



ORDINARY MEETING

AGENDA

16 NOVEMBER 2021

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 16 November 2021 commencing at 9.00am for transaction of the enclosed business.

Cale Dendle
CHIEF EXECUTIVE OFFICER
10 November 2021

Next Meeting Date: 21.12.21

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

Acknowledgement of Country

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

Opening Prayer

Father Matthew Moloney of the Capricorn Coast Catholic Parish Sared Hearth Church is scheduled to deliver an opening prayer.

2 ATTENDANCE

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
Michael Kriedemann – Executive Director Infrastructure
Andrea Ellis – Chief Financial Officer
Matthew Willcocks - Chief Technology Officer
Kristy Mansfield - Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 19 October 2021

5 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV

Attachments: 1. Business Outstanding November 2021 [⇒](#)

Responsible Officer: Cale Dendle - 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.

OFFICER'S RECOMMENDATION

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

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

9.1 POSTAL SAVINGS BANK

File No: GV13.05.07

Attachments:

1. Commonwealth Postal Savings Bank Bill 2021 and Explanatory Memorandum⇒
2. 7 June 2021 - Postal Bank Information Flyer⇒
3. Unite-Australia-in-support-of-the-Commonwealth-Postal-Savings-Bank⇒

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Andrew Ireland - Mayor

SUMMARY

Correspondence was received by the Australian Citizens Party seeking support for the establishment of a Postal Savings Bank in Australia.

OFFICER'S RECOMMENDATION

THAT Council:

1. Calls on the Commonwealth Parliament to pass the Commonwealth Postal Savings Bank Bill to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure basic banking services—including deposit-taking, business and personal lending, and access to cash—are available to all Australians, and will contribute to Australia's national economic development.
2. Write to the Local State and Federal Members of Parliament, to inform them of Councils desire to support the passage of the Commonwealth Postal Savings Bank Bill through Parliament.

BACKGROUND

The reduction in bank branches has resulted in reduced access to banking and financial services particularly in rural communities. Arrangements such as those with Australia Post do not provide long-term security of access to services. The establishment of a Commonwealth Postal Savings Bank would provide a secure way for rural communities to access banking services.

COMMENTARY

Council received the below correspondence from the Australian Citizens Party on 16 August 2021, including draft legislation, seeking support for a Commonwealth Postal Savings Bank. This comes as a response to the withdrawal of banking services across Australia.

Dear CEO of Livingstone Shire Council,

My name is Jan Pukallus. I am an organiser with the Australian Citizens Party. I am emailing you today because we are campaigning for the establishment of a Postal Savings Bank. I spoke to Lucy and request a deputation to address councillors, however, please note that I will only be in Livingstone Shire region on Tues 24 & Wed 25 August.

I am contacting Councillors and organisations to inform them, and to call upon them, to join me in fighting for federal legislation to create a Postal Bank. The legislation for such a bank has been drafted by the Citizens Party, the Commonwealth Postal Savings Bank Bill 2021 (attached).

There are many reasons why, but this is an important local issue because local access to banking services is critical to every community. With the banks increasingly withdrawing their

face-to-face services and also ATMs, the reliance on the Post Office offering those services is critical, but that too is vulnerable to commercial decision-making by the banks. I know you probably already know this but the withdrawal of these services disproportionately affects rural and regional communities.

On 1 July, Australia Post announced CBA and NAB had agreed to renew their Bank@Post deals for ten years although since the details are not being made public there is no knowledge of what the agreement actually contains and this makes a great many people nervous. Speculation is that it's far less than the \$20 million per year that Christine Holgate negotiated and may contain exit clauses. The Citizens Party has it on good authority that the Community Access Fee to be paid by NAB and CBA is \$10 million per year, half of the original deal and there are no written guarantees that the Licenced Post Offices will continue to receive the same fee structure they have currently. Freedom of information requests by the Citizens Party for clarity on those issues have been rejected.

Whilst it's important that post offices can provide Bank@Post services, the banks currently have the upper hand—they pay Australia Post what they like, they can pull out unexpectedly, and they charge whatever fees they like. A public postal savings bank will guarantee banking services at post offices in perpetuity.

On 27 July, Councillors at the Narrabri Shire Council in NSW unanimously passed a resolution supporting the Commonwealth Postal Savings Bank Bill, calling on the Parliament to pass the legislation and on 28 July, the Banana Shire Council in QLD carried a similar resolution with no opposition.

We have also just been informed that on 3 August, the Licensed Post Office Group endorsed the Commonwealth Postal Savings Bank Bill.

The Citizens Party has drafted the following motion/resolution as a guide, which I am asking you to discuss and move at your next meeting, to endorse the Commonwealth Postal Savings Bank Bill.

Draft motion/resolution for a Post Office People's Bank:

3. That Council notes that:

- Bank branch and ATM closures are leaving many communities without access to financial services, especially in regional Australia;*
- Since 1975 the number of bank branches in regional Australia has fallen by more than 60 per cent, and there are more than 1,500 communities across Australia with no bank branches at all;*
- A large proportion of the population, including the elderly, disabled, small businesses, and local schools and charities, will always have a need for face-to-face financial services, despite advances in technology;*
- For hundreds of communities, their only access to cash and financial services is through Bank@Post at their local post office;*
- Bank@Post is an essential service to all communities, but is vulnerable to commercial decision-making by the banks, which can choose to withdraw their participation, and charge excessive fees on transactions;*
- With four major banks controlling 80 per cent of the financial system, Australian consumers suffer from a lack of real banking competition;*

2. That Council calls on the Commonwealth Parliament to pass the Commonwealth Postal Savings Bank Bill to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure basic banking services—including deposit-taking, business and personal lending, and

access to cash—are available to all Australians, and will contribute to Australia's national economic development.

3. *That Council write to the Local State and Federal Members of Parliament, to inform them of Councils desire to support the passage of the Commonwealth Postal Savings Bank Bill through Parliament.*

I wanted to keep this email brief as possible, as I know your busy, so I have attached are some additional documents that I hope you will find useful when you get some time to look at them.

Looking forward to discussing this with you further.

Regards,

Jan Pukallus

QLD State Secretary

Australian Citizens Party

PREVIOUS DECISIONS

NA

ACCESS AND INCLUSION

NA

ENGAGEMENT AND CONSULTATION

NA

HUMAN RIGHTS IMPLICATIONS

NA

BUDGET IMPLICATIONS

NA

LEGISLATIVE CONTEXT

NA

LEGAL IMPLICATIONS

NA

STAFFING IMPLICATIONS

NA

RISK ASSESSMENT

NA

CORPORATE PLAN REFERENCE

Future Livingstone

Community Plan Goal 5.2 - Connected places, people and services

5.2.1 Implement an integrated transport strategy which encourages alternative transport usage to maximum economic, environmental, and liveability outcomes.

CONCLUSION

THAT Council calls on the Commonwealth Parliament to pass the Commonwealth Postal Savings Bank Bill to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure basic banking services—

including deposit-taking, business and personal lending, and access to cash—are available to all Australians, and will contribute to Australia’s national economic development.

10 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

10.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING 11 OCTOBER 2021 VIA FLYING MINUTE

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Nicole Carr - Support Services Officer

SUMMARY

The Audit, Risk and Improvement Committee (ARaIC) met on 11 October 2021 via Flying Minute and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Audit, Risk and Improvement Committee and Councillor Portals.

OFFICER'S RECOMMENDATION

THAT the unconfirmed minutes of the Audit, Risk and Improvement Committee held on 11 October 2021 via Flying Minute be received.

BACKGROUND

The Audit, Risk and Improvement Committee operates in accordance with the Audit, Risk and Improvement Committee Policy and Audit, Risk and Improvement Committee Terms of Reference.

7.1 2020-21 GENERAL PURPOSE FINANCIAL STATEMENTS

THAT the Audit, Risk and Improvement Committee makes the following recommendations for the consideration of Council:

1. The revised unaudited 2020-21 General Purpose Financial Statements be received;
2. The Mayor and Chief Executive Officer sign the Management Representation letter as part of finalising the external audit and to sign the final 2020-21 audited General Purpose Financial Statements when completed; and
3. Any material change in the final 2020-21 audited General Purpose Financial Statements be reported to Council and the Audit, Risk and Improvement Committee.

7.2 CHIEF FINANCIAL OFFICER ASSURANCE STATEMENT 2020-21

THAT the Audit, Risk and Improvement Committee receive the Chief Financial Officer Assurance Statement for 2020-21.

7.3 2020-21 CLOSING REPORT

THAT the Audit, Risk and Improvement Committee receive the 2020-21 external audit closing report and management representation letter from Council's external auditors.

PREVIOUS DECISIONS

Each report on a Committee meeting is considered separately from previous reports.

ACCESS AND INCLUSION

There are no foreseen access and inclusion implications associated with this report.

ENGAGEMENT AND CONSULTATION

There are no engagement and consultation implications associated with this report.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no foreseen human rights implications associated with the content of this report.

BUDGET IMPLICATIONS

There are no budget implications as a result of the Committee meeting.

LEGISLATIVE CONTEXT

Section 105 of the *Local Government Act 2009* requires Council to establish an Audit Committee. Section 211 of the *Local Government Regulations 2012* requires this report to be presented to Council following each meeting of the Committee.

LEGAL IMPLICATIONS

There are no legal implications arising from the operation of the Committee.

STAFFING IMPLICATIONS

There are no staffing implications as a result of the Committee meeting.

RISK ASSESSMENT

The Audit, Risk and Business Improvement Committee is a key part of the governance structures established by Council that help ensure there is effective ongoing risk management.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.3 - Engagement with the community as advisors and partners

4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.

Council is committed to an open and accountable system of governance, as such Council resolved to adopt a Policy to establish the audit committee in accordance with *section 105* of the *Local Government Act 2009* and *section 209-211* of the *Local Government Regulation 2012*.

CONCLUSION

Council is demonstrating strong governance responsibilities by enabling independent oversight of the management of risk; compliance with legislation and standards; internal audit function and external audit and reporting requirements.

11 REPORTS

11.1 COMMUNITY ORGANISATION TENURE WITH COUNCIL DRAFT POLICY, PROCEDURE, AND INFORMATION KIT.

File No: CM4.07.33

Attachments:

1. Draft Community Organisation Tenure with Council Policy. [⇒](#)
2. Draft Community Organisation Tenure with Council Procedure [⇒](#)
3. Draft Community Organisation Tenure with Council Information Kit. [⇒](#)

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

Author: Molly Saunders - Principal Community Development & Engagement Officer

SUMMARY

This report presents the draft of the Livingstone Shire Council Community Organisation Tenure Policy, Livingstone Shire Council Community Organisation Tenure Procedure, and Community Organisation Tenure Information kit.

OFFICER'S RECOMMENDATION

THAT Council resolves to:

- 1) adopt the *Community Organisation Tenure Policy* (attachment one) and note the associated *Community Organisation Tenure Procedure* (attachment two) and *Community Organisation Tenure Information Kit* (attachment three); and
- 2) amend the *Livingstone Shire Council Adopted Fees and Charges 2021/2022* by removing the following charges:
 - (a) building site leased by organisation;
 - (b) field exclusive non-irrigated;
 - (c) field exclusive irrigated;
 - (d) field non-exclusive non-irrigated;
 - (e) field non-exclusive irrigated; and
 - (f) specialised area/part use of Council building/facility,and including the charge:
 - (g) Community Organisation Rent for the amount of one dollar per annum.

BACKGROUND

Council administers and manages tenure agreements with a significant number of community organisations in order to provide formal access to Council owned or controlled land and/or its facilities. The current number of tenure agreements held by community organisations over Council owned and/or controlled land and impacted by this policy numbers thirty-eight (38). Some additional tenure agreements will not be impacted by this policy due to occupying multi sports precincts and are therefore not reflected in this discussion.

As tenure agreements are instigated, expire, or approach expiry, Council must undertake the requisite process to ensure continued access is provided to not for profit community

organisations in the delivery of activities, programmes, and projects in accordance with Council policy and relevant legislation.

Livingstone Shire Council does not currently have a policy or procedural framework which prescribes how Council owned or controlled land tenure with community organisations is administered nor outlines the responsibilities of each party.

COMMENTARY

The aim of the *Community Organisation Tenure Policy*, *Community Organisation Tenure Procedure*, and *Community Organisation Tenure Information Kit* (see Attachments One, Two, and Three) is to ensure accountability, transparency, equity, and sustainability across the tenure process, as well as clear consistent information regarding the rights and responsibilities of tenants when entering into a tenure agreement with Council.

Across current tenure agreements there are a number of inconsistencies in both the terms of the agreement as well as charges levied:

Example One – one group is paying one dollar rental per year only whereas another similar organisation is paying \$320 per year in rent as well as applicable utility rates and charges (for example, water); and

Example Two – one group does not pay water consumption or utility rates and has its mowing provided by Council whereas another similar organisation pays water consumption and utility rates and does all grounds maintenance itself. Both groups pay the same rental fee.

Operational staff require a policy and procedure to enable them to apply a consistent and equitable approach to tenure agreements with not-for-profit community organisations. Any change to the current practice will have an impact on community organisations, however this change will not be implemented until each group's next tenure period, if they choose to renew.

PREVIOUS DECISIONS

There have been no previous decisions in relation to this matter.

ACCESS AND INCLUSION

Council's *Inclusive Community Policy* outlines its commitment to work in partnership with community organisations to ensure equitable access to goods, services, information, buildings, infrastructure, and precincts. Decisions made in relation to not-for-profit community organisation tenure consider access, inclusion, and equity.

ENGAGEMENT AND CONSULTATION

Internal consultation to assist in developing the draft *Community Organisation Tenure Policy*, *Procedure* and associated documents has occurred with the following areas of Council:

- (1) Property;
- (2) Rates;
- (3) Facilities; and
- (4) Water and Waste.

External consultation to assist in developing the draft *Community Organisation Tenure Policy*, *Procedure*, and associated documents has occurred with the following Local Governments:

- (1) Gladstone Regional Council;
- (2) Isaac Regional Council;
- (3) Central Highlands Regional Council;
- (4) Fraser Coast Regional Council; and

(5) Rockhampton Regional Council.

Over the past twelve (12) months, officers from Community Development, Sport and Recreation have engaged with current and prospective tenants of Council owned or controlled land. The overwhelming majority of current tenants reported concerns about current and future costs associated with tenure. There is significant confusion amongst tenants as to why each of their tenure agreements are different and disappointment that some tenants are receiving a 'better deal' than others.

If adopted, the Community Development, Sport and Recreation Team will hold targeted education sessions with tenants to run them through the new Policy, Procedure, Information Kit and associated forms, as well as identify any specific impacts for each tenant. This process will also assist in educating tenants as to what their responsibilities are, including when they are required to seek approval from the landowner/trustee (Livingstone Shire Council). T

HUMAN RIGHTS IMPLICATIONS

There are no identified human rights implications in relation to this matter.

BUDGET IMPLICATIONS

In the 21/22 financial year, the anticipated revenue from community organisation tenure is \$47,230.00. If the proposed policy is adopted, the annual revenue from community organisation tenure is anticipated to be \$32,110.00, a decrease of \$15,120.00.

It must be noted that the outcomes of the comparison against the 2021/2022 financial year would not be realised immediately. If the proposed policy is adopted, then the policy impact would only apply once the group renewed its tenure.

LEGISLATIVE CONTEXT

Under section 236(1)(c)(iii) of the *Local Government Regulation 2012* (exceptions for valuable non-current asset contracts), a local government may dispose of a valuable non-current asset other by tender or auction if for the disposal of land or an interest in land the disposal is for the purpose of renewing the lease of land to the existing tenant of the land.

Pursuant to section 236(2) of the *Local Government Regulation 2012*, an exception mentioned in subsection 236(1)(c)(iii) applies to a local government disposing of a valuable non-current asset only if, before the disposal, the local government has decided by resolution, that the exception may apply to the local government on the disposal of a valuable non-current asset other than by tender or auction.

LEGAL IMPLICATIONS

There are no identified legal implications associated with this matter.

STAFFING IMPLICATIONS

Actions arising from the adoption of the proposed policy and procedure can be accommodated within existing staff capacity.

It is anticipated that the adoption of the proposed policy and procedure will provide significant efficiency gains across the organisation as well as support a consistent, transparent and sustainable process.

RISK ASSESSMENT

The following presents the potential risks should Council adopt the proposed policy and procedure:

- 1) Reputation – It may be perceived by some community organisations that Council is attempting to revenue raise by adopted the proposed policy.
- 2) Economic – There is a predicted decrease in revenue if the proposed policy is adopted.

The following presents the potential risks should Council not adopt the proposed policy and procedure;

- 1) Reputation – should Council not adopt the proposed policy this may be perceived to contradict the Community Plan Goal 1.3 and associated strategies as it could lead to a decrease in opportunities for the community to engage in community, sporting, recreation, social and cultural activities.

There is significant confusion amongst tenants as to why each of their tenure agreements are so different and disappointment that some tenants are receiving a 'better deal' than others. If a policy is not adopted, this sentiment is likely to continue and lead to further requests to Council for fee relief or waivers in relation to tenure costs.

Should Council continue current practices in relation to administering Community Organisation tenure, there is a risk that Council practices will be non-transparent, inequitable and contradict the Community Plan Theme of Leading Livingstone.

- 2) Assets/Economic – should any not-for-profit community organisation have cause to dissolve and/or cease operations for an extended period, Council as the owner/trustee of the land would assume all assets if not recovered by the not-for-profit community organisation and be responsible for all maintenance and upkeep costs of the site. There would also be an impact on future predicted revenue and the community may have an expectation that Council would take on the role of providing the community, sporting, recreation, social and cultural activities that the prior tenant delivered.
- 3) Economic - should any not-for-profit community organisation holding tenure with Council have cause to cease operations for an extended period and/or dissolve, there would be an impact on future predicted revenue. If tenure is ceased, Council may take on the maintenance and upkeep responsibilities leading to an increase in expenditure.

CORPORATE PLAN REFERENCE

Liveable Livingstone

Community Plan Goal 1.3 - Places for active and passive recreation

1.3.2 Optimise community benefit from the use of parklands and facilities by improving the quality, access to, and shared use of, public spaces and facilities for cultural, recreational, and community activities.


Supporting community groups to maintain their tenure ensures that the range of activities and programmes provided via Council owned or controlled land and/or facilities continue which is reflected as very important for the wellbeing of the Livingstone community.

CONCLUSION

The aim of the *Community Organisation Tenure with Council Policy, Procedure, and Information Kit* is to ensure accountability, transparency, equity, and sustainability across the tenure process, as well as clear consistent information regarding the rights and responsibilities of tenants when entering into a tenure agreement with Council.

The draft Policy, Procedure, and associated documents have been designed to consider both the sustainability of community organisations as well as the cost to Council in maintaining and providing services to tenured land and/or facilities.

11.2 CAPRICORN COAST BMX CLUB INC TENURE PROPOSAL

File No:	CP5.9.2
Attachments:	1. Proposed BMX Tenure area 
Responsible Officer:	Molly Saunders - Principal Community Development & Engagement Officer David Mazzaferri - Manager Community Wellbeing Brett Bacon - Executive Director Liveability & Wellbeing
Author:	Seanna Stanford - Community Development and Engagement Officer

SUMMARY

This report details the proposed tenure arrangement for the Capricorn Coast BMX Club Inc.

OFFICER'S RECOMMENDATION

THAT Council resolves:

- 1) that the exception mentioned in section 236(1)(b)(ii) of the *Local Government Regulation 2012* may apply in its dealing with Capricorn Coast BMX Club Inc over a portion of Lot 14 on SP23039;
- 2) pursuant to section 236(2) of *Local Government Regulation 2012* to apply section 236(1)(b)(ii) of the *Local Government Regulation 2012* in its dealing with Capricorn Coast BMX Club Inc over a portion of Lot 14 on SP23039; and
- 3) to provide a licence for a one (1) year period to Capricorn Coast BMX Club Incorporated over a portion of Lot 14 on SP23039.

BACKGROUND

Council is the owner of Lot 14 on SP23039 comprising the Barmaryee Multi Sports Precinct (and its Licensees holding one (1) year community tenure License Agreements).

The Capricorn Coast BMX Club presented a deputation to Council outlining its concept for the development of a regional BMX Facility in Livingstone Shire. During this deputation the club requested that Livingstone Shire Council consider granting tenure over a portion of Lot 14 on SP23039 for the development. The proposed area is shown in Attachment One.

COMMENTARY

It is understood that a prerequisite of applying for grants of this type is that the applicant must hold tenure over the site on which the funding received will be applied. As the Capricorn Coast BMX Club Incorporated currently has no legal interest in the site, it is proposed that Council provide it with a one (1) year tenure arrangement; an equivalent term to other tenure holders at the Precinct.

This will allow the Capricorn Coast BMX Club Incorporated to pursue grant funding and develop concept plans and detailed designs (beyond the basic documents sighted by officers to date) and synchronise the development of the site with its financial and membership capacity (as it is a volunteer organisation).

It must be noted that it will be necessary to obtain development permits for operational works for any vegetation clearing and preliminary earthwork undertaken as part of the site investigation. Any tenure agreement does not usurp the requirements of the *Planning Act*, the *Livingstone Planning Scheme 2018* nor other relevant legislation. Nor does it afford the tenant carte blanche 'control' of the site.

PREVIOUS DECISIONS

The subject matter of this report has not been the subject of any Council resolution or direction.

ACCESS AND INCLUSION

The Capricorn Coast BMX Club Incorporated has not yet indicated if its concept includes consideration of accessibility and inclusivity for all members of the community.

ENGAGEMENT AND CONSULTATION

Internal consultation has occurred in preparation for this report. Aside from various development and/or building application requirements, the comments received are outlined below:

Natural Resource Management

The large Fig Tree and other established native vegetation should be retained.

Bushfire Resilience Officer

Will they have to keep the area maintained to a certain standard (long grass/fire risk)? Any structures or items stored on site (containers etc.) shouldn't be placed up against the timbered area.

Will their site be fenced or open?

Urban Operations

The fill we cart is valuable material for the development of the site and there is plenty of space for us to continue carting there no matter where they establish the BMX track.

Development Assessment

The site is zoned Sport and recreation. BMX is considered Outdoor sport and recreation which is accepted subject to requirements within the Sport and recreation zone. The following acceptable outcomes relating to built form and siting, which I believe the proposal could comply with:

AO1.1

Building height and the height of structures (other than lighting structures) does not exceed the following:

- *8.5 metres above ground level where the ground has a slope less than fifteen (15) per cent; or*

AO2.3

If not adjoining a residential category zone or a township zone, buildings or structures have a setback from side and rear lot boundaries in accordance with the following:

- *at any point where the 'outermost projection height' is between two (2) metres and 4.5 metres, a setback of at least five (5) metres; or*
- *at any point where the 'outermost projection height' is greater than 4.5 metres, a setback of at least five (5) metres plus 0.3 of a metre for every additional metre or part thereof in height over 4.5 metres.*

Engineering Services

The facilities are serviced by an onsite sewage treatment system. I can't recall if we were involved in the design of the septic system but it was engineered by a consultant. I suggest checking the capacity of the system to make sure it can cater for the increased loading from people attending the BMX events. We need to consider the worst case scenario when a BMX event is held on a day when the other fields are being used at the same time. Note: if the septic system is overloaded the soakage trench could flood and seep out of the ground.

During race meets, I imagine there'd be a significant number of attendees, including organisers, staff, participants and spectators, etc. Are there plans to extend the car

parking facilities or use the existing? How will this impact other events on the other fields that may occur at the same time? If additional parking is required, will it be Council's responsibility or the club's?

Will additional lighting be required for night time events, and whose responsibility is it to provide it?

Stormwater runoff would need consideration in their design, with particular attention to:

- *Erosion and sediment control for gravel areas.*
- *Flood immunity in significant rain events...1%AEP (1 in 100 year storm event).*
- *They will likely have to fill the site and provide a comprehensive stormwater management strategy.*

HUMAN RIGHTS IMPLICATIONS

There are no identified human rights implications in consideration of this matter.

BUDGET IMPLICATIONS

If a tenure agreement is being issued over part of a lot (and the agreement is being registered with the State Government's Titles Registry) a survey plan identifying the lease area is required to be included in the agreement when it is registered. The cost of the survey plan and registration of same is to be paid for by the proponent.

Should a Lease be issued to the Capricorn Coast BMX Club Incorporated, Council would be in a position to levy rates and charges over the site. It is understood that the Capricorn Coast BMX Club Incorporated may be eligible to apply for a rates remission applicable to not for profit organisations. Costs to maintain the site would also be borne by the Capricorn Coast BMX Club Incorporated.

Should a License be issued to the Capricorn Coast BMX Club Incorporated, Council would be in a position to charge a Licence fee over the site corresponding with the level of service provided. This is recommended as it aligns with the existing model at Barmaryee Multi Sports Precinct.

LEGISLATIVE CONTEXT

Under Section 236 of *Local Government Regulation 2012* (Exceptions for valuable non-current asset contracts) a local government may dispose of a valuable non-current asset to a community organisation other than by tender or auction only if, before the disposal, the local government has decided by resolution that the exception may apply on the disposal.

LEGAL IMPLICATIONS

There are no legal implications relevant to this matter.

STAFFING IMPLICATIONS

Tenure documents can be prepared within existing staffing capacity and potential Development Applications will be subject to usual Council processes and procedures.

RISK ASSESSMENT

Reputational risk may exist should Council not provide support for the development of not for profit community organisations or recreation opportunities in accordance with the *Corporate Plan 2030*. Reputational risk may also exist if Council does not undertake the appropriate level of community consultation in regards to development of the site.

Legal risk may exist if Council fails to establish appropriate tenure as prescribed under legislation.

Environmental risk may exist if established native vegetation is impacted.

Financial risk may exist regarding maintenance of the proposed asset should the not for profit community organisation dissolve, Council as owner of the land would assume responsibility for the asset.

CORPORATE PLAN REFERENCE

Liveable Livingstone

Community Plan Goal 1.3 - Places for active and passive recreation

1.3.2 Optimise community benefit from the use of parklands and facilities by improving the quality, access to, and shared use of, public spaces and facilities for cultural, recreational, and community activities.

Supporting not-for-profit community organisations to secure and maintain tenure for their operations supports their capacity to continue and provides a variety of cultural, recreational, sporting and community activities for the benefit of the broader Livingstone community.

CONCLUSION

To enable the Capricorn Coast BMX Club Incorporated to take tenure over a portion of Lot 14 on SP23039 and apply for grant funding, Council will be required to issue it a tenure arrangement over the site. The issue of such an agreement, including an acknowledgement that Council is prepared to issue a licence for the purposes of a BMX facility for the conduct of the Capricorn Coast BMX Club Incorporated and complementary secondary uses, is considered reasonable and enables the Capricorn Coast BMX Club Incorporated to pursue its ambitions.

11.3 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) - 99 CRANNYS ROAD, INVERNESS

File No: D-260-2021

Attachments:

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

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

Author: Tracy Jones - Planning Officer

SUMMARY

Applicant: M. and L. Wallin

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 8 on RP866166 Area of Site: 5.944 hectares

Planning Scheme: *Livingstone Planning Scheme 2018 (version 3)*

Zone: Rural zone

Precinct: Capricorn Coast Rural Precinct

Overlays: OM02 – Agricultural Land Classification
OM07 – Biodiversity – MSES Wildlife Habitat and MLES Regional Biodiversity Corridor
OM12 – Bushfire Hazard – Very High Potential Intensity, High Potential Intensity, Medium Potential Intensity, Potential impact buffer
OM18 – Landslide Hazard Area
OM19 – Proximity to major infrastructure
OM21 – Scenic Amenity – Management Area A and B

Existing Development: Dwelling house and ancillary structures

Level of Assessment: Impact Assessable

Submissions: No submissions received

Referral matters: Nil

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

Application received:	1 July 2021
Application properly made:	19 July 2021
Development control unit meeting:	7 July 2021
Confirmation notice issued:	19 July 2021

Information request issued:	2 August 2021
Information request responded to (in part):	7 September 2021
Notice of commencement received:	9 September 2021
Public notification period:	9 September to 8 October 2021
Notice of compliance received:	8 October 2021
Statutory determination date:	26 November 2021

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into three lots), made by Capricorn Survey Group (CQ) Pty Ltd on behalf of M. and L. Wallin, on Lot 8 on RP866166 and located at 99 Crannys Road, Inverness, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 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*.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Reconfiguration Plan (1 into 3 lots)	8147-01-ROL Revision B	2 September 2021

- 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.
- 3.0 PLUMBING AND DRAINAGE WORKS
- 3.1 The onsite sewage treatment and disposal system and any associated infrastructure servicing the existing Dwelling house on proposed Lot 8 must be wholly retained within the lot it serves.
- 3.2 The existing rainwater tanks and any associated infrastructure servicing the existing Dwelling house on proposed Lot 8 must be wholly retained within the lot it serves.
- 4.0 STORMWATER WORKS
- 4.1 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause a nuisance or damage infrastructure.
- 5.0 ELECTRICITY AND TELECOMMUNICATIONS
- 5.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 5.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections.
- 6.0 ASSET MANAGEMENT
- 6.1 Any alteration necessary to electricity, telephone, and/or public utility installations resulting from the development or in connection with the development must be at full cost to the Developer.
- 6.2 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.
- 7.0 ENVIRONMENTAL
- 7.1 An environmental covenant, pursuant to Section 97A of the *Land Title Act 1994*, must be entered into in respect of the land as shown as proposed covenant on Plan 8147-01-ROL (refer condition 2.1) to the effect that:
- 7.1.1 the area is protected as a vegetated flora habitat and all native vegetation must be retained; and
- 7.1.2 there is to be no artificial interference or disturbance of the habitat, unless approved by Council.
- 7.2 Clearing vegetation for bushfire mitigation, particularly boundary firebreaks, must not be undertaken within the covenant area, unless approved by Council.
- 8.0 OPERATING PROCEDURES
- 8.1 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 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsip.qld.gov.au

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. 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 5. Environmental

- a. It is advised that part of the subject site is mapped by the Department of Environment and Science as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Science.
- b. It is advised that part of the subject site is mapped by the Department of Resources as containing Regulated Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>

NOTE 6. Building Location Envelope

This approval is for the reconfiguration of Lot 8 on RP866166 into three (3) separate titles. The approved plan illustrates a Building Location Envelope over proposed Lots 9 and 10, which denotes the location within which a future Dwelling house and ancillary buildings or structures must be located. This approval does not negate the requirement for a future Material Change of Use, Building Works regulated under the Planning Scheme or Operational Works, pursuant to the categorising instrument in effect at the time of development.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into three lots), made by Capricorn Survey Group (CQ) Pty Ltd on behalf of M. and L. Wallin, on Lot 8 on RP866166, and located at 99 Crannys Road, Inverness, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$30,500.00**.

COMMENTARY

The proposal is for the creation of three (3) allotments with the following site areas and road frontages:

Lot	Site Area (square metres)	Road frontage (metres)
Eight	4.285 hectares with 2.89 hectares in covenant	18.22
Nine	8,510	72.02
Ten	8,050	115.78

Vehicular access to the proposed lots will be from Crannys Road. Vehicular access to the existing Dwelling house will be retained on proposed lot eight via an eighteen (18) metre wide access way on the eastern portion of the lot.

SITE AND LOCALITY

The subject site steeply slopes over the northern portion of the site and contains a Dwelling house within the central area of the site. The northern portion of the site also contains mature intact vegetation which is mapped as having biodiversity and scenic amenity values, whilst southern areas of the site comprise scattered vegetation.

The site is located outside the Priority Infrastructure Area and is not connected to Council's reticulated water or sewer networks however the existing on-site services for the Dwelling house will be retained wholly within proposed lot eight. Land to the west of the site is characterised by Dwelling houses on smaller sized Rural allotments. The site is within proximity to a Panorama Drive, with the northern portion of the site under covenant area being a highly visible ridgeline.

ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS

This application has been assessed by relevant Council planning, engineering and natural resource management officers as required. The assessment has been undertaken in accordance with Chapter 3 of the *Planning Act 2016*, Part 4 of the *Planning Regulation 2017* and the Development Assessment Rules under the *Planning Act 2016*.

The assessment has been carried out against the assessment benchmarks in the relevant categorising instrument/s for the development and having regard to the State Planning Policy, any development approval for and any lawful use of the premises or adjoining premises, and the common material. The assessment has also had regard to other relevant matters (other than a person's personal circumstances, financial or otherwise) discussed further in this report.

Internal advice and assessment

Development Engineering – 13 July 2021

Support, subject to conditions

Future stormwater truck infrastructure (D-74) is identified within the catchment

Natural Resource Management – 16 September 2021

Support, subject to conditions, including the requirement for an environmental covenant over the northern part of proposed lot 8.

Public and Environmental Health – 1 July 2021

No comments.

State Planning Policy – July 2017

The Minister has identified that the *State Planning Policy* (July 2017) is integrated in the planning scheme for the following aspects:

- Guiding principles
- Agriculture

- Development and construction
- Mining and extractive resources
- Tourism
- Emissions and hazardous activities

Part E of the *State Planning Policy* provides for interim development assessment benchmarks for local government until such time as the other aspects of the *State Planning Policy* are reflected in the planning scheme. An assessment of the State interests relevant to the application are detailed below.

Natural hazards, risk and resilience: The subject site is identified as being both flood prone and bushfire hazard prone. Council has no data to suggest that the land is prone to flooding.

Development supports and does not hinder disaster management response or recovery capacity and capabilities.	Complies
Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.	The subject site is partially mapped as being within the potential impact buffer, medium, high and very high potential bushfire intensity.
Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.	Whilst a bushfire management plan has not been provided, the proposed lots do not place people and property at an unacceptable risk as proposed lots nine and ten are down slope of hazardous vegetation from the north/west. In addition, the existing Dwelling houses on proposed lot eight, and neighbouring Lot 7 RP866166 provide a buffer to building envelopes on proposed lots nine and ten which contains scattered vegetation.
The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.	<p>The proposed lots are separated from hazardous vegetation to the south by Crannys Road and Panorama Drive which provides a suitable fire break. Building envelopes are a minimum of forty (40) metres from vegetation on the opposite side of Crannys Road, being greater than 1.5 times the existing vegetation height.</p> <p>The proposed covenant area over existing intact hazardous vegetation is more than 1.5 times the canopy height from the existing Dwelling house on Lot eight.</p> <p>Future uses on proposed lots are anticipated to be Dwelling houses, which will not result in the storage or release of hazardous materials.</p> <p>The lots have frontage and access to Crannys Road, an all-weather public road within one (1) kilometre of Adelaide Park Road, a Rural Major Collector road providing for safe emergency access and evacuation routes.</p> <p>Provisions for onsite water supply for domestic and bushfire purposes will be required at the commencement of a new use on proposed lots nine and ten.</p>

Livingstone Planning Scheme 2018

The *Livingstone Planning Scheme 2018* (commenced 1 May 2018) is the relevant categorising instrument applicable to the assessment of this application.

Strategic Framework

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme. The following themes are relevant to the assessment of this application:

(i) Settlement pattern:

The site is located within a Rural Place on Strategic Framework Map SFM-02 which *'provide opportunities for uses such as agriculture, horticulture, aquaculture, forestry, rural industry and resource extraction'*. Although mapped as agricultural land classification – Class A and B, the site is located over 850 metres from the closest rural use located north, on the opposite side of the ridgeline, The small land area of the existing site, excluding area to be protected by covenant, is not conducive to agricultural or rural uses however can accommodate future residential uses within building envelopes that are cleared and unconstrained by overlays.

(ii) Natural environment and hazards:

The site contains an important strategic ridgeline which exhibits biodiversity and scenic values mapped as a Nature Place on Strategic Framework Map SFM-02. This area extends from Howes Road in the north to Beak Street in the South. The inclusion of conditions requiring an environmental covenant for the full extent of the intact vegetation in the north of the site ensures the protection of environmental and scenic landscape values whilst mitigating risks to people and property to an acceptable and tolerable level through identified building envelopes.

(iii) Access and mobility;

The subject site has vehicular access to Cranny's Road which is constructed to a standard which is sufficient to cater for the low traffic generation anticipated by the development. Despite the subject site being proximal to Panorama Drive, there is no requirement for an additional access to Panorama Drive as part of the development due to the topography and speed environment and the long term functionality of Panorama Drive.

In summary, the performance assessment of the proposal demonstrates the development will not compromise the strategic framework.

Reconfiguring a Lot Code

The purposes of the reconfiguring a lot code are:

- (1) to facilitate the creation of a range of lot sizes which have an appropriate size, shape and slope, to accommodate the intended uses within each zone;*
- (2) to facilitate the design of urban neighbourhoods which are compact, well connected with vehicle and pedestrian access and enable the most efficient use of land;*
- (3) to facilitate the productive use of natural resources;*
- (4) to protect the landscape character and ecological functions of the natural environment; and*
- (5) to minimise risks to life and property, associated with hazards.*

Overall outcomes

The purpose of the code will be achieved through the following overall outcomes:

- (1) lot reconfiguration results in a pattern of urban development which is broadly sequential, to maximise the efficiency of infrastructure provision and connect to surrounding movement and infrastructure networks;*

- (2) *a variety and mix of lot sizes enable a range of development options to accommodate the preferred uses in each zone;*
- (3) *lots have suitable areas, dimensions and slope for the intended use, including space for vehicle access and parking, on-site services and recreation, appropriate for the zone;*
- (4) *lot reconfiguration avoids areas where there is an unacceptable risk from hazards, including flood, storm tide, slope instability and bushfire;*
- (5) *in urban areas and emerging communities, compact and walkable neighbourhoods are created, which connect to employment nodes, centres, open space, recreational areas, community services and educational opportunities;*
- (6) *lot reconfiguration does not increase the likelihood of significant land use conflict;*
- (7) *lot reconfiguration does not result in adverse impacts on natural topography, drainage systems, vegetation, ecological values, ecosystems and cultural heritage features;*
- (8) *lot reconfiguration does not result in adverse impacts on utility installations, major transport and movement networks, and other important infrastructure;*
- (9) *street and pathway design maximises opportunities to create landmarks, views and vistas;*
- (10) *lots are orientated in a way which facilitates the design of buildings that are appropriate for the local climatic conditions;*
- (11) *infrastructure is provided to new lots in a way which minimises whole of life cycle costs and maximises the use of sustainable technologies;*
- (12) *public open space is provided in a way which is accessible, safe and integrated with active and passive transport networks;*
- (13) *streets and roads are designed to maximise convenience and safety for all users.*

An assessment against the code (refer code assessment attachment) demonstrates that the proposal complies with the various requirements of the Reconfiguring a Lot Code with the exception PO5 and PO6 in respect of a structure plan to be prepared. Despite this, the proposal meets the overall outcomes of the Code, as there will be no further demands on Council infrastructure with onsite services to be provided at the time of establishment of a future use of the land. In addition, the proposed subdivision deviates from the ten (10) hectare minimum lot size for the rural zone as per PO11, however the existing site area is already below the minimum at 5.944 hectares, and is already compromised in its viability for the intended use of the land for rural purpose together with established residential uses on adjoining land, the future use of the land will not result in further land use conflicts.

Biodiversity overlay code

The purpose of the biodiversity overlay code is to identify, protect, enhance and rehabilitate areas containing matters of environmental significance and the ecological processes and biodiversity values of terrestrial and aquatic ecosystems.

Overall outcomes

The purpose of the code will be achieved through the following overall outcomes:

- (1) *matters of environmental significance and corridors which link them are identified, protected, enhanced and rehabilitated to maintain ecological processes and biodiversity;*
- (2) *nature corridors or links are maintained and where appropriate, rehabilitated and expanded to support:*
 - (a) *the natural movement and proliferation of native species;*

- (b) *ecological responses to climate change;*
- (c) *the maintenance of large scale migratory lifecycle processes; and*
- (d) *connectivity between significant habitat areas and areas of remnant vegetation;*
- (3) *development does not cause significant adverse impacts on areas containing matters of environmental significance, by appropriately addressing impacts on issues including but not limited to the following:*
 - (a) *species or habitat loss or disturbance, including terrestrial and aquatic wildlife corridors;*
 - (b) *soil degradation, pollution, erosion, contamination, acidification or salinization;*
 - (c) *modification to natural processes; and*
 - (d) *reduction in water quality, ecological values and the natural hydrological regimes of surface and ground waters;*
- (4) *development maintains or increases the resilience of ecosystems and wildlife habitats to threatening processes, including the impacts of climate change;*
- (5) *development facilitates land tenure and other management arrangements for the long-term conservation of environmentally significant areas, ecological processes and biodiversity values;*
- (6) *corridors and associated buffers have dimensions which suitably provide for:*
 - (a) *movement of native fauna;*
 - (b) *viable habitat areas;*
 - (c) *minimisation of edge effects;*
 - (d) *maintenance of the hydrological functions of waterways or wetlands;*
 - (e) *appropriate access for sustainable recreation; and*
 - (f) *any additional maintenance and bushfire setback functions to be located outside the areas required for ecological purposes; and*
- (7) *fragmentation of existing habitat areas is minimised, particularly where it impacts on the future health of populations of native fauna and flora species.*

An assessment against the code demonstrates the proposal complies with the performance outcomes and overall outcomes of the Biodiversity overlay code although smaller lot sizes are proposed, areas identified as matters of environmental significance are protected within an environmental covenant ensuring long term protection of biodiversity values and strategic corridor linkages. **Bushfire hazard overlay code**

Purpose

The purpose of the bushfire hazard overlay code is to ensure that development in bushfire prone areas does not increase risk to life, property, community, economic activity and the environment during bushfire events.

Overall outcomes

The purpose of the code will be achieved through the following overall outcomes:

- (1) *development is located where bushfire hazard risk to personal safety and property is avoided or minimised and mitigated to acceptable levels;*
- (2) *highly vulnerable and community uses are not located in bushfire hazard areas;*
- (3) *vegetation which is identified as matters of State or local environmental significance is not cleared to achieve bushfire hazard minimisation;*
- (4) *natural processes and the protective function of landforms and vegetation are maintained in bushfire hazard areas;*

- (5) *access is provided for safe entry and exit requirements for residents during bushfire events;*
- (6) *development provides for the efficient operational requirements of fire fighters during bushfire events;*
- (7) *development is provided with adequate water supply and fittings for fire-fighting vehicles, and access arrangements for fire fighters;*
- (8) *emergency services facilities are located and designed to function effectively during and after a bushfire;*
- (9) *development does not create an unacceptable burden on disaster management response or recovery capacity and capabilities; and*
- (10) *development avoids the storage of hazardous materials in a bushfire hazard area.*

An assessment against the code demonstrates that the proposal complies with the various requirements of the Bushfire hazard overlay code, with the exception of Performance Outcome PO11 as a bushfire hazard assessment and management plan has not been prepared for the site, despite one being requested as part of the formal Information Request response. Despite this, the applicant provided an assessment against the code to demonstrate that the proposed additional lots have sufficient setbacks to hazardous vegetation for future development to meet a Bushfire Attack Level 12.5, as well as appropriate access to public roads providing for safe and efficient evacuation routes as well as emergency vehicle access. Whilst the site does not have access to reticulated water supply, on-site water storage to address domestic and bushfire supply requirements will be required as part of building requirements. Accordingly, as the development is able to demonstrate there is minimal risk to people and property, the proposal meets the overall outcomes for the code.

Landslide hazard overlay code

An assessment against the code demonstrates that the proposal complies with the various requirements of the Landslide hazard overlay code apart from a deviation from Acceptable Outcome AO9.1 as a site specific slope stability assessment report has not been provided. As the mapped landslide hazard is incorporated within proposed lot eight, which contains the existing Dwelling house and environmental covenant, the proposed subdivision does not result in further landslide risk and the proposal is able to meet the overall outcomes for the code. **Scenic amenity overlay code**

An assessment against the code demonstrates that the proposal complies with the various requirements of the Scenic amenity overlay code apart from Acceptable Outcome AO6.2 as the proposed lot sizes do not meet the minimum requirement for the Rural zone (Capricorn Coast Rural Precinct). Despite this, mapped areas of scenic amenity and vegetation have been retained within proposed lot eight which will be retained in its current state due to containing the existing Dwelling house and a proposed covenant. Therefore the proposal is able to meet the performance outcomes for the code. **Development works code**

The development has been appropriately conditioned to comply with the relevant outcomes of the Development works code in regard to relevant infrastructure necessary for the existing use and required for the development.

The existing on-site services for water and sewer will be retained on proposed Lot 8 for the existing Dwelling house. Connection to the electricity network is conditioned to be provided for proposed Lots 9 and 10, as per the relevant authorities' requirements.

PUBLIC NOTIFICATION

The proposal was the subject of public notification between 10 September 2021 and 5 October 2021, as per the requirements of the *Planning Act 2016*, and no submissions were received.

INFRASTRUCTURE CHARGES

Infrastructure charges are levied pursuant to the *Adopted Infrastructure Charges Resolution (No.4) LSC 2019*. The details and breakdown of the charges are outlined below:

Charge area:	The subject site is located outside the priority infrastructure area.
Calculation:	<p>There is future stormwater trunk infrastructure (D-74) identified within the related catchment. Hence, infrastructure charges for stormwater are applicable for this development.</p> <p>The total proportional split of adopted infrastructure charges for available infrastructure networks (stormwater, transport and, parks and community facilities only) of the subject site is 61%.</p> <p>The charge is calculated in accordance with Table 5 - Minimum infrastructure charge for Reconfiguring a Lot partly outside or entirely outside the Priority Infrastructure Area, as follows:</p> <ol style="list-style-type: none"> 1. Three (3) lots at \$15,250.00 per lot. 2. less a credit of \$15,250.00.
Credit:	<p>The above calculation takes into account a credit of \$15,250.00 for the existing allotment pursuant to Part 4.0 of Council's <i>Adopted infrastructure Charges Resolution (No. 4) LSC 2019</i>. The credit is calculated as follows:</p> <ol style="list-style-type: none"> 1. one existing lot at \$15,250.00 per lot.
Offset:	No offsets are applicable to the development.
Networks Covered:	<p>Apportionment of charges over the following networks:•Transport</p> <ul style="list-style-type: none"> • Parks & Community Facilities • Stormwater

A total contribution of **\$30,500.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

SUMMARY OF ASSESSMENT

Pursuant to Section 45(5)(b) of the *Planning Act 2016*, the assessment manager may carry out an assessment against, or have regard to, any other relevant matter (other than a person's personal circumstances, financial or otherwise), which may include relevant matters that favour Council exercising its discretion to approve the application even though the development does not comply with some of the assessment benchmarks such as a planning need or the current relevance of the assessment benchmarks in the light of changed circumstances.

In response to the above, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Strategic Framework. Despite the smaller lot sizes, the rural viability of existing land uses in the area are not compromised, and the lot layout supports the protection of environmental and scenic landscape values, and mitigates risk to hazards to people and property to tolerable levels.

Further to the assessment summary above and pursuant to section 63 (5) of the *Planning Act 2016*, the reasons for the decision are based on findings on material questions of fact and must be included in the statement of reasons accompanying the decision notice as follows:

- The development does not compromise the achievement of the Strategic Framework in respect to the Settlement Pattern and Natural environment and hazards themes. The development will not result in land use conflicts in respect of existing rural uses. The

existing size of the land is not conducive to agricultural or rural uses however can accommodate future residential uses within building envelopes that are cleared and unconstrained by overlays.

- (ii) The development does not compromise the purpose of the Reconfiguring a lot code, despite non-compliances with the Performance Outcomes as the creation of two additional allotments of approximately 8,000 square metres in area is of sufficient size and dimension to provide for future rural residential development and on-site services to be located within the Building Location Envelopes.
- (iii) The development complies with the purpose of the Bushfire hazard overlay code, despite not providing a Bushfire Hazard assessment and Management Plan. Specifically, appropriate setbacks to hazardous vegetation and direct access to public roads provide for safe and efficient evacuation routes and emergency response access minimise the risk to people and property to a tolerable level. In addition, a condition is included to ensure adequate on-site water storage for proposed lot 8.
- (iv) The development complies with the purpose of the Landslide Hazard Overlay Code, Biodiversity Overlay Code and Scenic Amenity Overlay Code as the area identified as the strategic ridgeline exhibiting these values is conditioned to be protected through an environmental covenant registered over proposed Lot 8 and will not be developed.
- (v) The development does not compromise the achievement of the state interest – Natural hazards, risk and resilience outlined in the State Planning Policy.

On balance, the application should be approved because the development has been justified against the strategic framework and can comply with the assessment benchmarks.

PREVIOUS DECISIONS

Each decision is made on its merits at the time of assessment and with the best planning information available. There are instances whereby reasons to support the proposal must be established, subject to reasonable and relevant conditions.

ACCESS AND INCLUSION

There are no identified access or inclusion issues associated with this development application.

ENGAGEMENT AND CONSULTATION

The application was publicly notified between 10 September 2021 and 5 October 2021, and no submissions were received in accordance with the *Planning Act 2016*.

HUMAN RIGHTS IMPLICATIONS

There are no identified human rights implications associated with this development application.

BUDGET IMPLICATIONS

Management of this application has been within the existing budget allocations

LEGISLATIVE CONTEXT

The application is being assessed pursuant to the *Planning Act 2016* and all subordinate legislation and policies.

LEGAL IMPLICATIONS

The legal implications of deciding this development application favorably or unfavorably is the risk of appeal from the developer (should Council refuse the development application). These potential legal implications also bring unknown budget implications.

STAFFING IMPLICATIONS

No staffing implications have been identified in the assessment.

RISK ASSESSMENT

The risks associated with this assessment have been appropriately addressed in the body of this report. Specifically, the risk of appeal to any decision made by Council and any financial/budget implications such action may have. It should be noted that these risks are difficult to quantify at the assessment stage.

CORPORATE PLAN REFERENCE***Future Livingstone***

Community Plan Goal 5.1 - Balanced environmental and development outcomes

5.1.2 Balance development within Livingstone Shire in accordance with the community's desired environmental and economic outcomes.

The decision will be made in accordance with the *Livingstone Planning Scheme 2018* and relevant legislation, with consideration of the submissions received, to ensure that development is consistent with current best practice and community expectations.

CONCLUSION

The subject site is located in the Rural zone (Capricorn Coast Rural Precinct) and the proposed development, being for Reconfiguring a lot for the creation of three smaller sized rural allotments consisting of 8,050 and 8,510 square metres and 5.944 hectares in area. Allotments of this size do not meet the minimum lot size of ten (10) hectares. Despite this, the smaller lot size does not further compromise the rural viability of the site, given the existing site area and distance to existing rural uses occurring on nearby land. In addition, the scale of the proposal is not anticipated to result in further land use conflicts.

The lot layout respects significant environmental and scenic landscape characteristics with elevated areas of vegetation being protected through an environmental covenant. Further, the proposed development mitigates risk to people and property from natural hazard to a tolerable level, with future development not at risk from landslide hazard, and bushfire can be managed through building envelope locations which maintain sufficient setbacks from hazardous vegetation.

Having regard to the above assessment, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be relevant matters that favour Council exercising its discretion to approve the development despite not achieving compliance with some of the assessment benchmarks and the development is capable of occurring in a manner that is not likely to conflict with Council's strategic framework. As such, the proposal is recommended for approval, subject to reasonable and relevant conditions outlined in the recommendation.

11.4 RISK BASED LAND USE COMPLIANCE POLICY

File No:	GV
Attachments:	1. Version 2- Risk Based Land Use Compliance Policy⇒
Responsible Officer:	David Battese - Manager Liveability Brett Bacon - Executive Director Liveability & Wellbeing
Author:	Nat Druery - Coordinator Public Environments

SUMMARY

This report details suggested minor amendments to Council's *Risk Based Land Use Compliance Policy*. The policy was originally adopted by Council in April 2018.

OFFICER'S RECOMMENDATION

THAT Council resolves to adopt Version Two of the *Risk Based Land Use Compliance Policy* as contained within Attachment One.

BACKGROUND

At its ordinary meeting of 5 April 2018, Council resolved to adopt its *Risk Based Land Use Compliance Policy*, which has subsequently been implemented. The *Risk Based Land Use Compliance Policy* provides guidance and direction for the allocation of resources when undertaking reactive compliance and enforcement actions associated with Planning, Building, Plumbing, and Environmental Health matters.

The policy provides a 'risk based' evaluation system for staff to consider the impacts and consequences of noncompliant land use activities, in a consistent manner according to the following criteria:

- (1) risks to health and safety of persons;
- (2) levels of environmental harm;
- (3) levels of amenity impact;
- (4) risks to Council's reputation/public perception;
- (5) levels of statutory non-compliance; and
- (6) any legal or economic consequences.

The evaluation system also ensures that the prioritisation and allocation of resources are proportionate to the seriousness of each individual matter.

The policy delivers on the outcome of embedding risk management practices into Council's decision-making processes in accordance with the current corporate plan and cements Council's commitment to providing open and accountable governance which will ensure community confidence and trust in Council.

COMMENTARY

After three years of implementation, it was timely to undertake a review of the policy and its effectiveness. As the policy already aligns with Council's commitment to community aspirations in relation to respecting, protecting and promoting human rights in the decision-making processes, there is only one change suggested.

The proposed change is to correct the current 'risk based resolution hierarchy' and reflect the existing legislative provision for issuing a penalty infringement notice, in relation to the offence, should a person fail to respond to a Show Cause Notice. This action can be taken as part of an ongoing compliance process or as finalisation of the matter, in circumstances of low risk when further action or prosecution is not considered viable. In these circumstances, the issuing of a penalty infringement is appropriately proportionate to the offence.

The issuing of a Penalty Infringement Notice when matters are determined to be of medium, high, or extreme risk is only recommended where contravention of the relevant act is considered wilful or repetitive and it is likely that further action may also be required. A show cause notice sets out the basis of understanding for an alleged offence and invites the recipient to respond to Council. By responding, the recipient allows Council to consider the recipient's personal reasoning, circumstances, and desire to co-operate when making decisions about further action. A failure to respond is an indication that the recipient is unwilling to co-operate with the compliance process and has no desire to communicate or engage with Council, regarding the matter.

PREVIOUS DECISIONS

At its ordinary meeting of 5 April 2018, Council resolved to adopt the *Risk Based Land Use Compliance Policy*.

ACCESS AND INCLUSION

There are no identified access and inclusion implications associated with the consideration of this matter.

ENGAGEMENT AND CONSULTATION

It is not considered necessary to undertake community engagement or consultation in relation to the consideration of this matter.

HUMAN RIGHTS IMPLICATIONS

There are no identified human rights issues associated with the consideration of this matter.

BUDGET IMPLICATIONS

There are no budget implications associated with the consideration of this matter.

LEGISLATIVE CONTEXT

The *Risk Based Land Use Compliance Policy* provides guidance for the implementation of the following acts:

- (1) *Building Act 1975*;
- (2) *Environmental Protection Act 1994*;
- (3) *Food Act 2006*;
- (4) *Local Government Act 2009*;
- (5) *Planning Act 2016*;
- (6) *Plumbing and Drainage Act 2018*; and
- (7) *Public Health Act 2005*.

LEGAL IMPLICATIONS

There are no identified legal implications associated with the consideration of this matter.

STAFFING IMPLICATIONS

The *Risk Based Land Use Compliance Policy* provides direction for staff to perform their substantive roles and consequently, there are no staffing implications associated with its consideration.

RISK ASSESSMENT

The *Risk Based Land Use Compliance Policy* is a risk assessment management tool for Council, which provides transparency and certainty for the organisation and the community.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.3 - Engagement with the community as advisors and partners

4.3.1 Plan, develop and implement high-quality customer-focused services.

The *Risk Based Land Use Compliance Policy* provides Council's customers with open information as to how Council's land use compliance activities are prioritised.

CONCLUSION

The adoption of the proposed minor amendments to Council's *Risk Based Land Use Compliance Policy* would assist ensuring that the policy continues to provide effective guidance and direction for Council in allocating resources to maximise the community benefits when undertaking reactive compliance and enforcement actions.

11.5 APPLICATION FOR PERMANENT ROAD CLOSURE - ADJACENT TO 73 MONACO DRIVE, ZILZIE**File No:** GR14.4.2**Attachments:**

- 1. Plan⇒
- 2. Application for Road Closure⇒
- 3. Infrastructure Plan⇒
- 4. Photo⇒

Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure**Author:** Jo Fursman - Administration Officer

SUMMARY

This report pertains to an application to permanently close an area of the Monaco Drive road reserve at Zilzie.

OFFICER'S RECOMMENDATION

THAT Council resolve to:

1. advise the applicant that it does not object to the proposal to permanently close part of the Monaco Drive road reserve adjacent to Lot 108 SP166167 subject to the dedication of a five metre wide public utility easement for drainage, supply of water and sewerage purposes which is to:
 - a) be registered over the area of closed road; and
 - b) reference Council's standard easement terms – Dealing No 718630483
2. authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, does not object to the proposal to permanently close part of the Monaco Drive road reserve adjacent to Lot 108 SP166167 subject to the dedication of a five metre wide public utility easement for drainage, supply of water and sewerage purposes which is to:
 - a) be registered over the area of closed road; and
 - b) reference Council's standard easement terms – Dealing No 718630483

BACKGROUND

In February 2021, Council received a complaint from a member of the public regarding the owners of a property at Monaco Drive, Zilzie fencing a public pathway (road reserve) adjacent to their land into their private property. While addressing this complaint, it was identified that several other landowners had also fenced public walkways (road reserve) into their land denying access to the public. All of the offending owners were instructed to either relinquish their exclusive possession of the public land or apply to purchase the road reserve. In September 2021, Council received a request from the owner of Lot 108 SP166167 (73 Monaco Drive, Zilzie) to consider a proposed application for permanent road closure over an area of road reserve at Monaco Drive, Zilzie as shown on attachment 1. On the application form, the owner advises as follows:

'We are constantly calling police to keep criminals out of the lane way getting access to the vacant clubhouse. We wish to secure this laneway'.

The area in question can be clearly identified as the fenced and gated area shown on attachment 4.

COMMENTARY

Under the *Land Act 1994* an adjoining land owner may apply to have an area of road permanently closed and incorporated into their adjoining freehold land. The owner of Lot 108 is requesting Council to complete a 'Statement in relation to an application under the *Land Act 1994* over State land Part C' which she will lodge with the Department of Resources ('DoR') along with her application for road closure (refer to attachment 2 for application form).

Advice was sought from various sections of Council and comments provided are covered below:

1. Manager, Construction & Maintenance

'I am not sure what the long term plan for the golf course (Lot 508 on SP166188) is, but you may need to check the original planning approvals to see if the path (road reserve) were created as a combined access footpath to golf course and drainage path. If only created for drainage purposes then C&M has no objection to the permanent closure providing a suitable conditioned easement is created over the area to be closed. The easement should be as per standard drainage easements over Council infrastructure and to cover the surcharge flow path significant rain events. All costs associated with creating the easement should be borne by the applicant.'

2. Coordinator Development Engineering

'I agree with Jeff's comments.'

If the subject part is created for pedestrian pathway connection and infrastructure purposes, then DE will object to the request.

If the subject part is created only for stormwater drainage and sewer purposes, the subject request can be supported provided a suitably sized easement is dedicated in favour council at no cost to Council.'

3. Planning Officer – Development Assessment

'Planning have no objection the proposal for the permanent road closure of an area of road beside Lot 108 SP166167, which is zoned Low Density Residential under the planning scheme. There is no specific conditions for pathway connections under the relevant planning approvals nor requirements under the planning scheme in effect at the time of the subdivision approval.'

The land proposed to be closed provides footpath access to privately owned land described as Lot 508 SP166188, and not public land.

Adjoining Lot 508 SP166188 has an existing access point (driveway-from its road frontage boundary further along Monaco Drive.

It is noted that there is stormwater infrastructure within this area to be closed and these services should be provided within an easement however it is expected that Infrastructure will provide advice regarding this matter.'

4. Manager Engineering Services

'...Council shouldn't have pathways that direct people to enter private property via an unsecure access other than the property's main entrance.'

5. Coordinator Infrastructure Planning

'Subject land does not provide connectivity between the walking and cycling networks. Therefore, from network planning point of view, Infrastructure Planning Team does not have any objections to the proposed PRC, providing a drainage easement is created along the subject land.'

Attachment 3 identifies that Council has infrastructure in the area of road proposed to be closed. Subject to the dedication of a public utility easement for drainage, supply of water and sewerage purposes, in favour of Council (referencing Council's standard easement terms – Dealing No 718630483), there appears to be no reason to object to the proposed road closure.

PREVIOUS DECISIONS

There are no previous decisions associated with this proposed permanent road closure.

ACCESS AND INCLUSION

There are no access and inclusion implications associated with the consideration of the permanent road closure application.

ENGAGEMENT AND CONSULTATION

On their website, the *DoR* states '*To assess local community opinion about a proposed closure, a public notice is required (e.g. advertisement in a local/digital newspaper, signs erected on the land).*'

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council '*to act and make decisions in a way compatible with human rights*'.

BUDGET IMPLICATIONS

There are no foreseeable budget implications associated with this matter.

LEGISLATIVE CONTEXT

Pursuant to s 99 of the *Land Act 1994* an owner of land that adjoins road may apply for the permanent closure of the road. The owner may ask for the closed road to be amalgamated into the owner's adjoining land.

Applications are assessed by the *DoR* on their own merits and the Minister may refuse a road closure application if the Minister is satisfied-

- a. the road is the only dedicated access to a person's land;
- b. the road is, or may be, used regularly by the public as a road or stock route; or
- c. the road provides continuity to a road network.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

STAFFING IMPLICATIONS

Existing staff can accommodate this project.

RISK ASSESSMENT

There are no risks associated with the proposed road closure.

CORPORATE PLAN REFERENCE

Leading Livingstone

Community Plan Goal 4.2 - Collaboration and partnerships to advocate for the needs of the community

4.2.1 Build and maintain strong, collaborative, and co-operative relationships across all levels of government, industry, business and community.

While Council is custodian of roads under its control, the road reserves are owned by the State. Prior to disposing of road reserves, the *DoR* affords Council an opportunity to comment on the disposal, which is taken into consideration when making a decision on an application from a landowner. This collaboration between Council and the *DoR* fosters a co-

operative relationship between Council and the State and ensures that Council's interests are considered.

CONCLUSION

Consultation has been undertaken with internal Council stakeholders and no objections were raised. The applicant should be advised that Council does not object to the permanent closure of the road reserve adjacent to 73 Monaco Drive, Zilzie subject to the dedication of a public utility easement for drainage, supply of water and sewerage purposes in favour of Council.

11.6 APPLICATION FOR PERMANENT ROAD CLOSURE - ADJACENT TO HAMS ROAD/NICKEL ROAD, CANOONA

File No:	GR14.4.2
Attachments:	<ol style="list-style-type: none">1. Application for Road Closure⇒2. Plan⇒3. Lot 1 SP322712 (cancelling Lots 174 & 177 on LN473)⇒4. Plan of first road closure proposal⇒
Responsible Officer:	Tony Lau - Manager Engineering Services Michael Kriedemann - Executive Director Infrastructure
Author:	Jo Fursman - Administration Officer
Previous Items:	11.6 - Application for Permanent Road Closure - Hams Road/Nickel Road, Canoona - Ordinary Council - 15 Jun 2021 9.00am

SUMMARY

This report pertains to an application to permanently close an area of road located between Lots 175 & 176 LN473 and Lot 1 SP322712 (off Hams Road/Nickel Road, Canoona).

OFFICER'S RECOMMENDATION

THAT Council resolve to:

1. advise the applicant that it does not object to the proposal to permanently close part of the road reserve located between Lots 175 & 176 LN473 and Lot 1 SP322712 (off Hams Road/Nickel Road, Canoona); and
2. authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' advising the Department of Resources that Council, as road manager, does not object to the proposal to permanently close part of the road reserve located between Lots 175 & 176 LN473 and Lot 1 SP322712 (off Hams Road/Nickel Road, Canoona).

BACKGROUND

At its June 2021 meeting, Council considered an application for permanent closure of an area of road shown on attachment 4. It was identified that the closure would result in Lot 174 LN473 being landlocked and the applicant was advised that Council would support its application subject to:

- i. an access easement in favour of Lot 174 LN473 being dedicated over a neighbouring parcel to an adjacent road reserve; or
- ii. Lot 174 LN473 being amalgamated with a neighbouring parcel to ensure that this property is not land locked.

In October 2021, Council received a request to consider a new application for permanent road closure over a smaller area of road shown on attachment 2. Lots 174 and 177 LN473 have now been amalgamated to create Lot 1 SP322712 and there are no longer concerns regarding parcels being landlocked.

The applicants have advised that during the renewal process of a mining lease (ML5866) it was identified that part of the mining lease was over the road reserve. The applicants wish to close the road reserve shown on attachment 2 to enable them to continue the mining lease renewal process.

COMMENTARY

Under the *Land Act 1994* an adjoining land owner may apply to have an area of road permanently closed and incorporated into their adjoining freehold land. The owners of Lot 176 LN473 and Lot 1 SP322712 are requesting Council to complete a 'Statement in relation to an application under the *Land Act 1994* over State land Part C' which they will lodge with the Department of Resources ('DoR') along with their application for road closure (refer to Attachment 1).

Advice was sought from various sections of Council and comments provided are covered below:

1. Manager, Construction & Maintenance

'It appears to me that the balance lot formed from the remains of current Lots 174 & 177 on LN473, after proposed Lot 1 on SP322712 has been created, will have legal road reserve access. Therefore no objections from C&M'

2. Coordinator – Development Assessment

'I can confirm that Development Assessment have no objection to the closure. The site (including area of proposed closure) has a mapped waterway and biodiversity provisions in the planning scheme must be considered as part of any works or development of the site. There is an onus on the land owner to protect the values of the waterway including any vegetated areas. Council's Duty Planner service is available to discuss the planning scheme mapping and scheme requirements.'

3. Manager Engineering Services

'Looks like they're proposing to amalgamate the lots so I imagine there should not be any objections and we should recommend to Council that they support the application, subject to the lots being amalgamated.'

4. Coordinator Infrastructure Design

'No objection from Design for this road closure'

5. Coordinator Development Engineering

'... the resulted lot 1 ... has a road frontage. The resulted lot 1 is appears to be created by amalgamating L174 and L176. Therefore, proposed road closure can be supported.'

6. Coordinator Natural Resources Management

'...there is endangered vegetation and endemic serpentine vegetation in the area. However the road reserve is substantially cleared, with some mature trees. NRM does not object to the road closure.'

7. The following Officers offered either no comment or no objection:

- Urban Strategist
- Coordinator Civil Design
- Coordinator Water & Sewerage Operations

The applicants have addressed Council's prior concern regarding cancelled Lot 174 LN473 being landlocked. There is no reasons for Council to object to the amended proposal shown on Attachment 2.

PREVIOUS DECISIONS

At its 15 June 2021 meeting, Council resolved as follows:

- '1) advise the applicant, in relation to the proposal to permanently close the road located between Lots 175 & 176 LN473 (off Hams/Nickel Road) that:

- a) *Council does not support the current proposal as it would result in Lot 174 LN473 having no formal access to a dedicated road; and*
 - b) *Council would support the proposal subject to:*
 - i) *an access easement in favour of Lot 174 LN473 being dedicated over a neighbouring parcel to an adjacent road reserve; or*
 - ii) *Lot 174 LN473 being amalgamated with a neighbouring parcel to ensure that this property is not land locked.*
- 2) *authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the Land Act 1994 over State Land (Part C)' advising the Department of Resources that Council, as road manager:*
- a) *does not support the current proposal to permanently close the road located between Lots 175 & 176 LN473 (off Hams/Nickel Road) as it would result in Lot 174 LN473 having no formal access to a dedicated road; and*
 - b) *Council would support the proposal subject to:*
 - i) *an access easement in favour of Lot 174 LN473 being dedicated over a neighbouring parcel to an adjacent road reserve; or*
 - ii) *Lot 174 LN473 being amalgamated with a neighbouring parcel to ensure that this property is not land locked.'*

Moved by: Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY'

ACCESS AND INCLUSION

There are no access and inclusion implications associated with the consideration of the permanent road closure application.

ENGAGEMENT AND CONSULTATION

On their website, the *DoR* states '*To assess local community opinion about a proposed closure, a public notice is required (e.g. advertisement in a local/digital newspaper, signs erected on the land).*'

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council '*to act and make decisions in a way compatible with human rights*'.

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

There are no foreseeable budget implications associated with this matter.

LEGISLATIVE CONTEXT

Pursuant to s 99 of the *Land Act 1994* an owner of land that adjoins road may apply for the permanent closure of the road. The owner may ask for the closed road to be amalgamated into the owner's adjoining land.

Applications are assessed by the *DoR* on their own merits and the Minister may refuse a road closure application if the Minister is satisfied-

- a. the road is the only dedicated access to a person's land;
- b. the road is, or may be, used regularly by the public as a road or stock route; or
- c. the road provides continuity to a road network.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

STAFFING IMPLICATIONS

Existing staff can accommodate this project.

RISK ASSESSMENT

There are no risks associated with the proposed road closure.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.2 - Collaboration and partnerships to advocate for the needs of the community

4.2.1 Build and maintain strong, collaborative, and co-operative relationships across all levels of government, industry, business and community.

While Council is custodian of roads under its control, the road reserves are owned by the State. Prior to disposing of road reserves, the *DoR* affords Council an opportunity to comment on the disposal, which is taken into consideration when making a decision on an application from a landowner. This collaboration between Council and the *DoR* fosters a co-operative relationship between Council and the State and ensures that Council's interests are considered.

CONCLUSION

Consultation has been undertaken with internal Council stakeholders and no objections were raised. The applicant should be advised that Council does not object to the permanent closure of part of the road reserve located between Lots 175 & 176 LN473 and Lot 1 SP322712 (off Hams Road/Nickel Road, Canoona).

11.7 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2021**File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report - October 2021** [⇒](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Katie Donovan - Graduate Accountant

SUMMARY

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

OFFICER'S RECOMMENDATION

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

BACKGROUND

The attached Financial Report is collated financial data within Council's Finance One and Pathway systems. The report presented includes:

1. Executive Summary
2. Financial Performance Indicators
3. Financial Reports
4. Capital Expenditure
5. Glossary

The attached financial information presents the year-to-date position of Council's financial performance to the 31 October 2021. All prior financial year-end accounting entries have been completed. Commitments are excluded from the reported operating & capital expenditures.

All variances are reported against the budget adopted by Council on the 29 June 2021.

COMMENTARY

The financial report compares actual performance with Council's 2021-22 budget and identifies significant variances or areas of concern. It also provides information about additional areas of financial interest to Council and reinforces sound financial management practices throughout the organisation.

In an effort to streamline the month end process, the Council monthly report has been simplified, with all commentary and analysis forming part of the report.

Additional commentary will be disclosed in the report where either the month or year to date variance exceed \$100,000 and 10% of the budget. The next steps in the continuous improvement plan will be to expand the commentary capital expenditure in the forthcoming months.

In most instances where graphical summaries are included, these now include historical results (past fifteen months or five years) to ensure any seasonality in the results are captured.

1. Executive Summary – summary of the main financial operating results, capital, cash and borrowings.

2. Financial Performance Indicators - a summary of financial performance indicator year-to-date results. Indicators are based on achieving benchmark results.
3. Financial Reports –
 - a. Month and year to date results for operating activities. Supplemented by commentary where either a major positive or variance exists and supporting graphical summaries or results, or previous information requests.
 - b. Balance sheet items with movement on previous month, compared against full year budget. Supplemented by commentary where either a major positive or variance exists and supporting graphical summaries of results, or where details was previously provided.
4. Capital expenditure
 - a. Summary of overall portfolio of program including capital revenue streams.
 - b. Detail of capital expenditure projects >\$100,000.
5. Glossary – updated to reflect the current financial performance indicators.

Procurement

Current Contracts >\$200,000 (GST exclusive)

In accordance with section 237 of the *Local Government Regulation 2012*, Council publishes the details of all contracts valued \$200,000 or more. These details are displayed on Council's website (<https://www.livingstone.qld.gov.au/doing-business/business-and-regulations/contracts-and-tenders>), and on the public notice board located at the Yeppoon Town Hall. In October 2021, four (4) contracts over the prescribed value were established.

Current Tenders

At the end of October, there were five (5) open tenders and six (6) under evaluation. Three contracts were awarded in October. The below table is a summary of current tenders to promote oversight of the progress by Councillors.

Once all contract award documentation is completed, the contract details will be added to the published contract listing.

October 2021 - Open Tenders			
2021.024	4ML Reservoir Emu Park West		
2021.025	Marlborough Pool Management		
2021.026	Yeppoon Town Centre Car Park Façade		
2021.031	Cooee Bay Pool Management		
1058T-D	Stanage Bay Road Stages 2 & 3		
October 2021 - Tenders Evaluated			
2021.012	Preferred Supplier Arrangement (PSA) - Supply and Delivery of Water Meters		
2021.015	Gus Moore Street Wall Remediation Works		
2021.017	Impounding of Stock and Domestic Animals		
2021.018	Preferred Supplier Arrangement (PSA) - Plumbing, Water, Sewer & Pipe Fittings		
2021.027	Hub First Floor Fit Out and Switchboard Upgrade		
2021.029	Emu Park Sewage Treatment Plant Upgrade EOI for ECI		
October 2021 - Contracts Awarded		Successful Tenderer/s	Contract Value (exc GST)
2021.016	GKI Waste Management Services	CQ Waste Management	Schedule of Rates
2021.019	Preferred Supplier Arrangement (PSA) - Supply and Delivery of Office Supplies	Office Choice Yeppoon	Schedule of Rates
2021.022	Register of Pre-Qualified Suppliers (RPQS) for the Sale of Scrap Metal	Action Metal Recyclers, Infrabuild Recycling and SIMS Group Australia Holdings Limited	Payment to Council via Recipient Created Tax Invoice

Status Legend:

Open – tender has been publicly advertised and suppliers are preparing and submitting tender responses. Officers and Councillors are to apply probity by directing all enquiries to the procurement team while the tender is open.

Evaluation – the tender is under evaluation by the tender evaluation panel. Officers outside of the evaluation panel and Councillors are restricted from this process.

Contract Award – the evaluation process is completed and approval process to award contract is underway.

Non-Award – a decision is made not to award the contract, as the submission/s received are deemed unsuitable.

Contract – contract issued by letter of award.

PREVIOUS DECISIONS

The 2021-22 Budget was adopted on 29 June 2021.

ACCESS AND INCLUSION

This report once adopted by Council will be made publicly available on Council's website.

ENGAGEMENT AND CONSULTATION

Information has been provided by the procurement and revenue functions for this report.

Council conducted community consultation on the 2021-22 budget.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no foreseen human rights implications associated with the adoption of this monthly report.

BUDGET IMPLICATIONS

The Monthly Financial Report shows Council's financial position in relation to the 2021-22 Budget.

Changes to budget will be reported to Council as a forecast position, until such time as a formal budget review is completed to meet the legislative requirements under section 169 of the *Local Government Regulation 2012*.

LEGISLATIVE CONTEXT

In accordance with Section 204 of the *Local Government Regulation 2012*, a Financial Report is to be presented to Council on at least a monthly basis.

Section 170 of the *Local Government Regulation 2012*, states that council may be resolution amend the budget for a financial year at any time, so long as it complies with all the requirements under section 169, which are essentially all the same material as an annual budget except for decision regarding rates and utility charges which can only be adopted as part of the annual budget process.

LEGAL IMPLICATIONS

There are no anticipated legal implications because of this report.

STAFFING IMPLICATIONS

There are no staffing implications because of this report.

RISK ASSESSMENT

Regular robust reporting of Council's financial results assists in creating a framework of financial responsibility within the Council and providing sound long-term financial management of Council's operations.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.3 - Engagement with the community as advisors and partners

4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.

Regular monthly reporting of Council's finance performance and financial position promotes open and accountable financial outcomes whilst providing Council and the community with relevant and reliable information on which to base financial decision-making.

CONCLUSION

The financial report provides information about Council's financial performance and position for the period ending 31 October 2021.

11.8 OPERATIONAL PLAN 2021-2022 Q1 PROGRESS REPORT

File No: CM4.6.2

Attachments: 1. Q1 Operational Plan Performance Report 2021-2022 [📄](#)

Responsible Officer: Poala Santini - Coordinator Governance
Andrea Ellis - Chief Financial Officer

Author: Suzanne Pambid - Governance Officer

SUMMARY

The 2021-2022 Operational Plan progress report for Quarter 1 as at 30 September 2021 is presented, pursuant to Section 174(3) of the Local Government Regulation 2012.

OFFICER'S RECOMMENDATION

THAT Council receives the 2021-2022 Operational Plan Performance Report as at 30 September 2021.

BACKGROUND

The *Local Government Act 2009* requires Council to adopt an Operational Plan each year. The Operational Plan 2021-2022 forms an important part of Council's strategic planning process and sets out the key projects and priorities that Council plans to deliver towards achievement of the Corporate Plan 2030.

The *Local Government Act 2009* also requires the Chief Executive Officer to present a written assessment of Council's progress towards implementing the annual Operational Plan at meetings of Council, at least quarterly.

The 2021-2022 Operational Plan provides the detail of the key programs and identified outcomes to be achieved against the Corporate Plan for the 2021-2022 financial year.

COMMENTARY

The Operational Plan Performance Report September 2021 reports on the progress of the significant activities that Council plans to undertake during the year. Each action item has a key performance indicator and progress is measured against budget, timing, scope and risk. Table 1 provides a summary of performance to 30 September 2021 against the progress indicators.

The attached Operational Plan Quarter Performance Report September 2021 provides a status update and comments for each action item summarising the progress for each of the activities in Quarter 1 2021-2022.

Status of Planned Activities

Status	Liveable Livingstone	Thriving Livingstone	Natural Livingstone	Leading Livingstone	Future Livingstone	Total
On Time	10	14	20	28	20	92
Item Completed	1	0	1	0	0	2
Rescheduling Expected	1	1	0	4	0	6
To be deferred	0	0	0	0	0	0
Total	12	15	21	32	20	100

Of the 100 activities, 94 (94.0%) are either complete or on track and 6 (6.0%) require monitoring.

PREVIOUS DECISIONS

The 2021-2022 Operational Plan was adopted by Council on 29 June 2021.

ACCESS AND INCLUSION

The activities in this report are undertaken in accordance with the commitments and principles within Council's Inclusive Community Policy.

ENGAGEMENT AND CONSULTATION

Consultation has taken place with internal stakeholders.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council "to act and make decisions in a way compatible with human rights."

BUDGET IMPLICATIONS

The activities in the Operational Plan 2021-2022 are funded from the 2021-2022 Annual Budget.

LEGISLATIVE CONTEXT

Section 104(5) of the *Local Government Act 2009* and section 174 of the *Local Government Regulation 2012* require a Local Government to prepare an Operational Plan that is consistent with the annual budget and progresses the implementation of the Corporate Plan.

Section 174 of the *Local Government Regulation 2012* states:

(3) The chief executive officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.

LEGAL IMPLICATIONS

There are no legal implications associated with this matter.

STAFFING IMPLICATIONS

Activities listed in the Operational Plan 2021-2022 are managed by the responsible Council areas. The status and comments for each activity in the attached report are provided by the relevant area. Although the delivery of the plan itself is dependent on staff resources and some significant activities relate to people issues, there are no direct impacts on staff resulting from this report.

RISK ASSESSMENT

The risk of not delivering against Council's Operational Plan is that Council does not achieve the commitments set out in the longer term Corporate Plan. Each significant activity has associated risks which are managed by the relevant area and reported on through the performance reports.

Legislation requires Council to discharge its responsibilities in a way that is consistent with the annual operational plan and the operational plan sets out a fairly specific level of detail what Council is planning to deliver and prioritise in the current financial year. The budget has been developed around the operational plan to match the required expenditure with available revenue sources.

CORPORATE PLAN REFERENCE

Leading Livingstone

Community Plan Goal 4.1 - Innovative and accountable leadership to achieve a shared future

4.1.2 Council produces and delivers against sustainable financial forecasts as a result of best practice Capital and Asset Management Plans which guide project planning and service delivery across the Shire.

The Operational Plan 2021-2022 is a key strategic document that outlines the key objectives for Council's annual program and aligns with the budget.

CONCLUSION

Quarterly reporting against the 2021-2022 Operational Plan is a statutory requirement and informs Council and the community on the performance of Council against yearly programs and activities in line with Council's Corporate Plan 2030.

11.9 ANNUAL REPORT - 1 JULY 2020 - 30 JUNE 2021

File No: CM4.9.1.
Attachments: 1. Annual Report 2020-2021 [↗](#)
Responsible Officer: Poala Santini - Coordinator Governance
Andrea Ellis - Chief Financial Officer
Author: Suzanne Pambid - Governance Officer

SUMMARY

The Annual Report 2020–2021 for the period from 1 July 2020 to 30 June 2021 is presented to Council, pursuant to section 182 of the Local Government Regulation 2012.

OFFICER'S RECOMMENDATION

THAT Council adopts the Annual Report 2020–2021 for the period 1 July 2020 to 30 June 2021.

BACKGROUND

The Annual Report provides the community with operational and financial information about Council's performance against the outcomes and service delivery commitments set out in Council's Corporate and Operational Plans.

COMMENTARY

In accordance with legislation, Council is required to prepare and adopt an annual report which provides a comprehensive report on Council's activities and financial performance for the financial year.

In addition to statutory inclusions, a more streamlined approach has been applied to the Annual Report 2020-2021 to ensure a comprehensive, transparent and accountable document is available to the community.

Council must adopt its annual report within one month after the day the Auditor General signed off on the financial statements which occurred on 19 October 2021.

PREVIOUS DECISIONS

Council adopted the annual report for the Period 1 July 2019 to 30 June 2020 on 17 November 2020.

ACCESS AND INCLUSION

The activities in this report are undertaken in accordance with the commitments and principles within Council's *Inclusive Community Policy*.

ENGAGEMENT AND CONSULTATION

Consultation has taken place with internal stakeholders. Public consultation is not applicable for this activity.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

BUDGET IMPLICATIONS

No budget implications have been identified.

LEGISLATIVE CONTEXT

Section 182 of the *Local Government Regulation 2012* states:

- (1) A Local Government must prepare an annual report for each financial year.
- (2) The Local Government must adopt its annual report within 1 month after the day the Auditor-General gives the Auditor General's audit report about the Local Government's financial statement for the financial year to the Local Government.

LEGAL IMPLICATIONS

No legal implications have been identified.

STAFFING IMPLICATIONS

No staffing implications have been identified.

RISK ASSESSMENT

Should the annual report not be adopted within the determined legislative timeframe, Council will be non-compliant with its annual report requirements under section 182 of the *Local Government Regulation 2012*.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.3 - Engagement with the community as advisors and partners

4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.

The Annual Report 2019-2020 provides the community with a transparent and open report in relation to Council's performance over the past twelve.

CONCLUSION

The Annual Report 2020-2021 has been prepared in accordance with legislation in order to provide the community with an all-inclusive overview of Council's performance and operations in the 2020-2021 financial year. As such, it is recommended that Council adopts the Annual Report 2020-2021.

12 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

12.1 NOTICE OF MOTION - MAYOR ANDY IRELAND - YEPPOON-ROCKHAMPTON ROAD UPGRADE

File No: GV13.4.3

Attachments: 1. Notice of Motion - Mayor Andy Ireland - Yeppoon-Rockhampton Road Upgrade [↗](#)

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Mayor Andy Ireland has submitted a 'Notice of Motion' in relation to the Yeppoon-Rockhampton Road Upgrade.

COUNCILLOR RECOMMENDATION

THAT the Mayor, Deputy Mayor and Cr Mather seek an audience with the Queensland Minister for Transport and Main Roads, the Hon. Mark Bailey, to request intervention over the design of the Rockhampton-Yeppoon Road project, specifically the Artillery Road/Dairy Inn Road intersection.

The following points are to be raised with the Minister:

- a) Cost control appears to have been the driving force behind the design of the project rather than the best outcome for the community, which has been to the detriment of the travelling public utilising Artillery Road and Dairy Inn Road.
- b) The proposed configuration for the intersection is too complicated and forces sub-route traffic into inconvenient and unnecessary u-turn facilities 800 meters away.
- c) A roundabout is the preferred solution by many within the community.
- d) Community consultation (including with the local government) over the project has been inadequate.
- e) Land resumptions and other transactions should be suspended until the roundabout option can be revisited.

BACKGROUND

Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

12.2 NOTICE OF MOTION - MAYOR IRELAND - POTABLE WATER AT ST CHRISTOPHERS CHAPEL, NERIMBERA**File No:** GV13.4.3**Attachments:** 1. NOM - Potable water [📎](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Mayor Andy Ireland has submitted a 'Notice of Motion' in relation to potable water at St Christopher's Chapel, Nerimbera.

COUNCILLOR RECOMMENDATION

THAT Council investigate the costings for potable water supply at St Christopher's Chapel, Nerimbera.

BACKGROUND

A request has been received to the Mayor for the possibility of potable water to be supplied at St Christopher's Chapel, Nerimbera.

12.3 NOTICE OF MOTION - COUNCILLOR BELOT - PLASTIC FREE CQ PROGRAM**File No:** GV13.4.3**Attachments:** 1. **NOM - Plastic Free CQ Program** [⇒](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to Plastic Free CQ Program.

COUNCILLOR RECOMMENDATION

THAT Livingstone Shire Council amend its eligibility criteria to make membership of Plastic Free CQ Program not mandatory, but encouraged for the following:

1. Any food vendors at any Council-controlled or Council-funded events
2. Any applicants for Council events sponsorship

BACKGROUND

Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

OFFICER COMMENTARY

Officers strongly support the shared principles of the Boomerang Alliance under the Plastic Free Places (State Government Funded programme) and the commitment to reducing and minimising single-use plastics. Council can assist with the removal of single-use plastics from the Shire by making it a requirement that any event which receives Council funding or is conducted on council controlled land must be single-use plastic free (which includes disposable cups and lids, cutlery (stirrers), plates and bowls, takeaway containers, and straws). Membership of a specific organisation is not required to achieve such an outcome and indeed could be a distraction from the principal intent of removing all single-use plastic from circulation.

Membership of a specific organisation can become problematic because food vendors are often not confirmed until the final stages of planning by event organisers. Due to COVID restrictions or weather, last minute changes are made to vendors/catering. It must also be noted that the requirement to be single-use plastic free can only be managed through the booking or sponsorship process, as the issuing of a food business licence is under different legislation (or may not be applicable at all if the business has a mobile food licence).

It is suggested that there is greater utility in developing a policy which identifies the Council's position regarding single-use plastic. Such a policy would clearly articulate that events held on Council controlled land or which receive Council funding or support must be single-use plastic free. The policy could also contemplate education, the reuse of signage, the use of promotional giveaways, and the need for Council to adhere to these requirements for its own activities (internally and externally focused). If an organisation or individual failed to comply with the requirements of the policy, support or approval for future events would not be forthcoming.

It is suggested that the organisation prepares a scope and suite of guiding principles to inform the development of an appropriate policy, which takes a holistic approach to the banishment of single-use plastic within the Shire.

**12.4 NOTICE OF MOTION - COUNCILLOR HUTTON - CREATING SYNERGIES -
FOODBANK AT THE COMMUNITY CENTRE****File No:** GV13.4.3**Attachments:** 1. NOM - Foodbank at the Community Centre [⇒](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to a Foodbank at the Community Centre.

COUNCILLOR RECOMMENDATION

THAT Council

1. Investigate solutions to its storage requirements at the Community Centre; inclusive of the potential of a storage container; to allow the co-location of the Capricorn Coast Food Bank at the Community Centre in the existing warehouse/shed.
2. Provide to council if necessary a budget request for consideration in quarter three of the 21/22 financial year.
3. Undertake such works to allow this co-location to be achieved within the current financial year.

BACKGROUND

The Capricorn Coast Food Bank is a service which has been built up by community to meet a community need. In meeting the needs of our community, transportation has become a factor in accessibility. This co-location would provide for enhanced accessibility, and allow further synergies between the work of the Food Bank and our brilliant Community Centre staff and the ICare committee.

The Livingstone Community plan 2050 articulates that a 'Leading Livingstone' will (4.2) collaborate and create partnerships to advocate for the needs of our community. Building upon the individual success of our Community Centre, the ICare committee and Capricorn Coast Food Bank through partnership will achieve synergies for their collective practices, lead to more positive outcomes for our community and create a stronger more resilient framework for the future success of the Food Bank.

To this end, it is worthy of our consideration as to what works need to be done to achieve this admirable goal and how we can work to make such an arrangement successful for all of our neighbours.

OFFICER COMMENTARY

Officer investigating possible location and requirements of a shipping container at the community centre with a further meeting plan with Food bank. First meeting arranged for 10 November 2021.

13 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

14 CLOSED SESSION

In accordance with the provisions of section 254J of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J of the *Local Government Regulation 2012*, for the reasons indicated.

15.1 Stage Two - Capricorn Coast Homemaker Centre

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

15.2 Future stages the Gateway Business and Industry Park

This report is considered confidential in accordance with section 254J(3)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

15.3 Mount Charlton Reservoir - request for additional funding

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government (Commercial in Confidence).

15.4 Yeppoon Resource Recovery Centre - Capital cost increase

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government (Commercial in Confidence).

15.5 Gus Moore Street Retaining Wall Remediation

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

15.6 Application for Building Our Regions Round 6 Funding - Emu Park Sewage Treatment Plant Upgrade

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

15 CONFIDENTIAL REPORTS

15.1 STAGE TWO - CAPRICORN COAST HOMEMAKER CENTRE

File No: ED8.05.04

Attachments:

1. Original masterplan
2. Plan of proposed stage two

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

Author: Maddie Crigan - Principal Property Officer

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

SUMMARY

This report pertains to seeking direction from Council in relation to stage two of the Capricorn Coast Homemaker Centre.

15.2 FUTURE STAGES THE GATEWAY BUSINESS AND INDUSTRY PARK**File No:** E8.5.2**Attachments:**

1. Masterplan
2. Plan of stages 2B and three
3. Breakdown of estimated costs
4. Breakdown of estimated sales revenue
5. Cash flow and financial comparison

Responsible Officer: David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Executive Director Liveability & Wellbeing**Author:** Maddie Crigan - Principal Property Officer

This report is considered confidential in accordance with section 254J(3)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

SUMMARY

This report discusses options for the the Gateway Business and Industry Park.

15.3 MOUNT CHARLTON RESERVOIR - REQUEST FOR ADDITIONAL FUNDING**File No:** WS32.03.04**Attachments:** Nil**Responsible Officer:** Michael Kriedemann - Executive Director Infrastructure**Author:** Nige Deacon - Manager Water and Waste Operations

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government (Commercial in Confidence).

SUMMARY

This report concerns the requirement for additional funding to allow the Mount Charlton reservoir project to proceed.

15.4 YEPPOON RESOURCE RECOVERY CENTRE - CAPITAL COST INCREASE**File No:** WM31.06.06**Attachments:** Nil**Responsible Officer:** Michael Kriedemann - Executive Director Infrastructure**Author:** Nige Deacon - Manager Water and Waste Operations

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government (Commercial in Confidence).

SUMMARY

This report concerns the requirement for additional funding to allow the Resource Recovery Centre project to proceed to market and construction.

The Resource Recovery Centre project is critical for Council to achieve its goal of deferring significant extra cost burden arising from the cost of:

- capping existing landfill cells; and*
- constructing the next new cell; and*
- the decline and ultimate removal of the prepayment for the full cost of the domestic waste landfill levy currently payable to the State Government at \$85 per tonne.*

15.5 GUS MOORE STREET RETAINING WALL REMEDIATION**File No:** 17-021**Attachments:** Nil**Responsible Officer:** Michael Kriedemann - Executive Director Infrastructure**Author:** Stuart Doak - Manager Infrastructure Projects

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

SUMMARY

After tendering the civil works for the Gus Moore Street project, the tenders received have exceeded the current 21/22 Capital budget allocated for project.

15.6 APPLICATION FOR BUILDING OUR REGIONS ROUND 6 FUNDING - EMU PARK SEWAGE TREATMENT PLANT UPGRADE**File No:** 19-128**Attachments:** Nil**Responsible Officer:** Nige Deacon - Manager Water and Waste Operations
Michael Kriedemann - Executive Director Infrastructure**Author:** Stuart Doak - Manager Infrastructure Projects

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

SUMMARY

This report provides a recommendation to Council regarding a funding application to Round 6 of the State Government's Building Our Regions Program (Infrastructure Projects Stream) for the upgrade of the Emu Park Sewage Treatment Plant (STP).

16 CLOSURE OF MEETING