



ORDINARY MEETING

AGENDA

18 JUNE 2024

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 18 June 2024 commencing at 9:00 AM for transaction of the enclosed business.

Cale Dendle
CHIEF EXECUTIVE OFFICER
13 June 2024

Next Meeting Date: 16.07.24

Please note:

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

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1 OPENING

Acknowledgement of Country

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

Opening Prayer

Rob Stanley of the Keppel Anglican Church is scheduled to deliver an opening prayer.

2 ATTENDANCE

Members Present:

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

Officers in Attendance:

Cale Dendle - Chief Executive Officer
Chris Ireland – General Manager Communities
Michael Kriedemann – General Manager Infrastructure
Andrea Ellis – Chief Financial Officer
Matthew Willcocks - Chief Technology Officer
Kristy Mansfield - Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 20 May 2024

5 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

6 DEPUTATIONS

6.1 9.00AM DEPUTATION - JOHN MORRIS AND JEFF KING - EMU PARK AIRSTRIP ADVISORY GROUP

File No: GV

Attachments: 1. The Emu Park Airstrip Advisory Group [↓](#)

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

John Morris, Chairperson and Jeff King, Secretary from the Emu Park Airstrip Advisory Group have requested an opportunity to present to Councillors regarding the Emu Park Airstrip.

OFFICER'S RECOMMENDATION

THAT the deputation be received.

**6.1 - 9.00AM DEPUTATION - JOHN
MORRIS AND JEFF KING - EMU PARK
AIRSTRIP ADVISORY GROUP**

The Emu Park Airstrip Advisory Group

Meeting Date: 18 June 2024

Attachment No: 1

EMU PARK AIRSTRIP

REQUEST FOR A DEPUTATION TO COUNCIL



THE EMU PARK AIRSTRIP ADVISORY GROUP
1 May 2024

ERSA Entry

EMU PARK		ELEV 44	
		FULL NOTAM SERVICE NOT AVBL	
QLD		UTC +10	YEMP
231524S	1504848E	VAR 9 DEG E	UNCR
AD OPR Livingstone Shire Council, PO Box 2292, Yeppoon, QLD, 4703. Email: enquiries@livingstone.qld.gov.au. Council PH 07 4913 5000.			
REMARKS			
Day use VFR only. No equipment for IFR OPS or night OPS at AD.			
			
PHYSICAL CHARACTERISTICS			
RWY 16/34. Length 673M. Unsealed natural grass.			
ATS AND AERODROME COMMUNICATION FACILITIES			
FIA	BRISBANE CENTRE	119.55	
CTAF 132.2			
CHARTS RELATED TO THE AERODROME			
WAC 3236.			

Deputation Protocol

A person or persons wishing to address a Meeting as a deputation on any matter must apply to the Chief Executive Officer in writing at least ten (10) business days before the day of the Meeting.

An email with a summary of your deputation, a list of attendees names and any presentations to be displayed during the deputation can be emailed to executivesupport@livingstone.qld.gov.au

*Each deputation will be given the opportunity to address Council for up to a **maximum of twenty (20) minutes** at the discretion of the Chairperson. This will include fifteen (15) minutes of presentation by the deputees. Councillors will then have the opportunity to ask questions following the deputation with a five (5) minute limit.*

The Chairperson may terminate a deputation at any time where:

- (a) the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting;*
- (b) the time period allowed for a deputation has expired; or*
- (c) the person uses insulting or offensive language or is derogatory towards Councillors or staff members; and*
- (d) a person other than the appointed speaker interjects during the deputation without approval.*

For deputations comprising three (3) or more persons, only three persons shall be allowed to address Council unless the Councillors at the meeting determine otherwise by resolution.

Each deputation will be heard and questioned without debate. No questions will be asked of officers during the deputation, except where clarification may be requested through the Chairperson.

The Chief Executive Officer is responsible for the deputation including where applicable notifying the appointed speaker(s), of any actions arising from the deputation.

Background

Community Consultation and Risk Assessment

On 23 March 2023, officers facilitated a workshop with Councillors to discuss Lot 48, Emu Park Road/Emu Park Airstrip and its current risk profile. A Risk Assessment was prepared for Council.

Officers proposed to conduct community consultation to determine the communities view on the preferred future use of Lot 48 Emu Park Road/Emu Park Airstrip.

Councillors supported the decision to take the matter to the community to find out their thoughts on the future of the airstrip and make a decision once the community had been consulted and feedback received.

During engagement, several potential options for the future of the airstrip were suggested, including:

- Council rescinds trusteeship to give the land back to the State and let them determine its future use/disposal;
- Council applying to the State Government to purchase the land (estimated to cost upwards of \$2 M)
- Council continues as trustee and the land continues to be utilised as an airfield. This option requires the 3 points in the overview as costs to council outlined in the engagement plan.
- Request consideration from the State Government to change the 'community purpose' use of the reserve (see list of community purpose definitions).

Survey Outcome August 2023

During the four weeks of consultation, council received over seven hundred responses to the online survey on council's Get Involved page, the highest number of any responses of any consultation ever in Livingstone Shire's history of engagement.

Most respondents (62%) preferred option 3 – that Council continue as Trustee for the Airstrip. The second most popular option was 1 – that Council returns the land to the State Government (31%).

Respondents meeting on Saturday 3 February, 2024

120 respondents were invited to an informal gathering at Pat & John Martin's hangar.

55 respondents, including representatives from Gayndah and Mackay attended, along with the Mayor, Clr Swadling, Clr Watson and Council Staff. Councilor Swadling chaired the meeting and Minutes were taken by Council Staff. Apologies were received from respondents in the Central and Far West and the Gulf.

The meeting decided to elect a committee to advance the restoration of the airfield as an Authorised Landing Area (ALA) and to advise the Livingstone Shire Council according to the agreed Terms of Reference.

The respondents acknowledge and thanks the Council for its resolution of 21 November 2023 as noted below.

Advisory Group Terms of Reference

The purpose of the Advisory Group committee is to work with Local and State Government to identify long term improvement strategies for YEMP, (Emu Park Air Strip)

The committee will look at the **status** of the airstrip and identify required improvements to the safety and usage requirements.

The committee will address in consultation with LSC the **immediate upgrades** required to ensure that the airstrip meets CASA requirements for this type of ALA.

The committee will establish a **strategic planning process** for improvements over the next 6 years with an annual review of progress.

The committee will investigate the ability to construct **hangers** on site to allow for the storage of local aircraft owners aircraft.

The committee will investigate **strategies for the promotion** of Emu Park Airstrip to encourage additional tourism to the local area and the Shire.

The Emu Park Airstrip Advisory Group now comprises 5 members:

Chairman - John Morris

E:john@banksiapacific.com M: 0418 794 646

Secretary - Jeff King

Jeffking2@bigpond.com 0401 577 274

Matt Bossley

admin@emuparkautomotive.com.au 0421 089 923

Mel Bossley 0421 807 445

Bruce Craig

brucecraig@bigpond.com 0400 845 974

Greg Davis

Greg_davis77@hotmail.com 0467 648 388

Livingstone Shire Council Resolution

ORDINARY MEETING AGENDA

21 NOVEMBER 2023

B.	ALA IMPROVEMENTS (minimum mitigation actions in accordance with recent Risk Assessment Report – March 2023) Service Level: Mowing, ongoing maintenance of VFA equipment, signage, and ALA management and reporting in accordance with Aerodrome Operator requirements. - Develop an Aerodrome Operating Procedure (to include: - Maintenance arrangements – specific intervention levels and associated responsibilities. - Replacement schedule of equipment (markers, windsock). - Inspection schedule and associated checklist. - Communication Procedures – ground-to-air via signal circle notification of hazards via ERSAs (Airservices Australia) and internal communications for authorised use. - Training and education requirements for officers with respective roles and responsibilities). - Develop an Emergency Response Plan (for inclusion within the Aerodrome Operation Procedure). - Update the En Route Supplement Australia (ERSA) to include known hazards. - Review Obstacle Limitation Surface (OLS) requirements from a town planning perspective. - Review last Obstacle Limitation Survey (2020) to determine required actions associated with vegetation control. - Investigate what agreements are in place for commercial activities and use of the Aerodrome. - Training of relevant officers (post implementation of the Aerodrome Operating Procedure). - Install signage at all entry points to the aerodrome to make the public aware of aerodrome operations and restricted access. *NOTE: the above actions are identified as minimum requirements for compliance and sufficiently mitigating the identified risks associated with ALA operations.	\$9,000 per annum (mowing) \$25,000 once off (VFA equipment replacement + signage installation) \$4000 per annum (ongoing budget for maintenance of equipment) *estimate only \$500 (Industry advice/review of AOP) *estimate only *Costs associated with OLS review are currently unknown.	Moderate

Advisory Group Deputation

1. John Morris, Chairman M:0418 794646
E: john@banksiapacific.com
2. Jeff King, Secretary M:0401 577 274
E: jeffking2@bigpond.com

The Advisory Groups Request to Council

The group respectfully requests the Council to:

1. *recognise the Emu Park Airstrip as a significant community asset and commits to its continuing function under Council Trusteeship*

Council resolved on 19 December 2023 to retain the Trusteeship of Lot 48 Emu Park Road/Emu Park Airstrip and facilitates its continued use as a 'landing ground for aircraft' and allocates \$40,000 in the 2024/2025 budget to address improvement conditions as outlined as Option B in the Risk Mitigation Table which included Service Level – mowing, ongoing maintenance of VFA equipment, signage, and ALA management and reporting in accordance with Aerodrome Operator Requirements.

- 1 Develop an Aerodrom Operating Procedure
- 2 Develop an Emergency Response Plan to be included in the Operating Procedure
- 3 Update the En Route Supplement Australia (ERSA) to include known hazards
- 4 Review Obstacle Limitation Surface (OLS) requirements from a town planning perspective
- 5 Review last Obstacle Limitation Survey (2020) to determine required actions associated with vegetation control

- 6 Investigate what agreements are in place for commercial activities and use of the Aerodrome
- 7 Training of relevant officers (post implementation of the Aerodrome Operating Procedure)
- 8 Install signage at all entry points to the aerodrome to make the public aware of aerodrome operations and restricted access.
- 9 Council acknowledges that there are interested parties outside this group who wish to use the airstrip. Officers are obligated work with all interested parties to explore their interests and the use of the reserve land.

A purchase order has been raised to commence development of Items 1, 2 3, 4 and a new survey (Item 5) will be completed at the same time.

Item 6 – Commercial activities are not approved at this site, and Council officers are making contact with the Commercial Operator to advise that their operations can no longer continue at the site.

Items 7 and 8 have been priced and will be procured following completion of the Items 1, 2 3 & 4 to ensure compliance.

2. *recognises the Advisory Committee as a representative community group*

The group is recognised by Officers as an advisory in accordance with the Trustee Lease terms and conditions, Council's policies and procedures, and the Operating Procedure once it is developed.

3. *receive advices and requests to maintain and enhance the ALA*
Requests and advice consistent with the maintenance levels adopted by Council and the Operating Procedure.

4. *invite the committee to hold its regular meetings in an appropriate Council meeting room*

Meetings can be held at a Council office available on the day of meeting

5. *authorise three representatives to sit on the committee*
 - *A Councillor*
 - *The Manager Parks and Facilities, and*
 - *the ARO*

The ARO would attend on an as needs basis

6. *consider the Groups advice for each of the items in the Council Resolution supporting the continuance of the ALA*

Refer to response to Item 3

7. *accept the proposed future maps of the ALA showing*
 - *the realigned airstrip in accordance with CASA requirements*
 - *the area that is appropriate for CASA approved Hangar sites, and*
 - *any other site facilities appropriate for an ALA*

Before any decisions can be made, further details of each of the proposed points will be required to be reviewed by internal and external stakeholders.

NOTE: The maps are presently being prepared and will be provided to Sharon Sommerville as soon as they are finalised.

6.2 9.30AM DEPUTATION - KEPPEL DEVELOPMENTS PTY LTD - D-369-2023**File No:** GV**Attachments:** Nil**Responsible Officer:** Cale Dendle - Chief Executive Officer**Author:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Bill Ouston, Director/Owner and Stephen Schravemade, Development Manager of Keppel Developments have requested an opportunity to present to Councillors regarding Development Application D-369-2023.

OFFICER'S RECOMMENDATION

THAT the deputation be received.

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 LIFTING MATTERS LAYING ON THE TABLE

File No: GV13.04.06

Attachments: Nil

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

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

OFFICER'S RECOMMENDATION

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

1. Questions on Notice - Councillor Glenda Mather - Sewer Services at 52 Marine Parade
2. Response to Notice of Motion - Cooee Bay Masterplan Engagement
3. Naming of Wetland off Bottlebrush Drive

BACKGROUND

These matters were presented at previous Council meetings at which time Council resolved to lay each matter on the table pending return to a future Council meeting.

COMMENTARY

These matters are now requested to be formally lifted from the table and brought back for discussion and consideration.

7.2 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**File No:** GV**Attachments:** 1. Business Outstanding Table - June 2024 [↓](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Ordinary Council Meeting is presented for Councillors' information.

OFFICER'S RECOMMENDATION

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

7.2 - BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

Business Outstanding Table - June 2024

Meeting Date: 18 June 2024

Attachment No: 1

***Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

Item	Date	Report Title	Resolution	Comments
1	16/01/2024	Notice of Motion - Councillor Friend - Survey The Caves, Rockyview, Glenlee and Glendale Communities for Extended Weekend Operating Hours of The Caves Transfer Station	THAT Council conduct a survey of The Caves, Rockyview, Glenlee and Glendale Communities, being for an option of extended weekend operating hours of The Caves Transfer Station and a report returns to Council with options of extended times and details.	11 Apr 2024 Requested engagement plan will be discussed with Councillors in June 2024 prior to releasing the survey to the community.
2	12/03/2024	Notice of Motion - Councillor Adam Belot - Temporary Swimming Facilities	THAT in order to provide continuation of much needed swimming lessons and associated hydro therapy ie. physio, rehabilitation for LSC residents, Council undertake urgent review of options including budgetary options to provide temporary swimming facility throughout duration of Olympic Pool Closure.	11 Jun 2024 This matter was laid on the table at the Recreation & Culture meeting on 4 June 2024 pending further discussions with stakeholders for report back to committee.
3	16/04/2024	Response to Notice of Motion - Farnborough Beach Master Plan Engagement Results	THAT Council resolves to: 1. Advocate to the State Government to increase monitoring and patrolling of Farnborough Beach by the Queensland Police. 2. Continue to maintain the existing ramp at Hinz Avenue AND continues to progress development of a Traffic and Beach Access Management Strategy AND completes a business case for upgrading of the ramp/beach access with the intent to improve safe and accessible separated pedestrian and vehicle access. 3. Continue to maintain relationship with private/Government landowners to ensure that if opportunities arise to advocate for additional access points/upgraded, Council can do so. 4. Continue to attract, support, and promote events and educational opportunities that promote safe shared beach usage (e.g. Safety on the Sand, school holiday activities, website information updates).	12 Jun 2024 Draft letter to State Government sent to Mayor for review.

***Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

4	20/05/2024	Memorandum of Understanding between Livingstone Shire Council and the Urban Development Institute of Australia Queensland Central Queensland Branch	THAT Council resolve to enter an MOU with the UDIA Central Queensland and authorise the Mayor and CEO to co-sign a MOU for the term up to the next Local Government Election	12 June 2024 MOU being signed on 18 June 2024.
5	20/05/2024	Notice of Motion - Cr Mather - Mobile Food Van	THAT the General Manager and officers go to Yaamba and speak to all operators to find a way forward to collaborate.	12 June 2024 Trip to Yaamba is planned for 13 June 2024.

8 PRESENTATION OF PETITIONS

8.1 PETITION REQUESTING SPEEDING AND TRAFFIC MANAGEMENT ON HAVENWOOD DRIVE, EUCALYPTUS AVENUE AND COTTESLOE STREET

File No: x

Attachments: 1. Petition - Speeding and Traffic Management on Havenwood Drive, Eucalyptus Avenue and Cottesloe Street [↓](#)

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Council has received the following petition from Joanne Ballard requesting speeding and traffic management on Havenwood Drive, Eucalyptus Avenue and Cottesloe Street.

RECOMMENDATION

THAT the petition be received.

Council Meeting Standing Orders:

2.9 Petitions

2.9.1 Any petition presented to a Meeting must:

- (a) be in legible writing or typewritten and contain a minimum of ten (10) signatures;
- (b) include the name and contact details of the principal petitioner (id est, one person who is the organiser and who will act as the key contact for the issue);
- (c) include the postcode of all petitioners, and
- (d) have the details of the specific request/matter appear on each page of the petition.

2.9.2 Only valid petitions in accordance with the Petitions Guideline will generally be accepted by Council. Other petitions will be received at the discretion of Council, if deemed appropriate.

2.9.3 The only motions which will be moved in relation to a petition are that:

- (a) the petition be received and referred to a Council briefing; or
- (b) the petition be received and its contents noted.

**8.1 - PETITION REQUESTING
SPEEDING AND TRAFFIC
MANAGEMENT ON HAVENWOOD
DRIVE, EUCALYPTUS AVENUE AND
COTTESLOE STREET**

**Petition - Speeding and Traffic
Management on Havenwood Drive,
Eucalyptus Avenue and Cottesloe
Street**

Meeting Date: 18 June 2024

Attachment No: 1

Chief Executive Officer
Livingstone Shire Council
PO Box 2292
25 Normanby Street
YEPPOON Qld 4703

RECEIVED
24 MAY 2024
BY: *ella*

24 May 2024

Dear Mr Dendle,

Please find attached a Petition to the Livingstone Shire Council for consideration by the council.

I am the Principal Petitioner and am happy to be contacted regarding this petition.

Regards,

J. Ballard

Joanne Ballard
46 Havenwood Drv
TAROOMBALL Q 4703
Mobile: 0477 992 488
theballards79@gmail.com

Petition to Livingstone Shire Council Form

Office of the Mayor & CEO

Enquiries: 07 4913 5000 / 1300 790 919 Email: enquiries@livingstone.qld.gov.au

Address: PO Box 2292 YEPPON QLD 4703

PRIVACY NOTICE: Requesting or signing a petition is not anonymous. Livingstone Shire Council is collecting the personal information you supply on this form for the purpose of processing petitions. Your name, address, email address and signature may be published on Council Meeting agendas, Council's website or other publications. By submitting this information you acknowledge and accept that your personal information will be used by Council, agents and contractors acting on behalf of Council for the purpose of petitions. You agree that Council, agents and contractors are entitled to publish the information provided including your personal information for the purpose of petitions.

All fields marked * are mandatory and must be filled appropriately in order for the petition to be considered a properly completed

Principal Petitioner Details

Name*

Joanne Ballard

Address*

46 Havenwood Drive, Taroomball Qld 4703

Daytime Phone Number*

0477992488

Email

theballards79@gmail.com

Signature*

J Ballard

Petition Request

We the undersigned request that Council give consideration to*:

1. Speeding and Traffic Management on Havenwood Drv, Eucalyptus Ave and Cottesloe St.
2. Reducing speed limit to 40km on streets immediately surrounding Sea Haven parklands - Havenwood Drv, Eucalyptus Ave and Cottesloe St.
3. Placement of Slow - Children Playing signs along Sea Haven Parklands.

Petitioner Details and Signatures

(If space for further signatures is required, a copy of this page must be used each time. Photocopies of signatures will not be accepted.)

Date*	Name*	Address*	Signature*
17/05/24	Ron Ballard	46 Havenwood Dr, Taroomball	R Ballard
18/05/24	Joy Mc GALLER	5 ATLANTIC DRIVE YEPPON	Joy Mc Gally
"	STEVE Mc GALLER	"	Steve Mc Gally
"	Raelene Mc Gally	22 Adventurer Dr. Taroomball	Raelene Mc Gally
18/5/24	Siobhan Sparke	39 Eucalyptus Ave. Taroomball	Siobhan Sparke
18/5/24	Hayden Sparke	39 Eucalyptus Ave. Taroomball	Hayden Sparke
19/5/24	Jade Reedman	37 Eucalyptus Ave. Taroomball	Jade Reedman
19/5/24	Brittany Cossens	40 Havenwood Dr. Taroomball	Brittany Cossens
19/5/24	Liegh Cossens	40 Havenwood Dr. Taroomball	Liegh Cossens
19/5/24	Sharon Mahon	36 Havenwood Drive Taroomball	Sharon Mahon
19/5/24	Anthony Todd	30 Havenwood Drive Taroomball	Anthony Todd
19/5/24	Ainslee Todd	30 Havenwood Drive Taroomball	Ainslee Todd
19/5/24	Mark Saffery	25 Adventurer Dr. Taroomball	Mark Saffery
19/5/24	Vicki Jeffery	25 Adventurer Drive Taroomball	Vicki Jeffery
19.5.24	BEN CLAYTON	24 ADVENTURER DRIVE Taroomball	Ben Clayton
19.5.24	Elles Korhild	1 Bilgola Court Taroomball	Elles Korhild
19.5.24	RICHARD GORT	1 Bilgola Court Taroomball	Richard Gort
19.5.24	PAT ANDERSON	34 Eucalyptus Ave Taroomball	Pat Anderson
19.5.24	Bev Hallam	48 Havenwood Dr Taroomball	Bev Hallam
19.5.24	Briearne Fielder	48 Havenwood Drive Taroomball	Briearne Fielder

Please include number of pages

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Petition to Livingstone Shire Council Form

Office of the Mayor & CEO

Enquiries: 07 4913 5000 / 1300 790 919 Email: enquiries@livingstone.qld.gov.au

Address: PO Box 2292 YEPPON QLD 4703

PRIVACY NOTICE: Requesting or signing a petition is not anonymous. Livingstone Shire Council is collecting the personal information you supply on this form for the purpose of processing petitions. Your name, address, email address and signature may be published on Council Meeting agendas, Council's website or other publications. By submitting this information you acknowledge and accept that your personal information will be used by Council, agents and contractors acting on behalf of Council for the purpose of petitions. You agree that Council, agents and contractors are entitled to publish the information provided including your personal information for the purpose of petitions.

All fields marked * are mandatory and must be filled appropriately in order for the petition to be considered a properly completed

Principal Petitioner Details

Name*

Joanne Ballard

Address*

46 Havenwood Drive, Taroomball Qld 4703

Daytime Phone Number*

0477992488

Email

theballards79@gmail.com

Signature*

J Ballard

Petition Request

We the undersigned request that Council give consideration to*:

1. Speeding and Traffic Management on Havenwood Drv, Eucalyptus Ave and Cottesloe St.
2. Reducing speed limit to 40km on streets immediately surrounding Sea Haven parklands - Havenwood Drv, Eucalyptus Ave and Cottesloe St.
3. Placement of Slow - Children Playing signs along Sea Haven Parklands.

Petitioner Details and Signatures

(If space for further signatures is required, a copy of this page must be used each time. Photocopies of signatures will not be accepted.)

Date*	Name*	Address*	Signature*
17/5/24	Chris Gamble	1 Altova Ct Taroomball	C. Gamble
17-5-24	Lyn Gamble	1 Altova Ct Taroomball	L. Gamble
17-5-24	Sheryl Galbraith	9 Great Galin Way Taroomball	Sheryl Galbraith
" "	Peter Galbraith	9 Great Galin Way Taroomball	PBG
" "	SANDRA CAMPBELL	9 CREEKWOOD CLOSE, G'STONE	S. Campbell
" "	WILLIAM RUMSEY	Formerly: 6 INDUENTURE DRIVE Taroomball	W. Rumsey
" "	ELIEN RUMSEY	Formerly: 6 INDUENTURE DRIVE Taroomball	E. Rumsey
19-5-24	Jake Fielder	48 Havenwood Drive Taroomball	J. Fielder
19-5-24	Chun-mien (Wang) Monica	34 Eucalyptus Avenue Taroomball	Wang
19.5.24	David Hunter	55 Havenwood drive Taroomball	D. Hunter
19.5.24	Kirsty Hunter	55 Havenwood drive Taroomball	K. Hunter
19.5.24	NEUTHE JANKE	15 COTTESLOE ST Taroomball	N. Janke
19.5.24	DAWN JANKE	15 COTTESLOE ST Taroomball	D. Janke
20-5-24	CAROL KING	10 MAGNETIC DR TAROOMBALL	C. A. King
20-5-24	BRENDEN KING	10 MAGNETIC DR TAROOMBALL	B. King
20-5-24	STEVE CARTER	53 HAVENWOOD DR TAROOMBALL	Steve Carter
20-5-24	PAULINE CARTER	53 HAVENWOOD DR TAROOMBALL	Pauline Carter
20-5-24	Kylie Schroeder	63 Havenwood Dr, Taroomball	K. Schroeder
20-5-24	Alice Schroeder	63 Havenwood Dr, Taroomball	A. Schroeder

Please include number of pages

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Petition to Livingstone Shire Council Form

Office of the Mayor & CEO



Enquiries: 07 4913 5000 / 1300 790 919 **Email:** enquiries@livingstone.qld.gov.au

Address: PO Box 2292 YEPPOON QLD 4703

PRIVACY NOTICE: Requesting or signing a petition is not anonymous. Livingstone Shire Council is collecting the personal information you supply on this form for the purpose of processing petitions. Your name, address, email address and signature may be published on Council Meeting agendas, Council's website or other publications. By submitting this information you acknowledge and accept that your personal information will be used by Council, agents and contractors acting on behalf of Council for the purpose of petitions. You agree that Council, agents and contractors are entitled to publish the information provided including your personal information for the purpose of petitions.

All fields marked * are mandatory and must be filled appropriately in order for the petition to be considered a properly completed

Principal Petitioner Details

Name*

Address*

Joanne Ballard

46 Havenwood Drive, Taroomball Qld 4703

Daytime Phone Number*

Email

Signature*

0477992488

theballards79@gmail.com

J. F. Ballana

Petition Request

We the undersigned request that Council give consideration to*:

1. Speeding and Traffic Management on Havenwood Drv, Eucalyptus Ave and Cottesloe St.
2. Reducing speed limit to 40km on streets immediately surrounding Sea Haven parklands - Havenwood Drv, Eucalyptus Ave and Cottesloe St.
3. Placement of Slow - Children Playing signs along Sea Haven Parklands.

Petitioner Details and Signatures

(If space for further signatures is required, a copy of this page must be used each time. Photocopies of signatures will not be accepted.)

[illegible]

Please include number of pages

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Petition Request

1. Speeding and Traffic Management on Havenwood Drv, Eucalyptus Ave and Cottesloe St.
2. Reducing speed limit to 40km on streets immediately surrounding Sea Haven parklands - Havenwood Drv, Eucalyptus Ave and Cottesloe St
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Joanne Ballard, 46 Havenwood Drv, Taroomball Q 4703
mobile: 0477 992 488 JFBallard

As the Principal Petitioner, I would like to bring the following petition to the attention of the Livingstone Regional Council. Joanne Ballard has previously lodged a Complaints Form with the Council regarding this matter - however it has not been satisfactorily resolved.

As the principal petitioner, I have consulted with a number of residents who are impacted in this estate (and their families and friends) and they are supportive of what we would like to see be undertaken in the streets impacted by the areas mentioned in this petition and have signed the petition form accordingly.

There has been a master plan in place for the Sea Haven Estate since 2014 (refer below). As per this Masterplan, Sea Haven will grow to be a quite sizable estate and the local traffic generated by the residents will be considerable, without the addition of other road users from outside of this estate. The usage of the parklands for this estate will also increase in line with this growth. This needs to be planned and managed by both the developers and council to ensure that the roads and the parklands are safe for the estate residents, visitors and the road users.



Since the Stage 5 Cottesloe Release (refer below) - which incorporated extending Eucalyptus Ave so that the road was opened up for the public and Sea Haven Estate residents to have access to Lammermoor via this road - the traffic has increased exponentially along Eucalyptus Ave, Cottesloe St, Havenwood Drv and Adventurer Drv.

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We believe that this increase in the traffic is due to the fact that drivers now have access to Lammermoor via Eucalyptus Ave, two primary schools are located in the area and parents use it to take their children to and from school, school buses use the Eucalyptus Ave/ Havenwood Drv streets, it also gives road users access to Tanby Road via Taranganba Road and the Old Scenic Highway. However we believe that these roads were only designed to be local urban streets and handle only local traffic, they are not designed to handle the increased volume of traffic that is currently utilising them - this includes cars, trucks -light, medium and large, buses, concrete pump trucks, semi trailers, bikes, motor bikes, e scooters, vehicles towing trailers, caravans and marine craft, etc. Whilst we appreciate there will be additional trade vehicles during construction of buildings - a number of the vehicles are travelling outside of the estate via the local streets.



Master Plan of Sea Haven Estate footprint

Petition Request

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Joanne Ballard, 46 Havenwood Drv, Taroomball Q 4703
mobile: 04 77992 488 JFBallard

The specific issues that we would like the council to address are as follows:

1. Speeding and Traffic Management

A number of vehicles speed down Eucalyptus Ave and do not negotiate the roundabout and illegally cut the corner turning into Havenwood Drv. This means that they do not decrease their entry speed going into the roundabout and continue to gain speed as they travel along Havenwood Drv - Joanne Ballard, the principal petitioner and others, have witnessed this happening on a regular basis. We have also witnessed a number of trucks (light, medium and large - concrete pump trucks, body trucks - small and large, concrete mixer trucks, tip trucks, skip bin trucks etc) illegally cutting the corner. Quite a number of larger vehicles such as trucks and buses can manage to negotiate the roundabout correctly.

Whilst we recognise that it is not the council's responsibility to police the speed of vehicles and illegal acts - we do believe that it is the council's responsibility to ensure that the road design is such that appropriate measures are used to limit the entry speed on roundabouts and on local streets (Refer to information below). Road safety and the safety of pedestrians and cyclists is a responsibility of council and needs to be considered in the design of roundabouts and the local streets.

Residents have also witnessed on a number of occasions vehicles speeding along Havenwood Drv and Cottesloe St and they appear to be racing each other. The principal petitioner - Joanne Ballard, has observed a number of vehicles not slowing down when there are children on bikes or playing beside the road - either on their footpaths or in the parklands. We believe that this is a safety issue and that the council needs to do something to reinforce the local nature of the area and the local function of the street. As per the Austroads guidelines - this is the responsibility of the local council.

There are architecturally designed parklands, walking and cycling tracks that have been incorporated as part of the masterplan since its approval by Council - which was part of the centrepiece for this estate to encourage families to move into this estate (refer below). The playground equipment at the Sea Haven park is targeted at young children and it is quite popular with families and young children. These parklands and walkways are encircled by these now busy streets. We are very concerned about the safety of the young local children, who previously played on our quiet local streets, having to contend with these now busy streets due to the increase in traffic.



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Joanne Ballard, 46 Havenwood Drv, Taroomball Q 4703 J. Ballard
mobile: 0477 992 488

Joanne Ballard, principal petitioner, has raised the speeding issues with the police and they have advised her to go back to the council - when she raised the matter with council they advised that these matters need to be referred to the police.

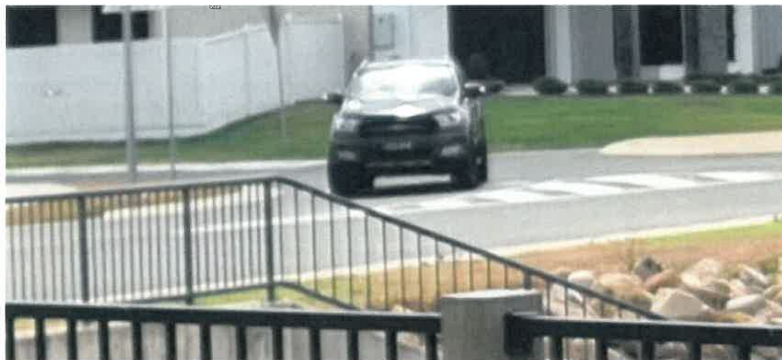
Safe speeds are a key component of the Department of Main Roads Safe System under the heading of 'Speed Management and integrated treatments' and falls under the jurisdiction of the local council. However nothing has been done to address Joanne Ballard's previous complaint other than line marking on the asphalt surrounding the roundabout on the corner of Eucalyptus Ave and Havenwood Drv. This does not deter the illegal actions of drivers. Joanne Ballard had also requested that the council consider splitter islands which are in place in streets that handle a large volume of traffic - this did not occur. Refer below to some photos of how the line markings and the roundabout is ignored and texts regarding some of the issues raised by local residents:



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I see cars every single day come absolutely flying down havenwood drive past the park. It's ridiculous. I'll definitely be downloading the app and reporting !

29w Like Reply

1

Council was informed about the crazy behaviour at the Eucalyptus/Havenwood Drive roundabout. Painting white lines unfortunately is not doing a thing to stop this.

29w Like Reply

Write a comment...



Petition Request

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To add to this situation, there's also a lot of ridiculous driving in the estate at the moment. Cars coming at speed driving in the middle or on the opposite side at the Havenwood/Adventurer corner; nearly being collected by tradies and folks flying down Eucalyptus and literally going the wrong way around the Havenwood Roundabout; people flying out of the side streets off Havenwood not even looking.... I'm worried someone will get seriously hurt if it doesn't settle down.

4d Like Reply

2



I actually contacted the council when they opened up that new road and asked for some signs to be put up (speed limit) and (children in this area), especially near the the park.... Still nothing

te a comment...

"Absolutely agree! We have nearly been hit multiple times by trucks and mining vehicles going the wrong way round the roundabout. The way people are flying through the estate is a real worry."

'It's becoming unsafe for people to walk through the estate the way the traffic is behaving.'

Austroads Guide to Road Design states - "It is essential that appropriate measures are used to limit the entry speed. There are a number of means discussed in Section 4 to reduce speeds on the roundabout approach. The entry curvature is a key element in achieving this outcome."

We do not believe that the roundabout at the intersection of Eucalyptus Ave and Havenwood Drv has been designed to limit the entry speed and discourage drivers from illegally cutting the corners - as per the Austroads Guide to Road Design - Part 4B Roundabouts. We believe that this matter needs to be addressed by council as well as the introduction of suitably local area traffic management (LATM) treatments to lower speeds on the streets. Refer to information below.

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There aren't any splitter islands on the roads leading up to the roundabout and there is nothing to deter drivers from increasing their speed as they head down - as identified by AustRoads - 'the long, wide, straight local road' towards the roundabout and then illegally cut the corner - without reducing their speed to correctly negotiate the roundabout. Vehicles also turn into Cottesloe St and speed along this street as well. These urban streets (including Adventurer Drv, Eucalyptus Ave, Cottesloe St and Havenwood Drv) will continue to get busier into the future and something needs to be undertaken now to manage this.

As per Austroads - Guide to Traffic Management Part 13: Safe System Approach to Transport Management

5.4.3 Speed Management: while speed management can be undertaken through applying speed limits only, outcomes are enhanced if the road environment is designed to naturally elicit an appropriate speed response. For example, long, wide, straight local streets lead to higher-speeds. Streets suitably altered by local area traffic management (LATM) treatments lead to lower-speeds. (It would be appreciated if the council undertakes LATM treatments that the local residents are consulted regarding what might be the best option for this estate.)

Austroads Guide to Road Design - Part 4B Roundabouts

6.2 Single-lane Local Street Roundabout

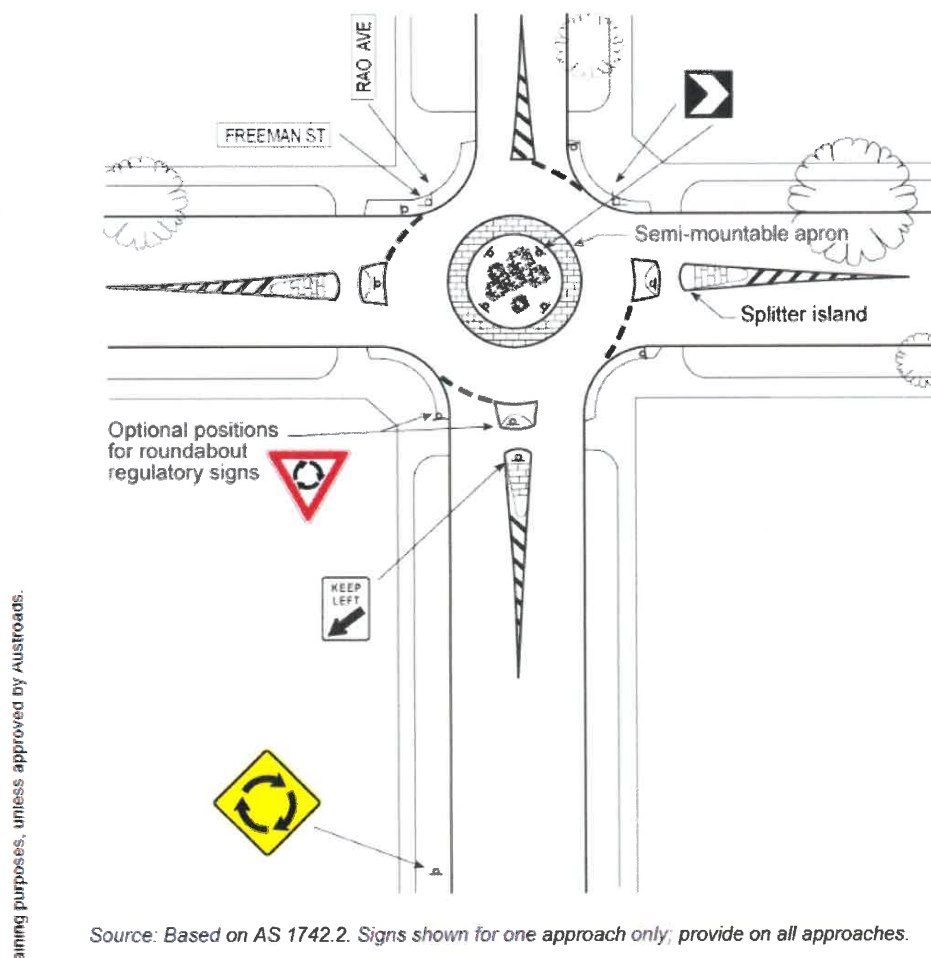
Figure 6.1 represents the minimum arrangement of signs and markings that should be provided at a local street roundabout. Reference should be made to AS 1742.2 for further guidance. The regulatory signs and holding lines are essential. The advance warning sign is only necessary where there is poor visibility on an approach. The keep left signs often sustain damage in local streets because of the tight geometry for turning movements and their use is optional, except in situations where it is unclear whether traffic should pass to the left of the splitter island.

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Figure 6.1: An example of signs and markings at a local street roundabout



We would like the council to review the layout of the roundabout and consider undertaking upgrades to bring it in line with the recommendations outlined above whilst ensuring the safety of local residents, other drivers and road users, pedestrians (including people with a disability) and cyclists.

The increased traffic and speeding are a safety issue and the council needs to do something to reinforce the local nature of the area and restore the local function of the streets. The stories of concerned residents and examples of near misses are too numerous to list in this petition but these matters need to be addressed by council. Previously a Driver Behaviour Monitoring Device and signage was located near the roundabout on Eucalyptus Ave and Havenwood Drv and whilst it was in place there was a reduction in the speeding and cutting of corners.

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2. Lowering of Speed Limit

The parklands are located midway between two primary schools and this has resulted in parents using the streets in this area as a shortcut to travel to and from these local primary schools. A number of people from outside of the Sea Haven Estate also use the park and the parklands and the principal petitioner has been told that this is the closest park and parklands for families living in Taranganba and Lammermoor areas.

We request that the council seriously consider lowering the urban speed limit to 40km along the street sections immediately alongside the park and parklands (refer below), this includes Havenwood Dr, Eucalyptus Ave and Cottesloe St due to:

- the popularity of the playground and the parklands in the Sea Haven Estate
- the number of families with young children residing in this estate- and others travelling to this area - utilising the facilities
- the diverse number of people using the walking paths (including very young children)
- cyclists
- increased number of vehicles travelling on the surrounding streets - and the issue of speeding
- cars parking alongside the parklands in Havenwood Drive
- the proximity of the parklands and walking paths to the road (refer to examples below)
- the proximity of the children's playground to the roundabout
- for the safety of our children.



The parklands and park facilities showing the walking trails and the proximity to the roads



The children's playground near the road.

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Toddler with adults on walking path near roundabout



Mother walking with children on Cottesloe St - note that 3 children are riding way ahead of her

A number of primary school age children also walk unsupervised on the walking paths and cycle on both the paths and the streets to the local primary schools and their safety is paramount - by reducing the speed to 40km we would hope that drivers would be more aware of these children.

There is also a flat concrete path (instead of a gutter - refer below) that runs directly alongside the asphalt beside the parklands - vehicles park in this area, pedestrians walk along this path and adults and children ride their bikes along it, and we believe there is a safety issue if vehicles are driving at 50km alongside them - or speeding as is often the case.



Walking path and flat concrete path looking towards the roundabout

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Refer to Department of Transport and Main Roads -Speed Management and Integrated Systems:

'Speed management

Safe speeds are a key component of the Safe System. The Safe System aspires to interaction speeds of around 30 km/h where pedestrians are involved.

For additional guidance for local governments on introducing lower urban speed limits, email TMR.Speed@tmr.qld.gov.au

'Local access streets/residential streets

Local Area Traffic Management (LATM) involves modification of the street environment to achieve outcomes such as reduced speeds, reduced through-traffic, fewer crashes and improved amenity. Perimeter and internal treatments are generally used.

The default speed limit for a road in a built-up area is 50 km/h. A speed limit of 40 km/h may be adopted in local areas (subject to certain conditions).'

Also refer to: Austroads - *Traffic Management - Part 8 - Local Street Management: 8.5.1 Speed Limit Signs and Indication Devices Description of speed limit signs and indication devices*

'The purpose of a speed limit sign or indication device is to indicate to drivers the maximum legal vehicle speed permitted under normal driving conditions on the street section or in the area where the sign is installed.

Application of speed limit signs and indication devices

It is appropriate to use a speed limit sign or indication device where:

- vehicle speeds in a street or area need to be reduced
- the proposed speed limit is compatible with the street speed environment.

It should be noted that it is far more effective if the speed environment of a street is designed to match the posted speed limit rather than using a speed limit as a constraint in itself.'

'Speed signs and indication devices should be used in combination with the physical features of a street to reinforce the intended speed environment.

Advantages of speed limit signs and indication devices

The advantages of speed limit signs and indication devices include:

- reduction in the speed of traffic along a street
- minimal installation and maintenance cost
- potential to lower the incidence of extreme speeding
- provision of benefits for all road users.

Disadvantages of speed limit signs and indication devices

Petition Request

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mobile: 0477 992 488 JFBallo

A disadvantage of speed limit signs and indication devices is that they require regular police enforcement to achieve compliance unless accompanied by effective physical speed-reducing measures.'

Refer to Austroads - Guide to Road Design - Part 4B - Roundabouts - 5.3.7 Priority for Cyclists and Pedestrians at Roundabouts

'Whilst roundabouts have been found to be effective in reducing the frequency and severity of motor vehicle crashes, the safety at roundabouts for cyclists and pedestrians remains a source of concern. Pedestrians do not have right of way and this can pose a safety issue at the exit of a roundabout, where a motorist is beginning to accelerate away from the intersection. Cyclists lack occupant protection, travel at slower speeds and are smaller in size when compared to occupants of motorised vehicles.'

3. Placement of Children Crossing or Slow Children signs

To enable individuals, families and our children to enjoy the playground, the parklands and walking trails and create a safe place and to keep our children protected, we recommend that the council place "Children Crossing" or "Slow Children" signs (refer below for examples) at intervals alongside the parklands to alert the drivers to the fact that there are children in and around the parklands and also to alert them to the children who access the parklands from their nearby local neighbourhood streets.



and designs are protected by copyright.
© Safety Signs

Slow Down Children playing W30202

From: \$13.84

Slow, Children Playing Signs are a useful tool to help meet safety compliance and guidelines. Create a safe place and keep our children protected with our Road Signs. Slow - Children Playing Signs manufactured and shipped out of Queensland, Australia. See more here: Road signs

Select Size

Choose an option

9 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

9.1 NOTICE OF MOTION - CR MATHER - SEWER CONNECTION AT 52 MARINE PARADE

File No: qA24221

Attachments:

1. NOM - Cr Mather - Sewer Connection 52 Marine Parade [↓](#)
2. Email Cr Mather and Master Plumbers Assoc 7 May 2024 [↓](#)
3. Drainage layout Mick Willey [↓](#)

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to sewer connection at 52 Marine Parade.

COUNCILLOR RECOMMENDATION

That Notwithstanding Council's policy to prevent / restrict a direct connection of a sewer line from a property to a rising main, **Council gives approval** in this instance to Application

Ref: 19-204/PQOTE being for the property at 52 Marine Parade, based on the following grounds:

1. The installation be carried out at the landowner's expense
2. The design specified by the plumber, meets the specifications equal to, or in excess of standard requirements, and has Council's endorsement,
3. Adopts the advice from the Master Plumbers in Brisbane.
4. **The urgent grounds** for the private connection relate to the abnormally small lot
5. Inundation of substantial neighbouring vegetation, causing excessive treatment of the existing system and site to retain a safe and healthy environment.
6. Further, at a later date when the surrounding lands are developed, the property-owner/s at No 52 be invited to connect to the general sewerage scheme at that time.

COUNCILLOR BACKGROUND

This matter has previously been brought to the table with the purpose of finding a solution to the potential health risks associated with an incompetent septic system on a 400sqm block.

The officers' responses to my Questions on Notice clearly show the complications in bringing a private sewer line past all the houses on that road.

Further, in 2018 an application was made to directly-connect a property in Kempsea Avenue to the rising main, and a Special Sewer Service was approved and conditioned by Council.

Houses could then be connected by way of a private pump station, which is also included in the design proposed for 52 Marine Parade.

And in October 2020 an application to construct and connect a new dwelling through that system was approved. This was signed off in 2022.

If the connection design now proposed for 52 Marine Parade is equal to, or greater than what was approved by Council for those connections at Kempsea Avenue, then Council should feel comfortable that the connection now proposed should have maximum safety.

Further delay in addressing this urgent matter is not in the interests of environmental and public health.

Attached: Copy of connection at Kempsea Avenue, Comments from Master Plumbers
Brisbane, Drainage Layout by Mick Willey.

OFFICER COMMENTARY

Officers have assessed the application to connect directly to the existing sewer rising main adjacent to 52 Marine Parade and do not support this proposal. As mentioned in the report tabled at the Council Briefing held on 7 May 2024 and within the Response to Questions on Notice at the Infrastructure Standing Committee held on 4 June 2024, connection into a rising main is not supported by Council's Policies and engineering design guidelines. Council is responsible for the integrity of the sewerage network and 'one-off' connections to pressurised rising mains can compromise the main and lead to sewerage overflow, which Council is ultimately responsible for as the licence holder under the Water Supply (Safety & Reliability) Act 2008

**9.1 - NOTICE OF MOTION - CR
MATHER - SEWER CONNECTION AT
52 MARINE PARADE**

**NOM - Cr Mather - Sewer Connection
52 Marine Parade**

Meeting Date: 18 June 2024

Attachment No: 1

P O Box 5186
Red Hill PO
Rockhampton Q 4701
10 June 2024

Chief Executive Officer
Livingstone Shire Council
Yeppoon Q 4703

Notice of Motion
Sewer connection 52 Marine Parade

Dear Sir,

Would you please include this Notice in the June Ordinary Agenda 2024.

"That Notwithstanding Council's policy to prevent / restrict a direct connection of a sewer line from a property to a rising main, **Council gives approval** in this instance to Application

Ref: 19-204/PQOTE being for the property at 52 Marine Parade, based on the following grounds:

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5. Inundation of substantial neighbouring vegetation, causing excessive treatment of the existing system and site to retain a safe and healthy environment.
6. Further, at a later date when the surrounding lands are developed, the property-owner/s at No 52 be invited to connect to the general sewerage scheme at that time."

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If the connection design now proposed for 52 Marine Parade is equal to, or greater than what was approved by Council for those connections at Kempsea Avenue, then Council should feel comfortable that the connection now proposed should have maximum safety.

Further delay in addressing this urgent matter is not in the interests of environmental and public health.

Attchd: Copy of connection at Kempsea Avenue

Comments from Master Plumbers Brisbane

Many thanks, Glenda Mather Clr

**9.1 - NOTICE OF MOTION - CR
MATHER - SEWER CONNECTION AT
52 MARINE PARADE**

**Email Cr Mather and Master Plumbers
Assoc 7 May 2024**

Meeting Date: 18 June 2024

Attachment No: 2

Glenda Mather

From: Matthew Simpson <matthew.simpson@mpaq.com.au>
Sent: Tuesday, 7 May 2024 10:10 AM
To: Glenda Mather
Subject: RE: Design for pumped sewer connection

Hi Glenda,

For you to proceed with the installation, first you will need approval from local council or who maintains the rising main. Need to make sure materials are WaterMarked approved. And that the pump unit will be able to pump the waste into the rising main as we don't have a working pressure.

Good luck with the process.

Kind Regards,

	Matt Simpson Technical Officer Master Plumbers' Association of Queensland P: 07 3273 0800 M: 0448 893 258 Email: matthew.simpson@mpaq.com.au Web: www.mpaq.com.au Visit: 11/243 Bradman Street, Acacia Ridge Qld 4110 Post: PO Box 419, Acacia Ridge Qld 4110
	    



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From: Glenda Mather <Glenda.Mather@livingstone.qld.gov.au>
Sent: Friday, May 3, 2024 4:42 PM
To: Matthew Simpson <matthew.simpson@mpaq.com.au>
Subject: FW: Design for pumped sewer connection

Thank you so much Matt for your precious time over the past two days.
Any opinion you are prepared to give over the efficiency of this design
(which is intended to be a fail-safe for potential backflow if my understanding is correct),
I would be very grateful.
There is no confidential status associated with the attachments.
Thank you so much again.
Kind regards Glenda Mather 0437 647 573

From: Hilton Dental <hiltondentalcq@gmail.com>
Sent: Thursday, May 2, 2024 10:21 AM
To: Glenda Mather <Glenda.Mather@livingstone.qld.gov.au>
Subject: Fwd: Design for pumped sewer connection

Tony Young
Practice Manager

We respectfully acknowledge the Traditional Custodians of the land on which we work, and pay respect to their Elders past, present and emerging.

Attention:

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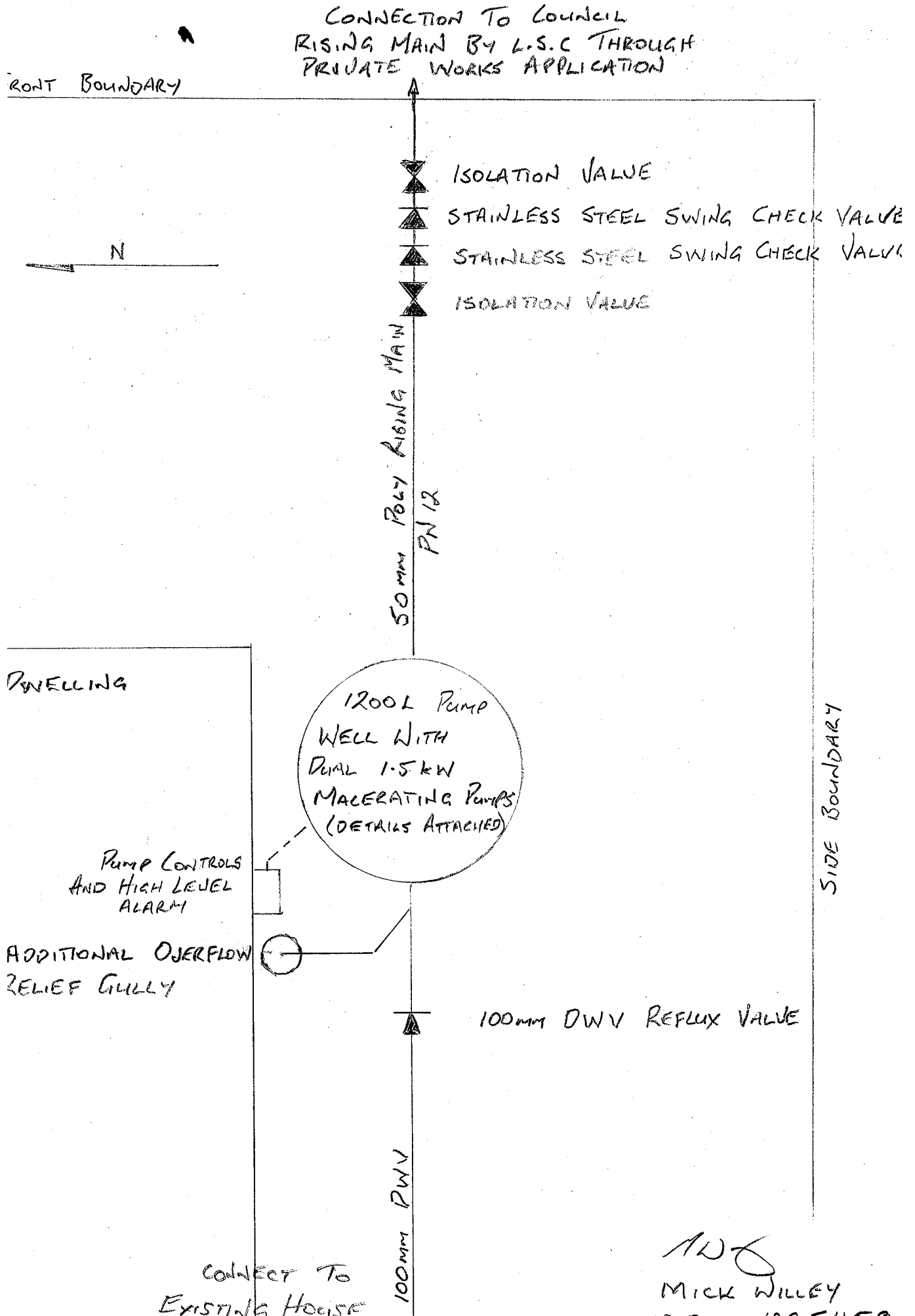
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9.1 - NOTICE OF MOTION - CR MATHER - SEWER CONNECTION AT 52 MARINE PARADE

Drainage layout Mick Willey

Meeting Date: 18 June 2024

Attachment No: 3



9.2 NOTICE OF MOTION - CR MATHER - RESUBMITTED APPLICATION NO D-141-2023 - RELATED DEVELOPMENT CHARGES**File No:** qA24221**Attachments:**

1. NOM - Cr Mather - Application No D-141-2023 [↓](#)
2. 1st fee pay letter [↓](#)
3. 2nd fee pay letter [↓](#)

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to a resubmitted Application No D-141-2023 - Sewer connection at 52 Marine Parade.

COUNCILLOR RECOMMENDATION

THAT the \$2,648,00 additional 25% loading fee already paid by the applicant, which were erroneously applied to the adopted application fee, be refunded to the applicant, for reasons set out in supporting information.

COUNCILLOR BACKGROUND

This matter came to the table in December 2023, where the application for an MCU was sought to conduct a small mechanical business in the Marlborough community.

During assessment there were two charges on the application which were erroneously applied, one for Infrastructure which has since been removed, but the second charge of \$2,648.00 had not. The item relating to that charge was not clearly identified, and was included in the total costs.

The applicant unknowingly paid the fee until the error was discovered.

The item in question actually related to the previous landowner.

The matter now needs to be corrected, and the refund made to correct this error.

OFFICER COMMENTARY

A development application for the site was received on 2 May 2023 and a fee pay letter (seeking clarification on the fee to be charged for GFA) was issued on 3 May 2023. A further fee pay letter was issued on 31 May 2023.

The land use had already started and had been operating for some 20 years prior. This was advised by the applicant's consultant in the planning report provided as part of the application.

"This application applies to land at 18 Old Bruce Highway, Marlborough (Lot 2 on RP609496) and seeks a Development Permit for a Material Change of Use for Low impact industry to regularise the existing activity, which includes the following:

- Vehicle Repair workshop

The site is currently operated by the landowner as a vehicle repair workshop for domestic vehicles. This land use has been operating onsite for approximately twenty years without receiving development approval from the Local Government. The landowner now intends to sell the site with formal development approval.

The site is included in the Rural zone and is identified within several overlays. The application is subject to impact assessment pursuant to the Livingstone Planning Scheme 2018. This application does require referral to SARA due to its proximity to a State-controlled road (Bruce Highway).

The purpose of this report is to carry out an assessment of the proposal against the applicable Local and State planning instruments and relevant assessment benchmarks. The report begins with an overview of the site and a description of the proposal. This is followed by a detailed

assessment of the relevant assessment benchmarks prescribed in the State planning instruments and the Local planning instruments. The report concludes with a discussion on the overall compliance with those planning instruments.”

The additional fee charge was due to the operation having already started. This fee is outlined in the adopted fees and charges register. Officers have rechecked the application of the fee and there has not been an error in calculation. This fee represents 25% to the application fee for applications where the use has already commenced. Where the use has already commenced there is always extra checking/assessment, site visits and a greater retrospective understanding of the site.

The current property owner now has the benefit of the approval and the use can continue to operate lawfully at the location.

**9.2 - NOTICE OF MOTION - CR
MATHER - RESUBMITTED
APPLICATION NO D-141-2023 -
RELATED DEVELOPMENT CHARGES**

**NOM - Cr Mather - Application No D-
141-2023**

Meeting Date: 18 June 2024

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q 4701
10 June 2024

Cale Dendle
Chief Executive Officer
Livingstone Shire Council

Notice of Motion – Resubmitted
Application No D-141-2023
Related Development Charges

Dear Sir,

Would you kindly add this resubmitted Notice to the June Agenda.

“That the \$2,648.00 additional 25% loading fee already paid by the applicant, which were erroneously applied to the adopted application fee, be refunded to the applicant, for reasons set out in supporting information.”

Background:

This matter came to the table in December 2023, where the application for an MCU was sought to conduct a small mechanical business in the Marlborough community.

During assessment there were two charges on the application which were erroneously applied, one for Infrastructure which has since been removed, but the second charge of \$2,648.00 had not. The item relating to that charge was not clearly identified, and was included in the total costs.

The applicant unknowingly paid the fee until the error was discovered.

The item in question actually related to the previous landowner.

The matter now needs to be corrected, and the refund made to correct this error.

Many thanks,

Glenda Mather Clr

**9.2 - NOTICE OF MOTION - CR
MATHER - RESUBMITTED
APPLICATION NO D-141-2023 -
RELATED DEVELOPMENT CHARGES**

1st fee pay letter

Meeting Date: 18 June 2024

Attachment No: 2



3 May 2023

Reaco Pty Ltd Tte
C/- Reel Planning
PO BOX 437
ROCKHAMPTON QLD 4700

Email: jacob@reelplanning.com

Dear Sir,

REQUEST FOR APPLICATION FEE PAYMENT AND ADDITIONAL INFORMATION – D-141-2023 – DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A LOW IMPACT INDUSTRY (VEHICLE REPAIR WORKSHOP) – 18 OLD BRUCE HIGHWAY, MARLBOROUGH

Further to the above development application received by Council on 3 May 2023. Council has commenced the properly made assessment of the submitted material. In order to continue with the assessment, payment of the application fee and provisions of additional information is required.

Details of the fee calculation and total amount payable are outlined below:

Description of Fee	Amount
Low Impact Industry – base fee (\$1,896.00) plus \$208.00 per 100sqm site area or part thereof (\$208.00 x XXXsqm = \$)	\$1,896.00 \$0,000.00
<i>Please note application fees are determined based on the area of the site in which will be used for the proposed use.</i> <i>The application does not clearly show (a marked up site plan can be provided) a designated proposed use area of the site and therefore further detail is required in this regard to confirm application fees.</i> <i>See comments further below. Once this information is received the fees will be calculated.</i>	
Application involving impact assessment pursuant to Section 45 (5) of the Planning Act 2016	\$1,000.00
Applications where a land use has commenced and/or works have started or been completed, without the requisite approval, an additional 25% loading applies to the adopted application fee(s)	+ 25% of the application fee
Total Fee Payable	\$0.00

Payment can be made using Council's online services portal via www.livingstone.qld.gov.au. Click on online services and then select the 'payments' option. The 'payment reference' required to make payment is **564280**.

The following additional information is required in order for the application to be considered properly made:

1. Provide details of the proposed site area associated with the proposed land use. A site plan including hatching over the extent of site which is proposed to be used for the land use. The designated area include all buildings associated with the use in addition to access, car parking and manouvring areas.
2. Provide an amended site plan which includes size dimensions of the existing shed buildings to be associated with the use or alternatively, floor and elevation plans of the buildings associated with the use.

The fee payment and the above information must be provided to Council on or before 15 May 2022 prior to the end of the properly made application stage.

If you have any further queries relating to this matter please contact Council's Development Assessment team on 1300 790 919 or 4913 5000 and quote application number **D-141-2023**.

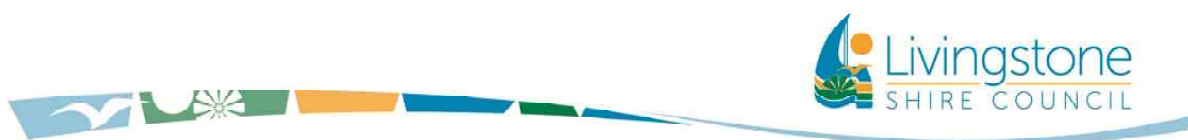
Tracy Jones - Duty Planner
**Development Assessment
Communities**

**9.2 - NOTICE OF MOTION - CR
MATHER - RESUBMITTED
APPLICATION NO D-141-2023 -
RELATED DEVELOPMENT CHARGES**

2nd fee pay letter

Meeting Date: 18 June 2024

Attachment No: 3



31 May 2023

Reaco Pty Ltd Tte
C/- Reel Planning
PO BOX 437
ROCKHAMPTON QLD 4700

Email: jacob@reelplanning.com

Dear Sir/Madam,

REQUEST FOR APPLICATION FEE PAYMENT- D-141-2023 – DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A LOW IMPACT INDUSTRY (VEHICLE REPAIR WORKSHOP) – 18 OLD BRUCE HIGHWAY, MARLBOROUGH

Further to the above development application received by Council on 3 May 2023. Council has commenced the properly made assessment of the submitted material. In order to continue with the assessment, payment of the application fee is required.

Details of the fee calculation and total amount payable are outlined below:

Description of Fee	Amount
Low Impact Industry – base fee (\$1,896.00)	\$1,896.00
plus \$208.00 per 100sqm site area or part thereof ($\$208.00 \times 37$ (3,625/100sqm) = \$7,696.00)	\$7,696.00
plus \$208.00 per 100sqm site area or part thereof ($\$208.00 \times 88$ (8,785/100sqm) = \$18,304.00)	
Application involving impact assessment pursuant to Section 45 (5) of the Planning Act 2016	\$1,000.00
Applications where a land use has commenced and/or works have started or been completed, without the requisite approval, an additional 25% loading applies to the adopted application fee(s)	\$2,648.00
Total Fee Payable	\$13,240.00

Payment can be made using Council's online services portal via www.livingstone.qld.gov.au. Click on online services and then select the 'payments' option. The 'payment reference' required to make payment is **564280**.

The fee payment must be provided to Council on or before 15 May 2023 prior to the end of the properly made application stage.

If you have any further queries relating to this matter please contact Council's Development Assessment team on 1300 790 919 or 4913 5000 and quote application number **D-141-2023**.

Tammy Wardrop - Duty Planner
**Development Assessment
Communities**

9.3 NOTICE OF MOTION - CR MATHER - PROPOSED HIGHWAY UPGRADE AT BONDOOLA**File No:** qA24221**Attachments:** 1. NOM - Proposed Highway Upgrade - Bondoola [↓](#)**Responsible Officer:** Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to sewer connection at 52 Marine Parade.

COUNCILLOR RECOMMENDATION

That Council write to the Department of Transport (DTMR) highlighting the valid concerns of residents and motorists in the Bondoola area, specifically between Cobraball Road and Lindsay Hartwig Bridge.

As there are two bus stops, off-set, on each side of the Yeppoon highway between these locations, the visibility is obscured for traffic exiting both Cobraball and Bondoola Roads, and fear it's just a matter of time before a major collision occurs.

Given the constant flow of increased traffic on the Rockhampton-Yeppoon Road, and the heightened concerns of local residents, Council requests that this section of highway be prioritised for urgent upgrade in a future state budget.

COUNCILLOR BACKGROUND

Following a number of concerns put to me, I parked and observed traffic movements at various intervals.

The patrons at the golf range often hear the screeching of brakes. The area identified for upgrade (Cobraball Rd to Lindsay Hartwig Bridge) is estimated to be approximately 200mtrs apart. Bondoola Rd intersection is within this space.

The bus stops cater for the larger busses, which drop off and collect. These block distant visibility, especially at school times.

Council has an obligation to alert relevant authorities when dangers become conspicuous.

**9.3 - NOTICE OF MOTION - CR
MATHER - PROPOSED HIGHWAY
UPGRADE AT BONDOOLA**

**NOM - Proposed Highway Upgrade -
Bondoola**

Meeting Date: 18 June 2024

Attachment No: 1

Box 5186
Red Hill PO
Rockhampton Q 4701
10 June 2024

Chief Executive Officer
Livingstone Shire Council
Yeppoon Q 4703

Notice of Motion
Proposed Highway Upgrade – Bondoola

Dear Sir,

Would you please add this Notice of Motion to the most appropriate meeting agenda.

“That Council write to the Department of Transport (DTMR) highlighting the valid concerns of residents and motorists in the Bondoola area, specifically between Cobraball Road and Lindsay Hartwig Bridge.

As there are two bus stops, off-set, on each side of the Yeppoon highway between these locations, the visibility is obscured for traffic exiting both Cobraball and Bondoola Roads, and fear it's just a matter of time before a major collision occurs.

Given the constant flow of increased traffic on the Rockhampton-Yeppoon Road, and the heightened concerns of local residents, Council requests that this section of highway be prioritised for urgent upgrade in a future state budget.

Copies: Minister for DTMR, Member for Keppel.”

Background: Following a number of concerns put to me, I parked and observed traffic movements at various intervals.

The patrons at the golf range often hear the screeching of brakes. The area identified for upgrade (Cobraball Rd to Lindsay Hartwig Bridge) is estimated to be approximately 200mtrs apart. Bondoola Rd intersection is within this space.

The bus stops cater for the larger busses, which drop off and collect. These block distant visibility, especially at school times.

Council has an obligation to alert relevant authorities when dangers become conspicuous.

Many thanks

Glenda Mather Clr

10 COUNCILLOR REPORTS

10.1 RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER

File No: GV
Attachments: Nil
Responsible Officer: Adam Belot - Mayor
Author: Adam Belot - Mayor

SUMMARY

Mayor reporting on process for recruiting replacement Chief Executive Officer.

MAYOR'S RECOMMENDATION

THAT:

1. Council accepts the resignation of the current CEO effective 26 July 2024 (or earlier date by agreement).
2. Authorises the Mayor to:
 - a. Assemble a shortlist of Acting CEO candidates for recommendation to Council for appointment.
 - b. Engage a recruitment consultant for the permanent CEO appointment.
 - c. Present recommendations for the permanent CEO appointment process and remuneration package.

BACKGROUND

Cale Dendle tendered his resignation as CEO to the Mayor on 5 June 2024. The Mayor now proposes to initiate the process to recruit a replacement CEO and make interim arrangements as necessary.

COMMENTARY

Recruitment of a replacement CEO is likely to take a period of months and appointment of an interim Acting CEO will be in order.

It is proposed to:

1. Assemble a shortlist of Acting CEO candidates for consideration by councillors (and appointment by resolution as CEO's delegation has been revoked).
2. Engage a recruitment consultant for the permanent CEO appointment.
3. Determine a market-competitive salary package for both positions.

PREVIOUS DECISIONS

Mr Dendle was appointed in January 2021.

ACCESS AND INCLUSION

Nil relevant.

ENGAGEMENT AND CONSULTATION

This is the commencement of the engagement process with councillors about the CEO replacement process.

HUMAN RIGHTS IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

The current CEO's salary package is published in the Annual Report [annual-report-2022-2023 \(livingstone.qld.gov.au\)](#) pg. 12. The package has remained unchanged since first advertised in late 2020.

The Mayor will take some advice from the appointed recruitment consultant, but it will likely be necessary to increase the offering to secure a suitable replacement.

LEGISLATIVE CONTEXT

Appointing a chief executive officer

194 Appointing a chief executive officer

- (1) A [local government](#) must appoint a qualified person to be its chief executive officer.
- (2) A person is qualified to be the chief executive officer if the person has the ability, experience, knowledge and skills that the [local government](#) considers appropriate, having regard to the responsibilities of a chief executive officer.
- (3) A person who is appointed as the chief executive officer must enter into a written contract of employment with the [local government](#).
- (4) The contract of employment must provide for—
 - (a) the chief executive officer to meet performance standards set by the [local government](#); and
 - (b) the chief executive officer's conditions of employment (including remuneration).

LEGAL IMPLICATIONS

As above, CEO's must enter into a written employment contract.

STAFFING IMPLICATIONS

The CEO is the statutory employee of a local government.

RISK ASSESSMENT

Nil.

CORPORATE PLAN REFERENCE***Leading Livingstone***

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

4.1.4 Provide leadership and contemporary management systems which drive a co-ordinated and connected organisation.

CONCLUSION

Mayor recommends commencing the process of recruitment of both Acting CEO and permanent Chief Executive Officer.

10.2 ENGAGEMENT OF STRATEGIC DEVELOPMENT CONSULTANT

File No: GV
Attachments: Nil
Responsible Officer: Pat Eastwood - Councillor
Wade Rothery - Councillor
Author: Cale Dendle - Chief Executive Officer

SUMMARY

Deputy Mayor reporting on proposal to engage Strategic Development Consultant.

DEPUTY MAYOR'S RECOMMENDATION:

THAT:

1. In accordance with s235 of the *Local Government Regulation 2012*, Council resolves that it is satisfied that there is only one supplier reasonably available to it for the provision of strategic development consultancy services due to the unique combination of professional expertise and local background knowledge sought and that it would be disadvantageous to invite quotes or tenders.
2. Accordingly, Council authorises the Chief Executive Officer to engage GSA Zilzie Pty Ltd (Graham Scott) to provide strategic development consultancy services.

BACKGROUND

Livingstone Shire is facing a number of growth management challenges and councillors believe that additional assistance and expertise is necessary to chart a course to ensure timely urban land-use planning, development assessment and strategic planning for a number of key projects.

It is proposed to engage GSA Zilzie Pty Ltd (Graham Scott) for a period (initially three months) to assist with these important tasks.

COMMENTARY

Graham Scott ([32\) Graham Scott | LinkedIn](#)) is a long-standing local consulting engineer and former Deputy Mayor of Livingstone Shire.

Mr Scott has played both public and private roles in the recent development of the shire and would bring a vision and expertise to properly map the next phase of development, with projects including: Homemaker II, depot relocation, new office accommodation, east-west connector, planning scheme amendments or TLPI to increase residential product, Gateway (and other industrial land) etc.

PREVIOUS DECISIONS

Nil.

ACCESS AND INCLUSION

Nil relevant.

ENGAGEMENT AND CONSULTATION

Mr Scott has workshopped his proposals with councillors and staff.

HUMAN RIGHTS IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Mr Scott's engagement would cost about \$5,000/week (including travel and accommodation expenses) and would need to be funded by redirecting other consultancy budget.

LEGISLATIVE CONTEXT

An engagement of this nature is contemplated by s235 of the *Local Government Regulation 2012*, viz:

235 Other exceptions

A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if—

- (a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or*
- (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders; or*
- (c) a genuine emergency exists; or*
- (d) the contract is for the purchase of goods and is made by auction; or*
- (e) the contract is for the purchase of second-hand goods; or*
- (f) the contract is made with, or under an arrangement with, a government agency.*

LEGAL IMPLICATIONS

If Council accepts the recommendation, Mr Scott's engagement would be captured in a standard consulting agreement.

STAFFING IMPLICATIONS

Nil.

RISK ASSESSMENT

Nil.

CORPORATE PLAN REFERENCE***Future Livingstone***

Community Plan Goal 5.1 - Balanced environmental and development outcomes

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

CONCLUSION

Councillors recognize a need to supplement current growth management effort with additional expertise and resources. This transaction is proposed to give effect to that outcome.

11 COMMITTEE REPORTS

11.1 INFRASTRUCTURE COMMITTEE MINUTES 4 JUNE 2024

File No: INF

Attachments: 1. INF SC 4 June 2024 Minutes [↓](#)

Responsible Officer: Michael Kriedemann - General Manager Infrastructure

Author: Michael Kriedemann - General Manager Infrastructure

SUMMARY

This report is of the Infrastructure Standing Committee Meeting held on 4 June 2024. The recommendations are presented for the determination by the Council.

COMMITTEE RECOMMENDATION

THAT Council receives the report of the Infrastructure Committee meeting held on 4 June 2024 and adopts the recommendations contained therein (as presented in the attached minutes).

COMMENTARY

Refer to Minutes attached.

11.1 - INFRASTRUCTURE COMMITTEE MINUTES 4 JUNE 2024

INF SC 4 June 2024 Minutes

Meeting Date: 18 June 2024

Attachment No: 1



STANDING COMMITTEE - INFRASTRUCTURE MEETING

Unconfirmed Minutes

4 JUNE 2024

Recommendations from this committee will be presented for consideration at the Ordinary Meeting of 18 June 2024.

These minutes will be confirmed at the Infrastructure Committee meeting on the 2nd July 2024.

INFRASTRUCTURE STANDING COMMITTEE MEETING NOTES

4 JUNE 2024

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UNCONFIRMED

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

**MINUTES OF THE STANDING COMMITTEE - INFRASTRUCTURE MEETING HELD AT
COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPOON ON TUESDAY, 4 JUNE 2024
COMMENCING AT 8:30 AM****1 OPENING****Acknowledgement of Country**

Welcome to Country given by Councillor Lance Warcon.

2 PRESENT

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
Chris Hocking – Manager Water & Waste Operations
Sean Fallis – Manager Engineering Services
Leanne Randall – Principal Waste Officer
Amanda Ivers – Coordinator Executive Support

APPOINTMENT OF CHAIRPERSON**COMMITTEE RESOLUTION**

That pursuant to s2.6.4 of Livingstone Shire Council's Meeting Procedures, Councillor Rhodes Watson be appointed as Chairperson for this meeting of the Infrastructure Standing Committee.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES4 JUNE 2024

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Deputy Mayor, Councillor Pat Eastwood, inform the meeting that I have a potential Declarable Conflict of Interest in relation to Item 11.3 – Strategic Review of Infrastructure requirements for Cooe Bay, as I reside in the Cooe Bay area. I believe that a reasonable person would perceive me to be impartial and therefore, I wish to remain in the meeting and ask the eligible Councillors to decide if I participate in the item.

Councillors voted that Deputy Mayor, Councillor Eastwood did not have a declarable conflict of interest and could remain in the room for this item.

I, Mayor, Councillor Adam Belot, inform the meeting that I have a potential Declarable Conflict of Interest in relation to Item 11.3 – Strategic Review of Infrastructure requirements for Cooe Bay, as I reside in the Cooe Bay area. I believe that a reasonable person would perceive me to be impartial and therefore, I wish to remain in the meeting and ask the eligible Councillors to decide if I participate in the item.

Councillors voted that Mayor, Councillor Belot did not have a declarable conflict of interest and could remain in the room for this item.

CEO Cale Dendle declared a potential Conflict of Interest on item 11.1 of Cooe Bay Aquatic Centre due to his sibling owning a property across the road in Matthew Flinders Drive and left the room during these discussions.

6 DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

Nil

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

UNCONFIRMED

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11 REPORTS

11.1 YEPPOON AQUATIC CENTRE

File No: fA7284

Attachments: 1. Yeppoon Aquatic Centre Schematics

Responsible Officer: Michael Kriedemann - General Manager Infrastructure

Author: Sean Fallis - Manager Engineering Services

SUMMARY

The following report provides a Progress update for the Yeppoon Aquatic Centre development.

COMMITTEE RECOMMENDATION

THAT the committee recommends to Council that the Yeppoon Aquatic Centre Progress Report be received.

Moved by: Councillor Mather

Seconded by: Deputy Mayor, Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.2 BULK WATER SUPPLY - ROOKWOOD WEIR WATER ALLOCATION**File No:** fA4416**Attachments:** Nil**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure**Author:** Chris Hocking - Manager Water and Waste Operations**SUMMARY**

Within the next 12 months Livingstone Shire Council (LSC) is required to renegotiate the Bulk Water Supply Agreement with Rockhampton Regional Council (RRC). The Bulk Water Supply Agreement has been negotiated on two previous occasions, in 2014 and 2020, with the current agreement expiring 30 June 2025. Separately, but in parallel with this renegotiation process, LSC needs to determine if it will take up the offer from Sunwater for an allocation of water from the Rookwood Weir.

COMMITTEE RECOMMENDATION

THAT the committee recommends to Council that Sunwater be advised that Livingstone Shire Council has initiated negotiations for extension of the Bulk Water Agreement with Rockhampton Regional Council and will be in a position to respond to the offer of allocation/s from Rookwood Weir once those negotiations have concluded.

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

I, Deputy Mayor, Councillor Pat Eastwood, inform the meeting that I have a potential Declarable Conflict of Interest in relation to Item 11.3 – Strategic Review of Infrastructure requirements for Cooee Bay, as I reside in the Cooee Bay area.

I believe that a reasonable person would perceive me to be impartial and therefore, I wish to remain in the meeting and ask the eligible Councillors to decide if I participate in the item.

Councillors voted that Deputy Mayor, Councillor Eastwood did not have a declarable conflict of interest and could remain in the room for this item.

I, Mayor, Councillor Adam Belot, inform the meeting that I have a potential Declarable Conflict of Interest in relation to Item 11.3 – Strategic Review of Infrastructure requirements for Cooee Bay, as I reside in the Cooee Bay area.

I believe that a reasonable person would perceive me to be impartial and therefore, I wish to remain in the meeting and ask the eligible Councillors to decide if I participate in the item.

Councillors voted that Mayor, Councillor Belot did not have a declarable conflict of interest and could remain in the room for this item.

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.3 STRATEGIC REVIEW OF INFRASTRUCTURE REQUIREMENTS FOR COOEE BAY

File No:	qA77399
Attachments:	1. Cooe Bay Precinct Staging Strategy 2. Draft Daniel Park Master Plan
Responsible Officer:	Michael Kriedemann - General Manager Infrastructure
Author:	Sean Fallis - Manager Engineering Services
Previous Items:	7.4 - Strategic Review of Infrastructure Requirements for Cooe Bay - Briefing Session - 01 Nov 2022 9.00am 11.21 - Wreck Point Shared Pathway - Ordinary Council - 19 Apr 2022 9.00am 11.3 - Response to Notice of Motion - Cooe Bay Masterplan Engagement - Ordinary Council - 20 May 2024 9:00 AM 11.4 - Strategic Review Of Infrastructure Requirements For Cooe Bay - Ordinary Council - 20 Dec 2022 9.00am

SUMMARY

A strategic review has been undertaken to identify the appropriate sequence of infrastructure (roads, pathways & open spaces) delivery within the Cooe Bay precinct. The focus of the infrastructure plan is on roads and pathways, with open spaces being a secondary focus in the medium / long term.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council:

1. Adopt the strategic infrastructure plan for Cooe Bay, excluding the section of Gregory St from Elma to Scenic Highway;
2. Confirm that the strategic priorities are roads and pathway upgrades;
3. In acknowledging the strategic priorities, the \$1.7 million allocated in the Forward Works Program in 2026/2027 for Daniel Park upgrades be reallocated to phase 1 of the strategic infrastructure plan;
4. Note the draft concept master plan for Daniel Park has not been formally adopted.

Moved by: Councillor Friend

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

12:27PM Deputy Mayor, Councillor Eastwood left the meeting.

12:28PM Mayor, Councillor Belot left the meeting.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council receive the report and the strategic infrastructure plan for Cooe Bay for the section of Gregory St from Elma to Scenic Highway lay on the table for further information the adoption

Moved by: Councillor Mather

Seconded by: Councillor Warcon

MOTION CARRIED

12:28PM Mayor, Councillor Belot returned to the meeting.

12:28PM Deputy Mayor, Councillor Eastwood returned to the meeting.

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.4 RECEIVING CASH AT THE YEPPON LANDFILL AND TRANSFER STATIONS**File No:** qA77303**Attachments:** Nil**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure**Author:** Chris Hocking - Manager Water and Waste Operations**SUMMARY**

The following report is a summary of cash usage at the Yeppoon Landfill and waste transfer stations providing the basis to Council to make a decision as to continue with cash at these sites or return to cashless transactions.

OFFICER RECOMMENDATION

THAT the Committee recommends that Council resolve that the Landfill and transfer stations move back to cashless operations based on the percentage of cash transactions utilised and the reduced risk of break-ins and security at the sites.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council resolve that Landfill and waste transfer stations retain the practice of receiving cash as legal tender and continue to monitor the numbers on an annual basis.

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

In accordance with s254H of the Local Government Regulation 2012, the Chief Executive Officer records that the reason for councillors not accepting the officer recommendation is because councillors believe that cash payment should remain an option for residents.

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.5 AMENDMENT TO DESIGNATED WASTE COLLECTION AREAS**File No:** WM31.08.02**Attachments:** 1. Designated Collection Areas Expansion April 2024**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure**Author:** Leanne Randall - Principal Waste Officer**SUMMARY**

This report seeks a Council resolution to expand the Designated Waste Collection Areas by adding identified new areas to the existing collection areas.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council resolves to:

1. Expand the Designated Waste Collection Areas by adding the areas as identified on Attachment 1;
2. Update the Designated Waste Collection Area Maps by including the areas identified in Attachment 1;
3. Endorse the General Manager Infrastructure's approval of the updated Designated Waste Collection Areas Procedure (v3) in accordance with this resolution.

Moved by: Councillor Friend**Seconded by:** Deputy Mayor, Councillor Eastwood**MOTION CARRIED UNANIMOUSLY**

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.6 KERBSIDE WASTE & RECYCLING SERVICE - EXPANSION TO CAWARRAL AND MOUNT CHALMERS

File No: WM.31.08.02
Attachments: 1. Cawarral - Mount Chalmers Survey Listing
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Leanne Randall - Principal Waste Officer

SUMMARY

This report seeks a Council resolution to survey the proposed service areas of Cawarral and Mount Chalmers to gauge the appetite of property owners of commencing a Kerbside Waste and Recycling service.

COMMITTEE RECOMMENDATION

THAT the Committee recommends that Council resolves to undertake the expansion survey for Kerbside Waste and Recycling services with the property owners of affected properties within Cawarral and Mount Chalmers.

Moved by: Mayor, Councillor Belot

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.7 THE CAVES WASTE TRANSFER FACILITY - ENGAGEMENT PLAN FOR EXTENDED TRADING HOURS**File No:** qA24550**Attachments:** 1. Engagement Plan**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure**Author:** Chris Hocking - Manager Water and Waste Operations**SUMMARY**

Council is currently exploring the possibility of extending the weekend operating hours of The Caves Waste Transfer Facility. Public sentiment amongst residents in the suburbs, which comprise the Northern Corridor, has indicated a preference for longer operating hours on the weekends to allow more time for full-time workers who typically work during the week to use The Cave Waste Transfer Facility on weekends.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council approves the engagement plan for The Caves Waste Transfer Facility extended trading hours.

Moved by: Councillor Friend**Seconded by:** Deputy Mayor, Councillor Eastwood**MOTION CARRIED UNANIMOUSLY**

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.8 NAMING OF WETLAND OFF BOTTLEBRUSH DRIVE**File No:** qA24494

Attachments:

1. Community Survey Results
2. Insurance Query Response from Insurance Council of Australia
3. Queensland Government Flood Insurance community information
4. Sure Insurance customer information

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

Author: Jo Fursman - Administration Officer

SUMMARY

This report involves a request for the renaming of Kedron Park. Given the environmental features of the park, it was suggested that the name "Kedron Wetland" may be more appropriate.

OFFICER RECOMMENDATION

THAT the Committee recommends that Council resolve:

1. The area currently named *Kedron Park* be changed to *Kedron Wetland*;
2. Officers notify the community of the name change; and
3. Modify the wording on the signage to reflect the name change.

COMMITTEE RECOMMENDATION

THAT the committee recommend that Council resolve that 'Kedron Park' name remain unchanged and that Council further explore other options, not yet considered to best reflect Community outcomes with Kedron Park which may include expanding Lammermoor Native Gardens up to a point whereby Kedron Park can remain open Green Space.

Moved by: Councillor Friend

Seconded by: Deputy Mayor, Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

In accordance with s254H of the Local Government Regulation 2012, the Chief Executive Officer records that the reason for councillors not accepting the officer recommendation is that the name of the area is a secondary consideration to proper management of the open space.

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.9 RESIDENTIAL REBATE FOR WATER SAVINGS PRODUCTS**File No:** A1914801**Attachments:** Nil**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure**Author:** Chris Hocking - Manager Water and Waste Operations**SUMMARY**

The Residential Rebate for Water Saving Products Procedure applies to owners and occupiers who have purchased and installed eligible water saving products in residential premises located in Council's declared water service area.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council resolve:

1. The availability of the Residential Rebate for Water Savings Products is expanded to include dishwashers (\$100);
2. The existing Residential Rebate for Water Savings Products list is not changed to include gardening and lawn watering devices;
3. Endorse the General Manager Infrastructure's approval of the updated Residential Rebate for Water Saving Products Procedure (v2) in accordance with this resolution.

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

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

Crs A Friend and W Rothery voted in the negative.

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.10 RESPONSE TO QUESTIONS ON NOTICE - CR MATHER - SEWER SERVICES AT 52 MARINE PARADE, EMU PARK

File No: qA24221
Attachments: 1. Questions on Notice - Sewer Services
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Sean Fallis - Manager Engineering Services
Chris Hocking - Manager Water and Waste Operations
Chris Wright - Principal Water Engineer

SUMMARY

This report is in response to Councillor Mather's Questions on Notice presented to the Ordinary Council Meeting 20 May 2024 in regards to sewer services at 52 Marine Parade – Emu Park.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council resolve that the report and responses to questions be received.

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

INFRASTRUCTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.11 INFRASTRUCTURE PORTFOLIO - QUARTERLY MANAGEMENT REPORT FOR THE PERIOD 1 JANUARY 2024 TO 31 MARCH 2024

File No: qA25480
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Jeff Carter - Manager Construction & Maintenance
Sean Fallis - Manager Engineering Services
Donna Ward - Acting Supervisor Systems and QA
Chris Hocking - Manager Water and Waste Operations

SUMMARY

This report provides a summary of a range of operational activities within the Infrastructure portfolio of Council for the period 1 January 2024 to 31 March 2024.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council resolve that the Infrastructure portfolio management report for the period 1 January 2024 to 31 March 2024 be received.

Moved by: Councillor Friend
Seconded by: Mayor, Councillor Belot
MOTION CARRIED UNANIMOUSLY

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

UNCONFIRMED

13 URGENT BUSINESS\QUESTIONS

UNCONFIRMED

INFRASTRUCTURE STANDING COMMITTEE MEETING NOTES

4 JUNE 2024

14 CLOSURE OF MEETING

There being no further business the meeting closed at 10.39 am.

Councillor Rhodes Watson
CHAIRPERSON

DATE

UNCONFIRMED

11.2 RECREATION & CULTURE COMMITTEE MINUTES 4 JUNE 2024

File No: GV

Attachments: 1. Minutes - Recreation and Culture Committee
- 4 June 2024 [↓](#)

Responsible Officer: Chris Ireland - General Manager Communities

Author: Chris Ireland - General Manager Communities

SUMMARY

This report is of the Recreation and Culture Standing Committee Meeting held on 4 June 2024. The recommendations are presented for the determination by the Council.

OFFICER'S RECOMMENDATION

THAT Council receives the report of the Recreation & Culture Committee meeting held on 4 June 2024 and adopts the recommendations contained therein (as presented in the attached minutes).

COMMENTARY

Refer to Minutes attached.

11.2 - RECREATION & CULTURE COMMITTEE MINUTES 4 JUNE 2024

Minutes - Recreation and Culture Committee - 4 June 2024

Meeting Date: 18 June 2024

Attachment No: 1



STANDING COMMITTEE - RECREATION & CULTURE MEETING

UNCONFIRMED MINUTES

4 JUNE 2024

Recommendations from this committee will be presented for consideration at the Ordinary Meeting of 18 June 2024.

These minutes will be confirmed at the Recreation and Culture Committee meeting on 2 July 2024.

RECREATION & CULTURE STANDING COMMITTEE MEETING NOTES

4 JUNE 2024

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RECREATION & CULTURE STANDING COMMITTEE MEETING NOTES

4 JUNE 2024

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UNCONFIRMED

RECREATION & CULTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

**MINUTES OF THE STANDING COMMITTEE - RECREATION & CULTURE MEETING
HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 4
JUNE 2024 COMMENCING AT 11:03 AM****1 OPENING****2 PRESENT**

Members Present:

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

Officers in Attendance:

Chris Ireland – General Manager Communities – Committee Secretary
Cale Dendle - Chief Executive Officer
Michael Kriedemann – General Manager Infrastructure
Andrea Ellis – Chief Financial Officer
Matthew Willcocks - Chief Technology Officer
Kristy Mansfield - Chief Human Resources Officer

APPOINTMENT OF CHAIRPERSON**COMMITTEE RESOLUTION**

That pursuant to s2.6.4 of Livingstone Shire Council's Meeting Procedures, Councillor Andrea Friend be appointed as Chairperson of this meeting of the Recreation and Culture Standing Committee.

Moved by: Councillor Friend
Seconded by: Councillor Watson
MOTION CARRIED UNANIMOUSLY

RECREATION & CULTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

6 DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

RECREATION & CULTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11 REPORTS

11.1 TEMPORARY AQUATIC FACILITY LEASE

File No: 12.07.01-1055T
Attachments: Nil
Responsible Officer: Chris Ireland - General Manager Communities
Author: Sharon Sommerville - Manager Parks and Facilities
Previous Items: 10.5 - Notice of Motion - Councillor Adam Belot - Temporary Swimming Facilities - Ordinary Council - 12 Mar 2024 9:00 AM

SUMMARY

The Cooee Bay Aquatic Centre will close for refurbishment from 16 September 2024 through to 1 December 2025. The closure of the facility impacts the aquatic recreational and sporting services provided to the community.

Council's Emu Park Aquatic Centre does not have the capacity to replicate all services offered at Cooee Bay. At most, a coordinated approach to continue swim squad and general patronage could be managed.

Officers and the pool managers have investigated several options for the provision of aquatic services in the Yeppoon area without success.

An opportunity to negotiate a temporary lease or licence at a privately owned aquatic facility located at Seaspray, Zilzie has been presented to Council. The facility has capacity to provide learn to swim, aquatic exercise, swim squads and general patronage. The facility is available to Council for the duration of the Cooee Bay Aquatic Centre refurbishment.

OFFICER RECOMMENDATION

THAT the committee recommends that Council resolve to not proceed with providing a temporary aquatic facility during the construction of the new Cooee Bay Aquatic Centre.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending exploration and negotiation of management options with stakeholders and to return to a future Committee Meeting.

Moved by: Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

RECREATION & CULTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.2 REGIONAL ARTS DEVELOPMENT FUND SUCCESSFUL APPLICANTS ROUND TWO 2023/2024**File No:** GS115.25**Attachments:** Nil**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Molly Saunders - Manager Community and Cultural Services**SUMMARY**

Fourteen applications were received for Round Two of the Regional Arts Development Fund Grants Scheme 2023/24 which closed on 7 April 2024.

The Regional Arts Development Fund Grants Scheme Assessment Panel assessed the applications and recommended a total funding amount of \$29,780.00.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council resolve in accordance with the recommendation of the Livingstone Shire Regional Arts Development Fund Grants Scheme Assessment Panel, the following grant applications be funded from the Regional Arts Development Fund Budget 2023/24:

Name	Purpose of Grant	Total Project Expenses	Grant Requested	Grant Recommended
Lock and Hock	The Unlock Project	\$21,625.00	\$9,505.00	\$8,230.00
Keppel Coast Arts	The Creek Sessions	\$9,450.00	\$5,300.00	\$5,300.00
Mundagatta Culture Pty Ltd	Ngilan (moon) Festival	\$10,618.00	\$7,618.00	\$4,500.00
Sandy Krak Reef Festival	Sandy Krak Reef Festival Workshops	\$52,480.00	\$9,700.00	\$5,000.00
Fig Tree Galleries	Artist Workshops	\$4,330.00	\$2,550.00	\$2,550.00
Suzan Stewart	Crafting by the Coast Retreat	\$11,920.00	\$4,200.00	\$4,200.00
TOTAL		\$110,423.00	\$38,873.00	\$29,780.00

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

RECREATION & CULTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.3 MULTI YEAR EVENT SPONSORSHIP PROPOSAL - DESTINATION EVENT**File No:** Cr2.05.01**Attachments:** 1. King of Kings 2024 Wrap Up Report**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Molly Saunders - Manager Community and Cultural Services**SUMMARY**

This report details the proposal from SCF – Capricorn King of Kings for a multi-year sponsorship agreement with Livingstone Shire Council.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council resolve to approve the allocation of \$50,000.00 in sponsorship in 2025, 2026 and 2027 to SCF for the Capricorn King of Kings event to be held in Livingstone Shire.

Moved by: Councillor Friend**Seconded by:** Councillor Rothery**MOTION LOST**

Crs A Friend, W Rothery and R Watson voted in the affirmative.

Crs A Belot, P Eastwood, G Mather and L Warcon voted in the negative.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council resolve to approve the allocation of \$30,000.00 in sponsorship in 2025, 2026 and 2027 to SCF for the Capricorn King of Kings event to be held in Livingstone Shire.

Moved by: Mayor, Councillor Belot**Seconded by:** Councillor Eastwood**MOTION LOST**

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

Crs A Friend, W Rothery, L Warcon and R Watson voted in the negative.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council resolve to approve the allocation of \$40,000.00 in sponsorship in 2025, 2026 and 2027 to SCF for the Capricorn King of Kings event to be held in Livingstone Shire.

Moved by: Councillor Warcon**Seconded by:** Councillor Watson**MOTION CARRIED**

Crs A Belot, P Eastwood, A Friend, W Rothery, L Warcon and R Watson voted in the affirmative.

Cr G Mather voted in the negative.

RECREATION & CULTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.4 MEAT CAPRICORN PROJECT UPDATE**File No:** ED8.5.12**Attachments:**

1. Small species processing facility scoping and feasibility study
2. Meat Capricorn Project Powerpoint

Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities**Author:** Melissa Goode - Project Support Officer
Tahlia Austin - Support Services Officer

SUMMARY

Livingstone Shire Council, in partnership with Rockhampton Regional Council through Advance Rockhampton, and CQUniversity has engaged Regionality Pty Ltd to conduct a scoping study into the feasibility of a boutique/small multi species abattoir and processing facility to establish in either the Livingstone Shire LGA (Local Government Area) or Rockhampton Regional Council LGA.

COMMITTEE RECOMMENDATION

THAT the committee recommends that Council resolve to receive the Meat Capricorn project report update.

Moved by: Councillor Watson**Seconded by:** Councillor Mather**MOTION CARRIED UNANIMOUSLY*****Meeting Adjourned*****PROCEDURAL MOTION**

12.17PM

THAT the meeting be adjourned.

Moved by: Councillor Friend**MOTION CARRIED UNANIMOUSLY*****Meeting Resumed*****PROCEDURAL MOTION**

12.26PM

THAT the meeting be resumed.

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

RECREATION & CULTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

11.5 REPLACEMENT OF STAGE CURTAINS AT YEPPOON TOWN HALL AND EMU PARK HALL**File No:** FA1112**Attachments:** Nil**Responsible Officer:** Molly Saunders - Manager Community and Cultural Services
Chris Ireland - General Manager Communities**Author:** Tom Birkbeck - Coordinator Communications and Engagements**SUMMARY**

The stage curtains and drapes of the Yeppoon Town Hall and Emu Park Hall were raised as a maintenance issue by council-approved audio and visual technicians in 2023. After initial investigations, it was found that the fireproofing was overdue.

THIS ITEM HAS BEEN WITHDRAWN BY THE OFFICER.

RECREATION & CULTURE STANDING COMMITTEE MEETING MINUTES

4 JUNE 2024

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 URGENT BUSINESS\QUESTIONS

Nil

14 CLOSURE OF MEETING

There being no further business the meeting closed at 12.27 pm.

Andrea Friend
CHAIRPERSON

DATE

RECREATION & CULTURE STANDING COMMITTEE MEETING NOTES

4 JUNE 2024

UNCONFIRMED

11.3 DEVELOPMENT & ENVIRONMENT COMMITTEE MINUTES 4 JUNE 2024**File No:** GV**Attachments:** 1. Minutes - Development and Environment Committee - 4 June 2024 [↓](#)**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Chris Ireland - General Manager Communities

SUMMARY

This report is of the Development and Environment Standing Committee Meeting held on 4 June 2024. The recommendations are presented for the determination by the Council.

OFFICER'S RECOMMENDATION

THAT Council receives the report of the Development & Environment Committee meeting held on 4 June 2024 and adopts the recommendations contained therein (as presented in the attached minutes).

COMMENTARY

Refer to Minutes attached.

11.3 - DEVELOPMENT & ENVIRONMENT COMMITTEE MINUTES 4 JUNE 2024

Minutes - Development and Environment Committee - 4 June 2024

Meeting Date: 18 June 2024

Attachment No: 1



STANDING COMMITTEE - DEVELOPMENT & ENVIRONMENT MEETING

MINUTES

4 JUNE 2024

Recommendations from this committee will be presented for consideration at the Ordinary Meeting of 18 June 2024.

These minutes will be confirmed at the Development and Environment Committee meeting on the 2nd July 2024.

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DEVELOPMENT & ENVIRONMENT COMMITTEE MEETING NOTES

4 JUNE 2024

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DEVELOPMENT & ENVIRONMENT COMMITTEE MEETING MINUTES

4 JUNE 2024

**MINUTES OF THE STANDING COMMITTEE - DEVELOPMENT & ENVIRONMENT
MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON
TUESDAY, 4 JUNE 2024 COMMENCING AT 2:00 PM**

1 OPENING

2 PRESENT

Members Present:

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

Officers in Attendance:

Chris Ireland – General Manager Communities – Committee Secretary
Cale Dendle - Chief Executive Officer
Michael Kriedemann – General Manager Infrastructure
Andrea Ellis – Chief Financial Officer
Matthew Willcocks - Chief Technology Officer
Kristy Mansfield - Chief Human Resources Officer
Renee Dwyer – Acting Executive Assistant to the Mayor
Greg Abbotts – Manager Development and Environment
Brendan Standen – Acting Coordinator Development Assessment
Tammy Wardrop – Principal Planning Officer
Sonia Tomkinson – Manager Economy and Places
Nat Druery – Coordinator Public Environments
Leise Childs – Coordinator Natural Resource Management
Melissa Warwick – Principal Strategic Planner

APPOINTMENT OF CHAIRPERSON

COMMITTEE RESOLUTION

That pursuant to s2.6.4 of Livingstone Shire Council's Meeting Procedures, Councillor Pat Eastwood be appointed as Chairperson for this meeting of the Development and Environment Committee.

Moved by: Councillor Watson

Seconded by: Councillor Warcon

MOTION CARRIED UNANIMOUSLY

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3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Councillor Glenda Mather, inform the meeting that I have a potential Declarable Conflict of Interest in relation to Item 11.1 - Development Application D-400-2023 for a Development Permit for Reconfiguring a Lot (one lot into two lots) at 72 Howes Road, Farnborough, as my son owns a property on Howes Road Farnborough. Pursuant to Section 150ES, as defined in Section 150EN of the Local Government Act 2009, Councillor Glenda Mather does not have either a real or perceived conflict of interest in the matter and after a unanimous vote from the table, Cr Mather can remain in the room for this item.

6 DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

11 REPORTS

11.1 DEVELOPMENT APPLICATION D-400-2023 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) AT 72 HOWES ROAD, FARNBOROUGH

File No: D-400-2023

Attachments:

1. Locality Plan
2. Proposal Plan

Responsible Officer: Chris Ireland - General Manager Communities
Brendan Standen - Acting Coordinator Development Assessment
Greg Abbotts - Manager Development and Environment

Author: Rachael Halson - Support Services Officer
Tammy Wardrop - Principal Planning Officer

SUMMARY

Applicant: T and M Bredhauer

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 53 on SP289442 Area of Site: 14.18 hectares

Planning Scheme: Livingstone Planning Scheme 2018 (Version 3.0)

Planning Scheme Zone: Rural

Planning Scheme Precinct: Capricorn Coast Rural Precinct

Planning Scheme Overlays: OM02 Agricultural Land Class
OM07 Biodiversity overlay – Habitat and Vegetation
OM12 Bushfire Hazard Area
OM21 Scenic Amenity
OM27 Height Limits

Existing Development: Dwelling house

Level of Assessment: Impact Assessable

Submissions: One (1) Submission received

Referral matters:

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

Application received:	5 December 2023
Application properly made:	7 December 2023
Development control unit meeting:	13 December 2023
Confirmation notice issued:	13 December 2023
Information request issued:	4 January 2024
Information request response received:	16 April 2024

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Public notification period:	22 April 2024 to 17 May 2024
Standing Committee meeting date:	4 June 2024
Council meeting date:	18 June 2024

COMMITTEE RECOMMENDATION

THAT the committee recommends to Council that the development application for Reconfiguring a Lot (one lot into two lots) located at Lot 53 on SP289442 and situated at 72 Howes Road, Farnborough, be refused as the proposal conflicts with the Strategic Framework and requirements for Reconfiguring a lot within the Rural zone and the Capricorn Coast Rural Precinct as prescribed by the *Livingstone Planning Scheme 2018* (Version 3.0), and there are no relevant matters that outweigh the conflicts.

Moved by: Deputy Mayor, Councillor Eastwood

THE MOTION LAPSED FOR WANT OF A SECONDER

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table for later in the meeting.

Moved by: Deputy Mayor, Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

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11.2 D-369-2023 MATERIAL CHANGE OF USE FOR RELOCATABLE HOME PARK**File No:** D-369-2023

Attachments:

1. Attachment 1 - Locality Plan
2. Attachment 2 - Proposed Master Plan
3. Attachment 3 - Sewer Plan as annotated by Council 3 May 2024

Responsible Officer: Brendan Standen - Acting Coordinator Development Assessment
 Greg Abbotts - Manager Development and Environment
 Chris Ireland - General Manager Communities

Author: Tammy Wardrop - Principal Planning Officer
 Rachael Halson - Support Services Officer
 Aleena Suosaari - Support Services Officer

SUMMARY

Applicant: Keppel Developments Pty Ltd

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 6000 on SP329791 Area of Site: 28.73 hectares

Planning Scheme: *Livingstone Planning Scheme 2018* (Version 3.0).

Planning Scheme Zone: Emerging community

Planning Scheme Overlays: OM01 Acid Sulfate Soils
 OM02 Agricultural Land Classification
 OM07 Biodiversity – Habitat and Vegetation
 OM10 Biodiversity – Wetlands and Waterways
 OM11 Biodiversity – Stream Order
 OM12 Bushfire Hazard Area
 OM13 Coastal Hazard – Erosion Prone Area
 OM14 Coastal Hazard Area – Storm Tide Hazard Area
 OM15 Drainage Problem Area
 OM17 Flood Hazard Area
 OM20 Road Hierarchy – Urban Major Collector and Urban Sub-Arterial
 OM27 Height Limits

Existing Development: Display home

Category of Assessment: Assessable subject to Impact assessment

Submissions: Two (2) submissions received

Referral matters: SARA – State transport infrastructure (10.9.4.1.1.1)

Infrastructure Charge Area: Charge Area 1

Application progress:

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Application received:	6 November 2023
Action notice issued:	14 November 2023
Response to Action notice received:	14 November 2023
Development control unit meeting:	16 November 2023
Application properly made:	17 November 2023
Confirmation notice issued:	27 November 2023
Application referred to State agency:	1 December 2023
Information request issued:	11 December 2023
Information request response received:	11 March 2024
Public notification period:	18 March 2024 – 12 April 2024
State agency response:	3 April 2024
Notice of compliance received:	15 April 2024
Submission consideration period:	15 April 2024 – 8 May 2024
Further Advice issued	17 April 2024
Response to Further Advice received:	3 May 2024
Decision period commenced:	8 May 2024
Standing Committee meeting date:	4 June 2024
Council meeting date:	18 June 2024
Statutory determination date:	12 June 2024

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT the Committee recommends to Council that in relation to the application for a Development Permit for a Material Change of Use for a Relocatable home park (286 dwelling sites), made by Keppel Developments Pty Ltd, on Lot 6000 on SP329791 and located at Lot 6000 Carige Boulevard, Taroomball, Council resolves to Approve the application given pursuant to Section 45(5)(b) of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks and circumstances/relevant matters have been established in support of the development as follows:

1. There is sufficient demonstrated need for additional residential land supply, specifically catering to an older demographic. The proposed use type is one which is identified as part of the Queensland Government's ongoing strategy to deliver more affordable housing as highlighted in the *Queensland Housing Strategy 2017-2027*, and the *Housing and Homelessness Strategy Plan 2021-2025*.
2. The subject site is identified as new urban in accordance with Strategic Framework Mapping and is proposed for urban development.
3. The subject site can connect to reticulated infrastructure.
4. The development generally avoids areas of potential natural hazard, including bushfire and flood hazard, by centrally locating the development in the least affected area of the site.
5. The development avoids areas of mapped State vegetation, local biodiversity corridor

and waterways which connect to Ross Creek.

6. The development provides for an alternative housing option to meet the changing needs of the population and creates opportunities for living close to services and facilities within an existing residential locality.
7. The design of development, whilst on a smaller scale in terms of road design, "lot" size and dwelling size, is consistent with the built form and character of Taranganba.

RECOMMENDATION B

THAT the committee recommends to Council that in relation to the application for a Development Permit for a Material Change of Use for a Relocatable home park (286 dwelling sites), made by Keppel Developments Pty Ltd, on Lot 6000 on SP329791, and located at Lot 6000 Carige Boulevard, Taroomball Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Earthworks;
 - (vii) Clearing Works; and
 - (viii) Landscaping Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 should be read as being non-trunk infrastructure conditioned under *section 145* of the *Planning Act 2016*, unless

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otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Revision</u>	<u>Dated</u>
Concept Masterplan	AU8089-01	-	10 February 2023
Concept Plans – Community Facilities and Dwelling Types	Suite of plans	-	19 December 2018
Concept Plans – Temporary Clubhouse	22L000BF Sheet 1 - 5	D	16 June 2023
Traffic Impact Assessment	R065-22-23	-	26 June 2023
Tanby Road and Taranganba Road Plan	R0132324-0001	A	17 August 2023
Sea Haven – Material Change of Use Application Western Precinct – Relocatable Home Park – Flood Study	2328_Sea Haven Relocatable Home Park	-	31 October 2023
Technical Memorandum – Proposed Sewer Network Level Check	R013-23-24	-	11 August 2023
Preliminary Sewer Plan (Annotated)	-	-	As annotated by Council 3 May 2023
Bushfire Hazard Assessment	-	-	April 2022
Weed and Revegetation Management Plan	-	-	February 2024

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

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

3.0 STAGED DEVELOPMENT

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- 3.1 This approval is for a development to be undertaken in twenty-nine (29) discrete stages consisting of ten (10) dwellings per stage (until the final stage of 6 dwellings).
- 3.2 The stages are not required to be undertaken in any chronological order and stages may be undertaken concurrently.
- 3.3 Development Infrastructure must be provided by the developer in a coordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence to facilitate ease of extension and integration of infrastructure during future stages.
- 3.4 The temporary clubhouse must be constructed within Stage 1, and operational prior to the commencement of use of the tenth dwelling.
- 3.5 The permanent clubhouse must be constructed within Stage 15, and operational prior to the commencement of use of the 150th dwelling.
- 3.6 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 4.0 ACCESS WORKS
- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access works on the site.
- 4.2 All vehicular access to and from the site must be via the proposed internal road connected to the roundabout with Havenwood Drive and Carige Boulevard only. Direct vehicular access to Taranganba Road is prohibited, except for emergency purpose only.
- 4.3 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 The internal road connecting to the roundabout with Havenwood Drive and Carige Boulevard must be constructed prior to commencement of the use of any dwelling within the site.
- 4.5 Any application for a Development Permit for Operational Works (access and parking works) must include all relevant intersection sight distance details in accordance with the approval plans (refer to condition 2.1) and *Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
- 4.6 Access, parking and associated vehicle manoeuvring areas must be sealed, with turning templates for all required service vehicles provided as part of the application for operational works.
- 4.7 All ingress and egress movements to and from the development must be in a forward direction.
- 4.8 The internal access must be of a suitable width to enable fire services to access water safely, effectively and efficiently.
- 4.9 A minimum of one (1) covered parking space per dwelling and one (1) visitor space per four (4) dwelling must be provided.
- 4.10 Universal access spaces must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 4.11 Stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and drained to a lawful point of discharge in accordance with *Queensland Urban Drainage Manual*.
- 4.12 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standards AS1742.1 "Manual of Uniform Traffic Control Devices"*.

5.0 SEWERAGE WORKS

- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 Any application for Development Permit for Operational Works (sewerage works) must include details of the proposed 375mm diameter sewer gravity main along western boundary of the site, in general in accordance with the approved plans (refer to condition 2.1). It must be designed to match with the proposed sewer mains at Taranganba Road to be constructed by Council (refer to Advisory Notes for details).
- 5.4 An easement of ten (10) metres wide for sewer purpose must be provided along the full western boundary of the site, from Taranganba Road at the north to the southern boundary adjoining to Lot 5006 on SP346289. The proposed 375mm diameter sewer gravity main along western boundary of the site must be within this easement. (Refer to Advisory Notes).
- 5.5 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.

6.0 WATER WORKS

- 6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 The development must be connected to Council's reticulated water network.
- 6.4 The development must be connected to suitably designed system for domestic and firefighting purposes at the issue of building approvals.
- 6.5 Fire hydrants must be installed internal to the site and must be:
- 6.5.1 maintained by the owner of the property; and
- 6.5.2 suitably identified.
- 6.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater including roof water and allotment runoff must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.

- 7.4 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 7.5 Any drainage easements dedicated over the major overland flow paths or major drainage system must be able to contain all earthworks, batters and include freeboard and access and maintenance provisions consistent with the Queensland Urban Drainage Manual.
- 7.6 All major drainage systems must be designed and constructed to cater for peak flow characteristics of the one percent (1%) Annual Exceedance Probability event consistent with the provisions of the Queensland Urban Drainage Manual.
- 7.7 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with Urban Stormwater Quality Planning Guidelines and State Planning Policy.
- 7.8 A culvert / cross drainage structure must be designed and constructed across the proposed internal road connecting to the roundabout with Havenwood Drive and Carige Boulevard to convey the upstream peak flows to downstream along the creek. The culvert / cross drainage structure must be designed to ensure safe trafficability during a one (1) percent Annual Exceedance Probability event with 20% blockage factor. The maximum flow depth over the culvert / cross drainage structure must be limited to 300mm (maximum). The maximum flow depth / velocity product must be limited to 0.45 m²/s, in accordance with *Queensland Urban Drainage Manual*.
- 7.9 A stormwater channel must be properly designed and constructed along the western boundary of the lot, to discharge the stormwater from west of the lot to the waterway at the north of the lot.
- 7.10 Any application for Operational works (stormwater works) must include an updated Stormwater Management Plan (Quantity and Quality), starting from the approved Flood Study (refer to Condition 2.1), with the following information:
- (i) identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the above mentioned catchment details and lawful point(s) of discharge that comply with the requirements of the Queensland Urban Drainage Manual;
 - (ii) an assessment of the peak discharges for a range of design rainfall events up to and including the one in one-hundred-year rainfall event (100 year Average Recurrence Interval) for a range of storm durations including critical storm duration, for the pre-development and post-development scenarios;
 - (iii) details of any proposed on-site detention / retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
 - (iv) identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
 - (v) demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual and the Capricorn Municipal Development Guidelines;
 - (vi) identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
 - (vii) identification of all areas of the proposed development, and all other land (which may include land not under the control of the developer), which needs to be

dedicated to, or encumbered in favour of Council or another statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the Queensland Urban Drainage Manual. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the Queensland Urban Drainage Manual; and

- (viii) details of all calculations, assumptions and data files (where applicable).
- (ix) details of the proposed earthwork filling up the site, with proposed level of the fill.
- (x) Stormwater quality treatments with a MUSIC model demonstrating that the potential pollutants in stormwater runoff, discharged from the site are managed in accordance with *Urban Stormwater Quality Planning Guidelines* and State Planning Policy.
- (xi) Details to demonstrate vehicular, pedestrian amenity and safety criteria are met in accordance with Queensland Urban Drainage Manual; and
- (xii) Ongoing maintenance and management actions required with regard to detention and retention systems.

8.0 EARTHWORKS

- 8.1 A Development Permit for Operational Works (earthworks) must be obtained prior to the commencement of any site works.
- 8.2 Earthwork must be constructed such that they do not, at any time, in any way restrict, impair or change the nature flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 8.3 All earthwork must be undertaken to ensure that no nuisance results from an increased in:
 - (i) peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
 - (ii) downstream or upstream flood inundation levels; and
 - (iii) velocity profiles.
- 8.4 Any retaining structures one (1) metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional Engineer of Queensland or equally qualified person at design submission and certified on completion of construction for compliance with the design. (Refer to Advisory Notes)

9.0 PLUMBING AND DRAINAGE WORKS

- 9.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing or drainage works on the site.
- 9.2 All internal plumbing and sanitary drainage works must be in accordance with the approved plans (refer condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, regulated work under the *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 9.3 Each dwelling must be connected to Council's water and sewer networks.

10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 10.2 Building height must not exceed 8.5 metres above ground level.

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- 10.3 The dwellings must be designed, constructed and certified to satisfy the performance requirements for bushfire ignition risk under the *National Construction Code Building Code of Australia (Volume 2)*.
- 10.4 All roof and allotment drainage must be discharged lawfully.
- 11.0 LANDSCAPING WORKS
- 11.1 A Planting Plan and supporting documentation must be submitted for approval by Council prior to establishment of the landscaping or commencement of use. The landscaping works must be generally in accordance with the approved plans (refer condition 2.1) and must document the "Extent of Works" which includes, but is not limited to:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (iv) for vehicle parking areas, the planting of vegetation involves species that have clear trunks up to a height of two (2) metres or that have low ground covers less than one (1) metre in height; underground and overhead services;
 - (v) typical details of critical design elements (retaining walls, trees in car park areas, fences);
 - (vi) details of landscape structures including areas of deep planting; and
 - (vii) specification notes on mulching and soil preparation.
 - (viii) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ix) position and canopy spread of all trees and shrubs;
 - (x) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden; and
 - (xi) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 11.2 Dedicated pedestrian linkages through the proposed development must be provided in accordance with the approved plans (refer to condition 2.1).
- 11.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 11.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 11.5 Root barriers must be provided between proposed trees and relevant infrastructure.
- 11.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austrroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 11.7 Landscaping must be constructed and or established in line with staging, prior to the commencement of the use for that stage.
- 11.8 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 12.0 ELECTRICITY AND TELECOMMUNICATIONS

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12.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

13.0 ASSET MANAGEMENT

13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

13.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

13.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

14.0 VEGETATION MANAGEMENT

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

14.2 A plan indicating the staged clearing of the site must be provided with any application for a Development Permit for Operational Works (clearing works). Vegetation clearing must only occur in the stage being developed.

14.3 The Ross Creek waterway and riparian buffer corridor must be protected from construction and operational impacts and be contained within an Environmental Open Space lot to become public land under the management of Council.

14.4 Nature corridors or links must be maintained and where appropriate, rehabilitated and expanded to support wildlife movement, ecological functions.

14.5 Natural areas degraded as a result of development are rehabilitated by the proponent as near as is practicable to the naturally occurring local native plant species and ecological communities.

14.6 A detailed "Planting Plan" and supporting documentation must be prepared at Operational Works stage and is to include, but not limited to:

- (i) trees, shrubs and groundcovers to identified disturbed areas;
- (ii) position and canopy spread of all trees and shrubs;
- (iii) the extent and type of works inclusive of site preparation techniques;
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting. Endemic species must be incorporated;
- (v) a maintenance schedule including a weed management and replanting program.

15.0 ENVIRONMENTAL

15.1 Submit, as part of a Development Application for Operational Works, a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;

- (iii) acid sulphate soils;
- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;
- (vii) interim drainage plan during construction;
- (viii) construction programme including operating times;
- (ix) weed control;
- (x) emergency vehicle access;
- (xi) noise and dust suppression; and
- (xii) waste management.

Advice Note: Erosion and silt/sedimentation management within the EMP may also reference/duplicate the plans required by condition 15.3 to 15.4 of this development approval.

- 15.2 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 15.3 Submit, as part of a Development Application for Operational Works, a site-specific Erosion and Sediment Control Plan, which is certified by Certified Professional in Erosion and Sediment Control (CPESC) or suitably qualified Registered Professional Engineer of Queensland (RPEQ).
- 15.4 The Erosion and Sediment Control Plan must:
- 15.4.1 Be prepared in accordance with the local best practice engineering reference standards and guidelines identified in SC7.13.3.1. of the *Livingstone Planning Scheme 2018*.
 - 15.4.2 Demonstrate how the design objectives identified in Table 9.3.2.4.7. of the Development Works Code of the *Livingstone Planning Scheme 2018* in effect at the time of making a Development Application for Operational Work will be achieved.
- Advice Note:** High efficiency sediment basins are the most effective way to achieve this outcome. Regular sampling must be undertaken in accordance with a sampling program specified in the site specific EMP and evidence of water quality leaving the site must be provided to an authorised officer upon request.
- 15.4.3 Identify sampling locations and sampling frequency. The water quality of discharge flows must be measured at each concentrated discharge point from the site and achieve < 50mg/L total suspended solids (or 60ntu) and maintain pH in the range 6.5 to 8.5 at the point of discharge from the site.
 - 15.4.4 Identify staging stages of works in order to minimise the area of soil exposed at any one time. Soil disturbances must be staged into manageable sized areas to ensure adequate erosion and sediment control management and progressive stabilisation of disturbed surfaces.
 - 15.4.5 Set suitable hold points throughout the construction phase.
 - 15.4.6 Identify short and long-term (permanent) stabilisation of all exposed soils.
- 15.5 The EMP must be implemented and maintained on-site for the duration of the works and be available on site for inspection by Council Officers during those works.
- 15.6 A suitably qualified fauna spotter / catcher must be engaged to conduct a pre-

assessment of wildlife habitats and breeding places and provide a report to Council.

15.7 A suitably qualified fauna spotter / catcher must be engaged to be onsite during vegetation felling activities to ensure fauna and habitat management actions are taken as required. All clearing works must be halted if fauna is likely to be injured.

15.8 Documentation of the fauna and habitat management actions must be kept and provided to Council upon request.

16.0 OPERATING PROCEDURES

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

16.2 Each dwelling and any communal area(s) must be provided with a refuse container and container storage area that:

- (i) is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres;
- (ii) is large enough to accommodate at least one (1) standard issue sized rubbish bin per dwelling.

16.3 Outdoor lighting must be designed, installed and maintained in accordance with the parameters and requirements of the current version of the *Australian Standard AS4282 - Control of the obtrusive effects of outdoor lighting*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Environmental

The land subject to the above development application must be free of declared pest plants; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011*; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

- NOTE 5. It is advised that part of the subject site is mapped by the Department of Resources as containing Of Concern Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>
- NOTE 6. It is advised that part of the subject site is mapped by the Department of Environment and Science as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Science.
- NOTE 7. Water and Sewerage Services
- In accordance with the *Water Supply (Safety & Reliability) Act 2008*, it is an offence to interfere with a service provider's infrastructure. Livingstone Shire Council is the service provider and Infrastructure is the department responsible for water and sewerage services. Alterations to existing services consequential to necessary connections to existing sewerage and / or water infrastructure must be at the responsibility and cost of the Developer. Please contact Infrastructure for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.
- NOTE 8. Private Works
- Council can provide cost estimates for any water and sewerage connection works as requested.
- NOTE 9. Construction of Sewer Trunk Infrastructures by Council
- Council is currently undertaking design and construction of the following trunk sewer infrastructures:
1. Ross Creek 375mm gravity main, identified as SEW-65 in endorsed Local Government Infrastructure Plan 2018
 2. Tanby Road south 200mm rising main, identified as SEW-66 in endorsed Local Government Infrastructure Plan 2018
 3. Tanby Road sewer pump station, identified as SEW-86 in endorsed Local Government Infrastructure Plan 2018
- The applicant shall contact Council for any update of the design of these sewer infrastructures to ensure that the proposed 375mm sewer gravity main along western boundary can match with the proposed sewer gravity main to be constructed by Council.
- Based on the latest program of this project, the project is targeted to be completed by December 2025.
- NOTE 10. Easement for Future Sewer Mains SEW-122
- Council encourages the applicant to dedicate the 10m wide easement for sewer purpose in favour of Council along the western boundary of the lot as early as possible, prior to commencement of the use. The easement is dedicated for future sewer mains of SEW-122 as per endorsed Local Government Infrastructure Plan. The applicant could negotiate with Council for the process.
- NOTE 11. Ross Creek Treatment Facility, new, district, Item D-84 of Local Government Infrastructure Plan
- Ross Creek Treatment Facility being identified as D-84 in endorsed Local Government Infrastructure Plan (LGIP) is within the subject lot. Based on Council's latest strategic planning, this item is very likely to be removed from the next updating of LGIP. Council does not have any preliminary design or any other details related to this item either. To comply with State Planning Policy of stormwater quality, under any application of Development Permit of Operational

Works (stormwater), the applicant shall provide stormwater quality treatment plans with MUSIC models demonstrating

NOTE 12. Retaining Walls

In accordance with the definition of building works and operational works under *Schedule 2 of Planning Act 2016*, a retaining wall not associated with Reconfiguring a Lot is considered as building works, and excluded as operational works. In accordance with *Section 5(1)(c) of Building Act 1975*, a retaining wall is considered as building works. A Building Permit is required for a retaining wall not associated with Reconfiguring a Lot, whilst Operational Works Permit is not required for this scenario.

NOTE 13. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT the committee recommends to Council that in relation to the application for a Development Permit for a Material Change of Use for a Relocatable home park (286 dwelling sites), made by Keppel Developments Pty Ltd, on Lot 6000 on SP329791, and located at Lot 6000 Carige Boulevard, Taroomball, Council resolves to issue an Infrastructure Charges Notice.

Moved by: Councillor Friend

Seconded by: Mayor, Councillor Belot

MOTION CARRIED

Crs A Belot, P Eastwood, A Friend, G Mather, W Rothery and L Warcon voted in the affirmative.

Cr R Watson voted in the negative.

Unconfil

11.3 REQUEST FOR VIEWS - APPLICATION FOR CONVERSION OF TERM LEASE 0/221561 OVER LOT 120 LN174, NERIMBERA SCHOOL ROAD, NERIMBERA TO FREEHOLD

File No: fA43943

Attachments:

1. Email from Department of Resources
2. Aerial
3. Current Title Search
4. Growth Management Memo

Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities

Author: Christine Macdonald - Principal Property Officer
Alison Morris - Property Officer

SUMMARY

The purpose of this report is to provide information in relation to an application received by the Department of Resources for conversion of Term Lease 0/221561 over Lot 120 LN174, located at Lot 120 Nerimbera School Road, Nerimbera, to freehold.

COMMITTEE RECOMMENDATION

THAT the committee recommends to Council to advise the Department of Resources that it objects to the conversion of Term Lease 0/221561 over Lot 120 LN174, located at Lot 120 Nerimbera School Road, Nerimbera to freehold for the following reasons:-

- (a) The current term lease condition G61 states the lessee of Term Lease 0/221561 is not allowed to make an application for conversion in terms of the *Land Act 1994*;
- (b) the land contains significant environmental values, mapped within Council's Planning Scheme and by the State Government, being core habitat area for the endangered, locally endemic Marlborough Blue Cycad (*Cycas ophiolitica*), the land also provides significant wildlife habitat and protection of the upper catchment of Blacks Creek; healthy habitats and biodiversity play a role in supporting healthy, active communities now and in the future;
- (c) the conversion to freehold will provide the landowner with opportunities to conduct clearing through available exemptions and accepted development codes that would weaken the level of protection of the vegetation and wildlife habitat; and
- (d) the existing lease conditions strongly outline the intent for the site is for a quarry buffer zone to minimise potential impacts between quarry operations and adjoining sensitive land use. This is an appropriate use of Lot 120 on LN174 and this use should remain unchanged into the future.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

3:06PM – Mayor, Councillor Belot left the meeting

11.4 FOUR PAWS - DESEXING AND MICROCHIPPING

File No: TBA
Attachments: Nil
Responsible Officer: Greg Abbotts - Manager Development and Environment
Chris Ireland - General Manager Communities
Author: Nat Druery - Coordinator Public Environments

SUMMARY

This report is for the briefing of Councillors prior to the matter being dealt with operationally.

COMMITTEE RECOMMENDATION

THAT the committee recommends to Council that it receive the report and its contents be noted.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED

Crs P Eastwood, A Friend, G Mather, W Rothery, L Warcon and R Watson voted in the affirmative.

Mayor Belot not present for vote.

3:11PM – Mayor Councillor Belot returned to the meeting

11.5 REEF GUARDIAN COUNCILS PROGRAM

File No: EM11.12.03

Attachments:

1. Memorandum of Understanding with Reef Authority
2. Reef Guardian Councils Terms of Reference 2024-2028
3. Reef Guardian Council Program Information Sheet
4. Reef Guardian Council Roles nomination form

Responsible Officer: Greg Abbotts - Manager Development and Environment
Chris Ireland - General Manager Communities

Author: Leise Childs - Coordinator Natural Resource Management

SUMMARY

A Deputation from the Great Barrier Reef Marine Park Authority (GBRMPA) was received on 7 May 2024. Livingstone Shire Council has been invited to reaffirm participation in the Reef Guardian Councils Program.

COMMITTEE RECOMMENDATION

THAT the committee recommends to Council that:

- 1 - It enter a Memorandum Of Understanding with the Great Barrier Reef Marine Park Authority and authorise the CEO to co-sign the MOU for the term 2024 to 2028; and
- 2 - Endorse the nomination of Reef Guardian representatives to participate in the Executive Committee and Reef Guardian Council's Working Group.

Moved by: Mayor, Councillor Belot

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

11.6 ACTIONS IDENTIFIED IN THE LIVINGSTONE REEF GUARDIAN ACTION PLAN

File No: EM11.12.10
Attachments: 1. Reef Guardian Action Plan 2023-2026
Responsible Officer: Chris Ireland - General Manager Communities
Greg Abbotts - Manager Development and Environment
Author: Leise Childs - Coordinator Natural Resource Management

SUMMARY

This report discusses the actions identified in the Livingstone Reef Guardian action plan completed

COMMITTEE RECOMMENDATION

THAT the committee recommends to Council that the report be received and its contents noted.

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

DEVELOPMENT & ENVIRONMENT COMMITTEE MEETING MINUTES

4 JUNE 2024

11.1 DEVELOPMENT APPLICATION D-400-2023 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) AT 72 HOWES ROAD, FARNBOROUGH

File No: D-400-2023

Attachments:

1. Locality Plan
2. Proposal Plan

Responsible Officer: Chris Ireland - General Manager Communities
Brendan Standen - Acting Coordinator Development Assessment
Greg Abbotts - Manager Development and Environment

Author: Rachael Halson - Support Services Officer
Tammy Wardrop - Principal Planning Officer

SUMMARY

Applicant: T and M Bredhauer

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 53 on SP289442 Area of Site: 14.18 hectares

Planning Scheme: Livingstone Planning Scheme 2018 (Version 3.0)

Planning Scheme Zone: Rural

Planning Scheme Precinct: Capricorn Coast Rural Precinct

Planning Scheme Overlays: OM02 Agricultural Land Class
OM07 Biodiversity overlay – Habitat and Vegetation
OM12 Bushfire Hazard Area
OM21 Scenic Amenity
OM27 Height Limits

Existing Development: Dwelling house

Level of Assessment: Impact Assessable

Submissions: One (1) Submission received

Referral matters:

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

Application received:	5 December 2023
Application properly made:	7 December 2023
Development control unit meeting:	13 December 2023
Confirmation notice issued:	13 December 2023
Information request issued:	4 January 2024
Information request response received:	16 April 2024
Public notification period:	22 April 2024 to 17 May 2024
Standing Committee meeting date:	4 June 2024

DEVELOPMENT & ENVIRONMENT COMMITTEE MEETING MINUTES

4 JUNE 2024

Council meeting date:	18 June 2024

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.13 of Livingstone Shire Council's Meeting Procedures Policy the matter be lifted from the table to be dealt with

Moved by: Deputy Mayor, Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATION

THAT, notwithstanding the officer recommendation, Council approves the DA for the following reasons:

- (i) The development **complies** with the relevant outcomes of the Development Works Code with regards to the provision of on-site services and infrastructure.
- (ii) The development **complies** with the relevant acceptable outcomes and performance outcomes of the Biodiversity Overlay Code given the areas of environmental significance over the site are able to be retained within a single lot (Lot 53). The proposed common boundary does not impact areas of biodiversity mapping, the proposal does not require any clearing of native vegetation to be undertaken and the existing internal access for Lot 53 is suitably designed in accordance with its proximity to a mapped waterway.
- (i) The development **complies** with the Scenic Amenity Overlay Code as although Proposed Lot 1 does not achieve the minimum lot size of 10 hectares for the Capricorn Coast Rural Precinct, the development does not result in fragmentation of the identified scenic landscape, given that the proposed common lot boundary is outside of Scenic Amenity Area A.
- (i) The development **does not compromise** the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.
- (ii) The development **does not compromise** the achievement of regional outcomes outlined in the Central Queensland Regional Plan.

Moved by: Councillor Warcon

Seconded by: Councillor Rothery

MOTION CARRIED

Crs A Belot, P Eastwood, A Friend, G Mather, W Rothery and L Warcon voted in the affirmative.

Cr R Watson voted in the negative.

In accordance with s254H of the *Local Government Regulation 2012*, the Chief Executive Officer records that the reasons for not adopting the officer recommendations (refer pg. 5) are those shown above.

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 URGENT BUSINESS\QUESTIONS

Unconfirmed Minutes

14 CLOSED SESSION

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

COMMITTEE RESOLUTION

3:20PM

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 D-44-2023 - Update on Appeal with Planning and Environmental Court - Reconfiguring a Lot (one lot into twenty-eight (28) lots) at 189 Norpine Road, Bungundarra

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.

15.2 6 Monthly Update on Key Development Applications

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.

15.3 Options concerning progression of Homemaker Stage 2 and future consolidation of Council offices

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

15.4 Taroomball and Hidden Valley Draft Options Analysis

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

Moved by: Councillor Mather

Seconded by: Deputy Mayor, Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

DEVELOPMENT & ENVIRONMENT COMMITTEE MEETING MINUTES

4 JUNE 2024

COMMITTEE RESOLUTION

4:54PM

THAT the meeting moves out of closed session and be opened to the public.

Moved by: Councillor Mather

Seconded by: Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

Unconfirmed Minutes

15 CONFIDENTIAL REPORTS

15.1 D-44-2023 - UPDATE ON APPEAL WITH PLANNING AND ENVIRONMENTAL COURT - RECONFIGURING A LOT (ONE LOT INTO TWENTY-EIGHT (28) LOTS) AT 189 NORPINE ROAD, BUNGUNDARRA

File No: D-44-2023

Attachments:

1. Attachment A - Decision Notice (Refusal)
2. Attachment B - Email dated 14 February 2024
3. Attachment C - Reconfiguration Plan

Responsible Officer: Greg Abbotts - Manager Development and Environment
Chris Ireland - General Manager Communities

Author: Aleena Suosaari - Support Services Officer
Brendan Standen - Acting Coordinator Development Assessment

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

On 21 November 2023, Council at its Ordinary Meeting, decided to Refuse development application D-44-2023 for a Development Permit for Reconfiguring a Lot (One lot into twenty-eight (28) lots) at L 46 Norpine Road, Bungundarra (Lot 46 on RP887949). The officer recommendation was for Approval, subject to conditions. The refusal was based on three (3) grounds all relating to the provisioning of water for the development.

The Decision Notice Refusal was subsequently appealed by the Applicant through the Planning and Environment Court. As part of the Court ordered mediation and through without prejudice meetings, Council officers and the Applicant met on several occasions to seek to resolve the matter outside of a trial. Council officers also met with the elected members on 15 February 2024 to gauge their position and appetite to do so.

Council officers then worked to clarify the issues around the provisioning of water for the development, along with other matters raised by the Applicant during the appeal process. Council officers have drafted conditions of approval that achieve compliance with the requirements of the Livingstone Planning Scheme 2018 (Version 3) with respect to water provisioning.

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT the committee recommends that in relation to the application for a Development Permit for Reconfiguring a Lot (One lot into Twenty-eight (28) lots), made by Norpine Developments Pty Ltd, on Lot 46 on RP887949 and located at Lot 46 Norpine Road, Bungundarra, Refused by Council on 21 November 2023 and subsequently appealed by the Applicant, Council resolve to settle the appeal for the following reasons:

- (i) The proposed development generally complies with the Strategic Framework under the *Livingstone Planning Scheme 2018, Version 3*. The proposal has been justified to comply with Specific Outcomes SO3 and SO5 of the Settlement pattern theme for rural places. The development seeks to utilise the rural nature of the site and surrounding sites as a feature and will not limit or compromise the agricultural capacity of the

DEVELOPMENT & ENVIRONMENT COMMITTEE CONFIDENTIAL MEETING MINUTES 4 JUNE 2024

surrounding land for primary production through existing operations and buffers to boundaries. It is further noted that the proposal is considered consistent with surrounding lot sizes and character of the surrounding area on Norpine Road.

- (ii) The proposed development has been justified to comply with Specific Outcomes SO2 and SO5 of the Natural environment and hazards theme for Natural hazards and climate change as the use will be conditioned to be carried out in accordance with the Bushfire Hazard Assessment and the ecological assessment report.
- (iii) The proposal is considered to comply with the Reconfiguring a Lot Code for lot size under the Rural Zone. The site requires a minimum lot size of 10 hectares under the Rural Zone – Capricorn Coast Rural Precinct. The proposal has been assessed against Performance Outcome (PO11) of the Code and considered to comply with lot size on the following basis outlined below:
 - a. the development would be integrated with the surrounding character of lots within this Zone and Precinct and will not limit existing rural activities and will not compromise future rural activities establishing on the surrounding land;
 - b. The proposed development includes lots with area between 2.006 hectares to 6.81 hectares, and there is evidence of further smaller lots under the 10 hectares surrounding the site on Norpine Road;
 - c. The surrounding area has a mix of smaller and larger lots some lots connected to water infrastructure and others have onsite water supply. It is considered that the smaller lots of the development (Proposed Lots 1, 18 and 2-17) are supported for lot size based on this part of the development achieving connection to reticulated water supply; and
 - d. The remaining lots are larger and can be accommodated with onsite water supply that is also consistent with surrounding lot sizes.
- (iv) The subject site identified within the mapping for local biodiversity corridor (habitats and vegetation) and wetland and waterways. An ecological assessment report has been provided in support of addressing the Biodiversity Overlay Code. The proposal is considered to overall demonstrate compliance with the code while providing a vegetation retention, rehabilitation, vegetation buffer in this area by providing an environmental covenant where required.
- (v) The site is mapped within the Very high Potential Bushfire Intensity, High Potential Bushfire Intensity, Medium Potential Bushfire Intensity and Potential Impact Buffer. A bushfire management plan has been for the whole subject site to address the Bushfire hazard overlay code. All future buildings must be constructed in accordance with the *Australian Standard AS3959 "Construction of Buildings in Bushfire-Prone Areas"* and the Bushfire Resilient Building Guidance for Queensland Homes guideline and the approved Bushfire Management Plan. Therefore, the risk to life, property, community, economic activity and the environment is considered to be a tolerable level of risk to not require further assessment against the bushfire hazard overlay code.
- (vi) The development either complies with, or has been conditioned to comply with, the relevant Performance Outcomes and Acceptable Outcomes of the Rural zone code, Bushfire hazard overlay code, Biodiversity overlay code, Reconfiguring a Lot Code, Accommodation activities code, General development code and Development works code.
- (vii) The development does not compromise the achievement of the *State Planning Policy 2017*.
- (viii) On balance, the application should be approved because the development has been justified against the strategic framework and can be conditioned to comply with the assessment benchmarks.

DEVELOPMENT & ENVIRONMENT COMMITTEE CONFIDENTIAL MEETING MINUTES 4 JUNE 2024

RECOMMENDATION B

THAT the committee recommends in relation to the application for a Development Permit for Reconfiguring a Lot (One lot into Twenty-eight (28) lots), made by Norpine Developments Pty Ltd, on Lot 46 on RP887949, and located at Lot 46 Norpine Road, Bungundarra, Refused by Council on 21 November 2023 and subsequently appealed by the Applicant, Council resolve to settle the appeal subject to the following conditions:

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed and accompanied by a certificate of compliance for any Operational Works required by this development approval:
 - 1.4.1 to Council's satisfaction;
 - 1.4.2 at no cost to Council; and
 - 1.4.3 Prior to issue of a Survey Plan Approval Certificate unless otherwise stated.
- 1.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Vegetation Clearing;
 - (iii) Water Works; and
 - (iv) Stormwater Works.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 should be read as being non-trunk infrastructure conditioned under *section 145 of the Planning Act 2016*, unless otherwise stated.

APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Revision</u>	<u>Dated</u>

DEVELOPMENT & ENVIRONMENT COMMITTEE CONFIDENTIAL MEETING MINUTES 4 JUNE 2024

Reconfiguration Plan 1 Lot into 28 Lots + New Road (with Nearmap underlay)	8866-01-ROL	D	15 February 2024
Bushfire Hazard Assessment and Management Plan*	PR23101_BHAMP_Norpine Road	A	10 June 2023
Ecological Assessment Report	PR23101_Norpine Road, Bungundarra	A	1 June 2023
Reconfiguration Plan 1 Lot into 28 Lots + New Road (with Nearmap Underlay) amended in blue* *relates to condition 8.1 'Annotated Biodiversity Overlay Site Plan'	8866-01-ROL	D	15 February 2024

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

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

3.0 STAGED DEVELOPMENT

3.1 This approval is for a development to be undertaken in six (6) discrete stages, namely:

3.1.1 Stage 1 – Lot 1 and Lot 18;

3.1.2 Stage 2 – Lot 2 to Lot 6, and Lot 15 to Lot 17;

3.1.3 Stage 3 – Lot 7 to Lot 14;

3.1.4 Stage 4 – Lot 27 to Lot 28;

3.1.5 Stage 5 – Lot 19 and Lot 25 to Lot 26;

3.1.6 Stage 6 – Lot 20 to Lot 24.

In accordance with the approved plan (refer to condition 2.1).

3.2 Stages 1, 2 and 3 must be undertaken concurrently or in chronological order. Stages 4, 5 and 6 must be undertaken concurrently or in chronological order. Stages 4-6 may be undertaken prior to stages 1-3.

3.3 The delivery of infrastructure (road works, water works and stormwater works) required by this development approval must occur in a logical and sequential manner in line with the approved staging.

3.4 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS

4.1 A Development Permit for Operational Works (Road Works) must be obtained prior to the commencement of any road works associated with the development.

DEVELOPMENT & ENVIRONMENT COMMITTEE CONFIDENTIAL MEETING MINUTES 4 JUNE 2024

- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (Road Works), unless otherwise stated.
- 4.3 Any application for a Development Permit for Operational Works (Road Works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) within and road reserve(s) at the time of making the application.
- 4.4 All new roads shown on the approved plans (refer to condition 2.1), must comply with all requirements for road classification of “*Rural Minor Collector*” in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 4.5 All new *cul-de-sac* roads shown on the approved plans (refer to condition 2.1) must comply with all requirements in accordance with *Capricorn Municipal Development Guidelines*. The design and construction of all terminating roads must include a permanent turning area which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for a Council refuse collection vehicle.
- 4.6 Upgrade the segment of Norpine Road, from the intersection of Woodbury Road to the western end of the current road reserve, to a “*Rural Minor Collector*” standard, in accordance with the *Capricorn Municipal Development Guidelines*.
- 4.7 Where it is not feasible to provide an eight (8) metre wide pavement width at crossroad drainage structure locations, the seal width must be upgraded as close to the standard of a *Rural Minor Collector Road* in accordance with the *Capricorn Municipal Development Guideline*.
- 4.8 Where road upgrade works are outside of the 3.0 metre running lanes, the embankment and shoulder widenings are to be established using a heavy formation grade and placement of makeup gravel, with an approved bitumen seal. Only the widening for existing sealed segment of Norpine Road is to be sealed.
Advice Note: *The existing sealed section of Norpine Road is not required to be resealed.*
- 4.9 Where required, following assessment in line with *Austroads Guide to Road Design AGRD06 Roadside Design, Safety and Barriers*, and where the Network Roadside Risk Intervention Threshold is lower than the evaluated risk of any section of the existing road, safety measures, endorsed by a Registered Professional Engineer of Queensland with relevant experience, must be provided as part of a development application for Operational Works (Road Works)
- 4.10 The intersection of the new road shown on the approved plans (refer to condition 2.1) and Norpine Road must be designed and constructed in accordance with the requirements of the *Capricorn Municipal Development Guidelines*, *Austroad Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* and *Department of Transport and Main Road's Supplement to Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*. This intersection must be designed to comply with sight distance requirements in accordance with *Section 3 of Austroad Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
- 4.11 Traffic signs and pavement markings must be provided in accordance with the *Australian Standards AS 1742.1:2021 – Manual of Uniform Traffic Control Devices*.
- 4.12 Any application for a Development Permit for Operational Works (Road Works) must include details of the Council approved road names for all new roads.
- 4.13 All new roads shown on the approved plans (refer to condition 2.1), must be designed to demonstrate compliance to relevant requirements of flood immunity in accordance with *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual*.

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5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (Water Works) must be obtained prior to the commencement of any water works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines (CMDG)*, *Water Supply (Safety and Reliability) Act*, the *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 5.3 The Developer must provide a booster pump on the Woodbury Heights reservoir inlet line to allow for automatic filling of the reservoir. This booster is to be fully integrated with Livingstone Shire Council's SCADA system with a minimum flow rate of 10 l/s.
- 5.4 Provide an updated Water Network Analysis, as part of a Development Application for Operational Works (Water Works), demonstrating the appropriate booster pump sizing for reticulated water network. The Analysis is to ensure that the entirety of the system meets the minimum service standards in accordance with the *Capricorn Municipal Development Guidelines*.
- 5.5 Connect lots 1 – 18 with reticulated water supply. No reticulated water supply is permitted for Lots 19 – 28.
- 5.6 Install tank(s) that provide a minimum capacity of 25,000 litres of water, for domestic water supply, for lots 1 – 18 at the time of the first material change of use on those lots.

Advice Note: Tanks are required for lots 1 – 18 for back-up supply in case supply from the reticulated system is temporarily interrupted in cases of an emergency or otherwise.

Advice Note: In accordance with the requirements of the Planning Scheme, material change of use for a dwelling house on lots 19 – 28 will be required to provide a minimum of 50,000 litres of potable water for domestic purposes, and to the extent is affected by OM12 Bushfire Hazard Area, a minimum of 25,000 litres for firefighting purposes.

- 5.7 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.2 On-site sewage treatment and disposal must be in accordance with the *Plumbing and Drainage Act*, *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (Stormwater Works) must be obtained prior to the commencement of any stormwater works on the site.
- 7.2 Any application for Development Permit for Operational Works (Stormwater Works) must demonstrate that any future building will not be impacted by the one (1) per cent Annual Exceedance Probability flood event.

Note: It must be demonstrated that suitable area is provided within each lot, with freeboard details.

- 7.3 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.

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7.4 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

7.5 Any new culvert structure associated with the development must be designed and constructed to ensure safe trafficability during the Defined Flood Event in accordance with *Capricorn Municipal Development Guidelines* and *Queensland Urban Drainage Manual*.

8.0 FENCING

8.1 Where fencing (boundary fencing or otherwise) is constructed along the drainage lines identified in the approved Annotated Biodiversity Overlay Site Plan (refer to condition 2.1) within lots 19, 25, 26, 27 and 28, it must be fauna friendly fencing to maintain wildlife connectivity and wildlife movement.

Advice Note: *This condition does not apply to fencing existing at the time of the decision notice approval.*

9.0 REHABILITATION

9.1 Prior to submission of the first Development Application for Operational Work, submit to and have approved by Council, a Rehabilitation and Planting Plan to undertake habitat restoration works within the three (3) drainage lines that are also within lots 19, 25, 26, 27 and 28 (refer to condition 2.1). The Rehabilitation and Planting Plan must include:

9.1.1 Establishment of a riparian zone buffer of at least ten (10) metres on either side of the watercourses through supplementary planting with local native species; and

9.1.2 Identify the location, type, and maintenance of any fauna friendly fences in all areas that bound Matters of Local Environmental Significance.

9.2 Implement the endorsed Rehabilitation and Planting Plan in perpetuity with the land following the creation of the component lot affected by condition 9.1.

Advice Note: *Implementation of the Rehabilitation and Planting Plan would be the responsibility of landowner at the time of Survey Plan and endorsement for the component lot, until such time the Applicant ceases to be the registered owner. The responsibility then falls on subsequent landowners.*

10.1 BUSHFIRE HAZARD

10.1 Prior to submission of the first development application for Operational Work, provide an updated Bushfire Hazard Assessment and Management Plan that:

- (a) Reflects the most recent subdivision layout;
- (b) Reflects lots 1 – 18 being connected to the reticulated water network;
- (c) Reflects lots 19 – 28 relying on on-site water supply;
- (d) Identifies fire management trails within the covenant areas required by condition 11.0;
- (e) Identifies periodic burn-offs within the covenant area that reflect the burn-off requirements identified for the relevant regional ecosystem.

Advice Note: *The only clearing permitted within the covenant areas will be that identified in the approved Bushfire Hazard Assessment and Management Plan.*

Advice Note: *In accordance with Table 5.9.4 of the Planning Scheme, as the Bushfire Hazard Assessment and Management Plan does not nominate Building Location Envelopes, Material Change of Use for Dwelling house in areas mapped as being affected by OM12 Bushfire Hazard Area are categorised as Assessable development.*

DEVELOPMENT & ENVIRONMENT COMMITTEE CONFIDENTIAL MEETING MINUTES 4 JUNE 2024

10.2 Adequate drainage and erosion control devices are required on any access routes and fire management trails to prevent erosion and sedimentation impacts to matters of environmental significance and areas identified as scenic amenity, erosion prone or steep land.

11.0 ENVIRONMENTAL COVENANT

11.1 Enter into an environmental covenant, pursuant to Section 97A of the Land Title Act 1994, over all mapped MLES within lots 23, 24 and 28. The terms of the covenant must include but not be limited to:

11.1.1 the area is protected as a vegetated flora habitat and all native vegetation must be retained; and

11.1.2 there is to be no artificial interference or disturbance of the habitat, except for:

(i) Where approval is sought and given by Council to remove hazards to safety of persons outside of the habitat or remove weeds and revegetate with local native species under an approved plan;

(ii) Fire management trails as allowed for within the amended Bushfire Hazard Assessment and Management Plan (refer to condition 10.1).

(iii) Periodic burn-offs in line with an updated Bushfire Hazard Assessment and Management Plan.

12.0 VEGETATION CLEARING

12.1 A Development Permit for Operational Works (Clearing Works) must be obtained prior to the commencement of any clearing works within the Biodiversity Overlay on the site.

12.2 A plan indicating the staged clearing of the site must be provided with any application for a Development Permit for Operational Works (Clearing of vegetation must only occur in the stage being developed).

12.3 Erosion and sediment control measures are to be implemented in line with the Erosion and Sediment Control Plan.

12.4 Construction activities will be restricted to daylight hours to minimise noise, dust and light impacts.

13.0 ELECTRICITY AND TELECOMMUNICATIONS

13.1 Lots must be provided with connection to telecommunications infrastructure as follows:

13.1.1 Reticulated telecommunications infrastructure that is provided in accordance with the requirements of the relevant telecommunications supply authority; or

13.1.1 It be demonstrated they can be provided with on-site telecommunications equipment sufficient to enable contact to emergency services providers in normal circumstances.

13.2 Lots must be provided with connection to electricity infrastructure as follows:

13.2.1 Reticulated grid electricity supply that is provided in accordance with the requirements of the relevant energy supply authority; or

13.2.1 It be demonstrated lots can be provided with on-site energy supply installed in accordance with all laws and regulations and current best practice.

14.0 ASSET MANAGEMENT

DEVELOPMENT & ENVIRONMENT COMMITTEE CONFIDENTIAL MEETING MINUTES 4 JUNE 2024

- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 14.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 15.0 OPERATING PROCEDURES
- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Norpine Road and Daly Creek Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Safety Of Public During Construction

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

NOTE 3. Limitations of Reticulated Water Supply

Due to the limited capacity of the Woodbury Heights Reservoir, Council is unable to support any further reticulated water network development associated to this reservoir, other than the works being conditioned under this application. Any further reticulated water network development associated with the Woodbury Heights Reservoir could only be considered after the capacity of this reservoir is upgraded. Lots 1 to 18 must have a back up supply in the form of water tanks in case supply from the reticulated system is temporarily interrupted in cases of an emergency or otherwise

Environmental

NOTE 4. The land subject to the above development application must be free of declared pest plants; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011*; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

NOTE 5. It is advised that part of the subject site is mapped by the Department of Resources as containing Least Concern Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of

DEVELOPMENT & ENVIRONMENT COMMITTEE CONFIDENTIAL MEETING MINUTES 4 JUNE 2024

vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>

NOTE 6. It is advised that part of the subject site is mapped by the Department of Environment and Science as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Science.

NOTE 7. It is advised that part of the subject site is mapped under the planning scheme as a matter of local environment significance and any future clearing in this area may require a development permit for Operational Works.

NOTE 8. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 9. Licensable Activities

Should an activity licensable by Livingstone Shire Council be proposed for the premises, Council's Environmental Health Unit must be consulted to determine whether any approvals are required. Such activities may include food business licensing or devolved Environmental Relevant Activity. Approval for such activities is required before 'fit out' and operation.

NOTE 10. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT the committee recommends in relation to the application for a Development Permit for Reconfiguring a Lot (One lot into Twenty-eight (28) lots) only, made by Norpine Developments Pty Ltd, on Lot 46 on RP887949, and located at Lot 46 Norpine Road, Bungundarra, Refused by Council on 21 November 2023 and subsequently appealed, Council resolves to settle the appeal and issue an Infrastructure Charges Notice for the amount of **\$654,000.00**, and that the recommendation be forwarded to the Ordinary Council Meeting on 18 June 2024 for resolution.

Moved by: Councillor Mather

Seconded by: Mayor, Councillor Belot

MOTION CARRIED

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

Crs A Friend and W Rothery voted in the negative.

DEVELOPMENT & ENVIRONMENT COMMITTEE CONFIDENTIAL MEETING MINUTES 4 JUNE 2024

15.2 6 MONTHLY UPDATE ON KEY DEVELOPMENT APPLICATIONS

File No: TBA

Attachments: Nil

Responsible Officer: Chris Ireland - General Manager Communities

Author: Greg Abbotts - Manager Development and Environment

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

This report and presentation provides an update on key development applications.

COMMITTEE RECOMMENDATION

THAT the committee recommends to Council that the report be received and its contents noted.

Moved by: Councillor Friend

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

Crs A Belot, P Eastwood, A Friend, G Mather, W Rothery, L Warcon and R Watson voted in the affirmative.

Cr Rhodes Watson declared an interest in items D-276-2019 and D-207-2022 and, although no decision was to be taken, voluntarily left the meeting during discussion of each of these matters.

Cr Glenda Mather declared an interest in item D-91-2023 and, although no decision was to be taken, voluntarily left the meeting during discussion of this item.

DEVELOPMENT & ENVIRONMENT COMMITTEE CONFIDENTIAL MEETING MINUTES 4 JUNE 2024

15.3 OPTIONS CONCERNING PROGRESSION OF HOMEMAKER STAGE 2 AND FUTURE CONSOLIDATION OF COUNCIL OFFICES

File No: ED8.5.22
Attachments: Nil
Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities
Author: Russell Claus - Urban Strategist
Previous Items: 15.1 - Stage Two - Capricorn Coast Homemaker Centre - Ordinary Council - 16 Nov 2021 9.00am
9.1 - Capricorn Coast Homemaker Centre - Stage Two Commercialisation - Briefing Session - 05 Apr 2022 9.00am
11.9 - Feasibility investigations - New Depot & Capricorn Coast Homemaker Stage 2 - Ordinary Council - 24 Oct 2023 9.00am

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

SUMMARY

This report discusses options regarding Council property considerations.

Consider sequencing and decision-making actions required to facilitate development of Homemaker Stage 2 and to consolidate Council accommodation into a single location.

COMMITTEE RECOMMENDATION

THAT the committee recommends that the options report regarding progression of Homemaker Stage 2 and future consolidation of Council offices is received.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED

Crs P Eastwood, A Friend, G Mather, W Rothery, L Warcon and R Watson voted in the affirmative.

Cr A Belot voted in the negative.

DEVELOPMENT & ENVIRONMENT COMMITTEE CONFIDENTIAL MEETING MINUTES 4 JUNE 2024

15.4 TAROOMBALL AND HIDDEN VALLEY DRAFT OPTIONS ANALYSIS

File No: qA25479

Attachments:

1. Project area and planning scheme zones
2. Project area and strategic framework
3. Project area and sites with specific considerations

Responsible Officer: Greg Abbotts - Manager Development and Environment
Chris Ireland - General Manager Communities

Author: Melissa Warwick - Principal Strategic Planner

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

SUMMARY

This report is for the briefing of Councillors prior to consideration of the matter at a future Council meeting.

COMMITTEE RECOMMENDATION

THAT the committee recommends to Council that:

- 1 - the report be received and contents noted; and
- 2 – and a workshop is convened with Councillors on 16 July 2024 to present and discuss the options analysis recommendations.

Moved by: Councillor Warcon

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

16 CLOSURE OF MEETING

There being no further business the meeting closed at 5:03 pm.

CR PAT EASTWOOD
CHAIRPERSON

4 June 2024

Unconfirmed Minutes

12 REPORTS

12.1 RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT

File No: GV13.04

Attachments:

1. Cooee Bay Precinct concept master plan [↓](#)
2. Revised Daniel Park Concept 2018 [↓](#)
3. Cooee Bay Sports Complex 2017 [↓](#)
4. Cooee Bay Draft Infrastructure Masterplan 2024 [↓](#)
5. Council Report September 2018 [↓](#)
6. Revised Daniel Park Concept Plan 2024 [↓](#)
7. Community Engagement Feedback 2018 [↓](#)

Responsible Officer: Chris Ireland - General Manager Communities

Author: Molly Saunders - Manager Community and Cultural Services
Sonia Tomkinson - Manager Economy and Places
Russell Claus - Urban Strategist

Previous Items: 10.1 - Notice of Motion - Mayor Ireland - Cooee Bay Master Plan Upgrade - Ordinary Council - 24 Oct 2023 9.00am
10.12 - Notice of Motion - Councillor Belot - Daniel Park Master Plan - Ordinary Council - 21 Nov 2023 9.00am
7.9 - Response to Notice of Motion - Cooee Bay Master Plan Engagement - Briefing Session - 07 May 2024 9.00am

SUMMARY

This report closes out the required response to successive Notices of Motion in October and November 2023 regarding community engagement on development of Daniel Park.

OFFICER'S RECOMMENDATION

THAT Council notes the recommendations of the Infrastructure Committee on 4 June 2024 regarding infrastructure planning for Cooee Bay (including Daniel Park) and, therefore, resolves to take no further action in relation to this report which was laid on the table at Ordinary Meeting of 20 May 2024.

BACKGROUND

Daniel Park was referenced in a Notice of Motion to Council on 24 October 2023 and a subsequent Notice of Motion was raised regarding Cooee Bay Masterplan engagement on 21 November 2023.

Responses to these resolutions were presented to Ordinary Meeting on 20 May 2024 where the minutes note the following:

OFFICER'S RECOMMENDATION

THAT Council:

- (1) commits \$50,000.00 in the 2024/2025 operational budget to consolidate and update the existing Cooee Bay concept plans, including best practice design principles, cost estimates and cost benefit option analysis with a focus on Daniel Park and Sporting Complex upgrade and connectivity;

(2) notes that \$1.7 million dollars is identified for Daniel Park upgrades in the 2026/2027 capital works program; and

(3) engages the community on the consolidated Cooee Bay Precinct Plan.

ALTERNATIVE MOTION

THAT Council:

- (1) Determines (notwithstanding the specific council resolutions in late 2023) that the roadworks/pedestrian plan upgrades in Cooee Bay/Wreck Point are priorities over the Daniel Park upgrades and should be attended to accordingly.
- (2) Acknowledges the need for Council to settle on plans for Daniel Park upgrades based on previous work done over the last number of years, but cannot commit additional budget at this time in order to do so.
- (3) Requests that the \$1.7 million dollars currently identified for Daniel Park upgrades in the 2026/2027 capital works program be converted to roadworks capital works for Wreck Point/Cooee Bay.
- (4) Council revisits the sequencing roadwork/pedestrian plan presented in December 2022 and, once agreed, communicates with the residents of Cooee Bay and other relevant stakeholders.

COUNCIL RESOLUTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further information and to return to a future Council Meeting. Moved by: Councillor Watson

MOTION CARRIED

Crs A Friend, G Mather, W Rothery, L Warcon and R Watson voted in the affirmative.

Cr A Belot and P Eastwood voted in the negative.

A more detailed history of the matter is detailed in the report to Ordinary Meeting of 20 May 2024.

COMMENTARY

A subsequent meeting of the Infrastructure Committee has broached the same subject matter and has recommended to council that the priorities for the area be shifted in the way contemplated by the Alternative Motion (above) not put at the 20 May 2024 Ordinary Meeting.

In anticipation that the Infrastructure Committee's recommendations will be adopted by Council, there is no need to have this matter determined in parallel.

PREVIOUS DECISIONS

At the 22 January 2013 Council meeting, Council resolved;

"That Council defer the sale of the 2 lots closest to Daniel Park Cooee Bay that previously comprised part of the old tennis facilities, until full consideration of the new draft master plan options for carparking, traffic and recreational needs in the area can be fully evaluated and considered."

The tennis courts constituting the lots in question originally comprised four lots, with one subsequently sold (and now developed as a house). Three lots remain. These were subsequently withdrawn from sale and Council approved their inclusion within the park master planning process.

Park upgrade options were considered at workshops on 4 November 2014, 7 February 2017, 6 November 2017, 4 June 2018, and 2 July 2018. The 2 July 2018 workshop included the following statement regarding the three lots;

“Council’s subsequent direction at the 4 June 2018 workshop was to incorporate the community preferences and the following into a revised draft Master Plan and report back. Agreed to retain three (3) lots from old tennis courts into parkland.”

There appears to be no subsequent Ordinary Council resolution to this effect.

ACCESS AND INCLUSION

Any engagement that would have occurred would have provided multiple methods for people to participate.

ENGAGEMENT AND CONSULTATION

Community consultation was undertaken in the park on 11 November 2017, accompanied by an on-line survey regarding the draft “concept master plan.” Additional community consultation was held on-site 15 July 2018 (Attachment Seven).

In summary, the community consultation resulted in strong preferences for:

- retaining Matthew Flinders Drive to Wreck Point as 2-way traffic*
- traffic calming to both Matthew Flinders Drive and Cathne Street*
- more BBQ/picnic tables for Daniel Park*
- basketball, urban playground and more picnic shelters*
- retaining parking on Cooe Bay beachfront*
- no additional commercial development*

It is worth noting that the community’s expressed preferences for improvements to Daniel Park are relatively minor.

HUMAN RIGHTS IMPLICATIONS

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

BUDGET IMPLICATIONS

Discontinuing this matter will no longer require budget allocation.

LEGISLATIVE CONTEXT

There are no legislative implications in consideration of this matter.

LEGAL IMPLICATIONS

There are no legal implications in consideration of this matter.

STAFFING IMPLICATIONS

Nil for discontinued engagement process for Daniel Park developments.

RISK ASSESSMENT

Nil.

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

This report closes out the required response to successive Notices of Motion in October and November 2023 regarding community engagement on development of Daniel Park.

12.1 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT

Cooee Bay Precinct concept master plan

Meeting Date: 18 June 2024

Attachment No: 1



Surveyed: - Date: - Ref Mark: - R.L. - Datum: Horiz. GDA 94 Vert. AHD Zone: 56 Survey Book: - Ancillary Project: -	0 12.5 25 37.5 50 PLAN 1:2500 FULL SIZE A3 SCALES m.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">AMENDMENTS DESCRIPTION</th> <th style="text-align: left;">DATE</th> </tr> </thead> <tbody> <tr> <td>Original Issue</td> <td></td> </tr> </tbody> </table>	AMENDMENTS DESCRIPTION	DATE	Original Issue		 Livingstone SHIRE COUNCIL	Designed: ??? Checked: Endorsed: Recomm.:	APPROVED _____ RPEQ No _____ DATE _____ MANAGER ENGINEERING SERVICES	PRELIMINARY 22/07/2021	COOEE BAY PRECINCT COOEE BAY CONCEPT COOEE BAY PRECINCT MASTERPLAN	Dwg No. 19-098-01 Sheet No. 1 of - Job No: C.? A
AMENDMENTS DESCRIPTION	DATE											
Original Issue												

12.1 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT

Revised Daniel Park Concept 2018

Meeting Date: 18 June 2024

Attachment No: 2



12.1 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT

Cooee Bay Sports Complex 2017

Meeting Date: 18 June 2024

Attachment No: 3

Cooee Bay Sports Complex Concept Plan Report

FOR LIVINGSTONE SHIRE COUNCIL
06 JUNE 2017 / ISSUE B



BLACKSMITH
PLANNING & DESIGN



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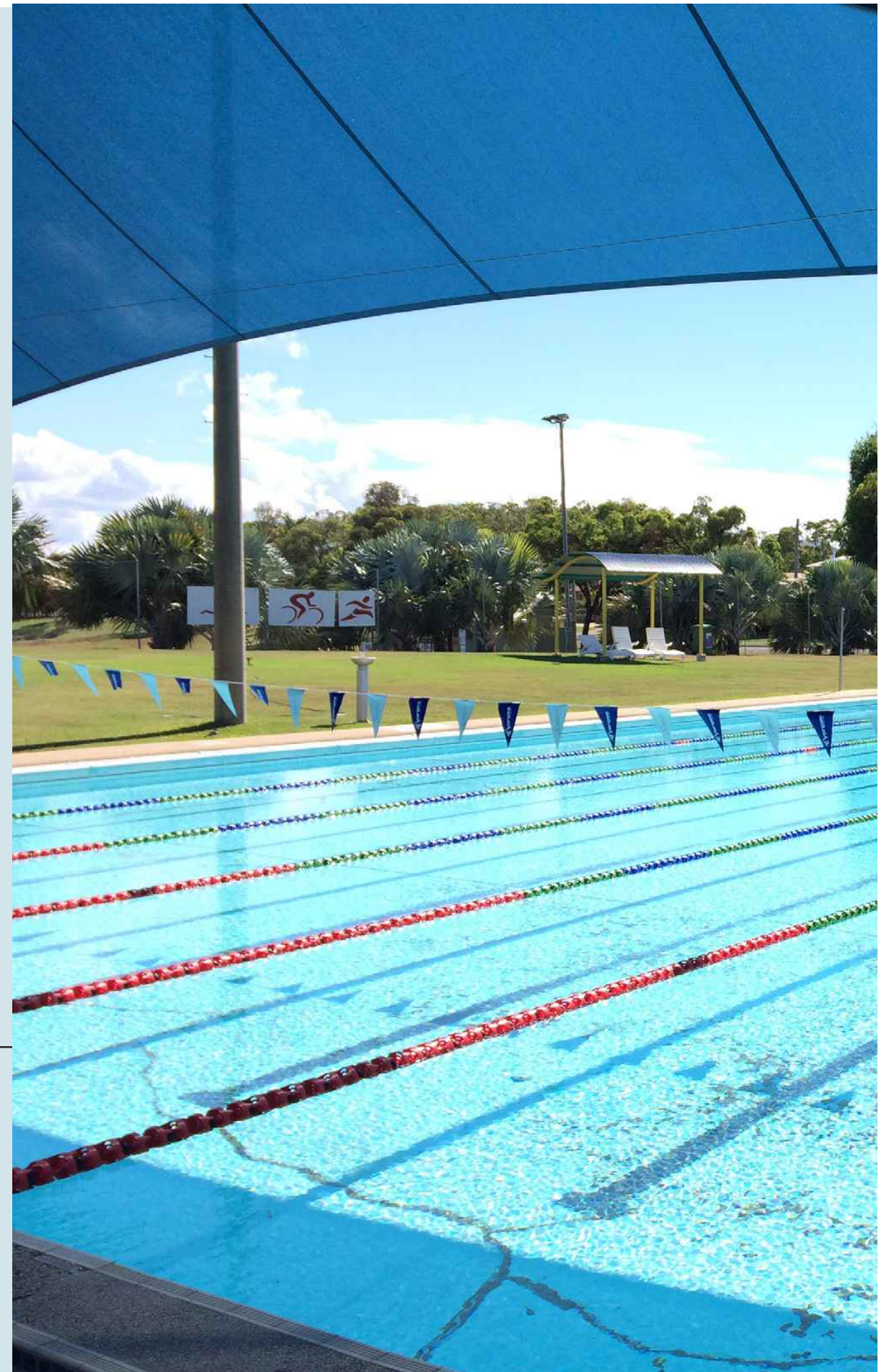
While every care has been taken in preparing this publication, Livingstone Shire Council accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within.

All plans, maps and images are intended to represent general concepts for the purpose of master planning. They do not, and are not intended to identify and give attributes or rights, to specific land parcels. To the best of our knowledge, the content was correct at the time of publishing.

Prepared by
Blacksmith Planning & Design

112 Glenlyon Drive
Ashgrove Qld 4060

Telephone 0458 458 825





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1. Introduction

Project Background

Livingstone Shire Council have requested the preparation of a concept plan for the existing Cooee Bay Sports Complex on the corner of Chrisney Street and Matthew Flinders Drive, Cooee Bay. The purpose is to guide the future of the site and assist with funding submissions to attract financial resources for this development.

Cooee Bay is a small coastal suburb located immediately south of the Yeppoon Town Centre separated by the environmental and tidal areas of Ross Creek.

The site has been developed by Council, as well as individual user groups, over the past thirty years and features the following infrastructure:

- fifty (50) metre swimming pool;
- seventeen (17) metre indoor heated pool;
- wading pool;
- four (4) synthetic hard courts;
- four (4) synthetic grass courts;
- tennis clubhouse building;
- five (5) multipurpose synthetic hard courts;
- grassed area with shade shelters;
- community hall;
- rectangular playing surface currently used by Cap Coast Rugby Union;
- two (2) demountable change rooms;
- unofficial caretakers dwelling; and
- two (2) internal car parking areas.

Regular users and stakeholders of the Cooee Bay Sports Complex include, but are not limited to:

- Yeppoon Aquatics;
- Yeppoon Sharks Swimming Club;
- Yeppoon Tennis Club;
- Cooee Bay Progress and Sports Association; and
- Capricorn Coast Rugby Union.

A previous study undertaken for the site in 2004, identified the need for the development of a master plan for the Cooee Bay Sports Complex. This recommendation was realised with the completion of the 2006 Cooee Bay Sports Complex Master plan, completed by Strategic Leisure. Although the 2006 master plan provided a clear snapshot of the community's use of the facility at that time, as well as the desired outcomes for development of the site, a number of influences not captured in the 2006 master plan have rendered most of the associated recommendations redundant, or no longer applicable.

In developing a new vision for the site, Council is seeking to establish a considered and strategic approach to the future development, management, and use of the Cooee Bay Sports Complex. Council is keen to ensure the concept plan is accommodating of all reasonable suggestions by existing users and other stakeholders; however is determined to ensure the concept plan outlines realistic and achievable elements in relation to construction budget and duplication of similar facilities in the region.

The current sports facilities plays a major role in the sporting and community life of not just the locality, but the Shire more broadly providing a well recognised and well used, swimming and tennis facility. These facility are only available here or in Rockhampton some 40 minutes away. There are no local equivalents of these facilities within the Shire.

Whilst considerable expenditure has been made on the tennis facilities, the swimming pool is dated and is in critical need of investment to update and modernise swimming facilities and equipment.

An initial meeting with stakeholders and users from the community has identified a clear need for the upgrading of the swimming pool as a matter of urgency and the retention of the tennis facilities.

1.2 Subject Site & Context

The subject site is split into three lease areas for the pool, the Tennis Club and the remainder including the caretakers residence, rugby field and community hall are included under a separate lease agreement all of which are due to expire in 2019.

The site has frontage to Chrisney Street to the north and the unformed Gregory Street to the west. The major entry for the site is from Matthew Flinders Drive which forms the eastern frontage of the site.

The Cooee Bay Sports complex is located centrally within the Cooee Bay suburb immediately south of the Yeppoon Town Centre. The site is surrounded by residential uses east and north of the site. To the south the PCYC operate the Capricorn Coast Leadership Development Centre which is a large facility occupying the entire southern edge of the site.

Matthew Flinders Drive is the primary access through this part of Cooee Bay and is proposed to be upgraded at some point in the future to include a dedicated bike lane.

The site also includes The Capricorn Coast Crocs rugby union football club. Their facilities consist of a number of demountable buildings adjoining Chrisney Street. This facility caters current for all junior and senior teams. The space for the field and facilities are extremely tight and there is no room for expansion.

The oval is currently contested space with limited access by adjoining residents looking to access quality open spaces locally. The PCYC are also occasional users of the space.





Figure 1: Cooe Bay Sports Complex

DRAFT

2. Context and Constraints

2.1 Constraints, Issues and Responses

1 Overland Flow

Perhaps the most significant constraint is the extent of overland flow from the adjoining PCYC site. A cut off drain runs along the southern boundary of the site adjoining the tennis courts to try and capture this water, however during periods of heavy downpours the internal road in the centre of the site between the oval and swimming pool receives significant flows. Additional drainage to convey stormwater from the adjoining site and additional drainage within the site will be required in times of significant rainfall events.

2 Car Parking

A source of frustration for users and adjoining residents alike there is insufficient on site parking to cater for events, tournaments, games etc. Chrisney Street which runs along the northern alignment of the site caters for the high demand of parking but has insufficient carriage width to accommodate two stand up movement lanes and two lanes of parking. Additional on-site parking needs to be provided as well as additional parking regulation along Chrisney Street to ensure traffic flow is maintained during periods of high use.

3 Aging facilities

As noted above the pool and community hall are both aging and in need of complete renovation and upgrading. The pool is currently losing substantial amounts of water through cracks in the pool structure which can only fixed through a complete rebuild. Similarly the rehabilitation pool which sits under a galvanised tin structure is unsuitable for use in summer months due to the heat and needs to be replaced with a more suitable housing. Change rooms and kiosk facilities are similarly outdated and in need of replacement.

The community hall similarly needs renovating and updating however this is not of the same priority at this stage as the pool.

4 All Purpose Courts

The all purpose courts in the south-east corner of the site are in poor condition At present there appears little demand for these courts and in some respects are superfluous. Their removal and reuse of the space as on site parking would provide help alleviate parking issues.

5 Caretakers Residence

Depending on the governance regime proposed going forward it is unlikely there will be a need for an on-site caretaker. This land could be better incorporated into an extension to the pools facilities or to generate better access and circulation through the site.

Governance

Presently the site sits under a number of separate leases. This partitioning of the site makes control, maintenance and governance difficult. All leases are up for renewal in the near future as discussed above. This will enable council to review the governance of the site in view of the aims and direction of the master plan produced here.

Alternative Facilities

One significant driver of outcomes for this site is the presence or otherwise of viable alternative facilities for the current activities on the site. Both the tennis and pool facilities have no viable alternatives located within Livingstone Shire. Comparable facilities are located only in Rockhampton.

Rugby fields are located at both Emu Park and Barmaryee and present better alternatives for the Rugby Club. They also opportunities to expand the rugby offering for the area with further fields and facilities available should additional space be required.





Figure 2 : Cooee Bay Sports Complex Constraints

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3. Concept Options

3.1 Rationale

The Concept Options have been developed in response to consultations with internal stakeholders and current users of the site. Two clear options are proposed both of which retain the tennis and pool facilities. These two facilities are retained on the site as there are currently no viable alternatives within close proximity of the site and indeed there are no other similar facilities within the Shire. As such the first priority of the plan is to retain and enhance these facilities to ensure their ongoing viability.

The pool facilities will be enhanced with a wellness centre providing professional suites with treatment and consultation facilities. The pool already offers remedial and rehabilitation treatment services. The Wellness centre will provide a complementary services to those already offered. The centre may include limited food and beverage and retail space associated with the pool.

The wellness centre will provide a new entry feature for the site with a small service road completing a circuit through site allowing access and servicing for the tennis centre. All turns access is maintained onto Matthew Flinders Drive whilst an egress only access point is maintained on Chrisney Street.

Both options also look to remove part of the all purpose courts and replace part of this with additional on site parking.

3.2 Key Elements - Option 1

This option explores the idea of a large active and passive recreation common for the site that is open for access by all members of the community. The following key elements are highlighted.

- 1 Existing tennis centre is retained in its current format and layout with an additional two courts provided to the tennis club for their use for tournaments and coaching.
- 2 The remainder of the existing courts on the south-eastern edge of the site are in poor condition and are removed to generate additional car parking for the tennis and swimming complex to alleviate parking issues in adjoining residential areas.
- 3 The community hall is retained and redeveloped to include small landscaped spaces surrounding the facility. These spaces allow for a range of events to be hosted by the community hall.
- 4 A new entry street is created between the pool and community hall creating a prominent entry statement for the precinct.
- 5 The pool complex is retained and expanded to include a new Wellness Centre, 25m pool and cafe. The 100m pool and rehab pool are retained and renovated.
- 6 The Wellness Centre provides professional medical suites for visiting specialist to meet and treat patients in conjunction with the rehab pool. This two storey facility has the potential to generate further revenues for the precinct through leasing of treatment and office spaces
- 7 The Cooe Bay Common is created over the balance of the greenspace. The common is conceived as an active recreation space with full size touch football field in the centre surrounded by a skate path/walking path and a range of activity stations. This community space is available for all visitors and will contain barbecue facilities that complement the active recreation facilities surround the common.



Figure 3 : Cooee Bay Sports Complex option one

DRAFT

3.2 Key Elements - Option 2

This option retains the Capricorn Coast Rugby Club on the site with clubhouse and associated facilities.

- 1 Existing tennis centre is retained in its current format and layout with an additional two courts provided to the tennis club for their use for tournaments and coaching.
- 2 The remainder of the existing courts on the south-eastern edge of the site are in poor condition and are removed to generate additional car parking for the tennis and swimming complex to alleviate parking issues in adjoining residential areas.
- 3 The community hall is retained and redeveloped to include small landscaped spaces surrounding the facility. These spaces allow for a range of events to be hosted by the community hall.
- 4 A new entry street is created between the pool and community hall creating a prominent entry statement for the precinct.
- 5 The pool complex is retained and expanded to include a new Wellness Centre, 25m pool and cafe. The 100m pool and rehab pool are retained and renovated.
- 6 The Wellness Centre provides professional medical suites for visiting specialist to meet and treat patients in conjunction with the rehab pool. This two storey facility has the potential to generate further revenues for the precinct through leasing of treatment and office spaces
- 7 In this option the Cap Coast Rugby Club is retained on site. Additional car parking is provided in he unformed road reserve on the western end of the site. The field is a full size configuration in accordance with IRB requirements and fills the entire space with little room for other facilities. A club house is located on the western end of the field. The alignment of the field is however contrary to good practice and no alternative areas for training, warm up, etc are available. No other community facilities are able to be included in this layout. .



Figure 4 : Cooe Bay Sports Complex option two

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4. Preferred Concept Options

4.1 Rationale

The Preferred Concept Option has been developed after further consultation with the community, internal council stakeholders and current users of the site. From discussions with the community it is clear that the use of part of the site as a grassed field capable for use as an active recreation space is highly desirable. Many people in the community use the current rugby field as an informal active play space and its size allows many groups to use the space at any one time.

Cap Coast Rugby Club currently occupy this part of the site. The club has both juniors and seniors who all use this one field for both training and playing. Should the club grow in the future which is likely as we head into a Rugby World Cup year in 2019, and with the rising popularity of the 7's format of the game, the current facilities will prove inadequate to cater for that growth.

As such there is an Interim and Ultimate Option for the site. The Interim option (figure 5) foresees the continued use of the site by the Rugby Club as it continues to grow. In the long term the Rugby Club will need to move to accommodate growth and provide better facilities. This can be accommodated at either The Barmaryee or Hartley Street sports facilities at Emu Park.

There was considerable support for other elements of the concept plan such as the additional tennis courts, new parking area in the Gregory Street road reserve, The Wellness Centre and the upgrade to the swimming pool.

One additional item is the refurbishment of the current tennis club facility. This facility contains a commercial kitchen, toilets etc and currently only serves the tennis facility. The clubhouse also overlooks the rugby fields. This presents an opportunity to reorientate the clubhouse to serve both sides with the addition of a deck extending from the clubhouse to provide a view north over the fields allowing this Council owned facility to capitalise on other activities occurring on the site allowing a more efficient use of current on site facilities.

4.2 Key Elements - Preferred Development Option

This option (figure 6) anticipates the current rugby club moving to a new location and the sports field retained for active recreation for the use of the community. The following key elements are highlighted.

- 1 Existing tennis centre is retained with an additional four (4) courts provided to the tennis club for their use for tournaments and coaching. The existing clubhouse is extended to allow it to front onto the sports field and service both the courts and the sports field.
- 2 The remainder of the existing courts on the south-eastern edge of the site are in poor condition and are removed to generate additional car parking for the tennis and swimming complex to alleviate parking issues in adjoining residential areas.
- 3 The community hall is retained and redeveloped to include small landscaped spaces surrounding the facility. These spaces allow for a range of events to be hosted by the community hall.
- 4 A new entry street is created between the pool and community hall creating a prominent entry statement for the precinct.

- 5 The pool complex is retained and expanded to include a new Wellness Centre, 25m pool and cafe. The 100m pool and rehab pool are retained and renovated.
- 6 The Wellness Centre provides professional medical suites for visiting specialist to meet and treat patients in conjunction with the rehab pool. This two storey facility has the potential to generate further revenues for the precinct through leasing of treatment and office spaces
- 7 The Cooee Bay Common is created over the balance of the greenspace. The common is conceived as an active recreation space with full size touch football field in the centre surrounded by a skate path/walking path and a range of activity stations. This community space is available for all visitors and will contain barbecue facilities that complement the active recreation facilities surround the common.
- 8 Additional parking (approx 55 spaces) is created in the Gregory Street road reserve. The ultimate development option will deliver around 200 spaces over the entire precinct.
- 9 A new pedestrian access is created to the adjoining PCYC to allow joint use of facilities and car parking.



Figure 5: Cooee Bay Sports Complex interim development option



Figure 6 : Cooe Bay Sports Complex ultimate development option

DRAFT

12.1 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT

Cooee Bay Draft Infrastructure Masterplan 2024

Meeting Date: 18 June 2024

Attachment No: 4

COOTE BAY INFRASTRUCTURE MASTERPLAN

UNDER REVIEW
APRIL 2024

DELIVERED
INFRASTRUCTURE

PROJECTS
IN DESIGN

POTENTIAL
PROJECTS



12.1 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT

Council Report September 2018

Meeting Date: 18 June 2024

Attachment No: 5

5.2 DANIEL PARK & COOEE BAY MASTER PLAN**File No:** 14-130**Attachments:**

1. **WrAPuP Community Engagement**
2. **Revised Concept Master Plan**

Responsible Officer: Dan Toon - Executive Director Infrastructure Services**Author:** Michael Prior - Manager Infrastructure Operations

SUMMARY

The re-development of Daniel Park will provide for a revitalised open space facility with lower surrounding traffic speed environments and a stronger, safer linkage to Cooe Bay beach. The revised concept Master Plan for Daniel park is now sufficiently advanced and refined as to allow for development of detailed construction drawings for the re-development.

OFFICER'S RECOMMENDATION

THAT Council endorse the commencement of the process to develop detailed construction drawings for the re-development of Daniel Park and environs.

BACKGROUND

Council has previously considered a draft Master Plan for Daniel Park at workshops on 7 February 2017, 6 November 2017, 4 June 2018 and 2 July 2018.

A community consultation session was held in the park on 11 November 2017 with on-line feed-back on the draft master plan available up to 22 November 2017.

A further community consultation session was held in the park on Sunday 15 July 2018.

The WrAPuP – Community Engagement is included as Attachment 1.

The revised concept Master Plan is included as Attachment 2.

COMMENTARY

The community have had good opportunity to provide feed-back on the draft Daniel Park Master Plan. Council has also workshopped the subject a number of times. There is now a sufficient body of information to aid in the development of detailed construction plans for the park and environs, as generally depicted on the draft concept Master Plan.

A Project Planning Team has been formed and had initial discussions on establishing the frame to advance detailed construction drawings.

PREVIOUS DECISIONS

At the 5 April 1949 General Meeting, Council resolved to name Daniel Park to honour Owen Daniel, who was Chairman of Livingstone Shire Council from April 1933 until his death in January 1936. Mr Daniel was also the sitting MLA for the local State seat of Keppel (from 1929 until his passing).

BUDGET IMPLICATIONS

The planning work required to advance the Daniel Park Master Plan to detailed construction drawings can be accommodated within existing budget allocations.

LEGISLATIVE CONTEXT

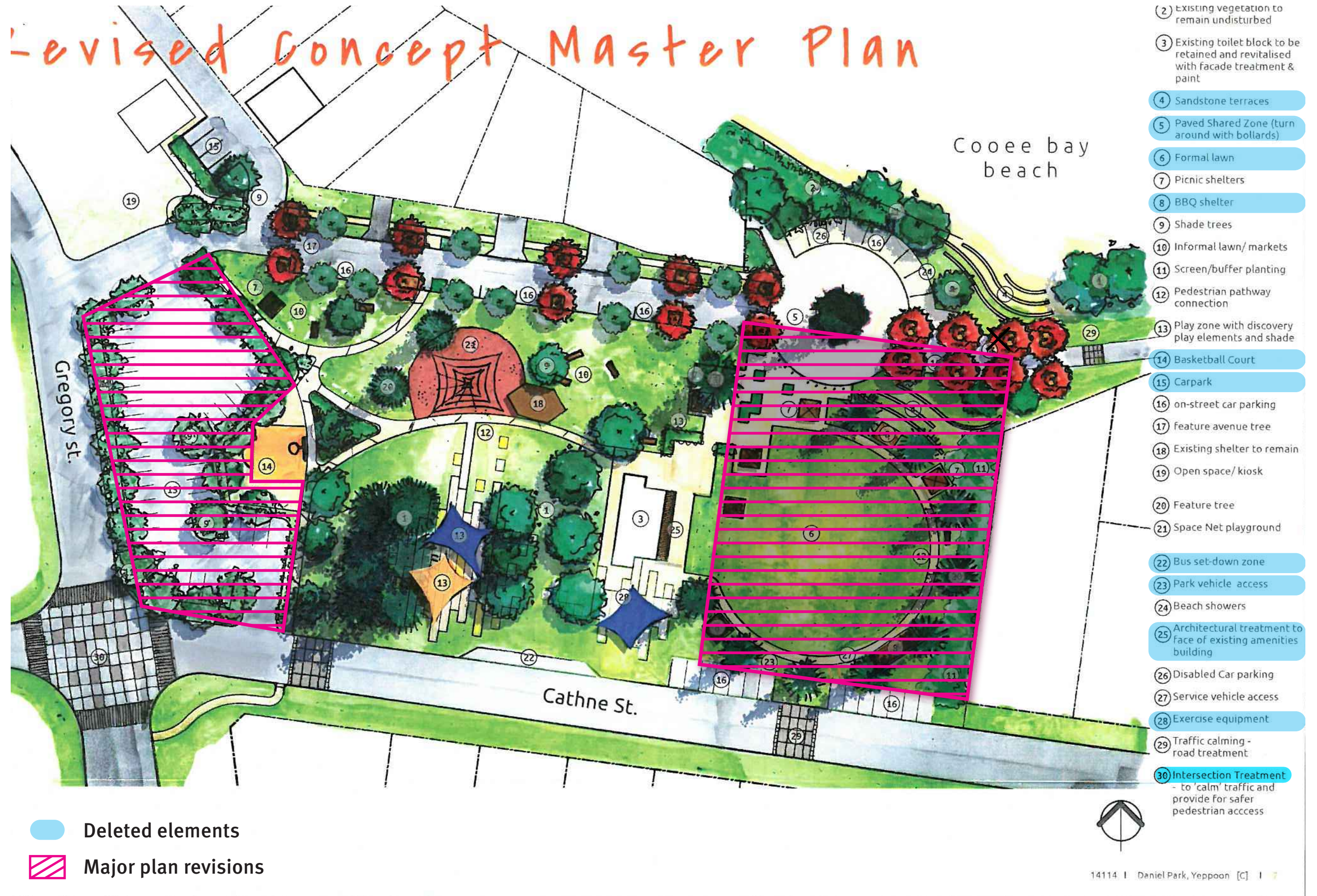
The three lots at the eastern end of Daniel Park (lots 10, 11 and 18 on SP251132) are zoned residential while the larger Lot 19 on SP251132 is zoned Open Space in the 2018 Planning Scheme. Development of a park in the residential zone is a consistent use.

**12.1 - RESPONSE TO NOTICE OF
MOTION - COOEE BAY MASTERPLAN
ENGAGEMENT**

Revised Daniel Park Concept Plan 2024

Meeting Date: 18 June 2024

Attachment No: 6



12.1 - RESPONSE TO NOTICE OF MOTION - COOEE BAY MASTERPLAN ENGAGEMENT

Community Engagement Feedback 2018

Meeting Date: 18 June 2024

Attachment No: 7



WrAPuP – Community Engagement

Engagement Name	Daniel Park Concept Plan
Engagement Date	15 July 2018 10am – 2pm
Officers in attendance	Mike Prior, Trene Miller, Trish Weir
Councillors in attendance	Mayor, Cr Mather, Cr Belot, Cr Kelly and Cr Eastwood
Number of attendees	55
Activity	Display was set up in Daniel Park, 2 x AO plans on display (Concept Plan) and Tell Us what you think cards and AO Pad for attendees to provide feedback.
Key Message(s)	Attendees were invited to inspect the new concept plan (design based on input from feedback received since November 2017 engagement activity) Council does not currently have funding at this stage and will continue to explore options.
Feedback Summary: • Upgrade to Matthew Flinders Drive is essential – roadside shoulders are sharp and it is dangerous walking up it –should come before Daniel Park • Consider line marking carpark (current and future) so cars park correctly which will help ensure more are able to park in these spaces, • Traffic speed concerns re Cathne Street – traffic calming devices that are shown on map are appreciated and could more be installed? Possibility of installing something NOW • Like the idea of keeping Matthew Flinders Drive remain as 2-way traffic • Would like to see upgrade to play equipment, • Would like to see Seaside boardwalk to be constructed seaside of Matthew Flinders Drive (similar to Emu Park one), • Concern re new/current vegetation (ensure the species used are not too high) as to ensure the view of residents/panorama vista of the ocean is maintained from the Park area over to Cooe Bay Beach, • Concern re traffic on Gregory Street increasing - have noticed increase of traffic already • Roundabout/traffic calming also needed at Gregory and Matthew Flinders Drive, and Gregory/Geldard Streets and Percyford Street • Would like to see new amenities block – current ones looking old, • Like to see more than two BBQ's added into area	

Feedback summary cont...

- Disability access to beach required
- Keep Matthew Flinders Drive one way
- better lighting needed in Daniel Park and along Matthew Flinders Drive
- would like to see full size basketball court
- Perhaps consider an auditorium concept in the round grassed area that could then be used for smaller concerts, movie nights or other activities,
- Consider fenced area in Daniel Park that could be used as a dog exercise area,
- Love the feature avenue of trees, however, ensure others in the park don't become too big and block the vista for residents!

Overview:

Daniel Park holds a significant place in the heart of many Cooee Bay residents and the concept plan that council has provided, has largely been well accepted by all who attended both the engagement activities. Local residents remain concerned about the increase of traffic to the suburban streets, namely Cathne and Gregory (increasing now with the recent opening of Stage 2 Wreck Point). They would like to see Matthew Flinders Drive upgraded ASAP.

Thought is that there needs to be attention to Matthew Flinders Drive and if possible a walkway installed (along with road upgrade).

Walking dogs is extremely popular in this area, along with people who park in Daniel Park or the Cooee Bay Beach and walk up the hill – often sharing the road with motorists.

There is an overall 'acceptance' of the plan and heightened enthusiasm amongst locals with the opening of the new coffee shop at Cooee Bay.

The Concept Masterplan provides Council with a 'project ready' concept, that once relevant funding opportunities arise, Daniel Park should be offered for consideration.

Approved By: Trish Weir

12.2 POLICY REVIEW: COUNCILLOR FACILITIES AND EXPENSES POLICY**File No:** GV**Attachments:** 1. **Councillor Facilities and Expenses Policy (v8.0) 18 June 2024 DRAFT** [↓](#)**Responsible Officer:** Cale Dendle - Chief Executive Officer**Author:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Chief Executive Officer reporting on proposed changes to Councillor Facilities and Expenses Policy.

OFFICER'S RECOMMENDATION

THAT Council resolves to adopt the revised *Councillor Facilities and Expenses Policy* as attached (version8 Draft).

BACKGROUND

Council adopted a revised *Councillor Facilities and Expenses Policy* on 20 March 2024 with some changes made to motor vehicle allowances. The Mayor is seeking to restore the option for the Mayor to be provided with a Council fleet vehicle as was available prior to the 2020 local government election.

COMMENTARY

The proposed change to the policy relates to councillor vehicle mileage/allowance outlined in Clause 5.10.2.

PREVIOUS DECISIONS

The *Councillor Facilities and Expenses Policy* was initially adopted on the 3 January 2014 and has been subsequently revised on 11 February 2014, 31 March 2016, 14 June 2016, 18 August 2020, 16 February 2021, 21 September 2021 and 20 May 2024.

ACCESS AND INCLUSION

The proposed change will introduce another day-to-day transport option for the Mayor.

ENGAGEMENT AND CONSULTATION

Councillors workshopped the previous revisions to policy (not necessarily this proposal) on April 10, April 29 and May 7.

HUMAN RIGHTS IMPLICATIONS

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

BUDGET IMPLICATIONS

Depending on the vehicle selected by the Mayor, there will be a capital cost which has not been budgeted in 2023/24. The current allowance of ~\$20,000 will be redirected to the annual plant hire charges – again, depending on vehicle selection, may even reduce these operating costs.

LEGISLATIVE CONTEXT

Section 250 of the *Local Government Regulation 2012* states a local government may, by resolution, amend its expenses reimbursement policy at any time.

Section 252 of the *Local Government Regulation 2012* states that:

'A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.'

LEGAL IMPLICATIONS

Section 252 of the *Local Government Regulations 2012* states that:

'A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.'

STAFFING IMPLICATIONS

If supported, this proposal will add a vehicle to the Council fleet which will be maintained by Council workshop staff.

RISK ASSESSMENT

Nil, other than considerations for councillors about appropriateness of expenses reimbursement for discharging the role.

CORPORATE PLAN

Leading Livingstone

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

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

The proposed *Councillor Facilities and Expenses Policy* has been drafted in a manner which reinforces Council's commitment to open and accountable governance.

CONCLUSION

The proposed change *Councillor Facilities and Expenses Policy* seeks to provide another day-to-day transport option for the Mayor. Other than this proposal, the policy remains unchanged from that adopted on 20 May 2024.

12.2 - POLICY REVIEW: COUNCILLOR FACILITIES AND EXPENSES POLICY

Councillor Facilities and Expenses Policy (v8.0) 18 June 2024 DRAFT

Meeting Date: 18 June 2024

Attachment No: 1



COUNCILLOR FACILITIES AND EXPENSES POLICY (STATUTORY POLICY)

1. Scope

The Councillor Facilities and Expenses Policy (this 'Policy') applies to the Mayor, Deputy Mayor and Councillors of Livingstone Shire Council.

2. Purpose

The payment and/or reimbursement of expenses and provision of facilities for Councillors must be consistent with the principles of good corporate governance and be only for the purpose of enabling them to perform their role as a Councillor as outlined in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

This Policy does not provide for salaries or other forms of Councillor remuneration as this is determined independently by the Local Government Remuneration Commission.

3. References (legislation/related documents)

Legislative reference

Income Tax Assessment Act 1997

Local Government Act 2009

Local Government Regulation 2012

Taxation Rulings issued by the Australian Taxation Office

Related documents

Corporate Uniform Policy

Workplace Health and Safety Policy

Councillor Complaints Investigation Policy

Code of Conduct for Councillors in Queensland

4. Definitions

To assist in interpretation, the following definitions shall apply to this Policy:

Approval Officer	In the case of the Mayor, the Approval Officer is the Chief Executive Officer. In the case of all other Councillors, the Approval Officer is the Mayor.
Council	Livingstone Shire Council.
Conference	An event, including a tour, seminar, conference, workshop or meeting for professional development.
Council business	Official business conducted by a Councillor on behalf of Council, where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business objectives for the Council, for example attending

	official Council meetings, Councillor forums and workshops, committees/boards as Council's official representative, scheduled meetings relating to Councillor portfolios, or Council appointments. Council business should result in a benefit being achieved for Council or the Livingstone Shire local government area, for example attending civic ceremony duties such as opening a school fete. Council Business does not include participating in a community group event or being a representative on a board not associated with Council.
Event	A conference, training activity or Council business related function or event.
Expenses	Reasonable costs incurred, or to be incurred, in connection with a Councillor discharging their duties and responsibilities as a Councillor under the <i>Local Government Act 2012</i> .
Facilities	Reasonable facilities Council deems necessary to assist Councillors in discharging their duties and responsibilities as a Councillor under the <i>Local Government Act 2012</i> .
High Risk Country	A country for which the overall advice level published by the Commonwealth Department of Foreign Affairs and Trade (DFAT) is to "reconsider your need to travel" or "do not travel".
Local region	Within the local government areas administered by the Rockhampton Regional, Isaac Regional, Central Highlands Regional, Banana Shire and Gladstone Regional Councils.
Training	A training course or further education and development activity.

5. Policy Statement

This Policy is made in accordance with the following provisions of *Local Government Regulation 2012*:

249 What div 2 is about

- (1) *This division is about the expenses reimbursement policy.*
- (2) *The **expenses reimbursement policy** is a policy providing for the following—*
 - (a) *payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;*
 - (b) *provision of facilities to councillors for that purpose.*

250 Requirement to adopt expenses reimbursement policy or amendment

- (1) *A local government must adopt an expenses reimbursement policy.*
- (2) *A local government may, by resolution, amend its expenses reimbursement policy at any time.*

251 Notification of adoption of expenses reimbursement policy

- (1) *As soon as practicable after a local government adopts or amends its expenses reimbursement policy, the local government must—*
 - (a) *Ensure a copy of the policy may be inspected and purchased by the public at the local government's public office; and*
 - (b) *Publish the policy on the local government's website.*
- (2) *The price for purchasing a copy of the policy must be no more than the cost to the local government of making the copy available for purchase.*

252 Meetings about expenses reimbursement policy

A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

5.1 Guidelines for Expense Reimbursement

The general guidelines in this clause are subject to the specific provisions of the Councillor Facilities and Expenses Procedure.

- 5.1.1** Expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge.
- 5.1.2** Reimbursement of expenses incurred will be paid through administrative processes approved by the Chief Executive Officer and as specified in the Councillor Facilities and Expenses Procedure. All claims for reimbursement must be submitted to Council on a monthly basis. Councillors cannot claim expenses more than three months after the expense is incurred.
- 5.1.3** All Councillor travel, accommodation and event registration fees shall be booked centrally by an officer designated to arrange all corporate travel for the organisation. This ensures access to the most competitive rates available.
- 5.1.4** Travel should be via the most practical and direct route using the most economical and efficient mode of transport.
- 5.1.5** Where possible, the maximum standard for accommodation should be a four-star rating however, where particular accommodation is recommended by conference organisers as part of a conference package, a higher standard of accommodation is acceptable.
- 5.1.6** Any fines incurred while travelling in Council owned vehicles or privately owned vehicles when attending to Council business will not be reimbursed by Council.
- 5.1.7** Economy class air travel is to be used where possible.
- 5.1.8** Travel transfer expenses associated with Council business travel will be reimbursed by Council eg trains, buses, taxis and ferries.
- 5.1.9** Council will meet the costs of meals incurred by a Councillor which are not covered by event registration fees on a reimbursement basis
- 5.1.10** No costs associated with the purchase of alcohol will be reimbursed by Council. Hospitality expenses related to official receptions and other functions organised by Council are met from relevant approved budgets.
- 5.1.11** Should the Councillor choose not to attend a dinner or eat a meal provided at an official reception or function, then the full cost of the alternative meal will not be reimbursed by Council.

- 5.1.12** Council will not reimburse expenses incurred by the Councillor's spouse/partner or any other members of the Councillor's family when accompanying the Councillor on Council business unless it is a Federal Government, State Government or Council endorsed (eg ceremonial event) event at which the spouse/partner of the Councillor has been specifically invited.
- 5.1.13** Expenses referred to in clauses 5.3, 5.4, 5.5, 5.6 and 5.7 of this Policy shall include non-alcoholic refreshments and meals incurred whilst attending such meetings/functions/events unless these are provided directly by Council or a third party organiser or provider of the meeting/function/event.
- 5.1.14** Councillors cannot claim for participation in raffles or donations to groups as an expense under this policy, as these are regarded as private expenses.
- 5.1.15** Where a Councillor chooses not to attend an event, function or meeting where payment has been prepaid and an alternate Councillor is unable to attend in their stead, the Councillor originally registered to attend the event, function or meeting is liable to reimburse Council the costs it incurs in relation to the event, function or meeting at the discretion of Council.

5.2 Corporate Purchase Card

The Mayor will be provided with a Corporate Purchase Card for the purposes of discharging their duties and responsibilities as a Councillor.

The Mayor must use the corporate purchase card subject to the terms and conditions of the card and in accordance with the Corporate Purchase Card Guidelines.

The Mayor's use of the corporate purchase card:

- a) is subject to a maximum expenditure limit of three thousand dollars (\$3,000) per month; and
- b) is subject to a maximum transaction limit of one thousand dollars (\$1,000) per transaction; furthermore
- c) must comply with Council's Corporate Purchase Card Guideline, Procurement Policy and other associated policies and procedures; and
- d) must not adversely affect Council's relation with the public at large.

5.3 Training and Conference Attendance

5.3.1 Identification of Training and/or Conference Need

Councillors must maintain a current and broad knowledge of issues which affect Council and the Livingstone Shire community. Councillors should take an active interest in keeping themselves up to date with training and/or conferences that can assist them in maintaining this knowledge.

5.3.2 Support for Training and/or Conference Attendance

Council offers all Councillors financial support to attend Council-approved training and/or conferences. The nature of the financial support will be in accordance with this policy and the Councillor Facilities and Expenses Procedure.

5.3.3 Withdrawal of Support

Council may, by resolution, withdraw financial support for any training and/or conferences if:

- a) the Councillor fails to attend, progress or complete training or a conference as specified in the Councillor Facilities and Expenses Procedure;
- b) in Council's opinion the Councillor's behaviour at the conference or training is unacceptable having regard to the *Local Government Act 2009* and the Code of Conduct for Councillors in Queensland;
- c) the Councillor ceases to be a Councillor of Livingstone Shire Council; or
- d) Council funding no longer enables support to be provided.

5.3.4 Equity of Development Opportunities

Training and conference opportunities must be accessible on an equitable basis. Where appropriate, and reasonably practicable, training and conference activities will accommodate specific needs of individual Councillors.

5.4 Principle for Approving Travel Arrangements

5.4.1 Council endeavours to provide a high quality level of service to Councillors who are travelling on behalf of Council, while ensuring that accountability of public moneys is maintained. Travel arrangements must be administered in the most cost effective and efficient manner.

5.4.2 Council is committed to ensuring that while travelling as part of their official Council duties, Councillors are not adversely financially impacted. However all expenses incurred while travelling are to be paid or reimbursed in accordance with the Councillor Facilities and Expenses Procedure and must be substantiated, reasonable and appropriate.

5.4.3 The Approval Officer has an obligation to ensure that all travel is necessary to the business of Council. When considering the appropriateness of a Councillor's travel request, the Approval Officer must consider:

- a) Where the Councillor is to travel, taking into consideration whether the travel is to an area that is a High Risk Country;
- b) Whether the absence of the Councillor is convenient to Council;
- c) Whether it is appropriate for Council to be funding the travel;
- d) Whether the travel is in relation to Council business and what value it adds to Council; and
- e) How to ensure that the costs of the travel are identified appropriately and managed to a level acceptable to Council.

It is the Approval Officer's responsibility to ensure that all Councillor travel arrangements are in accordance with this Policy and the Councillor Facilities and Expenses Procedure, and any other relevant Council policy, directive and/or procedure.

5.5 Allowable Expenses within the Council Area

Councillors are entitled to claim expenses incurred in attending to their role as Councillors within the Livingstone Shire Council area. Examples include:

- Attendance at Council meetings and arranged events;
- Attendance at functions and events;
- Inspections; and
- Attendance to constituents or constituent groups.

5.6 Allowable Expenses within the Local Region

Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending regional local government associated functions and events within the local region.

5.7 Allowable Expenses outside the Local Region

5.7.1 Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending to their role as Councillors outside the local region provided such attendance has been authorised by resolution of Council.

5.7.2 The Mayor will not be required to have the approval of Council under clause 5.7.1 above if attending functions or meetings relevant to the role of Mayor.

5.7.3 Where Councillors are appointed by the Council as Council's representative on a committee or association, all reasonable travel and accommodation outside the local region associated with the Councillor's fulfillment of that role is deemed as approved without the need for a further specific approval by resolution of Council.

5.7.4 In emergent circumstances where prior approval by resolution of Council cannot be obtained under clause 5.7.1 of this Policy, the Chief Executive Officer may approve such travel on the basis of obtaining the approval of a majority of Councillors by directly contacting Councillors. In such circumstances the Chief Executive Officer shall seek confirmation of the Councillors' approval at the next available general meeting of Council.

5.8 General Provision of Facilities

5.8.1 As a general rule facilities required to assist Councillors in their official capacity as councillors will be provided by Council under this clause 5.8.

5.8.2 Council determines the reasonable standard for facilities for Councillors. If a Councillor chooses a higher standard of facility than that prescribed by Council, any difference in cost must be met by the Councillor personally.

5.8.3 All facilities provided to Councillors remain the property of Council and must be accounted for during annual equipment audits. The facilities must be returned to Council when the Councillor's term expires or the Councillor otherwise ceases to be a councillor of Council.

5.8.4 Council will cover all ongoing maintenance costs associated with fair wear and tear of Council owned equipment to ensure it is operating for optimal professional use.

5.8.5 Councillors must not use Council facilities for personal or political purposes.

5.9 Administrative tools and support

5.9.1 The Mayor will be provided with a dedicated office in the Lagoon Place administration centre, Yeppoon.

5.9.2 The Council Chambers located at 4 Lagoon Place, Yeppoon is available for Councillors to meet with constituents or small constituent groups. Other rooms are available for Councillors to use which can be booked through the Councillor Support Section.

5.9.3 The Mayor and Councillors will be provided with the appropriate level

of administrative support for Council business purposes as approved in the annual budget to undertake their respective roles and responsibilities.

- 5.9.4** Councillors are provided with a laptop computer (with internet access) and printer for Council business use.
- 5.9.5** Councillors are entitled to access photocopiers and paper shredders for Council business use at the various Council offices
- 5.9.6** Councillors are provided stationery for Council business purposes only, including, but not limited to:
- Pens and pen sets;
 - Note paper and Paper;
 - Letterhead;
 - Business cards;
 - Envelopes;
 - Laptop carry bag; and
 - 'With Compliments' slips.
- 5.9.7** Councillors will be provided with a mobile telephone by Council. Council will place the phones on a phone plan which most suits the Council business demands of the Mayor and Councillors. It is understood that from a practical point of view this phone will be available for both their Council business and reasonable private use. Unless the costs can be justified as a genuine Council business cost all call costs above the plan limit must be met by the respective Councillors as a private expense. Should Councillors decide to not accept a Council provided phone, Council will reimburse the Councillor for all Council related call costs.
- 5.9.8** Councillors will be provided access to copies of relevant legislation, books and journals considered necessary for undertaking their duties as Councillors.
- 5.9.9** Council will not reimburse or provide funds, services or facilities for the purposes of advertising for Councillors.
- 5.9.10** Councillors will be paid an allowance of \$100 per month for them to provide their own home office and associated communication requirements for Council business use. It is the responsibility of each Councillor to ensure that where a home office is established, all workplace health and safety legislative requirements are met and where required, Council's Workplace Safety Unit will provide assistance.
- 5.9.11** Councillors will be provided with any safety equipment such as overalls, safety shoes, safety helmets or glasses, as required, in their role as Councillors. Councillors will be provided with official name badges, a blazer, and two shirts with a Council insignia, being any combination of dress shirt(s) and/or polo shirt(s), for official use.

5.10 Vehicles

5.10.1 Mayor

Council will provide a fully serviced 4WD wagon to the Mayor for business and reasonable private use. .

5.10.2 Councillors

The use of Councillor's private vehicles for Council business (as defined) will be reimbursed by Council, with Councillors electing one of the following two options:

- 1) Councillors make a monthly claim for reimbursement of the use of their private vehicles on Council business by submitting the appropriate form detailing the relevant travel based on log book details. The amount reimbursed will be based upon the published Australian Taxation Office business use of motor vehicle cents per kilometer rate applicable at the time of travel; or,
- 2) In lieu of completing a log book, councillors accept and annual payment equivalent to the Australian Tax Office mileage rate (eg \$0.85/km in 2024) for 12,000km per annum.

5.11 Insurance

5.11.1 Introduction

Councillors will be covered under relevant Council insurance policies while discharging civic duties.

Specifically, insurance cover will be provided for public liability, professional indemnity, workers compensation, Councillors and officers liability and personal accident.

5.11.2 Public Liability and Professional Indemnity

Council has included Councillors under Council's Public Liability and Professional Indemnity policy (Local Government Mutual –LGM). Any deductible payable as a consequence of a claim made pursuant to this policy will be paid by Council.

5.11.3 Worker's Compensation

Council has included Councillors in its Worker's Compensation coverage (Local Government Self Insurance Scheme – LGW). That provides for a level of benefits substantially the same as for an employee of Council with the exception that elected members cannot bring a common law damages action against Council under the *Worker's Compensation & Rehabilitation Act 2003*.

This Workers Compensation covers Councillors while they are engaged in official Council business.

This business would include, but is not limited to such activities as attending a Council meeting or workshop, representing Council at an official function, or attending activities at another Council or location that is relevant to their elected position.

5.11.4 Councillors and Officers Liability

Council has effected separate Councillors and Officers Liability Insurance on behalf of Councillors. If Councillors wish to take the benefit of this insurance, Councillors must:

- in the event that a claim is made, first notify the Chief Executive Officer (or his/her delegate) of the existence and circumstances of the claim; and
- thereafter allow management of the claim (eg engagement of lawyers etc) to be handled by Council's Claims Managers – Jardine Lloyd Thompson Ltd and/or the insurer.

Any deductible payable as a consequence of a claim made pursuant to this

policy:

- will be paid by Council, so long as the Councillor complies with the requirements above; or
- otherwise, must be paid by the Councillor.

6. Breaches of Policy

A breach of Council's policies or procedures, including this Policy, by a Councillor is 'inappropriate conduct' as defined in the *Local Government Act 2009*, which will be dealt with in accordance with that Act.

7. Changes to this Policy

This Policy is to remain in force until otherwise amended/replaced by resolution of the Council.

8. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Councillor Facilities and Expenses Policy (v6.0)'.

Version	Date	Action
1	03/01/2014	Adopted
2	11/02/2014	Amended Policy Adopted
3	31/03/2016	Amended Policy Adopted
4	14/06/2016	Amended Policy Adopted
4.1	27/08/2018	Administrative Amendments – reflect organisational restructure
5	18/08/2020	Amended Policy Adopted - Policy reviewed and amended by King and Company, Councillor Training and Conference Policy and Councillor travel has been incorporated into this policy
6	21/09/2021	Amended Policy Adopted - amendment to section 5.9.11
7.0	20/05/2024	Amended Policy Adopted – section 5.10 updated

CALE DENDLE
CHIEF EXECUTIVE OFFICER

12.3 OPERATIONAL PLAN 2023-2024 Q3 PROGRESS REPORT

File No: CM4.6.2

Attachments: 1. Q3 2023-2024 Operational Plan [↓](#)

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

Author: Ursula Sleeman - Governance Officer

SUMMARY

The 2023-2024 Operational Plan progress report for Quarter 3 as of 31 March 2024 is presented, pursuant to Section 174(3) of the Local Government Regulation 2012.

OFFICER'S RECOMMENDATION

THAT Council receives the Quarter 3 2023-2024 Operational Plan Performance Report, for period ending 31 March 2024.

BACKGROUND

The *Local Government Act 2009* requires Council to adopt an Operational Plan each year. The Operational Plan 2023-2024 forms an important part of Council's strategic planning process and sets out the key projects and priorities that Council plans to deliver towards achievement of the Corporate Plan 2030.

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

The 2023-2024 Operational Plan provides the detail of the key programs and identified outcomes to be achieved against the Corporate Plan for the 2023-2024 financial year.

COMMENTARY

The Operational Plan Performance Report March 2024 reports on the progress of the significant activities that Council plans to undertake during the year. Each action item has a key performance indicator and progress is measured against budget, timing, scope and risk. Table 1 provides a summary of performance to 31 March 2024 against the progress indicators.

The attached Operational Plan Quarter Performance Report March 2024 provides a status update and comments for each action item summarising the progress for each of the activities in Quarter 3 2023-2024.

Status of Planned Activities

Status	Liveable Livingstone	Thriving Livingstone	Natural Livingstone	Leading Livingstone	Future Livingstone	Total
On Time	10	6	12	20	6	54
Item Completed	1	1	0	2	2	6
Rescheduling Expected	4	1	0	3	1	9
To be deferred	1	0	0	0	0	1
Total	16	8	12	25	9	70

Of the 70 activities, 60 (86%) are either complete or on track and 10 (14%) require monitoring.

Five items were completed in the first half of the year with one additional item completed in Quarter 3.

There were eight items in the first half of the year that were expected to be rescheduled with one of those now on time but an additional two items were identified as needing to be rescheduled in Quarter 3, bringing that total to nine.

- 1.1.1.a – Complete a structure plan for Taroomball and Hidden Valley – now on time.
- 4.1.2.a – Implementation of Strategic Asset Management Plan Improvement actions to be rescheduled once Merlin go live date is known.
- 4.1.6.c – Internal Audit – complete audit actions – due dates adjusted.

There was one item identified as needing to be deferred in Quarter 1 with no additional items identified in Quarters 2 or 3.

PREVIOUS DECISIONS

The 2023-2024 Operational Plan was adopted by Council on 13 June 2023.

ACCESS AND INCLUSION

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

ENGAGEMENT AND CONSULTATION

Consultation has taken place with internal stakeholders.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council “*to act and make decisions in a way compatible with human rights.*” There are no foreseen human rights implications associated with the 2023-2024 Operational Plan Performance Report for Quarter 3.

BUDGET IMPLICATIONS

The activities in the Operational Plan 2023-2024 are funded from the 2023-2024 Annual Budget.

LEGISLATIVE CONTEXT

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

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

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

LEGAL IMPLICATIONS

There are no legal implications associated with this matter.

STAFFING IMPLICATIONS

Activities listed in the Operational Plan 2023-2024 are managed by the responsible Council areas. The status and comments for each activity in the attached report are provided by the relevant area. Although the delivery of the plan itself is dependent on staff resources and some significant activities relate to people issues, there are no direct impacts on staff resulting from this report.

RISK ASSESSMENT

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

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

CORPORATE PLAN REFERENCE***Leading Livingstone***

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

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

The Operational Plan 2023-2024 is a key strategic document that outlines the key objectives for Council's annual program and aligns with the budget.

CONCLUSION

Quarterly reporting against the 2023-2024 Operational Plan is a statutory requirement and informs Council and the community on the performance of Council against yearly programs and activities in line with Council's Corporate Plan 2030.

12.3 - OPERATIONAL PLAN 2023-2024 Q3 PROGRESS REPORT

Q3 2023-2024 Operational Plan

Meeting Date: 18 June 2024

Attachment No: 1

Livingstone Shire Council Working together for a thriving Livingstone										
LIVEABLE LIVINGSTONE A "Liveable Livingstone" will support and advocate for services for the wellbeing of the people of Livingstone at any age and with any ability.										
Community Plan Goal 1.1 Access to quality housing & healthcare Council's role - Advocate & Facilitator										
1.1.1 Foster development to promote a range of housing options by reviewing existing planning and development policies to ensure that Council's development controls facilitate housing choice										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
1.1.1.a	Complete a structure plan for Taroomball and Hidden Valley	Structure plan completed	Council business papers	Principal Strategic Planner	Q2 (December 2023)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Will be presented to June Ordinary Council Meeting for consideration.
1.1.1.b	Development and sale (off the plan) for the Emu Park West Residential Subdivision - Stages one to four	13 lots developed and sold (off the plan) - Stage 1 and 2	Land sales	Manager Economy & Places	Q4 (June 2024)	On time	Budget on track	Benefits to be achieved	Identified risk/s within appetite	Stage 1 (3 lots) contracts on all three lots. Stage 2 offer received, sale conditioned to purchaser to develop 10 lots in 2 years
1.1.1.c	Complete structure plan for northern Yeppoon	Structure plan completed	Council business papers	Principal Strategic Planner	Q4 (June 2024)	Rescheduling expected	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Due to other priority areas of growth within LSC the structure plan for northern Yeppoon will be rescheduled for later in the financial year.
1.1.1.d	Review of secondary dwelling rating structures and fees and charges	Review is completed	Council business papers	Infrastructure Charges Officer/Coordinator Revenue & Rates	Q4 (June 2024)	On time	Budget on track	Benefits to be achieved	Identified risk/s within appetite	Rating structures discussed on 5 December 2023. Further workshop being held early in the new term to discuss infrastructure charges on new dwellings. Next Workshop Rating & Revenue Strategy 14th May 2024
1.1.1.e	Undertake a review of the current Planning Scheme and implement necessary changes to ensure long term prosperity within the region	Review of Planning Scheme completed	Project Plan	Manager Development & Environment	Q4 (June 2024)	Rescheduling expected	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Will be presented to May Ordinary Council meeting with workshop to follow in August and September 2024 to discuss potential amendments.
1.1.1.f	Collaborate with State and Federal Government and Community Housing Providers to Identify opportunities for increasing the supply of affordable housing	Increased supply of affordable housing	Building applications	Manager Economy & Places	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Local housing action plan being prepared in collaboration with LGAQ and State Government. To be presented to Council in June 2024.
1.1.2 Align community programs to social needs, funding opportunities and/or partnerships										
Reference	Performance Measurement			Responsibility	Timeframe	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-					
Community Plan Goal 1.2 Supporting healthy living at any age Council's role - Provider & Facilitator										
1.2.1 Build capacity to improve health and wellbeing in the community by providing fair and reasonable access to services and facilities										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
1.2.1.a	Proportion of formal beach accesses that have all ability access	2 constructed per annum	Council business papers	Manager Construction & Maintenance	Q4 (June 2024)	To be deferred	Budget underspent	Benefits won't be achieved	Identified risk/s within appetite	This item was discussed at the Briefing Session held on 1 August 2023 and it was decided to hold off on constructing any further all ability beach accesses in the current financial year due to sufficient coverage along the foreshore.

1.2.2 Plan for Livingstone's ageing demographics and partner with regional health and aged care sectors										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
1.2.2.a	Progress actions identified in the Livingstone Senior Needs Analysis 2022	100% of actions identified for 2023-24 completed	Council business papers	Principal Community Development & Engagement Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Actions for 2023/2024 being delivered, example Seniors Committee, Capacity Building workshops will be completed by end of Q4.
1.2.3 Plan, design and deliver community infrastructure which connects communities and encourages non-vehicular transport										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
1.2.3.a	Undertake a review of the current E-scooter trial	Completed two (2) months prior to trial ending	Council business papers	Economic Development Officer	Q1 (September 2023)	Item completed	Budget on track	Item completed - benefits achieved	Identified risk/s within appetite	Neuron appointed as e-scooter commercial operator paying an annual fee per scooter.
1.2.4 Take action to enable the implementation of the Active Livingstone Strategy										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
1.2.4.a	Progress actions identified in the Active Livingstone Strategy	100% of actions identified for 2023-24 completed	Council business papers	Principal Community Development & Engagement Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Actions for 2023/24 being delivered, eg. Abilities unleashed will be completed by end of Q4.
Community Plan Goal 1.3 - Places for active & passive recreation Council's role - Provider & Facilitator										
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										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
1.3.1.a	Progress actions identified in the Sporting Needs Strategy	100% of actions identified for 2023-24 completed	Council business papers	Principal Community Development & Engagement Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Actions for 2023/2024 being delivered, eg. Basketball hoop replacement, Basketball Centre EO1 will be completed by end of Q4.
1.3.2 Optimise community benefit from the use of parklands and facilities by improving the quality, access to, and shared use of, public spaces and facilities for cultural, recreational, and community activities										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
1.3.2.a	Weekend occupancy rate for Yeppoon Town Hall	80% per annum	Pathway Booking Module	Coordinator Communications & Engagement	Q4 (June 2024)	On time	Budget overspent	Item completed - benefits achieved	Identified risk/s within appetite	92.30% (13 weekends in the quarter, 12 of which the hall was occupied). The majority of this period the hall was booked for Electoral Commission QLD (22/01 to 04/04).
1.3.2.b	Review an options paper for Councillors identifying strategies for community group development assistance	Review completed	Council business paper	Manager Development & Environment	Q1 (September 2023)	Rescheduling expected	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Will be presented to the June 2024 Ordinary Council Meeting for consideration.

1.3.3 Support community groups (including the arts, cultural, sport, and recreation groups) through advocacy and by helping them identify and secure funding streams and develop skills (including networking, governance, engaging volunteers, and business management)										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
1.3.3.a	Diversity in recipients of Council's grant and sponsorship programs	Increase in the number of first time recipients	Council business papers	Principal Community Development & Engagement Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	One round of Community Grants, RADF and Sponsorship have opened and closed. Assessment currently underway. May and June Ordinary Council Meeting will determine recipients and funding amounts.
1.3.3.b	Maintain volunteer programmes and partnership projects	4 projects per year	Volunteer registrations ECM	Coordinator Natural Resource Management	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Continue to work with Landcare and other volunteer groups within the region to deliver region wide projects. Locations include, foreshore and Mulambin, Farnborough and Seaview Hill. Emu Park Bush Care Group at Fisherman's Beach and Friends of the Beach Volunteer Program at multiple sites including Lammermoor and Native Gardens.
1.3.3.c	Undertake an assessment of current community and sporting facility support	Assessment completed	Council business paper	Manager Community & Cultural Services	Q2 (December 2023)	Rescheduling expected	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Scope of works finalised and consultant procured to complete project. Site visits completed. Date of completion anticipated to be end of June 2024.

THRIVING LIVINGSTONE The "Thriving Livingstone" will prioritise the Traditional Owners and the importance of the place and country of Indigenous people; offer a diverse range of cultural activities and events; and develop and sustain a diverse economy.										
Community Plan Goal 2.1 - Recognition, respect and support for Indigenous people, history and culture Council's role - Facilitator, Regulator/Provider										
2.1.1 Implement Livingstone's Reconciliation Action Plan to increase Council's organisational and staff capacity to deliver position outcomes for Indigenous people, including the Darumbal and Woppaburra people										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
2.1.1.a	Reconciliation Action Plan adopted by Council	Plan adopted by Council	Council business papers	Principal Community Development & Engagement Officer	Q2 (December 2023)	Rescheduling expected	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Draft complete and in review with traditional owners.
2.1.2 Foster partnerships to celebrate Council's and the community's respect and understanding of the Darumbal and Woppaburra People's relationship with their traditional land and waters through culturally appropriate facilities and services										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-					
Community Plan Goal 2.2 - Diverse business, industry & employment Council's role - Provider, Facilitator										
2.2.1 Growth in key sectors identified in the Invest Capricorn Coast Region Economic Development Plan is supported through the development and implementation of action plans by Capricorn Enterprise and other advisory groups										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
2.2.1.a	Growth in Gross Regional Product (%)	Above the Queensland Average	Economy ID	Manager Economy & Places	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Results not available until Q4.
2.2.2 Foster development of high performing local business capability and diversity										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
2.2.2.a	Progress actions identified in the Livingstone Blueprint for Growth	100% of actions identified for 2023-24 completed	Council business papers	Manager Economy & Places	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Ongoing initiatives being delivered.
2.2.3 Implement a Council-endorsed priority land development plan to deliver a return on the community's investment in land development to enhance economic and community outcomes										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
2.2.3.a	Council property portfolio development delivers a positive cash return on investment	>10% cash return	Council ledger	Manager Economy & Places	Q4 (June 2024)	Item completed	Within operational allocation	Item completed - benefits achieved	Identified risk/s within appetite	All lots in Gateway Stage 2b and 3 sold. Planning for Gateway Stage 4 has commenced.
2.2.4 Support the growth of education and employment opportunities for the community										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-	-	-	-	-	
Community Plan Goal 2.3 - A welcoming & desirable place to visit Council's role - Provider, Facilitator										
2.3.1 Provide support to market Livingstone as a destination for commerce, tourism, and lifestyle										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
2.3.1.a	Activities and performance measures as described in the Capricorn Enterprise Partnership Agreement 2022-2026 are delivered	100% of performance measures reached	Council business papers	Manager Economy & Places	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Monthly catchups held to monitor performance. All KPI's being met. Formal presentation by Capricorn Enterprise to Council to be held in June 2024.

2.3.2 Council provides and maintains infrastructure which encourages business and tourism growth										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-	-	-	-	-	
Community Plan Goal 2.4 - Arts & cultural activities and facilities that strengthen social connections Council's role - Provider, Facilitator										
2.4.1 Deliver events, activities, and performances which bring economic and social benefits to the community										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
2.4.1.a	Increased patronage at events, activities and performances	5% increase	Council business papers	Coordinator Communications & Engagement	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Data collection ongoing and annual report to be provided in Q4.
2.4.2 Implement the action plan from the Invest Capricorn Coast Region Events Strategy 2025										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
2.4.2.a	Capricorn Coast Region Events Strategy 2025 actions	100% of actions completed for 2023-24	Council business papers	Manager Community & Cultural Services	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Council continues to ensure events are aligned with the strategy.
2.4.3 Foster access, collaboration, community connectedness, wellbeing and creativity by supporting arts and cultural activities within the Shire										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
2.4.3.a	Revise the Arts and Cultural Policy	Council resolution	Council business papers	Manager Community & Cultural Services	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Community consultation opened April 2024 and will close May 2024, policy and strategy to be finalised June 2024.

NATURAL A 'Natural Livingstone' will protect, sustainably manage and enhance the natural beauty, landscapes and resources of the country of the Darumbal and Woppaburra people in order to safeguard the sustainability and environmental resilience of the region into the future										
Community Plan Goal 3.1 - Enhanced reuse and recycling of resources Council's role - Advocate/Provider, Facilitator										
3.1.1 Enable and support sustainable waste management technologies, services and facilities which provide innovative and compliant solutions to reduce the environment impacts of Council's waste collection and resource recovery options										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
3.1.1.a	Waste Strategy actions completed	100% of actions completed for 2023-24	Council business papers	Principal Waste Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Policy on kerbside collection service expansion completed, reuse of waste increasing due to Resource Recovery Facility, The Caves Transfer Station upgrades completed and Emu Park Transfer Station upgrades designed in preparation for construction in 24/25.
3.1.1.b	Volume of waste diverted as a percentage of total waste stream collected or received	25%	Council business papers	Principal Waste Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Officers are monitoring waste diversion and will provide a percentage at the end of the financial year.
3.1.2 Partner with the community to divert and minimise waste and invest in renewable energy										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-					
3.1.3 Incentivise the community to invest in reuse, recycling, energy and water saving practices										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
3.1.3.a	Sustainable Livingstone Program delivered	100% of program delivered within timeframe and budget	ECM Project Plan	Principal Sustainability Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	The focus of the Sustainable Livingstone Program this year was the Urban Agriculture and Sustainability Expo which was held on 12 November 2023. Training opportunities for staff. Lendlease Springboard program.
3.1.4 Promote and develop a resource recovery centre to deliver education and behavioural change										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-					
Community Plan Goal 3.2 - Protection of coastlines & waterways Council's role - Provider, Advocate, Regulator, Facilitator										
3.2.1 Assess alternative options to increase water sources										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-					
3.2.2 Progress and support plans which protect coastal and marine environments										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
3.2.2.a	Actions identified in the Livingstone Reef Guardian Action Plan completed	100% of actions identified for 2023-24 completed	Council business papers	Coordinator Natural Resource Management	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Awaiting outcome of funding application.
3.2.2.b	Actions within Shoreline Management Plan implemented	100% of actions within plan implemented within identified timeframes and budget	Council business papers	Principal Sustainability Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Continue to work with community to deliver the actions. Report to be brought to the Council table in Q4. Will include locations of Farnborough Dune Restoration and Mulambin Beach.

3.2.3 Collaborate with partners to reduce sediments and nutrients in waterways										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
3.2.3.a	Deliver events or clean-up projects that target effective waste management and pollution control e.g. sediment and erosion control, rubbish clean ups	2 events	ECM Funding Agreements	Coordinator Natural Resource Management	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	4 Clean Up projects undertaken in conjunction with Capricorn Coast Landcare, Woppaburra TUMRA committee and Capricornia Catchments. Erosion and Sediment control training provided as part of Reef Guardian Council program.
3.2.4 Plan Council's response to climate change by implementing the actions in the Coastal Hazard Adaptation Strategy										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
3.2.4.a	Implement recommendations from Our Living Coast Strategy (Coastal Hazard Adaptation Strategy)	100% of actions implemented within identified timeframes and budget	Council business paper	Principal Sustainability Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Actions are progressing well, however some actions to be rolled into the Planning Scheme review.
3.2.5 Deliver and implement a Livingstone Shire Carbon Strategy										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
3.2.5.a	Implement the actions within the Low Carbon Livingstone 2030: A Strategy to Reduce the Carbon Footprint of Livingstone Shire Council	100% of actions implemented within identified timeframes and budget	Data from annual carbon audit	Principal Sustainability Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Carbon audit has been undertaken and results presented to Council in Q2.
Community Plan Goal 3.3 - Conservation of natural assets										
Council's role - Provider, Advocate, Regulator, Facilitator										
3.3.1 Recognise, preserve and enhance the region's unique biodiversity										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
3.3.1.a	Actions identified in the Biodiversity Strategy completed	100% of actions implemented within identified timeframes and budget	Council business papers	Coordinator Natural Resource Management	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Majority of actions being undertaken within available budget.
3.3.1.b	Rehabilitate six (6) new sites and maintain twelve (12) existing sites on Council controlled land	Six (6) new sites established and twelve (12) existing sites maintained	100% in line with annual programme	Project Officer Natural Resource Management Vegetation Rehabilitation Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	26 sites on Farnborough Beach, 3 natural areas at Emily Morgan Park, Ritamada Road, National Tree Day sites at Mulambin and Emu Park, Coowonga Quarry rehab, 2 “Green fire breaks” Bungundarra, Fisherman's Beach Emu Park, G.K.I., Seaspray.
3.3.1.c	Cycad salvage and mitigation projects - project initiation and maintenance	2 projects completed	Finance One ECM Survey 123	Community Nursery Supervisor	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Maintenance of two Council sites for cycad mitigation is ongoing. Two contracts to undertake protected cycad salvage and mitigation for industry are also underway.
3.3.2 Progress and support plans which protect the Shire's natural assets, bushland and local eco-systems										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-					

3.3.3 Manage threats by collaborating with traditional owners, agencies, community groups and private landholders about land management, protection methods including hazard reduction strategies and conservation policies to ensure the protection of people, property and the environment										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
3.3.3.a	Implement the Bushfire Management Plan Annual Operational Plan	100% of actions implemented within identified timeframes and budget	ECM Funding Agreements	Coordinator Disaster Management & Community Resilience	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s being managed	Bushfire risk on-site assessment of 61 parcels of LSC administered/owned land. Community training: chemical user x 26. Community training: operate & maintain chainsaw x 28. Mobile community noticeboards delivered to SES and RFB facilities.

LEADING LIVINGSTONE A 'Leading Livingstone' will provide transparent, accountable leadership which listens to the needs of the Livingstone community and advocates for Livingstone's interests to State and Federal Governments										
Community Plan Goal 4.1 - Innovative & accountable leadership to achieve a shared future Council's role - Provider										
4.1.1 Implementation of the Community Plan and Corporate Plan is well co-ordinated across Council and through a delivery mechanism which provides clear line of sight, accountability and performance measurement for all employees										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
4.1.1.a	Individual performance plans in place for eligible employees	70% of eligible employees have a performance plan	Performance Management System reports	Principal Organisational Development and Coordinator HR & Payroll	Q4 (June 2024)	Item completed	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	KPI has been exceeded. 78% of employees have a performance agreement as at December 2023.
4.1.1.b	Increase employee attendance <i>(this is a 2023-2024 Organisational KPI)</i>	>95% annualised	HR Reports	Executive Leadership Team	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Council's annualised attendance rate at the end of Q3 was 94.8%.
4.1.1.c	Review the corporate performance, planning and reporting framework	Corporate Plan reviewed within 6 months of March 2024 election	Council business papers	Chief Financial Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Draft Corporate Plan reviewed by Executive Leadership Team. Q4 activities will focus on confirming content with Councillors.
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										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
4.1.2.a	Implementation of Strategic Asset Management Plan Improvement actions	100% of actions identified for 2023-24 completed	Asset Management Steering Committee	Coordinator Assets	Q4 (June 2024)	Rescheduling expected	Within operational allocation	Benefits to be achieved	Identified risk/s being managed	SAMP Improvement Actions reviewed at Asset Steering Committee Meeting on 30 November 2023. Actions for 2023-2024 endorsed for actioning. 60% of actions completed. 1 action is still in progress with a further 1 action relating to outcomes to be achieved as part of Merlin to be rescheduled once a new go live date is known.
4.1.2.b	Review 50% of Long-Term Asset Management Plans Annually prior to end of calendar year	50% reviewed prior to end of calendar year	Asset Management Steering Committee	Coordinator Assets	Q4 (June 2024)	Item completed	Within operational allocation	Item completed - benefits achieved	Identified risk/s within appetite	COMPLETED. Water, Sewer and Footpaths AMPs adopted by Council in July 2023. Roads, Bridges & Major Culverts, and Buildings asset classes successfully migrated to Assetic Predictor models and dashboard AMP views. Buildings and Bridges & Major Culverts Asset Management Plans to be taken to Council for endorsement in 2024-25.
4.1.2.c	Increase plant / fleet utilisation rates	70%	Conquest	Coordinator Assets	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Additional follow-up work to be conducted to review the hire rates of those vehicles that appear to be over utilised to ensure fleet is recovering the correct revenue.
4.1.2.d	Contribute to driving a performance culture through achievement of Capital Works targets <i>(this is a 2023-2024 Organisational KPI)</i>	90% targets achieved	Capital Works Report	Executive Leadership Team	Q4 (June 2024)	Rescheduling expected	Budget on track	Benefits to be achieved	Identified risk/s within appetite	As at 31 December 2023, YTD Capital expenditure + Committals was \$32.3M, or 68% of the current full year budget. Budget Review 1 has been finalised and endorsed by Council at \$47.16M (net decrease of \$4.04M).2324 KPI performance to date is consistent with Q2 target of 70%.
4.1.2.e	Contribute to driving a performance culture through achievement of Operational Plan targets <i>(this is a 2023-2024 Organisational KPI)</i>	90% targets achieved	Operational Plan Report	Executive Leadership Team	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	86% of targets are either on time or completed, 14% have been rescheduled, however to be achieved by Q4 and currently 1 project is being deferred to 24/25.

4.1.2.f	Deliver cost effective services within approved budget <i>(this is a 2023-2024 Organisational KPI)</i>	Expenditure of Operational budgets are managed to within +/- 5%	Operational Plan Report/Capital Works Report	Executive Leadership Team	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Operational expenditure at 31 March 2024 was \$77.6m which is 70% of the Revised Budget against YTD target of 75%.
4.1.3 A continuous improvement focus underpins the organisation, creating a supportive environment for ideas and positive, well-managed change which enhances internal and external outcomes										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
4.1.3.a	Undertake a options paper for consolidation of Council office accommodation	Options paper completed	Council briefing paper	Principal Property Officer	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Options analysis to be presented to Council in Q4.
4.1.4 Provide leadership and contemporary management systems which drive a coordinated and connected organisation										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
4.1.4.a	Build contemporary leadership capabilities	100% of actions identified for 2023-24 completed	Framework ELT Reports	Principal Organisational Development	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	16 Leaders continue to progress through the leadership development program with Objective Leader - on track for completion in May 2024. A development program for Team Leaders will commence in May with Leading Roles. This program consists of 6 x 1 hour monthly webinars on a different leadership competency each month.
4.1.5 Promote a values-based culture which appreciates it and empowers its workforce										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
4.1.5.a	Drive employee engagement through demonstrating effective leadership, engagement and collaboration <i>(this is a 2023-2024 Organisational KPI)</i>	>75% Engagement >75% Manager Effectiveness (MEI)	Survey Results	Executive Leadership Team	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Council undertook their annual engagement survey in Oct 2023. Engagement results achieved include: Engagement Score - 64%, Manager Effectiveness Index - 80% Leaders have debriefed results with their respective teams, and continue to focus on actions to sustain or positively shift engagement. ELT introduced 'You Said, We Did' keeping staff informed of engagement actions progress.
4.1.6 Risk management practices are embedded into decision making process										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
4.1.6.a	Improve Council's risk management maturity	100% of actions identified for 2023-24 completed	Council business papers	Coordinator Governance	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Revised Enterprise Risk Management Policy adopted by Council on the 20/02/2024. ERM Procedure revised and currently undertaking stakeholder review. Pulse Software changes currently being scoped, inline with revised ERM framework. ERM Training Program to be developed and implemented.
4.1.6.b	Mitigation and risk reduction activities: - are informed by risk assessments - are prioritised based on risk assessments and available resources - are included in strategic and operational plans	Completion of Queensland Emergency Risk Management Framework	Emergency Management Assurance Framework	Local Disaster Coordinator and Coordinator Disaster Management and Community Resilience	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	LDMG meeting conducted on 21 February 2024. LDMG Operational Plan was updated and discussed with group. Critical infrastructure tour of the Yeppoon Sewage Treatment Plant.

4.1.6.c	Internal Audit - complete audit actions	100% of high and medium risk actions completed within timeframes	Audit committee business papers	Coordinator Governance	Q4 (June 2024)	Rescheduling expected	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	13 Actions closed during Q3 (7xHigh 4xMedium 2xLow). *0% of High + Medium Actions completed within 'original' agreed timeframes. 57% of 'High' + 75% of 'Medium' Actions closed out within 'Adjusted Due Dates'.
4.1.7 Recruit and develop a professional, capable and responsive workforce										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
4.1.7.a	Employee Value Proposition (EVP) developed and implemented	EVP approved & implemented	Council business papers	Coordinator HR & Payroll	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Consultation and planning is continuing to occur to establish EVP.
4.1.7.b	Annualised Employee Turnover (excluding retirements)	<10%	Aurion	Coordinator HR & Payroll	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Annualised turnover is trending at 13.40%. Excluding retirements/fixed term contracts, turnover is trending at 10.5%.
4.1.7.c	Workforce Plan meets current and future business and community expectations	80% of scheduled strategies for 2023-24 implemented	Workforce Plan	Principal Organisational Development	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Strategies for FY24 have been identified and work continues to be undertaken to ensure 80% of these strategies are achieved.
4.1.7.d	High employee satisfaction with organisational programmes and professional development opportunities	80% participant satisfaction rate achieved	Survey Results	Principal Organisational Development	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	During Q3, 79% of employees who provided feedback indicated they were satisfied or very satisfied with the training or professional development program they attended. We continue to offer the opportunity to employees to complete the survey, although not compulsory.
4.1.8 Provide for the safety, security, health and wellbeing of Council employees and contractors										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
4.1.8.a	Zero improvement or prohibition notices issued by WorkSafe Qld	Zero Improvement Notices	WorkSafe Qld	Coordinator Safety	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s being managed	During Q3, there was 1 x Improvement Notice and 1 x Prohibition Notice issued in relation to EPTS in March.
4.1.8.b	Local Government Workcare (LGW) external audit findings implemented	100% of actions identified for 2023-24 completed	Audit committee business papers	Coordinator Safety	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Actions for the FY24 have been identified and work continues towards achieving these.
4.1.8.c	Proactively contribute to the safety, health and wellbeing of our people <i>(this is a 2022/2023 Organisational KPI)</i>	Reduction in Lost Time Injury Frequency Rate <15.0	WHS Safety Committee	Executive Leadership Team	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s being managed	There was one (1) Lost Time Injuries for Q3. The LTIFR for the period ending 31 March 2024 decreased to 20.74. Early reporting and intervention will continue to be a key focus.
Community Plan Goal 4.2 - Collaboration & partnerships to advocate for the needs of the community Council's role - Facilitator, Advocate										
4.2.1 Build and maintain strong, collaborative and co-operative relationships across all levels of government, industry, business and community										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-	-	-	-	-	
4.2.2 Identify opportunities for alignment between Council's interests and objectives with those of Federal and State Governments										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-	-	-	-	-	

4.2.3 Advocate Council's interests and objectives to government, industry, business, and community to promote the Livingstone region at a national and international level										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-	-	-	-	-	
4.2.4 Actively participate in Central Queensland Regional Organisation of Council's and other regional bodies to promote regional interests and objectives to government, industry, business, and community										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
4.2.4.a	Leadership (Chair and Secretary) of the CQROC Organisation of Councils Ltd	Successful discharge of company responsibilities to Australian Securities and Investments Commission	Council business papers	Mayor and CEO	Q1 (September 2023)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Virtual board meeting held 18 January 2024. Next Board Meeting scheduled for 2 & 3 May in Biloela. Preparations being discussed for handover of Chair and Secretary to RRC by 2024 AGM.
4.2.4.b	Implementation of Livingstone Shire Council's actions in the CQ Regional Waste Strategy	100% of actions identified for 2023-24 completed	Council business papers	Manager Water & Waste Operations	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Tender for Materials Recovery Facility and Transport of Recycled Materials finalised and new contracts awarded. Progressing discussions with CQRoC councils to progress state government funding for waste minimalisation.
Community Plan Goal 4.3 - Engagement with the community as advisors & partners Council's role - Provider										
4.3.1 Plan, develop and implement high-quality customer-focused services										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-	-	-	-	-	
4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-	-	-	-	-	
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										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
4.3.3.a	Annual increase in Total Visit measure rates for Get Involved Software	10%	Get Involved Software	Coordinator Communications & Engagement	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Annual report of usage to be provided in Q4.

FUTURE LIVINGSTONE A 'Future Livingstone' will become a resilient community prepared for future economic, social, environmental, and infrastructure challenges to ensure Livingstone retains its unique character and thrives into the future										
Community Plan Goal 5.1 - Balanced environmental and development outcomes Council's role - Regulator, Facilitator										
5.1.1 Maintain a clear and comprehensive planning vision for the region										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Source of Validation Data			Timing	Budget	Scope	Risk	
5.1.1.a	Review and update the Local Government Infrastructure Plan	Council resolution	Council business papers	Coordinator Infrastructure Planning	Q2 (December 2023)	Rescheduling expected	Budget on track	Benefits to be achieved	Identified risk/s being managed	Officers have completed reviewing the planning assumptions, infrastructure modelling assumptions, extrinsic material and infrastructure modelling work. All of the outputs have been forwarded to Council's contractor to collate into the draft LGIP which will be issued for public comment in the 24/25 financial year.
5.1.2 Balance development within Livingstone Shire in accordance with the community's desired environmental and economic outcomes										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
5.1.2.a	Finalise the structure plan for the West Emu Park Development Area	Structure Plan completed	Council business papers	Principal Strategic Planner	Q2 (December 2023)	Item completed	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Report presented to Council in November 2023.
5.1.3 Develop a program of master planning, place making and improvement strategies to enhance local identity and lifestyle										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-	-	-	-	-	
5.1.4 Collaborate with partners to understand, nurture and protect Great Keppel Island's environmental values which help showcase its unique tourism potential										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
5.1.4.a	Advocating for the completion of the Great Keppel Island master plan project	Master Plan adopted	Queensland Government	Manager Economy & Places	Q4 (June 2024)	On time	Within operational allocation	Benefits to be achieved	Identified risk/s within appetite	Council continues to support the State Government on the development of the Masterplan and business case development for a Sewerage Treatment Plant and amenities.
Community Plan Goal 5.2 - Connected places, people & services Council's role - Regulator, Facilitator										
5.2.1 Implement an integrated transport strategy which encourages alternative transport usage to maximise economic, environmental and liveability outcomes										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-	-	-	-	-	
5.2.2 Reinforce sustainable building design principles										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-					
5.2.3 Adopt and implement a Connected Livingstone Strategy to foster investment opportunities in the region										
Reference	Performance Measurement			Responsibility	Completion Date	Progress Indicators				Comments
	Performance Indicator	Target	Data Validation Source			Timing	Budget	Scope	Risk	
-	Delivered as part of normal business activities	-	-	-	-	-	-	-	-	

12.4 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MAY 2024**File No:** FM12.14.1**Attachments:** 1. Monthly Financial Report 31 May 2024 [🔗](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Caitlyn Good - Management & Treasury Accountant

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 May 2024 by the Chief Financial Officer.

OFFICER'S RECOMMENDATION

THAT;

- a) the Livingstone Shire Council Monthly Financial Report for the period ending 31 May 2024 be received (Attachment 1).
- b) Council does not proceed with drawing down of the approved borrowings for 2023-24 and authorise the Chief Financial Officer to notify the QTC of its decision.

BACKGROUND

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

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

The attached financial information presents the year-to-date position of Council's financial performance to the 31 May 2024. All prior financial year-end accounting entries have been completed. Commitments are excluded from the reported operating & capital expenditures.

All variances are reported against the revised budget (24BR1) adopted by Council on 19 December 2023.

COMMENTARY

The financial report compares actual performance against Council's Budget Review 1 (24BR1) and identifies significant variances or areas of concern. It also provides information about additional areas of financial interest to Council and reinforces sound financial management practices throughout the organisation.

The Council monthly report (attachment one) contains the commentary and analysis and for the sake of brevity, will not be repeated in this cover report.

Additional commentary is disclosed within the report where either the month or year to date variance exceed \$100,000 or 10% of the budget.

1. Executive Summary – summary of the main financial operating results, capital, cash, and borrowings.
2. Financial Performance Indicators - a summary of financial performance indicator year-to-date results. Indicators are based on achieving benchmark results. These have been aligned to the sustainability measures in the Financial Management (Sustainability) Guideline 2023

3. Financial Reports –

- a. Month and year to date results for operating activities. Supplemented by commentary where either a major positive or negative variance exists and supporting graphical summaries or results, or previous information requests.
- b. Balance sheet items with movement on previous month, compared against full year budget. Supplemented by commentary where either a major positive or negative variance exists and supporting graphical summaries of results, or where details were previously provided.

4. Capital expenditure –

- a. Summary of overall portfolio of program including capital revenue streams.
- b. Detail of capital expenditure projects >\$100,000.

5. Glossary – updated to reflect the current financial performance indicators.

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

In accordance with section 237 of the *Local Government Regulation 2012*, Council publishes the details of all contracts valued \$200,000 or more. These details are displayed on Council's website (<https://www.livingstone.qld.gov.au/doing-business/business-and-regulations/contracts-and-tenders>), and on the public notice board located at the Yeppoon Town Hall. In May 2024, four (4) contracts over the prescribed value were established via purchase order.

Current Tenders

At the end of May there were four (4) open tenders, no (0) tenders evaluated, and no (0) contracts awarded. The below table is a summary of current tenders to promote oversight of the progress by Councillors.

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

May 2024 - Open Tenders			
2024.002A	Yeppoon Landfill Stage 3 - Cell Construction		
2024.002B	Yeppoon Landfill Stage 3 - Quality Assurance & Superintendency Services		
2024.005	Design & Construct Adelaide Park Road Pedestrian Bridge and Footpath Approaches		
2024.003	PSA Traffic Control Services		
May - Tenders Evaluated			
	Nil Tenders Evaluated		
May 2024 - Contracts Awarded		Successful Tenderer/s	Contract Value (exc GST)
	Nil Tenders Awarded		

Status Legend:

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

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

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

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

Contract – contract issued by letter of award.

2023-24 Borrowings

As part of Council's ongoing commitment to improving its financial sustainability Council is committed to exercising good financial management practices when determining how best to fund their capital expenditure programs. This includes considering the use of cash, to fund planned capital projects in lieu of new borrowings.

Other options to improve balance sheet management include using cash to reduce existing debt, providing internal loans to business units, and/or applying for a temporary or ongoing working capital facility to manage operating liquidity requirements.

Councillors have also indicated a preference to limit total borrowings to \$50 million. At the end of this financial year, if no new borrowings are entered, Council is well placed to deliver on this aspiration.

Council was notified that 2023-24 borrowing application, submitted in accordance with the approved budget was approved in May 2024. Council has not drawn down on any of the borrowings and needs to notify the QTC of its intention as soon as possible. Approvals are only valid until 30 June each year, as any undrawn approved borrowings will be forfeited, and a new borrowing application will need to be submitted and re-assessed for future borrowing requirements.

The Infrastructure Standing Committee resolved (4 June 2024) to advise Sunwater that Council has initiated negotiations to extend the Bulk Water Agreement with Rockhampton Regional Council and will be able to respond to the offer of allocation/s from Rookwood Weir once those negotiations have concluded. This means that the borrowings to fund the purchase of the water allocation of \$7.5 million is not required at present. Should the need arise in the future to acquire this water allocation, Council can reassess the capital funding requirements at that stage.

The Emu Park Sewerage Treatment Plan project (est. \$6.3m) was proposed to be funded by grants (\$2.9m) and loans (\$3.1m). It is proposed that as an alternative to entering new borrowings with QTC, that Council establish an internal loan to the sewerage business from internally restricted cash as part of the 2024-25 budget in lieu of additional external borrowings. Officers will amend the debt policy to be adopted as part of the 2024/25 to include provision to establish an internal borrowing mechanism.

PREVIOUS DECISIONS

The 2023-24 Budget was adopted on 13 June 2023.

The 2023-24 Budget Review 1 (24BR1) was adopted on 19 December 2023.

The [Debt Policy](#) was adopted by Council on 16 January 2024.

ACCESS AND INCLUSION

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

ENGAGEMENT AND CONSULTATION

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

Council conducted community consultation on the 2023-24 budget.

HUMAN RIGHTS IMPLICATIONS

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

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

BUDGET IMPLICATIONS

The Monthly Financial Report shows Council's financial position in relation to the Budget Review 1 (24BR1). Officers are presenting working through the estimated position on 30 June 2024 which is required to be included in budget papers.

Should Council not proceed with either external borrowing, the 2023-24 revised budget is interest savings of \$76,710 and increases to \$443,140.

Council will use own cash to fund the Emu Park Sewerage Treatment Plan upgrade, which result in a reduction of cash by \$3.1 million in 2024-25. Internal borrowings means that

council will “nett out” the internal transactions for loan repayments and interest like how other internal charge allocations are managed.

LEGISLATIVE CONTEXT

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

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

LEGAL IMPLICATIONS

There are no anticipated legal implications because of this report.

STAFFING IMPLICATIONS

There are no staffing implications because of this report.

RISK ASSESSMENT

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

Council continues to have a working capital facility of \$10 million which is a tool available to manage operating liquidity requirements if required.

CORPORATE PLAN REFERENCE

Leading Livingstone

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

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

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

CONCLUSION

The financial report provides information about Council’s financial performance and position for the period ending 31 May 2024.

12.4 - MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MAY 2024

Monthly Financial Report 31 May 2024

Meeting Date: 18 June 2024

Attachment No: 1

1. Executive Summary

This monthly financial report illustrates the financial performance and position of Livingstone Shire Council compared to Councils 2023-24 Revised Budget 1 (24BR1) at an organisational level for the period ended 31 May 2024.

	Month ('\$000s)			YTD 91.7%		FY ('\$000s)
Key Financial Results (\$000's)	Actual	23-24 BR1	Variance	Actual	% of Full Year Budget	23-24 BR1
Operating Surplus/(Deficit)	(6,841)	(7,864)	1,023	11,937	-871.20%	(1,370)
Operating Revenue	1,516	1,295	221	105,834	96.31%	109,888
Operating Expenditure	(8,357)	(9,159)	802	(93,897)	84.40%	(111,258)
Capital Works Expenditure	(2,770)	(8,916)	6,146	(24,249)	51.42%	47,161
Closing Cash & Cash Equivalents	128,154					99,675
Total Borrowings	50,444					59,076

Commentary

Monthly operating results were a deficit which is expected due to the timing of our rating cycle.

The Year-to-date results indicate a surplus with operational revenue in-line with budget expectations and operating expenditure being behind year-to-date expectations.

Total Capital expenditure of \$2.77 million has been spent in May. Year-to-date Capital expenditure of \$24.25 million is 51.42% of the full year budget.

As at 31 May 2024 Council had \$128.15 million in cash and \$50.44 million in total debt borrowings.

2. Financial Management (Sustainability) Performance Indicators

The financial performance indicators have been aligned to the financial sustainability measures that will be calculated and published as part of the annual statutory financial reporting process for 30 June 2024. These are reported as single year-to-date results compared against the budgeted single-year result.

	YTD Actual	FY Budget	Tier 4 Target	Comment
Financial Capacity				
Council-Controlled Revenue Ratio (%) [#]	89.9%	87.9%	Contextual	Majority of Council revenue attributed to rates income.
Population Growth Ratio (%) [#]	Data not available	0.6%	Contextual	The population estimate for Livingstone Shire Council area as of the 30th June 2022 is 40,952. Since the previous year, the population has grown by 2.69%. Population growth in Regional QLD was 1.88%. (Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0). Compiled and presented in profile.id by .id (informed decisions).
Operating Performance				
Operating Surplus Ratio (%) ^{*#}	✓ 11.3%	✗ -1.2%	Between 0% and 10%	The positive surplus ratio of 11.3% indicates operational expenses are coverable and remaining surplus can support capital expenditure and meet loan repayments.
Operating Cash Ratio (%) [#]	✓ 41.7%	✓ 31.3%	Greater than 0%	The positive operating cash ratio of 41.7% indicates that council has the ability to self-fund capital expenditure from surplus funds from core operations.
Liquidity				
Unrestricted Cash Expense Cover Ratio (months) [#]	✓ 18.4	✓ 13.2	Greater than 4 months	Council has sufficient unconstrained cash to meet ongoing and emergent financial demands for 18.4 months. Council has access to a \$10m QTC working capital facility which is equivalent to 1.6 months cover.
Net Financial Liability Ratio (%) [*]	✓ -55.2%	✓ -24.5%	Less than 60%	In-line with benchmark. Sufficient operating revenue to service liabilities.
Asset Management				
Asset Sustainability Ratio (%) ^{*#}	✗ 50%	✗ 70%	Greater than 90%	The extent to which council's existing infrastructure assets are being replaced as they reach the end of their useful lives is 50%.
Asset Consumption Ratio (%) [#]	✓ 68%	✓ 71%	Greater than 60%	Council's infrastructure assets have been consumed by 68% compared to what it would cost to build a new asset with the same benefit to the community.
Asset Renewal Funding Ratio (%) [#]	Commencing 2025-26		Contextual	This ratio will measure the ability of Council to fund projected infrastructure asset renewal/replacements into the future.
Debt Servicing				
Leverage Ratio (times cover) [#]	✓ 1.2	✓ 1.7	0 - 3 times	Adequate capacity to manage unforeseen financial shocks & meet loan repayments.
*Financial Management (Sustainability) 2013 legislated ratios				
#Financial Management (Sustainability) 2024 legislated ratios				

3. Financial Reports

Operating Result for the period ending
31/05/2024

Month ('\$000s)				YTD 91.7%				FY	
Actual	23-24 BR1	Variance ¹	>\$100K & 10%	Actual	23-24 BR1	Variance ¹	>\$100K & 10%	% of Full YTD	23-24 BR1
(\$'000)	(\$'000)	(\$'000)		(\$'000)	(\$'000)	(\$'000)		%	(\$'000)
Operating Revenue									
(60)	(63)	4		89,215	90,068	(853)	⇔	99%	90,106
578	530	49		5,900	5,825	75		93%	6,357
33	233	(201)	*	1,638	2,316	(678)	*	64%	2,575
294	155	139	✓	2,473	1,956	517	✓	45%	5,523
550	311	238	✓	5,384	3,424	1,961	✓	144%	3,737
121	129	(8)		1,224	1,452	(227)	*	77%	1,590
1,516	1,295	221	✓	105,834	105,041	793	⇔	96%	109,888
Operating Expenses									
(3,377)	(3,139)	(238)	⇔	(32,778)	(34,411)	1,633	⇔	87%	(37,551)
(2,105)	(3,119)	1,014	✓	(28,903)	(35,203)	6,300	✓	74%	(38,806)
(218)	(244)	27		(2,991)	(2,685)	(306)	*	99%	(3,007)
(2,657)	(2,657)	0		(29,224)	(29,224)	0		92%	(31,894)
(8,357)	(9,159)	802	⇔	(93,897)	(101,524)	7,627	⇔	84%	(111,258)
(6,841)	(7,864)	1,023	✓	11,937	3,517	8,420	✓	-871%	(1,370)

¹ Positive numbers represent under expenditure or additional revenue

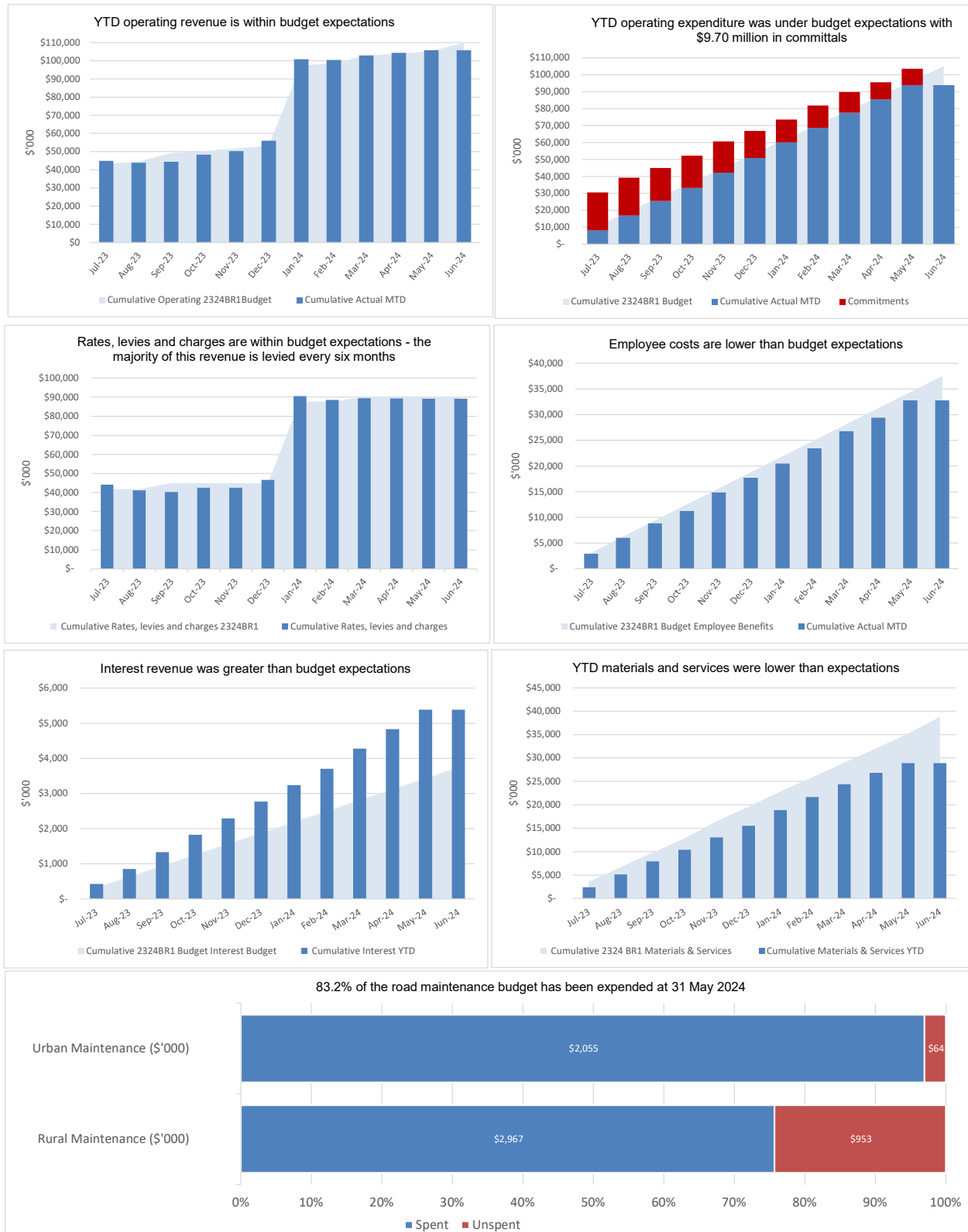
✓ Major positive variance, comment required

* Major negative variance, comment required

⇔ Within expectations, no comment required

Areas to note

Sales revenue	Monthly sales and total year-to-date figures are under budget expectations. Sales revenue is made up of RMPC claims and other private works, both of which are behind budget expectations (\$226k & \$209k respectively). Land inventory sales are also included in this figure and variances are expected to be rectified in actual June sales.
Operating grants and subsidies	Operating grants and subsidies are received throughout the year. May results were ahead of budget expectations and year-to-date amount remains ahead of budget expectations. The monthly variance is mostly attributed to budget phasing on grants received in May. Grant funding received in May was for the quarterly instalment of Strengthening Family Connections (\$192k), Financial Assistance Grant (\$51k) and QFES annual local government subsidy (\$51k), which was higher than budget expectations. Council also received 100% of the 2023-24 financial assistance grant (\$4,482,068) in June 2023. Council will only receive \$204,758 of the 2023-24 allocation in the current financial year. It will be unknown until June 2024 if there will be a continuation of the prepayment approach (50% from 2017-18, increased to 75% 2022-23).
Interest Received	Interest received continues to be favourable against budget expectations, due to the increment in the RBA cash rate leading to the QTC and Council's Banker raising interest rates. See Cash and Cash equivalents for more information on rates.
Other income	Year-to-date Other Income is tracking behind budget. The majority of the variance is attributed to lower than anticipated revenue received from scrap metal recycling for surplus/waste steel materials.
Materials & services	Month of May results were behind budget expectations. Year-to-date actuals are below budget expectations largely due to lower spend on contractors & consultants (\$4.12m) and construction and maintenance materials (\$785k) than expected, as well as timing differences from when goods/services are received but not yet invoiced, for example there is a one-month delay in receiving electricity bills, as well as the timing of prepayments.
Finance Costs	Month-to-date finance costs are within budget expectations. Year-to-date figures are higher than budget expectations due to journals being processed for December soft close for the Landfill/Quarry Restoration Provisions.



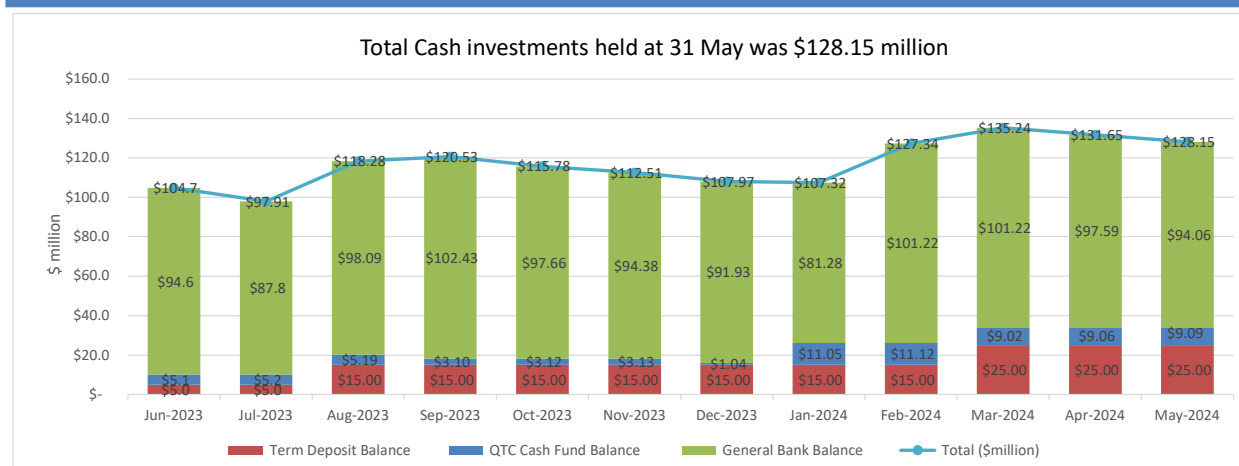
Statement of Financial Position for the period ending
31/05/2024

	Month-end Actual	Last month Actual	Movement	Full Year BR1
	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Cash and cash equivalents	128,154	131,649	(3,495)	99,675
Receivables	6,545	8,842	(2,297)	10,099
Inventories	440	486	(46)	3,012
Land held for development or sale	7,008	6,012	996	-
Contract assets	4,617	4,617	-	-
Other assets	579	602	(23)	4,484
Property, plant & equipment	1,203,831	1,207,316	(3,485)	1,305,746
Intangibles	224	230	(6)	7,719
Capital works in progress	52,655	50,148	2,507	-
TOTAL ASSETS	1,404,053	1,409,902	(5,849)	1,430,735
Payables	8,328	8,672	(344)	5,247
Contract liabilities	3,498	3,315	183	485
Borrowings	50,444	50,237	207	59,076
Provisions	20,150	19,921	229	19,943
Other liabilities	3,665	3,765	(100)	3,781
TOTAL LIABILITIES	86,085	85,910	175	88,532
Asset revaluation surplus	260,563	260,563	-	297,181
Retained surplus/(deficiency)	1,057,405	1,063,429	(6,024)	1,045,022
TOTAL COMMUNITY EQUITY	1,317,968	1,323,992	(6,024)	1,342,203

Areas to note

Cash and cash equivalents	Cash balances have decreased by \$3.49 million compared to the previous month. This is consistent with the timing of Council's half-yearly rates and quarterly water billing and increase in Capital Works.
Receivables	\$2.29 million decrease in receivables is due to payments of water billing notices being received.
Land held for development or sale	The increase in Land held for development or sale is due to transfer in land asset to land held for sale in preparation of the sale of land at Emu Park West.
Property, plant and equipment	Movement relates to the monthly depreciation allocation and associated increase in accumulated depreciation.
Capital works in progress	\$2.51 million increase due to continued capital expenditure in May. Refer to the capital expenditure reports for further detail on the capital works program for 2023-24.
Payables	Payables have decreased at 31 May compared to 30 April due to the timing of pay runs and invoices payable being committed to our financial system.
Borrowings	The movement in borrowings reflects the application of monthly interest and administration charges accrued on total borrowings in the month.
Provisions	The increase in provisions reflects the net movement in accrued employee leave entitlements i.e. more leave entitlements accruing than what was taken in May.
Other Liabilities	The decrease in other liabilities relates to the Waste Management Levy being released monthly. The annual advance payment of the Waste Management Levy was received in prior years and the upfront payments held by Council are to cover the next four financial years.

Cash and Cash Equivalents



Investments are held with Council's general banker and in the Queensland Treasury Corporation (QTC) Capital Guaranteed Cash Fund. Council's interest earning rate as at 31 May 2024 is 5.10% p.a. (net of 0.12% administration fees) with the QTC and 4.85% p.a. with CBA. In May, the weighted average interest rate was 4.94% which is marginally above the target rate of 4.85%, which is 0.5%+ RBA Cash Rate (4.35%). The weighted average interest rate includes the interest rates on term deposits.

Term deposit rates are monitored regularly by Council officers to identify investment opportunities to ensure Council maximises its interest earnings balanced against the need to invest cash for a fixed term.

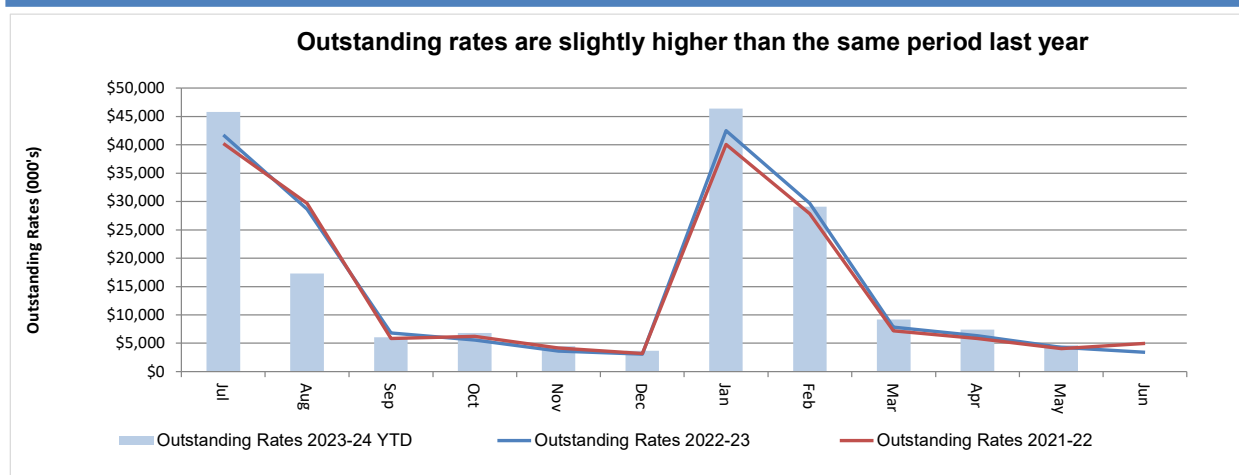
In May, Council's 12 month term deposit that was invested with AMP bank matured, earning \$258k on interest.

On the 21st May 2024 Council invested \$5m in a term deposit with Judo Bank for 6 months at 5.20%. The estimated interest on this term deposit is \$131,068.48.

The amount of interest earned from month-to-month is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by Council's cash flow requirements on a monthly basis as well as the rating cycle.

Cash needed for day-to-day requirements is deposited with the QTC or Council's general banker. Interest rates from both facilities are monitored regularly by Council's finance officers to maximise interest earnings.

Receivables



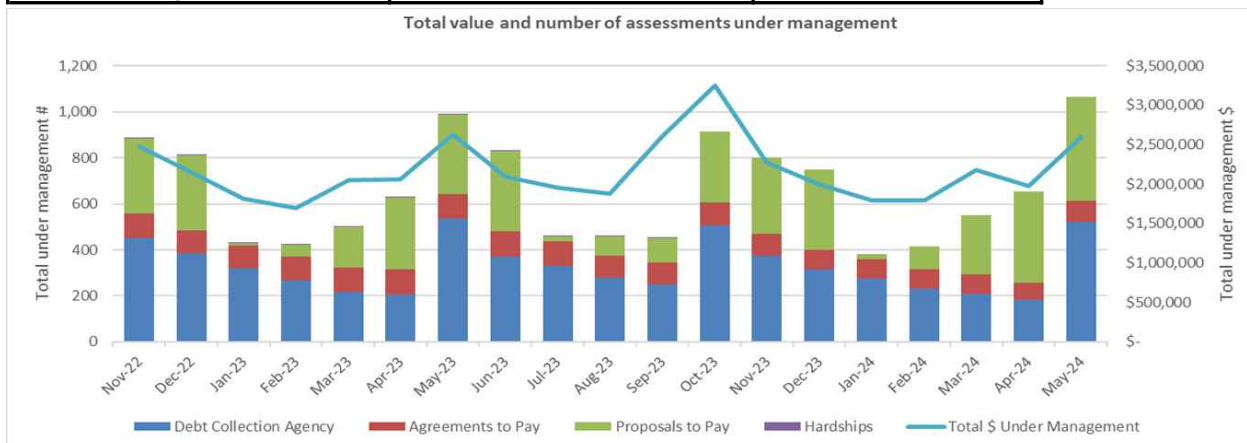
Ageing of Rates Receivable at Month End

Total Rates Outstanding	\$4,632,206	
Less Current Levy	-\$7,079	
Total Eligible for Collection	\$4,625,128	
Current	\$3,285,006	71.03%
1 years	\$656,675	14.20%
2 years	\$235,415	5.09%
3 years	\$106,389	2.30%
4 years	\$69,140	1.49%
5 years	\$272,503	5.89%
Total Eligible for Collection	\$4,625,128	100.0%

Ratepayers have the option to enter into formal payment arrangements, preventing legal action being progressed by Council's debt collection agency. Council resolved to charge 7% per annum on overdue rates and utility charges in 2023-24, applied monthly, on all overdue balances, including those under a formal payment agreement. This percentage rate has remained the same since the 2018-19 Financial Year and Council have ensured that this has remained unaffected by recent large increases in CPI.

Of the 18,538 rateable assessments, 1,072 (or 5.8%) are currently under management.

	As at May 2023		As at May 2024	
	#	\$	#	\$
Debt Collection Agency	344	\$ 343,301	530	\$ 1,644,033
Agreements to pay	106	\$ 466,724	89	\$ 488,666
Proposals to Pay	537	\$ 1,791,896	453	\$ 451,693
Council Hardship	2	\$ 27,262	0	\$ -
Total under management	989	\$ 2,629,183	1072	\$ 2,584,392



Assessments with debt collection agencies increased \$639k on the prior month (348 assessments), as well as a slight increase in agreements to pay.

Driving this increase was after the land sale process for 2024, accounts that have just gone over the 3 year in arrears were referred to councils debt collection agency. Those newly referred properties were due for payment in March and given an additional thirty days to pay, spilling over into May.

Proposals to pay decreased by \$36k, though the number of assessments with proposals to pay increased by 56 assessments.

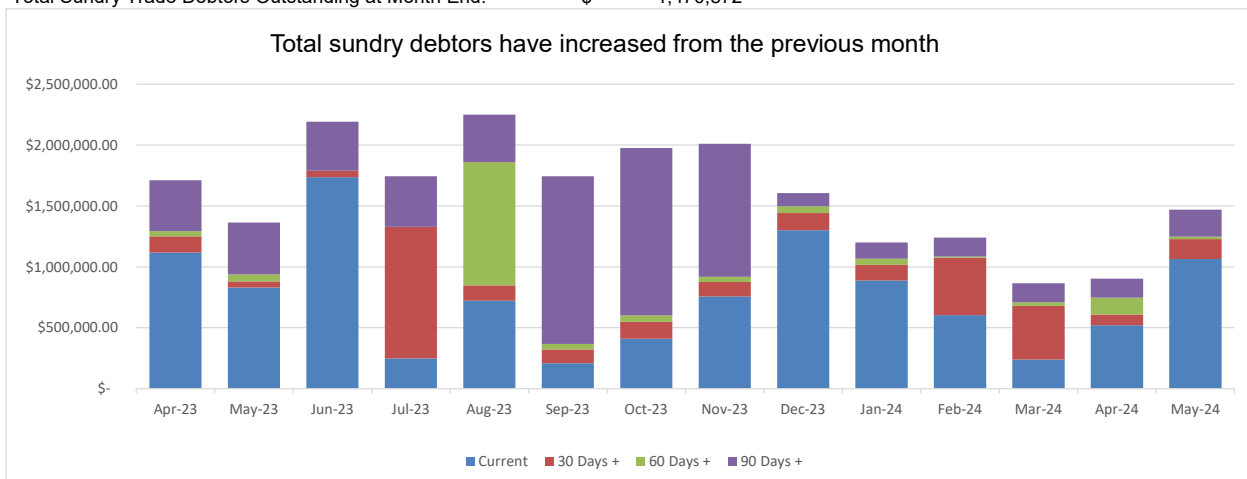
There was an increase in the total number of assessments under management on last month (increase of 417 assessments), with the total value of the assessments under management increasing by \$604k.

Compared to the same time last year, there is an increase of 83 assessments and \$44k less under management.

Council officers are committed to working with any ratepayer who is experiencing difficulty in paying their rates & charges and strongly encourages anyone in this position to make early contact with Council.

Outstanding Sundry Trade Debtors

Total Sundry Trade Debtors Outstanding at Month End: \$ 1,470,872



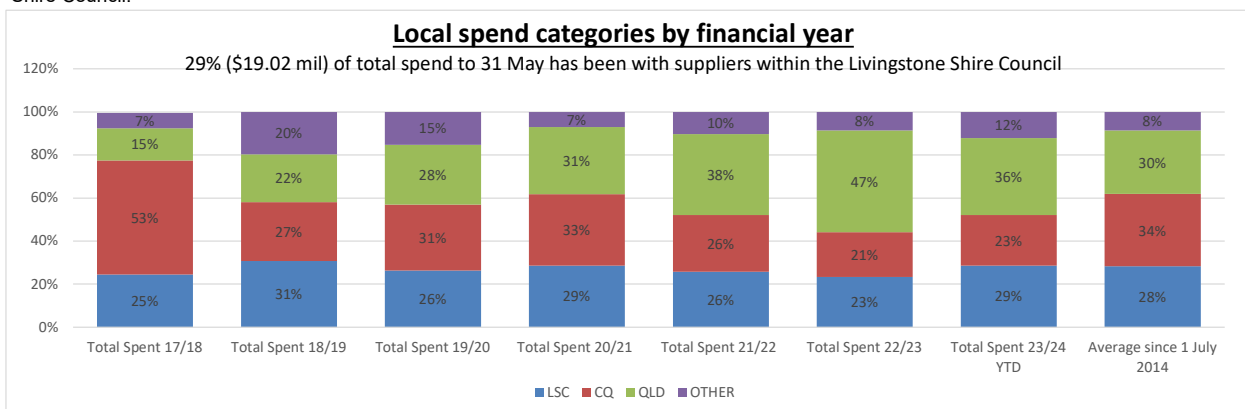
Payables Procurement

Council strongly supports locally owned and operated businesses, including those with an office or branch in our region. Council is able to report on direct local spend for both operational and capital expenditure in addition to employee salaries & wages.

Total expenditure with businesses located within the Shire boundaries, in the current financial year to date, is 29% or \$19.02 million.

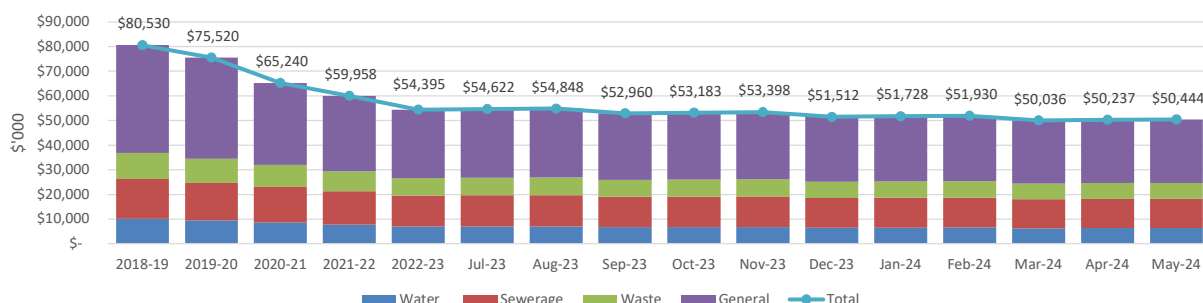
	YTD Spend (\$million)	%
LSC - Business located within the shire boundaries.	\$ 19.02	29%
CQ - Business completely set up and run outside of LSC boundaries but within the Central Queensland region.	\$ 15.49	23%
QLD - Business based outside of Central Queensland but within Queensland.	\$ 23.75	36%
OTHER - Business based outside of Queensland.	\$ 8.06	12%
	\$ 66.31	100%

The bar graph below summarises the allocation by local spend categories for the previous seven (7) financial years. Since 1 January 2014 council has procured, on average, 62% of materials & services from within the greater Central Queensland area, which includes Livingstone Shire Council.



Borrowings

Total Loan Borrowings (debt) of \$50.44 million on track to reduce with quarterly debt service repayments



Debt Position	YTD Actual (\$'000)	Budget
Total Debt held as at 1 July 2023	\$54,395	\$54,395
New borrowings drawn down in 2023-24	-	\$10,574
Interest & administrative charges	\$2,364	\$2,628
Total debt service payments	(\$6,316)	(\$8,520)
Total Debt held at reporting period	\$ 50,444	\$ 59,076

In-line with Council's debt policy, a debt service payment of \$2,105,500 (being approximately \$1,886,000 repayment of principal and \$219,500 interest and administrative charges) is to be paid quarterly during 2023-24. Interest accrues monthly calculated on a daily basis until the next debt service payment. New borrowings are planned to be drawn down at the end of the 2023-24 financial year.

As at 31 May 2024 the weighted average interest rate of all Council debt is approximately 4.81%.

Council has forecast an additional \$2.2m in new borrowings for the current financial year to upgrade the Emu Park Sewerage Treatment Plant. These borrowings are likely to be drawn down in quarter 4 of the financial year.

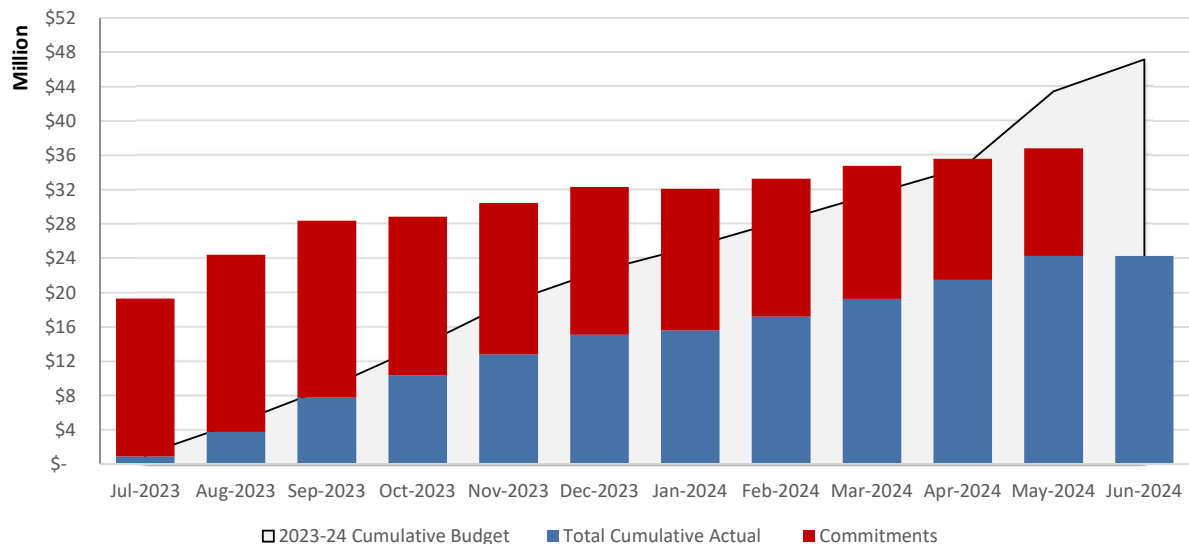
The Department of Housing, Local Government and Planning has approved a working capital facility of \$10 million on a permanent basis subject to an annual review by the Queensland Treasury Corporation in consultation with the department. Council has not accessed the available funds in the working capital facility.

4. Capital Expenditure

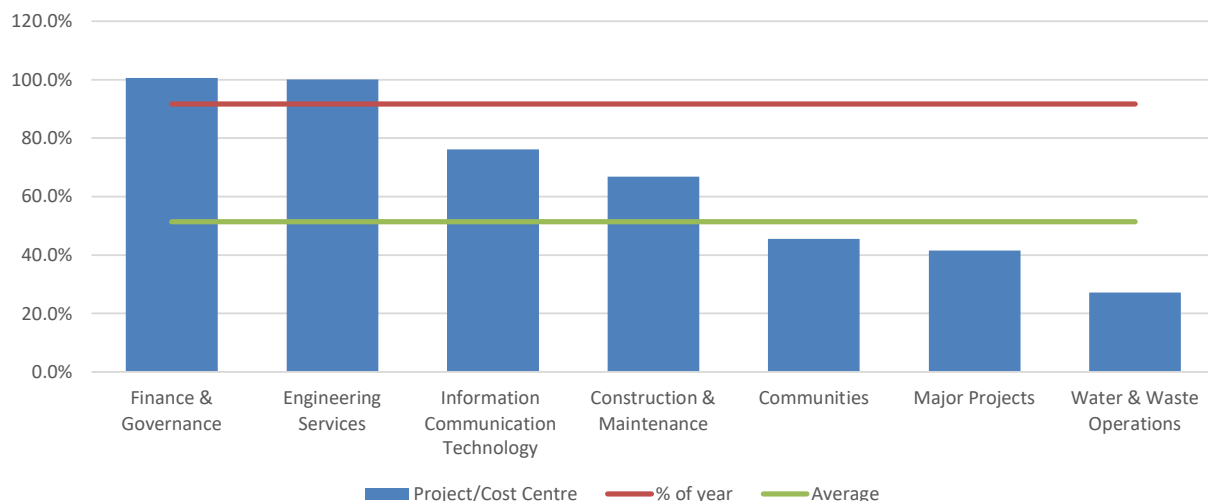
Capital revenue and expenditure report (all projects) for period ending 31/05/2024

Month ('\$000s)			YTD 91.7%		Full year (\$'000's)
Actual	Budget	Variance	Actual	% of Full year Budget	23-24 BR1
Capital expenditure					
2,430	8,678	(6,248)	Materials & services	21,056 47.8%	44,086
340	238	102	Internal employee costs	3,193 103.8%	3,076
2,770	8,916	(6,146)	24,249	51.4%	47,161
Capital Revenue					
91	1,260	(1,168)	Capital grants & subsidies	9,425 62.4%	15,115
203	342	(139)	Infrastructure contributions	2,697 65.8%	4,100
121	6	114	Other Capital Income	1,285 1691.3%	76
415	1,608	(1,193)	13,408	69.5%	19,291

Total funds committed to capital is \$12.56 million in April 2024



On average, 51.42% of capital budgets were Expended by 31 May 2024



Capital Project (>\$100,000) Expenditure for the Period
31/05/2024

Project/Cost Centre Description	23-24 Adopted Budget \$'000	23-24 Budget Revision 1 \$'000	CAPEX Spent YTD \$'000	YTD % Budget (91.7% of year)	Remaining Budget/(Over Budget)	% Project Complete as at 30 April 2024
Information Communication Technology						
(R) CIT-Switches-Routers-UPS replacement	100	100	81	81%	19	95%
Various ICT Projects <\$100,000	186	249	185	74%	64	83%
Subtotal	286	349	265	76%	83	
Finance & Governance						
(R)-Fleet Renewal Annual Program	2,700	2,700	2,822	105%	(122)	92%
(N)-Fleet-Bushfire mitigation and Suppression	220	420	317	75%	103	100%
Subtotal	2,920	3,120	3,138	101%	(18)	
Construction & Maintenance						
(N)-UC-NC-Jabiru Drive Extension T-130	1,560	1,556	1,111	71%	445	60%
(N)-RC-FW-Artillery Rd FW1 Ch1775-Ch2217	1,500	1,436	1,583	110%	(147)	27%
(U) RC-Normanby St 22-020 Upgrade	1,334	1,357	137	10%	1,220	10%
(U)-SEW-71-SGM-Scenic Hwy 375 dia gravit	1,200	1,065	811	76%	254	80%
(N)-UC-NC Arthur St carpark and stormwat	1,000	1,075	895	83%	180	65%
(U) UC-RC-Queen St (Arthur to Mary Upgrade	800	400	318	79%	82	100%
(R)-WP-Normanby Street (Mary Street - Be	766	893	1,118	125%	(225)	100%
(R)-DESIGN-WP-WMR-Farnborough Rd 200mm W	650	656	6	1%	650	6%
(R)-RC-PR-Etna Creek Road (Ch5900-8000)	600	600	32	5%	568	5%
(N)-Design-UC-PW-Taranganba Rd Tanby-Car	570	607	659	108%	(51)	100%
(U)-SP-SEW-60 450 SRM new SPS to Shaw Av	546	247	19	8%	227	11%
[R] Cordingley St Works Depot reseal acc	500	100	4	4%	96	0%
(N)-UC-Misc-Hartley St Pedestrian Facili	300	0	0	0%	-	100%
(R)- PR Pavement rehab Daniel Park to Sc	150	150	9	6%	141	1%
(R)-WP-Normanby Street (Hill Street - Be	150	150	1	1%	149	0%
(R)-WP-Brae St Flinders Nth and Elma St	100	359	40	11%	319	5%
(U)-RC-FW-Artillery Rd FW2 Ch6300-Ch6350	0	270	44	16%	226	100%
(U)-RC-FW-Artillery Rd FW# Ch6525-Ch6575	0	265	46	18%	219	100%
(R)-UC-SW-Renewal Program-\$305K	0	180	16	9%	164	10%
(R) UC-Barmarjee restoration & capability	0	164	158	97%	6	100%
CP419 CAPITAL CONTROL RURAL RESEAL PROGRAM	600	600	633	106%	(33)	100%
CP422 CAPITAL CONTROL RURAL GRAVEL RESHEETS	1,620	1,620	1,622	100%	(2)	100%
CP423 CAPITAL CONTROL BEACH ACCESS RENEWAL PROGRAM	100	48	70	146%	(22)	93%
CP423 CAPITAL CONTROL FLOODWAY RENEWAL PROGRAM	150	213	256	120%	(43)	67%
CP428 CAPITAL CONTROL URBAN RESEAL PROGRAM	770	770	449	58%	321	85%
Various construction projects <\$100,000	203	523	195	37%	328	0
Subtotal	15,168	15,304	10,233	67%	5,072	
Waste Water and Sewer						
Rookwood Weir Water Allocation	7,500	7,500	0	0%	7,500	0%
(R)-WP-Meikleville Reservoir Roof Replace	653	750	686	92%	64	90%
(R)-WP-WWTP clarifier scraper replacement	450	447	399	89%	48	54%
(R)-WP- 2324 Active Water renewals \$252.	253	253	45	18%	208	16%
(R) SEW - 2324 Passive Sewer Renewals \$2	200	165	22	13%	143	12%
(R)-SP-2324 Active Sewer Renewals \$200K	200	200	167	84%	33	84%
(R)-SEW-Sewer Relining Passive Sewer ren	0	401	608	152%	(207)	100%
(N)-SP-YSTP membrane augmentation \$600k	0	353	183	52%	170	100%
(N)-WP-WAT-26-Reservoir West Emu Park LZ	0	295	455	154%	(160)	100%
(N)-W&R-Caves Waste Transfer Station Upg	100	104	79	76%	25	100%
Various water & waste projects <\$100,000	424	694	398	57%	296	0%
Subtotal	9,780	11,160	3,041	27%	8,119	

Capital Project (>\$100,000) Expenditure for the Period
31/05/2024

Project/Cost Centre Description	23-24 Adopted Budget \$'000	23-24 Budget Revision 1 \$'000	CAPEX Spent YTD \$'000	YTD % Budget (91.7% of year)	Remaining Budget/(Over Budget)	% Project Complete as at 30 April 2024
Major Projects						
(U)-SP-Emu Pk STP Process Upgrade 19-128	5,534	6,271	1,674	27%	4,597	65%
(N) SEW-65-66-86-121-Tanby Rd South PFTI	4,960	1,064	274	26%	790	8%
(U)-RC-RC-Stanage Bay Rd 20-012 design &	2,800	0	60	0%	(60)	100%
(N)-MP-Station Quarter Community Recover	2,022	2,411	2,135	89%	276	90%
(U)-FC-Yeppoon Aquatic Centre Upgrade es	950	986	305	31%	681	3%
(N)-E&P-Gateway Stages 2B&3 Gateway Busi	740	1,172	236	20%	936	95%
(R)-SEW-2324 Sewer Relining Program Pass	650	450	202	45%	248	99%
(N)-W&R-Yeppoon Landfill Cell extension	600	622	184	30%	438	5%
(U)-WC-Kellys Dam Seepage Measurement Wor	550	733	404	55%	329	98%
(R) RC-BDG-Doonside Rd Canal Ck Ch6325 T	420	50	25	50%	25	40%
(N)-SP-Yeppoon STP Solar Array	315	304	306	101%	(3)	95%
(R)-RC-BDG-Werribee Rd Replace Timber Br	270	50	47	94%	3	44%
(N) Cap Coast Cemetery Internal works PC	135	0	5	0%	(5)	100%
(N)-E&P-West Emu Park Res Devp \$157k	70	88	48	54%	40	100%
Various CP424 projects <\$100,000	0	0	0	0%	-	0%
Subtotal	20,016	14,202	5,906	42%	8,296	
Engineering Services						
(N)-SW-Yeppoon Crk D-13 Q100 L700 SP2968	101	0	0	0%	-	0%
Various CP431 projects <\$100,000	646	634	634	1	0	0%
Subtotal	747	634	635	1	0	
Community Wellbeing						
Lagoon Pebblecrete & Softfall Rectification	0	400	206	52%	194	30%
(R)-FC-Lagoon Building 'A' Air Con Repla	365	371	6	2%	365	40%
(N)-SP-GKI WWTP - Design and Project Mgm	0	350	197	56%	153	1%
(N) CCMG Plinths and Landscaping PCL-530	0	348	193	56%	155	60%
(R)-FC-Amenities Merv Anderson Annual P	332	337	78	23%	259	85%
Cooee Bay Tennis court resurface	0	200	179	90%	21	95%
Various Facility projects <\$100,000	270	259	169	65%	90	80%
Various Community projects <\$100,000	0	0	0	0%	-	0%
Various Park projects <\$100,000	0	0	0	0%	(0)	0%
Various Community & Wellbeing projects <\$100,000	0	0	0	0%	-	0%
Various Economic Development projects <\$100,000	0	0	2	0%	(2)	0%
GKI WWTP Design & Project Mgt	0	0	0	0%	-	0%
Subtotal	967	2,264	1,029	45%	1,235	
Provision for project inflation risk	1,314	128			128	
TOTAL CAPITAL PROGRAM	51,198	47,161	24,249	51.42%	22,913	

5. Glossary

Key Terms	
Operating Result	Total operating revenue less total operating expenses
Total Operating Expenditure	All council expenses minus capital items such as: - losses on disposal of assets, and - impairment losses - depreciation on right of use assets - interest on finance leases associated with right of use assets - other capital expenditure items as identified by Council
Total Operating Revenue	All council income minus capital items such as; - capital grants, subsidies, contributions and donations - gains on disposal of assets - other capital revenue items as identified by Council
Definition of Ratios	
Financial Capacity	
Council-Controlled Revenue Ratio (%)[#]	
Council-controlled revenue is an indicator of a council's financial flexibility, ability to influence its operating income, and capacity to respond to unexpected financial shocks.	
A higher council-controlled revenue indicates a stronger ability to generate operating revenue without relying on external sources. Councils with a high ratio generally have a healthy rate base and are better able to respond to unexpected financial obligations such as natural disaster recovery.	$\frac{\text{Net rates, levies and charges} + \text{Total Fees \& charges}}{\text{Total operating revenue}}$
A lower council-controlled revenue ratio indicates that a council has limited capacity to influence its operating revenue and that it is more reliant on external (and usually less reliable) sources of income such as operating grant funding, sales and recoverable works contracts, and rental income.	
Population Growth Ratio (%)[#]	
Population growth is a key driver of a council's operating income, service needs and infrastructure requirements into the future.	
A growing council population indicates a greater capacity to generate its own source revenue through rates as well as statutory charges. Population growth also puts additional pressure on councils to invest in new community infrastructure to support service needs.	$\frac{\text{Prior year estimated population}}{\text{Previous year estimated population}} - 1$
Operating Performance	
Operating Surplus Ratio (%)[#]	
This is an indicator of the extent to which operating generated cover operational expenses. Any operating surplus would be available for capital funding or other purposes.	
An operating surplus ratio above 0% is an indication that council is managing its finances within its existing funding envelope and generating surplus funds for capital funding or other purposes.	$\frac{\text{Operating result}}{\text{Total operating revenue}}$
An operating surplus ratio below 0% is an indication that a council's operating expenses exceed its revenue. An operating deficit in any one year is not a cause for concern, if over the long term, a council achieves a balanced operating result or small surplus. Operating deficits over the long term affect a council's ability to internally fund its capital requirements and other initiatives as and when they fall due, potentially requiring external funding support.	
Operating Cash Ratio (%)[#]	
The operating cash ratio is a measure of councils ability to cover its core operational expenses and generate a cash surplus excluding depreciation, amortisation and finance costs.	
A positive operating cash ratio indicates that a council is generating surplus cash from its core operations, which suggests that council has the ability to self-fund its capital expenditure requirements.	$\frac{\text{Operating result add Depreciation and amortisation costs add finance costs}}{\text{Total operating revenue}}$
A negative operating cash ratio is a significant indicator of financial sustainability challenges and potential future liquidity issues, as all other things being equal, a negative results means that a council's cash position is declining and revenues are not offsetting the cost of core operational requirements.	

Liquidity	
Unrestricted Cash Expense Cover Ratio (months)[#]	
The unrestricted cash expense cover ratio is an indicator of the unconstrained liquidity available to a council to meet ongoing and emergent financial demands, which is a key component to solvency. It represents the number of months a council can continue operating based on current monthly expenses. A higher unrestricted cash expense cover ratio indicates that a council has sufficient free cash available to contribute to the cost of future planned and unplanned expenditures such as infrastructure investment or disaster recovery. An excessively high ratio may be indicative of cash hoarding, poor cash management, or large upcoming capital investment requirements. A low ratio suggests limited unconstrained liquidity available to council to use for capital investment or in an emergency. For councils with efficient cash management practices and strong borrowing capacity, this is not a concern. Where a council also has a negative operating cash ratio, a very low or negative unrestricted cash expense cover ratio is an indicator of potential solvency concerns.	$\frac{\text{(Total Cash and Equivalents add Current investments add available ongoing QTC working capital facility limit less Externally Restricted Cash)}}{\text{(Total Operating Expenditure less Depreciation and amortisation less Finance Costs)}}$
Net Financial Liability Ratio (%)[*]	
This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues. A ratio greater than zero (0) implies liabilities exceed current assets. This ratio is no longer reported against under the new financial management sustainability guideline.	$\frac{\text{Total Liabilities} - \text{Current Assets}}{\text{Total operating revenue}}$
Asset Management	
Asset Sustainability Ratio (%)^{##}	
The asset sustainability ratio approximates the extent to which the infrastructure assets managed by a council are being replaced as they reach the end of their useful lives. An asset sustainability ratio close to 100% suggests that a council is spending enough on the renewal of its assets to compensate for the deterioration in its asset base as loosely proxied by its reported depreciation.	$\frac{\text{Capital expenditure on replacement of Infrastructure Assets (Renewals)}}{\text{Depreciation expenditure on Infrastructure Assets}}$
Asset Consumption Ratio (%)^{##}	
The asset consumption ratio approximates the extent to which council's infrastructure assets have been consumed compared to what it would cost to build a new asset with the same benefit to the community. The minimum target of 60% indicates that a council's assets are being broadly consumed in line with their estimated useful lives. Councils with lower than target ratio will need to invest more in those assets (in terms of replacement or maintenance) to ensure they are maintained at a standard that will meet the needs of their communities. On the other hand, if the ratio is much higher than the target ratio, councils may need to revisit their asset management plans to asset their current service levels or whether their estimates of the assets useful lives are appropriate.	$\frac{\text{Written down replacement cost of depreciable infrastructure assets}}{\text{Current replacement cost of depreciable infrastructure assets}}$
Asset Renewal Funding Ratio (%)^{##}	
The asset renewal funding ratio measures the ability of a council to fund its projected infrastructure asset renewal/replacements in the future. Ideally, the asset renewal funding ratio should be as close to 100% as possible, as this indicates that a council is appropriately funding and delivering the entirety of its required capital program as outlined by its asset management plans. A ratio that is too far in excess of 100% indicates capital spending above and beyond what is proposed by a council's asset management plans. A ratio that is too far below 100% may indicate an underfunded capital program and therefore a potentially increasing infrastructure backlog and asset failures. Either scenario suggests a mismatch between a council's capital requirements and forecast capital program, whether due to poor planning and/or limited resources or skills to deliver the assets required by the community.	$\frac{\text{Total of Planned Capital Expenditure on Infrastructure Asset Renewals over 10 years}}{\text{Total of Required Capital Expenditure on Infrastructure Asset Renewals over 10 years}}$
Debt Servicing Capacity	
Leverage Ratio (times cover)[#]	
The leverage ratio is an indicator of a council's ability to repay its existing debt. It measures the relative size of the councils debt to its operating performance. A higher leverage ratio indicates an increasingly limited capacity to support additional borrowings due to already high debt levels and/or decreasing operational performance, while a lower ratio indicates the opposite. A lower leverage ratio is not itself a guarantee that further debt will be approved for a council, while councils with higher leverage ratios are not necessarily precluded from having additional borrowings approved due to other mitigating circumstances.	$\frac{\text{Book Value of Debt}}{\text{Total Operating Revenue less Total Operating Expenditure add Depreciation and Amortisation add finance costs}}$
[#] Financial Management (Sustainability) 2013 legislated ratios ^{##} Financial Management (Sustainability) 2023 legislated ratios	
6. Reference Material	
Local government sustainability framework	https://www.statedevelopment.qld.gov.au/local-government/for-councils/finance/local-government-sustainability-framework Sustainability Framework Financial Management (Sustainability) Guideline Risk Framework Frequently Asked Questions
Budget 2023-24	https://www.livingstone.qld.gov.au/current-budget
Estimated Resident Population (ERP)	https://profile.id.com.au/livingstone/population-estimate

12.5 2024 PLANNING REPORT FOR THE FINANCIAL YEAR ENDING 30 JUNE 2024

File No: FM12.9.1
Attachments: 1. 2024 Interim Report [↓](#)
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Andrea Ellis - Chief Financial Officer

SUMMARY

The 2024 Planning Report is presented to Council for noting. The report also contains the status of current and prior year issues.

OFFICER'S RECOMMENDATION

THAT Council notes the observations contained within the Livingstone Shire Council 2024 Planning Report to the Mayor (observation report) from the Queensland Audit Office for the 2023-24 financial year.

BACKGROUND

Each financial year Council's financial statements must be audited and for the 2023-24 financial year the audit is being undertaken by the Queensland Audit Office.

Section 54 of the *Auditor-General Act 2009* enables the Queensland Audit Office to prepare an interim report containing the observations on the design and implementation of internal controls and the operating effectiveness of the relevant internal controls.

Section 213 of the *Local Government Regulation 2012* requires this report to be presented at the next ordinary meeting of Council.

It is important to note that the interim report is additional to the Independent Auditor's Report that is provided with Council's set of certified financial statements.

A final management report will be provided by the Queensland Audit Office upon the completion of the annual audit.

COMMENTARY

The audit planning phase and external audit plan was issued on 26 March 2024. The interim testing for Livingstone Shire Council commenced on the 27 May 2024.

The Planning Report contains any issues identified during this interim audit and categorises these issues into either 'Internal Control Deficiencies' (assessed as 'significant deficiency', 'deficiency' or 'other matter') or "Financial Reporting" issues (assessed as 'high', 'medium', or 'low').

Section 1 summarises the audit progress and outlines emerging risks. The report notes six (6) deficiencies, with two (2) unresolved from the prior year.

- Three (3) new deficiencies identified in the current year
- Two (2) other matters identified in the current year
- Financial Reporting matters – 3 unresolved matters from prior year – 1 of which is resolved pending audit clearance.

Section 2 summarises the matters previously reported in prior years.

PREVIOUS DECISIONS

The 2022-23 External audit plan was presented to the Audit, Risk and Improvement Committee on 13 February 2023.

ACCESS AND INCLUSION

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

ENGAGEMENT AND CONSULTATION

The Planning Report was tabled at the Audit, Risk and Improvement Committee meeting held on 6 June 2024.

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 this report.

BUDGET IMPLICATIONS

External audit work has been performed in line with milestones identified in the external audit plan. Progress against these milestones and audit fees are on track. Total external audit fees are estimated to be \$200,000 (excluding GST).

LEGISLATIVE CONTEXT

Section 54 of the *Auditor-General Act 2009*

Section 213 of the *Local Government Regulation 2012*

LEGAL IMPLICATIONS

There are no legal implications because of this report. Type text

STAFFING IMPLICATIONS

There are no staffing implications because of this report.

RISK ASSESSMENT

The Audit, Risk and Improvement Committee provide regular oversight and monitoring of all audit findings.

CORPORATE PLAN REFERENCE***Leading Livingstone***

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

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

The Queensland Audit Office assess internal controls, performance against sustainability ratios and emerging risks, including going concern and liquidity. Monitoring these measures will ensure Council can remain financially sustainability into the long term

CONCLUSION

The Queensland Audit Office Interim Management Report is presented to Council for noting of their observations.

12.5 - 2024 PLANNING REPORT FOR THE FINANCIAL YEAR ENDING 30 JUNE 2024

2024 Interim Report

Meeting Date: 18 June 2024

Attachment No: 1



2024 PLANNING REPORT

Livingstone Shire Council

9 May 2024



Cr Adam Belot
Mayor
Livingstone Shire Council

Dear Cr Belot

2024 Interim report

We present our planning report for Livingstone Shire Council for the financial year ending 30 June 2024. This report details the results of our procedures from our planning phase. Under section 213 of the Local Government Regulation 2012, you must present a copy of this report at your council's next ordinary meeting.

Results of our planning audit

In this phase, we assessed the design and implementation of your internal controls relevant to the financial report. We assessed the key controls we intend to rely on in auditing your financial statements. Our audit does not assess all controls that management has implemented across the organisation.

Deficiencies:

- 3 deficiencies raised in the current year
- 2 other matter raised in the current year

Financial reporting matters:

- 3 unresolved matters from prior year – 1 of which is resolved pending audit clearance

Based on the results of our testing completed to date and the resolution of prior year issues, we have determined your internal control environment does support an audit strategy where we can rely upon your entity's controls.

Refer to section one *Status of issues* for further details.

We would like to thank Andrea Ellis, the wider finance team, and other management and staff for their positive engagement and assistance during the planning visit. If you have any questions or would like to discuss the audit report, please contact me on 3149 6066 or Jessica Rossouw on 3149 6157.

Yours sincerely

Jacques Coetzee

Jacques Coetzee
Director

Enc.

cc. Cale Dendle, Chief Executive Officer
Peter Sheville, Chair of the Audit, Risk and Improvement Committee

1. Status of issues

Internal control findings

The following table identifies the number of deficiencies in internal controls and other matters we have identified. Details of the deficiencies we identified during our planning phase are outlined further in this section. Refer to section 2 *Matters previously reported* for the status of previously raised issues.

Year and status	Significant deficiencies	Deficiencies	Other matters*
Current year issues	-	3	2
Prior year issues – unresolved	-	-	-
Total issues	-	3	2

Note: *Queensland Audit Office only tracks resolution of other matters where management has committed to implementing action.

The following section details control deficiencies and other matters identified as of 31 January 2024. It includes a response from management.

Our ratings are as follows. For more information and detail on our rating definitions, please see the webpage here: www.qao.qld.gov.au/information-internal-controls or scan the QR code.

Internal control issues

S

D

O

Significant deficiency

Deficiency

Other matter



Internal control issues

D

24IR-1 Payroll electronic fund transfer (EFT) files are able to be edited prior to payment

Observation

We identified that the EFT payment files generated from the Aurion (payroll) system are stored in an editable text format before being uploaded to the banking system. We acknowledge that the payment file is stored on a secure drive, however the payment file details remain at risk of unauthorised changes being made.

We also noted that the previous payment file, dated 21 February 2024, had not been removed from the drive.

Implication

There is a risk that unauthorised changes could be made to bank account details, prior to the file being uploaded and payment released. In the event of previous payment files not being removed from the drive, there is a risk that the wrong file could be uploaded and paid, resulting in incorrect payments being made to employees.

QAO recommendations

We recommend that Council encrypt payment files before storing them on the secure drive. Files should also be removed as soon as they are uploaded to the banking system. While this is being implemented, management should consider additional measures to further reduce the risk, such as additional verifications and checks for changes after the file has been uploaded to the banking system.

2024 Interim report

Management response

Management agree in principle with the recommendation however the vendor has provided advice that they do not support file-level encryption for files downloaded from within Payroll and therefore the following processes to reduce the risk of the file being manipulated will be implemented:

- Upon saving the bank file, the Coordinator HR & Payroll or their delegate, will check and confirm the total of bank file against the Bank Interface Summary Report prior to the Payroll Supervisor uploading to CommBiz. The HR & Payroll Coordinator or their delegate will authorise the EFT Summary Sheet prior to the Payroll Supervisor emailing Accounting for authorisation to CommBiz transaction.
- Bank file removal will be added to the Payrun Checklist which is completed by payroll staff for each pay period and this will ensure that the bank file import does not remain on file.
- A monthly Audit Report for any changes, deletions or modifications for folders or files, including the banking EFT file, within this storage directory will be provided to key Human Resources & Payroll Staff for review.

Responsible officer: Coordinator Human Resources and Payroll

Status: Resolved pending audit clearance

Action date: 28 April 2024

**24IR-2 No control in place to confirm the accuracy of fees and charges uploads**

Observation

Following Council's annual budget approval process, updated fees and charges are manually entered into the Pathways system by relevant business units.

We understand that ad hoc checks are performed whereby the fees and charges entered into the system are checked as part of the invoicing process, prior to notices being issued, however there was no evidence available to support this.

Implication

Errors may go undetected where there are no implemented controls to confirm the accuracy of manual fees and charges entered into the system, resulting in incorrect notices being issued to the public.

QAO recommendation

We recommend that Council implement controls to ensure notices being issued are based on approved fees and charges. This would involve the relevant business units performing checks after the annual upload process has occurred. These checks should:

- be performed by an officer who does not have access to upload the fees and charges to Pathways
- reconcile the uploaded data in Pathways to the approved fees and charges published on Council's website
- be documented and retained for audit purposes.

Management response

Management agree with the recommendation and relevant Business units will review and update the Work Instructions regarding the checking of the input and update post adoption of the Fees and Charges Schedule. The revised procedure will incorporate a checklist to be completed, recorded within Objective (the Electronic Records Management system) and signed off by the Business Unit Officer and the Revenue Coordinator.

Changes throughout the year will be updated and amended as per the action notices put forth by the executive management team and checklist also completed.

Responsible officer: Revenue Coordinator

Status: Work in progress

Action date: 30 September 2024



24IR-3 IT Privileged user access activity is not monitored

Observation

We understand that the activity logs of users with privileged access to primary systems such as Finance One, Aurion, and Pathways, are not regularly or formally reviewed.

Privileged user access enables the user to perform security-relevant functions within an application that ordinary users are not authorised to perform. This type of access is necessary to ensure the given user can take prompt action against threats that may affect computing systems, network communication, or the accounts, files, and data of other users. This access would therefore allow the user to circumvent application controls restricting unauthorised users from performing key financial tasks such as approving purchase requisitions or editing payroll master file data.

Implication

By not regularly reviewing the tasks performed by users with privileged access, there is an increased risk that malicious tasks or jobs may be created in the system and commands executed that may compromise the system. These user profiles may also be susceptible to cyber-attacks, increasing the need for monitoring.

QAO recommendation

We recommend that the activity of users with privileged system access be appropriately captured and reviewed on a periodic basis. We acknowledge that many activities within these logs would not be inherently risky and therefore suggest assigning risk criteria to activities and reviewing only those identified as high risk. The frequency of these reviews is at Council's discretion; however, we would expect a monthly review would be sufficient to identify any inappropriate use of privileged access. The review should be performed by an individual with the appropriate knowledge of the relevant application that does not have privileged access themselves.

Management response

Management agree with the recommendation and are attempting to identify users of these systems who have the required knowledge and understanding and do not have privileged access themselves. A service desk tool is configured to automatically record the audit activity each month.

Responsible officer: Coordinator Information and Technology

Status: Work in progress

Action date: 31 May 2024



24IR-4 Review of payroll masterfile changes is not wholly independent

Observation

The payroll team generate the Masterfile Maintenance Report on a fortnightly basis. The report captures all changes the payroll team had made to master file data in that period. This report, along with supporting documentation, is provided to the human resources (HR) team for review and approval.

The design of this control is weakened by the Masterfile Maintenance Report not being generated by the HR team.

Implication

There is a risk that fraudulent activity may go undetected where the Masterfile Maintenance Report is not independently generated and reviewed by the HR team.

QAO recommendations

We recommend that the HR team generate the Masterfile Maintenance Report as part of the independent review process.

2024 Interim report

Management response

Management agree with the recommendation and the master file review process will be amended to ensure that the master file change report to be checked is generated by the HR team instead of the Payroll team.

Responsible officer: Coordinator Human Resources and Payroll

Status: Resolved pending audit clearance

Action date: 1 May 2024



24IR-5 Aurion controls assurance reports are not reviewed

Observation

Council utilises the Aurion system to process its payroll. Whilst Council is ultimately responsible for processing all information and ensuring there are adequate controls over the functions within the system, Aurion produce an assurance controls report (ASAE3402 type 2). This report lists the service provider's system and organisational controls in place and provides assurance on whether they have been operating effectively during the year.

Council currently does not obtain and review the Aurion controls assurance report. Governance through assurance reporting is critical for the appropriate management of key outsourcing risks.

Implication

Without reviewing your vendors' system and organisation controls reports, Council is at risk of not identifying control breakdowns that may impact on the reliability of the system. Council is also at risk of not implementing the complimentary user entity controls, where relevant, included in the assurance report to help the vendor maintain a secure environment.

QAO recommendation

We recommend that:

- Management obtain and review the Aurion ASAE3402 type 2 assurance report on an annual basis. Where control deviations are identified, management should assess the potential impact, if any, on Council. This review should be documented for audit purposes.
- Management performs a review of the expected Council complementary controls listed in the report to identify whether there are any gaps in its own control environment.

Management response

Management agree with the recommendation and the Assurance Controls report has been reviewed by key staff to identify control gaps and capture processes or alternative controls to address these for the Aurion system and will be reviewed annually.

Responsible officer: Coordinator Information and Technology

Status: Resolved pending audit clearance

Action date: 19 April 2024

Financial reporting issues

This table identifies the number of financial reporting issues we raised. Refer to section 2 *Matters previously reported* for the status of previously raised financial reporting issues.

Year and status	High risk	Medium risk	Low risk
Current year issues	-	-	-
Prior year issues	1	1	1
Total	1	1	1

The following section details financial reporting issues identified as of 31 January 2024. It includes a response from management.

Our risk ratings are as follows. For more information and detail on our rating definitions, please see the webpage here: www.qao.qld.gov.au/information-internal-controls or scan the QR code.



Financial reporting issues

H
High

M
Medium

L
Low

2. Matters previously reported

The following table summarises the status of deficiencies, financial reporting issues, and other matters previously reported to you.

Ref.	Rating	Issue	Status
21FMR-1	H	21FMR-1 Capital grants revenue recognition – determination of project completion status percentage	Work in progress Responsible officer: Chief Financial Officer Action date: 30 June 2024
23-CR01	M	23-CR01 Preparation of accounting position paper on landfill restoration remeasurement	Resolved pending audit clearance Responsible officer: Chief Financial Officer Action date: 28 February 2024
23-CR02	L	Contributed assets calculation of dimensions	Work in progress Responsible officer: Coordinator – Assets Action date: 30 June 2024



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12.6 CONSULTATION - ANNUAL VALUATION EFFECTIVE 30 JUNE 2025**File No:** RV25.07.01**Attachments:** 1. Letter from DNRM requesting Council consideration for Annual Valuation effective 30 June 2025 [↓](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Priscilla Graham - Coordinator Revenue**SUMMARY**

This report is seeking to discuss options on the annual land valuation to be effective 30 June 2025. Each year the Department of Resources consults with Council on whether a valuation of the Shire should be undertaken.

OFFICER'S RECOMMENDATION

THAT Council considers the report and advise of their support or otherwise of requesting a valuation to be undertaken again in October 2024, and effective 30 June 2025.

BACKGROUND

The *Land Valuation Act 2010* requires the Valuer-General to undertake an annual statutory valuation of all rateable land in Queensland except in unusual circumstances or after consideration of:

- A market survey report for the local government area which reviews sales of land and the probable impact of the sales on the value of the land since the last annual valuation; and
- The results of consultation with the local government for the area and appropriate local and industry groups.

Council has been asked to provide an opinion, whether a valuation should be undertaken to be effective 30 June 2025. The final decision vests with the Valuer-General.

COMMENTARY

Ideally, valuations should be undertaken on an annual basis. Whilst the overall change in the total valuations can be low, there can be significant variations between localities within the local government area. Delays in conducting valuations can exacerbate these variances. Regular reviews should be undertaken as this will assist Council to keep rate impacts to a minimum.

The last valuation was undertaken in October 2023 (effective 30 June 2024), it is highly unlikely that an annual valuation will be performed. Prior to this, the Shire had not had an annual valuation for two financial years. Therefore, it is highly unlikely that an annual valuation will be undertaken for 30 June 2025.

Council's response and any additional information for its submission is required by 14 October 2022.

The annual valuation history is summarised below:

Effective Valuation Date	LSC submission	Valuer-General decision
30 June 2025	To be determined	To be determined
30 June 2024	No Objection to Valuation being undertaken	Valuation was undertaken
30 June 2023	No Objection to valuation being undertaken	Valuation was not undertaken
30 June 2022	Valuation should be undertaken	Valuation was undertaken
30 June 2021	Valuation should not be undertaken	Valuation was not undertaken
30 June 2020	Valuation should be	Valuation was undertaken

Effective Valuation Date	LSC submission	Valuer-General decision
	undertaken	
30 June 2019	Valuation should not be undertaken	Valuation was not undertaken
30 June 2018	Valuation should not be undertaken	Valuation was not undertaken
30 June 2017	Valuation should not be undertaken	Valuation was undertaken
30 June 2016	Valuation should be undertaken	Valuation not undertaken
30 June 2015	Valuation should be undertaken	Valuation was undertaken
30 June 2014 (RRC)	Valuation should be undertaken	Valuation not undertaken
30 June 2013 (RRC)	Valuation should be undertaken	Valuation was undertaken

If a valuation is undertaken the rating strategy may need to be reviewed to consider the impact on bands, other limitations on rate (capping or averaging) and changes to the rate in the dollar.

Council pays an annual fee to The Department of Resources for valuation roll maintenance, there is no direct increase in the years that valuations are undertaken.

PREVIOUS DECISIONS

Council's submission indicated support for a shire revaluation be conducted for the effective date 30 June 2024.

ACCESS AND INCLUSION

Access to the Valuation Roles are made available at Customer Service Centers of both Livingstone Shire Council and the Department of Resources including Websites.

ENGAGEMENT AND CONSULTATION

Council's website has various reference materials covering the Revenue and Rating Structure of Livingstone Shire Council. This is also accompanied with explanation of Land Valuations and the appropriate links to the Valuer Generals office and Department of Resources website.

The Department of Resources issued a variety of information and updated links following the most recent revaluation in March 2024.

HUMAN RIGHTS IMPLICATIONS

There are no Human Rights Implications foreseen.

BUDGET IMPLICATIONS

The annual charge for Valuation Roll maintenance is an annual charge and included in the adopted budget.

LEGISLATIVE CONTEXT

The *Land Valuation Act 2010* requires the Valuer-General to undertake an annual statutory valuation of all rateable land in Queensland except in unusual circumstances, or after consideration of:

- A market survey report for the local government area which reviews sales of land and the probable impact of the sales on the value of the land since the last annual valuation; and

The results of consultation with the local government for the area and appropriate local and industry groups.

LEGAL IMPLICATIONS

There are no legal implications foreseen.

STAFFING IMPLICATIONS

There are no staffing implications. Valuation Roll upload and maintenance will be maintained by current staffing levels regardless of a revaluation being undertaken.

RISK ASSESSMENT

There is a risk that valuation fluctuations are more severe should a valuation not be undertaken regularly. Whilst the overall change in the total valuations can be low, there can be significant variations between localities within the local government area. However, the

Valuer-General does review market survey, sales of land and probable impact of the value of the lands since the previous valuation in addition to the

Delays in conducting valuations can exacerbate these variances. Regular reviews should be undertaken as this will assist Council to keep rate impacts to a minimum

CORPORATE PLAN REFERENCE***Leading Livingstone***

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

4.2.3 Advocate Council's interests and objectives to government, industry, business, and community to promote the Livingstone region at a national and international level.

CONCLUSION

Council has been asked to provide an opinion, whether a valuation should be undertaken to be effective 30 June 2025. The final decision vests with the Valuer-General.

12.6 - CONSULTATION - ANNUAL VALUATION EFFECTIVE 30 JUNE 2025

**Letter from DNRM requesting Council
consideration for Annual Valuation
effective 30 June 2025**

Meeting Date: 18 June 2024

Attachment No: 1



Department of Resources

15 April 2024

Mr Cale Dendle
Chief Executive Officer
Livingstone Shire Council
25 Normanby Street
YEPPOON Queensland 4703

By email: enquiries@livingstone.qld.gov.au

Dear Mr Dendle

Consideration for the 2025 land valuation program effective 30 June 2025

I am seeking your views in relation to the revaluation of your local government area as part of the 2025 land valuation program that will take effect on 30 June 2025.

The *Land Valuation Act 2010* requires that the Valuer-General undertakes an annual valuation of rateable land, but they may decide not to do so in a local government area after considering:

- a market survey report for the local government area that reviews the sales of land and the probable impact of those sales on the value of land since the last annual valuation
- the results of consultation with the local government for the area and appropriate local and industry groups.

The State Valuation Service (SVS) is currently considering a range of factors, including the timing of the last valuation, any extreme weather events that occurred over the last year and market movements. The SVS will continue to monitor the property market.

Consistent with the Act, please advise me of your support or otherwise for a revaluation in 2025. You may also wish to provide me with any additional information relevant for consideration. Please provide your response to me **by Friday 24 May 2024** by email at valuer-general@resources.qld.gov.au. The results of this consultation will be used to inform my final decision about the 2025 revaluation program.

If you have any further enquiries regarding the revaluation program, please contact Ben Ilott, Area Manager, State Valuation Service on telephone 4999 6983 or email Benjamin.Ilott@resources.qld.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Laura", followed by a horizontal line.

Laura Dietrich
Valuer-General
Department of Resources

12.7 SOLE SUPPLIER EXCEPTION REGISTER - REPORT FOR 2024-2025

File No: A1850559
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Denis Glacken - Coordinator Procurement

SUMMARY

The main purpose of this report is to provide a list of suppliers for whom Livingstone Shire council is seeking resolution for annual purchases as an exception to the Local Government Regulation 2012 (s235).

OFFICER'S RECOMMENDATION

THAT Council resolves to apply the exception to the services and suppliers listed in the report in accordance with the *Local Government Regulation 2012* Section 235 (a) or (b) where a local government may enter into a medium-sized contractual arrangement, or a large-sized contractual arrangement without first inviting written quotes or tenders.

- (a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or
- (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

BACKGROUND

The *Local Government Regulation 2012* (s235) provides for an exception to the requirements to obtain quotes or tenders where the local government resolves that there is only one (1) supplier reasonably available to it, or that because of the specialized or confidential nature of the services, it would be impractical or disadvantageous to invite quotes or tenders.

COMMENTARY

Section 235 of the *Local Government Regulation 2012* allows a local government to enter into medium-sized or large sized contractual arrangements without first inviting written quotes or tenders if-

- a) the local government **resolves** it is satisfied that there is only 1 supplier who is reasonably available; or
- b) the local government **resolves** that, because of the specialized or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders; or
- c) a genuine emergency exists; or
- d) the contract is for the purchase of goods and is made by auction; or
- e) the contract is for the purchase of second-hand goods; or
- f) the contract is made with, or under an arrangement with, a government agency.

The Procurement team have identified an organisational need for purchasing exceptions to be resolved by Council for the following annual purchases:

SOLE SUPPLIER EXCEPTION REGISTER

SOLE SUPPLIER EXCEPTION REGISTER

ABB Australia Pty Ltd	Original Equipment Manufacturer (OEM) for instrumentation and spares across LSC water and sewer sites - Level instruments, flow instruments, chemical instruments - necessary to maintain warranty.	s235 (a)
Agseptence Group Pty Ltd	Original Equipment Manufacturer (OEM) for inlet screens and spares for Emu Park STP - Brushes for screen, baskets for screen, wear bars for screens - necessary to maintain warranty.	s235 (a)
Aerzen	Original Equipment Manufacturer (OEM) for Membrane blowers at YSTP - spares - necessary to maintain warranty.	s235 (a)
Akvotek Pty Ltd	Supplier of membrane cartridges at YSTP.	s235 (a)
Andritz	Original Equipment Manufacturer (OEM) for centrifuge and spares at Woodbury Water Treatment Plant (WTP) and Emu Park STP - unique spares for Centrifuge operations - necessary to maintain warranty.	s235 (a)
Arris Pty Ltd	Original Equipment Manufacturer (OEM) Supplier of Rhizopod system for no-release Wastewater Treatment and Dispersal System at Keppel Sands Caravan Park.	s235 (a)
Aurion Corporation Pty Ltd	Sole supplier of Aurion software.	s235 (a)
Australia Post	Receival of Post BillPay payments.	s235 (a)
Barlows Earthmoving Pty Ltd	Barlows are manufacturers of precision moulded concrete retaining wall blocks (Keppel Blocks, and Kinka Blocks), located on Tanby Rd, Tanby. Transportation costs are a major factor when building retaining walls with interlocking concrete blocks. The blocks enable us to quickly build engineered retaining walls and other permanent retaining structures to standard drawings, reducing construction and design costs. Keppel and Kinka Blocks are a much large sized block size than other retaining blocks available locally. They have a front face area of 0.7 and 0.6 square meters respectively. This compares to a front face area of 0.08 square meters for other commonly available standard blocks. Thus 8 to 9 commonly available standard blocks are required for the same face area as 1 Keppel/Kinka block. Lay the smaller block is labour intensive, whilst the Keppel/Kinka blocks are installed with the aide of machinery. For mass block retaining walls that are manufactured locally this avoids the high freight costs associated with any other possible supplier outside of our region.	s235 (a)
Before You Dig Australia Ltd	Only national, single point of contact referral service for information on the location of underground infrastructure pipes and cables. Previously known as <i>Dial Before you Dig</i> .	s235 (a)
Bellridge Pty Ltd	Supplier of ManageEngine Suite of applications.	s235 (a)
Brightly	Sole supplier of Council's new Asset Management Software System – for prediction modelling and decision support for long-term planning of infrastructure assets.	s235 (a)
Big Colour Works	All of our Printers are Konica Minolta and there is only one (1) printer management service provider locally, that can service our printers. Each printer manufacturer works with only one service provider in different regions and Big Colour Works is Capricorn Coasts allocated provider.	s235 (a)
Bolinda Digital	They are the only Australian based digital library with exclusive copyright over Australian publications (\$25,000 used for digital content).	s235 (a)
Cardno QLD P/L (for CMDG only)	Sole supply as the Capricorn Municipal Development Guidelines (CMDG) Group elected Cardno to draft and facilitate the CMDG for the collective councils ongoing.	s235 (a)
CountERPart Solutions	Specialised nature because of their intimate knowledge of the software and technology – any variations that are not covered under the contract should be covered by sole supplier exception. Supplier to provide support in regard to Merlin requirements.	s235 (a)
Civica	Sole Supplier of Reflect software.	s235 (a)

Civil Survey Solutions	Sole supplier of Civil Survey products, bundled with Autodesk.	s235 (a)
Conquest Solutions Pty Ltd	Sole supplier of Conquest software.	s235 (a)
Coral Coast Composites	Coral Coast Composites have been manufacturing suitable base liners for over 25 years and they are the only Queensland manufacturer of these fibre reinforced vinyl-ester lined sewer manhole base liners that complies with the Capricorn Municipal Development Guidelines standard drawing CMDG-S-024. The product is proven to resist the corrosive environment found in sewers.	s235 (a)
	A product/supplier search conducted in April 2020 for CMDG-S-024 compliant base liners for the Arthur Street Sewer Project provided only alternative products to which none were suitable.	
	The service provided by Coral Coast Composites is also extends to the lining of concrete manhole chambers with vinyl-ester.	
Darumbal Enterprises Pty Ltd	For when there is a need to deal with the Darumbal People as traditional owners of the land eg: for the purpose of Cultural Heritage searches and Native Title, within the Darumbal Title area.	s235 (a)
DWF Enterprises Pty Ltd	DWF are the only local supplier of machine formed extruded kerb and channel within Central Queensland. They are based in Yeppoon, and we incur no mobilisation or accommodation costs. Extruded kerb provides a superior and very durable product compared to kerb constructed in stationary formwork.	s235 (b)
Ecosystem Management and Biosecurity Solutions	Joel Fostin has specialised biocontrol agents and the distribution of those agents in regard to Pandanus dieback which continues to be a problem in the shire.	s235 (a)
EFTSure	Sole supplier of EFTSure software to ensure continuous control & monitoring of payments, incorporating multi-factor verification to protect against cybercrime, fraud and error.	s235 (b)
Endress and Hauser	OEM for instrumentation and spares across LSC water and sewer sites - Level instruments, flow instruments, chemical instruments - necessary to maintain warranty.	s235 (a)
Ergon Energy	Sole electricity infrastructure supplier in Central Queensland.	s235 (a)
ESRI Australia Pty Ltd	Sole supplier of ESRI mapping software.	s235 (a)
Evoqua Water Technologies	Original Equipment Manufacturer (OEM) for instrumentation / chemical pumps and spares across LSC water and sewer sites - chlorine dosing pumps, chlorine gas equipment, chlorine measuring instruments, pH measuring instruments - necessary to maintain warranty.	s235 (a)
	Salt, Vacuum Tablets - to supply for Chlorine Membrane Electrolysis system installed at Yeppoon Lagoon - as well as Evoqua salt dissolving tank. Manufacturer Instructions specify Evoqua OSEC Saline salt tablet.	
Flottweg	Original Equipment Manufacturer (OEM) for Centrifuge and spares at Yeppoon Sewage Treatment Plant (STP) - unique spares for Centrifuge operations - necessary to maintain warranty.	s235 (a)
GEA Westfalia	Original Equipment Manufacturer (OEM) for Centrifuge and spares at Yeppoon STP - unique spares for Centrifuge operations - necessary to maintain warranty.	s235 (a)
GEOGRAFIA PTY LTD AKA SPENDMAPP	Spendmapp Subscription for LSC - RLAW004584 was exempt in 2021 -never put onto sole exemption.	s235 (a)
Genelite	Original Equipment Manufacturer (OEM) for generators across LSC water and sewer sites - necessary to maintain warranty.	s235 (a)

GlobalPOS	Exclusive supplier of GPS and survey gear purchased by Council. Globalpos installed the permanent base station located at the Depot and undertake routine servicing on the base station, GPS's and other survey gear supplied by them.	s235 (a)
Grace Records Management	Registering, storing, retrieving and digitisation of our records aswell as exchange our shredder bins.	s235 (b)
Grundfos Pumps Pty Ltd	Original Equipment Manufacturer (OEM) for pumps and spares across LSC sewer pump stations, water pump stations, and various other sites - water pumps and spares, sewer pumps and spares, chemical dosing pumps and spares - necessary to maintain warranty.	s235 (a)
HACH Pacific Pty Ltd	Original Equipment Manufacturer (OEM) for instrumentation and spares across water and sewer sites. –process instruments, desktop instruments, chemical instruments. Necessary to maintain warranty.	s235 (a)
Hastings Deering	Exclusive distributor of Caterpillar Machinery parts.	s235 (a)
Honeywell Ltd	SCADA Vendor - ongoing maintenance to the SCADA system.	s235 (a)
Hydroflux	Sole supplier of longopac bags at both STP's - specific bags required for inlet screen disposal.	s235 (a)
Impact Apps Pty Ltd	Sole supplier/developer of App for Livingstone Waste Wise App. now to be utilised to develop electronic Waste Vouchers to be utilised via the App.	s235 (a)
InfoCouncil	Sole supplier of Info Council.	s235 (a)
Infor Global Solutions	Sole supplier Pathway.	s235 (a)
Iwaki Pumps Australia	Original Equipment Manufacturer (OEM) for chemical dosing pumps and spares for the Water Treatment Plant. 4 x new pumps only just purchased recently – necessary to maintain warranty.	s235 (a)
Insight Informatics Pty Ltd	Provider of Libero Library Software.	s235 (a)
GALAPAGOS PTY LIMITED T/A IPLATINUM	Sole supplier of iFerret software.	s235 (a)
iWeigh Solutions Pty Ltd	Weighbridge Software Vendor - ongoing system maintenance.	s235 (a)
KSB Australia Pty Ltd	Original Equipment Manufacturer (OEM) for pumps and spares across LSC sewer pump stations, water pump stations, and various other sites - water pumps and spares, sewer pumps and spares - necessary to maintain warranty.	s235 (a)
LG Software Solutions Pty Ltd	Sole supplier of Pulse software.	s235 (a)
Marsh Valuation Services	Due to the specialised nature of valuing LSC assets, and the huge costs incurred in both time and money to explain large changes in valuation as a result of different valuers' methodologies and approaches, it is impractical or disadvantageous to invite quotes.	s235 (b)
Magiq Software Ltd	Sole supplier of Chameleon software.	s235 (a)

Mike Trace Engineering Sales & Services	Exclusive distributor of City Ray and Holder Street sweeper parts.	s235 (a)
Miri Engineering Pty Ltd	Miri Technologies is the Original Equipment Manufacturer (OEM) for telemetry radios and spares across the Scada Network which is the Council system that runs the water and sewer assets. While quotes can be sought from wholesalers, 9 times out of 10 Miri Technologies are cheaper than the wholesaler, therefore it is impractical or disadvantageous to obtain additional quotes.	s235 (a)
Nearmap Australia	Sole supplier of high-resolution aerial imagery.	s235 (a)
NHP Electrical	Exclusive distributor of Allan Bradley SCADA components.	s235 (a)
Nintex Pty Ltd	Sole supplier of Pro Map software.	s235 (a)
Objective	Sole Supplier of Trapeze software.	s235 (a)
Objective Leader Pty Ltd	Leadership facilitator, continuity of training to officers.	s235 (b)
Peter Pal	Only supplier based in Queensland, with a comprehensive shelf ready service, covering, processing and digitisation into our database.	s235 (a)
QIT Plus Pty Ltd	Sole supplier of Guardian - IT used by Local Government managing disaster events under the Queensland Disaster Management Arrangements.	s235 (a)
Quest Software International	Supplier for Archive Manager	s235 (a)
Royce Water Technologies Pty Ltd	OEM for instrumentation, chemicals and spares for Yeppoon STP - dissolved oxygen sensors and head units, mixed liquor sensors and head units, CHEMSCAN unit - necessary to maintain warranty.	s235 (a)
Seek Australia	Online platform for employment advertising opportunities.	S235 (b)
Siemens	Exclusive supplier of Siemens Magflo meters which are used throughout Council treatment plants for reliable and consistent process control and monitoring with significant advantages for staff familiarity and training, single spares holding and warranty etc. Council cannot afford to have multiple different brands of flowmeters.	s235 (a)
SITECH Construction Systems Pty Ltd	SITECH is the global Trimble dealership who distribute site wide technology solutions to the Civil Construction industry, and they have a branch located in Rockhampton.	s235 (b)
	Council has Trimble site positioning equipment installed to its' new Caterpillar Earthmoving machines and a Trimble base station installed on the roof of the Cordingley Street Depot.	
	SITECH will be required on an ongoing basis for the hire and sales of equipment, as well as the ongoing technical support for software and training.	
Solut	Only supplier who can supply library app in Australia	s235 (a)
SmartyGrant – Our Community Pty Ltd	Sole Supplier of SmartyGrants software.	s235 (a)
Surf Life Saving Queensland Inc	Supply beach patrols at Yeppoon Main beach & Emu Park Main Beach during school holiday periods.	s235 (a)
Technology One Pty Ltd	Sole Supplier of TechOne software.	s235 (a)
TechStreet	Provider of web-based platform of Australian (and international) standards along with other documents such as ISO and IEC materials.	s235 (a)
Telstra	Sole supplier for maintenance to telecommunication infrastructure or Contractual obligations.	s235 (a)

Itron Australasia Pty Ltd	Sole supplier for Temetra Software - current Meter Data Management & Mobile Data Collection Software. No other reseller exists for this software.	s235 (a)
Terrequipe Pty Ltd	Exclusive distributor of JCB machinery parts.	s235 (a)
Vega Australia Pty Ltd	Original Equipment Manufacturer (OEM) for instrumentation and spares across LSC water and sewer sites - Level instruments, flow instruments - necessary to maintain warranty.	s235 (a)
Waterform Technologies	Original Equipment Manufacturer (OEM) for UV Systems and spares for Emu Park STP - unique spares for disinfectant unit - necessary to maintain warranty.	s235 (a)
Woopaburra TUMRA Committee	Legislated Contacts for all marine/ocean related activity around the Keppels.	s235 (a)
Woppaburra Saltwater Aboriginal	Legislated Contacts for all activity on the islands (land) themselves.	S235 (a)
Xylem Water Solutions Australia Ltd	Original Equipment Manufacturer (OEM) for pumps and spares across LSC sewer pump stations - sewer pumps and spares - necessary to maintain warranty.	s235 (a)

PREVIOUS DECISIONS

Previous Sole Supplier Exception Report 2023-24 resolved at the Ordinary Council Meeting 15 August 2023.

ACCESS AND INCLUSION

There are no access and inclusion requirements.

ENGAGEMENT AND CONSULTATION

Engagement and consultation with key internal stakeholders/buyers.

HUMAN RIGHTS IMPLICATIONS

There are no human rights implications.

BUDGET IMPLICATIONS

Provision has been made for the purchase of the goods and services in this report as part of the adopted 2024-25 budget.

LEGISLATIVE CONTEXT

Local Government Regulation 2012 (s235).

LEGAL IMPLICATIONS

If the exception under *Local Government Regulation (s235)* is not applied to these purchases Council will be deemed to be outside of its legislative requirements in regards to contracting with these suppliers as per Part 3 of the Default Contracting Procedures which govern how the organisation does procurement.

STAFFING IMPLICATIONS

There are no staffing implications.

RISK ASSESSMENT

Risks associated with exception purchases are managed by legislation and internal Council policy.

CORPORATE PLAN REFERENCE***Leading Livingstone***

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

4.1.1 Implementation of the Community Plan and Corporate Plan is well co-ordinated across Council and through a delivery mechanism which provides clear line of sight, accountability, and performance measurement for all employees.

CONCLUSION

This report provides a list of suppliers for whom Livingstone Shire Council is seeking resolution for annual purchases as an exception to the *Local Government Regulation 2012* (s235).

12.8 NOMINATION FOR SPECIAL HOLIDAY 2025

File No: LE19.2.1
Attachments: 1. Special Holiday Letter Of Request 2025[↓](#)
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

This report seeks to amend Livingstone's application for a public holiday to align with the Rockhampton Show in 2024.

RECOMMENDATION

THAT the Chief Executive Officer be authorised to submit a nomination for a 2025 Special Public Holiday for the Livingstone Shire local government area to align with the Friday of Rockhampton Show.

BACKGROUND

Each year, in accordance with the *Holidays Act 1983*, local governments are invited to request special holidays to be observed during the following year. Special holidays appointed in respect of an annual agricultural, horticultural or industrial show are considered a public or bank holiday.

COMMENTARY

Livingstone Shire Council has traditionally resolved to nominate a special holiday to align with the Rockhampton Agricultural Show. This show usually runs for three days, namely, Wednesday, Thursday and Friday during the second week in June. Queensland Ag Shows have yet to advertise the Rockhampton Show, however it is anticipated to be held 11-13 June 2025. It is anticipated that Rockhampton Regional Council will consider the nomination for their 2025 Special Holiday in the coming weeks.

Rockhampton Regional Council has traditionally nominated the Thursday as its public holiday for the show and Livingstone Shire Council has historically resolved to nominate the Friday as the show holiday for its community. This has been done for several reasons, including maximising opportunities for businesses on the coast, as not everyone in Rockhampton goes to the show on the Thursday, with many taking the opportunity to visit the coast.

In keeping with the desire to maximise the benefit to businesses within Livingstone Shire, it is recommended that Council continue with nominating the Friday for the special holiday for the Rockhampton Agricultural Show, noting that, to date, formal resolution of Rockhampton's nominated date has not been received.

PREVIOUS DECISIONS

Council has previously nominated a date for the show holiday for Livingstone Shire to fall in conjunction with the dates of the Rockhampton Agricultural Show.

ACCESS AND INCLUSION

The nomination of a special holiday for the Rockhampton Agricultural Show enables the Livingstone community to attend that particular show. It also provides an opportunity for local businesses to maximise the benefits associated with tourism, as people from Rockhampton visit the various localities within Livingstone during their special holiday.

ENGAGEMENT AND CONSULTATION

A community survey was undertaken in March 2022 which saw 80.8% of respondents select that the Livingstone Shire Show holiday remain the same (Friday of the Rockhampton Show).

HUMAN RIGHTS IMPLICATIONS

Council's obligations under the *Human Rights Act 2019* are not compromised in consideration of this matter.

BUDGET IMPLICATIONS

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

LEGISLATIVE CONTEXT

The appointment of show holidays is undertaken pursuant to the *Holidays Act 1983*.

LEGAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

RISK ASSESSMENT

The risks associated with nominating the Friday for a show holiday in association with the Rockhampton Agricultural Show are negligible and pertain predominantly to some inconvenience for those who live in Livingstone Shire but work or study in Rockhampton, or those who live in Rockhampton but work or study in Livingstone Shire. The split in the holidays creates some household disruption as people have different days off but it appears to have been adequately managed by all concerned since 2014.

CORPORATE PLAN REFERENCE***Thriving Livingstone***

Community Plan Goal 2.4 - Arts and cultural activities and facilities that strengthen social connections

2.4.1 Deliver events, activities, and performances which bring economic and social benefits to the Community.

The nomination of a special holiday to align with the Rockhampton Agricultural Show for the Livingstone Shire enables the Livingstone community to attend that particular show and participate in a cultural activity which brings country and town together.

CONCLUSION

It is necessary for Council to determine a date for a special (show) holiday in association with the 2025 Rockhampton Agricultural Show.

12.8 - NOMINATION FOR SPECIAL HOLIDAY 2025

Special Holiday Letter Of Request 2025

Meeting Date: 18 June 2024

Attachment No: 1



Office of
Industrial Relations

Department of State
Development and
Infrastructure

24 May 2024

Dear Chief Executive Officer,

As you may be aware, each year in accordance with the *Holidays Act 1983* local governments are invited to request special holidays to be observed during the following year for districts in their area.

If you wish to request special holidays to be observed during 2025 for districts in your local government area, please complete the attached request form and submit via email to info@oir.qld.gov.au by no later than **Friday, 12 July 2024**.

A local council requested special holiday is a public holiday only if it is in respect of an agricultural, horticultural or industrial show. Under federal industrial relations legislation, on a public holiday employees are, without loss of ordinary pay, entitled to be absent from work or refuse to work in reasonable circumstances. Employees who work on a public holiday are entitled to penalty rates in accordance with their award or agreement.

A special holiday for any other reason is not a public holiday but is a bank holiday only and under the *Trading (Allowable Hours) Act 1990*, is only a holiday for banks and insurance offices and under a directive of the *Public Sector Act 2022*, a holiday for public service employees unless otherwise determined by a chief executive.

Upon receiving Ministerial approval, the holidays will be published in the Queensland Government Gazette. Confirmation of the approved special holidays together with a link to the Queensland Government Gazette will be emailed to your office.

Should you require further information regarding this process, please contact Patricia Faulkner, Office of Industrial Relations on (07) 3406 9845 or email patricia.faulkner@oir.qld.gov.au.

Yours sincerely

Shane Donovan
A / Executive Director, Industrial Relations
Office of Industrial Relations

1 William Street Brisbane
Queensland 4000 Australia
GPO Box 69 Brisbane
Queensland 4001 Australia
Telephone 13 QGOV (13 74 68)
WorkSafe 1300 362 128
Website www.worksafe.qld.gov.au
www.business.qld.gov.au

12.9 POLICY REVIEW: CONTRACT STAFF REMUNERATION POLICY**File No:** PC**Attachments:**

1. **Contract Staff Remuneration Policy (v2.0) - Tracked Changes Version**[↓](#)
2. **Contract Staff Remuneration Policy (v2.0) - Clean Version**[↓](#)
3. **Motor Vehicle Allowance Directive - Contract Employees**[↓](#)

Responsible Officer: Cale Dendle - Chief Executive Officer**Author:** Kristy Mansfield - Chief Human Resources Officer

SUMMARY

Council's Senior Contract Staff Remuneration Policy has been reviewed and is being presented to Council for consideration and adoption.

OFFICER'S RECOMMENDATION

THAT Council resolves to:

1. Adopt the revised Contract Staff Remuneration Policy, including amended model Senior Officer Employment Contract for implementation by the Chief Executive Officer.

BACKGROUND

In 2021 and 2022, senior staff worked with Councillors to develop some Council-approved governance around the employment conditions of senior executives and other contract employees. A review of the Contract Staff Remuneration Policy has recently been undertaken, and this report therefore seeks Council's formal adoption and/or endorsement of the minor amended employment terms.

COMMENTARY

The Contract Staff Remuneration Policy provides a level of Council-approved governance around the fundamental employment terms that are offered to contract staff.

This report seeks to update the model contract terms to include:

- a) Amendment to clause 14.3 of the Model Contract to align Long Service Leave provisions with that of the Certified Agreement staff to include pro rata after five (5) years service.
- b) Amend the current motor vehicle allowance allocation from \$20,588 per annum to instead be based upon the published Australian Taxation Office business use of motor vehicle cents per kilometer rate calculated on a standard 20,000km. Based on current published ATO rates, this would result in an increase of \$662 per annum.

These changes will result in the Motor Vehicle Allowance Directive for Contract Employees to be repealed.

PREVIOUS DECISIONS

The Senior Contract Officer Remuneration Policy was initially adopted on the 19 April 2022.

ACCESS AND INCLUSION

Nil.

ENGAGEMENT AND CONSULTATION

Extensive engagement with Councillors was undertaken in 2021 and 2022 prior to adoption of the Contract Staff Remuneration Policy. Councillors were briefed on 10 April 2024

(Briefing Session) around the proposed minor amendments for long service leave and motor vehicle allowance.

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

Senior Contract Staff remuneration is provided for within Council's budget at the amount of remuneration payable, including any annual incremental increases.

LEGISLATIVE CONTEXT

There are no issues associated with the consideration of this report.

LEGAL IMPLICATIONS

There are no anticipated legal implications associated with the adoption of this report.

STAFFING IMPLICATIONS

This report outlines the employment conditions of Senior Contract Staff.

RISK ASSESSMENT

The use of written employment contracts is intended to limit risk by ensuring a sound foundation on which to attract, manage and retain senior staff.

CORPORATE PLAN REFERENCE

Leading Livingstone

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

4.1.4 Provide leadership and contemporary management systems which drive a co-ordinated and connected organisation.

CONCLUSION

Council should resolve to adopt the revised Senior Contract Staff Remuneration Policy, including model contract.

12.9 - POLICY REVIEW: CONTRACT STAFF REMUNERATION POLICY

Contract Staff Remuneration Policy (v2.0) - Tracked Changes Version

Meeting Date: 18 June 2024

Attachment No: 1



CONTRACT STAFF REMUNERATION POLICY

1. Scope

The Contract Staff Remuneration Policy (this 'Policy') applies to all persons employed on individual employment contract arrangements into positions not covered by the Certified Agreement. Typically, this includes the Chief Executive Officer, General Managers, Chief Officers, Level 3 Managers and some specialist roles reporting directly to General Managers/Chief Officers. While all officers are expected to comply with this Policy, this Policy does not form any part of the contract of employment with officers covered by the policy.

2. Purpose

This Policy is to provide Council-approved governance over the employment conditions of senior and executive staff.

3. References (legislation/related documents)

Legislative reference

Local Government Act 2009

Related documents

Motor Vehicle Allowance (Contract Employees) Directive Contract
Recruitment and Selection Directive
Individual Employment Contract Arrangement

4. Definitions

To assist in interpretation, the following definitions shall apply:

CEO	Chief Executive Officer Means a person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> .
Senior Officers	Means employees as defined by the <i>Local Government Industry Award 2017</i> and are those not generally covered by the Certified Agreement such as the Chief Executive Officer, General Managers, Chief Officers, Department Managers (Level 3) and some specialist positions.
Council	Livingstone Shire Council.
Individual Employment Contract Arrangement	The contractual agreement between Council and the Contract Officer which specifies the terms and conditions of engagement (Refer to Appendix 1).
Total Remuneration Package (TRP)	Means the total salary arrangement and the cost of all other benefits, including superannuation.

5. Policy Statement

Council is a large employer and competes in a dynamic regional labour market. It is important that Council sets some clear parameters around how and why it offers employment conditions for those senior and executive staff not captured by the Certified Agreement.

5.1 Contract Employment Principles

- 5.1.1 Individual Employment Contract Arrangements will continue to be offered to senior officers (as defined by the *Local Government Industry Award 2017*) and to others by agreement where there is mutual benefit.
- 5.1.2 Employment will generally either be governed by employment contract or the Award/Certified Agreement, but not both.
- 5.1.3 Standard contract duration will be no greater than four (4) years, with the Chief Executive Officer to approve lesser durations in appropriate circumstances.
- 5.1.4 Parties to employment contracts recognise that professional officers will freely offer their skills, expertise, time and effort to ensure positive outcomes for the organisation.
- 5.1.5 Employment contracts will not be extended and Council reserves the right to not offer renewal, or to have the incumbent contest any renewal as part of a recruitment process. Council, at its sole discretion, may offer existing contract employees a new employment contract without advertising the position.
- 5.1.6 Any and all employment conditions of the CEO are to be determined by Council resolution. Employment conditions for all other individual employment contract arrangement employees are to be determined by the CEO (or delegate) in accordance with this Policy.
- 5.1.7 Council's approved contract employment conditions will be captured in a Model Employment contract endorsed by Council from time to time.

5.2 Remuneration Principles

- 5.2.1 Senior officer remuneration in local government is generally about the position and not the person.
- 5.2.2 Senior officer remuneration is to be reviewed annually against market rates. Any proposed salary increase is predicated on:
 - a) Positive performance;
 - b) Demonstrable achievement of agreed outcomes;
 - c) Strong leadership behaviours; and
 - d) A commitment to the organisation and community.
- 5.2.3 The chosen position of Council is to remunerate within +/- 15% of the 25th percentile benchmark against a reputable market rate (i.e. meaning that 75% of comparative organisations have higher remuneration scales).
- 5.2.4 Subject to 5.2.6 (below):
 - a) Those senior officers currently paid below the relevant benchmark shall be offered a salary increase no greater than that offered by the Certified Agreement.
 - b) Those senior officers currently paid above the relevant benchmark shall not receive any salary increase.

5.2.5 The Chief Executive Officer is authorized to withhold any salary increase, or grant a discretionary increase (no greater than that afforded by the Certified Agreement) in circumstances where the Executive Leadership Team believes that assessment of performance under Principle 5.2.2 warrants.

5.2.6 Remuneration for the CEO is to be determined by Council Resolution. The CEO has delegation to approve the remuneration for all other individual employment contract arrangement employees within the range specified in section 5.2 above.

6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council

7. Repeals/Amendments

Version	Date	Action
1	15/11/2022	Policy Adopted
<u>2.0</u>	<u>DRAFT</u>	<u>Changes to motor vehicle clause and long service leave provisions in Appendix 1 – Model Contract.</u>

CALE DENDLE
CHIEF EXECUTIVE OFFICER

APPENDIX 1 – MODEL CONTRACT

Contract of Employment (Fixed Term)

This contract of employment is made on the _____ day of _____ **[#20224]**.

BETWEEN: **Livingstone Shire Council** of 70 Anzac Parade, Yeppoon, QLD, 4703 (“**Council**”)

AND: **[#INSERT EMPLOYEE’S FULL NAME]** of **[#INSERT EMPLOYEE’S ADDRESS]** (“**Employee**”)

1 Appointment

- 1.1 The Council has offered, and the Employee accepts, employment with Council in the Position of **[#INSERT POSITION]** (“**Position**”).
- 1.2 The Employee’s place of work is **[#LOCATION]**. The Employee acknowledges that their place of work may vary from time to time. The Employee will be advised in writing, with at least four weeks’ notice, of any permanent variation of work location. The Council and the Employee may agree to reduce this notice period.
- 1.3 The Employee will report to the **[#INSERT POSITION]** or such other person as the Council may reasonably stipulate from time to time.
- 1.4 The terms and conditions of the employment of the Employee are set out in this contract of employment (“**Contract**”).

2 Acknowledgement

- 2.1 The Employee acknowledges and agrees that:
 - (a) they have a legal right to work in Australia and to perform the duties and responsibilities contemplated by the Position;
 - (b) the Employee will immediately notify the Council of any circumstance that might prejudice this right at any time during their employment with the Council; and
 - (c) to enable the Council to verify at any time that the Employee has this right, the Employee will provide to the Council upon request sufficient evidence to establish this fact.

3 Award and Certified Agreement Not to Apply

- 3.1 In accordance with clause 4.2 of Section 1 of Division 2 of the *Queensland Local Government Industry (Stream A) Award – State 2017* (“Award”) and clause 1.3 of the Livingstone Shire Council Officers Certified Agreement 2019 (“Agreement”) the Employee and Council agree that the Award and Agreement are not to apply to the employment of the Employee.
- 3.2 In agreeing to the Award and the Agreement not applying as set out in clause 3.1, the Employee specifically acknowledges and agrees that:
 - (a) the Employee is a “*senior officer*” as defined in clause 4.2(c) of Section 1 of Division 2 of the Award;
 - (b) the Council brought the provisions of Division 1 and Section 2 of Division 2 of the Award to the Employee’s attention before the Employee entered this Contract;
 - (c) the Council has notified the Employee in writing that the effect of this Contract is that the

Employee is not covered by the Agreement;

- (d) a copy of this Contract was given to the Employee seven (7) clear days prior to the Contract being entered into by the Employee;
- (e) the Contract is voluntarily entered into by the Employee; and
- (f) the Employee is satisfied that the Contract's terms and conditions do not result, on balance, in a reduction in the overall terms and conditions that the Employee would receive under the Award and the Agreement.

3.3 The Employee acknowledges that the Council has given the Employee the opportunity to seek independent advice of the Employee's own choosing prior to executing this Contract, and that the Employee understands the terms of this Contract and accepts them as fair and reasonable.

3.4 Unless specifically varied by this Contract, the policies and procedures of the Council apply to the Employee's employment. The Employee must comply with these policies and procedures as varied by Council from time to time.

3.5 The Council's policies and procedures do not form part of the Employee's Contract and nothing within the policies and procedures gives rise to a legal right or benefit enforceable by the Employee.

4 Duration of Contract (Fixed Term Contract)

4.1 This contract will commence to take effect on **[#INSERT DATE]** and, subject to clauses 4.2, 5, 18 and 19, will continue until the Expiry Date of **[#INSERT DATE]**.

4.2 The Employee will be employed on probation for a period of six (6) months from the Commencement Date. At any time during this period the Employee or Council may terminate the Employee's employment by giving four (4) weeks' notice.

4.3 If the Council terminates the Employee's employment, it may elect to pay the Employee in lieu of all or part of the notice. Payment in lieu of notice will be calculated by reference to the Employee's Cash Component.

4.4 If the probation period elapses without either party giving notice under clause 4.2, the Employee's employment will continue until the Expiry Date, subject to any right to terminate the employment under clauses 18 and 19. **[DELETE 4.2, 4.3, 4.4 IF CONTRACT IS FOR A CONTINUING EMPLOYEE]**

4.5 Unless otherwise agreed in writing by the Parties, the Employee's employment with the Council will terminate automatically on the Expiry Date without the need for further notice to the Employee.

5 New Appointment

5.1 The Employee may advise the Chief Executive Officer by providing written notice that they wish to be considered for a new appointment under a new employment contract.

5.2 The written notice pursuant to clause 5.1 must be provided by the Employee to the Chief Executive Officer at least 12 weeks before the end of the Contract Period.

5.3 The Employee will be advised of whether a new appointment will be offered to the Employee and if so, on what terms, four (4) weeks before the end of the Contract Period, where practicable.

5.4 Where an offer of a new appointment is made, the Employee must advise the Chief Executive Officer of whether the offer is accepted within two weeks from the date of the offer. Should the Employee fail to respond to the offer before the end of the Contract Period and continue working for Council after that time, the Employee will be taken to have agreed to the terms of the offer.

5.5 Should the request for a new appointment under a new employment contract not be granted, the Employee's employment will terminate pursuant to clause 4.5.

- 5.6 Should the Employee not provide written notice for consideration of a new appointment pursuant to clause 5.1, the Employee's employment with Council will end after the end of the Contract Period without the need for further action by either the Employee or the Council.

6 Responsibilities

- 6.1 The Employee is to comply with the responsibilities of local government employees as prescribed in the Local Government Act 2009 (Qld).

- 6.2 Without limiting clause 6.1, the Employee must:-

- (a) faithfully, diligently and with reasonable care and skill, exercise the powers and carry out the duties and responsibilities of the Position as set out in Schedule A;
- (b) take all necessary action to meet any performance criteria set for the Position;
- (c) devote the whole of the Employee's time, attention and skill during normal business hours, and at other times as reasonably necessary, to the duties and responsibilities of the Position;
- (d) not be engaged in secondary employment or be concerned or interested in any other business or undertaking without the Council's prior written consent;
- (e) comply with all lawful and reasonable directions of the Council's Chief Executive Officer;
- (f) comply with all Council's resolutions, policies and procedures as may be amended from time to time;
- (g) comply with and promote Council's Code of Conduct;
- (h) not engage in activities where the employee has a financial interest or a (non-financial) conflict of interest, or which may inhibit the exercise of impartial judgment;
- (i) immediately disclose to the Council's Chief Executive Officer any financial or non-financial interest of the Employee that may conflict with the Council's interests;
- (j) in performing duties, not accept any financial or other benefit from any person other than the Council as an inducement or reward in connection with the performance of the Employee's duties or any business carried on by or on behalf of the Council. However, this clause does not prohibit the Employee receiving benefits that do not breach the requirements of Council's Code of Conduct and policies;
- (k) not engage in any interview or public comment concerning the business or affairs of the Council unless authorised to do so by the Council, or in accordance with the Council's policies; and
- (l) not engage in conduct, whether during work hours or after work hours, which causes damage to Council's property or reputation or has the potential to do so.

- 6.3 The duties and responsibilities of the Position as set out in Schedule A may only be varied after consultation between the Council and the Employee and, whilst agreement on such variations will be sought, the Council retains the right to determine reasonable amendments to the duties and responsibilities in order to meet the needs of Council.

- 6.4 The Employee must use their best endeavours to promote and enhance the interests, business, profitability and reputation of the Council. Moreover, the Employee must not intentionally do anything that is reasonably likely to be harmful to the Council or the Council's interests.

7 Performance Review

- 7.1 The Employee will be required to participate in the Council's performance review and development

process. Throughout the year the Council will also review the Employee's performance on specific engagements or projects and informally on an ongoing basis.

8 Remuneration Package

- 8.1 The Employee will receive the remuneration package comprised of the elements set out in Schedule B ("Total Remuneration Package").
- 8.2 The Total Remuneration Package remunerates the Employee for all work undertaken by the Employee.
- 8.3 The Total Remuneration Package, the value of other terms and conditions and any payments made at the discretion of the Council under this Contract, are intended to exceed all entitlements under legislation or any applicable industrial award or agreement that may apply to the Employee's employment. To the extent possible, the excess will be used to offset any monetary entitlements under the law and under any other applicable industrial award or agreement, including penalty rates, overtime, annual leave loading and allowances. This arrangement does not disadvantage the Employee and at the same time complies with any legislative, award or agreement obligation the Council may have, to the extent that the excess covers such entitlements.
- 8.4 The Council will make superannuation contributions required under the *Local Government Act 2009* and the *Superannuation Guarantee (Administration) Act 1992* on the Employee's behalf.
- 8.5 The Employee will be paid fortnightly, in arrears, into the Employee's nominated bank account.
- 8.6 The Employee's remuneration will initially be reviewed in December 20XX with any increase commencing from 1 January 20XX. Following the initial review, clause 8.7 will apply thereafter.
- 8.7 Following the initial review pursuant to clause 8.6, the Employee's Cash Component will be reviewed in December of each year of the Employee's appointment, with any increase commencing from the following 1st January.
- 8.8 Any increase in the Employee's Cash Component, pursuant to clause 8.6 or 8.7, will be solely at the discretion of the Council.
- 8.9 The Employee may apply salary sacrificing arrangements to the Employee's Cash Component, provided that such arrangements are lawful and that the effect of such arrangements does not increase the cost of the Total Remuneration Package.
- 8.10 The Employee is responsible for obtaining independent legal and financial advice on any salary sacrifice arrangement.
- 8.11 Unless otherwise agreed in writing between the Employee and the Council, the Employee will be solely responsible for any arrangements relating to non-cash benefits made under a salary sacrifice arrangement, including retaining or taking over from the Council any ongoing legal obligations in respect of those non-cash benefits on the termination of the Employee's employment.
- 8.12 The Employee may request in writing at any time that the structure of the Total Remuneration Package be varied and the Council will not unreasonably refuse the request. Under no circumstances will any such restructure involve an increase in the Total Remuneration Package unless the Council agrees to the increase in writing.
- 8.13 The Council must ensure that any changes to Fringe Benefits Tax legislation do not result in a reduction to the Employee's net Total Remuneration Package.
- 8.14 Council may establish incentive arrangements which include bonus or incentive payments linked directly to the achievement of individual and/or organisational key performance indicators and or targets. Details of these arrangements will be provided in writing to the Employee separately and do not form part of the Employee's employment contract.

9 Motor Vehicle

9.1 The Employee's Cash Component includes a Motor Vehicle Allowance set out in Schedule B and will be based upon the published Australian Taxation Office business use of motor vehicle cents per kilometre rate calculated on a standard 20,000km.

9.2 The Motor Vehicle Allowance will be reviewed in December 20XX with any increase commencing from 1 January 20XX. Following the initial review, clause 9.2 will apply thereafter.

9.3 Following the initial review pursuant to clause 9.2, the Employee's Motor Vehicle Allowance will be reviewed in December of each year of the Employee's appointment, with any increase commencing from the following 1st January.

9.4 Any increase in the Employee's Cash Component, pursuant to clause 9.2 or 9.3 will be solely at the discretion of the Council.

9.5 The Employee must provide a suitable motor vehicle for carrying out their duties. The motor vehicle must be:

- (a) roadworthy and in good mechanical condition;
- (b) registered;
- (c) comprehensively insured for business purposes to cover all risks that may arise during the use of the vehicle for the purposes of performing the Employee's duties; and
- (d) maintained in a clean and tidy state at all times while it is used in the performance of the Employee's duties.

9.6 The Employee may, at their discretion, allocate use of their motor vehicle to other Council employees for business purposes.

9.7 The use of the motor vehicle for business purposes will not be subject to any reimbursement of fuel costs or mileage allowance.

9.8 The Employee indemnifies the Council in respect of all claims, proceedings, costs, losses, expenses and damages (including legal costs on an indemnity basis), other than a compensation claim for injury made under the *Workers' Compensation and Rehabilitation Act 2003*, arising as a result of:-

- (a) the Employee's failure to comply with the requirements of clause 9.5; and
- (b) the Employee's use of the motor vehicle provided pursuant to clause 9.5.

10 Recognition of Prior Service (Delete if not applicable)

10.1 Council has agreed to recognise the Employee's service at the **[#INSERT PREVIOUS EMPLOYER]** for the purpose of calculating the Employee's period of employment for the taking of Long Service Leave entitlements.

10.2 The Employee's Long Service Leave entitlement will commence accrual from the Employee's Commencement Date with the Council, however their entitlement to take Long Service Leave will be based on the service as per clause 10.1.

10.3 The Council will not be liable for payment to the Employee of any Long Service Leave accrual or entitlement accrued during the Employee's previous employment with a Local Government employer except as required by Chapter 8, Part 3, Division 2 of the *Local Government Regulation 2012*.

10.4 The Employee is required to provide a statement from their previous Local Government employer confirming the following details,

- (a) the length of Continuous Service with the Local Government employer;
- (b) the Employee's Long Service Leave accrual up to the termination date of the Employee with the previous Local Government employer.
- (c) The Employee's rate of pay applicable at the time which the Employee received immediately before the termination date of the Employee with the previous Local Government employer.

10.5 Refer to clause 14.3, for the definition of "**Continuous Service**".

11 Training and Development

- 11.1 If the Employee wishes to undertake professional development (for example post graduate studies or study tours) the Council may provide financial support. The decision whether to provide financial support and to what level will be at the Council's discretion, but in any case will not be granted unless the Council is satisfied that the cost is not unreasonable and that the likely benefits to Council, of the development exercise, justify the cost.

12 Telecommunications and Laptop

- 12.1 The Employee will be provided with the following telecommunication equipment for work purposes:-
- (a) smart phone; and
 - (b) laptop; or
 - (c) tablet computer.
- 12.2 The Council will meet all reasonable costs associated with the maintenance and operation of these connections and for all business calls and a reasonable number of private calls. This amount is not redeemable for cash.

13 Hours

- 13.1 The Employee's ordinary hours of work will be 38 hours per week plus such reasonable additional hours as are required to discharge the responsibilities of the Position as detailed in clause 6.
- 13.2 The Employee agrees and acknowledges that:-
- (a) they will discharge their responsibilities as detailed in clause 6 of this Contract to the best of their abilities;
 - (b) where necessary, the Employee will work outside ordinary business hours, which from time to time, may require work on weekends and/or public holidays; and
 - (c) the Total Remuneration Package in Schedule B takes into account the non-standard conditions and additional hours which may be involved in the carrying out of the Employee's duties under this Contract; and
 - (d) the Total Remuneration Package in Schedule B is payment for all hours worked and the overall discharge of the responsibilities detailed in clause 6 of this Contract.

14 Leave Entitlements

- 14.1 Annual Leave
- (a) For each twelve months of service, the Employee will be entitled to 4 weeks annual leave on full pay, exclusive of any public holiday falling within the period of leave taken, in accordance with the *Industrial Relations Act 2016*.

- (b) The Employee's Cash Component includes a leave loading of 17.5% and as such, no additional leave loading will be payable during periods of annual leave.
- (c) Annual leave must be taken at a time as agreed between the Employee and the Council. However, Council may require the Employee to take annual leave by giving at least eight weeks' written notice to the Employee.
- (d) If whilst taking a period of annual leave the Employee becomes ill, the Employee will, on the production of a medical certificate certifying that the Employee was incapacitated by such illness to the extent that the Employee would have been unfit to perform normal work duties, and upon the Employee providing notification to Council that they were incapacitated, be entitled to have such period of illness debited against sick leave entitlements and annual leave entitlements will be adjusted accordingly.
- (e) On termination of employment, the Employee will be paid for any accrued but untaken annual leave to be paid based on the Employee's Cash Component.
- (f) Council and the Employee may agree to the Employee cashing out a particular amount of annual leave provided that the agreed cashing out does not reduce the Employee's annual leave accrual below four (4) weeks. Each cashing out of annual leave must be in accordance with the following requirements:-
 - I. Each cashing out of a particular amount of annual leave must be by a separate agreement in writing.
 - II. Where an agreement is reached for the cashing out of annual leave, Council will pay the Employee at least the full amount that the Employee would have received had they taken the annual leave.
 - III. Each particular amount of annual leave cashed out will reduce the Employees annual leave accrual.

14.2 Annual shut down

- (a) The Council may elect to implement a full or partial shut down during the period between Christmas and the New Year and may require the Employee to take leave during this period. The Council will give the Employee 90 days' written notice of the requirement to take the leave.
- (b) Where the Employee is required to take all or part of the Christmas/New Year shut down period as leave, must in accordance with the following requirements:-
 - I. at the sole discretion of the Chief Executive Officer, the employee may be offered paid leave with no deduction from any leave accruals for all or part of the leave period; and
 - II. otherwise must take the leave as annual leave or, where the Employee's annual leave balance is not sufficient to cover the period, as leave without pay.

14.3 Long Service Leave

- (a) Accruing and taking long service leave shall be in accordance with the *Industrial Relations Act 2016* except where varied by this clause and clauses 10.2 and 10.3.
 - I. The Employee, upon completion of ten (10) years Continuous Service will be entitled to 13 weeks long service leave on full pay.¹

Where the Employee completes a further five (5) years of Continuous Service (i.e. a total of 15 years of continuous service), they will be entitled to long service leave, on full pay, of a period that bears to 13 weeks the proportion that the employee's further period of

¹ For the avoidance of doubt, this amount of long service leave is instead of the amount of 8.6667 weeks long service leave provided under the *Industrial Relations Act 2016*.

continuous service bears to 10 years.²

The employee, upon completion of five (5) years Continuous Service, will be entitled to access long service leave on a pro-rata basis on full pay.

- II. Long service leave will be exclusive of any public holidays occurring during the period of such leave.
- III. If, while taking a period of long service leave, the Employee becomes ill, the Employee will, on the production of a medical certificate certifying that the Employee was incapacitated by such illness to the extent that the Employee would have been unfit to perform normal work duties, and upon the Employee providing notification to Council that they were incapacitated, be entitled to have such period of illness debited against sick leave entitlements and long service leave entitlements will be adjusted accordingly.
- IV. For the purpose of this clause 14.3 and clause 10, "**Continuous Service**" means the Employee's continuous service with the ~~same employer Council together with other service~~ (if any) required to be recognised by Chapter 8, Part 3, Division 2 of the Local Government Regulations 2012.

(b) *Proportionate payment on termination of employment*

- I. Where the Employee has completed at least five (5), but less than ten (10) years of continuous service with Council, the Employee will on termination be entitled to a proportionate payment in respect of long service leave provided the employment was not terminated pursuant to clause 18.2 (e).
- II. Where the Employee has completed at least ten (10) years of continuous service the Employee will on termination for any reason, be entitled to payment in respect of any accrued yet untaken long service leave and a proportionate payment in respect of the additional long service leave entitlement accruing after ten years of service.

14.4 Sick Leave

- (a) The Employee will be entitled to sick leave in accordance with the *Industrial Relations Act 2016* except where varied by this clause.
- (b) The Employee will be entitled to 15 days³ paid sick leave for each year of employment for absences occasioned through illness or injury. Any untaken sick leave will be cumulative but will not be paid out on termination.
- (c) The Employee is required to provide a medical certificate, or other evidence of the illness to Council's satisfaction, for sick leave in excess of two (2) consecutive working days upon the Employee returning to work.
- (d) The Employee's entitlement under this clause 14.4 is conditional on the Employee promptly notifying Council of:-
 - I. any illness that will cause the Employee to be absent from work; and
 - II. the approximate period for which the Employee will be absent.

14.5 Carer's Leave

- (a) Provided clauses 14.8(a) and 14.8(b) do not apply, the Employee is entitled to use up to 10

² For the avoidance of doubt, this amount of long service leave is instead of a period that bears to 8.6667 the proportion that the employee's further period of continuous service bears to 10 years provided under the *Industrial Relations Act 2016*.

³ For the avoidance of doubt, this amount of sick leave is instead of the 10 days sick leave provided under the *Industrial Relations Act 2016*.

days per year of the Employee's sick leave entitlement to care for or support:-

- I. a person who is an Immediate Family Member or a member of the Employee's household, who requires care or support due to illness or injury or because an unexpected emergency arises in relation to the person;
 - II. a person who has experienced domestic violence (as defined in the *Industrial Relations Act 2016*).
- (b) Where the Employee has exhausted their entitlement under clause 14.5(a), the Employee may take an additional 2 days unpaid carer's leave each time the Employee needs to use the leave.
- (c) Carer's leave may be taken for part of a day.
- (d) The Employee must, when practicable, give Council—
- I. notice of the intention to take carer's leave before taking the leave;
 - II. the name of the person requiring care and the person's relationship to the Employee;
 - III. the reason for taking the leave;
 - IV. the period that the Employee estimates they will be absent;
 - V. if the reason for taking the leave is because an unexpected emergency has arisen—the nature of the emergency.
- (e) If it is not practicable for the Employee to notify Council of the intention to take carer's leave before taking the leave, the Employee must notify Council at the first reasonable opportunity.
- (f) Refer to clause 14.8 for the definition of "**Immediate Family Member**".

14.6 Workcover Top-Up

- (a) The Employee may opt to use sick leave, annual leave or long service leave accruals to make up the difference between payments received from Work Cover and the Employee's Cash Component, where the Employee is in receipt of Workers Compensation payments.

14.7 Public Holidays

- (a) Subject to clause 13.2, the Employee will be entitled to leave on full pay for all public holidays that are gazetted in the Queensland Government Industrial Gazette for Council employees in accordance with the *Industrial Relations Act 2016*.

14.8 Compassionate Leave

- (a) The Employee will be entitled to up to 2 days paid compassionate leave, in accordance with the *Industrial Relations Act 2016*, on each occasion that an Immediate Family Member or a member of the Employee's household, contracts or develops an illness or sustains a personal injury which poses a serious threat to the person's life.
- (b) To be entitled to compassionate leave, the Employee must provide the Council with evidence of the illness, injury or death if the Council requests such evidence.
- (c) For the purpose of clauses 14.5, clause 14.8, and clause 14.9, "**Immediate Family Member**" means the Employee's spouse (including a de facto or former spouse), child or stepchild, parent, grandparent, grandchild or sibling; or a child, parent, grandparent, grandchild or sibling of the Employee's spouse.

14.9 Bereavement Leave

- (a) In accordance with the *Industrial Relations Act 2016*, except as varied by this clause, the Employee will be entitled to up to 5 days paid bereavement leave on the death of an Immediate Family Member or a member of the Employee's household.

- (b) Refer to clause 14.8 for the definition of "Immediate Family Member".

14.10 Jury Service

- (a) In accordance with the *Industrial Relations Act 2016*, jury service leave will be granted when the Employee is required to attend for jury service. The Council will pay to the Employee the difference between the amount stated in the document relating to jury service as the amount the Employee receives as remuneration and allowances, other than meal allowances, and the Employee's Cash Component.
- (b) When the Employee is given a document relating to jury service, the Employee must give the document, or a copy of it, to Council.

14.11 Parental Leave

- (a) Subject to the terms of this clause, the *Industrial Relations Act 2016*, and any applicable Council policy, the Employee is entitled to paid parental leave or paid maternity leave **[DELETE WORDS IN YELLOW IF NOT APPLICABLE – FOR FEMALE EMPLOYEES RETAIN BOTH]** in connection with the birth, surrogacy or adoption of a child by them self or by their spouse, after the completion of 12 months continuous service with Council.
- (b) The Employee is entitled to utilise other forms of leave entitlements whilst on parental leave.
- (c) The remaining statutory parental leave, up to 52 weeks in total including any paid period, may be taken without pay.

[DELETE AS APPLICABLE – FOR FEMALE EMPLOYEES RETAIN BOTH CLAUSES]

I. Paid Maternity Leave

- A. Where the Employee is pregnant, the Employee will be entitled to 14 weeks, on full pay, maternity leave in relation to the birth of her child.
- B. Where the Employee is Pregnant, the Employee will be entitled to 14 weeks, on full pay, maternity leave where the pregnancy of the Employee, not then on paid maternity leave, terminates after 28 weeks other than by the birth of a living child.

II. Paid Parental Leave

- A. Where the Employee is not pregnant, the Employee will be entitled to two (2) weeks, on full pay, parental leave in relation to the birth, adoption or surrogacy of their child.
- B. Where the Employee is not pregnant, the Employee will be entitled to two (2) weeks, on full pay, parental leave where the pregnancy of their spouse terminates after 28 weeks other than by the birth of a living child.

14.12 Cultural Leave

- (a) In accordance with the *Industrial Relations Act 2016*, Council and the Employee may agree to the Employee taking up to 5 days unpaid cultural leave in each year.
- (b) Council will not unreasonably refuse access to this leave by the Employee.

14.13 Leave Without Pay

- (a) Council may, at its absolute discretion, approve leave for any purpose not covered by this clause 14, including leave without pay, upon the submission of a written application by the

Employee.

15 Confidentiality

15.1 During and after the Employee's employment in the Position, the Employee must:

- (a) keep any Confidential Information secret and confidential, except to the extent the Employee is required by law to disclose it;
- (b) take all reasonable and necessary precautions to maintain the secrecy and prevent the disclosure of any Confidential Information; and
- (c) not disclose any Confidential Information to any third party except in the ordinary and proper course of the employment, or after first obtaining the written consent of the Council.

15.2 For the purpose of this clause 15, "**Confidential Information**" means any information that is by its nature confidential, and includes information belonging to Council that is designated as confidential, or which the recipient knows or ought to know is confidential, including but not limited to any documents, book, account, process, patent, specification, drawing, design or know-how which is:-

- (a) supplied by the Council to the Employee; or
- (b) generated by the Employee in the course of performing the duties and responsibilities of the Position.

It does not include information which:

- (a) is or becomes public knowledge other than by breach of any obligation of confidence by the Employee;
- (b) is by law permitted or required to be disclosed; or
- (c) is required to be disclosed to any government agency or authority,

and the burden of establishing any exception is on the Employee.

15.3 The Employee's obligations under this clause 15 will continue to be binding following the termination of the Employee's employment with Council.

16 Intellectual Property

16.1 Any invention, improvement, secret process, document or other intellectual property developed by the Employee during the course of their employment, whether during or outside working hours, which relates to the Council's:

- (a) products or services or methods of making, using, marketing, or providing the Council's products or services; or
- (b) general methods of operation, whether existing or in development,

will be solely the property of the Council. The Employee will immediately and fully disclose to the Council any such invention, improvement, secret process, document or other intellectual property.

16.2 The Employee agrees, at the Council's expense, to do everything in their power, including signing any documents, required by the Council to:

- (a) give the Council, or the Council's nominee, full legal ownership of the intellectual property rights referred to in clause 16.1; and
- (b) make applications for patents, registered trademarks or similar protection, in Australia and such

other countries as the Council consider necessary.

- 16.3 The Employee consents to the Council infringing any moral rights that the Employee may have or become entitled to in any work created, developed, modified or enhanced in the course of the Employee's employment. For the purpose of this consent, 'work' has the meaning given to that term in the Copyright Amendment (Moral Rights) Act 2000 (Cth) and 'moral rights' refers to any rights arising under the provisions of that legislation.

17 Suspension

- 17.1 The Council may suspend the Employee's employment with pay during a period where the Employee is subject to a charge with a criminal offence.
- 17.2 The Council may also suspend the Employee's employment with pay if there are reasonable grounds for suspecting that the Employee has breached the terms of this Contract, or breached the Council's Code of Conduct, or breached a policy of the Council, so as to enable the Council to investigate the alleged breach and consider what further action (if any) should be taken.
- 17.3 Suspension pursuant to clauses 17.1 or 17.2 will not affect the Employee's continuity of service.

18 Termination

- 18.1 The termination of this Contract will result in the termination of the employment of the Employee unless this Contract is being superseded or replaced by a new Contract.
- 18.2 Where a Party wishes to terminate this Contract prior to the Expiry Date and following completion of the Employee's probationary period, it may be terminated in one or more of the following ways:
- (a) By the Council and the Employee agreeing in writing.
 - (b) By the Employee by giving 8 week's written notice to the Council.
 - I. If the Employee does not provide the required notice, they authorise Council to withhold or deduct from any money owed to them an amount in total or partial satisfaction of that obligation.
 - II. Where the Contract is due to expire within 8 weeks, the notice period will be reduced to the balance period of the Contract.
 - III. If the Employee gives notice to terminate the Employment, the Employee and the Council may, by mutual agreement, come to an arrangement on a shorter period of notice than provided in clause 18.2(b) for termination of the Employment.
 - (c) By the Council, giving 4 weeks' written notice to the Employee where Council have concluded that the Employee has not substantially met the performance criteria or the terms of the performance agreement.
 - (d) By the Council, for any reason other than those specified in clauses 4, 18(c), (e), (f) or (g) by giving 12 week's written notice to the Employee.
 - I. Where the Contract is due to expire within 12 weeks, the notice period will be reduced to the balance period of the Contract.
 - II. If Council gives notice to terminate the Employment, the Employee and the Council may, by mutual agreement, come to an arrangement on a shorter period of notice than provided in clause 18.2(c) for termination of the Employment.
 - (e) By the Council without notice if the Employee commits any act which would entitle it to summarily dismiss the Employee including, but not limited to:

- I. a serious or persistent breach of any of the terms of this Contract;
 - II. any act or acts of dishonesty, fraud, wilful disobedience or serious misconduct;
 - III. any wilful breach, non-observance or neglect to perform, comply with or carry out the Employee's powers, functions or duties;
 - IV. disobedience or neglect of lawful instructions, reasonable restrictions or directions duly authorised;
 - V. the Employee failing to provide accurate information on their qualifications, professional accreditation, professional training and/or currency of relevant licenses required to perform their Position;
 - VI. the Employee being charged with or convicted of any offence that, in the Council's reasonable opinion, affects the Employee's suitability for the Position or is likely to bring the reputation of the Council into disrepute;
 - VII. using any of the Council's property for purposes other than to carry out the Employee's duties;
 - VIII. disseminating pornographic or offensive material within the workplace via e-mail or otherwise;
 - IX. any act or omission which causes the Council to breach its obligations under the *Work Health and Safety Act 2011* (Qld);
 - X. committing an act of workplace bullying or harassment of an employee of the Council;
 - XI. committing an act of sexual harassment or acting in breach of the Council's sexual harassment or anti-discrimination policies; or
 - XII. engaging in any conduct which, in the reasonable opinion of the Council, might tend to injure the reputation or business of the Council.
- (f) By the Council upon giving 12 weeks' notice, should the Employee's Position become redundant. In cases where the Contract is due to expire within 12 weeks, the notice period will be reduced to the balance period of the Contract.
- (g) By the Council upon giving five (5) weeks' notice, where, in circumstances other than where the Employee is suffering an illness or injury to which Chapter 4, Part 5 of the *Workers' Compensation and Rehabilitation Act 2003* applies:-
- I. the total of the employee's absences in a 12-month period, arising from 1 or more illnesses or injuries, is more than 3 months;
 - II. at the time of termination, the Employee's incapacitation prevents the Employee from performing the inherent requirements of the Position;
 - III. the Employee is not on paid sick leave pursuant to clause 14.4; and
 - IV. the duration of the Employee's incapacity remains indefinite.

In cases where the Contract is due to expire within five (5) weeks, the notice period will be reduced to the balance period of the Contract.

- 18.3 If the Employee is absent for a period of seven (7) working days without the consent of the Council and does not, during such time, establish to the satisfaction of the Council a reasonable cause for the absence, the Employee will be deemed to have abandoned their employment. The Employee will have been taken to have initiated the termination of employment in accordance with clause 18.2(b).

- 18.4 If at any time either party gives notice of termination pursuant to clause 18.2, the Council may at its discretion:-
- (a) pay the Employee in lieu of part or all of the period of notice not served by the Employee;
 - (b) require the Employee to perform duties which are different to those that the Employee was required to perform prior to notice of termination being given;
 - (c) require the Employee to perform no duties at all; and/or
 - (d) require the Employee not to attend the premises of the Council, unless expressly requested to do so by Council;
- 18.5 Any payment made in lieu of notice under clause 18 will be calculated by reference to the value of the Employee's Cash Component.
- 18.6 If at any time either party gives notice of termination pursuant to clause 18.2, during the notice period the Employee:-
- (a) agrees to be reasonably available to the Council to attend work and complete duties which they are reasonably capable of completing at the direction of the Council;
 - (b) will remain an employee of the Council;
 - (c) acknowledges that the Council has no obligation to provide work, training or any other duties or facilities during the notice period; and
 - (d) agrees not to commence work as an employee, independent contractor or consultant with any other person or entity during the notice period.
- 18.7 Upon termination of employment for any reason the Employee must immediately return to the Council all property (including intellectual property) of the Council and all other documents, papers, records and information (including records and information stored electronically) relating to the Council or its business.

19 Severance/Redundancy

- 19.1 If:
- (a) the Employee's Position is made redundant; and
 - (b) there is no suitable position available for the redeployment of the Employee; and
 - (c) the Employee has completed at least one (1) year's continuous service,
- the Employee will be entitled to redundancy pay of two (2) weeks' pay per completed year of service upon termination by Council of the Employee's employment due to the redundancy of the Position.
- 19.2 Any redundancy payment will be capped at 52 weeks pay.
- 19.3 The redundancy payment will be calculated by reference to the value of the Employee's Cash Component.
- 19.4 The Employee will not be entitled to any severance/redundancy payment where a Suitable Alternative Position has been offered to the Employee and where the Employee has rejected the offer.
- 19.5 The offer of a Suitable Alternative Position will be at Council's discretion. Council will consider the qualifications, skills, knowledge and experience of the Employee in determining the availability of a suitable alternative position.

- 19.6 A "Suitable Alternative Position" is the offer of an alternative position to the Position where:-
- (a) the terms and conditions of employment for the alternative position were substantially similar to, and considered on an overall basis, no less favourable than the terms and conditions of employment immediately before the termination; and
 - (b) the employee's continuous service with Council would have been recognised.

20 Restricted Activities

- 20.1 The Employee must not for the period set out in clause 20.2 following the termination of the Employee's employment with the Council, without the prior written consent of the Council, induce or attempt to induce any employee of the Council to terminate their employment with the Council, whether or not that person would act in breach of that person's contract of employment.
- 20.2 For the purpose of clause 20.1, the period is:
- (a) Twelve (12) months; or if this period is held by a court to be unenforceable,
 - (b) Six (6) months; or if this period is held by a court to be unenforceable,
 - (c) Three (3) months; or if this period is held by a court to be unenforceable,
 - (d) One (1) month.
- 20.3 The Employee acknowledges that:
- (a) the restrictive covenants contained in this clause 20 are reasonable and necessary for the protection of Council's business interests; and
 - (b) the remedy of damages may be inadequate to protect the interests of the Council and the Council is entitled to seek and obtain injunctive relief or any other remedy in any court.
- 20.4 The Employee and the Council intend the restraints contained in clauses 20.1 and 20.2 are to operate to the maximum extent permitted by law.
- 20.5 The Employee's obligations under this clause 20 will continue to be binding following the termination of the Employee's employment with Council.

21 Accuracy of Information

- 21.1 The Employee acknowledges that all information provided by the Employee to the Council, such as information about the Employee's education, work experience, right to work in Australia and previous remuneration, is accurate and has been given on a bona fide basis.
- 21.2 Where it is substantiated that the Employee has failed to provide accurate information on their qualifications, professional accreditation, professional training, currency of relevant licenses required to perform their Position and/or right to work in Australia, the Employee may be terminated under clause 18.2(e).

22 Notification of Charges and Convictions

- 22.1 The Employee agrees to notify the Council if:
- (a) they are charged with any offence or convicted of any offence during their employment with the Council, or
 - (b) the Employee has been charged with an offence and the matter is likely to be pending when the Employee commences employment with the Council, or

(c) the Employee has a prior conviction.

22.2 Any notification required pursuant to clause 22.1 must be made:-

(a) prior to the Employee executing this Contract; or

(b) otherwise, as soon as possible after the Employee becomes aware that they have been charged with or convicted of an offence.

22.3 If the Employee has a prior conviction that the Employee believes is spent or lapsed at law, the Employee should seek legal advice about whether they are obligated to notify the Council of their prior conviction.

22.4 Failure to disclose such charges or convictions may result in disciplinary action being taken against the Employee, including termination of employment.

23 Variation of Contract

23.1 Except where otherwise provided in this Contract, any variation to this Contract must be by written agreement, signed by the Council and the Employee.

24 Waiver

24.1 The failure of either the Council or the Employee to enforce at any time any provisions of this Contract or any right under this Contract or to exercise any election in this Contract will in no way be considered to be a waiver of such provision, right or election and will not affect the validity of this Contract.

25 Notice

25.1 Any notice or notification required under this Contract must be in writing addressed to the party at the party's address specified in this Contract or to such other address as may be advised by either party to the other from time to time in writing.

26 Schedules

26.1 All schedules form part of the Contract.

27 Entire Agreement

27.1 This Contract constitutes the entire agreement between the Council and the Employee in respect of the matters dealt with in this Contract and supersedes all prior agreements, understandings, arrangements and negotiations in respect of the Employee's employment with the Council.

27.2 To the extent permitted by law, any statement, representation or promise made in any negotiation or discussion has no effect except to the extent expressly set out or incorporated by reference in this Contract.

28 Interpretation and Construction

28.1 In this Contract, unless the contrary intention appears:

(a) words in the singular number include the plural and words in the plural number include the singular;

(b) words importing a gender include any other gender;

(c) words importing persons include a partnership and a body whether corporate or otherwise;

- (d) all references to clauses are clauses in this Contract;
 - (e) a clause or part of a clause of this Contract that is illegal or unenforceable may be severed from this Contract and the remaining clauses or parts of the clause of this Contract continue in force.
 - (f) all references to dollars are to Australian dollars and this Contract uses Australian currency;
 - (g) references to laws includes statutes amending, consolidating or replacing the laws referred to, and to all regulations, by-laws, local laws, rules, orders-in-Council and ordinances of any competent authority;
 - (h) an uncertainty or ambiguity in the meaning of a provision of this Contract will not be interpreted against a Party just because that Party prepared the provision;
 - (i) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
 - (j) headings are to be disregarded when interpreting the Contract documents;
 - (k) the meaning of the words that appear before the word "including" or "includes" is not limited by the words that follow;
 - (l) any undertaking by a Party not to do an act includes an undertaking by that Party not to permit or suffer the doing of the act;
 - (m) covenants by each Party include an obligation to procure compliance by the Party's Employees and all other persons under the control of that Party.
- 28.2 Any reading down or severance of a particular provision does not affect the other provisions of this Contract.

29 Governing Law

- 29.1 This Contract will be governed by and construed in accordance with the laws of the State of Queensland.
- 29.2 The Council and the Employee submit to the non-exclusive jurisdiction of the courts of Queensland.

Signed for and on behalf of the Council
pursuant to *Local Government Act 2009* section 236
by a Council delegate, who certifies their authority to sign
in the presence of a witness:

Signature of witness

Chief Executive Officer

Name of witness (please print)

Date

Date

Signed by **[#insert Employee's full name]**
in the presence of a witness:

Signature of witness

[#insert Employee's full name]

Name of witness (please print)

Date

Date

Schedule A

Position Description

[#insert position description]

Schedule B

Total Remuneration Package

This schedule operates on **[#Insert Commencement Date]** and remains in force unless varied in accordance with the provisions of this Contract or by agreement in writing between the parties.

The Total Remuneration Package comprises:-

Cash Component

Base Salary	\$X gross p.a.
Motor Vehicle Allowance	\$X gross p.a.

Cash Component Total	\$X gross p.a.

*Superannuation	\$X gross p.a.

(12% employer contribution where required by the *Local Government Act 2009* see *)

Total Remuneration Package	\$X gross p.a.

**Pursuant to section 220 of the Local Government Act 2009, where the Employee does not meet the definition of a "permanent employee" contained in the Act, the superannuation contributions payable by Council on commencement of employment will be 11% of the Cash Component Amount.*

Where the Employee meets the definition of a "permanent employee" contained in the Local Government Act 2009, Council will make contributions to Brighter Super, or another superannuation fund directed by the Employee, in the amount of 12% of the Cash Component Amount.

Pursuant to section 220A of the Local Government Act 2009, where the Employee meets the definition of a "permanent employee" contained in the Act, the Employee will be required to make contributions to the employee's superannuation fund equal to 6% of the Cash Component Amount.

12.9 - POLICY REVIEW: CONTRACT STAFF REMUNERATION POLICY

Contract Staff Remuneration Policy (v2.0) - Clean Version

Meeting Date: 18 June 2024

Attachment No: 2



CONTRACT STAFF REMUNERATION POLICY

1. Scope

The Contract Staff Remuneration Policy (this 'Policy') applies to all persons employed on individual employment contract arrangements into positions not covered by the Certified Agreement. Typically, this includes the Chief Executive Officer, General Managers, Chief Officers, Level 3 Managers and some specialist roles reporting directly to General Managers/Chief Officers. While all officers are expected to comply with this Policy, this Policy does not form any part of the contract of employment with officers covered by the policy.

2. Purpose

This Policy is to provide Council-approved governance over the employment conditions of senior and executive staff.

3. References (legislation/related documents)

Legislative reference

Local Government Act 2009

Related documents

Motor Vehicle Allowance (Contract Employees) Directive Contract
Recruitment and Selection Directive
Individual Employment Contract Arrangement

4. Definitions

To assist in interpretation, the following definitions shall apply:

CEO	Chief Executive Officer Means a person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> .
Senior Officers	Means employees as defined by the <i>Local Government Industry Award 2017</i> and are those not generally covered by the Certified Agreement such as the Chief Executive Officer, General Managers, Chief Officers, Department Managers (Level 3) and some specialist positions.
Council	Livingstone Shire Council.
Individual Employment Contract Arrangement	The contractual agreement between Council and the Contract Officer which specifies the terms and conditions of engagement (Refer to Appendix 1).
Total Remuneration Package (TRP)	Means the total salary arrangement and the cost of all other benefits, including superannuation.

5. Policy Statement

Council is a large employer and competes in a dynamic regional labour market. It is important that Council sets some clear parameters around how and why it offers employment conditions for those senior and executive staff not captured by the Certified Agreement.

5.1 Contract Employment Principles

- 5.1.1 Individual Employment Contract Arrangements will continue to be offered to senior officers (as defined by the *Local Government Industry Award 2017*) and to others by agreement where there is mutual benefit.
- 5.1.2 Employment will generally either be governed by employment contract or the Award/Certified Agreement, but not both.
- 5.1.3 Standard contract duration will be no greater than four (4) years, with the Chief Executive Officer to approve lesser durations in appropriate circumstances.
- 5.1.4 Parties to employment contracts recognise that professional officers will freely offer their skills, expertise, time and effort to ensure positive outcomes for the organisation.
- 5.1.5 Employment contracts will not be extended and Council reserves the right to not offer renewal, or to have the incumbent contest any renewal as part of a recruitment process. Council, at its sole discretion, may offer existing contract employees a new employment contract without advertising the position.
- 5.1.6 Any and all employment conditions of the CEO are to be determined by Council resolution. Employment conditions for all other individual employment contract arrangement employees are to be determined by the CEO (or delegate) in accordance with this Policy.
- 5.1.7 Council's approved contract employment conditions will be captured in a Model Employment contract endorsed by Council from time to time.

5.2 Remuneration Principles

- 5.2.1 Senior officer remuneration in local government is generally about the position and not the person.
- 5.2.2 Senior officer remuneration is to be reviewed annually against market rates. Any proposed salary increase is predicated on:
 - a) Positive performance;
 - b) Demonstrable achievement of agreed outcomes;
 - c) Strong leadership behaviours; and
 - d) A commitment to the organisation and community.
- 5.2.3 The chosen position of Council is to remunerate within +/- 15% of the 25th percentile benchmark against a reputable market rate (i.e. meaning that 75% of comparative organisations have higher remuneration scales).
- 5.2.4 Subject to 5.2.6 (below):
 - a) Those senior officers currently paid below the relevant benchmark shall be offered a salary increase no greater than that offered by the Certified Agreement.
 - b) Those senior officers currently paid above the relevant benchmark shall not receive any salary increase.

- 5.2.5** The Chief Executive Officer is authorized to withhold any salary increase, or grant a discretionary increase (no greater than that afforded by the Certified Agreement) in circumstances where the Executive Leadership Team believes that assessment of performance under Principle 5.2.2 warrants.
- 5.2.6** Remuneration for the CEO is to be determined by Council Resolution. The CEO has delegation to approve the remuneration for all other individual employment contract arrangement employees within the range specified in section 5.2 above.

6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council

7. Repeals/Amendments

Version	Date	Action
1	15/11/2022	Policy Adopted
2.0	DRAFT	Changes to motor vehicle clause and long service leave provisions in Appendix 1 – Model Contract

CALE DENDLE
CHIEF EXECUTIVE OFFICER

APPENDIX 1 – MODEL CONTRACT

Contract of Employment (Fixed Term)

This contract of employment is made on the _____ day of _____ [2024].

BETWEEN: **Livingstone Shire Council** of 70 Anzac Parade, Yeppoon, QLD, 4703 (“**Council**”)

AND: [INSERT EMPLOYEE’S FULL NAME] of [INSERT EMPLOYEE’S ADDRESS] (“**Employee**”)

1 Appointment

- 1.1 The Council has offered, and the Employee accepts, employment with Council in the Position of [INSERT POSITION] (“**Position**”).
- 1.2 The Employee’s place of work is [LOCATION]. The Employee acknowledges that their place of work may vary from time to time. The Employee will be advised in writing, with at least four weeks’ notice, of any permanent variation of work location. The Council and the Employee may agree to reduce this notice period.
- 1.3 The Employee will report to the [INSERT POSITION] or such other person as the Council may reasonably stipulate from time to time.
- 1.4 The terms and conditions of the employment of the Employee are set out in this contract of employment (“**Contract**”).

2 Acknowledgement

- 2.1 The Employee acknowledges and agrees that:
 - (a) they have a legal right to work in Australia and to perform the duties and responsibilities contemplated by the Position;
 - (b) the Employee will immediately notify the Council of any circumstance that might prejudice this right at any time during their employment with the Council; and
 - (c) to enable the Council to verify at any time that the Employee has this right, the Employee will provide to the Council upon request sufficient evidence to establish this fact.

3 Award and Certified Agreement Not to Apply

- 3.1 In accordance with clause 4.2 of Section 1 of Division 2 of the *Queensland Local Government Industry (Stream A) Award – State 2017* (“**Award**”) and clause 1.3 of the Livingstone Shire Council Officers Certified Agreement 2019 (“**Agreement**”) the Employee and Council agree that the Award and Agreement are not to apply to the employment of the Employee.
- 3.2 In agreeing to the Award and the Agreement not applying as set out in clause 3.1, the Employee specifically acknowledges and agrees that:
 - (a) the Employee is a “*senior officer*” as defined in clause 4.2(c) of Section 1 of Division 2 of the Award;
 - (b) the Council brought the provisions of Division 1 and Section 2 of Division 2 of the Award to the Employee’s attention before the Employee entered this Contract;
 - (c) the Council has notified the Employee in writing that the effect of this Contract is that the

Employee is not covered by the Agreement;

- (d) a copy of this Contract was given to the Employee seven (7) clear days prior to the Contract being entered into by the Employee;
- (e) the Contract is voluntarily entered into by the Employee; and
- (f) the Employee is satisfied that the Contract's terms and conditions do not result, on balance, in a reduction in the overall terms and conditions that the Employee would receive under the Award and the Agreement.

3.3 The Employee acknowledges that the Council has given the Employee the opportunity to seek independent advice of the Employee's own choosing prior to executing this Contract, and that the Employee understands the terms of this Contract and accepts them as fair and reasonable.

3.4 Unless specifically varied by this Contract, the policies and procedures of the Council apply to the Employee's employment. The Employee must comply with these policies and procedures as varied by Council from time to time.

3.5 The Council's policies and procedures do not form part of the Employee's Contract and nothing within the policies and procedures gives rise to a legal right or benefit enforceable by the Employee.

4 Duration of Contract (Fixed Term Contract)

4.1 This contract will commence to take effect on **[#INSERT DATE]** and, subject to clauses 4.2, 5, 18 and 19, will continue until the Expiry Date of **[#INSERT DATE]**.

4.2 The Employee will be employed on probation for a period of six (6) months from the Commencement Date. At any time during this period the Employee or Council may terminate the Employee's employment by giving four (4) weeks' notice.

4.3 If the Council terminates the Employee's employment, it may elect to pay the Employee in lieu of all or part of the notice. Payment in lieu of notice will be calculated by reference to the Employee's Cash Component.

4.4 If the probation period elapses without either party giving notice under clause 4.2, the Employee's employment will continue until the Expiry Date, subject to any right to terminate the employment under clauses 18 and 19. **[DELETE 4.2, 4.3, 4.4 IF CONTRACT IS FOR A CONTINUING EMPLOYEE]**

4.5 Unless otherwise agreed in writing by the Parties, the Employee's employment with the Council will terminate automatically on the Expiry Date without the need for further notice to the Employee.

5 New Appointment

5.1 The Employee may advise the Chief Executive Officer by providing written notice that they wish to be considered for a new appointment under a new employment contract.

5.2 The written notice pursuant to clause 5.1 must be provided by the Employee to the Chief Executive Officer at least 12 weeks before the end of the Contract Period.

5.3 The Employee will be advised of whether a new appointment will be offered to the Employee and if so, on what terms, four (4) weeks before the end of the Contract Period, where practicable.

5.4 Where an offer of a new appointment is made, the Employee must advise the Chief Executive Officer of whether the offer is accepted within two weeks from the date of the offer. Should the Employee fail to respond to the offer before the end of the Contract Period and continue working for Council after that time, the Employee will be taken to have agreed to the terms of the offer.

5.5 Should the request for a new appointment under a new employment contract not be granted, the Employee's employment will terminate pursuant to clause 4.5.

- 5.6 Should the Employee not provide written notice for consideration of a new appointment pursuant to clause 5.1, the Employee's employment with Council will end after the end of the Contract Period without the need for further action by either the Employee or the Council.

6 Responsibilities

- 6.1 The Employee is to comply with the responsibilities of local government employees as prescribed in the Local Government Act 2009 (Qld).
- 6.2 Without limiting clause 6.1, the Employee must:-
- (a) faithfully, diligently and with reasonable care and skill, exercise the powers and carry out the duties and responsibilities of the Position as set out in Schedule A;
 - (b) take all necessary action to meet any performance criteria set for the Position;
 - (c) devote the whole of the Employee's time, attention and skill during normal business hours, and at other times as reasonably necessary, to the duties and responsibilities of the Position;
 - (d) not be engaged in secondary employment or be concerned or interested in any other business or undertaking without the Council's prior written consent;
 - (e) comply with all lawful and reasonable directions of the Council's Chief Executive Officer;
 - (f) comply with all Council's resolutions, policies and procedures as may be amended from time to time;
 - (g) comply with and promote Council's Code of Conduct;
 - (h) not engage in activities where the employee has a financial interest or a (non-financial) conflict of interest, or which may inhibit the exercise of impartial judgment;
 - (i) immediately disclose to the Council's Chief Executive Officer any financial or non-financial interest of the Employee that may conflict with the Council's interests;
 - (j) in performing duties, not accept any financial or other benefit from any person other than the Council as an inducement or reward in connection with the performance of the Employee's duties or any business carried on by or on behalf of the Council. However, this clause does not prohibit the Employee receiving benefits that do not breach the requirements of Council's Code of Conduct and policies;
 - (k) not engage in any interview or public comment concerning the business or affairs of the Council unless authorised to do so by the Council, or in accordance with the Council's policies; and
 - (l) not engage in conduct, whether during work hours or after work hours, which causes damage to Council's property or reputation or has the potential to do so.
- 6.3 The duties and responsibilities of the Position as set out in Schedule A may only be varied after consultation between the Council and the Employee and, whilst agreement on such variations will be sought, the Council retains the right to determine reasonable amendments to the duties and responsibilities in order to meet the needs of Council.
- 6.4 The Employee must use their best endeavours to promote and enhance the interests, business, profitability and reputation of the Council. Moreover, the Employee must not intentionally do anything that is reasonably likely to be harmful to the Council or the Council's interests.

7 Performance Review

- 7.1 The Employee will be required to participate in the Council's performance review and development

process. Throughout the year the Council will also review the Employee's performance on specific engagements or projects and informally on an ongoing basis.

8 Remuneration Package

- 8.1 The Employee will receive the remuneration package comprised of the elements set out in Schedule B ("Total Remuneration Package").
- 8.2 The Total Remuneration Package remunerates the Employee for all work undertaken by the Employee.
- 8.3 The Total Remuneration Package, the value of other terms and conditions and any payments made at the discretion of the Council under this Contract, are intended to exceed all entitlements under legislation or any applicable industrial award or agreement that may apply to the Employee's employment. To the extent possible, the excess will be used to offset any monetary entitlements under the law and under any other applicable industrial award or agreement, including penalty rates, overtime, annual leave loading and allowances. This arrangement does not disadvantage the Employee and at the same time complies with any legislative, award or agreement obligation the Council may have, to the extent that the excess covers such entitlements.
- 8.4 The Council will make superannuation contributions required under the *Local Government Act 2009* and the *Superannuation Guarantee (Administration) Act 1992* on the Employee's behalf.
- 8.5 The Employee will be paid fortnightly, in arrears, into the Employee's nominated bank account.
- 8.6 The Employee's remuneration will initially be reviewed in December 20XX with any increase commencing from 1 January 20XX. Following the initial review, clause 8.7 will apply thereafter.
- 8.7 Following the initial review pursuant to clause 8.6, the Employee's Cash Component will be reviewed in December of each year of the Employee's appointment, with any increase commencing from the following 1st January.
- 8.8 Any increase in the Employee's Cash Component, pursuant to clause 8.6 or 8.7, will be solely at the discretion of the Council.
- 8.9 The Employee may apply salary sacrificing arrangements to the Employee's Cash Component, provided that such arrangements are lawful and that the effect of such arrangements does not increase the cost of the Total Remuneration Package.
- 8.10 The Employee is responsible for obtaining independent legal and financial advice on any salary sacrifice arrangement.
- 8.11 Unless otherwise agreed in writing between the Employee and the Council, the Employee will be solely responsible for any arrangements relating to non-cash benefits made under a salary sacrifice arrangement, including retaining or taking over from the Council any ongoing legal obligations in respect of those non-cash benefits on the termination of the Employee's employment.
- 8.12 The Employee may request in writing at any time that the structure of the Total Remuneration Package be varied and the Council will not unreasonably refuse the request. Under no circumstances will any such restructure involve an increase in the Total Remuneration Package unless the Council agrees to the increase in writing.
- 8.13 The Council must ensure that any changes to Fringe Benefits Tax legislation do not result in a reduction to the Employee's net Total Remuneration Package.
- 8.14 Council may establish incentive arrangements which include bonus or incentive payments linked directly to the achievement of individual and/or organisational key performance indicators and or targets. Details of these arrangements will be provided in writing to the Employee separately and do not form part of the Employee's employment contract.

9 Motor Vehicle

- 9.1 The Employee's Cash Component includes a Motor Vehicle Allowance set out in Schedule B and will be based upon the published Australian Taxation Office business use of motor vehicle cents per kilometre rate calculated on a standard 20,000km.
- 9.2 The Motor Vehicle Allowance will be reviewed in December 20XX with any increase commencing from 1 January 20XX. Following the initial review, clause 9.2 will apply thereafter.
- 9.3 Following the initial review pursuant to clause 9.2, the Employee's Motor Vehicle Allowance will be reviewed in December of each year of the Employee's appointment, with any increase commencing from the following 1st January.
- 9.4 Any increase in the Employee's Cash Component, pursuant to clause 9.2 or 9.3 will be solely at the discretion of the Council.
- 9.5 The Employee must provide a suitable motor vehicle for carrying out their duties. The motor vehicle must be:
- (a) roadworthy and in good mechanical condition;
 - (b) registered;
 - (c) comprehensively insured for business purposes to cover all risks that may arise during the use of the vehicle for the purposes of performing the Employee's duties; and
 - (d) maintained in a clean and tidy state at all times while it is used in the performance of the Employee's duties.
- 9.6 The Employee may, at their discretion, allocate use of their motor vehicle to other Council employees for business purposes.
- 9.7 The use of the motor vehicle for business purposes will not be subject to any reimbursement of fuel costs or mileage allowance.
- 9.8 The Employee indemnifies the Council in respect of all claims, proceedings, costs, losses, expenses and damages (including legal costs on an indemnity basis), other than a compensation claim for injury made under the *Workers' Compensation and Rehabilitation Act 2003*, arising as a result of:-
- (a) the Employee's failure to comply with the requirements of clause 9.5; and
 - (b) the Employee's use of the motor vehicle provided pursuant to clause 9.5.

10 Recognition of Prior Service (Delete if not applicable)

- 10.1 Council has agreed to recognise the Employee's service at the **[#INSERT PREVIOUS EMPLOYER]** for the purpose of calculating the Employee's period of employment for the taking of Long Service Leave entitlements.
- 10.2 The Employee's Long Service Leave entitlement will commence accrual from the Employee's Commencement Date with the Council, however their entitlement to take Long Service Leave will be based on the service as per clause 10.1.
- 10.3 The Council will not be liable for payment to the Employee of any Long Service Leave accrual or entitlement accrued during the Employee's previous employment with a Local Government employer except as required by Chapter 8, Part 3, Division 2 of the *Local Government Regulation 2012*.
- 10.4 The Employee is required to provide a statement from their previous Local Government employer confirming the following details,

- (a) the length of Continuous Service with the Local Government employer;
- (b) the Employee's Long Service Leave accrual up to the termination date of the Employee with the previous Local Government employer.
- (c) The Employee's rate of pay applicable at the time which the Employee received immediately before the termination date of the Employee with the previous Local Government employer.

10.5 Refer to clause 14.3, for the definition of "**Continuous Service**".

11 Training and Development

- 11.1 If the Employee wishes to undertake professional development (for example post graduate studies or study tours) the Council may provide financial support. The decision whether to provide financial support and to what level will be at the Council's discretion, but in any case will not be granted unless the Council is satisfied that the cost is not unreasonable and that the likely benefits to Council, of the development exercise, justify the cost.

12 Telecommunications and Laptop

- 12.1 The Employee will be provided with the following telecommunication equipment for work purposes:-

- (a) smart phone; and
- (b) laptop; or
- (c) tablet computer.

- 12.2 The Council will meet all reasonable costs associated with the maintenance and operation of these connections and for all business calls and a reasonable number of private calls. This amount is not redeemable for cash.

13 Hours

- 13.1 The Employee's ordinary hours of work will be 38 hours per week plus such reasonable additional hours as are required to discharge the responsibilities of the Position as detailed in clause 6.

- 13.2 The Employee agrees and acknowledges that:-

- (a) they will discharge their responsibilities as detailed in clause 6 of this Contract to the best of their abilities;
- (b) where necessary, the Employee will work outside ordinary business hours, which from time to time, may require work on weekends and/or public holidays; and
- (c) the Total Remuneration Package in Schedule B takes into account the non-standard conditions and additional hours which may be involved in the carrying out of the Employee's duties under this Contract; and
- (d) the Total Remuneration Package in Schedule B is payment for all hours worked and the overall discharge of the responsibilities detailed in clause 6 of this Contract.

14 Leave Entitlements

- 14.1 Annual Leave

- (a) For each twelve months of service, the Employee will be entitled to 4 weeks annual leave on full pay, exclusive of any public holiday falling within the period of leave taken, in accordance with the *Industrial Relations Act 2016*.

- (b) The Employee's Cash Component includes a leave loading of 17.5% and as such, no additional leave loading will be payable during periods of annual leave.
- (c) Annual leave must be taken at a time as agreed between the Employee and the Council. However, Council may require the Employee to take annual leave by giving at least eight weeks' written notice to the Employee.
- (d) If whilst taking a period of annual leave the Employee becomes ill, the Employee will, on the production of a medical certificate certifying that the Employee was incapacitated by such illness to the extent that the Employee would have been unfit to perform normal work duties, and upon the Employee providing notification to Council that they were incapacitated, be entitled to have such period of illness debited against sick leave entitlements and annual leave entitlements will be adjusted accordingly.
- (e) On termination of employment, the Employee will be paid for any accrued but untaken annual leave to be paid based on the Employee's Cash Component.
- (f) Council and the Employee may agree to the Employee cashing out a particular amount of annual leave provided that the agreed cashing out does not reduce the Employee's annual leave accrual below four (4) weeks. Each cashing out of annual leave must be in accordance with the following requirements:-
 - I. Each cashing out of a particular amount of annual leave must be by a separate agreement in writing.
 - II. Where an agreement is reached for the cashing out of annual leave, Council will pay the Employee at least the full amount that the Employee would have received had they taken the annual leave.
 - III. Each particular amount of annual leave cashed out will reduce the Employees annual leave accrual.

14.2 Annual shut down

- (a) The Council may elect to implement a full or partial shut down during the period between Christmas and the New Year and may require the Employee to take leave during this period. The Council will give the Employee 90 days' written notice of the requirement to take the leave.
- (b) Where the Employee is required to take all or part of the Christmas/New Year shut down period as leave, must in accordance with the following requirements:-
 - I. at the sole discretion of the Chief Executive Officer, the employee may be offered paid leave with no deduction from any leave accruals for all or part of the leave period; and
 - II. otherwise must take the leave as annual leave or, where the Employee's annual leave balance is not sufficient to cover the period, as leave without pay.

14.3 Long Service Leave

- (a) Accruing and taking long service leave shall be in accordance with the *Industrial Relations Act 2016* except where varied by this clause and clauses 10.2 and 10.3.
 - I. The Employee, upon completion of ten (10) years Continuous Service will be entitled to 13 weeks long service leave on full pay.¹

Where the Employee completes a further five (5) years of Continuous Service (i.e. a total of 15 years of continuous service), they will be entitled to long service leave, on full pay, of a period that bears to 13 weeks the proportion that the employee's further period of

¹ For the avoidance of doubt, this amount of long service leave is instead of the amount of 8.6667 weeks long service leave provided under the *Industrial Relations Act 2016*.

continuous service bears to 10 years.²

The employee, upon completion of five (5) years Continuous Service, will be entitled to access long service leave on a pro-rata basis on full pay.

- II. Long service leave will be exclusive of any public holidays occurring during the period of such leave.
- III. If, while taking a period of long service leave, the Employee becomes ill, the Employee will, on the production of a medical certificate certifying that the Employee was incapacitated by such illness to the extent that the Employee would have been unfit to perform normal work duties, and upon the Employee providing notification to Council that they were incapacitated, be entitled to have such period of illness debited against sick leave entitlements and long service leave entitlements will be adjusted accordingly.
- IV. For the purpose of this clause 14.3 and clause 10, "**Continuous Service**" means the Employee's continuous service with the Council together with other service (if any) required to be recognised by Chapter 8, Part 3, Division 2 of the *Local Government Regulations 2012*.

(b) *Proportionate payment on termination of employment*

- I. Where the Employee has completed at least five (5), but less than ten (10) years of continuous service with Council, the Employee will on termination be entitled to a proportionate payment in respect of long service leave provided the employment was not terminated pursuant to clause 18.2 (e).
- II. Where the Employee has completed at least ten (10) years of continuous service the Employee will on termination for any reason, be entitled to payment in respect of any accrued yet untaken long service leave and a proportionate payment in respect of the additional long service leave entitlement accruing after ten years of service.

14.4 Sick Leave

- (a) The Employee will be entitled to sick leave in accordance with the *Industrial Relations Act 2016* except where varied by this clause.
- (b) The Employee will be entitled to 15 days³ paid sick leave for each year of employment for absences occasioned through illness or injury. Any untaken sick leave will be cumulative but will not be paid out on termination.
- (c) The Employee is required to provide a medical certificate, or other evidence of the illness to Council's satisfaction, for sick leave in excess of two (2) consecutive working days upon the Employee returning to work.
- (d) The Employee's entitlement under this clause 14.4 is conditional on the Employee promptly notifying Council of:-
 - I. any illness that will cause the Employee to be absent from work; and
 - II. the approximate period for which the Employee will be absent.

14.5 Carer's Leave

- (a) Provided clauses 14.8(a) and 14.8(b) do not apply, the Employee is entitled to use up to 10

² For the avoidance of doubt, this amount of long service leave is instead of a period that bears to 8.6667 the proportion that the employee's further period of continuous service bears to 10 years provided under the *Industrial Relations Act 2016*.

³ For the avoidance of doubt, this amount of sick leave is instead of the 10 days sick leave provided under the *Industrial Relations Act 2016*.

days per year of the Employee's sick leave entitlement to care for or support:-

- I. a person who is an Immediate Family Member or a member of the Employee's household, who requires care or support due to illness or injury or because an unexpected emergency arises in relation to the person;
 - II. a person who has experienced domestic violence (as defined in the *Industrial Relations Act 2016*).
- (b) Where the Employee has exhausted their entitlement under clause 14.5(a), the Employee may take an additional 2 days unpaid carer's leave each time the Employee needs to use the leave.
- (c) Carer's leave may be taken for part of a day.
- (d) The Employee must, when practicable, give Council—
- I. notice of the intention to take carer's leave before taking the leave;
 - II. the name of the person requiring care and the person's relationship to the Employee;
 - III. the reason for taking the leave;
 - IV. the period that the Employee estimates they will be absent;
 - V. if the reason for taking the leave is because an unexpected emergency has arisen—the nature of the emergency.
- (e) If it is not practicable for the Employee to notify Council of the intention to take carer's leave before taking the leave, the Employee must notify Council at the first reasonable opportunity.
- (f) Refer to clause 14.8 for the definition of "**Immediate Family Member**".

14.6 Workcover Top-Up

- (a) The Employee may opt to use sick leave, annual leave or long service leave accruals to make up the difference between payments received from Work Cover and the Employee's Cash Component, where the Employee is in receipt of Workers Compensation payments.

14.7 Public Holidays

- (a) Subject to clause 13.2, the Employee will be entitled to leave on full pay for all public holidays that are gazetted in the Queensland Government Industrial Gazette for Council employees in accordance with the *Industrial Relations Act 2016*.

14.8 Compassionate Leave

- (a) The Employee will be entitled to up to 2 days paid compassionate leave, in accordance with the *Industrial Relations Act 2016*, on each occasion that an Immediate Family Member or a member of the Employee's household, contracts or develops an illness or sustains a personal injury which poses a serious threat to the person's life.
- (b) To be entitled to compassionate leave, the Employee must provide the Council with evidence of the illness, injury or death if the Council requests such evidence.
- (c) For the purpose of clauses 14.5, clause 14.8, and clause 14.9, "**Immediate Family Member**" means the Employee's spouse (including a de facto or former spouse), child or stepchild, parent, grandparent, grandchild or sibling; or a child, parent, grandparent, grandchild or sibling of the Employee's spouse.

14.9 Bereavement Leave

- (a) In accordance with the *Industrial Relations Act 2016*, except as varied by this clause, the Employee will be entitled to up to 5 days paid bereavement leave on the death of an Immediate Family Member or a member of the Employee's household.

- (b) Refer to clause 14.8 for the definition of "Immediate Family Member".

14.10 Jury Service

- (a) In accordance with the *Industrial Relations Act 2016*, jury service leave will be granted when the Employee is required to attend for jury service. The Council will pay to the Employee the difference between the amount stated in the document relating to jury service as the amount the Employee receives as remuneration and allowances, other than meal allowances, and the Employee's Cash Component.
- (b) When the Employee is given a document relating to jury service, the Employee must give the document, or a copy of it, to Council.

14.11 Parental Leave

- (a) Subject to the terms of this clause, the *Industrial Relations Act 2016*, and any applicable Council policy, the Employee is entitled to paid parental leave or paid maternity leave **[DELETE WORDS IN YELLOW IF NOT APPLICABLE – FOR FEMALE EMPLOYEES RETAIN BOTH]** in connection with the birth, surrogacy or adoption of a child by them self or by their spouse, after the completion of 12 months continuous service with Council.
- (b) The Employee is entitled to utilise other forms of leave entitlements whilst on parental leave.
- (c) The remaining statutory parental leave, up to 52 weeks in total including any paid period, may be taken without pay.

[DELETE AS APPLICABLE – FOR FEMALE EMPLOYEES RETAIN BOTH CLAUSES]

I. Paid Maternity Leave

- A. Where the Employee is pregnant, the Employee will be entitled to 14 weeks, on full pay, maternity leave in relation to the birth of her child.
- B. Where the Employee is Pregnant, the Employee will be entitled to 14 weeks, on full pay, maternity leave where the pregnancy of the Employee, not then on paid maternity leave, terminates after 28 weeks other than by the birth of a living child.

II. Paid Parental Leave

- A. Where the Employee is not pregnant, the Employee will be entitled to two (2) weeks, on full pay, parental leave in relation to the birth, adoption or surrogacy of their child.
- B. Where the Employee is not pregnant, the Employee will be entitled to two (2) weeks, on full pay, parental leave where the pregnancy of their spouse terminates after 28 weeks other than by the birth of a living child.

14.12 Cultural Leave

- (a) In accordance with the *Industrial Relations Act 2016*, Council and the Employee may agree to the Employee taking up to 5 days unpaid cultural leave in each year.
- (b) Council will not unreasonably refuse access to this leave by the Employee.

14.13 Leave Without Pay

- (a) Council may, at its absolute discretion, approve leave for any purpose not covered by this clause 14, including leave without pay, upon the submission of a written application by the

Employee.

15 Confidentiality

15.1 During and after the Employee's employment in the Position, the Employee must:

- (a) keep any Confidential Information secret and confidential, except to the extent the Employee is required by law to disclose it;
- (b) take all reasonable and necessary precautions to maintain the secrecy and prevent the disclosure of any Confidential Information; and
- (c) not disclose any Confidential Information to any third party except in the ordinary and proper course of the employment, or after first obtaining the written consent of the Council.

15.2 For the purpose of this clause 15, "**Confidential Information**" means any information that is by its nature confidential, and includes information belonging to Council that is designated as confidential, or which the recipient knows or ought to know is confidential, including but not limited to any documents, book, account, process, patent, specification, drawing, design or know-how which is:-

- (a) supplied by the Council to the Employee; or
- (b) generated by the Employee in the course of performing the duties and responsibilities of the Position.

It does not include information which:

- (a) is or becomes public knowledge other than by breach of any obligation of confidence by the Employee;
- (b) is by law permitted or required to be disclosed; or
- (c) is required to be disclosed to any government agency or authority,

and the burden of establishing any exception is on the Employee.

15.3 The Employee's obligations under this clause 15 will continue to be binding following the termination of the Employee's employment with Council.

16 Intellectual Property

16.1 Any invention, improvement, secret process, document or other intellectual property developed by the Employee during the course of their employment, whether during or outside working hours, which relates to the Council's:

- (a) products or services or methods of making, using, marketing, or providing the Council's products or services; or
- (b) general methods of operation, whether existing or in development,

will be solely the property of the Council. The Employee will immediately and fully disclose to the Council any such invention, improvement, secret process, document or other intellectual property.

16.2 The Employee agrees, at the Council's expense, to do everything in their power, including signing any documents, required by the Council to:

- (a) give the Council, or the Council's nominee, full legal ownership of the intellectual property rights referred to in clause 16.1; and
- (b) make applications for patents, registered trademarks or similar protection, in Australia and such

other countries as the Council consider necessary.

- 16.3 The Employee consents to the Council infringing any moral rights that the Employee may have or become entitled to in any work created, developed, modified or enhanced in the course of the Employee's employment. For the purpose of this consent, 'work' has the meaning given to that term in the Copyright Amendment (Moral Rights) Act 2000 (Cth) and 'moral rights' refers to any rights arising under the provisions of that legislation.

17 Suspension

- 17.1 The Council may suspend the Employee's employment with pay during a period where the Employee is subject to a charge with a criminal offence.
- 17.2 The Council may also suspend the Employee's employment with pay if there are reasonable grounds for suspecting that the Employee has breached the terms of this Contract, or breached the Council's Code of Conduct, or breached a policy of the Council, so as to enable the Council to investigate the alleged breach and consider what further action (if any) should be taken.
- 17.3 Suspension pursuant to clauses 17.1 or 17.2 will not affect the Employee's continuity of service.

18 Termination

- 18.1 The termination of this Contract will result in the termination of the employment of the Employee unless this Contract is being superseded or replaced by a new Contract.
- 18.2 Where a Party wishes to terminate this Contract prior to the Expiry Date and following completion of the Employee's probationary period, it may be terminated in one or more of the following ways:
- (a) By the Council and the Employee agreeing in writing.
 - (b) By the Employee by giving 8 week's written notice to the Council.
 - I. If the Employee does not provide the required notice, they authorise Council to withhold or deduct from any money owed to them an amount in total or partial satisfaction of that obligation.
 - II. Where the Contract is due to expire within 8 weeks, the notice period will be reduced to the balance period of the Contract.
 - III. If the Employee gives notice to terminate the Employment, the Employee and the Council may, by mutual agreement, come to an arrangement on a shorter period of notice than provided in clause 18.2(b) for termination of the Employment.
 - (c) By the Council, giving 4 weeks' written notice to the Employee where Council have concluded that the Employee has not substantially met the performance criteria or the terms of the performance agreement.
 - (d) By the Council, for any reason other than those specified in clauses 4, 18(c), (e), (f) or (g) by giving 12 week's written notice to the Employee.
 - I. Where the Contract is due to expire within 12 weeks, the notice period will be reduced to the balance period of the Contract.
 - II. If Council gives notice to terminate the Employment, the Employee and the Council may, by mutual agreement, come to an arrangement on a shorter period of notice than provided in clause 18.2(c) for termination of the Employment.
 - (e) By the Council without notice if the Employee commits any act which would entitle it to summarily dismiss the Employee including, but not limited to:

- I. a serious or persistent breach of any of the terms of this Contract;
 - II. any act or acts of dishonesty, fraud, wilful disobedience or serious misconduct;
 - III. any wilful breach, non-observance or neglect to perform, comply with or carry out the Employee's powers, functions or duties;
 - IV. disobedience or neglect of lawful instructions, reasonable restrictions or directions duly authorised;
 - V. the Employee failing to provide accurate information on their qualifications, professional accreditation, professional training and/or currency of relevant licenses required to perform their Position;
 - VI. the Employee being charged with or convicted of any offence that, in the Council's reasonable opinion, affects the Employee's suitability for the Position or is likely to bring the reputation of the Council into disrepute;
 - VII. using any of the Council's property for purposes other than to carry out the Employee's duties;
 - VIII. disseminating pornographic or offensive material within the workplace via e-mail or otherwise;
 - IX. any act or omission which causes the Council to breach its obligations under the *Work Health and Safety Act 2011* (Qld);
 - X. committing an act of workplace bullying or harassment of an employee of the Council;
 - XI. committing an act of sexual harassment or acting in breach of the Council's sexual harassment or anti-discrimination policies; or
 - XII. engaging in any conduct which, in the reasonable opinion of the Council, might tend to injure the reputation or business of the Council.
- (f) By the Council upon giving 12 weeks' notice, should the Employee's Position become redundant. In cases where the Contract is due to expire within 12 weeks, the notice period will be reduced to the balance period of the Contract.
- (g) By the Council upon giving five (5) weeks' notice, where, in circumstances other than where the Employee is suffering an illness or injury to which Chapter 4, Part 5 of the *Workers' Compensation and Rehabilitation Act 2003* applies:-
- I. the total of the employee's absences in a 12-month period, arising from 1 or more illnesses or injuries, is more than 3 months;
 - II. at the time of termination, the Employee's incapacitation prevents the Employee from performing the inherent requirements of the Position;
 - III. the Employee is not on paid sick leave pursuant to clause 14.4; and
 - IV. the duration of the Employee's incapacity remains indefinite.

In cases where the Contract is due to expire within five (5) weeks, the notice period will be reduced to the balance period of the Contract.

- 18.3 If the Employee is absent for a period of seven (7) working days without the consent of the Council and does not, during such time, establish to the satisfaction of the Council a reasonable cause for the absence, the Employee will be deemed to have abandoned their employment. The Employee will have been taken to have initiated the termination of employment in accordance with clause 18.2(b).

- 18.4 If at any time either party gives notice of termination pursuant to clause 18.2, the Council may at its discretion:-
- (a) pay the Employee in lieu of part or all of the period of notice not served by the Employee;
 - (b) require the Employee to perform duties which are different to those that the Employee was required to perform prior to notice of termination being given;
 - (c) require the Employee to perform no duties at all; and/or
 - (d) require the Employee not to attend the premises of the Council, unless expressly requested to do so by Council;
- 18.5 Any payment made in lieu of notice under clause 18 will be calculated by reference to the value of the Employee's Cash Component.
- 18.6 If at any time either party gives notice of termination pursuant to clause 18.2, during the notice period the Employee:-
- (a) agrees to be reasonably available to the Council to attend work and complete duties which they are reasonably capable of completing at the direction of the Council;
 - (b) will remain an employee of the Council;
 - (c) acknowledges that the Council has no obligation to provide work, training or any other duties or facilities during the notice period; and
 - (d) agrees not to commence work as an employee, independent contractor or consultant with any other person or entity during the notice period.
- 18.7 Upon termination of employment for any reason the Employee must immediately return to the Council all property (including intellectual property) of the Council and all other documents, papers, records and information (including records and information stored electronically) relating to the Council or its business.

19 Severance/Redundancy

- 19.1 If:
- (a) the Employee's Position is made redundant; and
 - (b) there is no suitable position available for the redeployment of the Employee; and
 - (c) the Employee has completed at least one (1) year's continuous service,
- the Employee will be entitled to redundancy pay of two (2) weeks' pay per completed year of service upon termination by Council of the Employee's employment due to the redundancy of the Position.
- 19.2 Any redundancy payment will be capped at 52 weeks pay.
- 19.3 The redundancy payment will be calculated by reference to the value of the Employee's Cash Component.
- 19.4 The Employee will not be entitled to any severance/redundancy payment where a Suitable Alternative Position has been offered to the Employee and where the Employee has rejected the offer.
- 19.5 The offer of a Suitable Alternative Position will be at Council's discretion. Council will consider the qualifications, skills, knowledge and experience of the Employee in determining the availability of a suitable alternative position.

- 19.6 A "Suitable Alternative Position" is the offer of an alternative position to the Position where:-
- (a) the terms and conditions of employment for the alternative position were substantially similar to, and considered on an overall basis, no less favourable than the terms and conditions of employment immediately before the termination; and
 - (b) the employee's continuous service with Council would have been recognised.

20 Restricted Activities

- 20.1 The Employee must not for the period set out in clause 20.2 following the termination of the Employee's employment with the Council, without the prior written consent of the Council, induce or attempt to induce any employee of the Council to terminate their employment with the Council, whether or not that person would act in breach of that person's contract of employment.
- 20.2 For the purpose of clause 20.1, the period is:
- (a) Twelve (12) months; or if this period is held by a court to be unenforceable,
 - (b) Six (6) months; or if this period is held by a court to be unenforceable,
 - (c) Three (3) months; or if this period is held by a court to be unenforceable,
 - (d) One (1) month.
- 20.3 The Employee acknowledges that:
- (a) the restrictive covenants contained in this clause 20 are reasonable and necessary for the protection of Council's business interests; and
 - (b) the remedy of damages may be inadequate to protect the interests of the Council and the Council is entitled to seek and obtain injunctive relief or any other remedy in any court.
- 20.4 The Employee and the Council intend the restraints contained in clauses 20.1 and 20.2 are to operate to the maximum extent permitted by law.
- 20.5 The Employee's obligations under this clause 20 will continue to be binding following the termination of the Employee's employment with Council.

21 Accuracy of Information

- 21.1 The Employee acknowledges that all information provided by the Employee to the Council, such as information about the Employee's education, work experience, right to work in Australia and previous remuneration, is accurate and has been given on a bona fide basis.
- 21.2 Where it is substantiated that the Employee has failed to provide accurate information on their qualifications, professional accreditation, professional training, currency of relevant licenses required to perform their Position and/or right to work in Australia, the Employee may be terminated under clause 18.2(e).

22 Notification of Charges and Convictions

- 22.1 The Employee agrees to notify the Council if:
- (a) they are charged with any offence or convicted of any offence during their employment with the Council, or
 - (b) the Employee has been charged with an offence and the matter is likely to be pending when the Employee commences employment with the Council, or

(c) the Employee has a prior conviction.

22.2 Any notification required pursuant to clause 22.1 must be made:-

(a) prior to the Employee executing this Contract; or

(b) otherwise, as soon as possible after the Employee becomes aware that they have been charged with or convicted of an offence.

22.3 If the Employee has a prior conviction that the Employee believes is spent or lapsed at law, the Employee should seek legal advice about whether they are obligated to notify the Council of their prior conviction.

22.4 Failure to disclose such charges or convictions may result in disciplinary action being taken against the Employee, including termination of employment.

23 Variation of Contract

23.1 Except where otherwise provided in this Contract, any variation to this Contract must be by written agreement, signed by the Council and the Employee.

24 Waiver

24.1 The failure of either the Council or the Employee to enforce at any time any provisions of this Contract or any right under this Contract or to exercise any election in this Contract will in no way be considered to be a waiver of such provision, right or election and will not affect the validity of this Contract.

25 Notice

25.1 Any notice or notification required under this Contract must be in writing addressed to the party at the party's address specified in this Contract or to such other address as may be advised by either party to the other from time to time in writing.

26 Schedules

26.1 All schedules form part of the Contract.

27 Entire Agreement

27.1 This Contract constitutes the entire agreement between the Council and the Employee in respect of the matters dealt with in this Contract and supersedes all prior agreements, understandings, arrangements and negotiations in respect of the Employee's employment with the Council.

27.2 To the extent permitted by law, any statement, representation or promise made in any negotiation or discussion has no effect except to the extent expressly set out or incorporated by reference in this Contract.

28 Interpretation and Construction

28.1 In this Contract, unless the contrary intention appears:

(a) words in the singular number include the plural and words in the plural number include the singular;

(b) words importing a gender include any other gender;

(c) words importing persons include a partnership and a body whether corporate or otherwise;

- (d) all references to clauses are clauses in this Contract;
 - (e) a clause or part of a clause of this Contract that is illegal or unenforceable may be severed from this Contract and the remaining clauses or parts of the clause of this Contract continue in force.
 - (f) all references to dollars are to Australian dollars and this Contract uses Australian currency;
 - (g) references to laws includes statutes amending, consolidating or replacing the laws referred to, and to all regulations, by-laws, local laws, rules, orders-in-Council and ordinances of any competent authority;
 - (h) an uncertainty or ambiguity in the meaning of a provision of this Contract will not be interpreted against a Party just because that Party prepared the provision;
 - (i) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
 - (j) headings are to be disregarded when interpreting the Contract documents;
 - (k) the meaning of the words that appear before the word "including" or "includes" is not limited by the words that follow;
 - (l) any undertaking by a Party not to do an act includes an undertaking by that Party not to permit or suffer the doing of the act;
 - (m) covenants by each Party include an obligation to procure compliance by the Party's Employees and all other persons under the control of that Party.
- 28.2 Any reading down or severance of a particular provision does not affect the other provisions of this Contract.

29 Governing Law

- 29.1 This Contract will be governed by and construed in accordance with the laws of the State of Queensland.
- 29.2 The Council and the Employee submit to the non-exclusive jurisdiction of the courts of Queensland.

Signed for and on behalf of the Council
pursuant to *Local Government Act 2009* section 236
by a Council delegate, who certifies their authority to sign
in the presence of a witness:

Signature of witness

Chief Executive Officer

Name of witness (please print)

Date

Date

Signed by **[#insert Employee's full name]**
in the presence of a witness:

Signature of witness

[#insert Employee's full name]

Name of witness (please print)

Date

Date

Schedule A

Position Description

[#insert position description]

Schedule B

Total Remuneration Package

This schedule operates on **[#Insert Commencement Date]** and remains in force unless varied in accordance with the provisions of this Contract or by agreement in writing between the parties.

The Total Remuneration Package comprises:-

Cash Component

Base Salary	\$X gross p.a.
Motor Vehicle Allowance	\$X gross p.a.

Cash Component Total	\$X gross p.a.

*Superannuation

(12% employer contribution where required by the *Local Government Act 2009* see *)

\$X gross p.a.

Total Remuneration Package	\$X gross p.a.

**Pursuant to section 220 of the Local Government Act 2009, where the Employee does not meet the definition of a “permanent employee” contained in the Act, the superannuation contributions payable by Council on commencement of employment will be 11% of the Cash Component Amount.*

Where the Employee meets the definition of a “permanent employee” contained in the Local Government Act 2009, Council will make contributions to Brighter Super, or another superannuation fund directed by the Employee, in the amount of 12% of the Cash Component Amount.

Pursuant to section 220A of the Local Government Act 2009, where the Employee meets the definition of a “permanent employee” contained in the Act, the Employee will be required to make contributions to the employee’s superannuation fund equal to 6% of the Cash Component Amount.

12.9 - POLICY REVIEW: CONTRACT STAFF REMUNERATION POLICY

Motor Vehicle Allowance Directive - Contract Employees

Meeting Date: 18 June 2024

Attachment No: 3



MOTOR VEHICLE ALLOWANCE DIRECTIVE

CONTRACT EMPLOYEES

1. Scope

The Motor Vehicle Allowance Directive - Contract Employees (this 'Directive') applies to employees on employment contracts who receive a vehicle allowance (as part of their remuneration package) to provide a private motor vehicle for all of their business and private use requirements under a novated lease, associate lease or other private ownership arrangement.

2. Purpose

This Directive provides the framework for employees who receive a vehicle allowance to provide a private motor vehicle for all of their business and private use requirements under a novated lease, associate lease or other private ownership arrangement.

3. Reference (legislation/related documents)

Legislative reference

Fringe Benefit Tax Act 1986

Related documents

Commuter Use of Vehicle Directive

4. Definitions

To assist in interpretation, the following definitions shall apply:

Benefit Motor Vehicles	These vehicles are used by employees as part of remuneration packaging on the basis of all business and full private use.
Contract Employee	Employees who are employed on employment contract conditions instead of award conditions.
TEC	Total Employment Costing - a mechanism used in remuneration calculations that identifies the direct cost of employment for a position enabling components of a package to be identified and adjusted while maintaining set TEC. These direct costs include salary, superannuation arrangements, all car costs, other benefits and FBT liabilities.
CEO	Chief Executive Officer.
FBT	Fringe Benefits Tax.
Self-Insurance	The discretionary practice where Council will pay the cost of repairs for vehicle damage incurred during business use up to an amount set by this Directive.

Vehicle Allowance	Cash payment added to an employee's gross annual salary for the employee to provide a motor vehicle.

5. Directive Statement

Livingstone Shire Council (Council) provides services and programs across the Shire. These services and programs have both area/location and complexity components. The delivery of these services and programs may require employees to travel to different locations for business purposes.

This Directive is based on the following principles:

- That motor vehicles form part of remuneration packages and can be a necessary function in attraction and retention;
- That benefit motor vehicles will not be an asset of Council;
- That Council will remunerate the employee for their supply and business use of a motor vehicle; and
- That all arrangements will be cost neutral to Council in respect to FBT and TEC models.

5.1 Existing Contracts

Where existing employees are provided with a vehicle allowance this Directive shall apply and override existing vehicle entitlements unless otherwise agreed.

5.2 New Contracts

New contracts (including renewing contracts for existing employees) may include a vehicle allowance component.

Where employees are paid a vehicle allowance they may utilise a privately owned vehicle, or undertake a novated or associate lease to provide a motor vehicle, for all of their business use requirements. Any vehicle provided by the employee shall conform to section 5.4.

5.3 Vehicle Allowance

The vehicle allowance is a payment to the employee that acknowledges both their business and private use of a motor vehicle commensurate with their position in Council's organisational structure.

For clarity, employees who are paid a vehicle allowance will not access a Council motor vehicle for their personal or business use. Where a number of officers are required to travel to a location, it is expected that the senior officer who receives a vehicle allowance is to take their vehicle. Where this is not possible or practical approval is to be sought through the Executive Director, Chief Officer or CEO.

Where an employee who is in receipt of the allowance is required to travel a significant distance and driving is the most efficient means of travel, Council will reimburse the cost of fuel following provision of receipts. This will apply when the round trip travelled on the occasion for work purposes is greater than 500 kms from home base to home base. This may apply for training courses, regional meetings in other centres or for professional development.

The officer must clarify with their Manager that they intend to drive to the event prior to undertaking the travel and seeking reimbursement for fuel.

Use of the contract employee's motor vehicle under this Directive by any other Council employees will be at the discretion of the vehicle owner/provider.

The vehicle allowance will be a cash payment that will be added to the gross annual salary of the employee for superannuation calculations.

The vehicle allowance will be reviewed every three (3) years and adjusted as required by the CEO taking into account external remuneration providers advice.

Note: Officers who are in receipt of the allowance are expected to provide their own transport for work related travel, it would not be acceptable for travel in a Council vehicle unless circumstances exist such as those mentioned above (e.g. 4WD access or access to a restricted site) and approved in advance by Executive Director, Chief Officer or CEO.

5.4 Vehicle Requirements

The choice of vehicle is at the discretion of the employee, but must satisfy the following criteria:

- a) The vehicle must be roadworthy and registered and have adequate insurance for its purpose.
- b) The physical appearance of the vehicle should not be altered in such a way that the vehicle's presentation during business use would not represent a good corporate image. This may include, but is not limited to: the display of stickers/logos other than Council produced stickers/logos.
- c) The vehicle condition and general tidiness should always be kept in a manner which is suitable for business use.

Under a novated lease arrangement, the vehicle acquired remains the responsibility of the employee and ownership of the vehicle including lease payments if applicable will be the responsibility of the employee in the event of them leaving the employ of the Council.

5.5 Vehicle Insurance Arrangements and 'Excess payments'

The vehicle owner/provider is responsible for arranging and paying the comprehensive insurance policy for their vehicle. This insurance policy is to be applicable for both business and private use by the vehicle owner/provider. The notional cost of vehicle insurance has been included in determining the vehicle allowance amount.

If the contract employee chooses to make their vehicle available for business use by other Council employees this is at the owner/provider's discretion. In the event of an accident by a Council officer other than the owner/provider, Council will cover the cost of vehicle accident repairs up to \$1,000 under the following conditions:

- a) The owner/provider must keep a simple vehicle log of business use to track the use of the vehicle by other Council employees. This will be necessary in the event of an accident, so that any claims for repairs can be verified as occurring during business use.
- b) The owner/provider must provide an incident report (including a copy of the vehicle log page) to Council's Insurance team.
- c) The accident has occurred during business use, including direct travel to and from the owner/provider's place of employment.
- d) Application of Council's 'excess payment' amount:
 - i) For damage being caused by an employee other than the owner for business related purposes, Council will pay the insurance excess up to \$1,000. In this case, the vehicle owner/provider should notify Council's Insurance team to be advised of reimbursement options.
 - ii) In the instance where the cost of the damage is less than \$1,000 or repairs are being undertaken without referral to the insurer, Council will pay the repair costs up to \$1,000. In this case, the vehicle owner/provider

should notify Council's Insurance team to be advised of repair and reimbursement options.

- e) Council will have the discretion to refuse 'excess payment' claims. The discretion to refuse a claim rests with the Chief Financial Officer.
- f) Any damage to the vehicle excluding section 5.5 (d) is to be covered by the owner/provider's vehicle insurance or met by the owner/provider if the insurer rejects the claim.

6. Changes to this Directive

This Directive is to remain in force until any of the following occur:

- 1) The related information is amended/replaced; or
- 2) Other circumstances as determined from time to time by the CEO.

7. Repeals/Amendments

This Directive repeals the former Livingstone Shire Council Directive titled 'Fleet Management Directive – Benefit Motor Vehicles Limited Term Contracts (v 1.1)'.

Version	Date	Action
1	27/04/2017	Approved
1.1	18/12/2018	Administrative Amendments – reflect organisational restructure
2	10/07/2019	Amended Directive Approved – previously known as Fleet Management Directive – Benefit Motor Vehicles Limited Term Contracts, section 5.1, 5.2, 5.3, 5.4 and 5.5 updated

CHRIS MURDOCH
CHIEF EXECUTIVE OFFICER

12.10 OFFICE OF THE CEO QUARTERLY MANAGEMENT REPORT

File No: GV
 Attachments: Nil
 Responsible Officer: Cale Dendle - Chief Executive Officer
 Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

This report provides a summary of a range of strategic and operational activities within the Office of Chief Executive portfolio of Council for the period of 1 March 2024 to 31 May 2024.

OFFICER'S RECOMMENDATION

THAT the Corporate Management report for the period 1 March 2024 to 31 May 2024 be received.

COMMENTARY**CORPORATE PERFORMANCE**

This report will provide periodic updates on these KPI's:

KPI - Customer Service Request Close-Out Rate			
TARGET: 90% Closeout Rate			
RESULT			
Although there are many entry points to the council organisation, our main customer request databases can track logging and close out of many interactions			
Period: 1 June to 31 Aug 2023	Period: 1 Sept to 30 Nov	Period: 1 Dec 23 to 29 Feb24	Period: 1 March to 30 May 2024
Close out rate 78.61%	Close out Rate 81%	Close out rate 87.25%	Close out rate 86.79%
KPI - Attendance			
TARGET: Annualised Attendance Rate >95%			
RESULT			
Our payroll system can track our overall staff attendance pattern and this is a useful productivity measure			
Period: Quarter 1 (1 July 23 - 30 Sep 23)	Period: Quarter 2 (1 Oct 23 - 31 Dec 23)	Period: Quarter 3 (1 Jan 24 – 31 Mar 24)	Period: Quarter 4 (1 Apr 24 – 30 June 24)
95.0%	94.8%	94.8%	
KPI - Lost Time Injuries (LTI's)			
TARGET: Reduction in Annualised LTIFR <15.00			
RESULT			
Safety of personnel is, rightly, amongst our most critical tasks. Whilst safety performance is measured in many ways, one of the most common (admittedly lag) indicators is that of lost time due to injury			
Period: Quarter 1 (1 July 23 - 30 Sep 23)	Period: Quarter 2 (1 Oct 23 - 31 Dec 23)	Period: Quarter 3 (1 Jan 24 – 31 Mar 24)	Period: Quarter 4 (1 Apr 24 – 30 June 24)
24.35	25.50	21.70	
KPI -Budget Performance			

TARGET: Budget Achieved			
RESULT			
Deliver cost effective services within approved budget. Refer to the Monthly Financial Report.			
KPI - Capital Works Delivery / Operational Plan Delivery			
TARGET: 90% Targets Achieved			
RESULT			
Delivery of the capital works program is an important part of any organisation's performance.			
Period: Quarter 1 (1 July 23 - 30 Sep 23)	Period: Quarter 2 (1 Oct 23 - 31 Dec 23)	Period: Quarter 3 (1 Jan 24 – 31 Mar 24)	Period: Quarter 4 (1 Apr 24 – 30 June 24)
<u>22/23 FY</u> Spend = \$91% of adopted budget 82% of projects completed to schedule <u>23/24 YTD</u> 83% of projects completed as forecast	- Overall Capital spend is \$30.5M (60%) of total Budget \$51.1M. - YTD Completion rate is 3.6% (3/38) with further 47 projects in delivery phase. 60% of projects underway or completed (50/83)	- Overall capital spend is \$32.01M (68%) of total Budget - YTD completion rate is 15.9% (13/82) with further 47 in delivery phase. 73% of projects underway or completed (60/82)	
KPI - Staff Engagement			
TARGET: >75% Engagement, >75% MEI			
RESULT			
Much is made of "culture" in organisations and this can be measured in some senses through tools such as engagement surveys			
Period: Quarter 1 (1 July 23 - 30 Sep 23)	Period: Quarter 2 (1 Oct 23 - 31 Dec 23)	Period: Quarter 3 (1 Jan 24 – 31 Mar 24)	Period: Quarter 4 (1 Apr 24 – 30 Jun 24)
n/a	64% Engagement 80% Manager Effectiveness Index Survey conducted 3 October – 17 October 2023	n/a	n/a

EXECUTIVE SUPPORT

Councillor Requests

For the period of Executive Support recording of Customer Requests was as follows:

	1 Sept 22 – 30 Nov 22	1 Dec 22 – 28 Feb 23	1 Mar 23 – 31 May 23	1 Jun 23 – 31 Aug 23	1 Sept 23 – 30 Nov 23	1 Dec 23 – 29 Feb 24	1 Mar 24 – 31 May 24
<i>CR's Logged</i>	165	130	105	109	135	193	115
<i>CR's Completed</i>	125	88	85	82	101	135	90
<i>CR's remaining open</i>	40	13	19	27	34	58	25

Council Meetings

For the period 5 Deputations were presented to Council, 7 Notice of Motions, 2 Questions on Notice were submitted. Officers presented 24 Briefing Session reports and 59 Ordinary Council Reports. Of the 74 Actions generated from this periods Council Resolutions 5 items remain ongoing.

Waiver or Discount of Fees & Charges

No fees and charges waived for this period.

FINANCE AND GOVERNANCE

Organisational KPI Performance - Finance & Governance	Target	FY23-24 Q1	FY23-24 Q2	FY23-24 Q3
Engagement Drive employee engagement through demonstrating effective leadership, engagement & collaboration	>75% Engagement >70% MEI	72% 83%		
Attendance Increase employee attendance	Annualised Attendance Rate >95%	94.60%	95.50%	95.28%
Safety Proactively contribute to the safety, health & wellbeing of our people	<15.0 LTIFR	0	0	0
Capital Works Delivery Contribute to driving a performance culture through achievement of Operational Plan targets	90% Targets Achieved	90.38%	110.41%	88.34%
Operational Plan Contribute to driving a performance culture through achievement of Operational Plan targets	90% Targets Achieved	On Track	On Track	On Track
Budget Deliver cost effective services within approved budget	Within Budget +/- 5%	28%	49%	68%
Customer Service Request close outs Improve customer experiences through closing out customer service requests on time	90% Closeout Rate	78%	78%	76%

ACCOUNTING SERVICES*Achievements*

- 2024-25 Budget development in progress.
- Corporate Overheads model updated for 2024-25 Budget and Oracle Chart.
- Water & Sewer Models for 2024-25 year updated for 2024-25 Budget.
- Accountants working with Shave & Brett for 2024-25 Waste Modelling.
- Working with Project Merlin and ICT Teams to remap 2024-25 Budget from Oracle Chart back to F1 Chart due to delay in Merlin Go Live.
- Accountants working with Project Merlin and CPS Consultants regarding EPM Reporting and Defects.
- Accountants working with Project Merlin and CPS Consultants regarding Treasury items for Fusion in addition to Pathway integration requirements.
- Accounts Payable staff working with Project Merlin regarding AP processing through Oracle.
- Accountants working with Project Merlin for PPM familiarisation.
- Accounting team prepping for EOFY and 31st May capitalisations.
- External Audit Interim Visit 27 May - 7 June 2024.
- Matured Term deposits occurred in March and May 2024, total interest earned \$412k.
- New Term deposits entered into :
 - March 2024 – Judo Bank, term 9 months, estimated interest earnings \$287k.
 - March 2024 – Great Southern Bank, term 12 months, estimated interest earnings \$ 390k.
 - May 20214 - Judo Bank for 6 months, estimated interest earnings \$131k.
- Achieved target of 0.5% + RBA Cash rate (4.35% May 2024) on cash investments – weighted average interest rate earnt is 4.94%.
- Accounts payable YTD performance to April 2024
 - 11,766 accounts payable invoices with a value of \$59.772m were processed with 93% of suppliers paid within agreed payment terms (Target 90%).
 - 5,084 purchase card transactions with a value of \$1.215m were made for low value items that do not require a purchase order.

- Savings to date for the prompt payment of Shell Consolidated Electricity Invoices for 23/24 FY is \$8,238.20.

ASSET MANAGEMENT

Engagement

- A revised Corporate Capital Works 'As Constructed' procedure was finalised in May. This procedure will drive consistency in reporting requirements for project close outs across Council from an asset management perspective as well as providing direct linkages to Councils project workflow in Project Focus HQ.
- Councils external audit partners the QAO conducted their interim visit from 27th May to 6th June.

Achievements

- The revised Asset Management Policy was adopted by Council on Monday 20th May 2024.
- Phase 1 of the migration of Council's existing Microsoft Excel based models to Asset Predictor is now complete with Roads, Bridges & Major Culverts and Buildings completed.
- Livingstone Shire Council was accepted into the Road Asset Intelligence Group during its May annual general meeting. The RAIG is a group of 12 local governments, 3 universities and 2 private sector companies whose aim is to contribute to the advancement of AI applications through information sharing, education, and collaboration in the area of asset management across local government.
- Council received its indexation recommendations from its valuer 'AssetVal' for the period 30th May 2023 to 30th June 2024. These will be presented to Councils Audit, Risk and Improvement Committee at its next meeting with the recommendation to only index the Buildings and Land classes given their material movement.

Asset Class	Indexation (%)*
Buildings	7.1
Land	14.7
Site Improvements	3.8
Road	3.7
Bridge	3.7
Drainage	3.1
Water	3.2
Sewer	3.2

- End of financial year processing is now in full swing. This year Councils asset management team is trailing an early close off as at the 31st May 2024 to ensure Project Managers have sufficient time to provide all necessary documentation as well as maximising the amount of processing time for the asset management team.

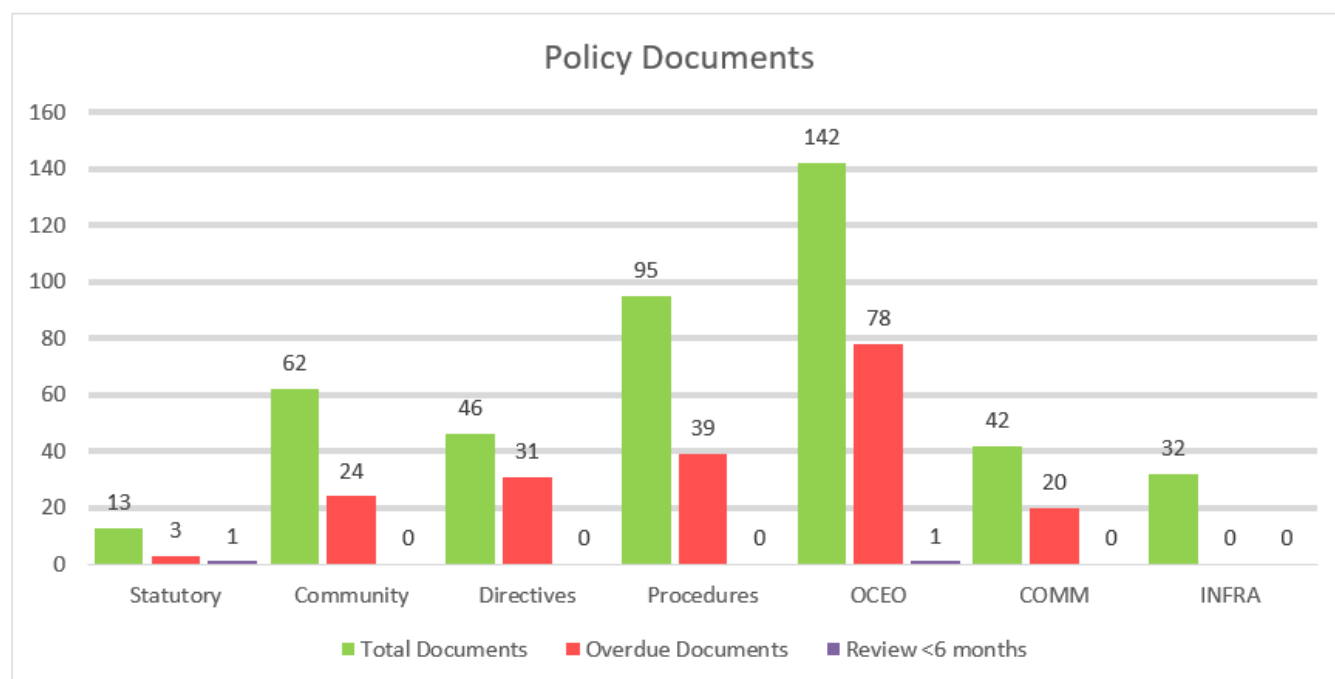
GOVERNANCE

Achievements

- The target of less than 45% of policy documents outstanding for review has been met, and it is expected to be exceeded by 30 June 2024.
- Annual review of delegations from Council to the Chief Executive Officer has been finalised.
- Project Risk Identification Workshop facilitated on the Yeppoon Aquatic Centre and a Risk Identification & Business Impact Workshop was facilitated on the ConQuest application.

POLICY DOCUMENTS

- Overall Council has 216 policy documents with 45% overdue for review. Since July 2023 overdue policy documents has reduced by 11%. The Governance Team will continue to work to reduce the number of overdue policy documents for review.
- **All statutory policies that are required to be reviewed within a legislated timeframe have been reviewed and adopted.*



Complaint Management	Open	Closed	Total received		
Administrative Action Complaints	4	317	321	As of 30 April 2024	
Public Interest Disclosures	1	0	0	YTD	
Note: Contested infringement notices are classed as Administrative Action Complaints, of the 321 AAC's received, 313 are for contested infringement notices.					
Information Requests	Open	Appeal Period	Withdrawn	Closed	
Right to Information	0	0	1	5	YTD
Information Privacy	0	0	1	3	YTD
Delegations and Authorisations as at May 2024					
Number of Acts/Regulations	99	Individual delegations to the CEO			3,224
The next annual review of Chief Executive Officer's delegations is scheduled for May 2025.					
Number of Instrument of Appointments	181	Number of ID Cards issued			

ENTERPRISE RISK MANAGEMENT

In May 2024, Council commenced a quarterly review of its Operational Risk Register. To date approximately 61% of Council's operational risks have been reviewed. The below outlines the percentage of operational risks (per Portfolio) that have been reviewed:

- Finance & Governance – 63%
- Information Services – 100%
- People & Culture – 100%
- Infrastructure – 22%
- Communities – 41%



Risk Management Maturity Advancement Project

- The Enterprise Risk Management Procedure is currently in the final stages of internal review.
- The Controls Management Procedure and Controls Assurance Procedure are currently under internal review.
- An Enterprise Risk Management Training Plan has been drafted in support of the overarching project objectives which aim to extend risk management processes throughout hierarchy and across all functions and develop a strong and positive risk culture. This training is anticipated to be delivered to Managers, Coordinators, Supervisors and Principals between June – September 2024.

BUSINESS CONTINUITY

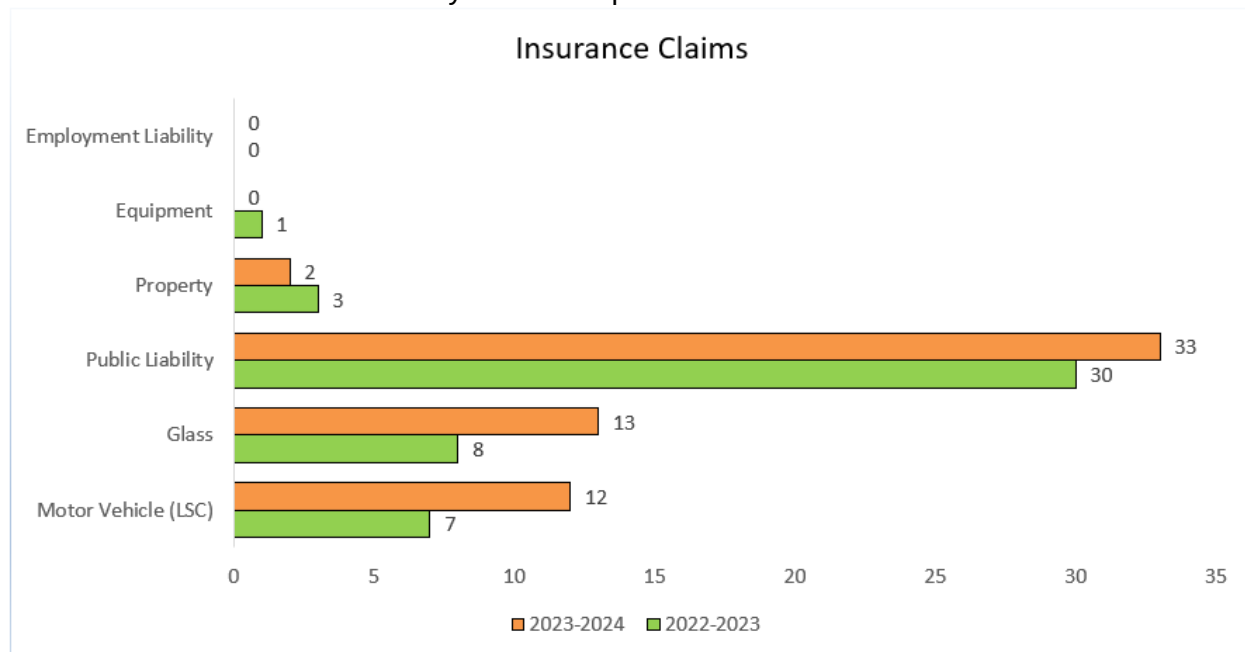
The BCP Annual Exercise has been scheduled for the 19th-20th June 2024 and will be facilitated by Chris Quin, Resilient Projects.

The exercise will be facilitated via a desktop exercise, with discussion-based sessions where team members meet in an informal stress-free setting to discuss their responses. As Council's business continuity framework has only been implemented within the last two (2) years, this approach was chosen to best suit Council's maturity in business continuity. It is anticipated that next year's exercise will be a comprehensive full-scale exercise.

INSURANCE

The following table shows the comparison of claims received for the 2022-2023 financial year and the year-to-date figures for the 2023-2024 financial year.

In summary, the current financial year's total claims have increased by eleven from last year's figures with five weeks left in the financial year. This equates to an increase in claims of 23%.



INTERNAL AUDIT

A summary is provided below to outline current progress against the 23-24 internal audit projects:

IA-2024-01 Data Analytics & Reporting: Pacifica have advised that analysis of data is completed, and Council are currently awaiting the final audit report.

IA-2024-02 Conflicts of Interest and Related Party Disclosures: Internal audit project finalised in May 2024.

IA-2024.03 Software Acquisition & Licencing: Pacifica undertook on-site fieldwork between the 13th – 17th May 2024. This project is not anticipated to be completed with the 23-24FY, which was communicated with ELT and the Audit Committee at the ARaIC Strategic Planning Workshop in February 2024.

Internal Audit Plan FY25

The Internal Audit Plan for 2024-25 was endorsed by the ARaIC in February 2024, and approved by Council at its ordinary meeting on the 12 March 2024. Internal audit project scheduling is anticipated to commence in June 2024.

Below is a summary of the status of audit actions for Q3:



PROCUREMENT

Engagement

The Procurement team participated in the Small Business Month – Chamber Drop-In sessions. The sessions are aimed to provide suppliers with opportunities to connect with Council departments and encourage engagement. Procurement's presence was to promote collaboration with the Council and support suppliers when conducting business with Council.

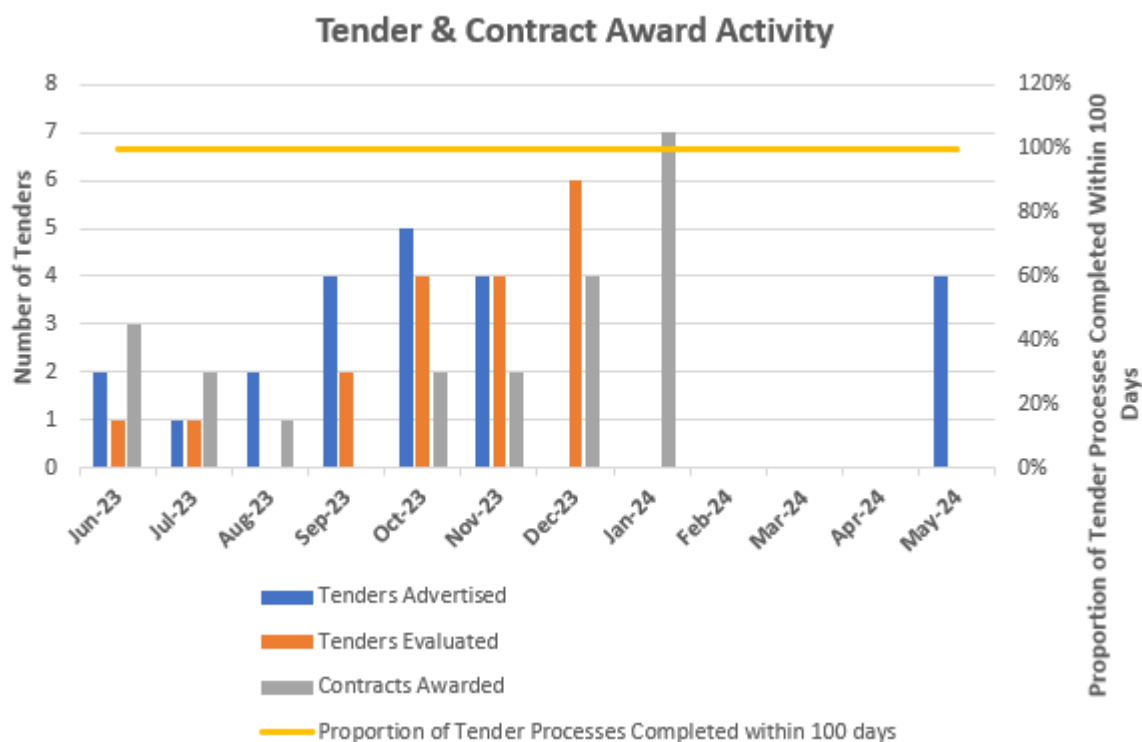
Capital Works Delivery

The Fleet Capital Works Program for the year has been successfully delivered for 2023/2024.

Achievements

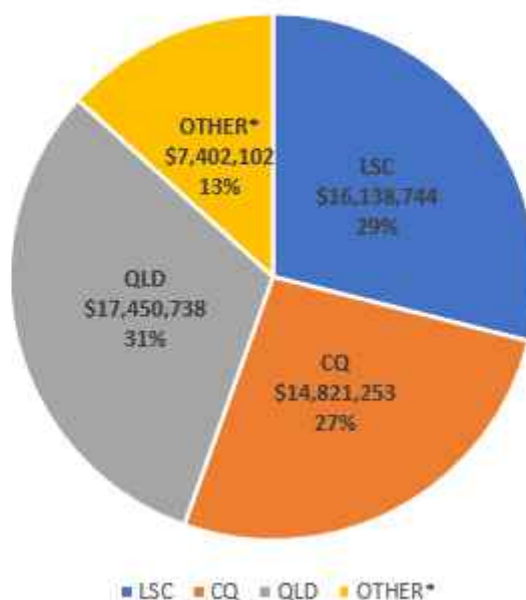
- The tender assessment for the investigation was completed by Peak Services. Tenders were instructed to proceed according to the Council's original resolution from January 2024. The contract for 2023.014 – Landfill Management & Associated Services has been issued for execution to the successful tenderer.
- Four (4) tenders have been advertised with a further Seven (7) tenders in progress. Nil contracts awarded due to caretaker period commencing 29th of January 2024.
- 799 Purchase Orders raised with a total value of \$7,596,406.29.

YCEO	\$1,090,866.67
YINF	\$3,697,859.61
YLAW	\$2,403,893.14
YLSC	\$403,786.87
- 99.08% of Purchase Orders raised or amended were compliant to policy / legislation.
- 8 Non-Compliant Purchase Orders raised (0.92%) with a total value of \$344,731.94.
- Stores managed a total of 909 stock items valued at \$464,659.45.



*Nil data for February-April due to Caretaker Period commencing on 29/01/2024.

Local Spend FY 23/24



FLEET

Achievements

- The fleet team continues to be busy with 373 Scheduled; 7 Unscheduled & 9 Incident Work Orders were raised for the March – May 2024.
- Quarter-on-quarter comparison reveals an increase in scheduled work orders raised, accompanied by a decrease in unscheduled and incident work orders.

PROJECT MANAGEMENT OFFICE

Achievements

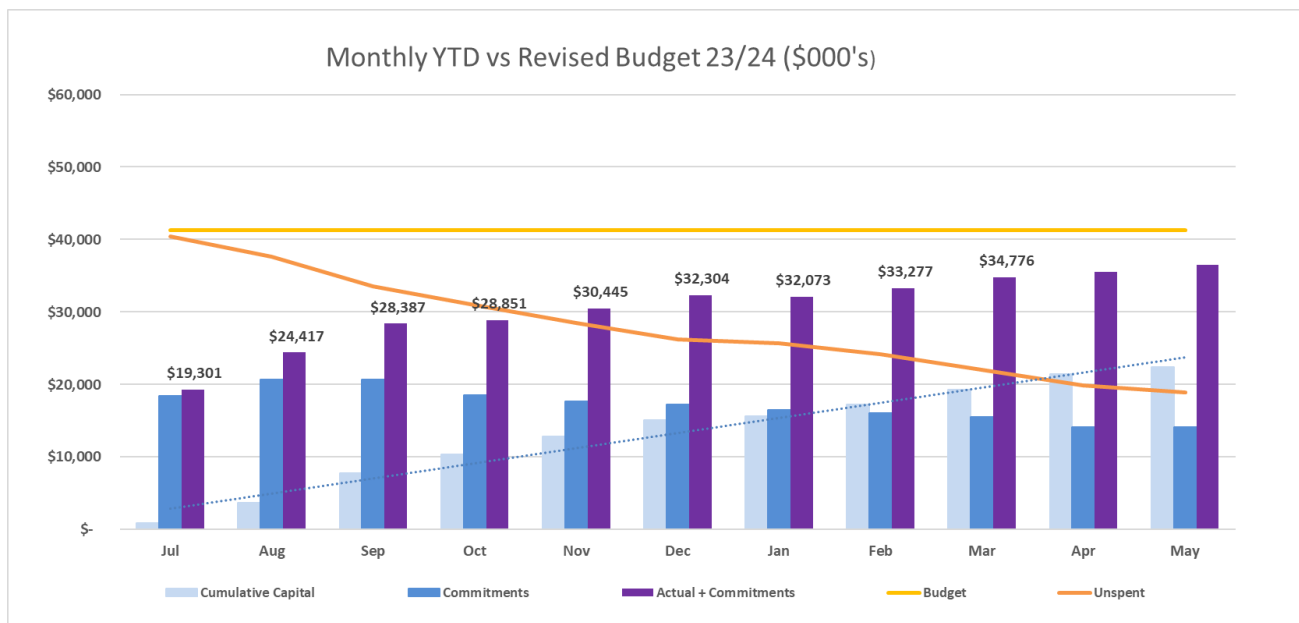
This team provides the project governance support services to standardize project management practices across Council and assist in the delivery of the capital and operational projects.

A further Community of Practice meeting was held May 30th. The purpose of these meetings is to allow project managers from across the business to improve their collective body of knowledge (in project management) through the sharing of information and experiences. A Lessons Learned presentation by Michael Kriedemann on the Daintree Ferry upgrade. The project highlighted the importance of completing an extensive Risk analysis at the inception of the project and the importance of regular reviews to mitigate against changes to the operating environment occurring during a project

Draft Budget preparation has been the major achievement for the quarter, 3 discussions with Councillors enabled a draft 4 year Capital plan to be completed.

Year to date project completion rate is 52%, with 38 out of 73 projects completed with a further 19 at 95% or greater implying 78% completion is achievable for 23/24. The next two years 24/25 and 25/26 have relatively high budgets due to the number of heavily funded projects being undertaken. Extensive planning and resourcing is currently occurring on those projects to ensure timely completion is achieved.

Overall capital spend as at 31 May is \$22.401 million, equivalent to 48% of revised budget BR1. Actual + committals are \$36.496 million, equivalent to 78% of budget. A large capital item, Rookwood water access charges significantly lowers the overall metric. With this omitted overall performance is 56.2% actual and 91.4% actual + committals. Year end is predicted to reach 26.5M (66%) which has been significantly affected by a number of large projects not completing on time due to ongoing weather and supply issues with key materials.



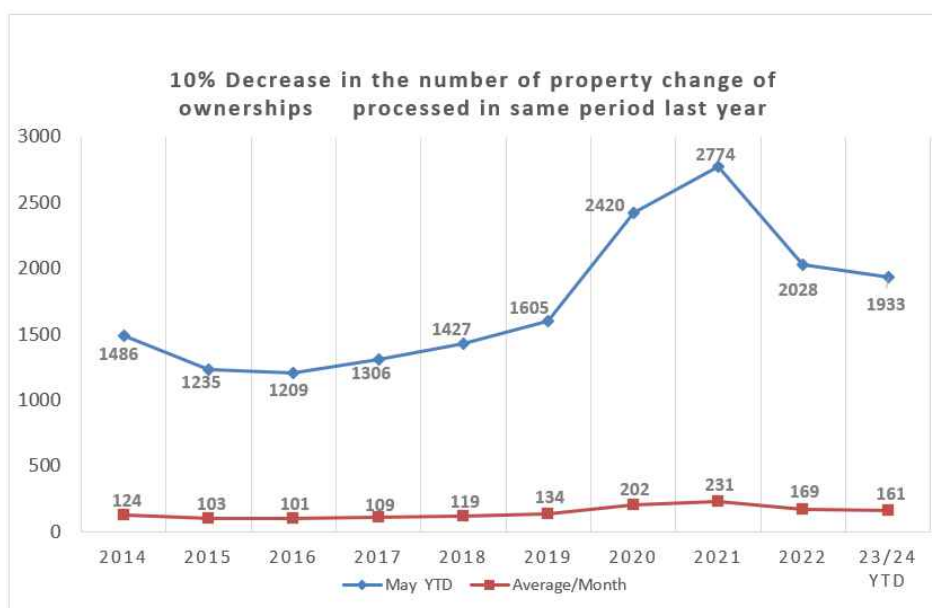
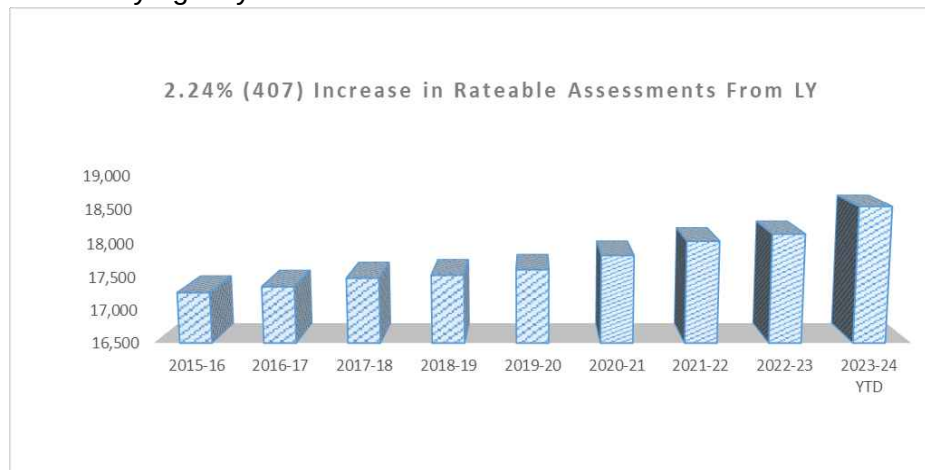
RATES & REVENUE SERVICES

March to May

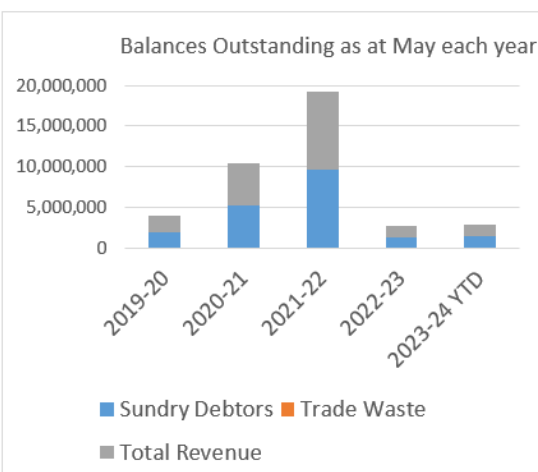
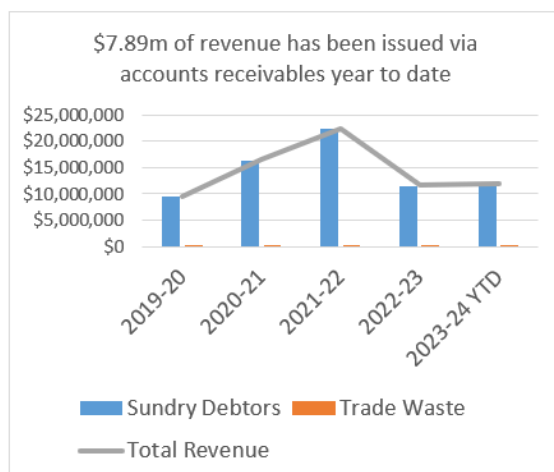
Achievements

- Manage the twice yearly billing for 18,538 rateable properties and quarterly billing for 14,643 water assessments. There has been an increase in assessments of 2.24% from the same time last year.
- Levied \$90.7 million in rates and utility charges year to date.
- 1,933 property change of ownerships have been processed over the same period year to date, which is 95 less than same period last year. Overall there is a 5% decrease in the number of property change of ownerships processed in the same period last year to this year.
- 5% of rates and charges were outstanding as at 31 May 2024 (Target <5%). This 5% has been consistent in previous years as far back as 2020 where the percentage outstanding was 7%. The

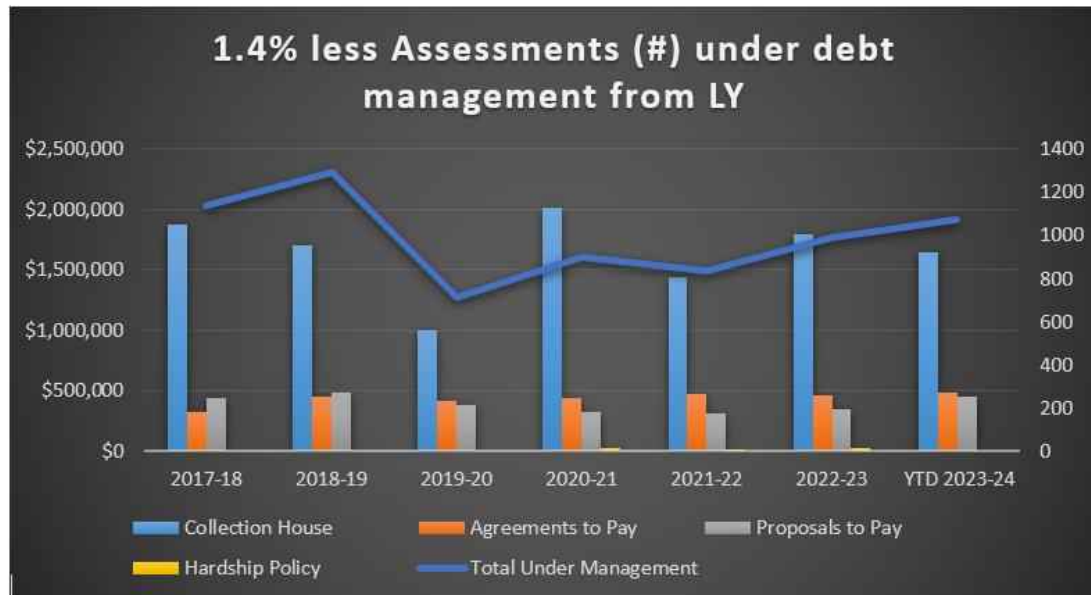
current period rates were due 6 March 2024, and 354 accounts have recently escalated to the Council's debt recovery agency.



The revenue team also manages sundry debtors. There is currently \$1,470,872 outstanding in Sundry Debtors. This includes \$222,796 in over 90 day aged debtors. Please note: of the \$222,796 in over 90 day accounts, \$36,678 relates to contribution charges and \$1,388 in private works. Both amounts are subject to long term repayment agreements.



Debt recovery information is provided to Councillors as part of the monthly financial report. The 2024 sale of land process has now concluded with no properties proceeding to Auction. Accounts are currently being reviewed in preparation of the next sale of land process. Properties are eligible for sale of land where rates and charges arrears are greater than 3 years; or for commercial and vacant land, arrears are greater than 1 year.



Overall, there is only a slight decrease in the number of assessments under debt management. However there is a 20% increase (92) in properties being managed in-house through proposals (pay in full by the end of the rating period) and agreements to pay when compared to last year.

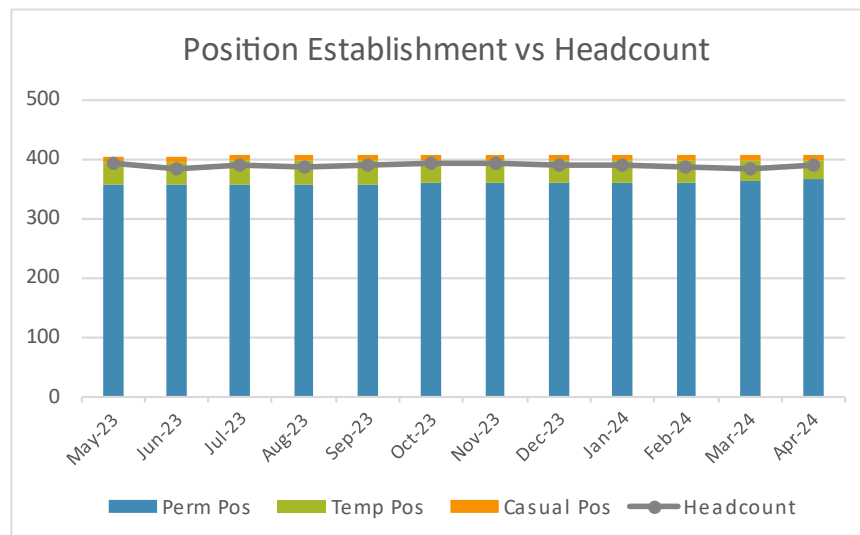
PEOPLE AND CULTURE

ORGANISATIONAL KPI's – People & Culture Results

	Target	FY23-24 Q1	FY23-24 Q2	FY23-24 Q3	FY23-24 Q4
Engagement Drive employee engagement through demonstrating effective leadership, engagement & collaboration	>75% Engagement >70% MEI	64%			
		84%			
Attendance Increase employee attendance	Annualised Attendance Rate >95%	96.9%	96.5%	96.6%	
Safety Proactively contribute to the safety, health & wellbeing of our people	<15.0 LTIFR	0.0	0.0	0.0	
Operational Plan Contribute to driving a performance culture through achievement of Operational Plan targets	90% Targets Achieved	On Track	On Track	On Track	
Budget Deliver cost effective services within approved budget	Within Budget +/- 5%	On Track	On Track	On Track	

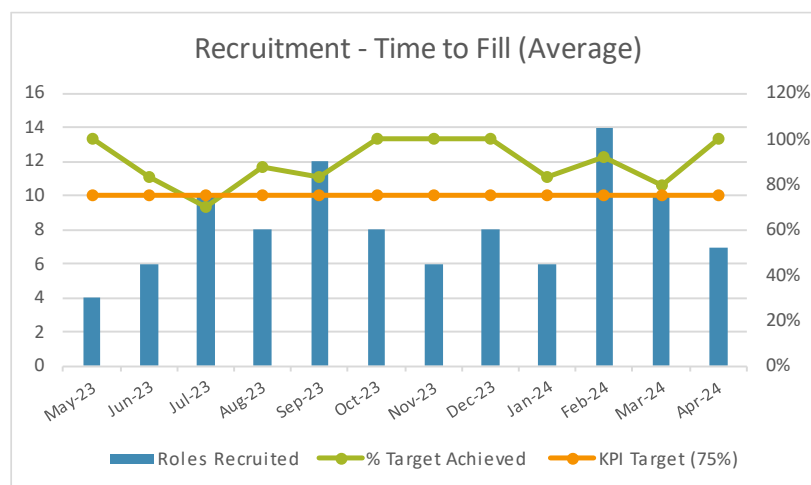
COUNCIL WORKFORCE PROFILE

Council's establishment as at April 2024 is reported at 366 permanent full time equivalent (FTE) positions, 32 temporary full time equivalent positions and 10 casual positions. Headcount has remained steady over previous months, with currently 390 employees as at end of April 2024. During the reporting period Council increased its full time equivalent employment cap by four (4) FTE, including: Civil Construction Trainee, Treatment Plant Operator Trainee, Horticulture Trainee and Ranger.



Recruitment

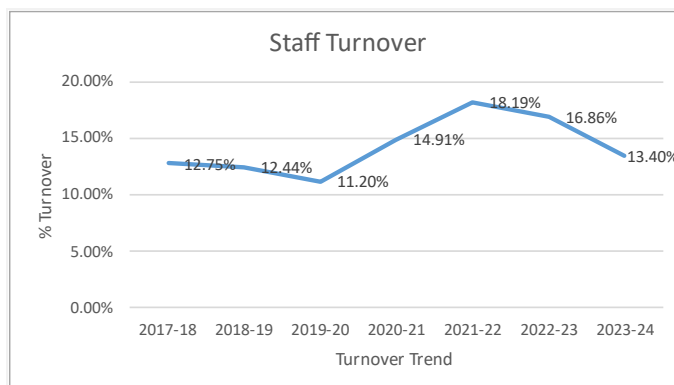
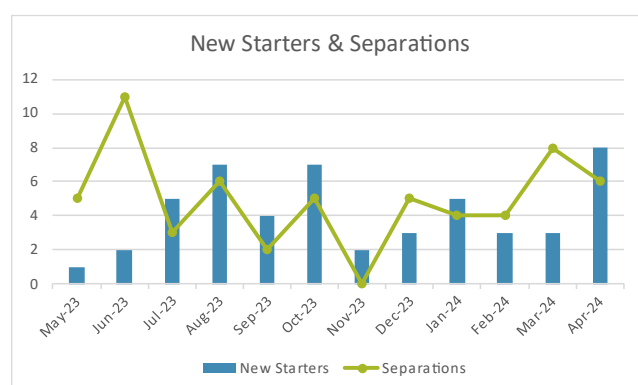
Council aims to ensure 75% of vacant positions are filled within 30 business days. During the period 1 February to 30 April 2024, Council recruited 31 roles where an average of 91% of those roles were filled within 30 business days. 65% of roles recruited during the period were due to staff movements, as a result of staff obtaining either temporary or permanent career opportunities internally within Council.



New Starters & Separations

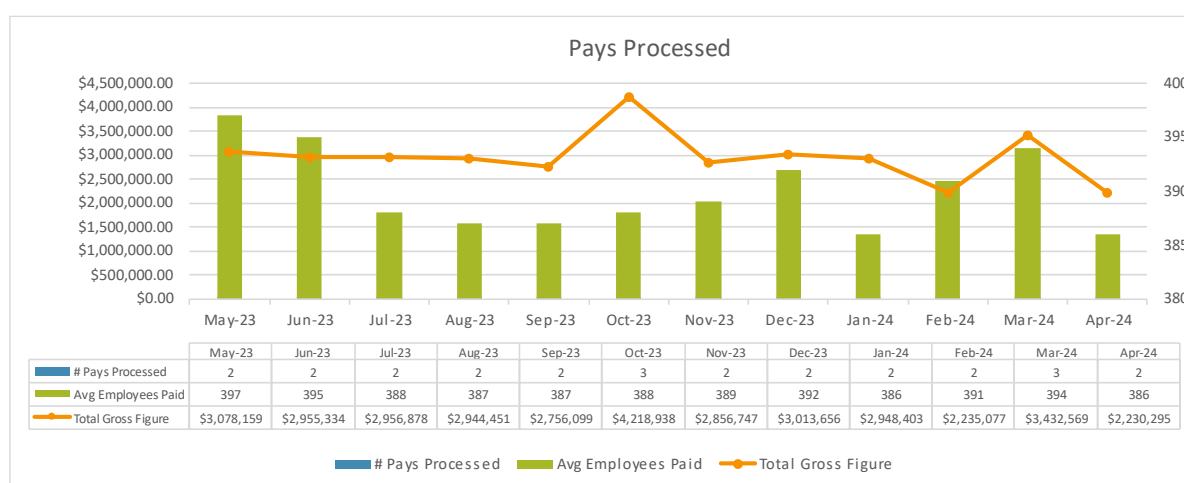
Council had 14 new employees join the business during the months February, March and April 2024 and 18 cessations during the same period incorporating resignations and retirements.

In comparison to previous years, Council's annualised staff turnover rate for the 2023-2024 financial period continues to trend downwards and is reported at 13.4% as at 30 April 2024. Excluding retirements, this rate reduces to 10.5%. During the reporting period, there were two (2) retirements and two (2) cessations due to end of fixed term engagement.



Payroll Services

During the period February to April 2024, payroll services were delivered to an average of 390 employees every fortnight over seven (7) pay cycles, totaling an average of \$2,632,647 each fortnight.

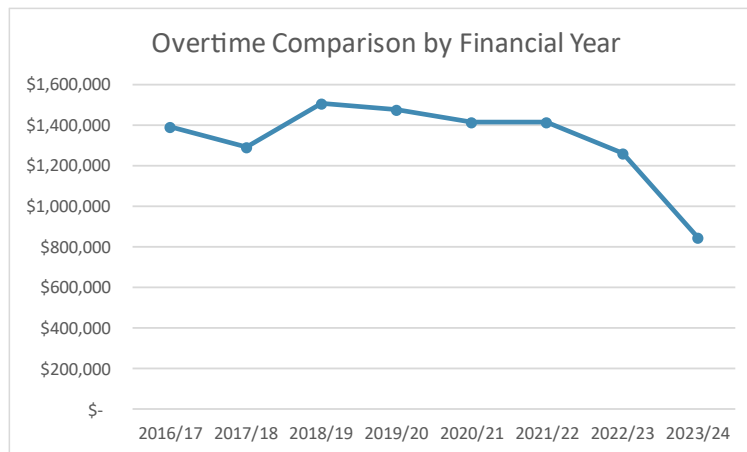


Overtime Report

Overtime expenditure for the 2023/24 financial year to date of \$847,339 continues to be the lowest in more than eight years. This equates to a 22% decrease for the same period in the previous financial year (\$1,057,471), which means Council has spent \$210,138 less in overtime.

42% of overtime expenditure for the month of April 2024 is attributed to General Overtime (comprises of time and half and double time) and 39% due to Other Overtime (includes working public holidays, weekend penalties and working in rain). During the month of April there were no situations where RDO's were worked.

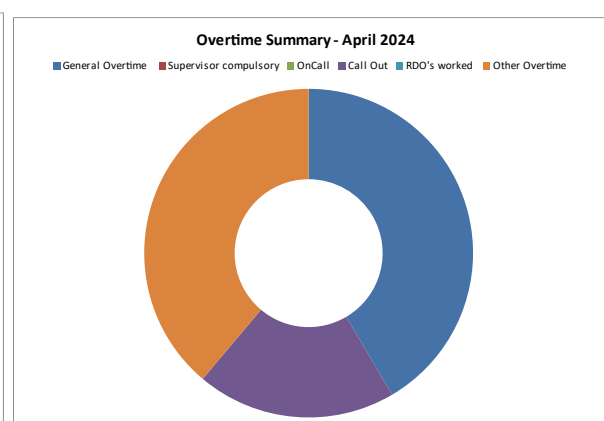
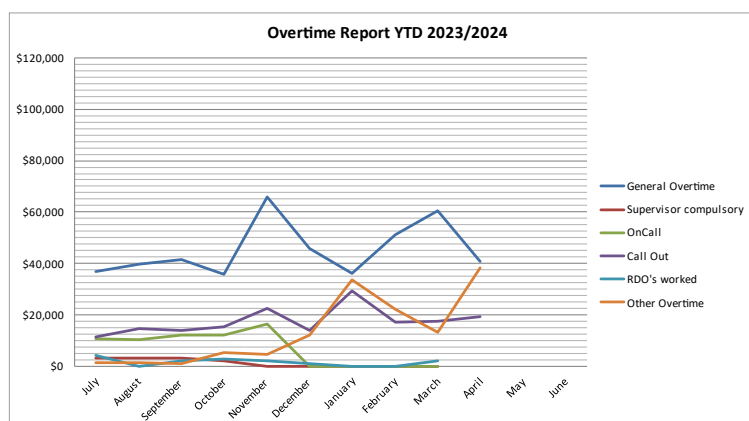
Efforts to monitor and reduce overtime expenditure continues to be evident by the reduction in RDO's worked, which for the 2023/24 financial year, attributes to only 1.7% of overtime expenditure for the financial year.



Overtime Comparison	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total
2016/17	117,246	155,594	96,758	108,392	118,868	102,638	77,491	94,596	145,242	149,123	112,172	120,923	\$1,399,044
2017/18	100,450	141,390	84,123	81,243	108,914	92,174	138,402	106,218	89,328	99,894	141,721	110,916	\$1,294,772
2018/19	102,515	149,169	110,891	121,189	121,431	141,374	156,102	131,158	113,346	124,924	110,240	127,165	\$1,509,503
2019/20	164,863	100,596	103,814	109,880	166,272	134,305	113,644	110,749	135,214	120,228	115,879	106,070	\$1,481,514
2020/21	140,825	86,460	102,096	86,803	99,095	138,457	112,194	131,062	133,797	116,516	109,599	162,718	\$1,419,622
2021/22	103,519	103,882	101,341	108,595	102,475	168,716	118,736	95,749	112,170	128,644	99,335	178,622	\$1,421,622
2022/23	95,525	138,615	110,430	91,796	166,763	90,500	86,837	80,393	93,690	102,928	122,320	84,902	\$1,264,699
2023/24	67,483	68,750	73,631	73,441	111,286	72,715	99,120	89,953	92,979	97,981			\$847,339

OVERTIME SUMMARY 2023/24

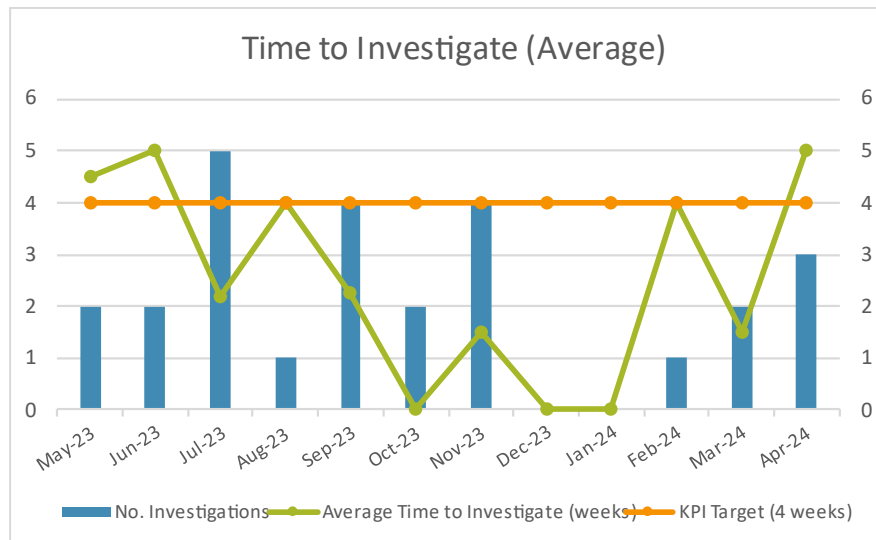
Overtime Breakdown	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total
General Overtime	36,921	39,711	41,372	35,730	66,029	45,650	36,141	51,022	60,636	40,676			\$ 453,888
Supervisor compulsory	2,935	2,951	3,248	2,148	-	-	-	-	-				\$ 11,282
OnCall	10,490	10,208	12,189	12,087	16,298	-	-	-	-				\$ 61,272
Call Out	11,455	14,455	13,693	15,284	22,485	13,925	29,238	16,989	17,333	19,227			\$ 174,083
RDO's worked	4,296	-	2,177	2,862	2,118	1,089	-	-	2,015				\$ 14,557
Other Overtime	1,386	1,425	952	5,330	4,356	12,051	33,741	21,942	12,995	38,078			\$ 132,256
TOTAL	\$ 67,483	\$ 68,750	\$ 73,631	\$ 73,441	\$ 111,286	\$ 72,715	\$ 99,120	\$ 89,953	\$ 92,979	\$ 97,981			\$ 847,339



Human Resource Investigations

Council has a responsibility to create and maintain a safe environment for their employees. Key to this is ensuring there is a timely process to address any issues that may arise in response to allegations of bullying, harassment or inappropriate conduct.

During February to April 2024, in total six (6) matters were reported to Human Resources (HR), which required investigation. On average, the time taken to investigate these matters was 3.5 weeks, achieving the internal KPI target of 4 weeks. All matters were subject of inappropriate conduct. Taking into account the nature of the allegations as well as the investigation findings, appropriate management action has been taken by Council.



Human Resources & Payroll

Key Achievements

- Work continues to progress around Project Merlin's Phase Two, which involves the uplift of our current HR System Aurion, to enhance several of Council's People and Culture functions including Payroll, Recruitment, Onboarding, Health and Safety, Learning and Development and Career Management.
- Significant milestone achieved with the online recruitment module went live in February 2024. As happens in many organisations nowadays, job candidates will no longer submit paper-based job applications saving considerable time and administrative effort in copying and distributing recruitment files.
- Supported changes in legislation and the positive duty on employers to eliminate sexual harassment, Council developed and introduced a stand alone Prevention of Sexual Harassment Directive. Sessions continued through the reporting period raising awareness and educating leaders, employees (and bystanders) of their responsibilities.
- Facilitated the Joint Consultative Committee (management, unions and staff) quarterly meeting in February 2024.

ORGANISATIONAL DEVELOPMENT

Learning & Development

Key Achievements

- **Training**
It has been a big quarter in the training space with over 600 staff undertaking various training activities, including:
 - Aboriginal Torres Strait Island Cultural Appreciation (virtual) x 95

- Disability Awareness Workshop x 76
- Sexual Harassment Prevention Awareness x 260

Training Attendance Feb 24 - Apr 24	Feb	Mar	Apr	Grand Total
Communities	151	53	47	251
Aboriginal Torres Strait Islander Cultural Appreciation	33	6	1	40
ACDC Chemical Accreditation Course	5			5
Authorised Persons and LGW online course	1	1		2
Chainsaw Level 1	6	6		12
Disability Awareness Workshop			46	46
First Aid - Initial/Refresher		1		1
Level 2 Operational Inspection of Playgrounds	1			1
Qld urban stormwater and erosion and sediment control CoP workshop	1			1
Sexual Harassment Prevention Training for Employee	93	23		116
Trim trees using a pole saw	6	6		12
Understanding coercive control workshops		2		2
Working Smart with Microsoft One Note	5	8		13
Infrastructure	88	33	44	165
Aboriginal Torres Strait Islander Cultural Appreciation	13		2	15
Apprentice Block Training - Plumbing			1	1
Authorised Persons and LGW online course		2		2
Construction White Card		1		1
CPR		3		3
Disability Awareness Workshop			18	18
Enter and Work in Confined Spaces		19		19
Excavator VOC			3	3
Front End Loader		6	2	8
Front End Loader VOC			4	4
Implement Traffic Management Plan (Initial)			7	7
Load and Unload Plant - RIIHAN308F			6	6
Qld urban stormwater and erosion and sediment control CoP workshop	1			1
Roller			1	1
Sexual Harassment Prevention Training for Employee	69			69
Work Safely at Heights	2			2
Working Smart with Microsoft One Note	3	2		5
Office of the CEO	79	37	23	139
Aboriginal Torres Strait Islander Cultural Appreciation	23	17		40
Disability Awareness Workshop			12	12
Forklift			1	1
Sexual Harassment Prevention Training for Employee	49	16	10	75
Working Smart with Microsoft One Note	7	4		11
Grand Total	318	123	114	555

- **Traineeship Update**

Four (4) trainees and apprentices successfully completed their training contracts during the period. Congratulations goes to Jay Ribinsky completing a Certificate III in Supply Chain Operations, Ely Hood completing a Certificate III in Water Industry Operations, Alex Simpson completing a Certificate III Business and Jared Owens completing a Certificate III in Plumbing. Ely, Alex and Jared have all been successful in obtaining permanent employment with Council.

Jay has secured employment outside of Council. Council has commenced recruitment to refill the Warehousing and Business trainee positions. The Apprentice Mechanical Fitter position has also recently been filled with the new incumbent due to commence on 7 May 2024. These three roles will be allocated the First Start Funding Council received for this financial year.

- **Leadership Development Program**

The current program is in the final stages with all participants either completed or nearing completion. A reflection session is scheduled to be held on 23 May with all participants and coaches from the cohort. Arrangements have been confirmed with Leading Roles to deliver a leadership program to external (outdoor) team leaders. This program involves 6 x 1 hour monthly webinars each focussing on a different leadership capability. The first session is scheduled for 9 May 2024. The identified staff will attend in person with the facilitator from Leading Roles attending virtually.

- **Co Leadership Forum**

The Co-Leadership Forum for this quarter was held on 6 March 2024. This forum was held virtually as the town hall was occupied by the Electoral Commission in the lead up to Council elections. 47 leaders attended the session discussing topics around Engagement Survey Action Planning, LSC Memorial Gardens update, Project Merlin update and 2024 Local Government Elections. It was introduced to the group that for future Co-Leadership meetings conducted this year each forum will have a short section allocated to discussing the LSC Values and Behaviours, a particular theme will be selected and group discussion will take place on what the value or behaviour means to you, what you do and an opportunity to share observed instances of this occurring in the workplace.

- **CEO TV**

CEO TV was held on Tuesday 26 March. Cale discussed with the group the ELT Action Plan as a result of the 2023 Employee Engagement Survey. The 3 key focus areas are 1) Survey Follow up - ELT sharing progress made towards actions and how this links back to the engagement survey. 2) Building Trust – open invitation for an ELT member to attend team meetings and toolboxes and have conversations with ELT members. 3) Being Visible – invitation for ELT member to undertake a ‘day in the life’ and be involved in any particular tasks for projects relevant to individual teams. Second topic of discussion was the recently held Council elections. It is likely due to the close voting numbers a recount will be requested and may be a little time before an official result is declared, potentially after Easter. This will potentially push the proposed onboarding schedule out a bit.

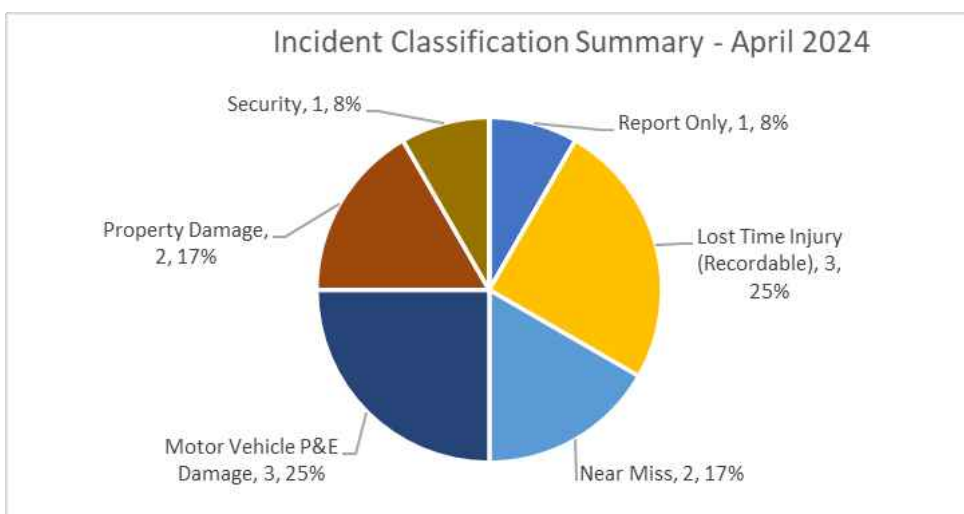
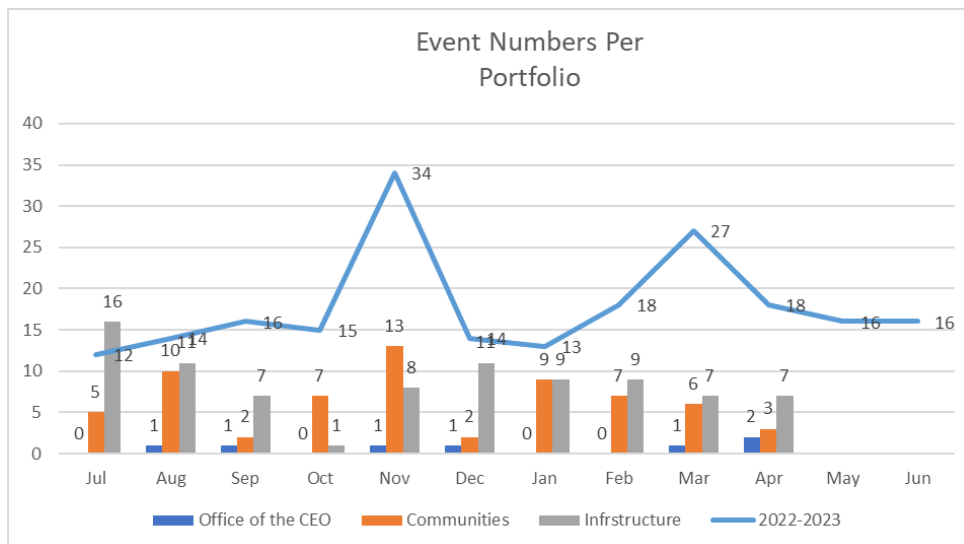
- **Operator Tickets**

16 outdoor staff received new or upgraded tickets to operate the roller, front end loader or excavator.

WORKPLACE HEALTH AND SAFETY

Incident Reporting

In total 42 events were reported for the period February to April 2024, of which 16 were reported in February, 14 incidents reported in March and 12 events in April. Of the events reported in April, 25% (3) resulted in damage to motor vehicles, plant & equipment, 17% (2) property damage, 17% (2) near miss, 8% (1) security and report only. There were five (5) lost time injuries for the reporting period.



Potential Monthly Event Costings – April 2024

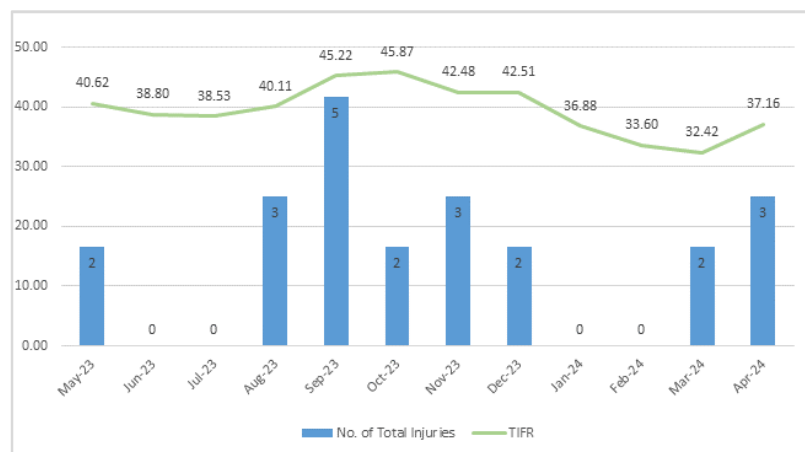
Potential Monthly Event Costing April 2024										
Cost Classification	Lost Time Injury	Medical Treatment	First Aid	Report Only	Motor Vehicle P&E	Near Miss	Property Damage	Fire & Flood	Security	Other
Minor (<\$500)	3	0	0	0	3	0	1	0	1	0
Significant (\$500 - \$2000)	0	0	0	0	0	1	1	0	0	0
Major (>\$2000)	0	0	0	0	0	0	0	0	0	0
Zero Cost	0	0	1	0	0	1	0	0	0	0
Total	3	0	1	1	3	2	2	0	1	0

Total Recordable Injury Frequency Rate (TRIFR)

The Total Recordable Injury Frequency Rate is one safety indicator Council uses to evaluate the effectiveness of Council's safety efforts to protect employees. It measures the number of fatalities, lost time injuries and other injuries requiring treatment by a medical professional. The lower the TRIFR is, the fewer work-related injuries and illnesses are experienced by employees.

There were two (2) recordable injuries during the period February to April 2024.

Council's, Total Recordable Injury Frequency Rate as at April 2024 is 37.16.



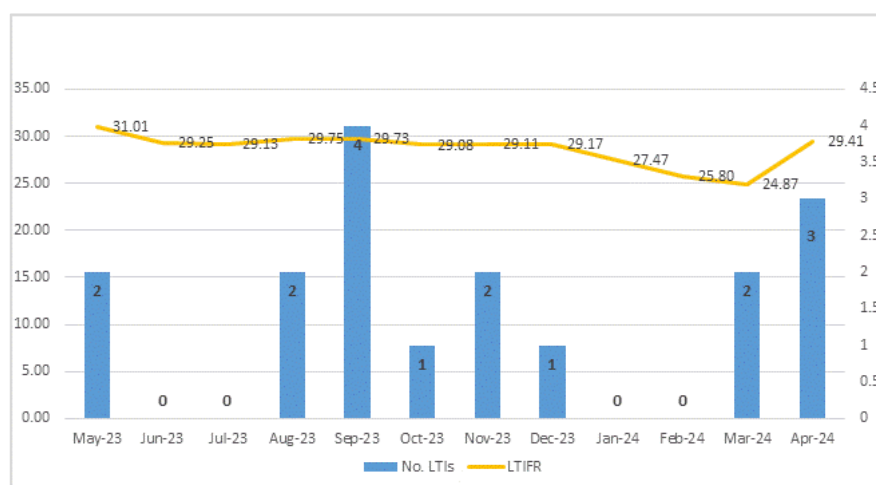
Lost Time Injury Frequency Rate (LTIFR)

The LTIFR measures the number of lost-time injuries during a defined period. It does not take into consideration the seriousness of the injury, but rather focuses on if due to the injury sustained involved time off work.

LTIFRs is a useful measure for assessing lost productivity, including inadequate injury prevention in workplaces.

Five (5) lost time injuries occurred in the workplace between February to April 2024. Continued efforts are being made to prevent and manage lost time injuries in the workplace.

The Lost Time Injury Frequency Rate (LTIFR) for the 2023/24 financial year is 29.41.



Rehabilitation Summary

Three (3) new work-related cases were submitted in April. Continue to support a number of work related and non-work related rehabilitation cases.

Total Work-Related Cases:

- 12 x Work related cases managed throughout April:
 - 4 employees Totally Incapacitated
 - 5 employees on Suitable Duties
 - 1 employee receiving Medical Treatment
 - 2 employees received clearance in and return to work.

Total Non-Work Related:

- 3 x Non-work related cases managed throughout April:
 - 1 employee Totally Incapacitated seeking return to work options.
 - 2 employees on suitable duties

Safety Team

Key Achievements

- Urban Operations completed their 10 week My Health for Life program. The program covered several health and wellbeing topics, such as healthy eating, reading food labels, drinking, smoking and exercise.
- Undertook numerous workplace inspections across various sites.
- Facilitated the Workplace Health and Safety Committee (management and WHS representatives) bi-monthly meeting.
- Review of Safety Work Method Statements (SWMS) and implementation of Job Hazard Analysis (JHA).
- Random Drug and Alcohol tests were performed during the reporting period.
- Work is continuing around reviewing and moving the Safety Management System to a new system aligned to ISO45001.

INFORMATION SERVICES

SAFETY

There have been no safety incidents again this quarter.

ABSENTEEISM

Information Services (Information Technology, Project Merlin, and Customer Service) Quarter 3 annualised attendance rate is 95.8% which is above the target of 95%.

INFORMATION TECHNOLOGY SERVICE REQUESTS CLOSEOUT

Internal IT customer satisfaction surveys are automatically issued to staff at the closure of every incident or service desk request. This data is then used to determine the service levels being provided and customer satisfaction which forms one of our internal service providers KPIs (key performance indicators) of over >95%.

The 2024 metrics below includes January to May.

Key Statistics		2020	2021	2022	2023	2024
	Number of Service Requests (Closed)	7,726	7,199	6,692	8,029	3,058
	Customer Satisfaction Rating (Overall)	96%	96%	97%	97%	97%

Customer Satisfaction Rating	Nov - Jan 22	Feb - May 22	Jun - Aug 22	Sept - Nov 22	Dec - Feb 23	Mar - May 23	Jun - Aug 23	Sep - Nov 23	Dec - Feb 24	Mar - May 24
Very Satisfied	132	185	169	130	140	157	125	142	143	274
Satisfied	1	11	10	10	7	6	15	6	16	2
Neutral	0	0	2	0	0	2	0	1	0	0
Dissatisfied	0	0	0	0	0	0	0	0	0	1

HIGHLIGHTS FROM THE SERVICE DESK

This quarter, our Helpdesk team have been primarily focused on handling routine business activities and addressing the reduction of older service requests. As part of this effort, the team have replaced the aging user computer assets in several key areas with the deployment process set to continue with more locations by the end of June 2024. The team also assisted in deploying the replacement photocopiers

available to the public at both Library locations in Emu Park and Yeppoon and provided user device assets to assist with onboarding the new Councilors.

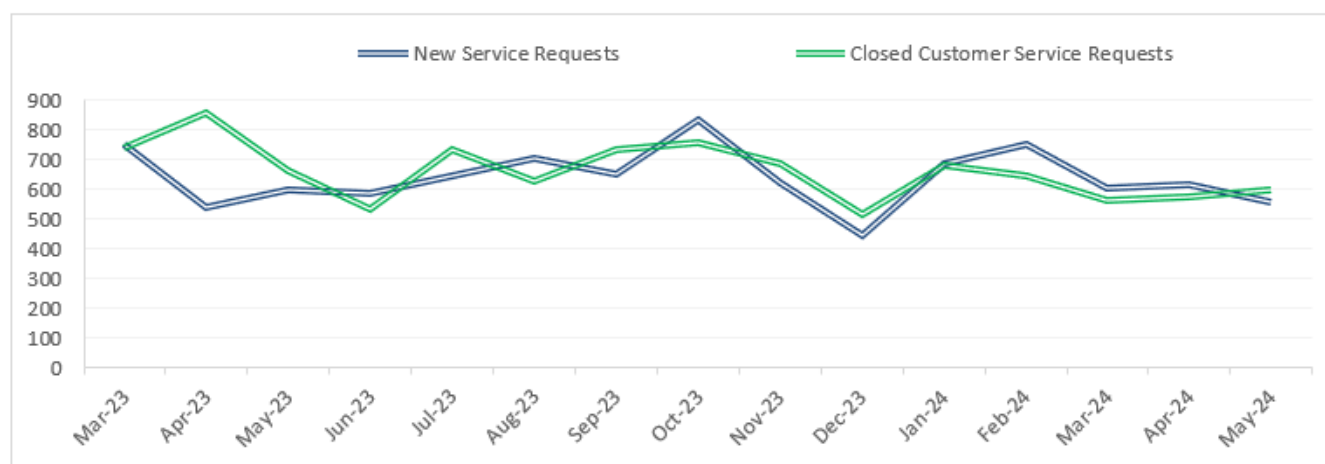
Service Request Summary

There was a total of 1,742 new service requests from internal customers for the quarter with an average of 30 new requests per business day. These Service Requests include 98 requests with a status of Open, 80 on Hold and 41 Overdue.

A Service Level Agreement target where tickets will be resolved within 10 business days is 97% this quarter.

This quarter observed a 97.65% service request resolution adherence to this SLA timeframe and 2.35% service requests that were over the due SLA date before completion.

	New Service Requests	Closed Customer Service Requests
MAR 23	751	741
APR 23	541	855
MAY 23	600	662
JUN 23	586	533
JUL 23	643	735
AUG 23	705	630
SEP 23	652	733
OCT 23	834	755
NOV 23	623	689
DEC 23	445	516
JAN 24	689	684
FEB 24	752	644
MAR 24	604	565
APR 24	616	577
MAY 24	555	600



HIGHLIGHTS FROM THE CORPORATE APPLICATIONS TEAM

The focus for this quarter has been assisting with reducing the backlog of service requests for internal customers and activities to improve the delivery of information services.

The team have deployed and provided support for the next generation software client to pilot test group across various Business Units internally in preparation for the new upgrade to the customer request management platform. This has also included a system software upgrade out of hours to enable better performance, provide important fixes and enhance the security when accessing online services.

The GIS team have been busy with data migration work, which included, transferring existing GIS data to a new model that provides a more robust and accurate data reference that is more closely aligned to industry geospatial standards used within Australia. This process also included updates to display layers

for disaster management, coconut de-nutting program, effluent, sewerage, water, roads, stormwater, and open space areas in the online Mapping portals.

This quarter has also included data migration and cleansing activities related to application integration for Project Merlin.

Planning for next quarter the Corporate Applications team will be busy with supporting Business Units across the organisation with End of Financial Year rollover activities and new software upgrade projects.

HIGHLIGHTS FROM THE INFRASTRUCTURE TEAM

The IT Infrastructure team also achieved a 100% uptime for this quarter, exceeding the SLA of > 99% system uptime during business hours. There were no unplanned outages during this quarter.

The Information Technology Infrastructure team worked on several projects this quarter, such as:

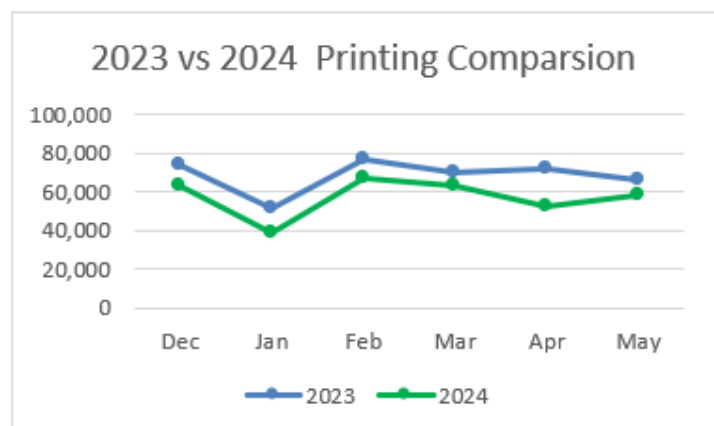
- Installation and replacement of edge network switch hardware at various locations as part of a capital project.
- Deployment and replacement of wireless network hardware across the organisation to enhance wireless network capabilities and increase overall security.
- Upgraded the security gateway appliances to implement the latest security fixes as per advice from the vendor.
- Replacement of legacy mail server asset to ensure vendor support with the latest security and performance updates applied.
- Installation and replacement of a server asset as part of a capital project which improves the resiliency of the disaster recovery system.
- Implemented network hardware redundancy across multiple sites to ensure resiliency for communication connections and digital services.
- Collaboration with business units and stakeholders to implement secure single sign-on across Software as a Service third-party vendor platforms.
- Progressed implementation of technical security controls to information system assets uplifts the cyber security posture and improves protection from threats.
- Upgraded network hardware firmware to maintain support for the latest security and performance as per advice from the vendors.
- Replacement of the organisational security certificates used to protect online services.
- Integrations with Single Sign-On services for multiple third-party vendor portals to increase security and identity management.
- Implementation of recommendations from the annual cyber security assessment to strengthen existing cyber security controls.

PRINTING

Comparing the previous reporting quarter from 12 months ago to the current reporting quarter shows that there has been an overall printing reduction of approximately 59,631 sheets of paper in printing.

This is the equivalent of 119 reams of paper saved.

Total Printing	Previous Quarter (2023)	Reporting Quarter (2024)
Dec	74,196	62,648
Jan	51,047	38,463
Feb	76,857	67,205
Mar	69,561	63,446
Apr	71,710	51,978
May	65,653	57,934
Total	343,371	283,740



The table below shows printing jobs that were sent to a photocopier, however, were not printed resulting in no environmental and no cost impact.

Unreleased Printing Savings				
	Trees saved (1 Tree = 8,333 sheets of paper)	CO2 saved (1 Sheet = 12.7g)	Energy saved (1 Sheet = 48Wh)	Paper saved (Paper sheet)
Dec 23	11.292%	12.0	748.3	941
Jan 24	16.980%	18.0	1252.2	1,415
Feb 24	12.636%	13.4	837.30	1,053
Mar 24	17.820%	18.9	1180.8	2,327
Apr 24	15.684%	16.6	1,039.3	1,741
May 24	11.95%	12.6	792.0	1,657

**Trees Saved**

By not printing these jobs, the number of trees saved.

**CO2 Saved**

By not printing these jobs, the amount of greenhouse gases not emitted due to reduced paper production.

**Equivalent Bulb Hours**

The manufacturing energy saved from not producing paper, represented as the energy consumed by a standard light bulb in hours.

INFORMATION TECHNOLOGY PROJECTS

Projects in the Delivery Phase

	Project Name	Benefit	Completion	Target	Status
Capital Project	Data Communication Site Link Expansion	Expansion of private data communication network links between sites allows for increased resiliency and performance of all Information Technology-based services across Council locations.	77%	Jun 24	The communication pathway build has been completed and is scheduled for early June for the data network commissioning.
Internal Project	Computer Device Replacement	Computing devices are scheduled to be replaced as per the Asset Management Plan in FY23-24. These upgrades are essential to maintain optimal performance and ensure that our technology user endpoint devices remain up to date.	95%	Jun 24	The majority of assets have now been replaced with the smaller remaining amount to be completed by mid-June 24.
Capital Project	Edge Network Switch Hardware Replacement	Planned replacement of critical network hardware across our building locations. These upgrades are essential to maintain the availability of organizational network-based services, including wireless networks, phones, internet access, and email. Moreover, these replacements will ensure that our systems receive the latest security updates, safeguarding our network infrastructure.	87%	Jun 24	The majority of assets have now been replaced with only a single site left to be completed due to data cabling works by mid-June 24.
Capital Project	Audio Visual Replacement Chambers	Replacement of AV technology assets within the Chambers to support live streaming and meeting activities.	79%	Jun 24	Assets are due to be installed in early June 24.

Capital Project	Backup Server Asset Replacement	Replacement of a server which is a repository for backup data and allows for recovery of information systems.	84%	Jun 24	Hardware has been installed and is on track for completion by mid-June 24.

Projects Completed

	Project Name	Benefit	Completion	Completed Date
Capital Project	Core Network Hardware replacement	Replacement of core network switching used within the primary data center which hosts information systems to provide resiliency of data communication connections between building locations.	100%	Jan 24
Internal Project	Automation for Before You Dig Australia Requests	Automating requests has reduced staff time for handling these BYDA requests, rapidly increased the turnaround response time for requests and has the additional benefit of improving this service through the automation of responses any time after business hours.	100%	Jan 24
Internal Project	Wi-Fi Network Hardware Replacement	Planned replacement as per Asset Management Planning for network hardware which enables Wi-Fi across building locations. This will ensure that network-based services remain accessible and benefit from the latest vendor support, including critical security updates.	100%	May 24
Capital Project	Printer Replacement and Management	Key locations are scheduled to be replaced as per the Asset Management Plan in FY23-24. Replacement of these assets will improve the reliability, performance, and environmental sustainability at these printing locations.	100%	Mar 24
Internal Project	Interactive Mapping for Cemetery Data	Expansion of GIS Mapping tools to provide interactive data overlays for existing and new cemeteries within the Shire. This will provide the community with a searchable digital interactive map at each of the Yeppoon, Emu Park and Memorial Gardens locations.	100%	Mar 24
Internal Project	Web Messenger Chat for Customer Service	Web Messenger will complement the existing communication methods for contacting Customer Service and will provide a new type of customer engagement that will improve the customer experience. This service is a new capability made possible by the recent migration of the Customer Contact Centre to a cloud-based platform.	100%	Apr 24

CYBER SECURITY

Firewall

A firewall is used in networking as a method to secure the network from external threats. Council use this service to prevent malicious and unwanted content from entering the internal systems environment. This service provides protection from unauthorised access for vulnerable systems and ensures that the integrity of systems is maintained within a secured safe zone inside of the primary production network.

Month	Threats Detected
DEC 23	10,018
JAN 24	12,132
FEB 24	5,840
MAR 24	5,959
APR 24	7,358
MAY 24	1,770

Mail Filtering

Mail filtering is a service which filters inbound email traffic, where messages are scanned before released to users and classifies messages into different categories. These include spam, malware, adult, bulk, virus, impostor, suspicious links and others.

Month	Threats Detected
DEC 23	35,510
JAN 24	8,147
FEB 24	2,664
MAR 24	46,138
APR 24	57,356
MAY 24	19,494

Cloud Applications

The organisation uses Microsoft Azure to provide trusted identification and security for cloud computing-based application services across many different areas of the organisation. Importantly, these Azure services secure organisational cloud-based data and Microsoft Office 365 applications from unauthorized and attempted access.

Month	Attempted Access
DEC 23	128,859
JAN 24	54,108
FEB 24	36,988
MAR 24	21,866
APR 24	31,355

Dark Web Monitoring

Dark web monitoring is a process of searching for stolen or leaked information, such as compromised passwords, credentials, intellectual property and other sensitive data being shared and sold among criminals operating on the dark web. Council uses a third-party product to routinely scan for leaked credentials on the Livingstone.qld.gov.au domain as part of its Cloud-based backup service.

Month	Threats Detected
DEC 23	1
JAN 24	1
FEB 24	2
MAR 24	2
APR 24	1
MAY 24	0

Cyber Security Incidents

A cyber security incident is an unwanted or unexpected cyber security event, or a series of such events, that has either compromised business operations or has a significant probability of compromising business operations.

Date	Incident	Risk Rating
DEC 23	0	N/A
JAN 24	0	N/A
FEB 24	0	N/A
MAR 24	0	N/A
APR 24	0	N/A
MAY 24	0	N/A

Breaches

A security breach is any incident that results in unauthorised access to computer data, applications, networks, or devices. This is the result of information being accessed without authorisation which may lead to the unintentional disclosure of sensitive data.

Date	Incident	Risk Rating
DEC 23	0	N/A
JAN 24	0	N/A
FEB 24	0	N/A
MAR 24	0	N/A
APR 24	0	N/A
MAY 24	0	N/A

LIVESTREAMING COUNCIL MEETINGS

Date	Viewership
NOV – JAN 22	6061
FEB – MAY 22	839
JUN – AUG 22	854
SEP – NOV 22	606
DEC – FEB 23	523
MAR – MAY 23	593
JUN – AUG 23	839
SEP – NOV 23	944
DEC – FEB 24	1166
MAR – MAY 24	1463

PUBLIC WI-FI

Information Services provide access to free public Wi-Fi at 7 locations in the Livingstone areas of Yeppoon, Emu Park, Byfield and Marlborough. The tables below detail the number of visitors that connected to public Wi-Fi at each of the locations and the average number of users (per day) at each location.

Location	Total Visitors			Daily Average		
	March	April	May	March	April	May
Keppel Kraken	127	107	128	4	4	4
Hub - Disaster Centre	346	336	302	11	11	10
Yeppoon Town Hall	162	202	158	5	7	5
Yeppoon Library	435	340	314	14	11	10
Emu Park Library	109	106	120	4	4	4
Marlborough Library	0	0	0	0	0	0
Byfield Library	24	45	25	1	2	1

Highlighted are the top three locations of public Wi-Fi per month.

The top locations of public Wi-Fi utilised during the months of March to May 2024 were:

- Yeppoon Library
- Hub – Disaster Centre
- Yeppoon Town Hall

The graph below displays the total number of visitors from March to May 2024 –



PROJECT MERLIN

Project Merlin's Project Control Group is undertaking some due diligence with new go-live dates proposed by our implementation partner. This due diligence will allow Council to confirm our partner is in a fit state to continue providing services and implementation effort.

System reporting identified as an issue in the previous report has received some dedicated attention and a suite of system critical reports are defined and ready for the vendor to implement. Receipt of these reports will alleviate one of the key blockers for the April 2024 go-live acceptance. We have been notified by the vendor that they intend to start testing the system's integrations from 10th June. While awaiting the outcomes of this effort the project team will continue to prioritise defect resolution.

The project team have been facilitating numerous sessions with both business and vendor teams regarding the Project Lifecycle components of the system. The intention is to develop a cohesive design for project management and accounting with support from our vendors.

The Phase Two Aurion system uplift for online Recruitment and Onboarding has been completed and is under active use. The next Phase Two implementation relates to Learning and Development and is scheduled to commence on 24th June.

CUSTOMER SUPPORT

Key Statistics

Customer Requests - Customer Support (Property Search, CS General Enquiry, Customer Compliment)				
Month	CR's Received	CR's Complete	Completion Percentage	Average Property Search CR Completion
JUL 23	261	256	98.08	1.01 days
AUG 23	253	244	96.44	1.53 days
SEPT 23	214	203	94.86	1.07 days
OCT 23	231	222	96.10	1.10 days
NOV 23	244	243	99.59	20.45 hours
DEC 23	174	164	94.25	3.34 hours
JAN 24	204	190	92.68	1.04 days
FEB 24	236	228	96.61	1.04 days
MAR 24	228	225	97.37	1.01 days
APR 24	235	225	95.74	16.22 hours
MAY 24	179	170	94.74	16.55 hours

Customer Support Counters		
Month	Yeppoon Town Hall	Emu Park Customer Support
MAR 23	1812	146
APR 23	987	97
MAY 23	1328	149
JUN 23	783	85
JUL 23	1392	80
AUG 23	2505	168
SEPT 23	1559	192
OCT 23	1293	195
NOV 23	1369	187
DEC 23	743	69
JAN 24	1207	145
FEB 24	1826	245
MAR 24	1633	237
APR 24	959	129
MAY 24	1202	206

Call Centre				
Month	Incoming Calls	Callbacks	Average Wait Time	Transferred Calls
DEC 22	2074	153	1m48s	173
JAN 23	2580	227	2m5s	259
FEB 23	3532	397	3m25s	270
MAR 23	3862	427	3m8s	293
APR 23	2589	377	3m24s	227
MAY 23	3104	351	3m 1s	320
JUN 23	2638	242	2m53s	290
JUL 23	2755	244	2m53s	269
AUG 23	4124	566	4m28s	303
SEPT 23	3226	552	5m23s	202
OCT 23	2953	312	3m20s	229
NOV 23	2570	149	2m17s	229
DEC 23	1722	97	2m04s	141
JAN 24	2661	212	3m04s	171
FEB 24	3209	426	4m28s	196
MAR 24	3193	316	3m32s	176
APR 24	2681	204	3m22s	163
MAY 24	2595	147	2m36s	176

Live Agent Messenger		
Month	Total Incoming Live Agent Messenger	Average Chat Duration
MAR 24	-	-
APR 24	-	-
MAY 24	52	7m33s

Other Functions			
	Emails received @ enquires	Property Searches	Online Services New Users
MAR 23	1102	211	104
APR 23	890	168	73
MAY 23	1422	239	105
JUN 23	1530	191	97
JUL 23	1583	250	105
AUG 23	1869	240	187
SEPT 23	1665	199	127
OCT 23	1770	219	129

NOV 23	1567	229	92
DEC 23	1184	164	46
JAN 24	1388	191	103
FEB 24	2008	220	134
MAR 24	1738	212	104
APR 24	1598	225	92
MAY 24	2379	157	87



Customer Support Quarter Highlights

- The Council's website introduced the new 'Live Agent Chat' feature for public use on Wednesday, May 1. This tool offers the community an additional method of interacting with our Customer Support Officers, maintaining the same service standards as our existing communication channels (phone, in person, email).

Customer Compliments

The community can give compliments by contacting Customer Support, providing feedback via email, or submitting ratings on Snap Send Solve.

	DEC 23	JAN 24	FEB 24	DEC 23	JAN 24	FEB 24	MAR 24	APR 24	MAY 24
Office of CEO	4	4	2	-	3	5	5	2	10
Infrastructure	4	5	7	7	-	7	5	2	1
Communities	3	3	3	2	-	1	3	6	6
General	-	-	1	-	-	-	2	-	1
TOTAL	11	12	13	9	3	13	15	10	18

A sample of the compliments received this quarter include -

- Customer grateful for the work that the pothole patching crew have done on a pothole she requested to be repaired. They advised that they did it in a prompt manner, and to a high standard! Customer said they are not praised enough, and she wanted to thank them for their work.

- Thank the Infrastructure Slashing Team for the work they are doing near Bakers Road, Etna Creek. Customer advised of how grateful they were that the request was handled promptly and advised they did such a great job.
- Customer who is new to Livingstone Shire presented Yeppoon Town Hall to submit forms. Customer said they had visited Town Hall twice and on both occasions the services by Customer Support Team were amazing, the team are extremely friendly, helpful and could not do enough for them. Customer stated, they had dealt with other Councils in the past and has been blown away by the excellent service.
- Thank you to the Local Laws Department for their prompt attention to a request regarding an overgrown allotment.
- Shout out to the team doing the mowing and general maintenance around the town. They are doing a tremendous job, and it is excellent to see, customer advised that the town is looking beautiful, as we have had a lot of rain to compete with.
- School Holiday Program - The Musical Wilderness program was amazing. It was the BEST thing council has put on! for children and adults. It was brilliant. A big thank you to the team that arranged this wonderful event!
- Customer wanted to pass on thanks and appreciation of how efficient the Customer Support Team are.

12.11 RESOURCING - ADDITIONAL FULL TIME POSITION - MAYORAL SUPPORT OFFICER

File No: GV
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Kristy Mansfield - Chief Human Resources Officer

SUMMARY

This report proposes resource requirements in addition to the adopted full-time equivalent (FTE) position

OFFICER'S RECOMMENDATION

THAT Council increases its full-time equivalent employment cap adopted on 16 April 2024 by one (1) position (from 365.85 to 366.85) to accommodate a dedicated resource to support the Mayor's communications and administration needs.

BACKGROUND

On 16 April 2024, Council resolved to approve the total number of permanent, full-time equivalent positions being 365.85 (FTE cap), excluding temporary positions.

COMMENTARY

This report proposes resource requirements in addition to the adopted full-time equivalent (FTE) position.

The proposed new position will support the Mayor through the provision of specialist advice, overseeing the Mayor's digital and social media platforms including providing the Mayor with public relations and other administrative support.

Given the specialist nature of this work and current workloads on existing Council staff the ability to create a dedicated resource would assist with achieving the level of support required.

PREVIOUS DECISIONS

On 12 March 2024, Council resolved to increase its full-time equivalent employment cap (previously adopted in March 2018) by three (3) trainee positions (from 361.85 to 364.85).

On 16 April 2024, Council resolved to increase its full-time equivalent employment cap (from 364.85 to 365.85) (FTE cap) to accommodate an additional permanent Ranger position.

ACCESS AND INCLUSION

There are no identified access and inclusion implications.

ENGAGEMENT AND CONSULTATION

Relevant departments and Mayor were consulted as to the level of executive support, social and public relations needs. It was concluded that the Mayor's needs will require additional resourcing over and above that currently available.

HUMAN RIGHTS IMPLICATIONS

There are no identified human rights implications.

BUDGET IMPLICATIONS

The salary for a Level 4 officer is shown in the Certified Agreement [Livingstone Shire Council Officers Certified Agreement 2021 \(CB/2021/16\) \(qirc.qld.gov.au\)](#) (pg. 41) and there will be an additional 40%+ in oncosts.

LEGISLATIVE CONTEXT

The employment of staff is normally the domain of the Chief Executive Officer (s. 196.3 of the *Local Government Act 2009*) however, Council's March 2018 resolution creates a full-time equivalent employment cap that cannot be over-ridden without resolution of Council.

LEGAL IMPLICATIONS

Council's Certified Agreement (2021) (clause 3.1.2) requires Council to report to union officials through the Joint Consultative Committee (JCC) on the status of business cases submitted for which the primary purpose is to increase the number of full-time equivalent positions to accommodate increased workload.

STAFFING IMPLICATIONS

The additional 1 FTE will allow Council to adequately manage social and public relations support along with additional administrative support for the Mayor.

RISK ASSESSMENT

The FTE cap is a budget control measure to constrain labour costs. An unintended consequence of the cap is the inability for the organisation to grow sustainably in line with population growth.

With staff attrition currently at 14%+ (50-60 positions a year), there would seem to be ample opportunity to manage any residual risks of uncontrolled organisation growth, but this is a matter for councillors to determine.

CORPORATE PLAN REFERENCE***Leading Livingstone***

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

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

CONCLUSION

Adopt the additional FTE position to enable Council to provide the appropriate level of dedicated support to the Mayor as required.

13 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

14 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

15 CLOSURE OF MEETING