



# **STANDING COMMITTEE - INFRASTRUCTURE AGENDA**

**2 JULY 2024**

**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.

## **Terms of Reference**

On 20 May 2024, Council resolved to establish Standing Committees, including an Infrastructure Committee with the following terms of reference:

### **Infrastructure Committee:**

- Committee is primarily responsible for overseeing policy and performance in the following areas of Council operation:
  - Roads & Drainage
  - Engineering Services (infrastructure planning and design services)
  - Water & Sewerage
  - Waste Management & Resource Recovery
  - Major Project Delivery
- In accordance with s. 257(1)(c) of the Local Government Act 2009, Council delegate authority to the committee to make resolutions on its behalf, provided that there is an absolute majority (ie. four of seven councillors) in favour of the proposal. For clarity, a casting vote cannot be used by the presiding councillor to determine a resolution and tied votes must be referred to Ordinary Council meeting for determination.
- Committee members be all councillors in the first instance.
- By virtue of s. 12(3)(g) of the Local Government Act 2009, the Mayor is a (ex-officio) member of the committee.
- A quorum be a simple majority of members.
- In accordance with s. 267(1) of the Regulation, Cr Mather and Cr Watson be appointed as rotating co-chairs of the committee.
- The committee meet on the first Tuesday of each month at 8.30am in the Council Chambers.
- Committee Secretary/Principal Reporting Officer is the General Manager Infrastructure.

## TABLE OF CONTENTS

| ITEM | SUBJECT   | PAGE NO |
|------|---|---------|
| 1    | OPENING.....  | 3       |
| 2    | ATTENDANCE .....  | 3       |
| 3    | LEAVE OF ABSENCE / APOLOGIES .....  | 4       |
|      | NIL .....   | 4       |
| 4    | CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....  | 4       |
| 4    | DECLARATION OF INTEREST IN MATTERS ON THE AGENDA.....   | 4       |
| 5    | DEPUTATIONS.....  | 4       |
|      | NIL .....   | 4       |
| 6    | BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS .  | 4       |
|      | NIL .....   | 4       |
| 8    | PRESENTATION OF PETITIONS.....  | 4       |
|      | NIL .....   | 4       |
| 7    | QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS  | 5       |
| 9.1  | NOTICE OF MOTION - COUNCILLOR MATHER - PEDESTRIAN<br>CROSSING - CLAYTON ROAD AND SCENIC HIGHWAY ..... | 5       |
| 8    | COMMITTEE REPORTS.....  | 11      |
|      | NIL .....   | 11      |
| 9    | REPORTS.....  | 12      |
| 11.1 | WORKS FOR QUEENSLAND 2024-27 .....  | 12      |
| 11.2 | MULTI STAGE TENDER FOR YEPPON AQUATIC CENTRE .....  | 16      |
| 11.3 | OCEAN PARK AVENUE TRAFFIC MATTERS.....  | 19      |
| 11.4 | ROAD CLOSURE APPLICATION - ADJACENT TO 78 ESPLANADE<br>LAMMERMOOR (LOT 4 RP607778) .....              | 23      |
| 11.5 | MEIKLEVILLE HILL RESERVOIR ROOF REPLACEMENT .....   | 51      |
| 11.6 | LIVINGSTONE SHIRE COUNCIL STATE ELECTION PRIORITY<br>PROJECTS 2024.....                               | 53      |
| 11.7 | PUBLIC WORKSHOPS TO EDUCATE PEOPLE ON HOW TO<br>REDUCE WATER USE IN GARDENS .....                     | 56      |
| 10   | AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS.....  | 58      |
|      | NIL .....   | 58      |
| 11   | URGENT BUSINESS/QUESTIONS .....   | 58      |
| 12   | CLOSED SESSION .....  | 59      |

|           |      |  |           |
|-----------|------|--|-----------|
|           | 15.1 | SUPREME COURT CLAIM - EARTHTEC PTY LTD (STATUE BAY PROJECT)      |           |
| <b>13</b> |      | <b>CONFIDENTIAL REPORTS.....</b>                                 | <b>60</b> |
|           | 15.1 | SUPREME COURT CLAIM - EARTHTEC PTY LTD (STATUE BAY PROJECT)..... | 60        |
| <b>14</b> |      | <b>CLOSURE OF MEETING.....</b>                                   | <b>61</b> |

## 1 OPENING

### **Acknowledgement of Country**

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

## 2 ATTENDANCE

### Members Present:

Councillor Rhodes Watson (Co-Chairperson)  
Councillor Glenda Mather (Co-Chairperson)  
Mayor, Councillor Adam Belot  
Councillor Wade Rothery  
Councillor Lance Warcon  
Councillor Andrea Friend  
Councillor Pat Eastwood

### Officers in Attendance:

Michael Kriedemann – General Manager Infrastructure – Committee Secretary  
Cale Dendle - Chief Executive Officer  
Chris Ireland – General Manager Communities  
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 Infrastructure Standing Committee Meeting held 4 June 2024.

**4 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA**

**5 DEPUTATIONS**

Nil

**6 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

## 7 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

### 9.1 NOTICE OF MOTION - COUNCILLOR MATHER - PEDESTRIAN CROSSING - CLAYTON ROAD AND SCENIC HIGHWAY

**File No:** x

**Attachments:** 1. **NOM - Cr Mather - Pedestrian Crossing**[↓](#)  
2. **Concept Design Plan**[↓](#)

**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

---

#### SUMMARY

*Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Pedestrian Crossing on Clayton Road and Scenic Highway.*

#### COUNCILLOR RECOMMENDATION

Recommendation to be provided by Councillor Mather.

#### OFFICER COMMENTARY

Council has allocated \$50,000 in the draft 24/25 operational budget to undertake a master plan of the public areas along the Lammermoor Beach foreshore in order to develop a long term plan to improve all facets of community infrastructure in this area.

In the 24/25 draft capital budget, there is an allocation of \$516,000 for the construction of right turn lanes and a pedestrian refuge island adjacent to the service station on Scenic Highway (refer attached concept plan). This is 100% funded by the Queensland Government under a blackspot program.

Additionally, officers have developed a business case and staging plan (refer attached) to address pedestrian access in the vicinity of Clayton Road. The pedestrian access across Scenic Highway and then along Clayton Road was earmarked to be improved in 4 stages as per below, with costs included for each stage. Design is estimated at \$21,000 for all stages.

Stage 1: Pathway from Evelyn Street to pedestrian bridge including two refuge crossing at the roundabout and pathway between refuge crossings (\$404,000)

Stage 2: Southwest pathway including Evelyn St refuge crossing (\$219,000)

Stage 3: Pathway from pedestrian bridge to bus stop (\$91,000)

Stage 4: Clayton Road Pathway from Chandler Road to the crossing east of Bayview Drive (\$405,000)

The total estimate is \$1,140,000 with the initial cost to allow safer pedestrian access across Scenic Highway is \$404,000.

Through discussions with a couple of the residents on site and Councillor Mather, the suggestion to provide a crossing point near the bus stops, about 170m north of the roundabout was not supported by officers due to the pedestrian 'desire line' being between the access at the beach, the toilet block adjacent to the roundabout and to the homes up off Clayton Road.

At this time, this project has not been allocated in the Forward Works program (in the short term).

**9.1 - NOTICE OF MOTION -  
COUNCILLOR MATHER - PEDESTRIAN  
CROSSING - CLAYTON ROAD AND  
SCENIC HIGHWAY**

**NOM - Cr Mather - Pedestrian Crossing**

**Meeting Date: 2 July 2024**

**Attachment No: 1**

18 June 2024

PO Box 5186

Red Hill PO

Rockhampton Q 4701

CEO Cale Dendle

Mr Michael Kriedemann

**Re: Pedestrian Crossing Clayton Rd / Scenic Highway**

Hello Gents,

I had a long conversation with Arnie Jones tonight who rightly conveyed his disappointment that a safe, walking path to the beach has reached this point 2 years later, without any clear direction.

I would like to make a proposal which is also supported by Arnie, who wants the fastest, safest, most cost-effective method of achieving this walkway.

It is unlikely that \$1.1M for a walkway behind the houses would be approved by the table, or considered at all as a project with so many major projects already waiting in line.

We already have an un-made pathway at the exit of Clayton Rd, where it turns left at Scenic Highway, and crosses the footbridge.

The bridge is still in operation, although it may need some maintenance.

Bring the bridge up to the standard to serve foot traffic, prams and pushbikes. There is no need to use the bridge as an excuse to not take this option. It needs to be fixed/renovated/upgraded, whatever, but there is nothing between the bridge and the short walk along the grassy footpaths where a pedestrian crossing can be made to safely cross over to the bus stop on the other eastern side. The usual flashing lights can be actioned at this point to alert all motorists who have a good clear vision either way.

Yes there are a few hurdles, but none that will cost an arm and a leg, or break the bank. All the hurdles can be accommodated in the coming budget.

At least the pathway can be made safe and available this coming budget, and anything gold-plated (like a short strip of concrete across a few front lawns to the bus stop) can wait for the following budget.

Arnie is on board with these sentiments, and he stresses the need to not delay any longer, as there have been too many near accidents trying to cross the road.

I'm requesting that you include this option in the next Infrastructure Committee Agenda item.

I also request that you provide a report with all relevant information at your disposal which would accommodate this proposal please.

Many thanks, Glenda



**9.1 - NOTICE OF MOTION -  
COUNCILLOR MATHER - PEDESTRIAN  
CROSSING - CLAYTON ROAD AND  
SCENIC HIGHWAY**

**Concept Design Plan**

**Meeting Date: 2 July 2024**

**Attachment No: 2**



## **8 COMMITTEE REPORTS**

Nil

## 9 REPORTS

### 11.1 WORKS FOR QUEENSLAND 2024-27

**File No:** fA44463  
**Attachments:** Nil  
**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure  
**Author:** Andrea Ellis - Chief Financial Officer

---

#### SUMMARY

*This report details a list of proposed projects that are recommended to be submitted to the Queensland Government for funding under the Works for Queensland grant program 2024 – 2027. Council may be at risk of not receiving the proposed funding should it not submit applicable projects by Friday 5 July 2024. In order to meet this deadline, Officers require this Committee to enact its delegated power to resolve this matter.*

#### OFFICER'S RECOMMENDATION

THAT the committee exercises its delegation under s257c of *Local Government Act 2009* and resolves to approve the list of projects contained in Table A, B and C for submission to the Queensland Government Works for Queensland 2024-27 funding program.

#### BACKGROUND

The aim of the [2024-27 Works for Queensland](#) program is to support Councils to deliver local infrastructure and maintenance, planning and capability development projects which:

- Support essential services, contribute to community economic development and improve council sustainability
- Create and/or support jobs and deliver liveable communities where Queenslanders want to work, live and play

In addition to 'infrastructure' projects, Councils can choose to use:

- Up to twenty (20%) of the allocation for planning projects
- Up to five (5%) of the allocation for capability development projects.

Livingstone has been allocated \$5,250,000 under this round of Works for Queensland funding.

Works must be completed by 30 June 2027 and meet all other eligibility requirements.

#### COMMENTARY

- Projects that are currently planned to be delivered (operating and capital projects) are proposed under each of the funding streams. This allows Council an opportunity to offset the operational costs for planning and capability projects (\$1.205M over three years).
- The identified lists of projects also align with Councillors financial sustainability focus areas on aligning grants with programmed projects.

## Planning Projects

### Examples of Planning Project Proposals

- Strategic Planning for infrastructure projects – studies and investigations to assist local governments form a strategic view of their key infrastructure priorities and needs
- Business cases and/or detailed design projects – development of local government infrastructure proposals and designs to provide better clarity on investment decisions
- Asset condition assessment reports – studies or investigations to determine condition of assets and remaining useful life

**Table A – Proposed Planning Projects**

| <b>Project</b>   | <b>2024/24</b>   | <b>2025/26</b>   | <b>2026/27</b>   | <b>Comments</b>   |
|--|------------------|------------------|------------------|---|
| <b>Lammermoor Beach Master Plan</b>                                  | \$50,000         | -                | -                | Project already included in 2024/25 operating budget (6111.000000.21200)  |
| <b>Strategic water model</b>   | \$100,000        | -                | -                | Project already included in 2024/25 operating budget (6521.140130.21200)  |
| <b>Transport model</b>   | \$100,000        | -                | -                | Project already included in 2024/25 operating budget (6111.140060.21200)  |
| <b>Planning Scheme review &amp; supporting strategies</b>            | \$115,000        | \$100,000        | \$100,000        | Project already included in 2024/25 operating budget (5231.000000.21200)<br><br>2024/25 includes \$15k for LGIP advertising |
| <b>Level 3 Bridge Inspections on Henry Beak and Causeway Bridges</b> | -                | \$150,000        | -                | Asset condition assessment reports  |
| <b>CCTV Sewer program asset condition assessment</b>                 | \$150,000        | \$150,000        |                  | Project already included in 2024/25 operating budget (5231.000000.21200)  |
| <b>TOTAL</b>   | <b>\$500,000</b> | <b>\$400,000</b> | <b>\$100,000</b> | <b>\$1,000,000</b>  |

## Capability Projects

### Examples of capability development project proposals:

- Training council staff in operating essential council assets eg water treatment or sewerage plants
- Competency attainment, such as certificates
- Improvements to council systems, such as finance and asset management systems

**Table B – Proposed Capability Projects**

| <b>Project</b>   | <b>2024/24</b>   | <b>2025/26</b>  | <b>2026/27</b> | <b>Comments</b>   |
|--|------------------|-----------------|----------------|---|
| <b>Phase 2 (24-25 FY) of the Assetic Predictor Model &amp; Digital AMP Development</b> | \$60,000         | -               | -              | Improvements to council asset management system -<br>- (Water, Sewer, Stormwater & Footpaths)   |
| <b>Phase 3 (25-26 FY) of the Assetic Predictor Model &amp; Digital AMP Development</b> | -                | \$45,000        | -              | Improvements to council asset management system -<br>(Site Improvements – Parks & Sporting, Site Improvements – Waste & Fleet, ICT & Equipment) |
| <b>Asset criticality framework</b>   | \$50,000         | -               | -              | Improvements to council asset management system   |
| <b>TOTAL</b>   | <b>\$110,000</b> | <b>\$45,000</b> | <b>-</b>       | <b>\$155,000</b>  |

**Infrastructure Projects**

Examples of infrastructure project proposals

- Critical infrastructure projects – water supply, sewerage (including common effluent drainage schemes), waste infrastructure, waste management, roads and drainage, stormwater systems, asset management data collection
- Disaster resilience and preparedness projects – protecting existing essential public infrastructure and / or build resilience to future natural disasters
- Housing supply projects – provision of council staff housing, enabling works for future residential housing development
- Community safety and wellbeing projects – CCTV, active transport, sport and recreation facilities (including swimming pools, skate and bicycled parks)
- Renewable energy transition projects or local economic projects – saleyards, airports and aerodromes, telecommunications / data infrastructure, community hubs
- Tourism infrastructure projects – town centre works (including beautification works)
- Community buildings and facilities projects – library / knowledge centre, playgrounds and parks, caravan / tourist parks

**TABLE C – INFRASTRUCUTRE PROJECTS**

| <b>Project</b>                         | <b>2024/24</b>   | <b>2025/26</b>     | <b>2026/27</b> | <b>Comments</b>  |
|--|------------------|--------------------|----------------|--|
| <b>Yeppoon Landfill Cell Extension</b> | \$500,000        | \$3,595,000        | -              | External funding in lieu of future borrowings. Forecast capex spend in 2025/26 remains at \$5M |
|  | <b>\$500,000</b> | <b>\$3,595,000</b> | <b>-</b>       | <b>\$4,095,000</b>   |

**PREVIOUS DECISIONS**

Nil

**ACCESS AND INCLUSION**

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

## **ENGAGEMENT AND CONSULTATION**

In preparing this report, Officers from various sections of Council have been consulted to ensure projects that align with the funding program are considered.

## **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 report.

## **BUDGET IMPLICATIONS**

Whilst Councils are not required to contribute to projects deemed eligible under the Works for Queensland program, they may do so if they wish. All projects, except for the infrastructure project and Planning Scheme amendments that are being proposed for nomination will not require additional contribution or change timing for projects. Allocation of grant funding for the infrastructure project will not require Council to borrowing additional funds as previously anticipated.

## **LEGISLATIVE CONTEXT**

Nil

## **LEGAL IMPLICATIONS**

There are no anticipated legal implications because of this report.

## **STAFFING IMPLICATIONS**

All projects nominated are presently included in budget proposals for 2024/25 for delivery through a mix of officers, internal work crews, contractors or consultants.

## **RISK ASSESSMENT**

Council may be at risk of not receiving the proposed funding should it not submit applicable projects by Friday 5 July 2024. In order to meet this deadline, Officers require this Committee to enact its delegated power to resolve this matter and not to recommend to a future Ordinary Meeting of Council.

## **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.*

## **CONCLUSION**

Livingstone has been allocated \$5,250,000 under this round of Works for Queensland funding. Works must be completed by 30 June 2027 and meet all other eligibility requirements. Officers have recommended a range of projects for Council consideration, including planning, capability and capital works projects.

## 11.2 MULTI STAGE TENDER FOR YEPPON AQUATIC CENTRE

**File No:** 22-066  
**Attachments:** Nil  
**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure  
**Author:** Jeff Davey - Infrastructure Project Engineer

---

### SUMMARY

*The following report seeks to obtain a Council Resolution to conduct a multistage Tender process for the above-mentioned Project. Initially to complete an Expression of Interest and then Invitation to Tender for selected pre-qualified Building Contractors in accordance with Section 228 of the Local Government Regulations 2012. Due to the tight timeframes on this project, Officers are requesting that the Standing Committee use its delegated power to make a resolution of Council in this matter.*

### OFFICER'S RECOMMENDATION

THAT the committee exercises its delegation under s257c of *Local Government Act 2009* and resolves that:

1. Under s228 of the *Local Government Regulation 2012*, it is in the public interest to invite Expressions of Interest for the construction of the Yeppoon Aquatic Centre Project before inviting written tenders, for the following reasons:
  - a. this will allow Council to undertake early contractor involvement;
  - b. undertake market sounding to understand who is available to complete the work;
  - c. Evaluate responses to understand capability & capacity of contractors.
2. The invitation of Expression of Interest for the construction of the Yeppoon Aquatic Centre Project is approved.
3. The preparation of a shortlist from the persons who respond to the invitation for Expression of Interest in order to invite written tenders from those persons is approved.

### BACKGROUND

To comply with the Local Government Regulation 2012- REG 228 Tender Process, Council must resolve to undertake an Expression of Interest process.

Funding for the project was obtained via a grant from the Commonwealth of Australia as represented by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

The total funding for the project of \$13 million. The scope of work includes:

- Demolition of the hall, 50m pool and existing amenities.
- Construction of a new 50m pool with wheelchair ramp including new filtration equipment, new amenities and partial shade over the pool.
- Replacement of the existing Learn to Swim is not included with the funding agreement nor is there sufficient budget.
- The timeframes for the funding are relatively tight with construction to be completed by December 2025.

Although there are limited funds, the project team is aiming to deliver as much as possible within the available budget.

### COMMENTARY

The EOI is the first stage of a multi-stage tender process. It is proposed to undertake a two-stage process to select the Building Head Contractor to complete the Work. The objective of the first stage EOI process is to identify and pre-register organisations that based on non-

priced criteria have suitable capacity, capability and experience and are interested in tendering and (if successful) entering into the proposed contract with the Council. The EOI process will gain an understanding of suitable contractors and the second stage would be Invitation to provide a written priced Tender.

The EOI process will review each interested entity and assess their previous experience, ensure they have sufficient financial capacity to undertake the works, check licensing and to ensure they meet the funding partners requirements such as being accredited under the Work Health and Safety Accreditation Scheme as the project value excess \$4M.

The second stage of the process will allow assessment of priced criteria to assist in the pre-qualified selection of head contractors for the project by reviewing methodology, pricing, program, then appointing.

The multi-stage tendering process is expected to gain more focused response by Building Contractors that have proven capability and capacity to successfully complete the works. It is also believed to aid in the overall delivery program of the project to ensure early engagement and interest of Contractors to ensure they are ready for the project delivery milestones.

The approximate process timeframe, provided as a guide only, is as follows:

| Process Task   | Approx Date                               |
|--|---|
| Expression of Interest Release Date:                                 | 3 July 2024                               |
| Expression of Interest Closing Date:                                 | 25 July 2024<br>(3 weeks)                 |
| Recommended shortlisted companies reported to Council:               | 6 August 24                               |
| Shortlisted companies notified:                                      | 6 August 2024                             |
| Selective Invitations to Tender dispatched to shortlisted companies: | 12 August 2024                            |
| Selective Tenders Close:   | 2 September 2024<br>(Tender Open 3 weeks) |
| Tenders evaluation completed   | 9 September 2024                          |
| Recommended option(s) reported to Council for resolution:            | 17 September 2024<br>(Council meeting)    |
| Selective Tenderers notified of outcome:                             | 18 September 2024                         |

## PREVIOUS DECISIONS

The Principal Design Consultant was awarded to PUSH Architects and Brian Hooper in association in late July 2023.

## ACCESS AND INCLUSION

The design is being completed to Australian Standards and will also contain two family rooms which are also cater for wheelchairs with one also containing a ceiling hoist. Wheelchair ramp access is being provided the facility from the carpark and the 5m pool will also an assessable ramp incorporated.

## ENGAGEMENT AND CONSULTATION

Engagement with the Swim club and current leasee / operator has occurred.

## HUMAN RIGHTS IMPLICATIONS

N/A

## BUDGET IMPLICATIONS

It should be noted the \$13M funding is very limited in comparison to other Aquatic Facilities under Construction. This project will aim to deliver as much as possible within funding which is primarily focused on replacement of the existing 50m Pool. For reference, the Bundaberg

Aquatic Centre currently under construction has a forecast cost of over \$80M. This includes a new 50m pool, new 25m pool, smaller program pool and associated new buildings and larger undercover structure.

## **LEGISLATIVE CONTEXT**

Under the funding agreement guidelines, due to the project value exceeding \$4M, the appointed Builder must be compliant under Work Health and Safety Accreditation Scheme.

Section 228 of the Local Government Regulations 2012 sets out the process which local government must follow for large sized contractual arrangements.

Specifically Section 228(3)(a) states that *a local government may invite expressions of interest only if the local government decides by resolution, that it would be in the public interest to invite expressions of interest before inviting written tenders.*

Further, Section 228(3)(b) states that a local government *must record its reasons for making the resolution in the minutes of the meeting at which the resolution was made.*

Additionally, Section 228(7)(a) states that a local government may prepare a shortlist from the persons who respond to the invitation for expression of interest and Section 228(7)(b) continues to say

## **LEGAL IMPLICATIONS**

N/A

## **STAFFING IMPLICATIONS**

Nil internal - External consultants have been engaged to provide design and Project Management services.

## **RISK ASSESSMENT**

Risks include:

- Unsuitable ground conditions: There is a risk that ground conditions under the existing pool will be saturated from the leaking pool. The mitigation strategy is to provide a design upgrade for bored piers should they be required. Tenderers will be required to price this upgrade as a provisional item so that the additional cost is known at tender stage.
- Tendered Cost exceeds allowable budget: The mitigation strategy is to provide value management options in the design to allow some work items to be removed and completed in the future. Several Quantity surveyor cost estimates are being undertaken during the design process to forecast expected costs. In the current construction climate, costs escalation is major issues due the ever increasing costs of material and labour.

## **CORPORATE PLAN REFERENCE**

### ***Liveable Livingstone***

*Community Plan Goal 1.3 - Places for active and passive recreation*

*1.3.1 Undertake planning in conjunction with the review of Council's Local Government Infrastructure Plan to provide adequate open space and recreation areas to meet the future growth needs of the Shire.*

## **CONCLUSION**

The Design Development phase of the Yeppoon Aquatic Center Project is nearing completion. Officers recommend that a multi-stage tender process (Expression of Interest – Invitation to Tender) be adopted as the procurement strategy for this project.

### 11.3 OCEAN PARK AVENUE TRAFFIC MATTERS

**File No:** fa39714  
**Attachments:** Nil  
**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure  
**Author:** Michael Kriedemann - General Manager Infrastructure

---

#### SUMMARY

*This report provides an update on the traffic matters along Ocean Park Avenue and the proposed next steps in progressing a new temporary road closure trial at the western end of the road corridor. In order to progress this issue in a timely manner, Officers recommend this Committee enact its delegated power to resolve this matter.*

#### OFFICER'S RECOMMENDATION

THAT the committee exercises its delegation under s257c of *Local Government Act 2009* and resolves to:

1. Rescind the Council Resolution from the Special Council Meeting held on 6 February 2024;
2. Remove the three temporary one-lane slow points currently installed in Ocean Park Avenue;
3. Implement a temporary road closure trial at the western end of Ocean Park Avenue for a period of 8 weeks;
4. Undertake traffic counts during the temporary road closure in order to quantify the outcomes of the trial;
5. Report back to Council at the conclusion of the trial road closure.

#### BACKGROUND

Officers briefed Council on this matter on 6 February 2024, prior to the Special Council Meeting.

Additionally, Officers briefed Council on 10 April 2024 on the history of traffic issues and effectiveness of the temporary one-way slow points.

On 27 May 2024, resident representatives from Ocean Park Avenue and Central Park Estate met with Council to discuss their lived experiences and advocate for a new temporary road closure trial.

#### COMMENTARY

Timeline of actions since 6 February 2024:

- 7 February – letterbox drop to residents updating them on Council resolution
- 19 February – traffic counters installed
- 23 February – temporary road closure removed and 3 x one-lane slow points installed
- 20 March – temporary 40km/hr speed signs installed
- 22 March – traffic counters removed

Since the Special Council Meeting in February, Officers have received a number of customer requests (feedback) from Ocean Park Avenue road users:

- disappointed the temporary road closure was being removed
- disappointed that LATM's were being considered
- disappointed a permanent road closure was 'off the table'

- trucks and speeding vehicles have returned since the one-lane slow points were installed
- some have noticed that the street seems quieter with lower speeds and volumes

On 19 March 2024, one of the residents of Ocean Park Avenue emailed the CEO and General Manager Infrastructure voicing concerns that additional relevant information has not been distributed to Councillors and requested an opportunity to present Ocean Park Avenue and Central Park Estate resident's concerns.

Due to the timing of the Local Government election, the delay in the election being declared and busy schedule of the newly sworn in Council, a deputation with resident representatives was not able to be scheduled until Monday 27 May 2024.

At the deputation, the resident representatives spoke about their concerns regarding safety of residents, speed & volume of vehicles, high numbers of commercial vehicle traffic, driver behaviour (aggression), future development growth and potential for Ocean Park Avenue to become an even more desirable route for an ever increasing residential area. Their observations regarding the three temporary one-lane slow points is that they are not effective in slowing traffic, reducing volume and are dangerous due to motorists ignoring Give Way signage.

Their request to Council is that a new temporary road closure be trialed for 8 weeks at the western end of Ocean Park Avenue (at the roundabout), that new traffic survey data is obtained during the trial to quantify the effect of the trial and the three one-lane slow points are removed.

Many of the residents in the Central Park Estate did not agree with the mid point road closure trial as they felt it divided the estate, created animosity between the eastern and western precincts and disrupted local traffic within the estate to efficiently travel to Yeppoon shops. In order to reduce the traffic (exclude external road users) and to promote a 'one estate' social environment, residents have suggested a temporary road closure trial at the western end as per the figure below.



Figure 1 – proposed location for new temporary road closure trial

## PREVIOUS DECISIONS

At the Special Council Meeting held 6 February 2024, Council resolved THAT:

1. Although not necessarily supported by traffic data collected over the past 12 months, Council recognises the concerns of some residents of Ocean Park Avenue about road safety caused by non-resident traffic “rat running” this through-route increasing traffic volume and speed and vehicle size on a road not intended for such purpose.
2. Accordingly, Council directs that:
  - a. A permanent closure of the road is not an acceptable outcome.
  - b. Council prefers other Local Area Traffic Management solutions such as vertical deflection (eg. speed humps) and will consult further on the preferred solution once detailed design has been completed.
  - c. The outcome of the consultation, along with previous options analysis will be presented to as recommendations to Council.
3. While the latest review and consultation is undertaken, other traffic calming (temporary one lane slow point) will be installed along Ocean Park Avenue to enable the trial road closure to be discontinued.

## **ACCESS AND INCLUSION**

N/A

## **ENGAGEMENT AND CONSULTATION**

At the Special Council Meeting held on 6 February 2024, Councillor Mather tabled a petition received from Leigh Murphy (Chief Petitioner) regarding the closure of Ocean Park Avenue Yeppoon:

“This petition aims to express our opposition to the closure of Ocean Park Avenue, Yeppoon. While acknowledging the need to address speed related issues, completely shutting down the road to all users is an extreme measure that requires a careful examination of alternative solutions. We oppose Council’s approach and insist on transparency before any changes or trials are approved and implemented”.

In accordance with the Meeting Procedures Policy, section 2.9 Petitions, Mrs Murphy’s petition was ‘received’.

## **HUMAN RIGHTS IMPLICATIONS**

N/A

## **BUDGET IMPLICATIONS**

If Council resolves to implement a trial road closure the cost of traffic barriers and signage can be accommodated within existing operational budgets.

## **LEGISLATIVE CONTEXT**

Section 69(1) of the Local Government Act gives Council powers relating to closing roads, such that *A local government may close a road (permanently or temporarily) to traffic or particular traffic, if there is another road or route reasonably available for use by the traffic.*

## **LEGAL IMPLICATIONS**

N/A

## **STAFFING IMPLICATIONS**

If Council resolves to implement a trial road closure the set up and management activities can be accommodated within existing staff resources.

## **RISK ASSESSMENT**

Environmental: Residents along Ocean Park Avenue have indicated that road noise, speeding vehicles and high volumes of vehicles (particularly heavy vehicles) from the existing situation is eroding livability for residents.

If a temporary trial road closure is implemented at the western end of Ocean Park Avenue, the only vehicles using the road will be local traffic, thus increasing livability for residents.

However, traffic may increase on the adjoining road network, thus transferring the problem to another part of the network.

Social: There are a number of road users who have a broad range of views on this matter, evidenced by the petition received at the Special Council Meeting held on 6 February 2024. Whatever decision is made, some users will be upset.

Political: Council is empowered under the Local Government Act to manage the local road network. Whether road closure, Local Area traffic Management or 'do nothing' is the final decision, this may lead to some parts of the community feeling their views were overlooked.

## **CORPORATE PLAN REFERENCE**

### ***Leading Livingstone***

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

*4.3.3 Take actions to enable the use of meaningful tools to engage the community on diverse issues so that the community is well informed and can contribute to decision making.*

## **CONCLUSION**

Local traffic management is a combination of traffic engineering (science), human behaviour, education and enforcement. This issue has been ongoing for a number of years and earlier in the year officers implemented a mid-block temporary road closure trial to determine if long term this could be a solution. Since February 2024, temporary one-lane slow points have been in place as an interim measure until further consultation and options could be considered.

Resident's representatives of Ocean Park Avenue and Central Park Estate presented their lived experiences to Councillors at a deputation and are advocating for a new temporary road closure trial to be implemented at the western end of Ocean Park Avenue for a 8 week period.

## 11.4 ROAD CLOSURE APPLICATION - ADJACENT TO 78 ESPLANADE LAMMERMOOR (LOT 4 RP607778)

**File No:** fA44069

**Attachments:**

1. [Plan](#)
2. [Road Closure Application](#)
3. [Alternative Road Closure and Road Opening Proposal \(Plan No LSC607778.04\)](#)

**Responsible Officer:** Sean Fallis - Manager Engineering Services  
Michael Kriedemann - General Manager Infrastructure

**Author:** Carrie Burnett - Policy & Planning Officer

---

### SUMMARY

*This report pertains to an application to permanently close an area of road reserve adjacent to 78 Esplanade Lammermoor.*

### OFFICER'S RECOMMENDATION

THAT the Committee recommends to Council:

1. To authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' stating that Council, as road manager, supports the proposed permanent road closure adjacent to Lot 4 RP607778 which is identified as 'Area A' on Plan No LSC607778.04, subject to the:
  - a. retention of a 16m wide road reserve; and
  - b. opening of Area B as road.
2. That the applicant be advised of Council's decision and provided with the completed Part C.

### BACKGROUND

In May 2024 Council received a request from the owner of 78 Esplanade Lammermoor to consider a proposal to permanently close an area of road reserve adjacent to her property as shown on Attachment 1. Referring to the application forms at Attachment 2, the owner indicates that the road closure proposal would allow her to have a carport or gate.

### COMMENTARY

In accordance with Council's resolution of 20 June 2019, all applications for permanent road closure, made under the *Land Act 1994*, where Council is to provide advice as the road manager, are presented to Council for resolution. After a resolution is made, a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' is completed by Council as road manager and sent to the applicant to lodge with the Department of Resources ('DoR'). The purpose of this report is to establish Council's stance with regards to the permanent road closure proposal so that the Part C can be completed.

Council is custodian of roads (excluding main roads) however they are owned by the State, represented by DoR, therefore Council is unable to approve their permanent closure and sale to landowners. Under the *Land Act 1994* a property owner may apply to have an area of road permanently closed. The DoR Guideline - Roads under the *Land Act 1994* states:

*'When a road is closed permanently the land becomes USL. Depending on the size and location of the parcel of land it could be disposed of as a stand-alone parcel of land, or may be included in adjoining land.'*

According to their website DoR will assess a road closure application against legislative requirements, seek views of other stakeholders and inspect the land if required. To assess local community opinion about a proposed closure, DoR will also require the applicant to undertake public notifications such as advertising and erection of signage on the land. If an application is successful, a written offer setting out various conditions will be sent to the applicant.

Advice obtained from various sections of Council is included below:

#### **Planning & Infrastructure Officer**

*'Councils Planning Officer has no concerns with this request...'*

#### **Manager Construction & Maintenance**

*'Whilst I am not a fan of selling road reserve in urban areas simply so an owner can have more space, there is no Council Infrastructure on the proposed land that would stop its potential sale. There may also be the chance that the owner simply wants to subdivide the lot in the future and the purchase of the road reserve would allow for 2 \* 500m2 lots to be created. Not sure if this is a Town Planning want.'*

#### **Principal Community Development & Engagement Officer**

*'The Community Development Sport and Recreation (CDSR) Team have no objection to the road closure application. CDSR is not aware of any community activities occurring on this site, or requests for community activities to occur on this site, or activities or programs which would be impacted by the proposed closure.'*

#### **Principal Transport Engineer**

*'I cannot support the application. Access streets require a 16m road reserve as per the CMDG. The existing road reserve on Wall Street to the north is 10m, which is suboptimal and will pose a challenge for future works in this area. There is no benefit to the council in continuing with this suboptimal arrangement.'*

#### **Co-ordinator Development Engineering**

*'Wall Street is Urban Access Street as per Road Hierarchy overlay on Planning Scheme 2018. In accordance with Capricorn Municipal Development Guidelines, the width of road reserve shall be 16m. Although the existing width of the road reserve to the north of the subject property is less than 16m, we don't want to compromise the current standard without further traffic engineering justifications. As a result, Development Engineering could partially support this proposal. For the area where the existing width of road reserve is less than 16m, no further closure is supported. For the area where the existing width of road reserve is over 16m, we have no objection for the applicant to purchase the area of road reserve but maintaining the road reserve to be 16m. A sketch is shown below demonstrating how we could partially support the road closure proposal.'*



### **Coordinator Disaster Management and Community Resilience**

*'Disaster Management and Community Resilience has no objection to the proposed permanent closure of road reserve. The entirety of this lot is mapped by the State as 'Coastal Hazard Erosion Prone Area' and as having drainage problem areas. Any future development should consider both these layers and any associated issues.'*

### **Coordinator Natural Resource Management**

*'The NRM team has concerns regarding the future protection of the native trees currently on the Wall street road reserve, should there be an opportunity to protect this vegetation if converted to freehold tenure, such as a covenant, we would offer no objection to the request.'*

### **Economic Development (Placemaking) Strategist**

*'No objections in this particular instance. Given that this will likely trigger similar action by the remaining affected properties on this street, the only thing I'd be concerned about would be retention of the trees currently in the ROW. Unfortunately, we have nothing in place to ensure this outcome when it becomes private.'*

### **Coordinator Water and Sewerage Operations**

No comment provided

### **Technical Officer - Engineering**

'No Comment'

### **Technical Officer**

*'...there are no coastal concerns for this application. As usual, I will support the comments of the Principal Transport Engineer.'*

### **Author's Assessment**

The original road closure proposal, as submitted by the landowner, is not supported by the Principal Transport Engineer or the Co-ordinator Development Engineering because of minimum road width requirements that are stipulated in the Capricorn Municipal Development Guidelines. Furthermore, the original proposal is not supported by the Manager Engineering Services who recommends that Council support an alternative road closure and road opening proposal shown on Attachment 3. If Council chooses to support the original proposal submitted

by the landowner (shown on Attachment 1), Council's support should be subject to the registration of a covenant over the native trees on the Wall Street road reserve.

## **PREVIOUS DECISIONS**

At its 20 June 2019 and 18 February 2020 meeting, Council resolved that all future applications to close roads under the *Land Act 1994*, where Council is to provide advice as the road manager, are to be presented to Council for consideration. Council clarified the intent of these earlier resolutions at its 15 August 2023 Meeting.

## **ACCESS AND INCLUSION**

There are no access and inclusion implications associated with the consideration of the 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).*' *DoR* also undertake consultation with other public utility providers such as Ergon and Telstra.

## **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**

Section 93 of the *Land Act 1994* provides for the meaning of road as follows:

- '(1) A road means an area of land, whether surveyed or unsurveyed-
  - (a) dedicated, notified or declared to be a road for public use; or
  - (b) taken under an Act, for the purpose of a road for public use.
- (2) The term includes-
  - (a) a street, esplanade, reserve for esplanade, highway, pathway, thoroughfare, track or stock route; and
  - (b) a bridge, causeway, culvert or other works in, on, over or under a road; and
  - (c) any part of a road.'

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. Notice must be given to Council under s 68 of the *Local Government Act 2009* which also states that the Land Act Minister must have regard to any objections made by Council.

Part 6 Div 4A of the *Land Title Act 1994* addresses covenants. Relevantly, s 97A(3)(b) allows for covenants that are aimed at preserving native plants. Part 31 of the Land Title Practice Manual states:

*'A covenant is a voluntary agreement that creates an obligation by a deed entered into by the parties.'* and *'On registration, a covenant complying with the legislation attaches to the land and binds the owner or holder and all successors in title until it is released.'*

## **LEGAL IMPLICATIONS**

There are no legal implications associated with this report.

## **STAFFING IMPLICATIONS**

There are no staffing implications.

## **RISK ASSESSMENT**

As identified by the Principal Transport Engineer, if Council supports the original proposal submitted by the applicant, the optimum 16m width of the Wall Street road reserve will be further compromised which '*will pose a challenge for future works in this area*'.

Additionally, Council's support of the original proposal may result in the loss of native vegetation if the trees on the road reserve are not protected by a covenant.

## **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, some of whom do not support the original proposal submitted by the applicant. Attachment 3 provides a reasonable alternative which has been proffered by the Manager Engineering Services that would result in the:

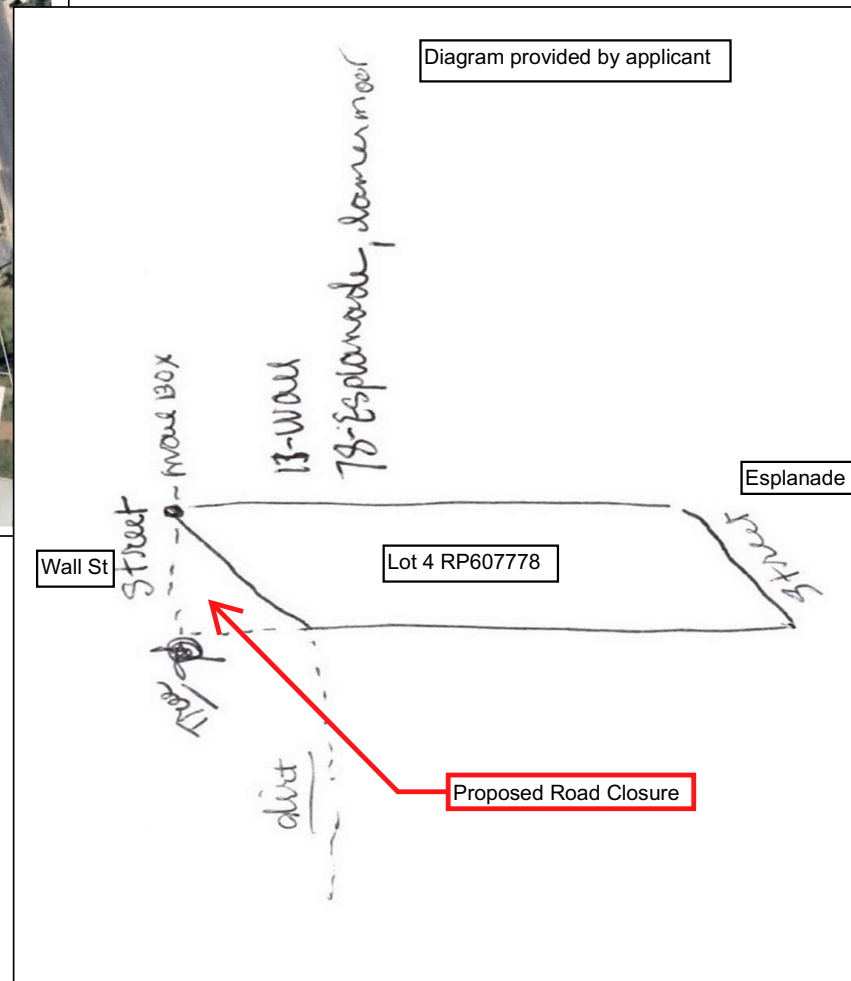
- a) native trees remaining on the Council controlled road reserve;
- b) applicant opening a small portion of her property as road; and
- c) applicant having Council support for the closure and purchase of an area of the Wall Street road reserve.

**11.4 - ROAD CLOSURE APPLICATION -  
ADJACENT TO 78 ESPLANADE  
LAMMERMOOR (LOT 4 RP607778)**

**Plan**

**Meeting Date: 2 July 2024**

**Attachment No: 1**



# **11.4 - ROAD CLOSURE APPLICATION - ADJACENT TO 78 ESPLANADE LAMMERMOOR (LOT 4 RP607778)**

## **Road Closure Application**

**Meeting Date: 2 July 2024**

**Attachment No: 2**



**Queensland  
Government**

## Department of Resources

You can now lodge your application online via Part A Contact and Land Details.  
By July 2023 you will be able to apply for all *Land Act 1994* applications online.

# Part A – Form LA00

## Contact and Land Details

### *Land Act 1994*

#### Requirements

1. **Part A:** Contact and land details is required when the applicant is wanting to submit a PDF [Part B form](#) (application specific form). You can apply [online](#) or via Part A – [Contact and land details \(PDF\)](#) and the relevant Part B form (PDF).
2. Payment of the prescribed Application fee for relevant Part B forms is per title reference. A refund of application fees will not be given. Details of fees are available on the [Department of Resources](#) website at <https://www.resources.qld.gov.au> or by contacting your nearest [business centre](#) or call 13 QGOV 13 74 68.
3. The appropriate application form Part B must be signed by the applicant or a legal practitioner on behalf of the applicant.
4. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

#### Important information

5. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
6. All applications will be processed having regard to the requirements of the [Land Act 1994](#) <https://www.legislation.qld.gov.au/> and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
7. You can lodge your state land application online by completing the Part A online guide, or through the Part A – Contact and land details PDF and relevant Part B application form PDF. If you complete the PDF forms, you can submit the application via:
8. **Email:** [SLAMlodgement@resources.qld.gov.au](mailto:SLAMlodgement@resources.qld.gov.au)
9. **Post:**  
Department of Resources  
PO Box 5318  
Townsville QLD 4810
10. In terms of the [Right to Information Act 2009](#) interested parties may seek access to the department's records and view relevant documents.
11. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
12. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
13. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
14. For further privacy information click [Privacy](#) or go to <https://www.resources.qld.gov.au/home/legal/privacy>.

**Contact Details****Lodger Details and Mailing Address**

A lodger is only required when a legal practitioner, or consultant lodges the application on behalf of the applicant.

| Full Names           |                      |                      |
|----------------------|----------------------|----------------------|
| Title                | First Name           | Surname              |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

| Company Name(s)                |   |
|--------------------------------|---|
| <input type="text"/>           |   |
| If a corporation then record:- |   |
| <input type="checkbox"/> ACN   | <input type="checkbox"/> ARBN <input type="checkbox"/> ABN <input type="text"/> |

| Contact Details      |                      |
|----------------------|----------------------|
| Postal Address:      |                      |
| <input type="text"/> |                      |
| Phone Number:        | Mobile Number:       |
| <input type="text"/> | <input type="text"/> |
| Email:               | <input type="text"/> |

## Applicant(s) Details and Mailing Address

If the Applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

## Full Names

| Title                | First Name           | Surname              |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

## Company Name(s)

If a corporation then record:-

☐

ACN

☐

ARBN

☐

ABN

**Note:** if the applicant is a Corporation, a requirement of the application is providing evidence (as at the date of application), that the Corporation is registered with the [Australian Securities and Investments Commission](https://asic.gov.au/online-services/search-asic-s-registers/) (ASIC) at <https://asic.gov.au/online-services/search-asic-s-registers/> (company summary printout) and if applicable, also registered with the [Australian Business Register](https://www.abr.business.gov.au) (ABR) at <https://www.abr.business.gov.au> (ABN lookup record extract).

## Contact Details

Postal Address:

Phone Number:

Mobile Number:

|                      |                      |
|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |

Ema

Future correspondence should be sent to:

☐

Lodger

☒

Applicant

|   |   |
|---|---|
| 1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?   |   |
| <input type="checkbox"/> Yes  | go to 2   |
| <input type="checkbox"/> No   | go to 4   |
| <p><b>Note:</b> For further information refer to the Queensland Government website to determine if the applicant/s are a <a href="#">foreign person</a> (acquirer) for AFAD.</p> <p>Government website to Types of foreign persons for additional foreign acquirer duty:-<br/> <a href="https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons">https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons</a>.</p>   |   |
| 2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the <a href="#">Duties Act 2001</a> ?   |   |
| <div style="border: 1px solid black; height: 40px; width: 100%;"></div>   |   |
| <p><b>Note:</b> Under the <a href="#">Duties Act 2001</a> an additional amount of duty applies where the land is residential land and the applicant is a <a href="#">foreign person</a> (acquirer) for AFAD.</p> <p>Government website for Additional Foreign Acquirer Duty:-<br/> <a href="https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons">https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons</a>.</p>   |   |
| 3. Enter full name/s of the foreign acquirer/s<br>(If there is insufficient space, please lodge as an attachment)   |   |
| Full Names<br>(If a Company, also provide a contact name)   | Share Held  |
| <div style="border: 1px solid black; height: 50px; width: 100%;"></div>   | <div style="border: 1px solid black; height: 50px; width: 100%;"></div> |
| go to 4   |   |
| 4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?  |   |
| <input type="checkbox"/> Yes ?  |   |
| <input type="checkbox"/> No   | go to 5   |
| <p><b>Note:</b> Under the <a href="#">Tax Administrator Act (Cth) 1953</a> certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or visit the ATO website <a href="https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/">https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/</a> or seek advice from a financial or legal expert.</p> |   |

## Details of land for which the application is being lodged

## 5. Select the type of land for which the application is being lodged:

- ☐ Permit
- ☐ Licence
- ☐ Lease
- ? ☐ Unallocated State Land (USL)
- ☐ Road
- ☐ Trust Land Reserve/ Deed of Grant in Trust (DOGIT)
- ☐ Dealing Number (refer to Item 6)
- ☐ Other

go to 6

## 6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

## Schedule 1

You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged

| Lot | Plan              | Title Reference |
|-----|-------------------|-----------------|
| 4   | RP607778          | ?               |
|     | (Council reserve) |                 |
|     |                   |                 |
|     |                   |                 |
|     |                   |                 |

go to 7

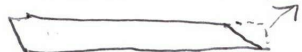
The details of the land can be found on a current title. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches') Lot on Plan details are located on your rates notice or downloading the Queensland Globe <https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/> to help access current Lot on Plan details. If insufficient space, please add additional description as an attachment.

## 7. Enter additional details of the land

Dealing number: Tenure Type:  Tenure Number: Local Government: 

Other details of land location (optional)

Council land next to lot 4 - RP607778



go to 8

8. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?

☐ Yes  
☒ No

go to 9

Please provide name of officer you spoke with and this department's associated reference.

Department Contact  
Officer

NINA GHANI  
 CARIE BURNETT

Pre-lodgement ID  
(eLVAS CI Ref)

9. Provide details of pre-lodgement meeting.

(If there is insufficient space, please lodge as an attachment)

phone call about purchasing land corner to square  
 off land.



**Note:** Departmental Officers contact details and any reference number should be included if known.

10. Provide details of any timeframes the department should be aware of when assessing your application (for example, a settlement date)

(If there is insufficient space, please lodge as an attachment)

11. If this application relates to a project, provide an overview and how your application relates to this project.  
(If there is insufficient space, please lodge as an attachment)

|  |
|--|
|  |
|  |
|  |
|  |
|  |
|  |

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM

CLEAR FORM



**Queensland  
Government**

## Department of Resources

You can now lodge your application online via Part A Contact and Land Details.  
By July 2023 you will be able to apply for all *Land Act 1994* applications online.

# Part B – Form LA18

## Road Closure Application

### *Land Act 1994*

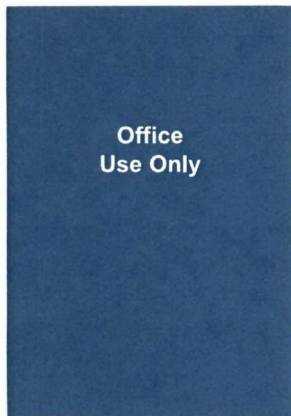
#### Requirements

1. This application is for a road closure.
2. Please read the respective [Applying for a road closure guide](#), which includes application restrictions.
3. Payment of the prescribed Application fee (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources](#) website at <<https://www.resources.qld.gov.au>> or contact your nearest [business centre](#) or call 13 QGOV 13 74 68.
4. Part A online form: [Contact and land details](#) or Part A – [Contact and land details \(PDF\)](#) must be completed and submitted with your application.
5. **Part C – Form 30:** [Statement in relation to an application under the Land Act](#) must be completed and submitted with your application.
6. You must **attach a drawing** showing the required information which is detailed in the [guide](#) under the heading "How to apply".
7. Any additional information to support the application.
8. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

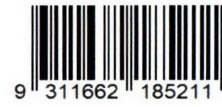
#### Important information

9. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
10. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
11. An adjoining owner may apply for a permanent or temporary road closure. An adjoining owner is the registered owner, lessee or trustee of the property that shares a common boundary with the road i.e. contiguous, directly connected; or without interruption.  
  
An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.  
  
If a road is a "dead end" and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.
12. A public utility provider as defined under the [Land Act 1994](#) <<https://www.legislation.qld.gov.au/>> may also apply for a permanent road closure.
13. An application for temporary road closure can be considered for another person (not an adjoining owner) for:
  - pipes for irrigation purposes that cross the road beneath its surface.

- water channels for irrigation purposes that cross the road.
14. A road maybe closed "in strata" to provide for works such as:
    - connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings.
    - structure which will overhang a road.
    - car park or building under or over a road.
  15. You may be required to pay a purchase price for the permanent closure of a road.
  16. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
    - incorporated into the applicant's adjoining freehold or leasehold land.
    - included in an existing reserve or set apart as a new reserve.
    - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
  17. A road may be permanently closed under the [Land Act 1994](#) if the Minister is satisfied the road is not:
    - the only dedicated access to a person's land;
    - used regularly by the public as a road or stock route; or
    - providing continuity to a road network.
  18. Although the state owns the land in a dedicated road, a local government (section 60 of the [Local Government Act 2009](#)) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The [Department of Transport and Main Roads](#) <<https://www.tmr.qld.gov.au/>> is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.
  19. If the local government can authorise the proposed use on a local road under a specific local law for administering the use of local roads, an application for road closure is not required by this department. Contact the relevant local government for authorisation of the proposed use.
  20. If the State government department administering state-controlled roads can authorise the proposed use on a state controlled road under the *Transport Infrastructure Act 1994*, an application for road closure is not required by this department. Contact Department of Transport and Main Roads for authorisation of the proposed use.
  21. Information on this form, and any attachments, is being collected to process and assess your application under section 99 of the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
  22. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
  23. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
  24. For further privacy information click [Privacy](#) or go to <[www.resources.qld.gov.au/home/legal/privacy](http://www.resources.qld.gov.au/home/legal/privacy)>.



Road Closure



Temporary Road Closure



|    |  |
|----|--|
| 1. | The application is for: <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 60%;"> <input type="checkbox"/> Permanent road closure<br/> <input type="checkbox"/> Temporary road closure         </div> <div style="width: 35%;"> <div style="margin-top: 10px;">go to 2</div> <div style="margin-top: 10px;">go to 2</div> </div> </div>  |
| 2. | If you are not the manager of the road as defined below, have you consulted with the road manager to determine if the road is still required? <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 60%;"> <input type="checkbox"/> Yes<br/> <input type="checkbox"/> No         </div> <div style="width: 35%;"> <div style="margin-top: 10px;">go to 3</div> <div style="margin-top: 10px;">go to 3</div> </div> </div> <p style="font-size: 0.9em; margin-top: 10px;">Before submitting your application to the department, you should discuss your proposal for closure of a local road with the local government responsible for its management, or the <a href="#">Department of Transport and Main Roads</a> for a state-controlled road managed under the <a href="#">Transport Infrastructure Act 1994</a>.</p> <p style="font-size: 0.8em; margin-top: 5px;">This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.</p> <p style="font-size: 0.8em; margin-top: 5px;">The road manager is:</p> <ul style="list-style-type: none"> <li>For a road that is under the control of a local government—the local government;</li> <li>For a state-controlled road, the chief executive of the Queensland Government agency administering the <i>Transport Infrastructure Act 1994</i> (Department of Transport and Main Roads).</li> </ul> <p style="font-size: 0.8em; margin-top: 5px;">If the proposed use can be authorised by the road manager an application for road closure is not required.</p> <p style="font-size: 0.8em; margin-top: 5px;"><b>Note:</b> A road manager has the powers to authorise various uses on roads, however they cannot permanently close the dedicated road and allocate the land for another use.</p> <p style="font-size: 0.8em; margin-top: 5px;">A signed '<a href="#">Part C Form LA30 – Statement in relation to an application under the Land Act 1994</a> over State land' from the road manager must accompany this application.</p> <p style="font-size: 0.8em; margin-top: 5px;">A road may be permanently closed under the <i>Land Act 1994</i> if the Minister is satisfied the road is not:</p> <ol style="list-style-type: none"> <li>a) the only dedicated access to a person's land;</li> <li>b) used regularly by the public as a road or stock route; or</li> <li>c) providing continuity to a road network.</li> </ol> <p style="font-size: 0.8em; margin-top: 5px;">An application must be refused if the road is still needed in accordance with section 101(3) of the <a href="#">Land Act 1994</a>.</p> |
| 3. | Are you a public utility provider or the <span style="border: 1px solid black; padding: 0 2px;">registered owner</span> , lessee or trustee of the land adjoining the area of road subject to this road closure application? <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 60%;"> <input checked="" type="checkbox"/> Yes<br/> <input type="checkbox"/> No         </div> <div style="width: 35%;"> <div style="margin-top: 10px;">go to 4</div> <div style="margin-top: 10px;"> <b>Application cannot be considered unless temporary closure is for reasons listed in Question 4</b> </div> </div> </div> <p style="font-size: 0.8em; margin-top: 10px;">Section 99(1) of the <a href="#">Land Act 1994</a> states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a permanent closure of the road.</p>  |
| 4. | Is the temporary closure to make structural improvements for: <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 60%;"> <input type="checkbox"/> Pipes for irrigation purposes that cross the road beneath its surface<br/> <input type="checkbox"/> Water channels for irrigation purposes that cross the road<br/> <input checked="" type="checkbox"/> Not Applicable         </div> <div style="width: 35%;"> <div style="margin-top: 10px;">go to 5</div> <div style="margin-top: 10px;">go to 5</div> <div style="margin-top: 10px;">go to 5</div> </div> </div> <p style="font-size: 0.8em; margin-top: 10px;">Section 99(3) of the <a href="#">Land Act 1994</a> limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for:</p> <ul style="list-style-type: none"> <li>Pipes for irrigation purposes that cross the road beneath its surface; or</li> <li>Water channels for irrigation purposes that cross the road.</li> </ul>  |

5. Provide details in Schedule 1 below, of any land you lease from the State or are the registered owner that adjoins or is in the vicinity of the land applied for:

| Schedule 1  |           |                 |
|---|-----------|-----------------|
| You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged<br>(If insufficient space, please add additional description as an attachment) |           |                 |
| Lot   | Plan      | Title Reference |
| 4   | RP 601778 |                 |
|   |           |                 |
|   |           |                 |

**go to 6**

The description of the land can be found on a current title search or on your rates notice. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches').

6. Have you made a previous application for closure of this area of road?

|  |                 |
|--|-----------------|
| <input type="checkbox"/> Yes           | <b>go to 7</b>  |
| <input checked="" type="checkbox"/> No | <b>go to 10</b> |

7. Was this application refused?

|  |                 |
|--|-----------------|
| <input type="checkbox"/> Yes           | <b>go to 8</b>  |
| <input checked="" type="checkbox"/> No | <b>go to 10</b> |

8. Have there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?

|  |                 |
|--|-----------------|
| <input type="checkbox"/> Yes           | <b>go to 9</b>  |
| <input checked="" type="checkbox"/> No | <b>go to 10</b> |

If no, the application maybe rejected without further consideration.

9. Provide details of the change in circumstances from the previous application.  
(If there is insufficient space, please lodge as an attachment)

**go to 10**

10. Is any use currently being made of the road area?

☐ Yes

go to 11

☒ No

go to 12

11. Provide details of the current use of road e.g. grazing, encroachment of building or structure.

go to 12

(If there is insufficient space, please lodge as an attachment)

tree - overgrown grass

12. Provide details of the proposed use of the road area and any additional information to support the application. go to 13

(If there is insufficient space, please lodge as an attachment)

to square up our lot 78 Esplanade Shammemoor -  
to have room Maybe for carport or gate.

13. If you have lodged an application to dedicate state land as road, please provide the case reference number or the lot on plan description of the land in which you have applied to open the road. go to 14

—

### Attachments

The following will need to be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

14. Tick the box to confirm the attachments form part of the application:

☐ Application Fee

☒ Part A online form – Contact and Land details or Part A – Contact and land details PDF

☐ Part C – Form LA30 – Statement in relation to an application under the Land Act 1994

☐ A copy of a [Dial before you dig](#) enquiry detail page for the road area applied for

☐ A drawing showing the information listed in the 'How to Apply' in the [guide](#)

☐ Evidence of pre-lodgement discussions with the department, if applicable.

☐ Additional information in support of your application such as correspondence from the road manager or current users of the road, if applicable.

It is recommended that any attached drawings be A4 or A3 size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

**Declaration**

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

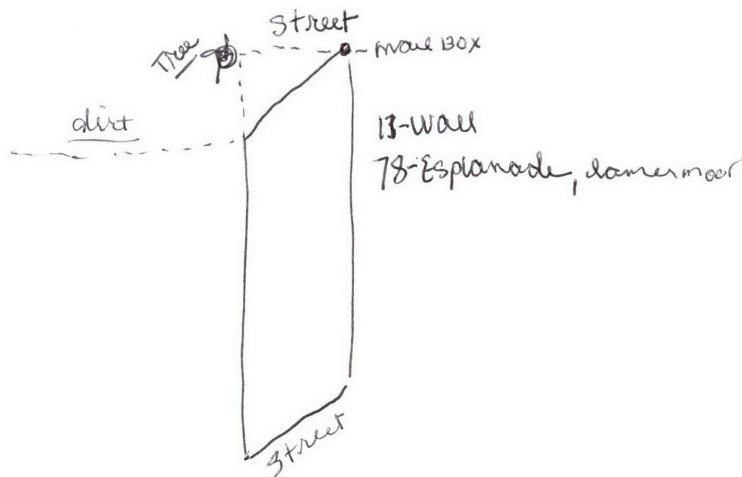
Signature of applicant (or their legal practitioner)

|  |  |
|--|--|
|  |  |
|  |  |

Date: 13/05/2024

If applicant, section 142 of the [Land Act 1994](#) states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over. If the legal practitioner of the applicant is signing as the applicant then the legal practitioner's full name must be printed immediately below the signature.

CLEAR FORM





**Queensland  
Government**

## Department of Resources

You can now lodge your application online via Part A Contact and Land Details and by July 2023 you will be able to apply for all State Land Act applications online.

### Part C – Form LA30

### Statement in relation to an application under the *Land Act 1994* over State land

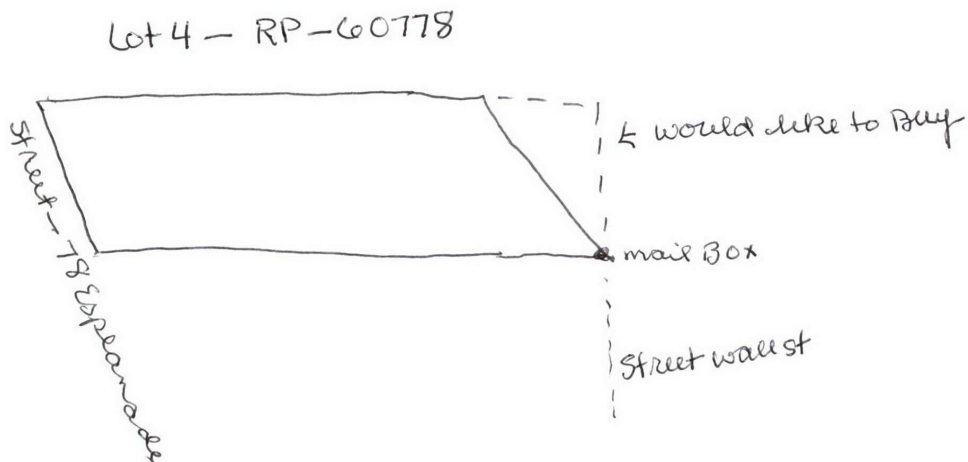
#### Requirements

1. Part C Form LA30 is to be used to support the following applications under the *Land Act 1994* (Land Act):
  - [Part A online form – Contact and Land Details](#) or [Part A – Contact and land details \(PDF\)](#)
  - **Part B - Form LA03:** [Permit to Occupy application](#)
  - **Part B - Form LA18:** [Road Closure application](#)
  - **Part B - Form LA20:** [Simultaneous Road Opening and Closure application](#).
  - **Part B – Form LA10:** [Purchase or Lease State Land Application](#)
  - **Part B – Form LA19:** [Application for Road Licence](#)
2. Please refer to the [Department of Resources website](https://www.resources.qld.gov.au/land-water) at <<https://www.resources.qld.gov.au/land-water>> (Search for 'State Land Forms') for the relevant Part B form for specific application requirements or contact your nearest [business centre](#) or call 13 QGOV 13 74 68.

#### Important information

3. Notice of your application must be first provided to the road manager (if application is over a road) or trustee of the reserve (if application is over a reserve) to determine the impacts of your application.
4. **The road manager is –**
  - for a road that is under the control of a local government—the local government; or
  - for a state-controlled road – the chief executive of the Queensland Government agency administering the [Transport Infrastructure Act 1994](#) visit the [Department of Transport and Main Roads](#) website at <<https://www.tmr.qld.gov.au>>.
5. Section 68 of the [Local Government Act 2009](#) <<https://www.legislation.qld.gov.au/>> and section 74 of the [City of Brisbane Act 2010](#) requires notice of any proposed closure or opening be provided to the local government. The local government must fully state its reasons for its decision, which this department will consider.
6. The local government may have a specific local law for administering the use of local roads and reserves.
7. Contact the relevant local government for authorisation of the proposed use on a local road. If the local government can authorise the proposed use over a local road under a specific local law for administering the use of local roads, an application for a permit to occupy or road closure is not required by this department.
8. Contact Department of Transport and Main Roads for authorisation of the proposed use on a state-controlled road. If the State government department administering state-controlled roads can authorise the proposed use on a state controlled road under TIA, an application for permit to occupy or road closure is **NOT** required.
9. The local government and Department of Transport and Main Roads have the powers to authorise various uses on roads, however they cannot permanently close the dedicated road and allocate the land for another use.
10. For secondary uses over a reserve, a trustee lease or trustee permit is the preferred tenure. Contact the trustee of the reserve to discuss these options. An application for tenure over a reserve (lease or permit to occupy) must include the support of the reserve trustee and the trustee MUST provide additional comments below stating why a trustee lease or trustee permit is not supported.

11. This Part C - Form LA30 is not just to approve the making of an application but is the **sole opportunity** for the road manager or reserve trustee to either support or not support the application.
12. This form must be supported by a drawing (minimum size A4) which includes the following information:
  - specific location
  - area of land under application
  - Lot on Plan information
  - Scale
  - Dimensions
  - a north point.
13. This form must be lodged with the application, including **Part A online form: [Contact and Land Details](#)** and the relevant Part B form, within three (3) months of the authorisation by the road manager or trustee of the reserve.
14. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](https://www.legislation.qld.gov.au/) <https://www.legislation.qld.gov.au/>. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.



I/We

, as

Please tick relevant fields –

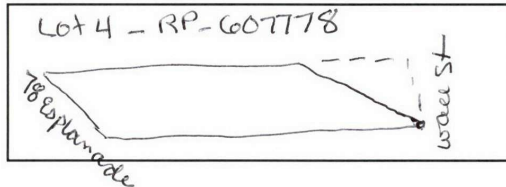
☐ Road Manager; or

☐ Trustee of a reserve issued under the *Land Act 1994*.

have considered information from the applicant including:

☐ Completed copy of the application form, including Part A and Part B – Application under the *Land Act 1994*
☐ Copy of drawing referred to as

(copy attached, endorsed by the road manager or trustee)



and advise the Department of Resources that use of the land as proposed:

☐ Will be authorised by the road manager or trustee of the reserve land and advise that no further contact with Department of Resources is needed at this time. A formal application to the road manager or reserve trustee will be required.

☐ Is unable to be authorised by the road manager or trustee of the reserve, and requests Department of Resources to consider an application under the *Land Act 1994* (noting additional comments below including advising why the proposed use can't be authorised by the road manager or reserve trustee).

☐ Is unable to be authorised by the road manager or trustee of the reserve and the application is not supported for the reasons detailed in the additional comments

**Additional Comments**

Provide information or requirements that the road manager/trustee of the reserve land believes should be considered when assessing this application.

(If there is insufficient space, please lodge as an attachment)

**Note** – a different form of tenure may be considered a more appropriate tenure once the application has been assessed.

**Authorisation**

I certify that I have the authorisation to make this statement and the information I have provided is true and accurate.

I have signed a copy of the attached drawing provided by the applicant in relation to this application.

**Full name and position of person making this  
declaration on behalf of the road manager or trustee**

**Signature**

**Date:**        /        /

This information will not otherwise be disclosed outside of the department unless required or authorised by law as under the [Right to Information Act 2009](#).


**CLEAR FORM**

# **11.4 - ROAD CLOSURE APPLICATION - ADJACENT TO 78 ESPLANADE LAMMERMOOR (LOT 4 RP607778)**

## **Alternative Road Closure and Road Opening Proposal (Plan No LSC607778.04)**

**Meeting Date: 2 July 2024**

**Attachment No: 3**

 Proposed New Boundary

Alternative Proposal  
Plan No LSC607778.04



## 11.5 MEIKLEVILLE HILL RESERVOIR ROOF REPLACEMENT

**File No:** C1138855  
**Attachments:** Nil  
**Responsible Officer:** Arvind Singh - Manager Infrastructure Projects  
Michael Kriedemann - General Manager Infrastructure  
**Author:** Daniel Stroud - Infrastructure Project Engineer/Project Manager

---

### SUMMARY

*The following report provides a Progress Update for the Meikleville Hill Reservoir Roof Replacement project.*

### OFFICER'S RECOMMENDATION

THAT the Committee recommends to Council that:

1. This project report be 'received'; and,
2. The actions of the Chief Executive Officer in approving budget variations for repairing poor condition expansion joints in the concrete floor of the reservoir be endorsed.

### BACKGROUND

The Meikleville Hill Reservoir Roof Replacement project was started in late 2023 with the scope to replace the old box guttered roof with a new steel roof with external pitched runoff. Additionally, the internal and external ladders were replaced and some minor rectifications to pipework around the site were completed.

### COMMENTARY

The contracted works were completed mid-April 2024 but during refilling operations it was found that the expansion joints in the concrete floor of the reservoir were in poor condition and water was leaking into the underdrain. Further investigation found that these expansion joints were original to the reservoir and 56 years old. Current advice is that expansion joints be replaced every 30 years.

Once completed, the refurbished reservoir will provide high quality water network infrastructure to the community meeting Council's public health obligations.

### PREVIOUS DECISIONS

GHD was engaged to provide a repair methodology and define the scope of works to be completed, and a variation was requested from the Contractor to complete the works.

A variation was raised and approved on 29 May 2024 to Contract 2023.017 for an additional \$123,546.80 (ex GST), bringing the total cost of the works to \$873,149.80 (ex GST). The variation was structured as a schedule of rates due to the unknown time required to remove the old expansion joint material.

### ACCESS AND INCLUSION

Not applicable

### ENGAGEMENT AND CONSULTATION

Engagement with the affected operations team (Water & Waste) has occurred and they were involved in the expansion joint replacement methodology and scope development.

### HUMAN RIGHTS IMPLICATIONS

Not applicable

### BUDGET IMPLICATIONS

The Contract cost is as follows:

- Original Contract value \$624,795.08 ex GST

- Variations 1-7 \$93,651.10 ex GST
- Variation 8 \$123,546.80 ex GST

Contract Total \$841,992.98

For each of the variations the project cost was increased by the same amount after approval from the Chief Executive Officer. The total cost of the Project is \$873,149.80 ex GST.

### **LEGISLATIVE CONTEXT**

Not applicable

### **LEGAL IMPLICATIONS**

Not applicable

### **STAFFING IMPLICATIONS**

The Project is expected to be extended from May 2024 to August 2024 and the variation requires a small amount of effort by the Project Manager (<5 hours per week) in liaising with the Contractor and the Water & Waste team.

### **RISK ASSESSMENT**

Risks include:

- The amount of effort required to remove the old expansion joints is dependent on how much settlement of the tank has taken place and how hard the concrete has become since it's construction. An estimate of the number of days required to complete the work was made before approval of the variation but once started the task must be completed. The progress of the work is being monitored by the Project Manager and the operations team and 6 of the 12 days allowed for have been expended (as of COB 13 June 2024).
- While the reservoir is off-line, water is being supplied by three temporary tanks that are on temporary pads. There is a risk of slippage of the tanks in the event of heavy rains eroding the pads.

### **CORPORATE PLAN REFERENCE**

#### ***Future Livingstone***

*Community Plan Goal 5.2 - Connected places, people and services*

*5.2.4 Integrate technology and innovative solutions into Council's operations and community programmes to increase efficiency, provide excellent customer service outcomes, encourage entrepreneurship and community engagement.*

### **CONCLUSION**

The project is nearing completion and this report has been prepared to notify Council of the additional works required and being executed.

## 11.6 LIVINGSTONE SHIRE COUNCIL STATE ELECTION PRIORITY PROJECTS 2024

**File No:** ED8.5.20  
**Attachments:** Nil  
**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places  
Chris Ireland - General Manager Communities  
**Author:** Arna Hart - Project Support Officer

---

### SUMMARY

*Three Livingstone Shire Council State Election Priority Projects 2024 are being presented to Council for endorsement.*

### OFFICER'S RECOMMENDATION

THAT the committee exercises its delegation under s257c of *Local Government Act 2009* and resolves to endorse the Livingstone Shire Council State Election Priority Projects 2024 as detailed in this report, viz:

1. Great Keppel Island
2. Investment in Critical Road Infrastructure
3. Yeppoon Aquatic Centre Stage 2

### BACKGROUND

At its Ordinary meeting of 27 October 2020, Council resolved to adopt the *Advocacy for Livingstone Policy*. A key deliverable of the policy was the development of an advocacy document to provide a consistent message to funders regarding Council's priorities for regional prosperity. The Economy and Places team have since developed a range of advocacy documents that include priority projects that align to the goals of the *Livingstone Community Plan Towards 2050*.

### COMMENTARY

As per the *Queensland Constitution Act 2001* the State Government election for 2024 must be held on the last Saturday in October. In preparation for the State election, three priority projects (one State led and two Council led) have been identified as the preferred 'game-changing/catalyst' priority projects likely to be supported with funding.

The three priority projects are as follows:

- (1) Commit to continued funding support to deliver the Great Keppel Island (Woppa) Concept Master Plan priorities being a wastewater treatment plant, new public amenities, arrival hub and safe, all-visitor access (jetty and/or barge ramp).
- (2) Investment in critical trunk road infrastructure to unlock and underpin future residential housing development areas.
- (3) Yeppoon Aquatic Centre Stage 2.

#### Great Keppel Island

Council has been a key stakeholder in the development of the community-built masterplan for Great Keppel Island (Woppa). Council is seeking funding commitment to ensure fast-tracked delivery of the committed \$30 million plus more to deliver common-user infrastructure to attract investment in the island. Council is currently leading the project to build a Wastewater Treatment Plant and amenities in partnership with the State. Further funding is required for the arrival hub and to deliver safer and more weather resilient maritime access to enhance accessibility and arrival and departure experiences.

#### Investment in Critical Trunk Road Infrastructure

Like all regional coastal areas Livingstone has seen unprecedented population growth post-Covid. Development has not kept up with growth, resulting in a need to bring forward

significant investment in critical trunk road infrastructure to unlock and enable future residential housing to keep up with demand.

### Yeppoon Aquatic Centre Stage 2

In addition to the \$13 million in Federal funding already committed for Stage 1 of the Yeppoon Aquatic Centre, Council is seeking further funding of \$10 million to enable completion of Stage 2. There will be considerable savings if Stage 1 and 2 are delivered together. Stage 2 deliverables include:

- New wading pool
- Demolish existing Learn to Swim
- New Learn to Swim with roof
- New car parking on east side
- New link road and parking
- Additional roof extension over 50 metre pool
- Heating (if not completed during Stage 1)
- Solar power

Council-led advocacy to the state government is vital for securing essential funding towards local projects and influencing decision-making to drive change. Having clear advocacy priorities assists effective lobbying to State government representatives for the investment needed to make the projects a reality. Council-led advocacy is key to driving change that not only meets community priorities but can enable a deeper engagement in the ongoing transformation of neighbourhoods, towns, and cities.

### **PREVIOUS DECISIONS**

No previous decisions have been made regarding the Livingstone Shire Council State Election Priority Projects 2024.

### **ACCESS AND INCLUSION**

There are no access and inclusion implications associated with this matter.

### **ENGAGEMENT AND CONSULTATION**

Livingstone Shire Council will continue to engage with relevant government, industry, and key stakeholders to identify collaborative partnerships that are project enabling.

### **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 human rights implications associated with this report.

### **BUDGET IMPLICATIONS**

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

### **LEGISLATIVE CONTEXT**

There are no legislative implications associated with consideration of this matter.

### **LEGAL IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

Development of the advocacy documents is managed within existing staff resources within the Economy and Places Team and Communications and Marketing Team.

## **RISK ASSESSMENT**

If Livingstone Shire Council State election priority projects are not endorsed, Council's approach to lobbying for the advancement of strategic regional priority projects could be viewed as ad-hoc and less successful.

## **CORPORATE PLAN REFERENCE**

### ***Leading Livingstone***

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

*4.2.2 Identify opportunities for alignment between Council's interests and objectives with those of Federal and State Governments.*

Strategic priority projects have a higher chance of becoming reality if partnerships (formed by a mix of private industry and local, state, and federal government representation) are developed between the advocacy champions.

## **CONCLUSION**

This report provides Councillors an opportunity to commit to advocate for State funding support for three significant projects.

## 11.7 PUBLIC WORKSHOPS TO EDUCATE PEOPLE ON HOW TO REDUCE WATER USE IN GARDENS

**File No:** qA24431  
**Attachments:** Nil  
**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure  
**Author:** Chris Hocking - Manager Water and Waste Operations

---

### SUMMARY

*This paper makes the recommendation to update Council's website to include information to residents on efficient water usage in the garden.*

### OFFICER'S RECOMMENDATION

THAT the Committee recommends to Council that, in lieu of public workshops (as resolved 24 January 2024), it instead undertakes an update to the Livingstone Shire Council website to include water efficient gardening advice, links to additional information and a water bill calculator.

### BACKGROUND

At the Ordinary Council meeting held on 18 June 2024 Council resolved to update the Residential Rebate for Water Saving Products Procedure which aligns with Rockhampton Region Councils rebate program.

A second resolution at the Special Meeting of Council held on 24 January 2024 was to convene public workshops to educate people on how to reduce water use in gardens which this paper addresses.

### COMMENTARY

To deliver public workshops to educate people on how to reduce water in gardens will require the engagement of external suitable qualified or an experienced organisation and people. Initial investigations have not identified local or regional organisations that offer this type of service. Services will be available from south-east Queensland and interstate as these areas have, due to drought, delivered similar programs of water reduced usage in the past.

A budget estimate for the delivery of these workshops (half day Yeppoon area and half day Northern area) is approximately \$7,000. The estimate is based on travel, accommodation, venue hire and engagement of an organisation.

An alternate option would be to update Livingstone Shire's Website to include water efficient gardening advice and links to additional information. As an example, Mackay Regional Council provides information to residents through their [website](#) which Livingstone Shire Council could replicate and build upon with the inclusion of an online water bill calculator which will allow residents to calculate their bills based on different water usage.

### PREVIOUS DECISIONS

At the Special Meeting of Council held on 24 January 2024, Council resolved as follows:

THAT Council

1. review the Residential Rebate for Water Saving Products to include water-efficient irrigation products and to supply a report to council.
2. convenes public workshops to educate people on how to reduce water use in gardens

Item 1 was resolved at the 18 June 2024 Ordinary Council meeting.

### ACCESS AND INCLUSION

There are no identified access and inclusion implications.

### ENGAGEMENT AND CONSULTATION

N/A

## **HUMAN RIGHTS IMPLICATIONS**

There are no identified human rights.

## **BUDGET IMPLICATIONS**

An increase in the operational budget will be required to deliver the program to educate people on how to reduce water use in gardens. This is estimated to be an additional \$7,000.

An update of Councils website would be undertaken within existing budgets.

## **LEGISLATIVE CONTEXT**

Public Health Regulation 2018 pt 2 div 2

Water Supply (Safety and Reliability) Act 2008 ss 161, 676

## **LEGAL IMPLICATIONS**

There are no identified legal implications.

## **STAFFING IMPLICATIONS**

The workshops will be delivered by an external organisation but will require project management by internal staff.

Alternatively, an update to the Council's website can be completed utilising internal resources and some assistance from existing web services.

## **RISK ASSESSMENT**

N/A

## **CORPORATE PLAN REFERENCE**

### ***Natural Livingstone***

*Community Plan Goal 3.1 - Enhanced reuse and recycling of resources*

*3.1.3 Incentivise the community to invest in reuse, recycling, energy, and water saving practices.*

## **CONCLUSION**

Based on the estimated cost to Council of \$7,000 to engage external expertise to deliver public workshops to educate people on how to reduce water use in gardens it is recommended to update Council's website aligning it with similar Councils information and include an online water bill calculator which will allow residents to calculate their bills based on different water usage.

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

Nil

**11 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.*

## **12 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 Supreme Court Claim - EarthTec Pty Ltd (Statue Bay Project)**

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

## 13 CONFIDENTIAL REPORTS

### 15.1 SUPREME COURT CLAIM - EARTHTEC PTY LTD (STATUE BAY PROJECT)

**File No:** ET

**Attachments:** Nil

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

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

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

---

#### SUMMARY

*Chief Executive Officer reporting on status of Supreme Court claim brought by EarthTec Pty Ltd over the Statue Bay Project from 2017/18.*

## **14 CLOSURE OF MEETING**