



ORDINARY MEETING

AGENDA

20 MARCH 2018

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 20 March 2018 commencing at 9:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to read "Alan Lee", is positioned above the printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
15 March 2018

Next Meeting Date: 03.04.18

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

2 ATTENDANCE

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Deputy Mayor, Councillor Nigel Hutton
Councillor Adam Belot
Councillor Jan Kelly
Councillor Glenda Mather
Councillor Tom Wyatt

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mrs Andrea Ellis – Acting Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Ms Debra Howe – Director Strategic Growth and Development

3 LEAVE OF ABSENCE / APOLOGIES

Councillor Glenda Mather - Leave of Absence from 20 March 2018 to 20 March 2018.

3.1 LEAVE OF ABSENCE FOR COUNCILLOR ADAM BELOT - 7 APRIL TO 15 APRIL 2018 INCLUSIVE

File No: GV13.4.1

Attachments: Nil

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Adam Belot has requested leave of absence for 7 April to 15 April 2018 inclusive.

RECOMMENDATION

THAT leave of absence be granted to Councillor Adam Belot for 7 April to 15 April 2018 inclusive.

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of Ordinary Meeting held 20 February 2018.

Minutes of Special Meeting held 2 March 2018.

Minutes of the Ordinary Meeting held 6 March 2018.

7 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 HEAVY VEHICLE SAFETY PRODUCTIVITY PROGRAM FUNDING

File No: GS15.2.3

Attachments:

1. [Locality Plan](#)
2. [Road Layout](#)
3. [Existing Intersection Configuration](#)
4. [Proposed Intersection Treatment](#)

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

Applications have been invited for allocation of Federal funding under Round 6 of the Heavy Vehicle Safety and Productivity Program, with a submission closing date of 30 March 2018. Subject to Council endorsement, it is proposed to submit a section of Paddys Swamp Road for upgrade under this program as part of development of a B-double route to the primary production area of western Bungundarra.

OFFICER'S RECOMMENDATION

THAT Council endorse an application for funding under Round 6 of the Heavy Vehicle Safety and Productivity Program to upgrade a section of Paddys Swamp Road to B-double standard as part of a staged freight task strategy.

BACKGROUND

Council has received an invitation to apply for federal funding under the Heavy Vehicle Safety and Productivity Program (HVSP) Round 6 with applications closing 30 March 2018. The HVSP is 50-50 funding and the objectives of the program are to increase the productivity and safety of heavy vehicle operations, including through the provision of driver fatigue management rest areas and the enhancement of heavy vehicle networks. Funding applications for HVSP Round 6 close at midnight on 30 March 2018. The application guidelines stipulate that the last date for commencement of construction is 1 July 2019. The last date for completion of construction is 30 June 2021.

Bungundarra Road, Paddys Swamp Road and Ingrey Road are the 'farm-gate' end of a route which is used by many local produce farmers and graziers who rely on the transport of goods and livestock via heavy vehicles, plant and machinery. There is no alternative route to the state road network or to the major pineapple packing shed in Yeppoon. Upgrading the Bungundarra Road – Paddys Swamp Road – Ingrey Road route to make it suitable for initially heavy vehicles and ultimately B-Double use, and link with the state network, will improve safety and efficiency, reduce costs and allow for an improved farm to market time by reducing the need for costly packing and unpacking of goods from different vehicles. Businesses serviced by Bungundarra Road have previously requested that the road be open to B-Doubles to increase productivity and reduce costs. Daly Creek Bridge has been a major obstacle in achieving this, and funding has already been secured through the Bridges Renewal Program to construct a two lane culvert to accommodate use by B-Doubles. This structure upgrade has previously been advised by representatives of the pineapple industry as being the number one priority on the transport route. Further sections on the route have been identified for upgrade to initially safely cater for heavy vehicles, and ultimately for B-Double traffic. The intersection of Paddys Swamp Road and Ingrey Road has been highlighted as it currently offers poor driver legibility, does not meet minimum infrastructure standards for B-Double access, and is identified as the second priority by the pineapple industry.

The intersection of Paddys Swamp Road and Ingreys Road is an unsealed T-intersection controlled by a give way sign on the Ingreys Road approach. The unsealed gravel width on all legs of the intersection varies from 6 metres to 7 metres; however vehicle tracks have loosened gravel through the intersection and on the shoulders which has impacted the traffic lane widths reducing them to 4.5 metres through the intersection. The intersection of Paddys Swamp Road and Madges Road is also located close to this intersection, approximately 50 metres prior to reaching the intersection with Ingreys Road. The predominant flow of traffic through the intersection is from Paddys Swamp Road eastern leg through to Ingreys Road, and then also vehicles returning which travel from Ingreys Road and turn east onto Paddys Swamp Road. There is currently a 125 metre section of sealed road located at 94 Paddys Swamp Road which ends approximately 180 metres to the east of the intersection with Ingreys Road.

The proposed works are to reconstruct and formalise the intersection of Paddys Road and Ingreys Road by providing a sealed gravel pavement and extending the seal through to meet the existing sealed pavement on Paddys Swamp Road. Priority at the intersection will also be reviewed to maximise safety and efficiency, with all necessary signage and line marking to be provided. The works will result in increased safety at the intersection as the traffic lane width will be increased to allow two-way heavy vehicle traffic to pass each other, while also improving efficiency for allowing B-Double movements. The upgrades will reduce maintenance costs for Council by providing reconstructed pavement and bitumen seal which will increase durability of the road surface against potholing, scouring and rutting resulting from heavy vehicle movements.

As part of the intersection upgrade, two pipe culverts require extending in order to achieve minimum road width for B-Double access. The current lengths of the pipe culverts constrict the road width to approximately 5.7 metres in these locations. It is proposed to extend the culverts to accommodate the new pavement width required for B-Double access.

COMMENTARY

In excess of 10,000 tonnes of pineapples is grown and transported from western Bungundarra to markets annually. All of this produce as well as a significant tree-crop harvest is transported out of the district along Ingreys, Paddys Swamp and Bungundarra Roads. This route needs to be upgraded to accommodate existing heavy vehicle movements, and ultimately for B-Double use, to improve safety and efficiencies.

The route upgrade priorities identified in November 2017 by representatives from the pineapple industry are:

- 1 – Daly Creek bridge – funding secured for 2018/19 under the Bridges Renewal Program;
- 2 – Paddys Swamp-Ingreys Roads intersection;
- 3 – Ingreys Road construction to gravel B-double standard 0.05k to 2.0k;
- 4 – Ingreys Road construction to gravel B-double standard 2.0k to 4.0k.
- 5 – Paddys Swamp Road construction to sealed B-double standard 0.05k to 0.85k

Other required improvements to the route include realignment of horizontal curves at 0.5k (Priority 6) and 2.0k (Priority 7) to provide for a consistent 80km/h speed environment.

A full review of necessary upgrade of road furniture including signs and pavement markings will also be undertaken as part of the planning for the new B-double route.

PREVIOUS DECISIONS

Council has previously supported the upgrade of Daly Creek bridge as part of the overall route upgrade strategy.

BUDGET IMPLICATIONS

The total estimated cost of the intersection upgrade is \$520,000 of which Council will be responsible for \$260,000 and the Federal Government \$260,000.

The proposed funding arrangement subject to approval by the Federal Government is:

Financial Year	Total Cost	Council Contribution	Federal Government Contribution
18/19	\$20,000	-	\$20,000
19/20	\$500,000	\$260,000	\$240,000
20/21	-	-	-
Total	\$520,000	\$260,000	\$260,000

Therefore Council will need to commit to a \$260,000 allocation for this project as part of the 2019/20 budget deliberations.

There is currently not a project to reflect the current proposal in the Forward Works Program. A project currently in the Forward Works Program for 2019/20 that is suggested could be deferred 12 months to accommodate the current proposal is:

- Lake Mary Road Stage 3 (15k to 18k) \$350,000 (Stage 2 at 12-15k \$350,000 is also in 2019/20);

LEGISLATIVE CONTEXT

Council has authority under the Local Government Act to manage roads.

LEGAL IMPLICATIONS

If the funding submission is successful, Council will be bound by a project-specific agreement from the funding partner.

STAFFING IMPLICATIONS

The project can be managed with existing staff resources.

RISK ASSESSMENT

The existing intersection has a poor configuration and requires upgrade to cater for B-Double access ultimately.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: Strategy AM2: Identify infrastructure and asset requirements through community consultation and technical expertise.

CONCLUSION

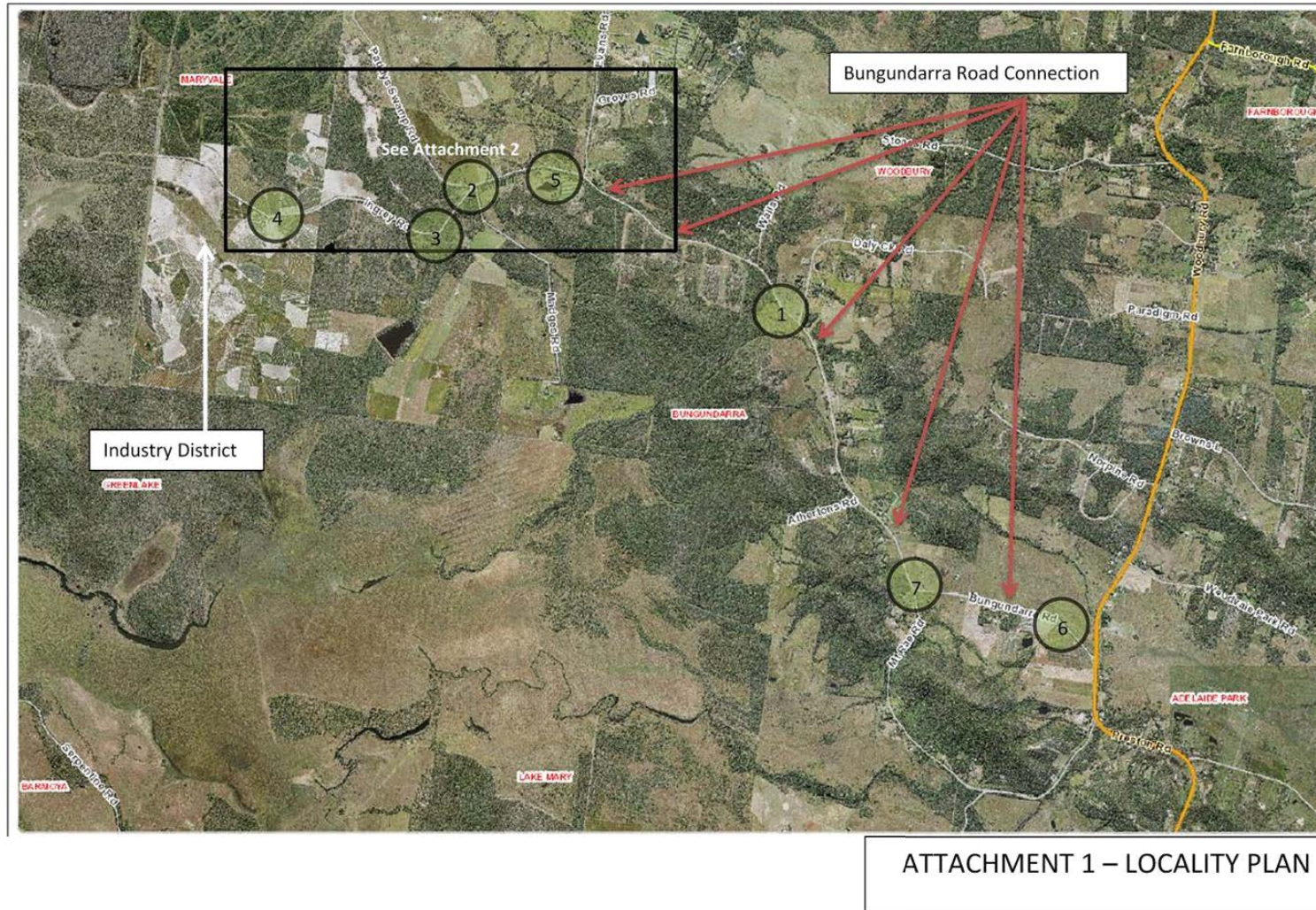
Council has been invited to submit a funding application under Round 6 of the Heavy Vehicle Safety and Productivity Program. The funding is 50-50 federal funding with the objective of increasing the productivity and safety of heavy vehicle operations and networks. The project proposed for the application is the upgrade of the Paddys Swamp Road and Ingrey Road intersection, which is located on the long term strategic connection between Bungundarra and Rossmoya. The aim of the works is to contribute to increasing safety around heavy vehicle operations along this route and improving productivity for primary producers in the area, with the long term goal of allowing B-Double access to Bungundarra from the state B-Double network on Woodbury Road. The total cost for the works is \$520,000 of which Council will need to contribute \$260,000.

12.1 - HEAVY VEHICLE SAFETY PRODUCTIVITY PROGRAM FUNDING

Locality Plan

Meeting Date: 20 March 2018

Attachment No: 1

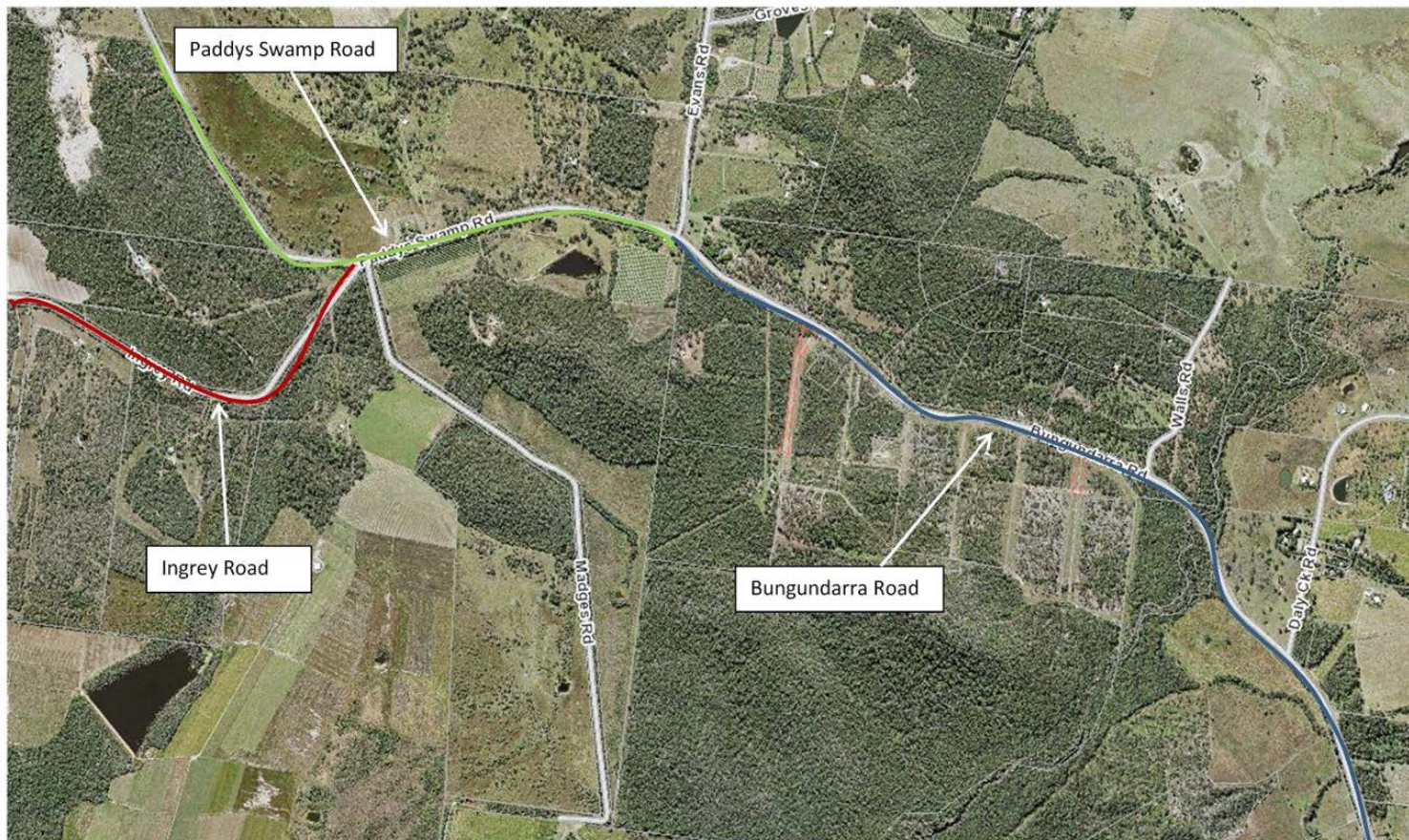


12.1 - HEAVY VEHICLE SAFETY PRODUCTIVITY PROGRAM FUNDING

Road Layout

Meeting Date: 20 March 2018

Attachment No: 2



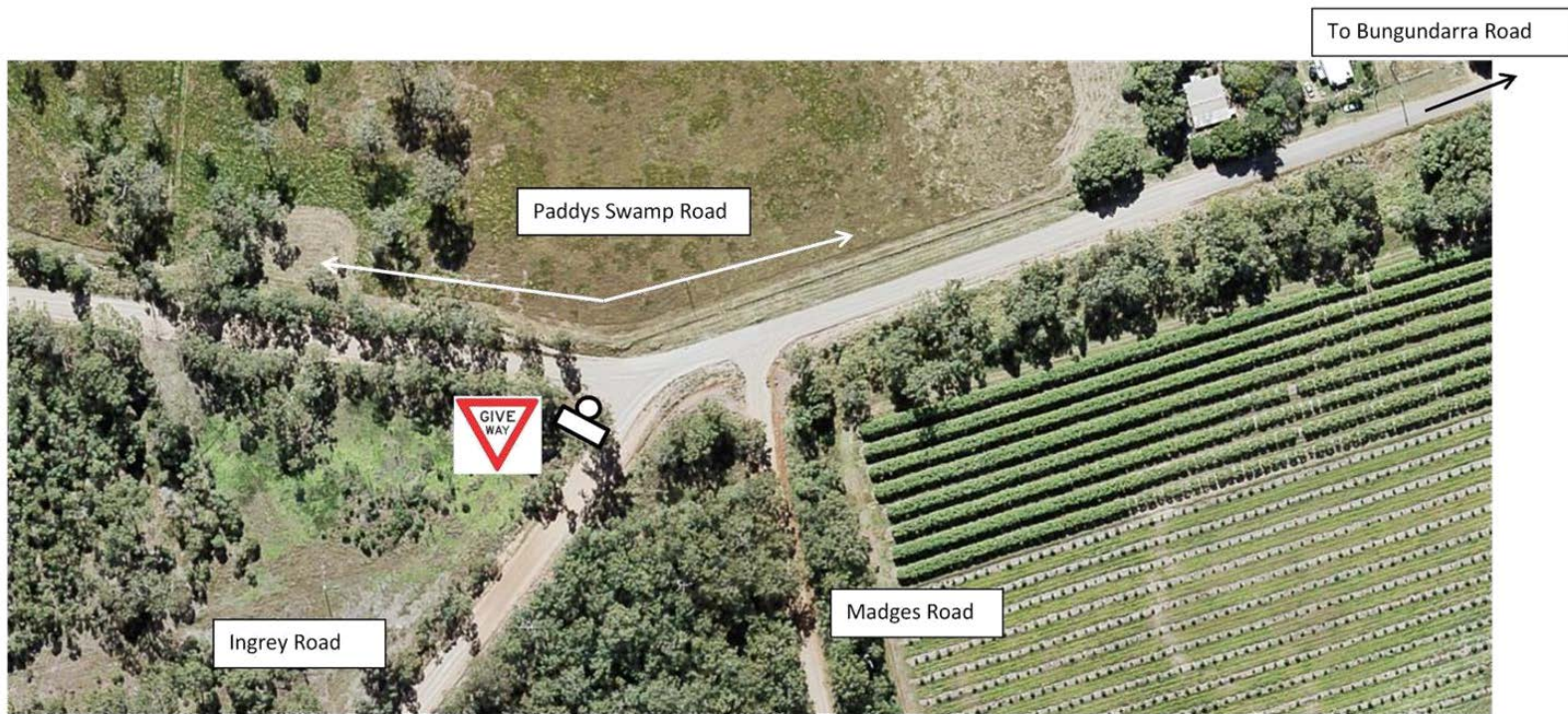
ATTACHMENT 2 – ROAD LAYOUT

12.1 - HEAVY VEHICLE SAFETY PRODUCTIVITY PROGRAM FUNDING

Existing Intersection Configuration

Meeting Date: 20 March 2018

Attachment No: 3



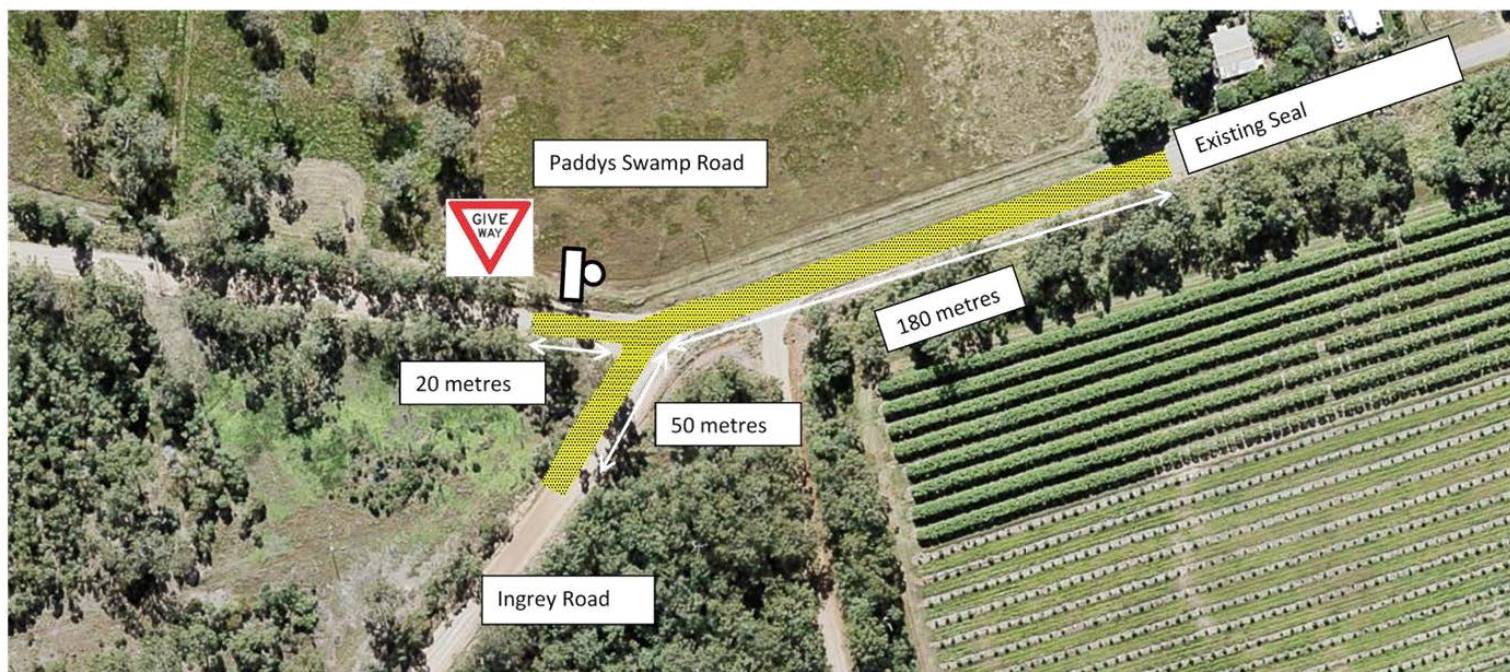
ATTACHMENT 3 – EXISTING INTERSECTION CONFIGURATION

12.1 - HEAVY VEHICLE SAFETY PRODUCTIVITY PROGRAM FUNDING

Proposed Intersection Treatment

Meeting Date: 20 March 2018

Attachment No: 4



ATTACHMENT 4 – PROPOSED INTERSECTION TREATMENT

12.2 2017/18 SECOND QUARTER BUDGET REVIEW

File No: 12.4
Attachments: 1. 2nd Quarter Budgeted Statements showing variances [↓](#)
Responsible Officer: Andrea Ellis - Acting Director Corporate Services
Author: Matthew McGoldrick - Interim Chief Financial Officer

SUMMARY

The original budget adopted by Council on the 27th June 2017 has been reviewed by Council officers responsible for their section of the budget. The budget review results and the revised capital program has been checked by Finance and reviewed by the Executive Leadership Team. The amended budget for 2017/18 has been input into the Long Term Financial Plan. Impacts on this and future financial years have been reviewed and some of the forecast settings been amended.

OFFICER'S RECOMMENDATION

THAT Council adopts the 2017/18 Second Quarter Budget Review and the Long Term Financial Plan as presented.

BACKGROUND

Council are required to review the original budget during the year in order to incorporate changes in operations and capital projects. Some changes that need to be reflected in the budget are positive in nature in that revenue estimates have increased and expenditure estimates have decreased. Some recurrent expenditure estimates have increased and there have been significant changes to the estimates of capital projects from the original budget.

Given that in some instances the budgeted expenditure for some capital projects is significantly above that approved by Council in the original budget, it would be good governance and prudent of Council to authorize the revised operational and capital expenditure budget.

COMMENTARY

Attached are the budget review reports which set out the following:

- Revised Current Year Budget Statement including a revised Long Term Financial Plan;
- A report showing the differences between the original budget and the 2nd quarter budget review;
- A list of the capital projects being undertaken by Council and the changes required to the budgets for the projects in the current budget; and
- A list of the capital projects incorporating the funding applied to each of the project and what the likely movement in cash will be as at the 30th June 2018.

Budget Highlights

This budget review has reduced the land sales revenue to an amount that reflects those sales at Gateway that will occur prior to the 30th June 2018. Land sales for Homemaker have been moved to the 2018/19 year as this is the timeframe reflected in the contract of sale.

The cash position of Council will deteriorate further than expected due to increases in the costs required to complete capital projects. This has meant that the Council portion of funds required to complete the projects has increased. This situation will be repaired by land sales revenue being received in early 2018/19 and the possibility of additional NDRRA subsidy for the costs incurred at Statue Bay.

The original construction estimates have been increased for Statue Bay, Homemaker and the Emu Park Sports Park, while the construction likely to take place for the Yeppoon Waste Water Treatment Plant has been dramatically reduced as the project planning has caused a delay in commencement.

Q2 Impacts

The Q2 budget is set to improve the operational deficit of Council and deliver a slightly lower capital program. It does not appear to be possible to delay or defer projects in this year's budget due to the current progress of the most contracted projects being almost complete, funding agreement commitments, or the progress of Council's workforce in completing projects allocated to the Council workforce.

It may be possible to deliver a better operational result but that will mean a reduction in service levels to the community.

PREVIOUS DECISIONS

Adoption of the budget on the 27th June 2017.

BUDGET IMPLICATIONS

The revenue estimates and capital items within the budget require significant change. These changes have an impact on the operating result and the projected cash position at the 30th June 2018.

LEGISLATIVE CONTEXT

LGA Section 104 (2), 110 and LG Regulation Sections 169 and 170.

LEGAL IMPLICATIONS

The amended budget complies with LG Regulation Section 169.

STAFFING IMPLICATIONS

The budget presented makes allowance for the all staff within the organisational structure as at 31st December 2017.

RISK ASSESSMENT

From a governance perspective it would be prudent for Council to amend the budget and through that process given direction to all staff responsible for the budget.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: **Strategy GO3: Pursue financial sustainability through effective use of the Council's resources and assets and prudent management of risk.**

CONCLUSION

Documents attached are the Long Term Financial Plan and a summary of the budget adjustments.

12.2 - 2017/18 SECOND QUARTER BUDGET REVIEW

2nd Quarter Budgeted Statements showing variances

Meeting Date: 20 March 2018

Attachment No: 1

LIVINGSTONE SHIRE COUNCIL Budget review for the year ended 30 June 2018 Statement of Income & Expenses								
	Original Budget 2017/18 \$'000	Recommended changes for Council Resolution \$'000	Projected year end result (18Q2) 2017/18 \$'000	Variance from Original Budget			Projected year end result (18Q2) 2018/19 \$'000	Projected year end result (18Q2) 2019/20 \$'000
				\$'000	%	Note		
Operating Revenue								
Net rates and utility charges	68,902	(547)	68,355	(547)	-0.8%		72,052	74,939
Fees and charges	4,196	20	4,216	20	0.5%		4,375	4,543
Rental income	220	56	276	56	25.6%	(a)	430	444
Interest revenue	1,010	381	1,390	381	37.7%	(b)	1,390	1,205
Recoverable and private works	3,360	72	3,432	72	2.1%		1,432	1,489
Proceeds on the disposal of land	2,937	(2,118)	819	(2,118)	-72.1%	(c)	765	65
Operational grants and subsidies	4,798	1,488	6,286	1,488	31.0%	(d)	5,012	5,137
Other revenues	431	(3)	428	(3)	-0.8%		438	449
Total Operating Revenue	85,854	(652)	85,202	(652)	-0.8%		85,894	88,272
Operating Expenses								
Employee benefits	33,807	(1,112)	32,695	(1,112)	-3.3%	(e)	31,949	32,015
Materials and services	26,472	505	26,977	505	1.9%		28,290	28,804
Finance costs	4,243	(116)	4,127	(116)	-2.7%	(f)	4,618	4,374
Depreciation and amortisation	23,453	114	23,567	114	0.5%		25,644	26,355
Other expenses	1,481	17	1,498	17	1.1%		1,528	1,562
Total Operating Expenditure	89,456	(592)	88,864	(592)	-0.7%		92,029	93,110
Operating Surplus/(Deficit)	(3,602)	(60)	(3,661)	(60)	1.7%		(6,135)	(4,838)
Underlying Operating Surplus/(Deficit)	(6,539)	2,059	(4,480)	2,059	-31.5%		(6,899)	(4,904)
Notes								
(a)	Adjustment to reflect lease payments received for Beachside and Bell Park Caravan Parks.							
(b)	Higher opening cash balance than previously budgeted for.							
(c)	Settlement deferred for Lots 1,2,&3 of Homemaker Centre until 18/19.							
(d)	NDRRA Operational Grants received in 17/18 for prior year events.							
(e)	Adjustment to split of employee wages and on-costs between capital and operating expenditure							
(f)	Adjustment to reflect actual book rate of 16/17 borrowings. The borrowing book rates range from 3.123% to 5.554%.							

LIVINGSTONE SHIRE COUNCIL Budget review for the year ended 30 June 2018 Statement of Financial Position								
	Original Budget 2017/18 \$'000	Recommended changes for Council Resolution \$'000	Projected year end result (18Q2) 2017/18 \$'000	Variance from Original Budget			Projected year end result (18Q2) 2018/19 \$'000	Projected year end result (18Q2) 2019/20 \$'000
				\$'000	%	Note		
Assets								
Current Assets								
Cash and Cash equivalents	15,337	19,108	34,445	19,108	124.6%	(a)	17,346	10,849
Trade and other receivables	7,405	98	7,503	98	1.3%		7,571	7,844
Inventories	4,231	4,798	9,029	4,798	113.4%	(b)	3,930	5,930
Other current assets	2,281	(907)	1,374	(907)	-39.8%	(c)	1,374	1,374
Total Current Assets	29,254	23,097	52,352	23,097	79.0%		30,221	25,997
Non-current assets								
Land held for development or sale	3,614	3,085	6,699	3,085	85.4%	(b)	4,302	3,478
Property, plant & equipment	991,972	(8,535)	983,437	(8,535)	-0.9%	(d)	1,008,126	1,024,329
Other non-current assets	575	111	686	111	19.3%	(a)	270	81
Total non-current assets	996,161	(5,339)	990,821	(5,339)	-0.5%		1,012,698	1,027,888
TOTAL ASSETS	1,025,415	17,758	1,043,173	17,758	1.7%		1,042,919	1,053,885
Liabilities								
Current liabilities								
Trade and other payables	8,461	26	8,487	26	0.3%		8,799	8,907
Borrowings	5,026	91	5,117	91	1.8%	(e)	5,362	5,648
Provisions	3,297	330	3,627	330	10.0%	(a)	3,289	2,983
Other current liabilities	276	69	345	69	25.0%	(a)	362	379
Total current liabilities	17,059	517	17,576	517	3.0%		17,812	17,917
Non-current liabilities								
Trade and other payables	460	61	521	61	13.3%	(a)	521	521
Borrowings	90,418	(267)	90,151	(267)	-0.3%		84,789	79,141
Provisions	11,651	(162)	11,489	(162)	-1.4%	(a)	12,110	12,712
Total non-current liabilities	102,529	(368)	102,161	(368)	-0.4%		97,420	92,374
TOTAL LIABILITIES	119,589	148	119,737	148	0.1%		115,232	110,291
NET COMMUNITY ASSETS	905,826	17,610	923,436	17,610	1.9%		927,687	943,594
Community Equity								
Asset Revaluation surplus	34,677	6,313	40,990	6,313	18.2%		46,556	63,850
Retained Surplus	871,149	11,296	882,446	11,296	1.3%		881,131	879,745
TOTAL COMMUNITY EQUITY	905,826	17,610	923,436	17,610	1.9%		927,687	943,594
Notes								
(a)	Adjustment based on closing balances for 30 June 2017.							
(b)	Adjusted for revised settlement dates for Homemaker Centre.							
(c)	Adjusted for capital budget carryovers (\$2.1m).							
(d)	Adjusted for Deferral of Projects to 18/19.							
(e)	Adjustment to reflect actual book rate of 16/17 borrowings. The borrowing book rates range from 3.123% to 5.554%.							

LIVINGSTONE SHIRE COUNCIL
Budget review for the year ended 30 June 2018
 Budget Cash-Flow Statement

	Original Budget 2017/18 \$'000	Recommended changes for Council Resolution \$'000	Projected year end result 2017/18 \$'000	Variance from Original Budget		Note	Projected year end result (18Q2) 2018/19 \$'000	Projected year end result (18Q2) 2019/20 \$'000
				\$'000	%			
Cash Flows from Operating Activities								
Receipts from customers	76,922	1,828	78,750	1,828	2.4%	(a)	78,503	81,557
Payments to suppliers and employees	(61,570)	(4,485)	(66,055)	(4,485)	7.3%	(b)	(61,443)	(62,254)
Payments for land held as inventory	(2,200)	(4,722)	(6,922)	(4,722)	214.6%	(c)	-	(2,000)
Proceeds from sale of land held as inventory	7,656	(4,828)	2,828	(4,828)	-63.1%	(d)	8,261	890
Interest received	1,010	381	1,390	381	37.7%	(e)	1,390	1,205
Borrowing costs	(4,078)	116	(3,962)	116	-2.8%	(f)	(4,448)	(4,199)
Non-capital grants and contributions	4,789	1,668	6,457	1,668	34.8%	(g)	5,127	5,127
Cash inflow from Operating Activities	22,528	(10,042)	12,486	(10,042)	-44.6%		27,389	20,326
Cash flows from Investing Activities								
Payments for property, plant and equipment	(95,128)	7,085	(88,043)	7,085	-7.4%	(h)	(44,451)	(25,176)
Grants and contributions received	44,702	5,182	49,884	5,182	11.6%		4,763	3,398
Proceeds from the sale of assets	316	-	316	-	0.0%		317	317
Cash (outflow) from Investing Activities	(50,110)	12,267	(37,843)	12,267	-24.5%		(39,371)	(21,461)
Cash flows from Financing Activities								
Proceeds from borrowings	20,000	-	20,000	-	0.0%		-	-
Repayment of borrowings	(4,098)	(92)	(4,190)	(92)	2.2%		(5,117)	(5,362)
Cash inflow/(outflow) from Financing Activities	15,902	(92)	15,810	(92)	-0.6%		(5,117)	(5,362)
Net increase/(decrease) in Cash Held	(11,680)	2,133	(9,547)	2,133	-18.3%		(17,099)	(6,497)
Cash at the beginning of the financial year	27,017	16,975	43,992	16,975	62.8%		34,445	17,346
Cash at the end of the financial year	15,337	19,108	34,445	19,108	124.6%		17,346	10,849

Notes

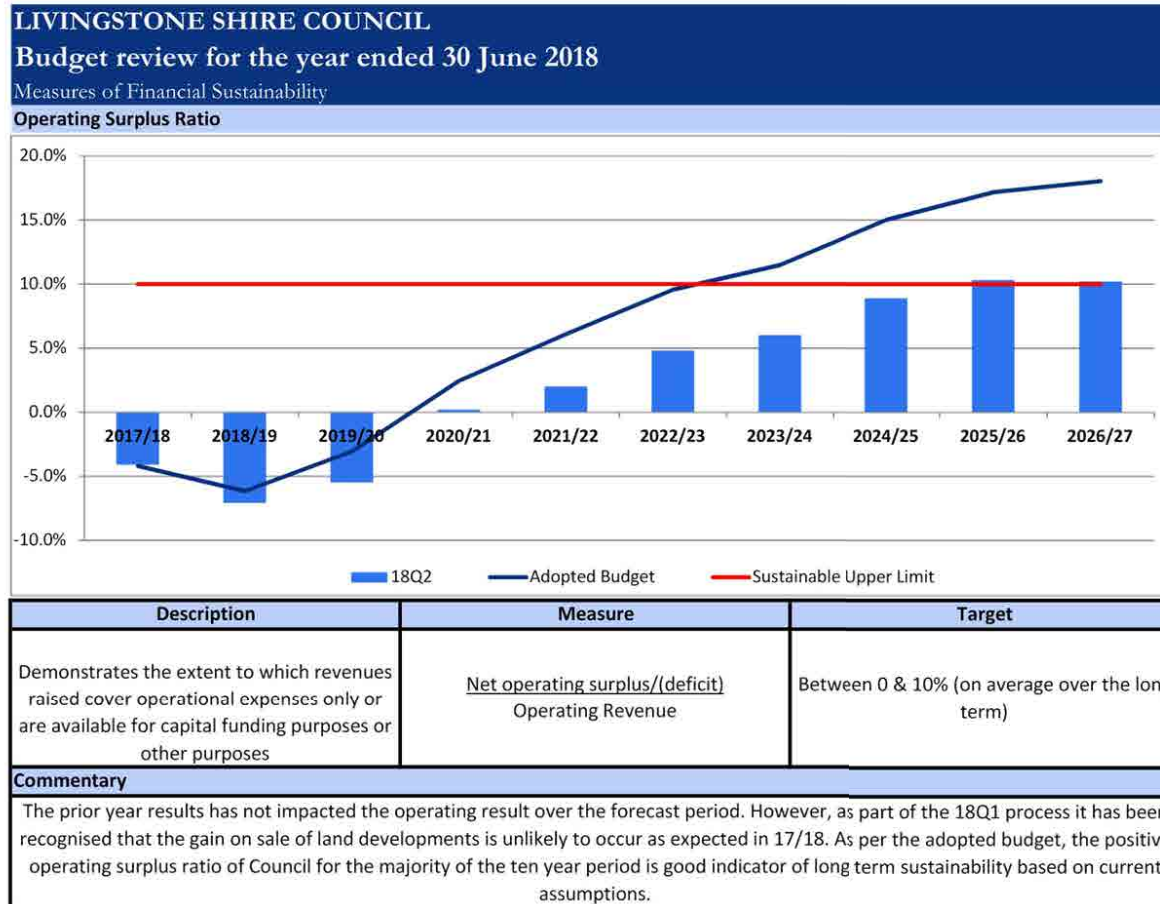
- (a) Increase in the value of cash received that relates to the previous financial year.
- (b) Increase in the value of cash payments that that was accrued to the previous financial year.
- (c) Increase in capital expenditure budget as a result of carryover capital budgets.
- (d) Settlement deferred for Lots 1,2,&3 of Homemaker Centre until 18/19.
- (e) Higher opening cash balance than previously budgeted for.
- (f) Adjustment to reflect actual book rate of 16/17 borrowings. The borrowing book rates range from 3.123% to 5.554%.
- (g) NDRRA Operational Grants received in 17/18 for prior year events.
- (h) Increase in capital grants and subsidies due to deferred delivery of funded capital projects.

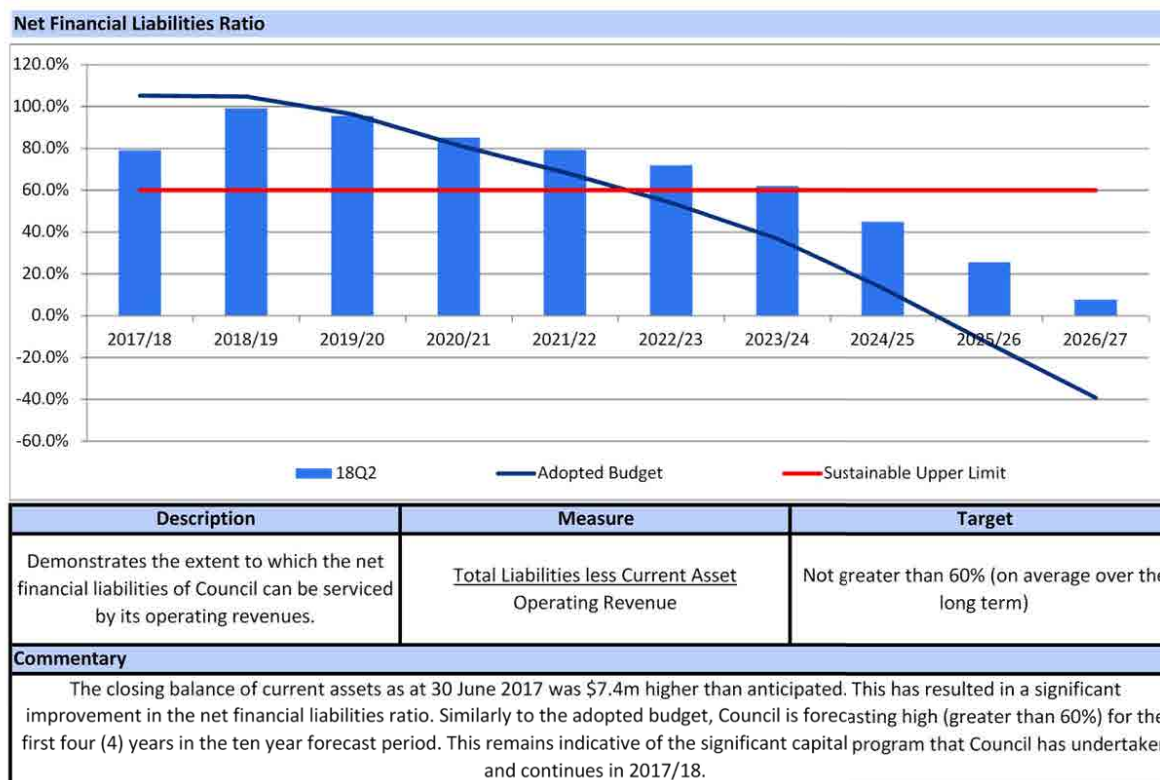
LIVINGSTONE SHIRE COUNCIL
Budget review for the year ended 30 June 2018
 Capital Budget Review Statement

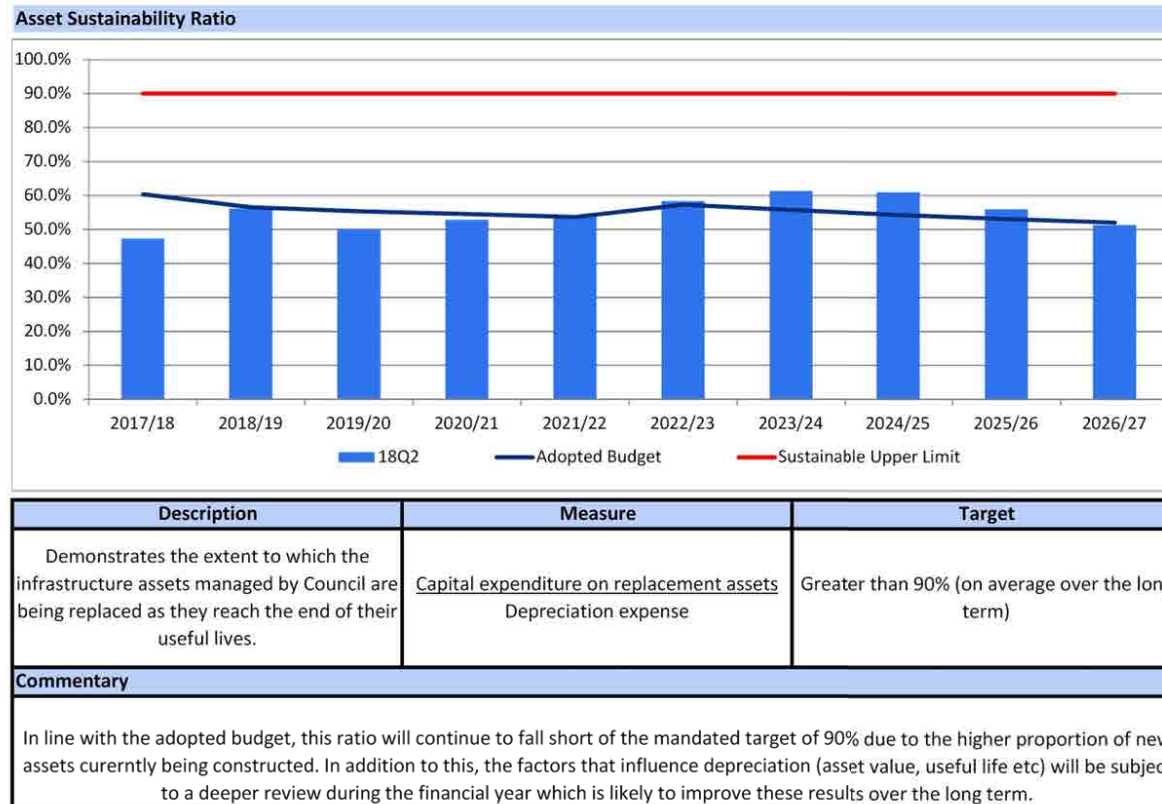
	Original Budget 2017/18 \$'000	Recommended changes for Council Resolution \$'000	Projected year end result (18Q1) 2017/18 \$'000	Variance from Original Budget \$'000	%	Note	Projected year end result (18Q2) 2018/19 \$'000	Projected year end result (18Q2) 2019/20 \$'000
Capital expenditure - by class								
Land	150	(100)	50	(100)	-66.5%		150	150
Buildings	5,290	1,324	6,613	1,324	25.0%	(a)	1,234	255
Plant and equipment	2,276	563	2,839	563	24.7%		3,407	2,540
Roads and drainage	26,650	6,409	33,058	6,409	24.0%	(b)	14,640	15,506
Bridges	-	54	54	54	0.0%		200	-
Water	3,735	43	3,778	43	1.1%		4,802	1,330
Sewerage	16,260	(11,492)	4,768	(11,492)	-70.7%	(c)	18,135	4,206
Site Improvements	40,767	(4,062)	36,705	(4,062)	-10.0%	(d)	1,884	1,189
Land Development	2,300	4,622	6,922	4,622	201.0%		-	2,000
Intangibles	-	177	177	177	0.0%		-	-
Total Capital Expenditure by class	97,428 -	2,463	94,965 -	2,463	-2.5%		44,451	27,176
Capital expenditure - by type								
Capital expenditure on new assets	83,272	735	84,007	735	0.9%		30,285	14,101
Capital expenditure on replacement/renewal assets	14,156	(3,198)	10,958	(3,198)	-22.6%		14,166	13,075
Total Capital Expenditure - by type	97,428 -	2,463	94,965 -	2,463	-2.5%		44,451	27,176
Capital Funding Sources								
General Revenue used for capital purposes	21,470	(695)	20,775	(695)	-3.2%		22,615	14,184
Capital grants and subsidies	40,202	6,830	47,032	6,830	17.0%		1,264	648
Infrastructure Charges	4,500	(1,648)	2,852	(1,648)	-36.6%		2,500	2,750
Loans raised	20,000	(10,000)	10,000	(10,000)	-50.0%	(e)	10,000	-
Disposal proceeds from asset sales	200	450	650	450	225.0%		200	200
Externally restricted reserves	4,802	(302)	4,500	(302)	-6.3%		5,189	5,350
Internally restricted reserves	6,255	2,901	9,156	2,901	46.4%		2,683	4,044
Total Capital Funding Sources	97,428 -	2,463	94,965 -	2,463	-2.5%		44,451	27,176

Notes

- (a) Mostly due to capital budget carryovers from 2016-17 of \$964K.
 (b) Mostly due to Scenic Highway at Statue Bay \$2.94M.
 (c) Mostly due to Yeppoon Sewerage Treatment Plant Augmentation \$11.2M.
 (d) Changes to a number of capital projects including Emu Park Multi-Sport Complex and Emu Park Foreshore.
 (e) Whilst \$20M in loans is anticipated to be drawn down in 17/18, due to deferral of Yeppoon Sewerage Treatment Plant Augmentation to 18/19, only \$10M needs to be used as capital funding in 17/18.







12.3 AMENDMENT TO SUBORDINATE LOCAL LAW NO 5 (PARKING) 2011**File No:** LE19.5.1**Attachments:**

1. Council Resolution of 5 December 2017 [↓](#)
2. Proposed amendments Subordinate Local Law No.5 (Parking) 2011 [↓](#)
3. Local Law Making Process Resolution [↓](#)

Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Director Community & Planning Services**Author:** Craig Newsome - Coordinator Public Environments

SUMMARY

This report recommends proposed amendments to Subordinate Local Law No 5 (Parking) 2011, relating to regulated car parking within the Yeppoon foreshore and Town Centre precincts.

OFFICER'S RECOMMENDATION

THAT Council:

- 1) review draft amendments to *Subordinate Local Law No 5 (Parking) 2011*; and
- 2) resolve to propose to make *Parking (Amendment) Subordinate Local Law (No. 5) 2018*.

BACKGROUND

At its ordinary meeting of 5 December 2017 Council discussed a report regarding proposed changes to regulated car parking within the Yeppoon Foreshore and Town Centre. Council resolved to declare a new traffic area having a default parking time limit of one hour, a declaration of three off-street parking areas and the rescinding of all references to off street parking within the local government area of Rockhampton Regional Council. All amendments are relevant to the subordinate law; there is no requirement at this time to amend the current Local Law.

The changes proposed under resolution are deemed to have no effect on *Local Law No.5 (Parking) 2011* impacting only on the subordinate local law. Collectively the proposed changes elicit the need for amendments to Schedules One and Two of the Subordinate Local Law and the repealing of all references to Rockhampton Regional Council off street parking areas and associated maps. A copy of *Subordinate Local Law No.5 (Parking) 2011* showing proposed amendments is provided as Attachment Two for Council's consideration.

For the purposes of section 29 of the *Local Government Act 2009* (Local law making process), Council previously resolved on 26 August 2014 to adopt a process for making or amending local laws. The process 'Local Law Making Process Resolution' is relevant to the development or amendment of all local laws and subordinate local laws. A copy of the document 'Local Law Making Process Resolution' is provided as Attachment Three for Council's perusal.

This report recommends a resolution to propose amendment to *Subordinate Local Law No 5 (Parking) 2011* consistent with Councils adopted local law making process.

Legal advice confirms that accumulatively, the proposed amendments would not constitute minor change and therefore Council must undertake a process of amendment in accordance with its adopted local law making process. Making or amending a subordinate local law is referenced on page four of Council's Local Law Making Process Resolution.

COMMENTARY

The reconfiguration of a declared traffic area and the introduction of three off street regulated parking areas triggers amendments to Schedules 1 and 2 of *Subordinate Local Law No.5 (Parking) 2011*.

To initiate the process of subordinate local law amendment, Council must first resolve to propose to make the subordinate law, as reflected in recommendation 2 of this report.

Should Council resolve to amend *Local Law No. 5 (Parking) 2011* it is imperative that the resolution quotes verbatim the wording of recommendation 2.

PREVIOUS DECISIONS

Council previously made the following decisions regarding the local law making process in general and the amendment of *Local Law and Subordinate Local Law No. 5 (Parking) 2011* in particular:

- 1) Ordinary Meeting 26 August 2014. Council resolved to adopt a process for making each local law of Council - Local Law Making Process Resolution; and
- 2) Ordinary Meeting 5 December 2017 Council resolved to make amendments to *Local Law No.5 (Parking) 2011 and Subordinate Local Law No.5 (Parking) 2011*.

BUDGET IMPLICATIONS

If Council proceeds with declaration of a Traffic Area for the Yeppoon Town Centre, a budget provision would be required for the deployment of new signs and the alteration of existing signs. A 17/18 Quarter Two Budget review includes an amount of \$30,000 for this purpose.

Enforcement of regulated time-limited parking is likely to require either a reprioritisation of existing work or additional resources or a mix of both. The degree to which technology is applied to parking management will have a direct bearing on resourcing decisions. Deployment of a totally automated system for example may have minimal impact on resources however would have a high capital cost. Conversely a low cost system such as chalk-on-tyre, by comparison, would likely require additional resources if regulated parking were to be effectively enforced.

In November 2017, Council received funding from the Local Government Grants and Subsidies Program for the Yeppoon Town Centre Smart Lighting Project (total project value \$495,000). Part of the business case for funding application was the incorporation of smart parking services using customised applications with Council-owned branding. To reduce the cost to enforce regulated parking it is suggested that the Yeppoon Town Centre Smart Lighting Project supply Smart Parking solutions to the one hour regulated parking area funded by the project at an approximate capital cost of \$70,000 and ongoing operational costs of approximately \$15,000 per annum (a cost effective alternative to employing additional fulltime Local Laws Officers).

Please note this is a very early estimate and further market testing once the project goes through a full tender process may deliver a more cost effective system. The system identified allows for in-ground vehicle detection sensors which provide Council live data on overstay and baseline occupancy rates, whilst providing users with an easy to use Smartapp which provides a driver with real time parking space availability.

LEGISLATIVE CONTEXT

The management of local laws and the regulation of car parking is guided by:

- 1) Section 29(1) of the *Local Government Act 2009*;
- 2) *Subordinate Local Law No.5 (Parking) 2011*; and
- 3) *Legislative Standards Act 1992*.

LEGAL IMPLICATIONS

There are no legal implications associated with the adoption of the modified subordinate local law. The amendments will enable Council to efficiently and effectively regulate parking within designated areas.

STAFFING IMPLICATIONS

Some impact on operational, administrative and marketing resources is expected.

RISK ASSESSMENT

In the absence of appropriate enforcement powers, Council is unable to positively influence driver parking patterns to achieve the optimal fifteen (15) per cent availability of parking spaces in the Yeppoon Town Centre.

CORPORATE/OPERATIONAL PLAN

Strategy CO4 of Council's Corporate Plan states: Strategy CO4: *'Promote and encourage community health and wellbeing through programs addressing environmental health, community safety issues, social cohesion and inclusiveness.'*

CONCLUSION

Audits have confirmed that the availability of parking spaces in the Yeppoon Town Centre is below the optimal fifteen (15) per cent for both weekdays and weekends, while the new Town Centre Car Park is underutilised. Over the past twelve to eighteen months, many local business operators have voiced concerns to Councillors and Officers about overstaying, misuse of parking by other local business owners and staff and generally urged Council to address the parking situation as a matter of urgency.

The Council's newly built Yeppoon Town Centre Car Park (operational since December 2016) addresses this issue in part; however, in isolation of being able to enforce regulated parking the ultimate strategy will not be achieved. Regulated time-limited parking is a proven strategy in influencing driver behaviour to free-up on-street parking for customers in a viable central business district/town centre.

The businesses that responded to the car parking survey overall supported regulated car parking as per the proposed zones detailed in the survey and attached in Attachment One Schedule One - Declaration of Traffic Area.

Amendments to the current subordinate local law is necessary to rescind reference to Rockhampton Regional Council areas, define and include reference to traffic areas and off-street regulated parking areas therefore enabling authorised persons to effectively enforce regulated parking with the Yeppoon Town Centre.

Introducing regulated car parking in the Yeppoon Town Centre is the next stage of realising growth within the local economy.

12.3 - AMENDMENT TO SUBORDINATE LOCAL LAW NO 5 (PARKING) 2011

Council Resolution of 5 December 2017

Meeting Date: 20 March 2018

Attachment No: 1

FOR ACTION

ORDINARY COUNCIL

05/12/2017

TO: Senior Economic Development Officer (Sonia Barber)

Subject: Regulated Car Parking Yeppoon Foreshore and Town Centre
Target Date: 19/12/2017
File Reference TT30.8.3

Notes:

COUNCIL RESOLUTION

THAT Council resolve to:

- (1) Declare a Traffic Area having a default parking limit of one hour, with the inclusion of two and three hour designations being established in specific precincts as supported by Attachment Four Community Engagement WrAPup Car Parking Strategy Yeppoon CBD and as shown in Attachment One (Schedule One - Declaration of Traffic Area);
- (2) Endorse and enact the regulated parking strategy once the changes to the *Subordinate Local Law No. 5 (Parking) 2011* Schedule One and Schedule Two take effect and regulated parking signage is in place;
- (3) Once enacted adequately inform the community of the regulated parking areas (via engagement, media and signage). An initial warning period of one month will be afforded to motorists found overstaying the timed period. After one month the monetary value of an infringement will resume;
- (4) Consider a budget allocation at the 17/18 Quarter Two Budget review for updated parking signage in the amount of \$30,000;
- (5) Endorse the installation of smart parking beacons and technology to the designated one hour regulated traffic area to be funded from the Yeppoon Town Centre Smart Lighting Project;
- (6) Amend *Subordinate Local Law No. 5 (Parking) 2011* Schedule One Declaration of traffic area to define a Traffic Area for Yeppoon as shown in Attachment One (Schedule One - Declaration of Traffic Area);
- (7) Amend *Subordinate Local Law No. 5 (Parking) 2011* Schedule Two Declaration of off-street regulated parking areas to include off-street regulated parking for Queen Street (Lot 10 on Y17136), the Yeppoon Town Centre Car Park (Lot 10 on SP289416) and the Yeppoon Foreshore (part of Lot 65 on SP234671); and
- (8) Amend *Subordinate Local Law No. 5 (Parking) 2011* Schedule Two Declaration of off-street regulated parking areas to rescind all reference and plans associated with the region of Rockhampton Regional Council.

Moved by: Mayor Ludwig**Seconded by:** Councillor Scott**MOTION CARRIED**Open Item in Minutes

Livingstone Shire Council

Page 1

Document Set ID: 8073804
Version: 1, Version Date: 13/12/2017

12.3 - AMENDMENT TO SUBORDINATE LOCAL LAW NO 5 (PARKING) 2011

Proposed amendments Subordinate Local Law No.5 (Parking) 2011

Meeting Date: 20 March 2018

Attachment No: 2

Subordinate Local Law No. 5 (Parking) 2018

(Amended) Contents

Part 1	Preliminary.....	1
	1 Short title	1
	2 Purpose and how it is to be achieved	1
	3 Authorising local law.....	1
	4 Definitions	1
Part 2	Declaration of parking areas for the TORUM Act	1
	5 Declaration of traffic areas—Authorising local law, s 5.....	1
	6 Declaration of off-street regulated parking areas—Authorising local law, s 6	1
Part 3	Parking contrary to parking restriction	2
	7 Parking permits issued by local government—Authorising local law, s 7(2).....	2
Part 4	Minor traffic offence infringement notice penalties.....	3
	8 Infringement notice penalty amounts—Authorising local law, s 9	3
Schedule 1	Declaration of traffic area	5
Schedule 2	Declaration of off-street regulated parking areas	6
Schedule 3	Infringement notice penalty amounts for certain minor traffic offences	15
Schedule 4	Dictionary	19

Subordinate Local Law No. 5 (Parking)

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011*, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons that may be issued with a parking permit; and
 - (c) the vehicles that may be issued with a commercial vehicle identification label; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas—Authorising local law, s 5

- (1) For section 5(1) of the authorising local law, the part of the local government area indicated by hatching in the map in schedule 1 is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law, the boundaries of the traffic area are indicated by a black line circumscribing the hatched area on the map in schedule 1.

6 Declaration of off-street regulated parking areas—Authorising local law, s 6

Subordinate Local Law No. 5 (Parking)

- (1) For section 6(1) of the authorising local law, each area of land identified in schedule 2 is declared to be an off-street regulated parking area.
- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are the boundaries of the land identified in schedule 2.

Part 3 Parking contrary to parking restriction

7 Parking permits issued by local government—Authorising local law, s 7(2)

- (1) This section prescribes—
 - (a) the persons that may be issued with a parking permit mentioned in section 7(1) of the authorising local law; and
 - (b) the circumstances in which the parking permits may be issued.
- (2) A parking permit (a *resident parking permit*) may be issued to a person whose circumstances are as follows—
 - (a) the person resides in a residence¹ situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (b) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (c) the residence does not have, and cannot reasonably be provided with, adequate off-street parking; and
 - (d) if the parking permit is granted — there would not be in force more than 1 resident parking permit for the same residence.
- (3) A parking permit (a *community service organisation parking permit*) may be issued to a person whose circumstances are as follows—
 - (a) the person is a community service organisation²; and
 - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
 - (c) the activity is undertaken on a section of road where —
 - (i) parking is regulated by time; and
 - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area.
- (4) A parking permit (a *temporary parking permit*) may be issued to allow the holder of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.
- (5) A temporary parking permit may only be granted if the local government is satisfied that—

¹ See definition of *residence* in the dictionary.

² See definition of *community service organisation* in the dictionary.

Subordinate Local Law No. 5 (Parking)

- (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
 - (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (6) A parking permit (a ***works zone parking permit***) may be issued to a person if the local government is satisfied that—
 - (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and
 - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (7) A parking permit (a ***visitor parking permit***) may be issued to a person whose circumstances are as follows—
 - (a) the person (the ***resident***) resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (b) the parking permit is to be made available by the resident for use by another person who —
 - (i) is visiting or attending at the residence identified in the parking permit; and
 - (ii) intends parking on the section of road immediately adjacent to the residence; and
 - (c) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (d) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
 - (e) if the parking permit is granted — there would not be in force more than 1 visitor parking permit for the same residence.

Part 4 Minor traffic offence infringement notice penalties

8 Infringement notice penalty amounts—Authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty

Subordinate Local Law No. 5 (Parking)

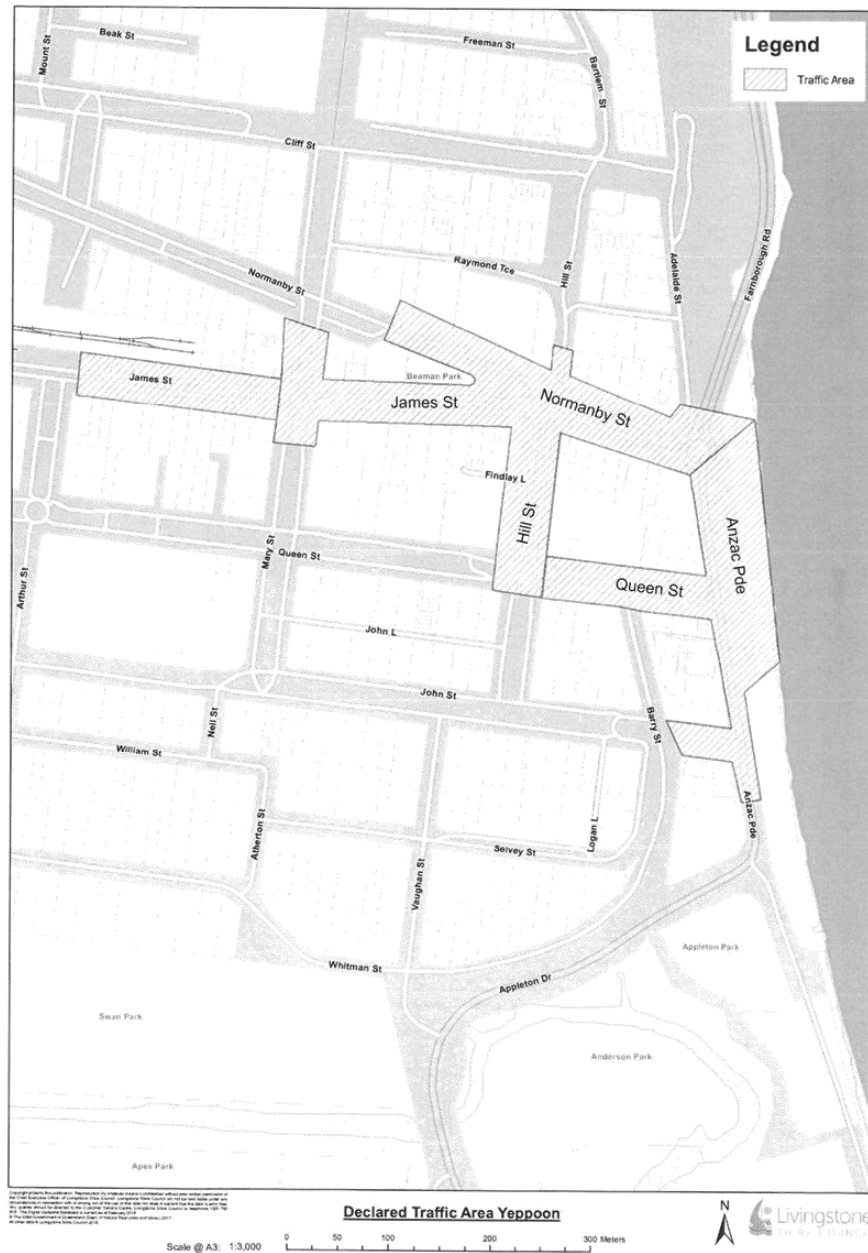
amount³ for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

³ See section 5 of the *Penalties and Sentences Act 1992*. The value of a penalty unit is, for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law—the amount, is as prescribed under a regulation. See section 3 of the *Penalties and Sentences Regulation 2015*. The value of a penalty unit for a local law made by a local government not mentioned in schedule 1 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 1 of the Regulation, is \$100.00.

Subordinate Local Law No. 5 (Parking)

Schedule 1 Declaration of traffic area

Section 5



Subordinate Local Law No. 5 (Parking)

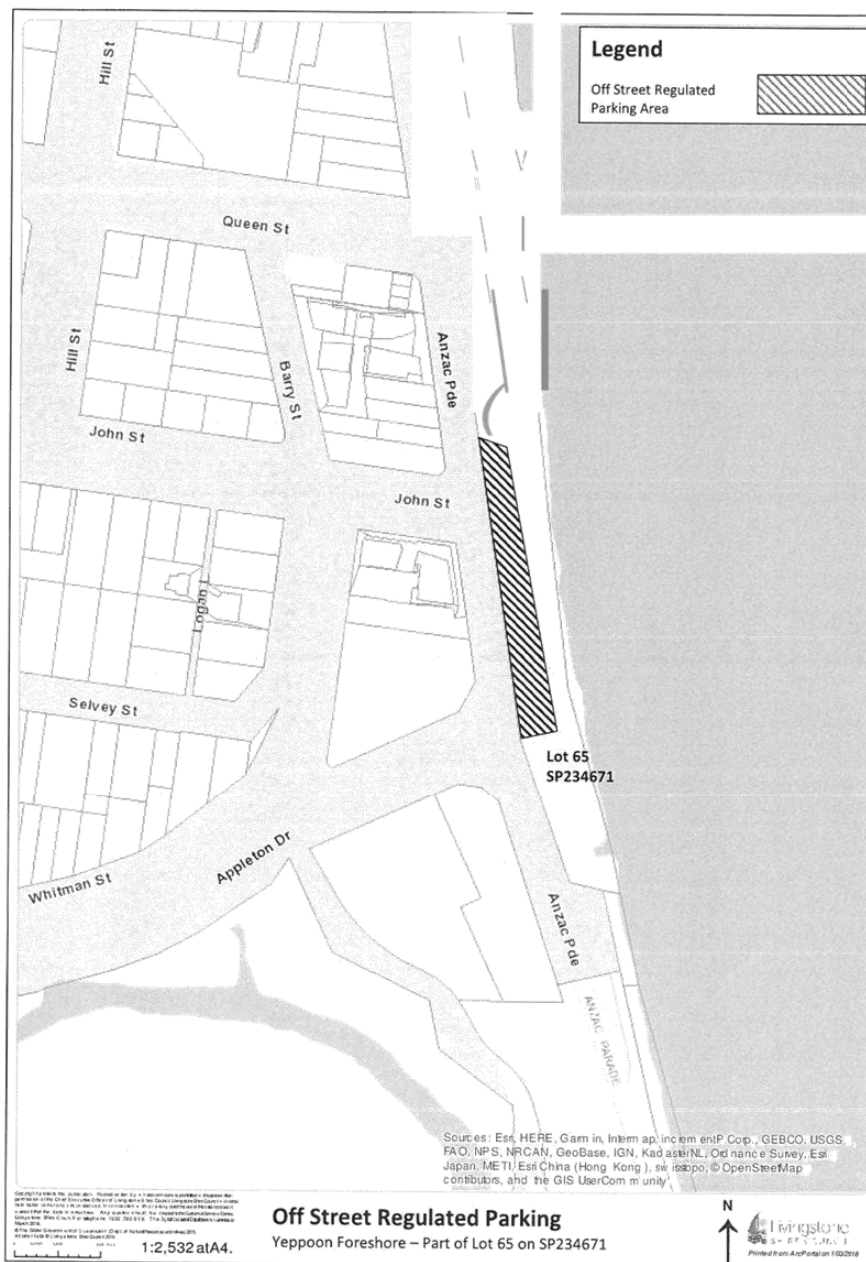
Schedule 2 Declaration of off-street regulated parking areas

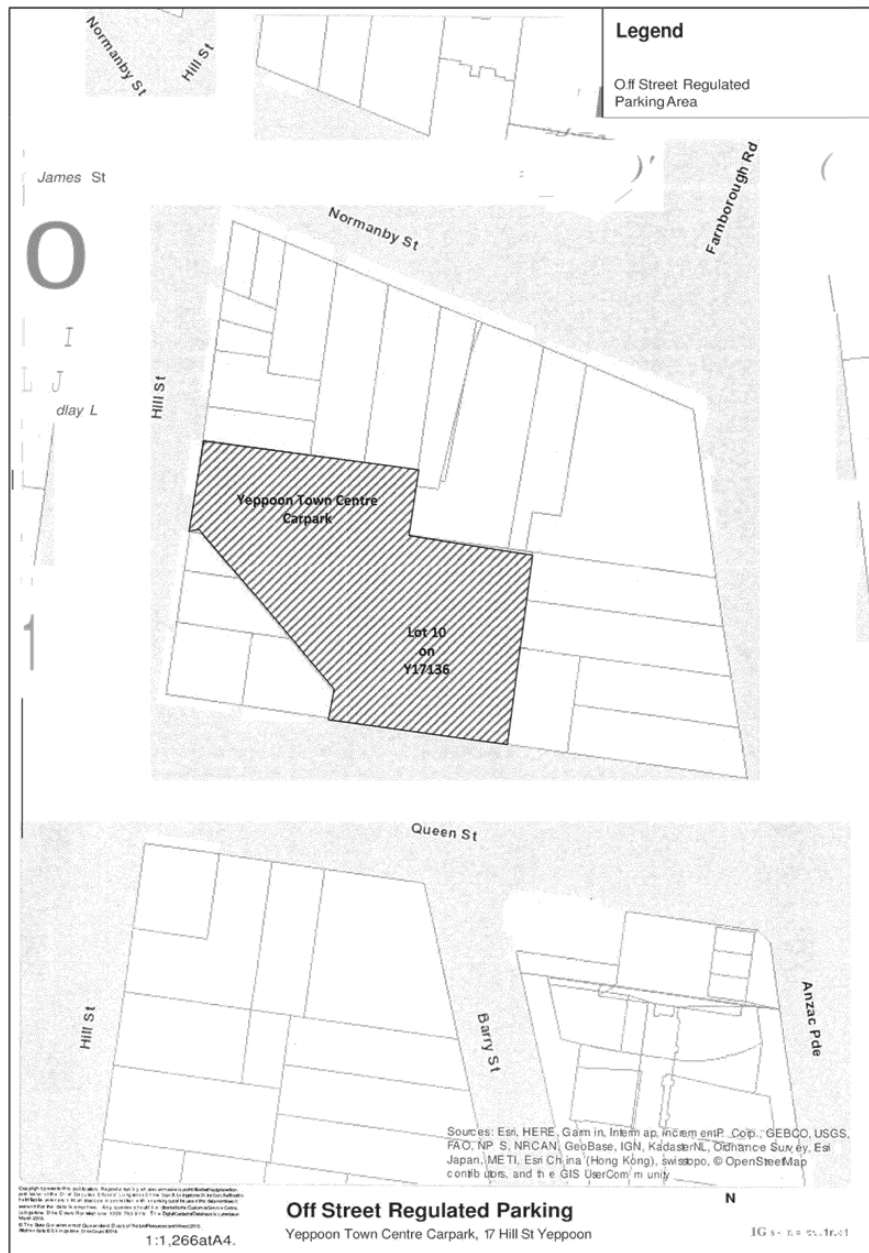
Section 6

Facility Common Name	Street Address	Real Property Description	
		Lot	Plan
Corner Queen and Hill Streets, Yeppoon	10-14 Hill Street, Yeppoon, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 10	Y17136
Yeppoon Foreshore	150 East Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 65	SP234671
Yeppoon Town Centre Car Park	17 Hill Street, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 10	SP289416

Subordinate Local Law No. 5 (Parking)







**Schedule 3 Infringement notice penalty amounts for
certain minor traffic offences**

Section 9

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	0.4 penalty units
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	0.4 penalty units
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	0.4 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	0.4 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.4 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	0.4 penalty units
169	Stopping at the side of a road marked with a continuous yellow edge line	0.4 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
170(1)	Stopping in an intersection	0.4 penalty units
170(2)	Stopping within 20m of an intersection with traffic lights unless permitted by a sign	0.4 penalty units
170(4)(a)	Stopping within 10m of an intersection without traffic lights unless permitted by a sign	0.4 penalty units
172(1)	Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.4 penalty units
172(1)	Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.4 penalty units
176(1)	Stopping on a road contrary to a clearway sign	0.4 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	0.4 penalty units
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	0.4 penalty units
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	0.4 penalty units
181	Unauthorised driver stopping in a works zone	0.4 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	0.4 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
183(1)	Stopping an unauthorised vehicle in a bus zone	0.4 penalty units
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	0.4 penalty units
185(1)	Stopping an unauthorised vehicle in a permit zone	0.4 penalty units
186(1)	Stopping in a mail zone	0.4 penalty units
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	0.4 penalty units
191	Stopping on a road so as to obstruct traffic	0.4 penalty units
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	0.4 penalty units
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	0.4 penalty units
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign	0.4 penalty units
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	0.4 penalty units
199	Stopping near a postbox	0.4 penalty units
202	Stopping contrary to a motorbike parking sign	0.4 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	0.4 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.4 penalty units
208(1)	Parking on a two way road other than parallel and as near as practicable to the far left side of the road	0.4 penalty units
208(1)	Parking on a one way road other than to the far left or far right of the road unless permitted by a sign	0.4 penalty units
208(1)	Parking within 3m of a continuous dividing line or dividing strip unless permitted by a sign.	0.4 penalty units
210(1)	Angle parking - failing to properly position the vehicle.	0.4 penalty units
211(2)	Parking otherwise than completely within the confines of a parking bay	0.4 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.4 penalty units

Schedule 4 Dictionary

Section 4

community service organisation means an association incorporated under the *Associations Incorporation Act 1981* which has as the main purpose of its objects, making financial gain for community service, charitable or similar purposes.

community service organisation parking permit see section 7(3).

residence means a building, or part of a building, that is —

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

resident see section 7(7)(a).

resident parking permit see section 7(2).

temporary parking permit see section 7(4).

TORUM Act means *Transport Operations (Road Use Management) Act 1995*

visitor parking permit see section 7(7).

works zone parking permit see section 7(6).

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 5 (Parking) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Livingstone Shire Council by resolution dated the ??th day of (Month) 2018.

.....
Chris Murdoch
Chief Executive Officer
Livingstone Shire Council

12.3 - AMENDMENT TO SUBORDINATE LOCAL LAW NO 5 (PARKING) 2011

Local Law Making Process Resolution

Meeting Date: 20 March 2018

Attachment No: 3

LOCAL LAW MAKING PROCESS RESOLUTION**Introduction**

For the purposes of section 29(1) of the *Local Government Act 2009*, the local government resolves to adopt a process for making each local law of Council as detailed below. The process applies unless the local government has begun, but not completed, its process for making a local law before the commencement of the *Local Government and Other Legislation Amendment Act 2012*.

The process—

- (a) applies to the making of—
 - (i) each local law that incorporates a model local law; and
 - (ii) each local law that is a subordinate local law; and
 - (iii) each other local law; but
- (b) does not apply to a local law that is an interim local law.

Making a local law that incorporates a model local law

The process (model local law making process) stated in this resolution must be used to make a local law that incorporates a model local law into the local laws of the local government.

- Step 1 — By resolution, propose to incorporate the model local law.
- Step 2 — If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.
- Step 3 — If there is an existing local law about a matter in the model local law that would be inconsistent with the matter in the model local law—amend or repeal the existing local law so that there is no inconsistency.
- Step 4 — By resolution, incorporate the model local law.
- Step 5 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 6 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 7 — Within 14 days after the notice is published in the gazette, give the Minister—
 - (a) a copy of the notice; and
 - (b) a copy of the local law in electronic form; and

- (c) if the local law contains 1 or more anti-competitive provisions—
 - (i) advice of each anti-competitive provision; and
 - (ii) the reasons for their inclusion.

Step 8 — Update the local government's register of its local laws.

Making an "other" local law

The process (other local law making process) stated in this resolution must be used to make a local law (a proposed local law) other than—

- (a) a model local law; or
- (b) an interim local law; or
- (c) a subordinate local law.

Step 1 — By resolution, propose to make the proposed local law.

Step 2 — Consult with relevant government entities about the overall State interest in the proposed local law.

Step 3 — Consult with the public about the proposed local law for at least 21 days (the consultation period) by—

- (a) publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed local law available for inspection at the local government's public office during the consultation period; and
- (d) making copies of the proposed local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

- (a) the name of the proposed local law; and
- (b) the purpose and general effect of the proposed local law; and
- (c) the length of the consultation period and the first and last days of the period; and
- (d) that written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating—

- (i) the grounds of the submission; and
- (ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, the local government may proceed to step 6 without satisfying step 3 or step 5.

Step 4 — If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 3, and this step 4, may be undertaken contemporaneously.

Step 5 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it —

- (a) is the written submission of any person about the proposed local law; and
- (b) states—
 - (i) the grounds of the submission; and
 - (ii) the facts and circumstances relied on in support of the grounds; and
- (c) is given to the local government on or before the last day of the consultation period.

Step 6 By resolution, decide whether to—

- (a) proceed with the making of the proposed local law as advertised; or
- (b) proceed with the making of the proposed local law with amendments; or
- (c) make the proposed local law as advertised; or
- (d) make the proposed local law with amendments; or
- (e) not proceed with the making of the proposed local law.

If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 3; and
- (b) accept and consider every submission properly made to the local government at step 5.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for

the amended anti-competitive provision.

- Step 7 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 8 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 9 — Within 14 days after the notice is published in the gazette, give the Minister—
- (a) a copy of the notice; and
 - (b) a copy of the local law in electronic form; and
 - (c) if the local law contains 1 or more anti-competitive provisions—
 - (i) advice of each anti-competitive provision; and
 - (ii) the reasons for their inclusion.
- Step 10— Update the local government's register of its local laws.

Making a subordinate local law

The process (subordinate local law making process) stated in this resolution must be used to make a subordinate local law (a proposed subordinate local law).

The local government may start the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising law) has not finished.

The local government may use steps 1 to 5 of the subordinate local law making process (other than actually making the subordinate local law) before the proposed authorising law is made if—

- (a) in making the proposed authorising law, the local government has to satisfy—
 - (i) the model local law making process; or
 - (ii) the other local law making process; and
- (b) if the proposed authorising law is made under the other local law making process— the notice about the subordinate local law under step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorising law under step 3 of the other local law making process is published.

For the avoidance of doubt, a subordinate local law made by the local government using the process detailed in this resolution may provide for the local government to, from time to time, by resolution, reference or incorporate information.

For example, under the *Local Government Regulation 2012*—

- (a) the identification guidelines for the identification of anti-competitive provisions are a document made by the department and available for inspection on the department's website; and
- (b) the public interest test procedures are a document made by the department and available for inspection on the department's website.

Step 1 — By resolution, propose to make the proposed subordinate local law.

Step 2 — Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) by—

- (a) publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place in the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed subordinate local law available for inspection at the local government's public office during the consultation period; and
- (d) making copies of the proposed subordinate local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

- (a) the name of the proposed subordinate local law; and
- (b) the name of—
 - (i) the local law allowing the proposed subordinate local law to be made; or
 - (ii) if the local government has started the process for making a subordinate local law even though the process for making the proposed authorising law on which the subordinate local law is to be based has not finished — the proposed authorising law; and
- (c) the purpose and general effect of the proposed subordinate local law; and
- (d) the length of the consultation period and the first and last days of the period; and
- (e) that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating—

- (i) the grounds of the submission; and
- (ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make an insubstantial change, and the amendment does not affect an anti-competitive provision, the local government may proceed to step 5 without satisfying any of step 2 to step 4 inclusive.

Step 3 — If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, and this step 3, may be undertaken contemporaneously.

Step 4 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it—

- (a) is the written submission of any person about the proposed subordinate local law; and
- (b) states—
 - (i) the grounds of the submission; and
 - (ii) the facts and circumstances relied on in support of the grounds; and
- (c) is given to the local government on or before the last day of the consultation period.

Step 5 — By resolution, decide whether to—

- (a) proceed with the making of the proposed subordinate local law as advertised; or
- (b) proceed with the making of the proposed subordinate local law with amendments; or
- (c) make the proposed subordinate local law as advertised; or
- (d) make the proposed subordinate local law with amendments; or
- (e) not proceed with the making of the proposed subordinate local law.

If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 2; and
- (b) accept and consider every submission properly made to the local government at step 4.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

- Step 6 — Let the public know that the subordinate local law has been made, by publishing a notice of the making of the subordinate local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 7 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government's public office.
- Step 8 — Within 14 days after the notice is published in the gazette, give the Minister—
- (a) a copy of the notice; and
 - (b) a copy of the subordinate local law in electronic form; and
 - (c) if the subordinate local law contains 1 or more anti-competitive provisions—
 - (i) advice of each anti-competitive provision; and
 - (ii) the reasons for their inclusion.
- Step 9 — Update the local government's register of its local laws.

Local Law Making Process Resolution

12.4 GET PLANNING SPACES FUNDING PROGRAMME

File No: GS15.2.7

Attachments: 1. **Get Planning Spaces Programme Guidelines**[↓](#)

Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
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Author: Jared Thomsen - Senior Sport & Education Officer

SUMMARY

This report discusses the proposal to submit an application to the Queensland Government's Get Planning Spaces programme (formerly Sport and Recreation Planning programme) and Council's required financial contribution.

OFFICER'S RECOMMENDATION

THAT Council, pending 2018/2019 budget deliberations, resolve to confirm its support and financial commitment (up to \$25,000) to the indoor sporting facility planning project, and submit a funding application requesting \$75,000 from the *Get Planning Spaces* programme offered by the Queensland Government.

BACKGROUND

The Queensland Government has released the latest round of its *Get Planning Spaces* programme (formerly the Sport and Recreation Planning programme). The programme provides funding to Queensland based local governments and other relevant peak organisations to develop quality, evidence-based sport and active recreation infrastructure planning documents.

Funding of up to \$75,000 is available through the programme, with applicants required to commit to a financial contribution of \$25,000. It is anticipated that the funding will allow Council to undertake requisite planning to identify strategies and focus priorities in order to address the community's needs regarding sport and active recreation infrastructure across the Shire.

As outlined in the programme guidelines (see attachment one), the objective of the programme is to improve the quality of evidence-based decision making and strategic planning for sport and recreation infrastructure across Queensland. The *Get Planning Spaces* programme opened with the release of the associated guidelines on Monday 12 February 2018, with applications required to be submitted by Wednesday 18 April 2018.

COMMENTARY

Council officers have investigated the most suitable project in line with the eligibility criteria of the *Get Planning Spaces* programme. In discussion with advisors from the funding body, the Department of Housing and Public Works, it has been suggested that Council make application to the funding programme for the development of an indoor sports facility plan.

The development of a planning framework to guide and inform delivery of indoor sports facilities across the Shire will ensure that all aspects of participation in physical activity through both structured sport as well as unstructured active recreation have been considered and adequately planned. The proposal to undertake an indoor sports facility plan will complement the suite of planning already completed by Council including the Barmaryee Multisport Precinct, the Hartley Street Sport and Recreation Reserve and the soon to be completed Active Livingstone Strategy, focusing on active recreation infrastructure planning.

PREVIOUS DECISIONS

No previous decisions have been made regarding this matter.

BUDGET IMPLICATIONS

If the funding application is successful, Council would be required to allocate its matching funding (being \$25,000) in the operational budget for the 2018//2019 financial year.

LEGISLATIVE CONTEXT

There is no legislative context relevant to this matter.

LEGAL IMPLICATIONS

There are no legal implications associated with this matter.

STAFFING IMPLICATIONS

The management of the project would be undertaken by staff as part of their normal activities.

RISK ASSESSMENT

The following risks associated with this matter have been identified:

- 1) Economic – if Council were successful in obtaining the funding but did not allocate the requisite allocation in its 2018/2019 budget the funding would need to be returned to the Queensland Government. Such an action could impact negatively upon Council for subsequent funding applications;
- 2) Assets – currently Council does not have a strategy to guide investment and focus operational resources in this area which can result in reactive decision making;
- 3) Strategic – in the absence of any clear strategy there is a risk that poor decision making associated with operating inside an information vacuum will deliver inefficient and unproductive outcomes; and
- 4) Community – although Council has delivered a wide range of beneficial outcomes for the local community through sport and recreation programme and projects, to date there has been a lack of deliberate planning in relation to the sport and recreation community which utilises indoor sports facilities.

CORPORATE/OPERATIONAL PLAN

Strategy CO3 of Council's Corporate Plan states: *'Provide community facilities and services to encourage and enable participation in active and healthy lifestyles.'*

CONCLUSION

Clear direction is required from Council to inform the preparation of an application for funding from the Queensland Government's *Get Planning Spaces* programme to undertake the associated indoor sports facility planning exercise.

12.4 - GET PLANNING SPACES FUNDING PROGRAMME

Get Planning Spaces Programme Guidelines

Meeting Date: 20 March 2018

Attachment No: 1



Guidelines



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Assistance



Interpreting services are available for people who have difficulty communicating in English. Sport and Recreation Services will engage an interpreter to talk with clients. Information on how to access interpreter services is located here:

<https://www.communities.qld.gov.au/multicultural/policy-and-governance/translating-and-interpreting-services>

1.0 What is Get Planning Spaces

The *Get Planning Spaces* program (the program), formerly known as the Sport and Recreation Planning Program, is one of six programs in the Queensland Government's *Get in the Game 2018-2020* initiative which supports participation in sport and active recreation at the grassroots level. The programs that form this initiative are:

- *Get Started Vouchers*
- *Get Planning Spaces*
- *Get Playing Plus*
- *Get Going Clubs*
- *Get Playing Places and Spaces*
- *Female Facilities Program*.

Sport and Recreation Services (SRS) seeks to implement better planning and prioritisation of sport and recreation infrastructure across Queensland. The program will provide organisations with funding to develop quality infrastructure planning documents. These will contribute to the evidence base regarding future infrastructure needs for sport and recreation in Queensland.

Successful applicants are encouraged to make the findings of their planning studies public. An essential component of this program is that other interested parties such as clubs, peak bodies and councils, as well as SRS, are aware of the outcomes of each planning study to understand the identified synergies and mutual opportunities.

2.0 Objective

The objective of the program is to improve the quality of evidence-based decision making and strategic planning for sport and recreation infrastructure across Queensland.

3.0 Key definitions

Sport is a human physical activity involving physical exertion and skill as the primary focus of the activity, with elements of competition where rules and patterns of behaviour governing the activity exist formally through organisations and is generally recognised as a sport.

(Active) recreation activities are those involving physical exertion where the primary focus is individual or group participation and enjoyment over elements of competition where rules and patterns of behaviour govern the activity. Active recreation does not include 'active work' or 'active living'. For the purpose of this program, any reference to 'recreation' is defined as 'active recreation'.

Organisation is interchangeable with an 'association', 'state sport or recreation organisation' or 'local government' and includes those bodies that meet the eligibility criteria for the program as outlined in Section 6, and provides sport and/or recreation infrastructure and services.

State level organisations are sport and recreation bodies funded under the State Development Program (SDP) 2017–2019.

Industry Peak Bodies are umbrella organisations representing a sector of the sport and/or recreation industry. These organisations provide leadership, guidance and strategic direction for the relevant sectors.

Other peak organisations are not-for-profit organisations involved with the provision of sport and/or recreation and deliver across Queensland e.g. Queensland Police-Citizens Youth Welfare Association.

4.0 Funding available

The program will be open for proposals on an annual basis and will provide maximum funding of up to \$100,000 (GST exclusive) for projects that result in the development of quality, evidence-based infrastructure planning documents.

Funding amounts and expected contributions are dependent on the organisation type. Departmental and organisational funding contributions are outlined in the table in section 6.0.

5.0 Important dates

Date	Activity
12 February 2018	Applications open
18 April 2018	Applications close
June 2018	Successful projects approved
July 2018	Projects commence*
30 September 2019	Projects completed
31 October 2019	Project acquittal and reporting

**projects may commence earlier if the grant deed has been executed*

6.0 Who is eligible to apply?

Organisations eligible to apply for funding are:

- state level organisations or state level sport or recreation peak organisations incorporated under the:
 - Associations Incorporation Act 1981 (Qld)*
 - Corporations Act 2001 (Cwlth)*
 - Cooperatives Act 1997 (Qld)*
 - Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cwlth)*
- local governments constituted under the *Local Government Act 2009 (Qld)*, the *City of Brisbane Act 2010 (Qld)* and the *Commonwealth Aluminium Corporation Pty Ltd Agreement Act 1957 (Qld)*.

Organisations must also be compliant with all requirements for any projects currently funded by the department. Contact the nearest SRS office to determine whether the organisation has any outstanding compliance issues with the department. Refer to [Appendix 1](#) for office locations.

Organisations that have been previously funded under the Sport and Recreation Planning Program may be considered a lower priority.

Eligible organisations**		Maximum department percentage***	Maximum departmental amount (GST exclusive)
State level organisations	State level organisations with: <ul style="list-style-type: none"> revenue stream of over \$10 million; or maximum funding from SDP 	75%	Up to \$100,000
	All other state level organisations	100%	Up to \$50,000
Local governments**	Population > 100,000	50%	Up to \$100,000
	Population between 5,000 – 100,000	75%	Up to \$75,000
	Population < 5,000	100%	Up to \$50,000
Industry Peak Bodies		100%	Up to \$75,000
Other peak organisations		75%	Up to \$100,000
Collaborations across sport/recreation activities and/or local government areas		75%	Up to \$100,000

**Refer to [Appendix 2](#)

***Exceptions to contribution percentage may be considered in exceptional circumstances

Collaboration

The department encourages a collaborative approach. Where possible:

- local governments are encouraged to collaborate with neighbouring local governments to investigate the feasibility of developing a regional strategy
- state level organisations that utilise similar facilities are encouraged to develop their plans in a collaborative manner.

The department will actively encourage collaborations between organisations, based on the project proposals submitted.

Organisations may collaborate in more than one project but are not able to be the funding recipient for more than one project. Where collaborative proposals are successful in receiving funding, the department will only enter into a grant deed with one organisation involved in the collaboration.

7.0 Who is not eligible to apply?

Individuals and organisations **NOT** eligible to apply for funding are:

- local and regional not-for-profit sport and recreation organisations
- not-for-profit organisations that do not have a primary objective relating to sport or recreation
- unincorporated organisations
- for-profit groups
- religious groups
- political organisations / government departments
- schools / TAFE colleges / universities
- national sport and recreation organisations (except where no state body in Queensland exists)
- Queensland government agencies.

8.0 Eligible projects

The following projects will be considered as eligible*:

Plan	Description
State Wide Facility Planning	Planning from a state sport/recreation industry organisation that seeks to identify and prioritise facility needs across Queensland
Regional Recreation Planning	Planning that serves a regional purpose with strategies and priorities identified for the development of active recreation facilities (e.g. walking/riding trails) across local government borders
Regional Sports Facility Planning	Planning that serves a regional purpose with strategies and priorities identified for development of sport facilities across local government borders
Local Sport/Recreation Planning	Planning that identifies strategies and priorities addressing community needs for sport/recreation facilities across a local government area
Sport and Recreation Precinct Master Plan	Planning to develop a comprehensive master plan that will provide direction for the long term facility development of a specific site.

**Other projects involving planning may be deemed eligible at the discretion of the department*

Sport and Recreation Services' website www.npsr.qld.gov.au/recreation/planning is designed to assist organisations with effective sport and recreation planning.

9.0 Eligible components

Costs relating to the development and publication of plans listed above are considered eligible. These costs may include:

- advertising of public meetings
- procurement costs (including advertising)
- consultant fees
- data collection and analysis
- facility audits
- consultation with stakeholders
- distribution of the implementation plan
- printing of planning reports/maps
- administration costs specific to the project
- data collection equipment where it is absolutely necessary to contribute to the preparation of the plan
- travel costs specifically related to consultation/development of plan.

10.0 Ineligible projects/components

The following projects and components are ineligible for funding:

- open space planning
- organisational strategic planning
- projects that look at an organisation's internal structure
- in-kind costs
- facility feasibility studies
- facility management plans
- environmental impact statements
- purchase of merchandise or materials including promotional brochures
- purchase of land
- costs incurred outside of the funding period
- salaries and wages
- office facilities costs

- supervisory and management costs (e.g. attendance/travel to steering committee meetings)
- food/catering
- capital works.

Sport and Recreation Services officers will be able to assist organisations in determining the eligibility of project/s and specific components of these. Elements within the project/s which are deemed ineligible may be deducted from the total eligible project cost. The total eligible project cost will determine the final funding contribution from the department.

11.0 Application process

Applications must be submitted using the online application form by 5.00pm on Wednesday, 18 April 2018. Applicants should visit the SRS website www.qld.gov.au/recreation/sports/funding/getinthegame/getplanning to determine eligibility then contact their nearest SRS office as soon as possible to discuss the project. Refer to [Appendix 1](#) for office locations.

The following information must be provided in the application:

- contact person for the project
- for site plans, the physical address of the project is required
- type of plan (refer to [Section 8](#))
- short description of the plan
- project brief (refer to [Appendix 4](#))
- excerpt/s of relevant previous planning documentation or supporting documents (if applicable. 20MB maximum file size permitted).
- project cost and financial contributions to the project, including supporting documentation
- need for the project and how it relates to the *Get Planning Spaces* program objective ([Section 12.1 - Need](#))
- demonstration that the project is ready to proceed ([Section 12.2 – Ability to deliver](#)).

Refer to [Appendix 4](#) for specific details on the project brief requirements.

Organisations seeking feedback regarding the suitability of their documentation (e.g. project brief, planning documentation) and/or eligibility, must provide relevant documents to a SRS office, allowing sufficient time for feedback prior to the closing date (minimum of one week prior to the closing date).

Applying online

Any organisation wishing to apply for funding must be registered in the Grant Registration Portal (GRP). Applicants who are not registered are encouraged to register in the GRP as soon as possible.

Any organisation or individual can only be registered once in the GRP. For more information, or to register, visit the website www.qld.gov.au/recreation/sports/funding/grants-portal/. For assistance, applicants should contact their nearest SRS office as soon as possible.

Access to your organisation's account in the GRP is managed by an authorised Primary Contact within your organisation. Contact your organisation's President, General Manager (or equivalent) or management committee for more information regarding the organisation's registration in the GRP. If no one in the organisation knows, or is unable to access the account, then contact your local SRS office.

Applicants should familiarise themselves with the online application and commence the process well before the program closing date. A guide to assist in the use of the online application system and computer requirements is available here: www.qld.gov.au/recreation/sports/funding/getinthegame/getplanning.

Please note that the online grants system is **not compatible with mobile devices**. If further assistance is required to complete the online application, contact the nearest SRS office on telephone 13 QGOV or refer to [Appendix 1](#).

The questions you will need to respond to in the online application form, and the information you will need to provide, are outlined in [Appendix 3](#).

Submitting an application

To submit the application, the '**Submit Application**' button **must be clicked**. Once the application has been submitted, a pop-up will appear and a message will state 'Application Submitted Successfully'. If this message does not appear after submitting the application, check that all mandatory questions have been answered.

Once the application has been submitted, you will also receive an email with your application form attached as a PDF document. If you do not receive an email within 24 hours, you will need to check your 'junk mail'. If your email does not contain an attachment, you can check the status of your application via the 'My Applications' tab in your account. The application should have a 'Submitted' status. If it does not have a 'Submitted' status, you will need to go back into the application and submit it to finalise the process. **It is highly recommended that you check your application's status.**

If an email has not been received and/or the application does not have a 'Submitted' status, contact the nearest SRS office on telephone 13 QGOV or refer to [Appendix 1](#).

12.0 Assessment process

Applications that are deemed eligible will be assessed against the following program criteria:

- need
- ability to deliver
- program priorities
- relevant strategic considerations.

12.1 Need

Applications must demonstrate:

- a clear linkage to the program objective ([Section 2.0](#))
- that an appropriate needs analysis has been undertaken (as outlined in the project brief).

Collaboration

Projects that are collaborations between local governments and/or sport and recreation organisations are encouraged. The project brief should include details of how the collaboration is to occur and the endorsement of all organisations involved.

12.2 Ability to deliver

The application will need to include the following in order to demonstrate an ability to deliver the project:

- project budget estimate (including written evidence or reasoning behind estimate)
- procurement methodology demonstrating value for money
- evidence of financial contributions, if applicable.

Project delivery timeframes

Organisations will need to demonstrate that the project can be delivered within the program timeframes. Projects that cannot be delivered by 30 September 2019 will be deemed a lower priority by the department.

Financial contributions

Financial contributions from the applicant must, at least, meet the minimum percentage contribution towards the total eligible project cost outlined in [Section 6.0](#).

Evidence of financial contributions must be provided and may include:

Local governments

- a letter from the Chief Executive Officer/Chief Financial Officer committing the local government's budget commitment; or
- an excerpt from council's budget; or
- a copy of council meeting minutes.

Other organisations

- a copy of a recent bank statement which includes the organisation's name and account information; or
- an approved loan document; or
- a letter from the appropriate delegate such as the Chief Financial Officer or Accountable Officer of the organisation confirming that funds are available; or
- meeting minutes confirming allocation of funds to the project.

Projects where there is no evidence that some or all financial contributions have been confirmed will be deemed a lower priority and a higher risk by the department.

Note: Grants from other Queensland Government agencies will be deducted from the total eligible project cost and as a consequence may reduce the maximum amount of funding provided by the department.

12.3 Program priorities

Taking into account the need for the project and the ability of the organisation to deliver the project, the department will prioritise meritorious projects in the following order:

1. state-wide plans linked to:
 - the department's Geographical Information System (GIS) mapping project (refer to: [Sport Planning Tool](#) for a list of GIS sports); or
 - high participation activities (facilities-based) identified in the [Queensland Sport, Exercise and Recreation Survey \(Adults\)](#) (refer to pg. 24, section 4.2)
2. collaborative plans and projects
3. council wide/other statewide plans
4. specific site plans.

12.4 Strategic considerations

The department may also take into account a number of factors including, but not limited to:

- emerging trends with respect to participation in sport and recreation
- access to participation in rural/remote areas and low socio-economic status communities
- distribution of funding across the diversity of sport and recreation activities
- population distribution, regional priorities and potential areas of growth
- provision of sport and recreation opportunities for children and young people
- supporting active female involvement in sport and recreation
- projects likely to lead to improved social cohesion and inclusion.

13.0 Approval process

All applicants will be advised in writing whether their application has been approved. Expenses incurred prior to Ministerial approval are not eligible for funding.

14.0 Delivering the project

The project delivery period is from 1 July 2018 to 30 September 2019. Project delivery timeframes should include:

- the establishment of a project control group that includes a SRS representative
- the ability for the applicant to execute a grant deed within two months of receiving notification of a successful application.

Successful organisations must enter into a grant deed, as stipulated by the department. Approved applicants must meet the terms and conditions of the grant deed.

14.1 Collaboration

Where organisations combine to develop a regional or collaborative strategy, a representative project management team must be established and include a client manager from SRS. This project management team may be an already established voluntary alliance of local governments.

14.2 Data sets

Depending on the project, the department reserves the right to request raw data collected by successful organisations relating to location/s, infrastructure standards and conditions, participant numbers and membership data. Organisations will be required to acquire and complete a data model template which will be provided to the successful applicants once approved. An example of this data model is provided on the website at www.qld.gov.au/recreation/sports/funding/getinthegame/getplanning but may be negotiated dependent upon the plan being developed. This data may be used to support an evaluation of the program and in the department's statewide GIS.

14.3 Draft plan

A draft of the plan prepared as part of the project must be provided to the department. The department has the right to review the draft plan and provide feedback and/or request amendments before the plan is finalised.

14.4 Final plan

The final plan must be submitted to the department once completed. To enable and encourage the knowledge sharing and understanding of the planning findings between interested organisations it is highly recommended that the final plan be located in a publicly accessible location such as a website.

At a minimum the final plan must contain:

- overview/executive summary of major findings, suggested future direction, recommended actions
- short, medium and long term priority list of infrastructure development
- links to regional and/or state-wide needs
- participation trends
- relevant emerging issues
- gaps in existing service provision and infrastructure
- population demographics including growth
- demonstrated community and stakeholder consultation
- reference of any relevant facility standards.

14.5 Decision making and implementation of recommendations

To ensure that the final plan is effectively utilised, successful organisations will be required to develop an implementation plan and submit it to SRS with the final plan or acquittal report. The implementation plan should identify how the organisation intends to use the findings of the planning research to support future decision making, and how the organisation plans to monitor and implement

recommendations identified in the final plan (so far as practicable). The implementation plan must be released as a public document and include the following information:

- summary of the final plan scope
- how the recommendations in the final plan will be used to support future decision making
- the key analysis that supports recommendations from the plan
- how recommendations identified in the final plan will be monitored and how often (so far as practicable)
- the resources required to deliver the relevant infrastructure
- any budget commitments (if available)
- timelines for delivery
- any key issues or pending restrictions to delivery (where relevant).

See link below for an example of a publically available council implementation plan:

- Cairns Regional Council:
www.cairns.qld.gov.au/data/assets/pdf_file/0018/7452/ImplementationPlan.PDF

The final plan and implementation plan must be tabled and minuted by the executive of the organisation. It is not a requirement for the organisation to accept all of the recommendations within the final plan nor to publish the final plan as a public document.

15.0 Payment arrangements

Organisations will require an ABN to be able to be paid by the department. While it is not necessary to have an ABN to be eligible, should the organisation be successful, an ABN will be required for the department to pay funding for the approved project.

Grant amounts will be paid in three instalments as follows:

- 50% of funding paid within 30 days upon execution of the grant deed and compliance with deed requirements
- 40% of funding paid within 30 days of completion of the compliance milestone to the department's satisfaction. The compliance milestone will be agreed with successful organisations (for example, presentation of facilities audit and/or submission of raw data).
- 10% of funding paid within 30 days of completion of the final milestone to the department's satisfaction. Final milestone includes submission of final plan to SRS and publication of the associated implementation plan on the organisation's website.

Organisations that are registered for GST will be issued with a Recipient Created Tax Invoice (RCTI) for the funding payment. Where the approved organisation is not registered for GST, the GST amount will not be added and remittance advice will be provided for the approved funding payment (refer to section 16.0 below in regards to GST application).

16.0 GST application

Goods and Services Tax (GST) is a broad-based tax of 10% on the sale of most goods and services purchased in Australia.

Organisations with current or projected annual turnover for all revenue activities of \$150,000 or more (including this project), must be registered for GST. Compliance with the legislation is a requirement of Federal taxation legislation. The Australian Taxation Office can provide more information—refer to the website www.ato.gov.au or telephone 13 24 78. If your organisation receives a grant from the department you must be aware that this may affect your turnover amount and whether or not your organisation must register for GST.

Organisations that are not registered for GST are responsible for the GST component of the funded project. Please consider this when completing the project budget details as all costs must be GST exclusive. This also applies when acquitting the grant the amount and if not completed correctly may result in a shortfall where unspent funds will need to be returned to the department.

For more information about GST and examples of how this is applied please see the fact sheet available at www.npsr.qld.gov.au/assets/documents/sports/funding/getinthegame/gst-fact-sheet-qitg.pdf.

17.0 Project report and acquittal

Organisations will need to provide a financial acquittal and report by 31 October 2019. Details of these requirements will be outlined in a grant deed with successful organisations.

18.0 Audit

Approved applicants may be subject to an audit by the department. The department will undertake an audit of up to 20% of approved projects to ensure that projects are delivered as approved. All organisations funded by the department are required to keep accurate records to support the development and delivery of the approved project. These records are to be made available to the department should the applicant be selected for an audit. Full details of records that should be maintained will be included in the grant deed.

19.0 Privacy disclaimer of organisations

Sport and Recreation Services is collecting the information in the *Get Planning Spaces* program to assess applications for funding under the *Get Planning Spaces* program. Information will also be used to help the department monitor and evaluate programs and resources. This information will only be accessed and used by authorised employees within the department and approved contractors appointed by the department to conduct a program evaluation.

The department will disclose details of approved funding and details of accountable officers (such as name, position in the organisation, and telephone number) to local members of Parliament. Information on approved organisations and details of approved projects, such as funding approved and location of the project will also be made available on the department's website and may be provided to local governments and relevant sport and recreation organisations for the purpose of advice on approved project information. Your information will not be disclosed to any other parties unless authorised or required by law, subject to the above.

If you have any further questions regarding privacy, please contact the department's Privacy Contact Officer at righttoinformation@hpw.qld.gov.au.

Appendix 1 Sport and Recreation Services offices

Departmental offices are located across the state, with staff available to offer advice and assistance with the application. Please direct enquiries to your nearest Sport and Recreation Services office or alternatively phone 13 QGOV.

Industry Capacity and Support (for SLOs)

Email: SRindustries@npsr.qld.gov.au
Address: Level 6, 400 George Street,
Brisbane QLD 4000
Postal: PO Box 15187, City East QLD 4002
Phone: (07) 3338 9259

Brisbane Region

Email: srs.bris.sportrec@npsr.qld.gov.au
Address: Level 6, 400 George Street,
Brisbane QLD 4000
Postal: PO Box 15187, City East QLD 4002
Phone: (07) 3333 5309

South East Region

Email: south.east@npsr.qld.gov.au

South East regional office

Address: Unit 9, Level 1, 54-66 Perrin Drive, Underwood QLD 4119
Postal: PO Box 956, Sunnybank QLD 4109
Phone: (07) 3078 3188

Gold Coast area office

Address: Tallebudgera Recreation Centre
1525 Gold Coast Highway,
North Palm Beach QLD 4221
Postal: PO Box 50, Burleigh Heads QLD 4220
Phone: (07) 5507 0214

South West Region

Email: southwestsportrec@npsr.qld.gov.au

South West regional office

Address: Toowoomba Sports Ground
Ground Floor, Clive Berghofer Stadium
47 Arthur Street, Toowoomba QLD 4350
Postal: PO Box 2259, Toowoomba QLD 4350
Phone: (07) 4596 1006

Dalby area office

Address: 30 Nicholson Street, Dalby QLD 4405
Postal: PO Box 3, Dalby QLD 4405
Phone: (07) 4531 8525

Warwick area office

Address: Corner Guy and Fitzroy Street,
Warwick QLD 4370
Postal: PO Box 13, Warwick QLD 4370
Phone: (07) 4667 5100

Ipswich area office

Address: Level 4, 117 Brisbane Street, Ipswich QLD
Postal: PO Box 2259, Toowoomba QLD 4350
Phone: 0477 317 531

North Coast Region

Email: north.coast@npsr.qld.gov.au
Address: Level 6, 12 First Avenue,
Maroochydore QLD 4558
Postal: PO Box 3008, Maroochydore QLD 4558
Phone: (07) 5459 6176

Central Queensland Region

Email: srcentralqld@npsr.qld.gov.au

Central Queensland regional office

Address: 61 Yeppoon Road,
Parkhurst QLD 4701
Postal: PO Box 822, Rockhampton QLD 4700
Phone: (07) 4936 0510

Bundaberg area office

Address: 16 Enterprise Street, Bundaberg QLD 4670
Postal: PO Box 618, Bundaberg QLD 4670
Phone: (07) 4131 2702

Hervey Bay area office

Address: Ground Floor, 50-54 Main Street,
Hervey Bay QLD 4655
Postal: PO Box 3054, Hervey Bay QLD 4655
Phone: (07) 4125 9352

Emerald area office

Address: 99 Hospital Road, Emerald QLD 4720
Postal: PO Box 346, Emerald QLD 4720
Phone: (07) 4991 0830

North Queensland Region

Email: northernportrec@npsr.qld.gov.au

North Queensland regional office

Address: 3-9 Redpath Street,
North Ward QLD 4810
Postal: PO Box 1468, Townsville QLD 4810
Phone: (07) 4799 7010

Mount Isa area office

Address: Suite 27, Mount Isa House, Mary Street,
Mount Isa QLD 4825
Postal: PO Box 1605, Mount Isa QLD 4825
Phone: (07) 4747 2186

Mackay area office

Address: Level 5, 44 Nelson Street, Mackay QLD 4740
Postal: PO Box 239, Mackay QLD 4740
Phone: (07) 4999 8520

Far North Queensland Region

Email: srfarnorth@npsr.qld.gov.au
Address: Level 2, William McCormack Building
5B Sheridan Street, Cairns QLD 4870
Postal: PO Box 2494, Cairns QLD 4870
Phone: (07) 4222 5236

Appendix 2 Local government populations

Census resident population 2016

LGA Name	Total persons	LGA Name	Total persons
Aurukun (S)	1323	Logan (C)	313,785
Balonne (S)	4480	Longreach (R)	3727
Banana (S)	14,607	Mackay (R)	117,703
Barcaldine (R)	2909	Mapoon (S)	322
Barcoo (S)	272	Maranoa (R)	12,928
Blackall-Tambo (R)	1924	Mareeba (S)	22,157
Boulia (S)	437	McKinlay (S)	810
Brisbane (C)	1,184,215	Moreton Bay (R)	438,313
Bulloo (S)	360	Mornington (S)	1196
Bundaberg (R)	94,453	Mount Isa (C)	19,332
Burdekin (S)	17,313	Murweh (S)	4391
Burke (S)	342	Napranum (S)	1001
Cairns (R)	162,451	Noosa (S)	54,033
Carpentaria (S)	2051	North Burnett (R)	10,623
Cassowary Coast (R)	29,396	Northern Peninsula Area (R)	2952
Central Highlands (R)	28,783	Palm Island (S)	2602
Charters Towers (R)	12074	Paroo (S)	1686
Cherbourg (S)	1296	Pormpuraaw (S)	785
Cloncurry (S)	3114	Quilpie (S)	833
Cook (S)	4424	Redland (C)	151,987
Croydon (S)	300	Richmond (S)	800
Diamantina (S)	297	Rockhampton (R)	81,589
Doomadgee (S)	1474	Scenic Rim (R)	40,975
Douglas (S)	11,997	Somerset (R)	25,173
Etheridge (S)	819	South Burnett (R)	32,747
Flinders (S) (Qld)	1569	Southern Downs (R)	35,622
Fraser Coast (R)	102,953	Sunshine Coast (R)	303,389
Gladstone (R)	63,288	Tablelands (R)	25,312
Gold Coast (C)	576,918	Toowoomba (R)	164,595
Goondiwindi (R)	10837	Torres (S)	3789
Gympie (R)	50,292	Torres Strait Island (R)	4785
Hinchinbrook (S)	10,990	Townsville (C)	192,058
Hope Vale (S)	967	Weipa (T)	4024
Ipswich (C)	200,123	Western Downs (R)	34,197
Isaac (R)	21,563	Whitsunday (R)	34,626
Kowanyama (S)	984	Winton (S)	1156
Livingstone (S)	37,055	Woorabinda (S)	992
Lockhart River (S)	747	Wujal Wujal (S)	296
Lockyer Valley (R)	39,486	Yarrabah (S)	2703

(C) = City (R) = Regional Council (S) = Shire (T) = Town

Source: ABS 3218.0, *Regional Population Growth, Australia*, 2016.

Appendix 3 Online application form checklist and questions

Before applying for funding under *Get Planning Spaces*, ensure that you have understood the requirements for the program and are adequately prepared to apply online. The online application form is not compatible with mobile devices, so you will need to have access to a laptop or desktop.

You can save the online application without finalising it and return to complete it at a later stage. Application forms are saved in the 'My applications' area of the online portal. Applications must be submitted by 5:00pm, Wednesday, 18 April 2018.

You are advised to contact your nearest Sport and Recreation Services office to discuss the project prior to submitting an application. Contact details can be found at [Appendix 1](#), on the website at www.npsr.qld.gov.au/contactus/offices or telephone 13 74 68 (13GGOV).

The following information is required as part of the online application.

Before you start

- Read the *Get Planning Spaces* guidelines
- Check the eligibility criteria of the *Get Planning Spaces* program to see if your organisation is eligible
- Check your organisation is compliant with Office of Fair Trading requirements (if applicable) as this is required prior to any payment of funds
- Check the organisation does not have any outstanding requirements for any projects currently funded by the department prior to the program closing date.
- Consult the nearest Sport and Recreation Services office about your project (call 13 QGOV).

The following questions will be asked in the application form:

Pre-eligibility conditions

- Is the organisation? (Select the applicable organisation type or collaboration type)
- Under which Act is the organisation incorporated? (Select the applicable Act).

Project details

- What type of plan is being proposed?
- Provide a short summary of the intended project including the timeframe and activities the plan will cover.
- Physical address of project including Lot and Plan (you will need to provide the physical address of the project for specific site plans only).

Need

- Attach a project brief as per [Appendix 4](#) of the guidelines and required attachments
- Attach an excerpt of any relevant previous planning documentation or supporting documentation.

Ability to deliver

- What is the total project cost? (GST exclusive) (Include costs in whole dollars and do not include GST component)
- Total amount requested from the department under this grant? (GST exclusive) (Include costs in whole dollars and do not include GST component. Note guidelines [section 6.0](#) of maximum department amounts)
- Project budget estimate/Quotes attachment (Attach documentary evidence which substantiates the project costs e.g. quotations)
- Supporting documentation for financial contributions (Attach details of how the organisation will fund its contribution towards the cost of the project. E.g. organisations financial contribution, loans, other funding/grants, letters, council minutes etc.).

Appendix 4 Project brief guidelines

The application must include a project brief of at least two and a **maximum of five pages**. The project brief should consider the following components:

1. Introduction/Background

- a. Some background on the organisation applying for the funding / or organisation that will benefit from the funding
- b. Include organisation type e.g. Council, State Level Organisation
- c. Include organisation goals e.g. facilitate planning at a regional level.

2. Needs Analysis

- a. Review the relevant evidence and include a brief description of the need for the project
 - i. Participation trends
 - ii. Relevant emerging issues
 - iii. Gaps in existing service provision and infrastructure
 - iv. Access and opportunity
 - v. Population demographics and growth
 - vi. Policy that may affect the project
 - vii. Reference to existing facility standards (if relevant)
 - viii. Previous studies related to the project – including if this project is a review of an existing plan
- b. How the need was identified
- c. The purpose of the project
- d. The objective of the project
- e. Benefits of the project.

3. Scope

- a. Detail proposed outputs of the project
- b. How these outputs will be achieved
- c. How the outputs will be measured
- d. Detail limits of boundaries for the project (out of scope)
- e. Assumptions and constraints
- f. Scope MUST include an output of a 'final plan' which details major findings and recommendations
- g. Detail collaboration between organisations and how this is to be achieved
- h. Include written acknowledgement and endorsement of all organisations in collaboration for the project (attach with application)
- i. Identify if the proposed plan is new or updating an existing or expired plan
- j. Outline how the proposed plan is to complement existing plans
- k. Identify links to regional and/or state-wide needs and reference relevant facility standards (where applicable).

4. Consultation

- a. Detail method of consultation and list of stakeholders who will be consulted
- b. MUST include community consultation
- c. MUST include proposed user groups consultation
- d. MUST include relevant affiliates (i.e. national, state bodies)
- e. MUST include other related or affected organisations/individuals
- f. MUST include a minimum standard of consultation responses utilised within the data analysis with a particular emphasis on the proposed survey response rate to be accepted for analysis
- g. Consultation methodology must be approved by the Project Control Group prior to project commencement.

5. Project Management, Timeframes and Budget

- a. Detail the project deliverables – what the project (plan) is expected to include
- b. Provide a project plan with key dates for deliverables/key milestones. Proposed start and end dates must be included.
- c. MUST include the acquittal timeframes
- d. Detail the proposed procurement methodology and criteria for assessment of an appropriate consultant
- e. Detail the total project budget and the payment schedule
- f. Detail how the project will be governed to ensure the project remains on track (delivered according to the proposed brief/contract)
- g. List the proposed membership of a Project Control Group (PCG) which MUST include a Sport and Recreation Services staff member.

6. Final Plan and Implementation

- a. Detail how the organisation will expect to communicate, implement and monitor the final plan as outlined of [Section 14.4](#) and [14.5](#) of the program guidelines.

12.5 REQUEST FOR A NEGOTIATED DECISION FOR DEVELOPMENT PERMIT D-167-2017 FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS)

File No: D-167-2017

Attachments:

1. Change representations [↓](#)
2. Decision Notice [↓](#)
3. Infrastructure Charges Notice [↓](#)

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

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Applicant:	Keith Ruskin, Lyndal Rhoda Ruskin, Kevin Edward Haigh and Shirley Daphne Haigh
Consultant:	GSPC
Real Property Address:	Lot 9 on E15615
Common Property Address:	Lot 9 Henry Street, Emu Park
Area of Site:	8,094 square metres
Planning Scheme:	<i>Livingstone Shire Planning Scheme 2005</i>
Planning Scheme Zoning:	Industry Zone (Light Industry precinct)
Planning Scheme Overlays:	Overlay Map O2 – Drainage Problem Overlay Map O8 – Acid sulfate soils (land below twenty metres Australian Height Datum)
Existing Development:	Caretaker's residence, four industrial (Classes 7 and 8) sheds, Shipping containers and Landscape supplies
Existing Approvals:	Building Permit BP4158 – Issued on 7 August 1979 for a Residence and Workshop Building Permit BP98-498 – Issued on 5 October 1998 for a Shed Building Permit 1443-2005-YCOMM – Extension to a Class 8 shed Building Permit 371-2006-YCOMM – Storage Sheds (Class 7) Plumbing Permit P-498-1998
Approval Sought:	Development Permit for Reconfiguring a Lot (one lot into two lots)
Level of Assessment:	Code assessable
Referral Agency(s):	Nil
Adopted Infrastructure Charges Area:	Charge Area One

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the change representations for Development Permit D-167-2017 for

Reconfiguring a Lot (one lot into two lots), made by GSPC on behalf of Keith Ruskin, Lyndal Rhoda Ruskin, Kevin Edward Haigh and Shirley Daphne Haigh, on land described as Lot 9 on E15615, and located at Lot 9 Henry Street, Emu Park, Council resolves that:

1. Condition 3.1 remain unchanged.
2. Condition 3.2 remain unchanged.
3. Condition 3.3 remain unchanged.
4. Condition 3.4 remain unchanged.
5. Condition 3.5 remain unchanged.
6. Condition 4.1 remain unchanged.
7. Condition 4.2 remain unchanged.
8. Condition 4.3 remain unchanged.
9. The Infrastructure Charges Notice amount remain unchanged.

RECOMMENDATION B

THAT to reflect the above position, Keith Ruskin, Lyndal Rhoda Ruskin, Kevin Edward Haigh and Shirley Daphne Haigh be issued with a Negotiated Decision Notice for Development Permit D-167-2017 for Reconfiguring a Lot (one lot into two lots) as follows:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the approval of a plan of subdivision (Survey Plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the approval of a plan of subdivision (Survey Plan endorsement), unless otherwise stated.
- 1.6 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; and
 - (ii) Access Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the approval of a plan of subdivision (Survey Plan endorsement).
- 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 services, including any electricity, telecommunications, stormwater drainage systems, internal plumbing and sanitary drainage systems must be located within the

respective property boundaries/ lot it serves, or secured by an easement in favour of the benefitting lot(s).

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Detail and level survey over Lots 9 and 10	170906-05 (Sheet 1)	26.09.2017

- 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 ROAD WORKS

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

- 3.2 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).

- 3.3 Henry Street must be designed and constructed for the full-width and frontage of existing Lot 9 on E15615 to an "Urban Access Street" standard, inclusive of all associated drainage systems.

- 3.4 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and the *Manual of Uniform Traffic Control Devices (Queensland)*.

- 3.5 Public space lighting must be provided in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.

4.0 ACCESS WORKS

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

- 4.2 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 works).

- 4.3 Compliant access driveways to proposed Lots 9 and 10 must be constructed in accordance with the *Capricorn Municipal Development Guidelines*.

- 4.4 Urban Street addressing must be provided for each lot.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 Internal plumbing and sanitary drainage associated with the existing buildings and structures must be wholly contained within the lot it serves.

- 5.2 Adequate on-site water storage for domestic and firefighting purposes must be maintained for the existing development(s) and must be wholly contained within the

lot it serves.

- 5.3 Any construction of new, or alternation to existing, internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and a Development Permit for Plumbing and Drainage Works.

6.0 STORMWATER WORKS

- 6.1 All roof and allotment runoff must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.2 All roof and allotment runoff must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause an actionable nuisance to adjoining properties or damage infrastructure.

7.0 SITE WORKS

- 7.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 8.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.

9.0 ASSET MANAGEMENT

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

10.0 ENVIRONMENTAL

- 10.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;

- (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 10.2 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 11.0 OPERATING PROCEDURES
- 11.1 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 Henry Street.

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. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline* Drawings) may be accepted in place of the Development Permit for Operational Works (access works).

NOTE 6. Adopted Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council's *Adopted Infrastructure Charges Resolution (No. 2) 2015*. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

BACKGROUND

At the meeting of 12 December 2018, Council approved a Development Application for Reconfiguring a Lot (one lot into two lots) over Lot 9 on E15615, located at Lot 9 Henry Street, Emu Park.

The applicant has made representations in accordance with Section 76 of the *Planning Act 2016* for a Negotiated Decision Notice. The representations seek to remove condition 3.3 relating to roadworks, conditions 4.2 and 4.3 in relation to access works and withdrawal or reduction of the Infrastructure Charges Notice to remove the requirement to pay infrastructure charges for the development.

COMMENTARY**SITE AND LOCALITY**

The subject site is 8,094 square metres in area. The site is relatively flat however, does slope down towards the eastern boundary. There is a dividing retaining wall which has levelled the land into two distinct areas. The site falls from twenty-two (22) metre Australian Height Datum on the western boundary, to the seventeen (17) metres Australian Height Datum to the eastern side boundary.

The site is sparsely vegetated with landscaping. There are two existing industrial sheds located along the western portion of the site with a number of shipping containers also located onsite. To the east of the lot is an existing caretaker's residence, a large workshop and two shipping containers under roof.

TOWN PLANNING COMMENTS

The representations have been considered by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with Chapter 3 of the *Planning Act 2016*, based on consideration of the relevant State planning instruments, the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other matters as considered relevant.

The applicant has requested conditions 3.3, 4.2 and 4.3 be deleted.

Condition 3.0**3.0 ROAD WORKS**

- 3.1 *A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.*
- 3.2 *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).*
- 3.3 *Henry Street must be designed and constructed for the full-width and frontage of existing Lot 9 on E15615 to an "Urban Access Street" standard, inclusive of all associated drainage systems.*
- 3.4 *Traffic signs and pavement markings including any alterations must be provided in accordance with the Transport Operations (Road Use Management) Act 1995 and the Manual of Uniform Traffic Control Devices (Queensland).*
- 3.5 *Public space lighting must be provided in accordance with Australian Standard AS1158 "Lighting for Roads and Public Spaces".*

The representations request that condition 3.3 be deleted, citing that there is no new or additional use proposed as part of the development to require the upgrade of Henry Street, for the full-width. The existing carriageway services the current needs of uses on the subject land as well as adjoining land parcels.

The representations state that it is not considered that there is a need to piecemeal upgrade Henry Street at this stage and that condition 3.3 be removed.

Officer Comments

If condition 3.3 is deleted, it would remove the requirement for condition 3.1, 3.2, 3.4 and 3.5 as all conditions rely on the upgrade works to Henry Street and form part of the road works. Therefore, the entire condition to be deleted.

Schedule 4 – Infrastructure of the *Livingstone Shire Planning Scheme 2005* sets the planned standards of service for infrastructure in the Shire. The conditions relating to the upgrade of the road is a standard requirement for development in the Industry Zone.

Under Schedule 4 the standard of service for road infrastructure is *'New and existing roads to be sealed with asphalt, to be provided with kerb and channelling, and major/minor storm water management strategy'*.

Division 2 of Schedule 4 requires compliance with the *Capricorn Municipal Development Guidelines*.

The road frontage of the existing site does not meet the current standard to service industrial land therefore the condition has been included. Further, the infrastructure required and conditioned to service the development is not trunk infrastructure.

It is recommended the condition remain unchanged as it is a requirement when development is undertaken to meet the requirements stated within the Planning Scheme at the time of assessment.

Condition 4.0**4.0 ACCESS WORKS**

- 4.1 *A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.*
- 4.2 *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 works).*
- 4.3 *Compliant access driveways to proposed Lots 9 and 10 must be constructed in accordance with the Capricorn Municipal Development Guidelines.*
- 4.4 *Urban Street addressing must be provided for each lot.*

Representations have been included for condition 4.2 and 4.3.

The representations for the removal of condition 4.2 state that that the on-site car parking is sufficient and a timeframe was detailed in the information request regarding the sealing of the car parking (for proposed Lot 10). The timeframe detailed in the information request was in the next couple of years once Council confirms the sewer manhole position for connection to the subject allotments.

For proposed Lot 11, there is ample on-site parking provided within the existing industrial shed with a concrete floor and an outside blue metal surface parking area is primarily for the operational machinery. The applicant considers the blue metal surface is suitable for the uses on the premises and

For clarification, it is not the intent of this condition to require parking areas to be upgraded on the two allotments. The conditions only require the access (crossover) to be upgraded.

Condition 4.2 relates to the access to the site and not internal parking or driveways on the site. The access design and construction is required to comply with the *Capricorn Municipal Development Guidelines* and the *Australian Standard AS2890 "Off Street Car Parking"*.

The representations for the removal of condition 4.3 state that that the existing accesses to the proposed allotments were constructed by Council and were compliant at the time of construction. Therefore, the condition is requested to be removed.

Officer Comments

If condition 4.2 and 4.3 are deleted, it would remove the requirement for condition 4.1 as this condition relies on the upgrade of the access (crossover).

The accesses to proposed Lot 10 and Lot 11 are not to the required standard to service industrial development. The driveways do not meet the *Capricorn Municipal Development Guidelines* (Drawing CMDG-R-42A – Urban commercial / industrial driveway) and do not comply with Schedule 4 of the planning scheme. Further, there is no information to suggest the existing accesses were constructed by Council. Therefore, as a result of the subdivision the requirement to upgrade the access has been conditioned. Officers recommend the condition remain unchanged.

Infrastructure Charges Notice

An Infrastructure Charges Notice was issued requiring the amount of \$21,000.00 to be paid, in accordance with the *Adopted Infrastructure Charges Resolution (No.2) 2015*. The charge was calculated in accordance with Table 4 - Adopted charge for reconfiguring a lot within the priority infrastructure area and a credit was applied for the existing allotment.

The representations state that the Infrastructure Charges Notice requires a contribution towards the full complement of Council's networks, however the land is not serviced by all networks. Currently, the site only has access to the transport network and the parks and community facilities network. Therefore, the representations request the Infrastructure Charges Notice be removed or revised.

Officer Comments

The site is within Charge Area One, within the Priority Infrastructure Area. When development is within the Priority Infrastructure Area, the full infrastructure charge is applicable. Infrastructure Charges are payable towards trunk infrastructure networks. Trunk infrastructure is necessary to service development at the desired standard of service in a co-ordinated, efficient and financially sustainable manner. The charge amount is not towards the connection of each allotment to the networks however to the greater trunk network. There is no availability to vary the charge amount when development is within the Priority Infrastructure Area unless Council is willing to enter an infrastructure agreement for a lesser amount or withdraw the notice, neither being an option that officers can recommend given them being a deviation from adopted Council policy. Therefore, it is recommended the Infrastructure Charges Notice remain unchanged.

PREVIOUS DECISIONS

The Development Permit was approved, with conditions, at the Council Meeting of 12 December 2017.

BUDGET IMPLICATIONS

Management of this application and the representations assessment has been within the existing budget allocations.

If the charge amount reflected in the Infrastructure Charges Notice is reduced, adequate monies may not be collected to ensure trunk infrastructure is delivered in accordance with the schedule of works adopted by Council in the charges resolution

LEGISLATIVE CONTEXT

The assessment of the application and the representations has been in accordance with the provisions of the *Planning Act 2016*.

The conditions are reasonable and relevant to the proposed development and adopted Council policy.

Under Part 2, Division 2 of the *Planning Act 2016*, Council has the ability to levy charges, in accordance with the *Adopted Infrastructure Charges Resolution (No. 2) 2015* at the time a development approval is given and any deviation from this resolution can only occur through the withdrawal of the notice or by inviting the application to enter an infrastructure agreement, neither being an option that officers recommend.

LEGAL IMPLICATIONS

A decision by Council contrary to the request by the applicant may be appealed to the Planning and Environment Court.

STAFFING IMPLICATIONS

There are no significant staffing implications associated with this assessment.

POLICY IMPLICATIONS

If Council considers removing conditions as requested in the representations, the road and accesses will not meet the current standards. Further, if an alternative infrastructure charge different to the existing adopted infrastructure resolution Council may wish to consider fundamental changes to the existing policy.

RISK ASSESSMENT

The risks associated with determination of this request include a risk of appeal, reputational risk and financial risk.

A determination of the application contrary to the outcome sought through the representations may be escalated to appeal by the applicant, should they contend the position by Council is unreasonable. Officers consider that the risk of appeal is a low probability however it is possible. Costs of an appeal would be borne by Council

Council's reputation may be impacted if it does not maintain the conditions imposed and infrastructure charging policy positions it has adopted. Decisions divergent from these policies may undermine future decision making.

Not collecting infrastructure charges places Council in the situation whereby funding the gap in charges towards trunk infrastructure projects will have to be done by other means. It will result in a lost opportunity to collect monies collected for the delivery of trunk infrastructure.

CORPORATE/OPERATIONAL PLAN

Strategy GO4 of Council's Corporate Plan states: *'Provide transparent and accountable decision making reflecting positive leadership to the community'*

COMMUNICATION

Pursuant to section 76 of the *Planning Act*, Council will provide a copy of the decision notice to the applicant within five business days after deciding the change representations.

CONCLUSION

The representations made by GSPC on behalf of K Ruskin and L R Ruskin and S D Haigh and K E Haigh have been assessed and the specific requests have been discussed directly with the applicant and there is a divergence between the Council officer's position and the applicant's representations.

On 26 February 2018 officers advised the applicant of the draft recommendation and that the reduction in the charge amount was not supported, nor was the request to remove the road works or access works conditions supported. The applicant advised via email on 12 March 2018 that the recommendation was not accepted, therefore the report is required to be taken to a Council Meeting for a final decision.

It is considered that the recommendation by officers to retain the conditions and charges notice is the appropriate outcome for the development and consistent with planning scheme provisions, the charges resolution and adopted Council policy.

**12.5 - REQUEST FOR A NEGOTIATED
DECISION FOR DEVELOPMENT
PERMIT D-167-2017 FOR
RECONFIGURING A LOT (ONE LOT
INTO TWO LOTS)**

Change representations

Meeting Date: 20 March 2018

Attachment No: 1



GSPC

(Gracemere Surveying and Planning Consultants Pty Ltd)

ABN: 40124780445

Operations Office:
PO Box 379 Gracemere QLD 4702
PH: (07) 4922 7033 FAX: (07) 4922 7044
E-mail: admin@gspc.com.au

Head Office:
PO Box 18146 Clifford Gardens QLD 4350
PH: (07) 4634 8703 FAX: (07) 4634 0158
Email: jagsarwan@smartchat.net.au

Our Ref: 170906

6th February 2018

Council Ref: D-167-2017

The Chief Executive Officer
Livingstone Shire Council
PO Box 2292
Yeppoon QLD 4703

Attention: Jenna Brosseuk

Dear Madam,

RE: Representations according to Sections 75 and 125 of the *Planning Act* 2016 towards Council's Conditions of Approval in respect to Development Application D-167-2017 for Reconfiguring a Lot (1 into 2) over Lot 9 on E15615, situated at Henry Street, Emu Park

We humbly seek Council's consideration that Conditions 1.6, 3, 4 and the full contribution required by the Infrastructure Charges Notice are onerous impositions on this approval which only formalises 2 separate long standing existing industrial facilities and no new or additional development has either been applied for or approved.

Condition 3.3

Requires full-width upgrading of Henry Street when no new or additional use has been proposed or approved in this application. The existing carriageway is serving the current needs of uses on the subject land as well as adjoining land parcels.

It is noted that the existing carriageway was formed and constructed, all the way from Emu Park Road by one of the proponents, Mr Keith Ruskin. It is further noted that Council later bitumen sealed the surface of Henry Street; however, Mr Ruskin has not as yet been re-compensated for the initial formation & construction. Therefore, we request Council's consideration that there is no need for a piecemeal upgrade of Henry Street at this stage and that Condition 3 be removed from the approval please.

Condition 4.2

Is "Off Street Car Parking" requirements; and we understand that Mr Ruskin has the same requirements stipulated as part of building approval for his second shed; and during the Information Request process a timeframe has been worked out between Mr Ruskin and Council officers for the full compliance of these requirements.

On Mr Kevin Haigh's premises, there is ample "off street car parking" provided for within the existing industrial shed with concreted floor. Outside parking is primarily for sand, soil & gravel moving machinery which with their stop-start activities would rip up and destroy bitumen-paved surface.

Therefore, the current blue metal surface works well and this soft infrastructure also provides for on-site dispersal and disposal of overland stormwater flow without causing any nuisance to adjoining land.

Condition 4.3

The existing access driveways to both Lots 9 & 10 have been constructed by Council and are fully compliant of all Council requirements at the time of construction. Therefore, we request Council's consideration to remove Condition 4 from the approval, please. Hence, Condition 1.6 requiring further development permits for Road Works and Access Works may also be removed from the approval.

Infrastructure Charges Notice

The Infrastructure Charges Notice requires a contribution towards the full complement of Council's services, However, the subject land is not serviced by the Council's Rubbish Collection Service; nor is it serviced by Council's reticulated sewerage system; Council's water supply does not service the land either; and there is no Council Stormwater Infrastructure that any development on the land may connect into. Therefore, we request for the removal or revision of the Infrastructure Charges Notice pertaining to this development approval.

We thank Council for letting us make 'deputation' to the full Council meeting of 22nd January 2018; and understand from that outcome that Council may consider our 'deputation' at another 'workshop' then come back to us with recommendations towards the issues raised in our 'deputation'. Hence, according to section 75 (4) (b) (iii) of the Planning Act 2016, Council may seek to extend this 20 business day period.

Please contact our Rockhampton office if you require any further information in this regard.

Yours sincerely,
GSPC



SUNIL K GOVIND
Certified Practising Planner
Consulting Cadastral Surveyor

**12.5 - REQUEST FOR A NEGOTIATED
DECISION FOR DEVELOPMENT
PERMIT D-167-2017 FOR
RECONFIGURING A LOT (ONE LOT
INTO TWO LOTS)**

Decision Notice

Meeting Date: 20 March 2018

Attachment No: 2



Decision Notice (approval)

Planning Act 2016, section 63(2)

Development Assessment Rules, part 5: Decision

Application number:	D-167-2017	Your reference:	170906
Date received:	30 August 2017	Contact:	Jenna Brosseuk
Date of decision:	12 December 2017	Contact number:	1300 790 919

1. APPLICANT DETAILS

Name:	Keith Ruskin, Lyndal Rhoda Ruskin, Kevin Edward Haigh and Shirley Daphne Haigh		
Postal address:	C/- GSPC PO Box 379 GRACEMERE QUEENSLAND 4702		
Phone:	(07) 4922 7033	Email:	admin@gspc.com.au

2. PROPERTY DESCRIPTION

Street address:	Lot 9 Henry Street, Emu Park
Real property description:	Lot 9 on E15615

3. OWNER DETAILS

Name:	K Ruskin and L R Ruskin and K E Haigh and S D Haig
Postal address:	72 Bright Street, Emu Park Queensland 4710

4. DEVELOPMENT APPROVAL

Development Permit for Reconfiguring a Lot (one lot into two lots)

5. DETAILS OF APPROVAL

The application is **approved in full with conditions** which are included in **attachment one** of this notice and the following approvals are given:

Type of approval/assessable development details	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval	Nil	YES	NO

6. SUPERSEDED PLANNING SCHEME No

7. THE APPROVED PLANS

The stamped approved plans are provided with this notice in **attachment four**. The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

Plan/Document Name	Plan Number	Dated
Detail and level survey over Lots 9 and 10	170906-05 (Sheet 1)	26.09.2017

8. FURTHER DEVELOPMENT PERMITS

The following development permits are required to be obtained, as detailed in the conditions of approval, before the development can be carried out:

Type of development permit required	Subject of the required development permit
Operational Works	<i>Road Works</i> <i>Access Works</i>

9. REFERRAL AGENCIES

There were no Referral agencies activated by this application.

10. PROPERLY MADE SUBMISSIONS Not applicable**11. CURRENCY PERIOD FOR THE APPROVAL**

Any part of this development approval relating to reconfiguring a lot will lapse if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval, is not given to the local government within **four (4) years** after the approval starts to have effect, as per section 85(1)(b) of the *Planning Act 2016*.

12. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect in accordance with section 71 of the *Planning Act 2016*. Generally, the approval starts to have effect when the approval is given to the applicant unless the following circumstances apply:

- if an appeal about the approval is started, and subject to the outcome of the appeal—the approval starts to have effect when the appeal ends.

13. STATEMENT OF REASONS

Pursuant to section 63 (5) of the *Planning Act 2016*, Council has prepared a notice about the decision for this development application, which is included in **attachment two** of this notice.

14. APPEAL RIGHTS

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment three is an extract from the *Planning Act 2016* that sets down the appeal rights.

15. ASSESSMENT MANAGER [decision made by Council resolution].

Erin McCabe Co-ordinator - Development Assessment Community and Planning Services		Date:	15 December 2017
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Attachment 1 - Livingstone Shire Council Conditions

Planning Act 2016, section 65

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the approval of a plan of subdivision (Survey Plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the approval of a plan of subdivision (Survey Plan endorsement), unless otherwise stated.
- 1.6 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; and
 - (ii) Access Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the approval of a plan of subdivision (Survey Plan endorsement).
- 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 services, including any electricity, telecommunications, stormwater drainage systems, internal plumbing and sanitary drainage systems must be located within the respective property boundaries/ lot it serves, or secured by an easement in favour of the benefitting lot(s).

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Detail and level survey over Lots 9 and 10	170906-05 (Sheet 1)	26.09.2017

- 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 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 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).
- 3.3 Henry Street must be designed and constructed for the full-width and frontage of existing Lot 9 on E15615 to an "Urban Access Street" standard, inclusive of all associated drainage systems.
- 3.4 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 3.5 Public space lighting must be provided in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.

4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 4.2 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 works).
- 4.3 Compliant access driveways to proposed Lots 9 and 10 must be constructed in accordance with the *Capricorn Municipal Development Guidelines*.
- 4.4 Urban Street addressing must be provided for each lot.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 Internal plumbing and sanitary drainage associated with the existing buildings and structures must be wholly contained within the lot it serves.
- 5.2 Adequate on-site water storage for domestic and firefighting purposes must be maintained for the existing development(s) and must be wholly contained within the lot it serves.
- 5.3 Any construction of new, or alternation to existing, internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and a Development Permit for Plumbing and Drainage Works.

6.0 STORMWATER WORKS

- 6.1 All roof and allotment runoff must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 6.2 All roof and allotment runoff must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause an actionable nuisance to adjoining properties or damage infrastructure.

7.0 SITE WORKS

- 7.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 8.0 ELECTRICITY AND TELECOMMUNICATIONS
- 8.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 8.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.
- 9.0 ASSET MANAGEMENT
- 9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 9.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 9.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the approval of a plan of subdivision (Survey Plan endorsement). This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 10.0 ENVIRONMENTAL
- 10.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location / topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation, for the construction and post construction phases of work.
- 10.2 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 11.0 OPERATING PROCEDURES
- 11.1 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 Henry Street.

ADVISORY NOTESNOTE 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. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline Drawings*) may be accepted in place of the Development Permit for Operational Works (access works).

NOTE 6. Adopted Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council's *Adopted Infrastructure Charges Resolution (No. 2) 2015*. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.



Attachment 2 – Statement of reasons

Planning Act 2016, Section 63 (5)

The development application for a **Development Permit for Reconfiguring a Lot (one lot into two lots)** approved as per this Decision Notice (approval) D-167-2017

1. REASONS OF THE DECISION

The development application is approved and the reasons for the decision are based on findings on material questions of fact

- (i) The development does not comply with Specific Outcome O10 of the Industry Zone Code as the development is not connected to the reticulated sewer or water supply networks nor is Henry Street constructed to the full frontage and the access to the sites is not in accordance with the relevant standards.
- (ii) Despite the non-compliance, Council is satisfied that the existing development and the proposed lot configuration is adequately serviced by on-site infrastructure. Council considers the creation of two lots on the premises will not compromise the ongoing use of the premises for preferred industrial uses, including those already operating on site and the amenity of the locality will not be adversely affected by the arrangement.
- (iii) Despite the non-compliance with Specific Outcome O10, the application complies with the overall outcomes sought for the Industry Zone and proposed allotments of adequate size to accommodate preferred and existing industrial uses and upgrade to the road and access have been conditioned.
- (iv) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the *State Planning Policy*.
- (v) The development does not compromise the achievement of regional outcomes outlined in the *Central Queensland Regional Plan*.
- (vi) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with two aspects of the assessment benchmarks.

The evidence or other material on which the findings were based are:

- The common material for the development application;
- The assessment benchmarks identified in section 2 of this notice; and
- The matters prescribed by regulation identified in section 6 of this notice.

2. ASSESSMENT BENCHMARKS

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Industrial Zone Code	<i>Livingstone Planning Scheme 2005</i>
Special Management Area Code	Reprint 7 as in force 10 July 2017
Chapter 4 – Regional outcomes and policies	<i>Central Queensland Regional Plan</i> , October 2013
Part E: State interest policies and assessment benchmarks (Planning for safety and resilience to hazards)	<i>State Planning Policy</i> , July 2017

3. COMPLIANCE WITH BENCHMARKS

The development meets the overall outcomes for the Industrial Zone Code despite not complying with Specific Outcome of O10 of the code:

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Specific Outcome O10	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.

4. RELEVANT MATTERS

Not applicable to this application.

5. MATTERS RAISED IN SUBMISSIONS

Not applicable to this application.

6. MATTERS PRESCRIBED BY REGULATION

The following matters were given regard to in undertaking the assessment of this development application:

- (i) The State Planning Policy – Part E.
- (ii) The Central Queensland Regional Plan.
- (iii) The Industry Zone Code and the Special Management Area Code in *Livingstone Planning Scheme 2005* (reprint 7 as in force 10 July 2017).
- (iv) The land, the subject of the application is used for industrial land uses and a Caretaker's residence to the Landscape supply operation.
- (v) Surrounding use of adjacent premises in terms of commensurate and consistent development.
- (vi) The common material, being the material submitted with the application.



Attachment 3 – Appeal rights

Planning Act 2016 Extract from schedule 1 - Appeals

The extract is provided for information purposes only. Whilst care is taken to ensure the data is current, Council accepts no responsibility for reliance on this information where amendments to the legislation are not reflected in the information. The applicant must refer to the Act available on the Legislation Queensland website

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) Table 2 states the matters that may be appealed only to the P&E Court.
- (3) Table 3 states the matters that may be appealed only to the tribunal.
- (4) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (5) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Table 1

Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

For a development application other than a development application called in by the Minister, an appeal may be made against—

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

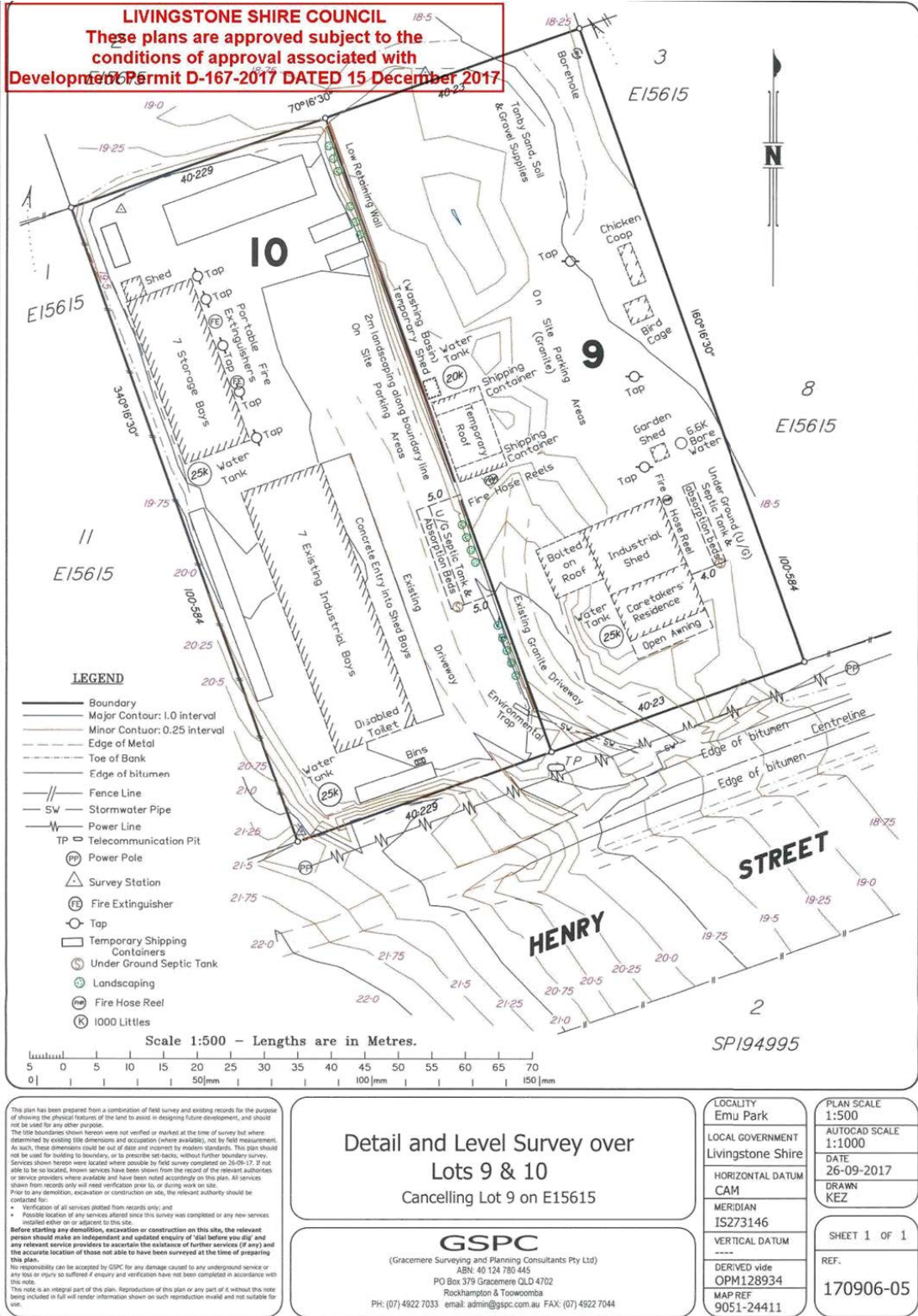
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<ol style="list-style-type: none"> 1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

1. Appeals from tribunal			
An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—			
<ol style="list-style-type: none"> (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—



Attachment 4 – Approved Plans

Planning Act 2016, section 63 (3)



**12.5 - REQUEST FOR A NEGOTIATED
DECISION FOR DEVELOPMENT
PERMIT D-167-2017 FOR
RECONFIGURING A LOT (ONE LOT
INTO TWO LOTS)**

Infrastructure Charges Notice

Meeting Date: 20 March 2018

Attachment No: 3



Infrastructure Charges Notice

Planning Act 2016, section 119 & 121

Application number:	D-167-2017	Your reference:	170906
Date received:	30 August 2017	Contact:	Jenna Brosseuk
Date of decision:	12 December 2017	Contact number:	1300 790 919

1. APPLICANT DETAILS

Name:	Keith Ruskin, Lyndal Rhoda Ruskin, Kevin Edward Haigh and Shirley Daphne Haigh		
Postal address:	C/- GSPC PO Box 379 GRACEMERE QUEENSLAND 4702		
Phone:	(07) 4922 7033	Email:	admin@gspc.com.au

2. PROPERTY DESCRIPTION

Street address:	Lot 9 Henry Street, Emu Park
Property description:	Lot 9 on E15615

3. OWNER DETAILS

Name:	K Ruskin
Postal address:	72 Bright Street, Emu Park Queensland 4710
Name:	L R Ruskin
Postal address:	72 Bright Street, Emu Park Queensland 4710
Name:	S D Haigh
Postal address:	72 Bright Street, Emu Park Queensland 4710
Name:	K E Haigh
Postal address:	72 Bright Street, Emu Park Queensland 4710

4. DEVELOPMENT APPROVAL

Development Permit for Reconfiguring a Lot (one lot into two lots)

5. INFRASTRUCTURE CHARGE

The charge is levied pursuant to the *Adopted Infrastructure Charges Resolution (No.2) 2015*. The details and breakdown of the charge are outlined below:

Total charge:	\$21,000.00 This charge may be indexed in line with Consumer Price Index on an annual basis.
Charge area:	The subject site is located within Charge Area 1
Calculation:	The charge is calculated in accordance with Table 4 - Adopted charge for reconfiguring a lot within the priority infrastructure area, as follows: 1. Two lots at \$21,000.00 per lot less the credit for the existing lot (\$21,000.00)
Credit:	The above calculation takes into account a credit of \$21,000.00 for the existing allotment (\$21,000.00)
Offset:	Not applicable

6. PAYMENT DETAILS

The charge must be paid:	prior to the local government approving the plan of subdivision (endorsement of the survey plan).
Payment options:	<p>Payment of the infrastructure charge can be made:</p> <p>ONLINE – by accessing Council's online services website. <i>Please contact Council for your payment reference number PRIOR to making payment</i></p> <p>IN PERSON – at Council's Customer Service Centre at Town Hall.</p> <p>TELEPHONE – Call 1300 790 919 or 07 4913 5000 to pay via MasterCard or Visa.</p> <p><i>Council complies with the Payment Card Industry Data Security Standard. Compliance helps to alleviate sensitive data being compromised and protects cardholder data.</i></p> <p>MAIL – post a cheque payable to 'Livingstone Shire Council' and send to PO Box 2292, Yeppoon Queensland 4703.</p>

7. LAPSING OF INFRASTRUCTURE CHARGES NOTICE

This infrastructure charges notice lapses if the development approval to which it pertains ceases to have effect in accordance with section 71 and 119 (11) of the *Planning Act 2016*.

8. ASSESSMENT MANAGER

Erin McCabe Co-ordinator – Development Assessment Community and Planning Services		Date:	15 December 2017
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12.6 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A MEDICAL CENTRE AND AN OFFICE

File No: D-248-2017
Attachments: 1. Locality plan [↓](#)
 2. Proposal plans [↓](#)
Responsible Officer: David Battese - Manager Strategy & Development
 Erin McCabe - Co-ordinator Development Assessment
Author: Madelaine Ward - Senior Planning Officer

SUMMARY

Applicant: Md Lupton (Dental) Pty Ltd
Real Property Address: 75 John Street, Yeppoon
Common Property Address: Lot 2 on RP603823 and Lot 4 on RP603823
Area of Site: 1,012 square metres combined
Planning Scheme: Livingstone Shire Planning Scheme 2005
Planning Scheme Zoning: Residential Zone R2 Precinct
Planning Scheme Overlays: Nil
Existing Development: Dwelling house and ancillary Class 10 structure
Level of Assessment: Impact Assessable
Submissions: Nil
Referral Agency: Nil
Adopted Infrastructure Charges Area: Charge Area One

Application progress:

<i>Application lodged and properly made:</i>	18 December 2017
<i>Development Control Unit meeting date:</i>	20 December 2017
<i>Confirmation Notice issued:</i>	21 December 2017
<i>Request for Further Information sent:</i>	21 December 2017
<i>Request for Further Information responded to:</i>	14 January 2018
<i>Notice of intention to commence public notification received:</i>	18 January 2018
<i>Submission period commenced:</i>	24 January 2018
<i>Submission period end:</i>	14 February 2018
<i>Notice of compliance of Public Notification received:</i>	15 February 2018
<i>Statutory determination date:</i>	23 March 2018

OFFICER'S RECOMMENDATION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for a Medical centre and Office, made by Md Lupton (Dental) Pty Ltd, on Lot 2 on RP603823 and Lot 4 on RP603823 and located at 75 John Street, Yeppoon, 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 relevant matters have been established in support of the development as follows:

- (a) The subject site is located within proximity (adjoining) to the transitional commercial precinct (Queen Street) for the Major Centre, as drafted under the Livingstone Planning Scheme 2018 and supports the position of transitional commercial development, maintaining existing residential built form, on the fringe of the Yeppoon Major Centre.
- (b) The proposal involves the conversion of the existing Dwelling house and provides for on-site car parking to the rear, in accordance with the Scheme requirements, and will not significantly adversely impact upon the amenity enjoyed within the immediate locality given the mix of commercial and community land uses including those approved under the current planning scheme.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Medical centre and Office, made by Md Lupton (Dental) Pty Ltd, on Lot 2 on RP603823 and Lot 4 on RP603823 and located at 75 John Street, Yeppoon, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the commencement of the 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 the commencement of the 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) Parking Works; and
 - (iii) Landscaping Works.
 - 1.6.2 Building Works; and
 - 1.6.3 Plumbing and Drainage Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for 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 Lot 2 and Lot 4 on RP603823 must be amalgamated and registered as one title prior to the issue of the commencement of the use.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan and Elevations 1, 2 and 3	171117-02	Not dated
Ground Floor Plans	171117-13	Not dated
First Floor Plans and Elevation 4	171117-04	Not dated

- 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 ROAD WORKS

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

- 3.2 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).

- 3.3 A 1.2 metre wide concrete pathway must be designed and constructed along the full length of the development frontage of John Street in accordance with the approved plans.

4.0 PARKING WORKS

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

- 4.2 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 (parking works).

- 4.3 A minimum of twelve (12) parking spaces including a universal parking space must be designed and constructed on-site.

- 4.4 The universal access space must be designed and constructed in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.

- 4.5 Access, parking and associated vehicle manoeuvring areas must be sealed. All ingress and egress movements to and from the development must be in a forward direction (forward gear).

- 4.6 Any application for a Development Permit for Operational Works (parking works) must be accompanied by a detailed scaled plan which demonstrates turning movements/swept paths of the design vehicle (anticipated largest delivery vehicle) in

accordance with the relevant Australian Standards.

- 4.7 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Manual of Uniform Traffic Control Devices (Queensland)*.

- 4.8 All stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and must drain so as to demonstrate lawful discharge in accordance with the *Queensland Urban Drainage Manual*.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage 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* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 5.3 The development must be connected to Council's reticulated sewerage and water networks.

- 5.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.

- 5.1 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy tenancy in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.

- 5.5 Water meter boxes, stormwater infrastructure, and sewer infrastructure including connections 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 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 All roof and allotment runoff must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

- 6.2 Roof and allotment runoff water must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.

7.0 SITE WORKS

- 7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

- 7.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

8.0 BUILDING WORKS

- 8.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site and must include reclassification of the building.

- 8.2 All new buildings and structures must comply with the provisions of *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*.

- 8.3 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient

noise level, measured at the boundaries of the subject site.

- 8.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 'Control of the obtrusive effects of outdoor lighting'*.

9.0 LANDSCAPING WORKS

- 9.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works.

- 9.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and further embellishments to establish additional screening landscaping, and must include, but is not limited to, the following:

- 9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:

- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) details of landscape structures including areas of deep planting; and
- (vi) specification notes on mulching and soil preparation.

- 9.2.2 A "Planting Plan" and supporting documentation which includes:

- (i) trees, shrubs and groundcovers to all areas to be landscaped;
- (ii) position and canopy spread of all trees and shrubs;
- (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging); and
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.

- 9.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.

- 9.4 Landscaping, or any part thereof, upon reaching full maturity, must not:

- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

11.0 ASSET MANAGEMENT

- 11.1 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.

- 11.2 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.

- 11.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

12.0 ENVIRONMENTAL

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

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation, for the construction and post construction phases of work.

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

13.0 OPERATING PROCEDURES

- 13.1 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 John Street.
- 13.2 All waste storage areas must be kept in a clean, tidy condition and be screened from view from the street and adjoining properties.
- 13.3 The operating hours for the Medical centre and Office are restricted to;
- 13.3.1 0830 hours to 1700 hours, Monday to Friday; and
 - 13.3.2 No operations on Public Holidays or weekends.

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. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. 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 in relation to the application for a Development Permit for a Material Change of Use for a Material Change of Use for a Medical centre and Office, made by Md Lupton (Dental) Pty Ltd, on Lot 2 on RP603823 and Lot 4 on RP603823 and located at 75 John Street, Yeppoon. Council resolves to issue an Infrastructure Charges Notice for the amount of **\$7,414.00**.

BACKGROUND

Details pertaining to previous decisions and advice in relation to this site and surrounding premises is included in the previous decisions and risk assessment sections of this report.

COMMENTARY**PROPOSAL IN DETAIL**

The proposal is for the conversion of an existing Dwelling house to a Medical centre and office. The Medical centre is specifically for an Orthodontic practice and will be located at ground level and will involve two surgery rooms, a consult room, instrument handling room as well as amenities, lunchroom and reception/waiting area. The office tenant is not known at this stage and will be accessible from the ground floor with a separate entrance to the dental surgery and contains four separate office spaces as well as amenities, lunchroom and reception/waiting room. The layout of the Office would be suitable for a single business rather than multiple tenancies. Vehicular access to the site will be maintained from John Street with the provision of seven car parking spaces and one disabled parking space. The car parking area is integrated with the development through the provision of pedestrian linkages to the frontage of the site.

SITE AND LOCALITY

The subject site is located within an urban area, connected to all standard infrastructure services and is relatively unconstrained. The locality is characterised by a mix of uses including residential, commercial and community uses. The properties directly to the north of the site, with frontage to Queen Street, are drafted to be within the business transition precinct under the draft planning scheme.

Related permits on adjoining properties and the subject site

Existing permits on the subject sites	
Lot 2 on RP603823 and Lot 4 on RP603823 75 John Street, Yeppoon	Dwelling house and ancillary structure existing Building Permit 428-2001 for a Shed Building Permit 876-2001 for a Shed
Existing permits on adjoining sites	
Lot 1 on RP603823 and Lot 6 on RP603823 77-79 John Street (to the west)	Vacant land Development Permit D-104-2017 for a Material change of use for Multiple dwelling units (4 units)
Lot 45 on SP101358 73 John Street (to the east)	Flats exiting
Lot 8 on RP602493 78 Queen Street (to the north)	Vacant land
Lot 3 on RP602493 76 Queen Street (to the north)	Vacant B-845-2015 Demolition of Dwelling

ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with Chapter 3 of the *Planning Act 2016*, Part 4 of the *Planning Regulation 2017* and the Development Assessment Rules under the *Planning Act 2016*. The assessment has been carried out against the assessment benchmarks in the relevant categorising instrument/s for the development and having regard to the Central Queensland Regional, the State Planning Policy, any development approval for and any lawful use of the premises or adjoining premises, and the common material. The assessment has also been carried out against other relevant matters (other than a person's personal circumstances, financial or otherwise) including the draft Livingstone Planning Scheme anticipated for commencement in 2018.

Benchmarks applying for the development	Benchmark reference
Shire Wide Outcomes Residential Zone Code	<i>Livingstone Planning Scheme 2005</i> Reprint 7 as in force 10 July 2017
Chapter 4 – Regional outcomes and policies	<i>Central Queensland Regional Plan, October 2013</i>
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy, July 2017</i>
Relevant matters considered	
Related permits on adjoining properties and the subject site	The relevance of existing approvals on the subject site and adjoining properties in respect of the land use pattern and commensurate development
The draft Livingstone Planning scheme	In respect of the policy direction incorporating a transition precinct to the north of the site
The common material submitted with the application	In respect of the reports provided in the material including proposal plans and supporting information

Internal advice and assessment**Infrastructure Operations Unit – 9 January 2018**

Support, subject to conditions requiring related Operational works for Road works, Access and Parking works and Roof and allotment drainage works.

Natural Resource Management – 20 December 2017

No requirements.

Public and Environmental Health – 19 December 2017

Support, subject to conditions regarding noise and lighting in accordance with the relevant Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting and Environmental Protection Regulation 2008.

Growth Management – 14 March 2018

The proposed use of the site for a Medical Centre (154m²) and Offices (154m²) creating an additional 308m² of commercial medical and office space at 75 John Street has been considered in lieu of both the current 2005 Planning Scheme and the draft Livingstone Planning Scheme 2018. It is expected that a new planning scheme will be approved for commencement in the coming weeks. The proposal is inconsistent with the current and the proposed immediate policy direction.

Council will be looking at further options to expand into residential areas if required as an immediate response to the work that the State Government via Economic Development Queensland (EDQ) have advanced on the disused railway yards in James Street which is approximately 420 metres from the subject site. This includes a preference by The State for some of the QR lands (zoned commercial) to be developed for housing. The planning scheme will need to respond to this direction when it is known. However, for now the site is currently in a residential zone and remains to be earmarked for preferred residential uses in the new planning scheme – with a recent approval given for four units to the immediate west which has historically been used for a single dwelling house.

In the development of the new planning scheme – there are a total of 46 lots outside of the current Yeppoon Central zone now included in a new precinct – this precinct encourages the reuse of existing dwellings for office and business uses. In addition, there are 16 lots that have been up zoned to the Major Centre zone and are now to be included in the proposed Major Centre zone (the equivalent zone to the current Yeppoon Central Zone).

Information Request Council issued an information request on 21 December 2017 whereby the applicant was requested to provide strategic justification and grounds to support the proposal given the inconsistency with the Zone and potential to compromise the Desired Environmental Outcomes in terms of the communities' expectations of development in the area. The request also sought further justification of the location given proximity to existing commercial tenancies, considering planning grounds and market need and not personal circumstances.

The applicant provided a response (in full) on 14 January 2018 and included the following planning grounds to justify the proposal;

- The site is within close proximity to the Yeppoon Central Zone and key commercial and community uses including the Yeppoon Library and Community Centre, Centrelink and St Vincent de Paul. In addition, there are a handful of commercial uses taking up premises within the immediate vicinity.
- Several existing lawful Medical Centres within Yeppoon and Emu Park within the Residential Zone;

Property address	Business
63 Whitman Street, Yeppoon	Dental surgery

31 Ben Street, Yeppoon	Physiotherapist
9 Arthur Street, Emu Park	Phycologist
68 William Street, Yeppoon	Chiropractor
12-14 Adelaide Park Road, Yeppoon	Dental surgery

- Lack of suitably dimensioned vacant commercial properties with appropriate plumbing and drainage and on-site parking facilities for a Medical Centre.

Public Notification

The proposal was the subject of public notification between 24 January 2018 and 14 February 2018 as per the requirements of the *Planning Act 2016*, and no submissions were received.

State Planning Policy – July 2017

Part E of the *State Planning Policy* provides for interim development assessment benchmarks for local government until such time as the State Planning Policy is reflected within the planning scheme. The state interests identified are listed below.

Liveable Communities: Not applicable as the proposal does not include residential uses and involve a Community Management Scheme.

Mining and extractive resources: Not applicable as the site is not within proximity to a Key Resource Area or haulage route.

Water quality: Not applicable as the proposal will not result in an impervious area in excess of 2000 square metres.

Natural Hazards, risk and resilience: The subject site is identified as being a Level 1 Flood hazard area. An assessment against the relevant benchmarks is included below.

Assessment Benchmark	Officer comments
<p>Development in bushfire, flood, landslide, storm tide inundation or erosion prone natural hazard areas:</p> <p>(a) avoids the natural hazard area; or</p> <p>(b) where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p>	<p>Complies</p> <p>Despite the Flood hazard mapping by the state, the site is not identified as being drainage problem or prone to storm tide inundation under the draft or current scheme.</p> <p>In addition, there have been substantial flood mitigation works carried out at nearby Queen Street and Arthur Street intersection which more appropriately manages stormwater issues as a result of localised flooding.</p> <p>As such, the property is not expected to be susceptible to flooding.</p>
<p>Development in natural hazard areas:</p> <p>(a) supports, and does not hinder disaster management capacity and capabilities</p> <p>(b) directly, indirectly and cumulatively avoids an increase in the exposure or severity of the natural hazard and the potential for damage on the site or to other properties</p> <p>(c) avoids risks to public safety and the environment from the location of the storage of hazardous materials and the release of these materials as a result of a</p>	

natural hazard (d) maintains or enhances the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard.	
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Central Queensland Regional Plan – October 2013

Regional Policy	Response
Regional outcome Agriculture and resources industries within the Central Queensland region continue to grow with certainty and investor confidence.	
Regional policy 1 Protect Priority Agricultural Land Uses within Priority Agricultural Areas.	Not applicable Livingstone shire council local government area does not contain any priority agricultural areas.
Regional policy 2 Maximise opportunities for co-existence of resource and agricultural land uses within Priority Agricultural Areas.	Not applicable Livingstone shire council local government area does not contain any priority agricultural areas.
Regional outcome The growth potential of towns within the Central Queensland region is enabled through the establishment of Priority Living Areas. Compatible resource activities within these areas which are in the communities' interest can be supported by local governments.	
Regional policy 3 Safeguard the areas required for the growth of towns through the establishment of Priority Living Areas (Schedule 1).	Not applicable The subject site is not located within proximity to a Priority Living Area.
Regional policy 4 Provide for resource activities to locate within a Priority Living Area where it meets the communities' expectations as determined by the relevant local government.	Not applicable The proposal does not involve a resource activity.

Livingstone Shire Planning Scheme 2005

Planning Scheme Shire Wide Outcomes

The Shire Wide Desired Environmental Outcomes, as identified by section 2.2 of the *Livingstone Planning Scheme 2005* are as follows:

- (a) *Development does not adversely affect the values of the Shire's natural environment including coastal areas, wetlands, beaches, headlands, waterways, protected areas, undeveloped hillslopes, and areas of significant native vegetation, from any adverse effects accruing from clearing, soil degradation and pollution, due to erosion and*

contamination, acidification, salinity, waste disposal and any modifications to natural processes.

Complies: The subject site is located within an urban area and the development will retain the existing Dwelling house albeit reclassified, therefore there will be minimal impacts upon the natural environment.

- (b) *Development does not adversely affect the quality and quantum of water available for a range of consumptive uses throughout the Shire.*

Complies: The subject site is connected to reticulated water services which are appropriate for the proposed use. The use is not of a scale which will impact the quality of quantum of available water.

- (c) *Risks to safety, property and the environment are not increased by the interaction of development and natural or other hazards, including flooding, bushfires, disturbance of acid sulfate soils, storm tide, cyclonic weather events and landslide.*

Complies: The subject site is not considered to be at an increased risk of natural hazards, in particular flooding, given recent flood mitigation works undertaken within nearby Queen Street in relation to the Fig Tree catchment.

- (d) *Development protects the economic values of natural resources, including good quality agricultural land, extractive and mineral resources, vegetation, and water.*

Not applicable: The subject site does not contain, nor is it within proximity to any significant economic values in terms of extractive or mineral resources given the urban location.

- (e) *Development provides a benefit to and satisfies an economic demand of residents of the area in which it is located.*

Complies: The proposal is for a primary care service, being a dentist, which will service the Yeppoon area. The location of such uses within Yeppoon, limits patients travel time to Rockhampton for similar services.

- (f) *Opportunities for maintaining and improving employment resulting from advancements in information technology and emerging business and industry trends are maximised.*

Not applicable: The proposal does not provide any significant opportunity for emerging business and industry trends.

- (g) *The Shire's tourism industry is strengthened and expanded based on the sustainable use of natural, cultural, and man-made assets, and the orderly provision of services and facilities.*

Not applicable: The proposal will neither strengthen nor weaken the tourism industry as it is for a commercial land use within close proximity to the major centre.

- (h) *Yeppoon continues to function as the main business centre and administrative hub for the Shire.*

Complies: The subject site is located one block away from the main business centre of Queen Street, James Street and Normanby Street. The nature of the business, being for a dental surgery requires a number of small consulting rooms and large reception area, for which there are no current tenancies available within the Main Street. In this regard, the proximity to the main business centre will not significantly limit the viability or role of the centre, noting that similar uses are not located within the main centre but on the periphery of Yeppoon centre including dentists, physios and chiropractors in Normanby Street.

- (i) *Development promotes the efficient use, and provides for the orderly expansion of the Shire's movement system, including motorised and non-motorised modes.*

Complies: The subject site is located on a Central Business District collector road with on-street car parking and on-site car parking provided. The pedestrian network

does not extend to the site frontage however is existing on the opposite side of John Street for the Library, Community Centre and St Vincent De Paul.

(j) *Development occurs in an area:*

- (i) *which is intended for the development as identified by the outcomes for zoned land; and*
- (ii) *in which services and facilities required in respect of the development are existing, planned or provided by the development.*

Complies in part: The proposal is for a commercial use which is not intended within the Residential zone. Despite this, the site is within proximity to other commercial and community uses and is considered to be within proximity to the main centre of Yeppoon. The site is also afforded all necessary infrastructure and services.

(k) *Development does not adversely affect:*

- (i) *the community's health and safety; or*
- (ii) *the amenity enjoyed by people in different areas of the Shire.*

Complies: The proposal is for a Medical centre and Office to be located within an existing Dwelling house (following reclassification of the structure). As such, the proposal is considered to have potential to positively impact the communities' health whilst not adversely impacting upon safety and amenity of the locality, given the mix of existing land uses and transitional nature of John Street.

(l) *Development reflects the community's reasonable expectations and harmonises with the natural environment and does not prejudice the Shire's existing scenic amenity, particularly along the Capricorn Coast.*

Complies: The subject site is located within an urban area and will not require significant external building works outside the requirements to reclassify the Dwelling house. Given this, combined with the existing lawful uses of a similar nature within Residential zone, the proposal is not anticipated to impact the scenic amenity or conflict with the communities' expectations of development within the immediate vicinity.

(m) *The community values of places and landscapes reflecting the community's history and identity are not detrimentally affected by development.*

Complies: The subject site is not identified as containing any significant historical values. Despite this, the existing Dwelling house and façade will be retained so as to least impact upon the streetscape and amenity of the area.

The performance assessment of the proposal demonstrates that the development will not compromise the Planning Scheme Shire Wide Desired Environmental Outcomes based on the reasonable justification provided in the relevant circumstances.

Residential Zone Outcomes

The Overall Outcomes applicable to the Residential Zone are set out at section 3.7 of the scheme as follows:

- (a) *The purpose of the Residential Zone Code is the achievement of the overall outcomes sought for the Residential Zone.*
- (b) *The overall outcomes sought for the whole of the Residential Zone are:*
 - (i) *Preferred land use:*

(A) *is a residential purpose comprising long-term accommodation located as follows:*

<i>Accommodation Type</i>	<i>Preferred Precinct</i>
<i>Dual occupancy</i>	<i>R1, R2, R3</i>

<i>Dwelling house</i>	<i>R1, R2, R3</i>
<i>Annexed apartment</i>	<i>R1, R2, R3</i>
<i>Multiple dwelling units</i>	<i>R2, R3</i>
<i>Retirement village</i>	<i>On-merit</i>

(B) *is a residential purposes comprising short-term accommodation located as follows:*

<i>Accommodation Type</i>	<i>Preferred Precinct</i>
<i>Accommodation building</i>	<i>R1, R2, R3</i>
<i>Bed and breakfast</i>	<i>R1, R2</i>
<i>Caravan Park</i>	<i>On-merit</i>
<i>Institutional Residence</i>	<i>On-merit</i>

(ii) *Land use (other than preferred land use) occurs only if:*

- (a) *It is compatible with surrounding development by being of similar scale, intensity and character, and*
- (b) *it supports preferred uses, and*
- (c) *it does not adversely affect the amenity of the locality, and*
- (d) *it is one of the following:*
 - a. *a local utility; or*
 - b. *a shop (not exceeding 100 square metres gross floor area) which provides only for convenience shopping needs of residents of the immediate catchment; or*
 - c. *a special use (being a community hall or community centre).*

(iii) *Residential areas are characterised by high levels of amenity and provide attractive living environments;*

(iv) *Development for residential purposes comprises;*

1. *A range of residential accommodation styles including long term and short term accommodation;*
2. *Long-term and short term accommodation located appropriately in relation to densities nominated in the code,*
 1. *Long-term accommodation is located in precinct R1, R2 and R3; and*
 2. *Short-term accommodation is located in precinct R3; and*
3. *Long-term and short term accommodation develops at appropriate densities in relation to precinct nominated in this code as follows:*
 1. *Relatively low density development in precinct R1; and*
 2. *Relatively medium density (125 persons/Ha) development in precinct R2; and*
 3. *Relatively high density (350 persons/Ha) development in precinct R3; and*
4. *Well-designed residential development which is sensitive to climatic conditions and provides for the retention of natural features like creeks, gullies, waterways, coastal zone and vegetation; and*
5. *An open space system including formalisation of recreational and movement opportunities where appropriate;*

- (v) *Development is provided with physical and social infrastructure commensurate with the scale and density of development.*
- (vi) *Non-residential uses locating in a residential area comprise purposes of a local business/community nature which support the enjoyment of residential areas by residents but do not detract from the character and amenity of localities in which they are established.*
- (vii) *Buildings and structures in precincts R1 and R2 are not higher than 12 metres.*
- (viii) *Buildings and structures in precincts R3 are not higher than 15 metres.*
- (ix) *Development does not adversely impact on the environmental values of the site and its surroundings.*

The proposed use is not one of the above uses, and thus cannot be considered a preferred use within the Residential Zone. Despite this, the proposal is generally consistent with the remaining Overall Outcomes for the Zone given the proposal is for small scale local businesses which will not detract from the character and amenity of the locality, given the existing mixed use nature of John Street and the identification of Queen Street as a transitional precinct under the draft Livingstone Planning Scheme. Further grounds to support the proposal area addressed through the below code assessment and summary of assessment section.

Residential Zone Code Requirements

The following is an assessment of the proposal against the Residential Zone Code, which includes an assessment of the development against the relevant specific outcomes of the code.

Specific Outcomes		Response
Land use		
O1	Land use is: (a) A preferred use (as identified in the overall outcomes of this code); or (b) A use (as identified in the overall outcomes of this code) which: a. is compatible with surrounding development by being of similar scale, intensity and character; and b. supports preferred land use; and c. does not adversely affect the amenity of the locality	Complies in part Although the proposed land uses cannot be considered preferred within the Residential zone, the proposal is compatible in terms of scale and character in its built form and will not adversely affect the amenity of the locality.
Subdivision Design		
O2	Reconfigured lots are designed and developed with: sufficient area and suitable proportions for preferred or consistent uses; • adequate frontage for safe and convenient vehicular and pedestrian access; • suitable areas within each lot for the location of relevant activities and works, and: • do not expose people and works to unacceptable risks from flooding or	Not applicable The proposal does not involve subdivision at this stage.

Specific Outcomes		Response
	other hazards.	
Density		
O3	Density of residential development is compatible with local amenity expressed by the outcomes sought for the Residential Zone.	Not applicable The proposal is not for residential development but will retain the built form of the previous residential use.
Character and Amenity		
O4	Uses and works are located, designed and operated to minimise adverse impacts on: <ul style="list-style-type: none"> existing environmental conditions relating to air, water and soil, the amenity of adjacent properties and public spaces, visual quality of landscapes in terms of: <ul style="list-style-type: none"> reducing ribbon development and sprawl, loss of green break separations, obstructing significant local and distant views of prominent natural features and landmarks, and the health and safety of people using the premises and adjacent premises. 	Complies The retention of the existing Dwelling house façade, with car parking to be located at the rear, will ensure minimal impacts upon the streetscape and residential amenity, given the property will not operate outside normal business hours. Specifically, the Medical centre will operate weekdays between the hours of 8.30am and 5.00pm commensurate with the other non-residential uses in the street. A condition to this affect is included within the recommendation.
O5	Buildings and structures are: <ul style="list-style-type: none"> of a type and scale which have an attractive, functional appearance; constructed of materials and finishes compatible with other development in the area; integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; and designed to adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces 	Complies The existing Dwelling house will be retained and retrofitted internally to accommodate the proposed Medical centre at ground floor and Office at first floor. The external fascia will remain relatively unchanged and retain the residential character.
O6	For a noise sensitive place, activities are laid out and buildings are designed and constructed to mitigate to a level, that does not unreasonably adversely affect the health and safety of people using premises, the effects of noise from: <ul style="list-style-type: none"> Traffic on major roads (including State controlled roads); or Operations within railway corridors. 	Not applicable The site is not identified as being a noise sensitive place.
Cultural Heritage Values		

Specific Outcomes		Response
O7	Cultural heritage values associated with the landscape features of a site and its surroundings or relics of past activities found during development of the site are respected and are not subjected to changes that would significantly reduce the capacity to appreciate those areas, places and sites, their character or the memories or history they represent, in terms of visual detracting, public accessibility or physical change, damage or removal.	Not applicable The site is not identified as containing any known cultural heritage values listed under Schedule 3.
Flood Immunity		
O8	Development is immune to flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	Complies The subject site is not identified as being prone to drainage problems or storm surge hazard under either the current or draft overlay mapping. Extensive flood mitigation work undertaken in Queen Street/Arthur Street intersection further mitigates any potential for significant adverse impacts at the site.
Community Safety		
O9	Personal safety and property security are optimised through the design of buildings and spaces incorporating: <ul style="list-style-type: none"> • Opportunities for surveillance; • Clear definition of boundaries between private and public spaces; and • Robust construction materials. 	Complies The property provides for opportunities for surveillance through the large windows located at ground and first floor, within which reception and waiting areas are located. The property is also considered to have a clear boundary definition and furthermore, each use will be identified from the front entrance, with the first floor office accessible via a separate staircase to the Medical centre.
Vehicle Parking and Movement		
O10	Development is provided with an on-site parking and movement system designed and constructed to: <ul style="list-style-type: none"> • be integrated with the site layout including: <ul style="list-style-type: none"> – direct access to a road providing a level of service required to accommodate traffic generated by the use; and – appropriately designed footpath crossovers; and – provision for safe pedestrian movement between public footpath and facility entry points; and • accommodate all modes of transport (including motor vehicles and bicycles) generated by the use; and • facilitate non-discriminatory 	Performance solution provided Schedule 2 of the planning scheme requires a Medical centre provide one space per twenty (20) square metres of Gross Floor Area and an Office provide for one space per forty-five (45) square metres of Gross Floor Area. This equates to eight (8) car parking spaces for the Medical Centre and 4 (rounded up from 3.5) car parking spaces for the Office. The proposal provides for eight (8) on-site car parking spaces available for customer accessing the premises. Six (6) spaces are located within the immediate road reserve (frontage of the subject site and the adjoining property at 73 John Street). Whilst the proposal does not provide the twelve (12) spaces sought for the uses nor do

Specific Outcomes		Response
	accessibility; and <ul style="list-style-type: none"> provide for safe and efficient loading and unloading of goods; and allow for vehicle queuing necessary for the use; and provide for passenger set down/pick up necessary for the use; and facilitate public access to the foreshore and riparian open space networks. 	the plans indicated the required provision of an ambulance bay these aspects have been conditioned to ensure the development provides for the necessary infrastructure on site. In addition, the proposal provides for the extension of the pedestrian network to the east through provision of a 1.2 metre wide pathway, as conditioned in the recommendation.
Infrastructure		
O11	Water supply, sewerage, drainage, roads, power and communications are provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: <ul style="list-style-type: none"> comprise components and materials that are: <ul style="list-style-type: none"> readily accessible and available; and robust and reliable in terms of operational life and purpose; and easily maintained without unnecessarily requiring specialist expertise or equipment; and are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems. 	Complies The subject site is located within an urban area and currently contains a Dwelling house which is connected to all standard infrastructure networks. Private works and sub-metering will be necessary for the conversion of the Dwelling to cater for two separate commercial tenancies.

As evident from the above assessment, the proposal complies with the various requirements of the Residential Zone Code or where a deviation from the code applies, justification or conditions have been provided.

SUMMARY OF ASSESSMENT

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

In response to the above, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Desired Environmental Outcomes. Furthermore, there are considered to be relevant matters that favour Council exercising its discretion to approve the application in this instance, even though the application is not consistent with the Purpose of the Residential Zone Code.

The relevant matters are as follows:

- (a) The subject site is located within proximity (adjoining) to the transitional commercial precinct (Queen Street) for the Major Centre, as drafted under the Livingstone Planning Scheme 2018 and supports the position of transitional commercial development, maintaining existing residential built form, on the fringe of the Yeppoon Major Centre.
- (b) The proposal involves the conversion of the existing Dwelling house and provides for on-site car parking to the rear, in accordance with the Scheme requirements, and will

not significantly adversely impact upon the amenity enjoyed within the immediate locality given the mix of commercial and community land uses including those approved under the current planning scheme.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, pursuant to Section 45(5)(b) of the *Planning Act 2016*, there are considered to be relevant matters that favour Council exercising its discretion to approve the alternative land uses proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Desired Environmental Outcomes.

Further to the assessment summary above and as per section 63 (5) of the *Planning Act 2016*, development application is recommended for approval and the reasons for the decision are based on findings on material questions of fact:

- (i) The development does not comply with Specific Outcome O1 of the Residential Zone Code as the proposal is for two commercial uses, which are not considered preferred or consistent within the Zone.
- (ii) Despite the non-compliance, the development is not considered to adversely impact upon the amenity of the location given the proposed uses will utilise the existing Dwelling house, being compatible with surrounding development in terms of built form and will not operate on weekends or outside normal business hours.
- (iii) A condition regarding hours of operation has been included so that the development achieves an acceptable alternative and supports the overall outcomes of the Residential Code.
- (iv) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the *State Planning Policy*.
- (v) The development does not compromise the achievement of regional outcomes outlined in the *Central Queensland Regional Plan*.
- (vi) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with one aspect of the assessment benchmarks.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No.2) 2015 for non-residential development applies to the application and it falls within Charge Area 1. The Adopted Infrastructure Charges are as follows:

Total charge:	\$7,414.00 This charge may be indexed in line with Consumer Price Index on an annual basis.
Charge area:	The subject site is located within charge area 1.
Calculation:	The charge is calculated in accordance with Table 7 - Adopted charge for non-residential development within the priority infrastructure area, as follows: <ol style="list-style-type: none"> 1. gross floor area of 322.6 square metres at \$70.00 per square metre (= \$22,582.00); and 2. impervious area of 583.2 square metres at \$10.00 per square metre. <ul style="list-style-type: none"> • The impervious area of 583.2 square metres comprises: • 168.6 square metres for the building roof area (= \$1,686.00); and

	<ul style="list-style-type: none"> • 414.6 square metres for the parking and manoeuvring area (new driveway and parking area – 220.6sqm + additional conditioned parking area – 194sqm) (= \$4,146.00). <p>3. Gross floor area (\$22,582.00) plus impervious area (\$5,832.00) calculations</p> <p>4. less a credit of \$21,000.00.</p>
Credit:	The above calculation takes into account a credit of \$21,000.00 for the existing use (being a Dwelling house) pursuant to section 4.0 of Council's <i>Adopted Infrastructure Charges Resolution (No. 2) 2015</i> .
Offset:	No offset applies to the development

A total charge of **\$7,414.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

PREVIOUS DECISIONS

It should be noted that each decision is made on its merits at the time of assessment and with the best planning information available. There are instances whereby sufficient grounds to support the proposal must be established, subject to reasonable and relevant conditions. In this regard, the following approvals are noted to have been given for Medical Centres to be located outside the Yeppoon Central Zone.

- Development Permit D-Y/2006-178 for a Material change of use for a Medical Centre (Chiropractors office) located at 63 William Street, Yeppoon. Negotiated Decision given 22 August 2006.
- Development Permit D-Y/2008-73 for a Material change of use for a Medical Centre located at 31 Ben Street, Yeppoon. Negotiated decision approved on 19 December 2008 and currently operating as CQ Physio.
- Development Permit D-Y/2008-264 for a Material change of use for a Medical Centre located at 63 Whitman Street, Yeppoon. Negotiated decision approved on 15 January 2009 and currently operating as Regals Dental.

In addition, the following Development approvals have been given for non-residential uses within the immediate area;

- Development Permit D-Y/2007-629 for a Material change of use for a Special Use (St Vincent De Paul Charity Centre) located at 74-76 John Street, Yeppoon. Approved with conditions 12 May 2008.
- Development Permit D-1529-2009 for a Material change of use for a Home Based Business (Interior Design). Approved with conditions on 4 August 2009.
- Development Permit D-111-2011 for a Material change of use for a Shop (personal grooming services). Approved with conditions on 17 November 2011.
- Development Permit D-205-2011 for a Material change of use for an Office. Approved with conditions on 6 December 2011.
- Development Permit D-93-2014 for a Material change of use for an Office. Negotiated Decision approved with conditions on 26 August 2014.
- Development Permit D-189-2010 and Development Permit D-56-2015 for a Material change of use for a Restaurant and caretakers dwelling located at 86 Queen Street, Yeppoon. Approved with conditions 1 March 2011 (now lapsed) and 11 November 2016.

BUDGET IMPLICATIONS

Management of this application has been within the existing budget allocations.

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

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

STAFFING IMPLICATIONS

No staffing implications have been identified in the assessment.

RISK ASSESSMENT

The risks associated with this assessment have been appropriately addressed in the body of this report. Specifically, the risk of appeal to any decision made by Council and any financial/budget implications such action may have. It should be noted that these risks are difficult to quantify at the assessment stage. Reputational risk in terms of deviation from the planning policy position may arise given various enquiries over the site and advice from the Duty Planner service that accords with the scheme retaining the site for residential uses given the Residential Zone. Given there have been sufficient grounds that establish relevant matters in support of the development despite the conflict with the scheme and the fact that there were no objections to the development application, this risk is considered low.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Strategy GO4 is relevant to the application, being: Strategy GO4: Provide transparent and accountable decision making reflecting positive leadership to the community.

CONCLUSION

The proposed development, being for a Material change of use for a Medical centre and Office cannot be considered consistent or preferred with the Residential zone under the *Livingstone Shire Planning Scheme 2005*. Despite this, the proposal is considered to comply with the purpose and overall outcomes of the Zone codes. In this regard, a performance based assessment has been undertaken and the non-compliance is not considered to detract from the achievement of the Shire Wide Desired Environmental Outcomes.

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. In addition, pursuant to section 60(2)(d), an assessment manager may refuse the application only if compliance cannot be achieved by imposing development conditions. In response to the above, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Desired Environmental Outcomes. Furthermore, there are considered to be relevant matters that favour Council exercising its discretion to approve the application in this instance, even though the application is not consistent with the Purpose of the Residential Zone Code.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, pursuant to Section 45(5)(b) of the *Planning Act 2016*, there are considered to be relevant matters that favour Council exercising its discretion to approve the alternative land uses proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Shire Wide Outcomes.

12.6 - DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A MEDICAL CENTRE AND AN OFFICE

Locality plan

Meeting Date: 20 March 2018

Attachment No: 1

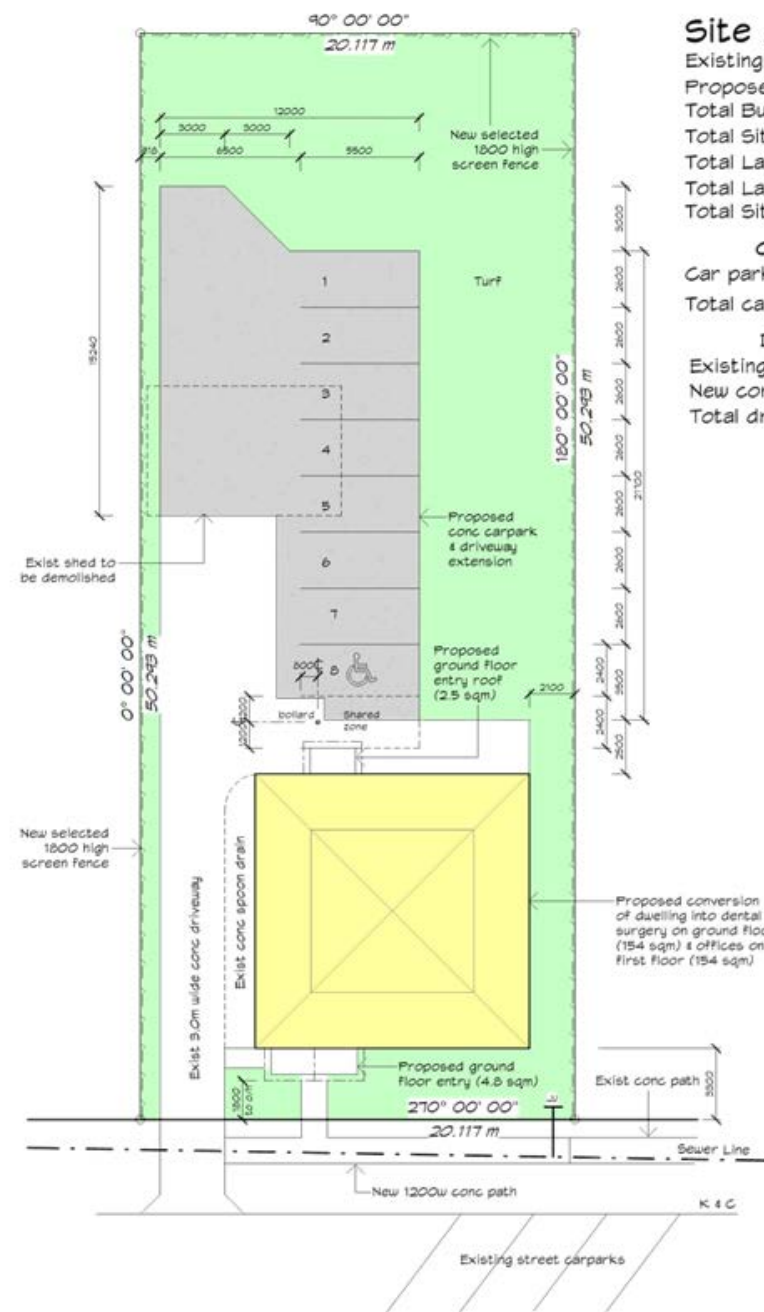


12.6 - DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A MEDICAL CENTRE AND AN OFFICE

Proposal plans

Meeting Date: 20 March 2018

Attachment No: 2



JOHN STREET

1 Site Plan
1 : 200

Site Analysis

Existing Floor Area = 322.6 sqm
 Proposed Floor Area = 7.3 sqm
 Total Building Footprint Area = 168.6 sqm
 Total Site Coverage = 16.7 %
 Total Landscaped Area Required = 3.0m to front
 Total Landscaped Area Provided = 3.3m to front
 Total Site Area = 1011.7 sqm

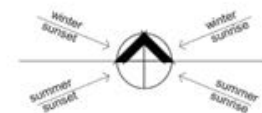
Car Parking

Car parking spaces required = 7
 Total car spaces provided = 8

Driveways

Existing concrete driveway area = 161.8 sqm
 New concrete driveway area = 220.6 sqm
 Total driveway area = 382.4 sqm

R.P.D.
 Lot Number : 244
 Reg./Survey Plan Number : 603825
 Parish : YEPPOON
 County : LYNNSSTONE
 Area : 1011.7 sqm



PRELIM
 DATE: 19/12/17
02
 NOT FOR CONSTRUCTION




2 Elevation 1
1 : 100



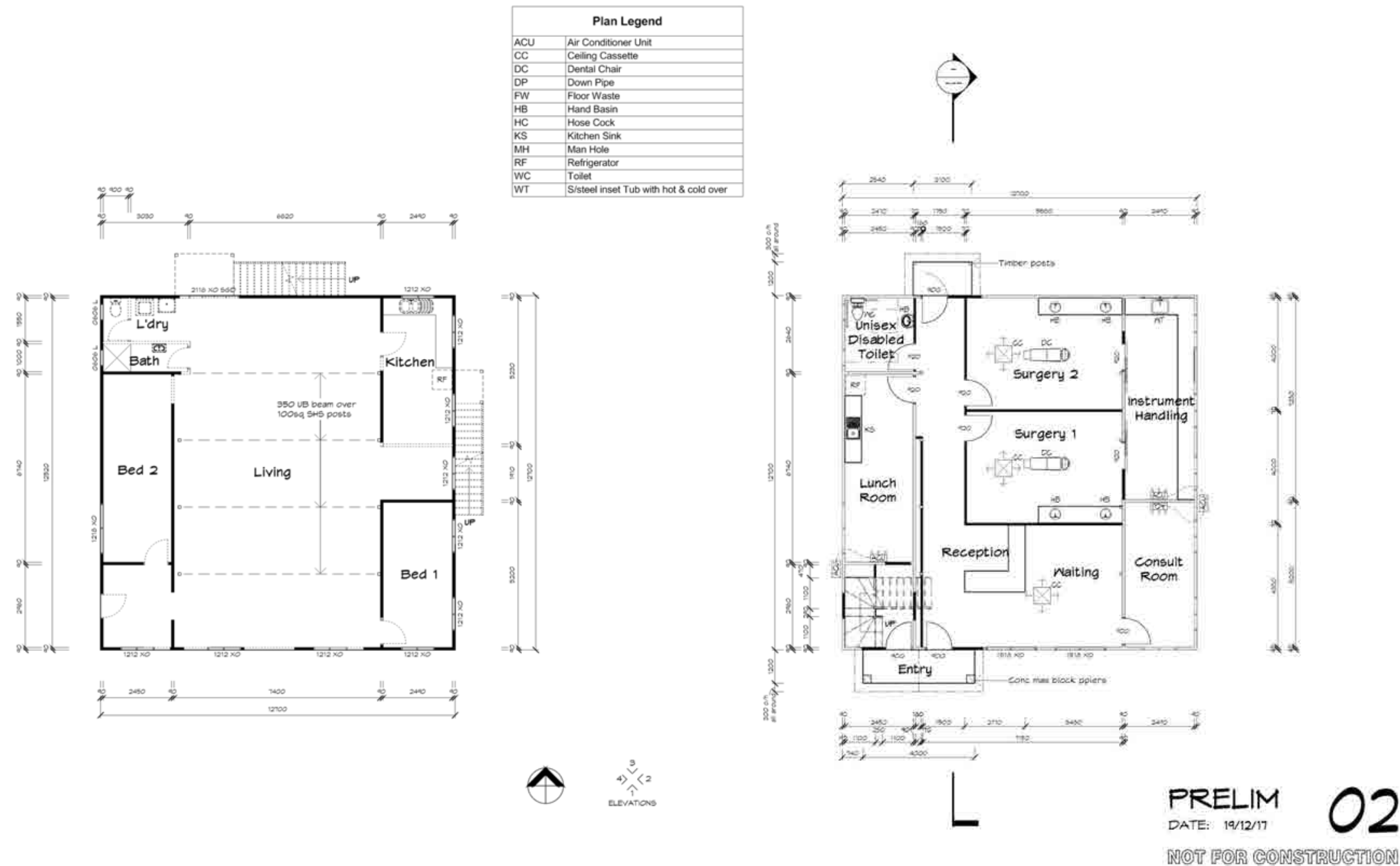
3 Elevation 2
1 : 100



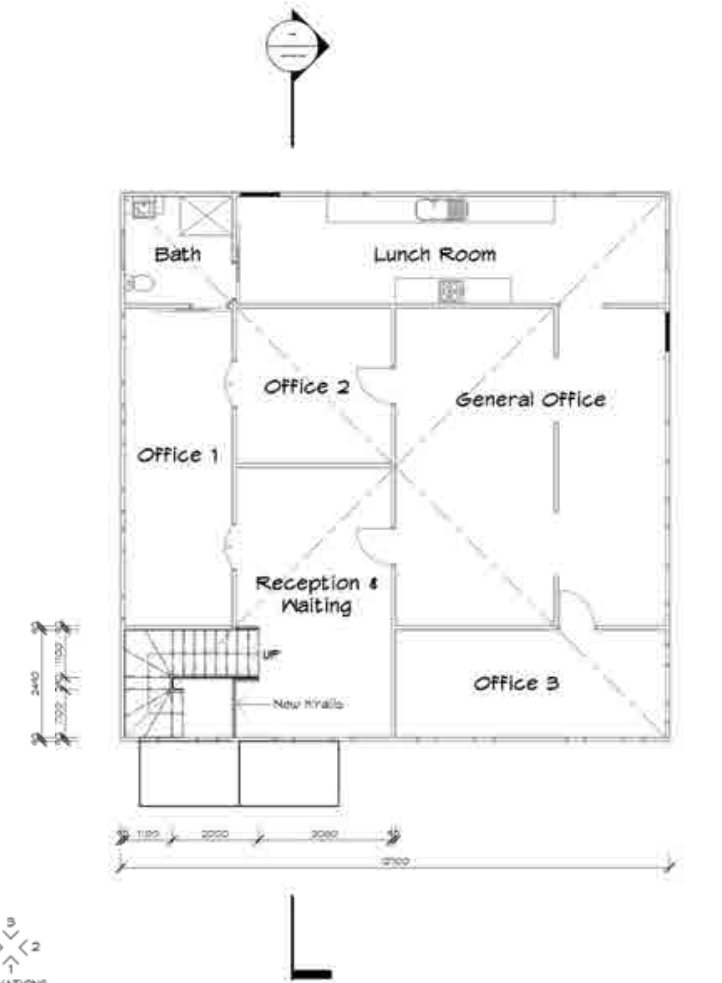
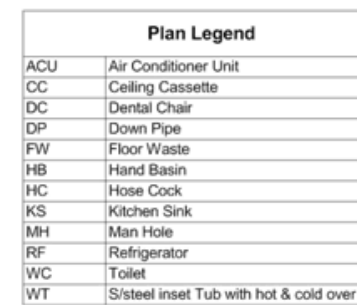
4 Elevation 3
1 : 100

REVISIONS			DESCRIPTION	DATE	this drawing Site Plan	 Rufus Design Group STYLE • QUALITY • INNOVATION	MEMBER BUILDING DESIGNERS ASSOC. OF QLD INC. Lic No. 1180286 Telephone 61 7 49288011 Facsimile 61 7 49266579 E-mail mailbox@rufusdesigngroup.com	PROJECT MANAGER : <i>Daw</i> DRAWN : <i>Daw</i> CHKD :	PWD SPEED : C2 PLAN SIZE : A2	PROJECT NUMBER 171117 - 02 SHEET 02 OF 04 SHEETS REVISION
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			PROPOSED DENTAL CLINIC FOR LUPTON STEWART ORTHODONTICS AT 75 JOHN STREET, YEPPOON							

PRINT DATE : 19/12/2017 10:56:34 AM



REVISIONS			PROPOSED DENTAL CLINIC FOR LUPTON STEWART ORTHODONTICS AT 75 JOHN STREET, YEPPON	this drawing Ground Floor Plans	 <small>MEMBER BUILDING DESIGNERS ASSOC. OF QLD INC.</small> <small>Licensed under the QBSA Act Lic No. 1180288</small> <small>Telephone 61 7 49288011 Facsimile 61 7 49266579 E-mail: mailbox@rufusdesigngroup.com</small>	PROJECT MANAGER: <i>DJW</i> DRAWN: <i>DJW</i> CHECK: <i>DJW</i>	<small>PRINT DATE</small> 19/12/2017 12:56:25 AM <small>PRINT SPEED</small> C2 <small>PLAN SIZE</small> A2	PROJECT NUMBER 171117 - 03 SHEET 02 OF 04 SHEETS REVISION
	No.	DESCRIPTION	DATE					



2 First Floor Plan
1:100

REVIEWS			PROPOSED DENTAL CLINIC FOR LUPTON STEWART ORTHODONTICS AT 75 JOHN STREET, YEPPON	this drawing First Floor Plans	 MEMBER BUILDING DESIGNERS ASSOC. OF QLD INC. Licensed under the QBDA Act Lic No. 1150266 Telephone: 61 7 49288011 Facsimile: 61 7 49266579 E-mail: mailbox@rufusdesigngroup.com	 PROJECT MANAGER: <u>DPW</u> DRAWN: <u>DPW</u> CHECK:	PLAN SPEED: C2 PLAN SIZE: A2	PROJECT NUMBER: 171117 - 04 SHEET 04 OF 04 SHEETS REVISION:
	No.	DESCRIPTION					DATE	PRINT DATE: 19/12/2011 10:56:20 AM

12.7 YEPPOON LAGOON OPERATING HOURS

File No: 18-060
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Daniel Pearce - Manager Assets & GIS

SUMMARY

This report provides detail of the proposed summer and winter operating hours for the Yeppoon Lagoon for adoption in accordance with the recommendation from the Yeppoon Lagoon Steering Committee.

OFFICER'S RECOMMENDATION

THAT Council adopts the operating hours as proposed for the Yeppoon lagoon.

BACKGROUND

The proposed hours of operation for the lagoon have been discussed previously with the Project Control Group during the development of the Lifeguard and Aquatic Services tender documentation and then again with the Foreshore Steering Committee in February 2018. Varying options were proposed including consistent operations or the option for a maintenance period. It was considered that a consistent operation was the preferred option.

COMMENTARY

Lagoon operational readiness is progressing towards the target date of late April 2018. With that in mind, and the awarding of the Lifeguard Services Tender and the Aquatic Services tender progressing, there comes a need to move towards setting of the operating hours of the lagoon.

Hours of operation for the Yeppoon lagoon have considered two seasonal operational periods, summer and winter to align with expected patronage, noting that the lagoon is open seven (7) days per week including public holidays. Proposed hours are outlined below:

Seasonal Period	Days per week	Open Time	Close Time	Access Hours per Day	Access Hours per Week
Opening period (May – June 2018 only)	Monday – Sunday (Including Public Holidays)	6:00am	9:00pm	15 Hours	105 Hours
Summer (September – April)	Monday – Sunday (Including Public Holidays)	6:00am	9:00pm	15 hours	105 Hours
Winter (May – August)	Monday – Sunday (Including Public Holidays)	8:00am	6:00pm	10 Hours	70 Hours

These hours have been proposed in order to maximise the use of the facility for the community and they generally align with other lagoons throughout Queensland. With the expected opening in early May an exception period of two months has been included in the table above to cover the initial period which is expected to be very popular.

The Lagoon Steering Committee is supportive of these hours as it allows early morning usage, normal daytime operation and after-hours access. It is proposed that lifeguards will be on duty throughout the opening periods of the lagoon.

With this as a commencement position it is expected that adjustments to the operating hours may well be considered necessary over time as patronage is assessed.

PREVIOUS DECISIONS

Support provided from both the Foreshore Steering Committee and the Project Control Group for the proposed operating hours.

BUDGET IMPLICATIONS

With the breadth of hours proposed there are budget implications with the major budget items being for lifeguard services, aquatic services and security services. Appropriate budget requirements are being determined and verified in line with these operating hours to ensure these essential services for operation are not affected. Current budgets exist for the lagoon operations.

LEGISLATIVE CONTEXT

Council has a responsibility to operate the lagoon within all relevant requirements prescribed by legislation, regulations, guidelines, local laws, including but not limited to the Guidelines for Safe Pool Operations – GSPO, the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines (October 2004) and the *Work Health and Safety Act 2011*.

LEGAL IMPLICATIONS

Operation to be in accordance with legislation, regulations, guidelines and local laws outlined above.

STAFFING IMPLICATIONS

There will be additional staffing requirements to meet the span of operating hours and expected patronage. Business cases have been prepared for these additional resources and provided to the Executive Leadership Team for review and approval. The resource requirements are based off a detailed task identification and resource allocation exercise undertaken by Council's Facilities team and include additional amenities cleaning staff, open spaces staff and a Foreshore Operations Supervisory position.

RISK ASSESSMENT

Appropriate risk assessments will be undertaken with the successful tenderers and with Council's Workplace Health and Safety staff to ensure that all risks relating to the Lagoon are identified and appropriately addressed.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: Strategy AM4: Operate, maintain and use Council assets to deliver efficient and cost effective services to the community.

CONCLUSION

With Council constructing a fantastic community asset, and with the excitement building within the community, it is recommended that Council adopt the operating hours in accordance with those proposed and supported by the Steering Committee and Project Control Group.

**13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM
COUNCILLORS**

Nil

14 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

15.1 Resource Requirements - Lagoon and Foreshore Precinct

This report is considered confidential in accordance with section 275(1)(a), of the *Local Government Regulation 2012*, as it contains information relating to the appointment, dismissal or discipline of employees .

15.2 Discontinue Acquisition of Easement for Drainage Purposes - Clayton Road, Lammermoor

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

15 CONFIDENTIAL REPORTS

15.1 RESOURCE REQUIREMENTS - LAGOON AND FORESHORE PRECINCT

File No: 18-060

Attachments: 1. Business Cases_Lagoon
Supervisor_Cleaners_Open Spaces

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Daniel Pearce - Manager Assets & GIS

This report is considered confidential in accordance with section 275(1)(a), of the *Local Government Regulation 2012*, as it contains information relating to the appointment, dismissal or discipline of employees .

SUMMARY

This report proposes resource requirements in addition to the recently adopted organisational structure to appropriately service and oversee the operations of the lagoon and foreshore precincts.

**15.2 DISCONTINUE ACQUISITION OF EASEMENT FOR DRAINAGE PURPOSES -
CLAYTON ROAD, LAMMERMOOR****File No:** 17-135**Attachments:**

1. Drawing Nos 17-135-01 (ver B) and 17-135-02 - *(Confidential)*
2. Approved layout plan for D-Y/2007-442 - *(Confidential)*
3. Proposed easement overlaid on approved development layout plan - *(Confidential)*
4. Confidential Meeting Report 16 October 2017 - *(Confidential)*

Responsible Officer: Dan Toon - Director Infrastructure Services**Author:** Carrie Burnett - Policy & Planning Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

SUMMARY

This report seeks Council's approval to discontinue the acquisition of a drainage easement over a property at Clayton Road, Lammermoor.

16 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

17 CLOSURE OF MEETING