr Sypher moved and seconded by Cr Godwin-Smith “That the applicant, Meltley Pty Ltd, be advised that the request to negotiate conditions of Decision Notice for a Material Change of Use: Multiple Dwelling on land at 9 Cypress Street, Emerald described as Lot 1 on RP612452 is **approved** subject to the following amended conditions:

**3. APPROVED PLANS**

The use shall be carried out in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions to this approval:

| Plan Title                                     | Job No.          | Plan No. | Date     | Prepared by             |
|--|------------------|----------|----------|-------------------------|
| Proposed Site Plan<br>Upper Level              | 152511/11/4101/I | 01 of 07 | 01/11/12 | N.L.T Design & Drafting |
| Proposed Site Plan<br>Lower Level              | 152511/11/4102/I | 02 of 07 | 01/11/12 | N.L.T Design & Drafting |
| Typical Elevation from<br>Road Frontage        | 152511/11/4103/E | 03 of 07 | 01/11/12 | N.L.T Design & Drafting |
| Ground Floor Plan &<br>Upper Floor Plan Type 1 | 152511/11/4104/G | 04 of 07 | 01/11/12 | N.L.T Design & Drafting |
| Elevations A, B, C & D                         | 152511/11/4105/G | 05 of 07 | 01/11/12 | N.L.T Design & Drafting |
| Ground Floor Plan &                            | 152511/11/4106/G | 06 of 07 | 01/11/12 | N.L.T Design & Drafting |

|                         |                  |              |          |                         |
|-------------------------|------------------|--------------|----------|-------------------------|
| Upper Floor Plan Type 2 |                  |              |          |                         |
| Elevations A, B, C & D  | 152511/11/4107/G | 07 of 07     | 01/11/12 | N.L.T Design & Drafting |
| Landscape Concept Plan  | 12032            | LPC 01 Rev A | 30/03/12 | N.L.T Design & Drafting |

**Timing:**

To be maintained at all times after commencement of use.

(Amendment 1 – 16 January 2013 – inclusion of revised Development Plans that reflect the conditions of the approval).

**4. AMENDED APPROVED PLAN**

Deleted.

(Amendment 1 – 16 January 2013 – the Council acknowledges the revised Development Plans reflect the changes required within Condition 4 and agree to remove the condition as it is no longer relevant).

**13. CAR PARKING PROVISION**

Thirty-eight (38) car parking spaces are to be provided on site in accordance with the approved plan.

All car parking spaces are to be designed and line marked in accordance with *AS 2890.1: Parking Facilities – Off-Street Parking* except that the minimum width of a car space must be 2.75m.

**Timing:**

Prior to commencement of use and at all times thereafter.

(Amendment 1 – 16 January 2013 – the number of car parking spaces has been reduced in order to incorporate the changes to the approved plan within Condition 4. It is acknowledged that the minimum car parking rate under the Planning Scheme is 1.25 spaces per unit resulting in a minimum of twenty-two (22) spaces to be provided onsite. The reduced number of car parking spaces still exceeds the minimum parking requirement by sixteen (16) car parking spaces).

**35. DEVELOPMENT STANDARDS – EASEMENTS**

An internal easement must be provided to Council for any part of a sewerage, water supply or drainage network (including overland flow paths) that passes through the site and is of benefit to another allotment. Any such easement must be of an adequate width, as set out in any future Operational Work Decision Notice, to protect that infrastructure. The minimum width of any easement shall be 4.0m except where a relaxation is approved under any future Operational Works Approval. Any such easement is to be provided at no cost to Council.

**Timing:**

Prior to commencement of use.

(Amendment 1 – 16 January 2013 – the condition has been amended slightly to provide greater flexibility at the Operational Works Approval stage).

**36. DEVELOPMENT STANDARDS – USE OF GROUND FLOOR**

The areas located on the ground floor must not be enclosed or utilised for storage of goods with the exception of motor vehicles

The timber batten screens as identified on the approved plan must remain open /gapped.

**Timing:**

Prior to commencement of use and at all times thereafter.

(Amendment 1 – 16 January 2013 – the wording of the condition has been amended to acknowledge the revised Development Plans and make provision for the proposed timber batten screens to be retained. In addition, the Applicant has raised concerns regarding the adverse impacts on the aesthetics of the built-

form if timber batten screens are removed. An alternative solution is proposed, which will not impede the flow of any future stormwater overflow through the site.)

Carried

### Former Shire of Peak Downs

#### 1.4 - 4082/12 – Bowen Basin Residences Pty Ltd C/- Murray & Associates (Qld) Pty Ltd (TJ Savage) – 9-11 O'Brien Street Capella – Material Change of Use – Multiple Dwelling – Negotiated Decision

|                                    |  |
|------------------------------------|--|
| <b>Application No:</b>             | <b>4082/12</b>   |
| <b>Applicant:</b>                  | <b>Bowen Basin Residences Pty Ltd</b>  |
| <b>Owner:</b>                      | <b>Timothy Jordan Savage</b>   |
| <b>Site Address:</b>               | <b>9-11 O'Brien Street, Capella QLD 4723</b>   |
| <b>Real Property Description:</b>  | <b>Lot 9 on SP186082</b>   |
| <b>Area of Land:</b>               | <b>1,808m<sup>2</sup></b>  |
| <b>Current Use of Land:</b>        | <b>Vacant</b>  |
| <b>Applicant's Name:</b>           | <b>Emily Holmes</b>  |
| <b>Applicant's Address:</b>        | <b>C/- Murray and Associates (Qld) Pty<br/>PO Box 246<br/>Nambour QLD 4560</b>           |
| <b>Applicable Planning Scheme:</b> | <b>Peak Downs Planning Scheme<br/>(Amendment No. 1 – 2011)</b>                           |
| <b>Zone:</b>                       | <b>Town Zone: Residential Precinct</b>   |
| <b>Proposal:</b>                   | <b>Material Change of Use to establish a Multiple Dwelling (7 x 3<br/>bedroom units)</b> |
| <b>Approval Type:</b>              | <b>Development Permit</b>  |
| <b>Development Type:</b>           | <b>Material Change of Use</b>  |
| <b>Level of Assessment:</b>        | <b>Impact</b>  |
| <b>Referral Agencies:</b>          | <b>Department of Transport and Main Roads (DTMR)</b>                                     |
| <b>Submissions:</b>                | <b>Two (2) submissions</b>   |
| <b>Attachments:</b>                | <b>Locality Plan<br/>Plan of Development<br/>Request for Negotiated Decision</b>         |

#### ***Resolution:***

Cr Godwin-Smith moved and seconded by Cr Bell "That the applicant, Bowen Basin Residences Pty Ltd, be advised that the request to negotiate conditions of Decision Notice for an Approval: Material Change of Use on land at 9 O'Brien Street, Capella described as Lot 9 on SP186082, is **approved** subject to the following amended conditions:

#### **4. AMENDED PLANS (Amendment 1 – 20 December 2012)**

The use must be carried out in accordance with amended plans incorporating the following:

- a) Deleted – 20 December 2012
- b) Remove Kitchenettes from proposed units so that each unit has one (1) kitchen;
- c) Remove two (2) laundries from each unit so that all units are provided with one laundry; and
- d) Inclusion of two (2) additional car parking spaces onsite.

The amended plans of development are required to be resubmitted to Council. Please address the amended plan/s to Council's Development Assessment Unit with the Reference No. 4082/12. To avoid delays and assessment issues with the Building Works application, it is recommended the plan/s be resubmitted prior to lodgement of any Building Works application.

#### **Timing:**

Prior to Building Works Application.



(Amendment – item (a) deleted).

Carried (6-2)

### **Delegated Approvals**

#### **Resolution:**

Cr Sypher moved and seconded by Cr Brimblecombe “That the following delegated approvals (11) be received”.

#### **Former Shire of Daringa**

- 2.1 – 4123/11 – QR Network Pty Ltd C/- Gadens Lawyers (RE & MR Goodwin) – Capricorn Highway Bluff – Reconfiguring a Lot – Access Easement
- 2.2 – 4160/11 – Barry & Claire Hoare – Biloela-Duringa Road Gainsford - Reconfiguring a Lot – two (2) lots – Negotiated Decision
- 2.3 – 4107/12 – QR Network Pty Ltd C/- Gadens Lawyers (RE & MR Goodwin) – Capricorn Highway Bluff – Reconfiguring a Lot – Access Easement

#### **Former Shire of Emerald**

- 2.4 – 4016/11 – Robcorp Investments Pty Ltd C/- Murray & Associates (Qld) Pty Ltd – 89 Roberts Street Emerald – Material Change of Use – Accommodation Building / Multiple Dwelling – Permissible Change
- 2.5 – 4121/11 – Dave McMaster C/- Murray & Associates (Qld) Pty Ltd – 117 Glengallan Road Emerald – Reconfiguring a Lot – five (5) Rural Living lots – Negotiated Decision
- 2.6 – 4152/11 – Barry Wills C/- Murray & Associates (Qld) Pty Ltd – 43 Anakie Street Emerald – Material Change of Use – Multiple Dwelling – Permissible Change
- 2.7 – 4005/12 – Dux Builders C/- Murray & Associates (Qld) Pty Ltd – 57A Slack Drive Emerald – Material Change of Use – Dual Occupancy – Negotiated Decision
- 2.8 – 4099/12 - Raechel & Bradley Ivey (ACB Investments Pty Ltd) – 1/29 Hospital Road Emerald – Material Change of Use – Showroom
- 2.9 – 4139/12 – Kade Speed & Marine C/- Patricia Skinner (D & K McMaster) – 7 Macaulay Access Road Emerald – Material Change of Use – Low Impact Industry
- 2.10 – 4142/12 – Mosaic Developments Pty Ltd (PNGM Nominees Pty Ltd) C/- RPS Australia East Pty Ltd – 93 Loch Street Emerald – Operational Works – Landscaping
- 2.11 – 4165/12 – Calardu Emerald Pty Ltd C/- RPS Australia East Pty Ltd – Pilot Farm Road/Gregory Highway Emerald – Operational Works – Advertising Devices

Carried

#### **Attendance**

Council officers P. Ngwira left the meeting at 3.35pm

### **Preparation of a Temporary Local Planning Instrument**

#### **Resolution:**

Cr Sypher moved and seconded by Cr Nixon:

1. “That Council resolve to make Temporary Local Planning Instruments (TLPI’s) for each of the current Planning Schemes to introduce specific provisions for Non-resident Worker’s Accommodation proposals; and
2. That the CEO be authorised to advise the Minister for Infrastructure and Planning of its intentions to make TLPI’s; and
3. That the CEO in conjunction with the Mayor be authorised to seek Ministerial approval for a TLPI pursuant to section 105 of the *Sustainable Planning Act 2009* in accordance with the outcomes of the December Workshop and January Council meeting; and
4. That the TLPIs as described be incorporated in the new CHRC Planning Scheme.”

Carried

**Acceptance of the General Manager – Community and Development Services’ Report**

Cr Godwin-Smith moved and seconded by Cr Brimblecombe ‘That the General Manager – Community and Development Services’ Report and Monthly Information Bulletin be received.’

Carried

**CHIEF EXECUTIVE OFFICER’S REPORT**

**Councillor Remuneration 2013**

***Resolution:***

Cr Sypher moved and seconded by Cr Bell “That pursuant to Section 42(5) of the former Local Government (Operations) Regulation 2010, Council resolves to authorise the remuneration for the Mayor, Deputy Mayor and Councillors in accordance with and by adopting the remuneration schedule (for category 4 Council’s) as prepared by the Local Government and Discipline Tribunal for the 2013 year effective 1 January 2013.”

Carried (7-1)

**Acceptance of the Chief Executive Officer’s Report**

***Resolution:***

Cr Godwin-Smith moved and seconded by Cr Nixon ‘That the Chief Executive Officers’ Report be received.’

Carried

**GENERAL BUSINESS**

**Conference – Making FIFO work in Regional Communities**

***Resolution:***

Cr Nixon moved and seconded by Cr Godwin-Smith “That Cr Cracknell be authorised to attend the Making FIFO Work in Regional Communities Conference which is to be held in Rockhampton on 25 & 26 March 2013 as Council’s representative.”

Carried

Cr Cracknell

- Car parking on park reserves around North Blackwater school – *Geoff Brayford to follow-up and report back to Council and the school involved*

**Rebate of Rates for Assessment 13**

***Resolution***

Cr Sypher moved and seconded by Cr Brimblecombe “That Council in pursuant of the Section 120 (1) (c) 119 of the *Local Government Regulations*:

1. Grant a concession on the general rate for the current financial year under the rural land category; and
2. Review the rates category for small caravan parks for the 2013 / 2014 financial year.”

Carried

**Blackwater Native Title Matters**

***Resolution:***

Cr Bell moved and seconded by Cr Brimblecombe “That Council:

1. Seek a deputation with the Deputy Premier, the Hon Jeff Seeney MP for a re-engagement with the State following a restructure of the ULDA to expedite the clearing of Native Title within Blackwater

township and the delivery of affordable land supply to ease existing pressures and readiness of available affordable land supply for when the mining resource industry momentum increases.

2. Recommence Native Title discussions with the respective registered claimant groups and that Council will not enter into discussions with third parties in regards to native title and related matters in Blackwater.”

Carried

Cr Maundrell

- Concerned about the access to the disability car parks in Egerton Street due to the garden beds – GMIAPF *to arrange for an audit*
- Water pressure issues in Andrews Road
- Would like to flood insurance issues to progress

Cr Nixon

- Requested that Council raise with and / or present to the Premier at the breakfast on Friday a number of issues including:
  - Blackwater Hospital
  - Health across the Region
  - Panorama Creek
  - Water & Sewerage subsidies
  - Flood mitigation
  - Childcare issues
  - Sport & Recreation funding
  - HACC services
  - TID's funding

Attendance

Cr Maundrell left the meeting at 4.02pm and returned at 4.04pm

**Constitutional Recognition for Local Government**

**Resolution:**

Cr Bell moved and seconded by Cr Sypher “That council write to the Parliamentary Committee and the ALGA regarding its disappointment in the decision to delay the referendum question the Constitutional Recognition for Local Governments being put to the vote at the next federal election.”

Carried

Cr Godwin-Smith

- Blackwater Rolleston Rd – requested that Council continue to contact Department of Transport and Main Roads in regards to the condition of this road and express its concerns as the school bus will be returning to use the road at the end of the month.

**CLOSED SESSION**

**Into Closed Session**

**Resolution**

Cr Nixon moved and seconded by Cr Sypher “That Council **moves into** closed session under Section 275 (1) (f) & (g) of the *Local Government Regulation 2012* that the meeting be closed to the public to discuss legal proceedings in Planning & Environment Court matter.”

Carried

**Material Personal Interest**

Cr Maundrell declared a material personal interest in the matter being discussed and left the meeting and did not partake in discussions.

Attendance

Cr Bell left the meeting at 4.16pm and returned at 4.19pm

**Out of Closed Session**

**Resolution**

Cr Nixon moved and seconded by Cr Godwin-Smith “That the meeting now be opened to the public.”

Carried

Planning and Environment Court Appeals

Council considered legal matters associated with the following appeals:

- Andrea Crossan v Central Highlands Regional Council & Ors – Planning and Environment Court No. 1498 of 2009; and
- Portfolio Projects (Maroochydore) Pty Ltd v Central Highlands Regional Council & Ors – Planning and Environment Court No. 4058 of 2012.

**CLOSURE OF MEETING**

There being no further business, the Mayor closed the meeting at 4.34pm

CONFIRMED

MAYOR

DATE