



ORDINARY MEETING

AGENDA

20 NOVEMBER 2018

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

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

CHIEF EXECUTIVE OFFICER
15 November 2018

Next Meeting Date: 04.12.18

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.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	3
2	ATTENDANCE.....	3
3	LEAVE OF ABSENCE / APOLOGIES	4
	NIL	4
4	PUBLIC FORUMS/DEPUTATIONS	5
	NIL	5
5	MAYORAL MINUTE	6
	NIL	6
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	7
7	DECLARATION OF INTEREST IN MATTERS ON THE AGENDA.....	8
8	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	9
8.1	BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING	9
9	PRESENTATION OF PETITIONS.....	31
	NIL	31
10	AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS.....	32
	NIL	32
11	COUNCILLOR/DELEGATE REPORTS	33
	NIL	33
12	REPORTS.....	34
12.1	MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2018.....	34
12.2	FINAL MANAGEMENT REPORT 2017-18	54
12.3	OPERATIONAL PLAN 2018-19 Q1 PROGRESS REPORT	75
12.4	AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 12 OCTOBER 2018.....	96
12.5	RESPONSE TO QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - PREFERRED SERVICE PROVIDERS.....	99
12.6	YEPPOON SURF LIFE SAVING CLUB - RENEWAL OF TENURE AGREEMENT	105
12.7	OGMORE COMMUNITY AND RECREATION COMMITTEE INCORPORATED REQUEST FOR TENURE OVER A PORTION OF LOT 8 O7508 (BICENTENNIAL PARK).	110
12.8	REGIONAL ARTS DEVELOPMENT FUND ROUND ONE 2018/2019....	121

12.9	YEPPOON LAGOON - EXTRA ACTIVITIES POST OPENING	125
12.10	INVEST CAPRICORN COAST REGION BUSINESS AND INDUSTRY MAPPING PROJECT FINAL REPORT	136
12.11	DEVELOPMENT APPLICATION FOR A PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE TO VARY THE EFFECT OF THE PLANNING SCHEME FOR RURAL RESIDENTIAL ACTIVITIES AND A NEIGHBOURHOOD CENTRE	178
12.12	DECISION ASSESSMENT FOR A DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A MEDICAL CENTRE (EXTENSION)	263
12.13	PROPOSED GRANT APPLICATION TO ENHANCE PARKING AND PEDESTRIAN ACCESSIBILITY ADJACENT TO BELL PARK IN EMU PARK.....	289
13	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	295
13.1	NOTICE OF MOTION - COUNCILLOR ADAM BELOT - KEPPEL SANDS LANEWAY	295
14	CLOSED SESSION	298
15.1	RESPONSE TO QUESTIONS ON NOTICE - READING OF ELECTRICITY METERS AT KEPPEL SANDS CARAVAN PARK	
15.2	GKI VILLAGE WASTE REMOVAL	
15	CONFIDENTIAL REPORTS.....	299
15.1	RESPONSE TO QUESTIONS ON NOTICE - READING OF ELECTRICITY METERS AT KEPPEL SANDS CARAVAN PARK.....	299
15.2	GKI VILLAGE WASTE REMOVAL.....	300
16	URGENT BUSINESS/QUESTIONS	301
17	CLOSURE OF MEETING.....	302

1 OPENING

2 ATTENDANCE

Members Present:

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

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mr Dan Toon – Executive Director Infrastructure
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mr Shane Weir - Acting Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 6 November 2018.

Minutes of the Special Meeting held 12 November 2018.

7 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1

Attachments: 1. Business Outstanding Table [↓](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

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

OFFICER'S RECOMMENDATION

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

8.1 - BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

Business Outstanding Table

Meeting Date: 20 November 2018

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
25 February 2014	City Status Classification Application	THAT Council resolves to: 1. Proceed with a formal city status classification application for the Livingstone Shire Council area; and 2. Enter into consultation with the community to determine an appropriate name, suggesting the Capricorn Coast City Council as a possible option.	Director Strategic Growth and Development	31/12/2018	15 Nov 2018 - 10:05 AM – Project Support Officer Advice from the Department was considered by Advisory Committee in early November and a report will return to Council in early December.
22 November 2016	Notice of Motion – Councillor Adam Belot – Livingstone Shire Council's Meeting Procedures Policy	THAT pursuant to s34(1)(d) and s37 Council Meeting Procedures the debate on the motion and/or amendment now before the meeting be adjourned until February 2017 for policy review.	Governance Officer	31/12/2018	14 Feb 2018 - 2:40 PM – Coordinator Executive Support Policy currently on hold awaiting implementation of outcomes from review of Councillor Complaint Processes by the State Government.
07 February 2017	Outstanding Policy Documents	THAT the following policies be adopted: 1. Encroachment on Public Land Policy; 2. Equal Employment Opportunity Policy; 3. Failure to Renew Licence Response Policy; 7. Telecommunications Facilities on Council Land Policy; and 8. Unlicensed Premises Response Policy. With policies 4, 5 and 6 to be further reviewed.	Governance Officer	31/12/2018	02 Aug 2018 - 4:54 PM – Governance Officer Three policies currently under review and will be resubmitted back to Council once finalised.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
07 March 2017	Councillor Interaction with the Organisation Policy	THAT Council adopts the Councillor Interaction with the Organisation Policy. THAT the matter lay on the table pending further discussions in Workshop Meeting and to return to a future Council Meeting.	Governance Officer	31/12/2018	02 Aug 2018 - 8:50 AM - Governance Officer Policy currently on hold awaiting implementation of outcomes from review of Councillor Complaint Processes by the State Government.
18 April 2017	Standing Orders for Council Meetings Policy	THAT Council adopts the Standing Orders for Council Meetings Policy. THAT the matter lay on the table pending further discussion and to return to a future Council Meeting.	Governance Officer	31/12/2018	2 Aug 2018 - 10:57 AM - Governance Officer Policy currently on hold awaiting implementation of outcomes from review of Councillor Complaint Processes by the State Government.
20 June 2017	Smart Cities and Suburbs Program - Yeppoon Town Centre Smart Precinct - Solar Lighting and Interactive Kiosk	THAT Council resolve to submit an application to the Australian Government Smart Cities and Suburbs Program, seeking a grant amount of \$200,000, with the co-funding requirement of the additional \$200,000 being met from current projects towards the cost of smart energy efficient infrastructure necessary to complete the Yeppoon Town Centre Smart Precinct. The total project costs are estimated at approximately \$400,000.	Senior Economic Development Officer	31/12/2018	15 Nov 2018 - 8:37 AM - Project Support Officer Tender 2018.035 Yeppoon Town Centre and Yeppoon Lagoon Smart Parking closed on 10 October 2018. Evaluation is ongoing. A specialist consultant has been engaged to complete the detailed design for the smart lighting, public Wi-Fi and LORAWAN. The Interactive Art component is out for requests for proposal and closes on 19 November 2018. The remainder of the project

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
					deliverables will be via request for quote or direct purchase. The refined project specifications will ensure a more streamlined approach and potentially more project deliverables, thus creating an overall better product and outcome for Council and the Community.
18 July 2017	Volunteer Policy, Procedure and Handbook	THAT Council: 1. Adopt the Livingstone Shire Council Volunteer Handbook. 2. Adopt the Livingstone Shire Council Volunteer Policy. 3. Adopt the Livingstone Shire Council Volunteer Procedure.	Resilience and Volunteer Coordination Officer	31/12/2018	9 Nov 2018 – 4:16 PM – Resilience and Volunteer Coordination Officer The below tasks continue to be finalised however the documents have been sent to Governance for uploading. DM section is working with other sections to achieve this. 1. IT believe there are alternate programmes to Aurion and they are looking into this for purchase and testing. 2. Website to be updated; sections providing input 3. Information session with Supervisors/Coordinators

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
15 August 2017	Resident Maintenance and Enhancement of Council Land	THAT Council implement a permit process for residents to undertake unsupervised work within Council controlled reserves, foreshore and park areas. Individuals will sign an Indemnity Agreement with conditions and Council will cover public liability insurance for the individual.	Senior Land Protection Officer	31/12/2018	15 Nov 2018 – 1:52 PM – Support Services Officer Still awaiting tablets from IT so that we can proceed to sign up residents as volunteers via survey 1-2-3.
15 August 2017	Acquisition of Land for Road Purposes - Wildin Way, Mulambin	THAT Council: 1. Discontinue discussions with the owners of Lot 43 SP202178 regarding the acquisition of land for road purposes; 2. Commence negotiations with the owner of Lot 4 RP620054 to acquire a portion of their property as a 10m wide road reserve along the southern boundary; and 3. Endorse the submission of an Application to Dedicate State Land as Road to the Department of Natural Resources & Mines as shown on Drawing No 17-006-51.	Policy and Planning Officer	31/12/2018	13 Nov 2018 – 11:13 AM – Policy and Planning Officer Waiting on survey plan to be returned from owner's legal representatives.
07 November 2017	Petition from Graham Miller, Milman – The Caves Square and Public Amenities	THAT the petition requesting maintenance of The Caves Square and public amenities be received.	Executive Director Infrastructure	31/12/2018	10 Oct 2018 – 11:55 AM – Executive Assistant to Executive Director Infrastructure Report in progress for presentation to the Advisory Committee providing an update on amenities cleaning and the lawn/garden maintenance.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
5 December 2017	Regulated Car Parking Yeppoon Foreshore and Town Centre	<p>THAT Council resolve to:</p> <p>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);</p> <p>(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;</p> <p>(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;</p> <p>(4) Consider a budget allocation at the 17/18 Quarter Two Budget review for updated parking signage in the amount of \$30,000;</p> <p>(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;</p> <p>(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</p>	Manager Engineering Services	31/12/2018	<p>09 Oct 2018 - 2:53 PM - Manager Engineering Services</p> <p>Plans are finalised. Budget allocation of \$50k will be sought as part of Q2 budget review.</p>

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		(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.			
18 December 2017	Request to Consider Balance of Outstanding Water Consumption	a) In view of the information provided in the request letter, and taking into account the endeavours of the rate payer to address the debt, Council resolves to adopt option 2 as presented in the report. b) Council also refers this matter to a future workshop as a case study for the development of a future policy in relation to hardship matters.	Coordinator Revenue	31/12/2018	11 Oct 2018 - 2:52 PM – Coordinator Revenue Part (a) actioned and completed. Draft Hardship policy progressing and will be prepared for future Advisory Committee.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
05 June 2018	Notice of Motion - Councillor Adam Belot - Procedural Motions	<p>THAT The Livingstone Shire Council Meeting Procedure Policy be amended as follows:-</p> <p>2.17 Procedural Motions</p> <p>2.17.1 A Councillor at a meeting of Council, who has not spoken during the debate on a matter at the meeting, may move as a procedural motion one of the following, only after the Mover of the original motion having obtained a seconder has spoken to the motion.</p> <p>THAT the matter lay on the table until the State Government Meeting Guidelines are released.</p>	Senior Investigations Officer	31/12/2018	<p>27 June 2018 – Executive Support Officer</p> <p>Policy currently on hold awaiting implementation of outcomes from review of Councillor Complaint Processes by the State Government.</p>
19 June 2018	Petition Requesting Installation of Traffic Calming in the Pedestrian Precinct of Queen Street, Yeppoon (from the carpark of IGA to the Yeppoon Kindergarten)	THAT the petition requesting installation of traffic calming in the pedestrian precinct of Queen Street (from the carpark of IGA to the Yeppoon Kindergarten) be received.	Executive Director Infrastructure	31/12/2018	<p>13 Nov 2018 – 12:00 PM – Executive Assistant to Executive Director Infrastructure</p> <p>Report will be presented to a future Advisory Committee meeting.</p>
03 July 2018	Notice of Motion – Councillor Glenda Mather – Yeppoon Showgrounds	THAT Council identify the needs of community groups, and the best use of the various lands which comprise the Yeppoon Showgrounds, otherwise known as Stevenson Park, Council initiate a meeting of all stakeholders at the earliest, prior to any new lease/s for the grounds are re-negotiated and determined.	Manager Disaster Management, Recovery and Resilience	31/12/2018	<p>09 Oct 2018 – 4:06 PM – Manager Disaster Management, Recovery and Resilience</p> <p>Ongoing meetings to be held with tenants next meeting Wed 10th October.</p>

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
10 July 2018	Capricorn Coast Homemaker Centre Yeppoon Stage 1 – Contract for Civil Works Construction – Tender Number 2018.006	1. Approve the Procurement Process Report appended as Attachment 1 – Capricorn Coast Homemaker Stage 1 – Civil Works Tender Procurement Process Report; and 2. Award the contract for Tender 2018.006, Civil Works – Capricorn Homemaker Centre Yeppoon Stage 1, to JRT Civil Pty Ltd for the amount of \$1,125,377.94 (ex GST) having due regard to the contracting provisions contained in the Queensland Local Government Regulation 2012, Livingstone Shire Council's Procurement Policy and Livingstone Shire Council's Purchasing Directive.	Project Manager	31/12/2018	15 Nov 2018 – 8:35 AM – Project Support Officer Stage 1 and Stage 1A civil works construction are progressing well and due for completion by end of November 2018. No further action required.
17 July 2018	Draft Fig Tree Creek Masterplan	THAT Council endorse the Fig Tree Creek Master Plan for further public consultation and integration into the Council's Strategic Planning Framework.	Coordinator Natural Resource Management	31/12/2018	11 Oct 2018 - 3:07 PM – Support Services Officer – Community Wellbeing Figtree Creek Working Group met on 5 Nov. Fact sheets, based on the 6 key elements for a strategic plan, are now being drafted by the group to provide more detail and to accompany the draft Masterplan on the web page.
07 August 2018	Distribution of Records	THAT Council resolves to send this matter to relevant advisory committee for further information.	Chief Technology Officer	31/12/2018	11 Oct 2018 – 3:20 PM – Chief Technology Officer Information Technology have sourced three quotes. Report coming back to future Advisory Committee.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
4 September 2018	Amendment - Subordinate Local Law (Parking) 2018	THAT Council: 1) review draft amendments to Subordinate Local Law No 5 (Parking) 2018; and 2) resolve to propose to make Parking (Amendment No.2) Subordinate Local Law (No. 5) 2018.	Coordinator Public Environments	31/12/2018	13 Nov 2018 - 4:06 PM - Jo McLennan Advertising period for the public notification will commence 14 November 2018 for 21 days.
4 September 2018	Access to Land for Trunk Infrastructure Investigations T-100 Tanby Road – Chandler Road Intersection and T-37 Chandler Road (new)	THAT Council resolve: 1. To commence detailed investigations to determine the best location of the following future trunk infrastructure which is identified in the Adopted Infrastructure Charges Resolution (No. 3) 2018: a. T-100 Tanby Road – Chandler Road Intersection, new, highway, non-signalised; and b. T-37(part) Chandler Road, new, Ch 3100-970, Urban Major Collector. 2. Utilise its powers under s 36 of the Acquisition of Land Act 1967 to enter Lot 8 RP613832, Lot 9 RP613833 and Lot 11 RP613833 for the purposes of the detailed investigation including inspection, survey and taking levels.	Policy and Planning Officer	31/12/2018	13 Oct 2018 - 11:12 AM – Policy and Planning Officer Waiting on advice from Department of Main Roads before approaching owners.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
4 September 2018	Yeppoon Smart Parking Projects	<p>THAT Council:</p> <p>1. approves a process of community engagement regarding the proposed operating hours for paid parking on Lagoon Place and Anzac Parade around Yeppoon Lagoon (excluding disabled bays), between the hours of 8.30am to 5pm Monday to Sunday.</p> <p>2. engages with key stakeholders operating around the perimeters of the Yeppoon Lagoon in relation to impacts to them specifically.</p> <p>3. approves paid parking charges of \$2 per hour (inclusive of GST) during operating hours and amend the 2018-19 fees and charges to include this new charge.</p> <p>4. acknowledges that the commencement of paid parking will be dependent on the timeframe of the required amendment to the local law and the procurement process for the Yeppoon Town Centre Smart Lighting Project.</p>	Senior Economic Development Officer	31/12/2018	<p>15 Nov 2018 - 8:40 AM - Project Support Officer</p> <p>All actions have been incorporated into the project.</p> <p>No further action required.</p>
18 September 2018	Notice of Motion – Councillor Adam Belot – National Building – Water Harvesting Strategies	<p>THAT</p> <p>1. Livingstone Shire Council request the opportunity to meet with Senator Canavan, Michelle Landry and Brittany Lauga to discuss the current actions and future agenda in this space and following those discussions;</p> <p>2. Livingstone Shire Council write to both Federal and State Governments advocating for greater investment and</p>	EA to the Mayor	31/12/2018	<p>08 Oct 2018 - 4:00 PM – EA to the Mayor</p> <p>Letters written to Senator Canavan, Michele Landry and Brittany Lauga requesting them to attend an advisory committee to discuss the issue or provide advice in writing.</p>

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		action on 'Nation Building -Water Harvesting strategies' that will lead to more prosperous and sustainable conditions for Queensland and Australian Farmers.			
18 September 2018	Notice of Motion – Councillor Adam Belot – ICESUP CQ – Budget Request	<p>THAT Livingstone Shire Council consider what financial/in kind support, can be provided in the current budget to assist ICESUP-CQ in their aims which includes building on the developed community capacity, increasing awareness of the negative impacts of drug use and implementing strategies to support families effected by ICE and other drugs.</p> <p>Councillor Belot moved an amendment: THAT LSC consider what other in kind support, can be provided to ICESUP-CQ to assist them in their aims which includes building on the developed community capacity, increasing awareness of the negative impacts of drug use and implementing strategies to support families effected by ICE and other drugs. For consideration with assistance in the planning and operation of a Community Awareness Day on Alcohol and other Drugs, to be held June 2019.</p> <p>THAT the matter lay on the table and to return to the Council Meeting on 2 October 2018.</p>	Manager Disaster Management, Recovery and Resilience	31/12/2018	<p>09 Oct 2018 - 4:09 PM – Manager Disaster Management, Recovery and Resilience</p> <p>In-kind support can be offered with venues to present workshops including the Hub and advertising on LED Billboards Hub.</p>

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
18 September 2018	Opening of Road – Gunder Road, The Caves	THAT Council authorise the Chief Executive Officer to commence negotiations with the owners of Lot 69 RP891987 to open new road as shown on Drawing No. 17-112-04.	Policy and Planning Officer	31/12/2018	13 Nov 2018 - 11:11 AM – Policy and Planning Officer Instructed by Manager Construction and Maintenance to take no action until further advised.
18 September 2018	Sale of Land – 16 Red Emperor Way, Lammermoor	THAT Council accepts the offer presented in this report for 16 Red Emperor Way, Lammermoor and delegate authority to the Chief Executive Officer to execute the contract of sale, having due regard to the provisions for the disposal of non-current assets contained in the Queensland Local Government Regulation 2012 and Livingstone Shire Council's Procurement Policy.	Project Support Officer	31/12/2018	09 Oct 2018 - 4:06 PM – Project Support Officer Council accepted the offer presented for 16 Red Emperor Way, Lammermoor. Contract documentation is being prepared for signing by both parties.
18 September 2018	Properties Eligible for Land Sale	THAT (a) pursuant to section 140(2) of the Local Government Regulation 2012 Council proceed with action to sell the land listed below, and also detailed in attachment 1 to the report for overdue rates and charges; and (b) that Council delegate to the Chief Executive Officer the power to take all further steps under Chapter 4, Part 12, Division 3 of the Local Government Regulation 2012 to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures). 127881 - L31 E 15616 140365 - L3 RP 614619	Coordinator Revenue	31/10/2018	10 Oct 2018 - 1:56 PM – Coordinator Revenue Collection Agents updated & Template Data prepared for referral.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		129980 - L15 RP 618406 40394 - L15 RP 613481 130164 - L4 BUP 60007 141203 - L4 SP 223821 130381 - L80 SP 140933 141607 - L53 SP 167021 133658 - L15 RP 608960 142478 - L110 SP187967 134346 - L42 RP 602148 143907 - L179 SP 217255 136948 - L1 RP 612575 303528 - L51 SP 239036 137355 - L4 RP 618814 131688 - L1 RP 609496 137839 - L34 RP 860164 138232 - L124 RP 842258			
2 October 2018	Proposed Boundary Change - Amended Terms of Reference	THAT Council respond to the amended Terms of Reference as per the discussions in the closed session of the Council meeting.	Chief Executive Officer	31/12/2018	10 Oct 2018 - 9:54 AM - Coordinator Executive Support Letter sent to Minister Hinchcliffe and Jo Stephenson. Completed - No further action required.
2 October 2018	Paint Pot Gallery Accommodation	THAT Council resolve to meet the cost of extending the lease arrangement to accommodate the Paint Pot Gallery, at Shop 3, 18 James Street Yeppoon from 13 November 2018 to 30 June 2019 unless another viable option is found prior to the execution of the lease extension.	Principal Property Officer	31/12/2018	13 Nov 2018 - 4:00 PM - Principal Property Officer New lease between Council and the property owner has been executed by both parties.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
16 October 2018	Proposed Trustee Leases – Capricorn Tourism and Economic Development Limited and Keppel Coast Arts Council Inc.	<p>THAT Council resolve to:</p> <p>1) apply the exception mentioned in Section 236(1)(b)(ii) of the Local Government Regulation 2012 to its dealings with Capricorn Tourism and Economic Development Limited and Keppel Coast Arts Council Incorporated for issue of Trustee Leases over land currently described as Lot 2 on Survey Plan 104438, Merv Anderson Park Yeppoon; and</p> <p>2) provide Trustee Leases over land currently described Reserve for Recreation, Public Boat Ramp, Jetties and Landing Place over Lot 2 on Survey Plan 104438 to:</p> <p>(a) Capricorn Tourism and Economic Development Limited for a term of 20 years for operation of the Capricorn Coast Visitor Information Centre and Shell World; and</p> <p>(b) Keppel Coast Arts Council Incorporated for a term of 5 years for operation of the Artship.</p>	Property Officer	31/12/2018	<p>15 Nov 2018 – 12:36 PM – Property Officer</p> <p>Draft lease documentation being prepared for submission to both parties.</p>
16 October 2018	Yeppoon Lagoon Extra Activities Post Opening	THAT the matter lay on the table pending further information at an Advisory Committee and to return to a future Council Meeting.	Manager Customer Engagement and Communication	31/12/2018	

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
16 October 2018	Yeppoon Lagoon Paid Parking Hours - Community and Stakeholder Engagement	<p>THAT Council:</p> <ol style="list-style-type: none"> 1. receive and consider the community feedback regarding the hours of operation of the paid parking around the Yeppoon Lagoon on Lagoon Place and Anzac Parade. 2. confirm the hours of operation for the paid parking around the Yeppoon Lagoon on Anzac Parade and Lagoon Place will be 8:30am to 5:00pm Monday to Sunday. 3. receive and consider the feedback received from key stakeholder consultation regarding the introduction of paid parking around the Yeppoon Lagoon 4. approve: <ol style="list-style-type: none"> (a) further investigation into the potential installation of a removable boom-gate to be placed on Anzac Parade outside the Keppel Bay Sailing Clubhouse front car park for use during road closures for sailing Sundays and major sailing events; (b) the provision of two additional disabled car parks on Anzac Parade at the front of the Keppel Bay Sailing Clubhouse; and (c) the allocation of two bays on Lagoon Place close to the entrance of the Yeppoon Lagoon, as a fifteen (15) minute drop off and pick up zones. 	Senior Economic Development Officer	31/12/2018	<p>15 Nov 2018 - 8:41 AM - Project Support Officer</p> <p>Council were updated on the key stakeholder and community engagement feedback regarding the hours of operation of the paid parking around the Yeppoon Lagoon. Items 4 (a) and 4 (b) are still being investigated. Item 4 (c) has been initiated.</p>

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
16 October 2018	Potential Sale of Lots 2 and 3 - The Gateway Business and Industry Park	<p>THAT Council:</p> <ol style="list-style-type: none"> 1. reconfirms its previous decision on 1 May 2018, to sell Lots 2 and 3, known as 3 and 5 Pineapple Drive, Hidden Valley, within Stage One of The Gateway Business and Industry Park, at the nominated offer and acknowledges the new entity (purchaser) listed in this report; 2. confirms its preparedness to accept the option two payment terms and conditions for Lots 2 and 3, outlined in this report, and if deemed acceptable to the purchaser through further negotiation; 3. confirms in lieu of discounting infrastructure charges, it would favourably consider entering into an infrastructure agreement for the deferred payment of infrastructure charges, in accordance with the general terms prescribed by Council's <i>Development Incentive Policy for Reconfiguring a Lot</i>, based on the terms outlined in this report; and if deemed acceptable to the purchaser through further negotiations; 4. authorises the Chief Executive Officer to finalise negotiations with the purchaser, taking into consideration the terms and conditions outlined in this report, and execute a contract of sale for Lots 2 and 3, having due regard to the provisions for the disposal of non-current assets 	Director Strategic Growth and Development	31/12/2018	<p>15 Nov 2018 - 10:08 AM – Project Support Officer</p> <p>The purchases has been advised of the outcomes of Council's deliberations in relation to items 2 and 3. Negotiations are continuing with the view to presenting an updated contract of sale with the new terms and conditions.</p>

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		contained in the Queensland <i>Local Government Regulation 2012</i> and Livingstone Shire Council's Procurement Policy.			
16 October 2018	Negotiation of Tenancy – Centre of Excellence for Disaster Management, Innovation and Community Resilience (The Hub)	THAT Council resolve that the exception mentioned in Section 236(1)(b)(i) of the <i>Local Government Regulation 2012</i> may apply in its dealing with The State of Queensland (represented by the Department of Housing and Public Works) on the lease of a tenancy at the Centre of Excellence for Disaster Management, Innovation and Community Resilience (The Hub).	Director Strategic Growth and Development	31/12/2018	15 Nov 2018 - 10:07 AM – Project Support Officer Negotiations with the Department are ongoing and further information will be provided to Advisory Committee meeting on 19 November 2018.
16 October 2018	Proposed Lease of Land at Barnaryee to the Yeppoon and District Show Society Inc.	THAT Council resolve to: 1) apply the exception mentioned in Section 236(1)(b)(ii) of the <i>Local Government Regulation 2012</i> to its dealings with the Yeppoon and District Show Society Inc. for the issue of a lease over Lot 11 on Registered Plan 848831; and 2) provide the Yeppoon and District Show Society Inc. with a five (5) year lease over Lot 11 on Registered Plan 848831 for the purpose of undertaking due diligence on the site in relation to its possible future use as the location of the Yeppoon Showgrounds and an Equestrian Centre of Excellence; and 3) delegate to the Chief Executive Officer to negotiate the terms of the lease to the Yeppoon and District Show Society Inc.	Principal Property Officer	31/12/2018	13 Nov 2018 - 3:58 PM – Principal Property Officer Draft lease prepared and forwarded to Ken Landsberg of the Show Society on 7 November 2018.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		<p>over Lot 11 on Registered Plan 848831; and</p> <p>4) agree in principle to a possible further lease of Lot 11 on Registered Plan 848831 to the Yeppoon and District Show Society Inc. for the primary purposes of a showground for the conduct of the Yeppoon and District Agricultural Show and an Equestrian Centre of Excellence; and</p> <p>5) indicate to the Yeppoon and District Show Society Inc. that it provides agreement in principle to a suite of secondary uses (such as that mentioned in the report), which would be subject to all relevant approvals, under any further lease of Lot 11 on Registered Plan 848831.</p>			
1 November 2018	Australian Government Building Better Regions Fund - Round 3 Projects - Supplementary Information	<p>THAT Council resolves</p> <p>1. To submit an application to Round 3 of the Australian Government Building Better Regions Infrastructure Projects Stream for the Pathway from Cooe Bay to Wreck Point Lookout and Daniel Park Stage 2 Frontage Enhancements (approx. \$2.855m) and;</p> <p>2. To endorse submitting an application to Round 3 of the Australian Government Building Better Regions Community Investments Stream to support outcomes from the Business and Industry Mapping Project (\$20,000).</p>	Executive Director Infrastructure Services	30/11/2018	<p>13 Nov 2018 - 12:03 PM - Dan Toon</p> <p>Application prepared for review by Mayor prior to submission.</p>

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
6 November 2018	Mayoral Minute - Annual Community Christmas Tree Festival	THAT Council resolves to continue to provide ongoing support of the Anglican Parish of Keppel Annual Community Christmas Tree Festival by providing use of Town Hall through in-kind sponsorship for this important community event.	Manager Customer Engagement and Communication	31/12/2018	
6 November 2018	Mayoral Minute - Keppel Sands pathway to E.R. Larcombe Memorial Hall	THAT Council resolves to seal or concrete the existing pathway in the un-named laneway that connects E.R. Larcombe Memorial Hall to Roden Street as a consideration in the Q2 budget revision.	Executive Director Infrastructure	31/12/2018	
6 November 2018	Mayoral Minute - Taylor Street Keppel Sands	THAT Council resolves to: 1. Address as a priority, the hazards and safety issues in relation to pedestrian traffic along Taylor Street between the Keppel Sands Caravan Park and Roden Street with the possibility of forming a dedicated pedestrian track / footpath. This will require consideration in the Q2 budget review. 2. Address the identified lack of lighting along Taylor Street between the Keppel Sands Caravan Park and Roden Street and facilitate safer pedestrian access at night. This will require consideration in the Q2 budget review. 3. Send a direction to the appropriate department to look at interim measures in relation to items 1 and 2.	Executive Director Infrastructure	31/12/2018	

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
6 November 2018	Establishment of the Invest Capricorn Coast Region Leadership Alliance	That Council: 1) adopt the updated version of the Invest Capricorn Coast Region Leadership Alliance Terms of Reference (refer Attachments One and Two), and 2) note the membership of the Invest Capricorn Coast Region Leadership Alliance between Council, government and other agencies, local business and community organisations, as detailed in this report (refer Attachment Three).	Senior Economic Development Officer	31/12/2018	15 Nov 2018 - 8:43 AM – Project Support Officer Expressions of interest have been received and evaluated. The first meeting of the leadership alliance will be held on 26 November 2018. No further action is required.
6 November 2018	Notice of Motion - Councillor Adam Belot - Wreck Point Pathway	THAT LSC review the current design of the proposed walking path from Cooe Bay to Lammermoor Beach including: a) Consideration of redesigning path alignment/direction b) Design that will best accommodate users of all abilities	Executive Director Infrastructure Services	31/12/2018	
6 November 2018	Notice of Motion - Councillor Glenda Mather - Clarification of Proposed Roadworks Taranganba	THAT the road 'Frangipani Drive' be removed from future correspondence and reports when referring to the proposed signalled intersection on Taranganba Road and the un-named bus set down area adjacent to the Taranganba School.	Executive Director Infrastructure Services	31/12/2018	
6 November 2018	Questions on Notice - Councillor Glenda Mather - Keppel Sands Caravan Park - Meter Query	THAT the questions on notice be received.	Executive Director Liveability and Wellbeing	31/12/2018	15 Nov 2018 - 8:43 AM – Executive Director Liveability and Wellbeing Report on Council Meeting agenda 20 November 2018.

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2018

File No: FM12.14.1

Attachments:

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Damien Cross - Coordinator Accounting Services

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 31 October 2018 by the Chief Financial Officer.

OFFICER'S RECOMMENDATION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 October 2018 be received.

BACKGROUND

The attached Financial Report has been compiled from information within Council's Finance One and Pathway systems. The report presented includes:

1. Key Strategic Financial Indicators
2. Summary of Financial Results
3. Detailed Statements

The attached financial information presents a snapshot of the month (October) and year-to-date position of Council's financial performance for the 2018-19 financial year.

Commitments are excluded from the reported operating & capital expenditures.

All variances are reported against the 2018-19 Adopted Budget. All budgets have been developed on a monthly basis. The attached reports show the business units segregated revenue and expenditure statements and balance sheets.

The 19Q1 Revised Budget was adopted by Council on the 6 November and all variances will be reported against the revised budget starting with the November 2018 Monthly Financial Report.

COMMENTARY

The Financial Report compares actual performance to date with Council's 2018-19 adopted budget and identifies significant variances or areas of concern. It also provides information about additional areas of financial interest to Council and reinforces sound financial management practices throughout the organisation. This information is provided through the attached monthly financial report.

Financial Performance

The operating performance for the financial year to 31 October 2018 shows an operating surplus of \$10.7 million compared to a budgeted operating surplus of \$8.9 million.

Financial Performance Summary to 31 October 2018

	YTD Adopted Budget (\$m)	YTD Actual (\$m)	Variance (\$m)	Variance YTD %	Status
Operating Revenue	\$38.6	\$37.1	(\$1.5)	(4%)	■
Operating Expense	(\$29.8)	(\$26.4)	\$3.4	(11%)	✓
<i>Operating Surplus</i>	<i>\$8.9</i>	<i>\$10.7</i>	<i>\$1.8</i>	<i>21%</i>	✓
Capital Revenue	\$2.2	\$2.9	\$0.7	34%	✓
Capital Expenditure	(\$21.0)	(\$10.4)	(\$10.6)	(50%)	✓

Note: Actual results exclude purchase order commitments.

Status Legend:

- Above budgeted revenue or under budgeted expenditure ✓
- Below budgeted revenue or over budgeted expenditure <10% ■
- Below budgeted revenue or over budgeted expenditure >10% ✗

Operating Revenue

The year to date operating revenue is below the year-to-date budget. The half-yearly rates & utility charges were generated in the revenue system in July, with an issue date of 1 August 2018 and a due date of 5 September. First quarter water consumption notices were issued in late October and are due in late November. Table A.1 in the Monthly Financial Report (Attachment 1) shows operating revenue by major category of actuals to budget variances by line item. The 19Q1 budget has adjusted the budget phasing for Rates & Utility Charges and Operating Grants and this updating phasing will be reflected in the next monthly report.

Operating Expenses

Year to date operating expenditure is below budget by \$3.4 million which excludes \$12.7 million in committals. Table A.1 in the Monthly Financial Report (Attachment 1) reports operating expenditure by major category of actuals to budget variances by line item.

Total operating expenses are under budget mostly due to an underspend of \$1.6M in materials & services and \$1.5M in employees benefits with a number of vacant positions currently being at various stages of recruitment.

A snapshot of the expenditure on the rural and urban roads maintenance programs in comparison to both the 2018-19 year to date budget and the adopted annual budget is outlined below:

	YTD Actual (\$000's)	YTD Budget (\$000's)	Full Year Adopted Budget (\$000's)	% Full Year Budget Spent
Rural Maintenance	\$1,292	\$1,267	\$4,351	29.7%
Urban Maintenance	\$569	\$700	\$2,206	25.8%

Note: Actual results exclude purchase order commitments.

Capital Revenue

Total capital revenue is ahead of budget by approximately \$0.7 million. This is mostly due to the receipt of a \$1 million payment from the Queensland Reconstruction Authority for the Statue Bay Reconstruction Project during July.

The 2018-19 capital revenue budget for developer contributions is \$1.82 million and this will be closely monitored as the 2018-19 financial year progresses to assess the impact on capital project funding. Year to date developer's contributions are well below budget at \$162,000.

Capital Expenditure

Capital expenditure incurred as at 31 October 2018 is summarized in Table D.1 and D.2 in Attachment 1. The 2018-19 adopted budget total capital expenditure is approximately \$48.3 million with YTD actuals of \$10.4million with a further \$22.8 million in committed expenditure.

Table D.3 highlights the significant capital works projects with an adopted expenditure budget greater than \$1 million and includes the YTD actuals and project life-to-date costs in comparison to budget.

Statement of Financial Position as at 31 October 2018

A detailed balance sheet is provided in Table B.1 in Attachment 1 as at 31 October 2018.

The balance sheet shows a low level of total liabilities in comparison to total assets and consists predominantly of trade & other payables, other provisions and loan borrowings.

Council's total loan balances are approximately \$84.5 million following the first quarterly repayment made to the Queensland Treasury Corporation (QTC) during September. Council has not accessed the approved working capital facility.

Interest on long term borrowings range from 3.123% to 5.554%, with the average cost of capital being 4.35%.

Statement of Cash Flows

The statement of cash flows provided in Table C in Attachment 1 shows Council's expected cash flows for the financial year and the actual cash flows. The cash position remains sound with cash totaling approximately \$44.6 million at 31 October 2018.

Available cash is either invested with the Queensland Treasury Corporation (QTC) Capital Guaranteed Cash Fund or held in fixed term deposits with financial institutions. The annual effective interest rate for the QTC Capital Guaranteed Cash Fund at 31 October 2018 was 2.72% p.a. Interest rates for Council's current term deposit is 2.83% and reflect the fixed interest rate for the term of the investment.

Interest earned on cash and investments for the month of October was \$106K.

Outstanding Sundry Debtors

At 31 October 2018, outstanding sundry debtors stand at \$1,131,151 and of this balance \$423,089 is current.

There are 33 accounts which are over 60 days totaling \$468,878 which represents approximately 41% of total outstanding sundry debtors.

Outstanding and Overdue Rates and Charges

The total rates debtor balance at 31 October 2018 stands at \$6,094,768. There is \$1,946,408 in prepaid rates as at the 31 October, with net rates outstanding being \$4,148,360 as at 31 October. This includes the current levies not yet due \$1,584,768 which represents 26% of the balance outstanding.

The KPI target for outstanding rates is to reduce rates receivables to less than 5% of total rates outstanding prior to the next six monthly billing cycle. Whilst the collection process of overdue rates receivables is proceeding, total rates receivables as at 31 October 2018 eligible for collection (excluding the current levy) is \$4,510,000 which is 13% of rates levied.

The following table analyses this overdue amount by age of debt.

Aging Period	Arrears balance (before deducting prepaid rates)	% of eligible total for collection
Current	\$3,779,248	62.01%
1 years	\$1,196,218	19.63%
2 years	\$624,610	10.25%
3 years	\$257,410	4.22%
4 years	\$165,663	2.72%
5 years	\$71,619	1.17%
TOTAL	\$6,094,768	100%

Council offers a direct debit facility with 2,143 direct debits totaling \$172,531 processed in October.

Debt Management

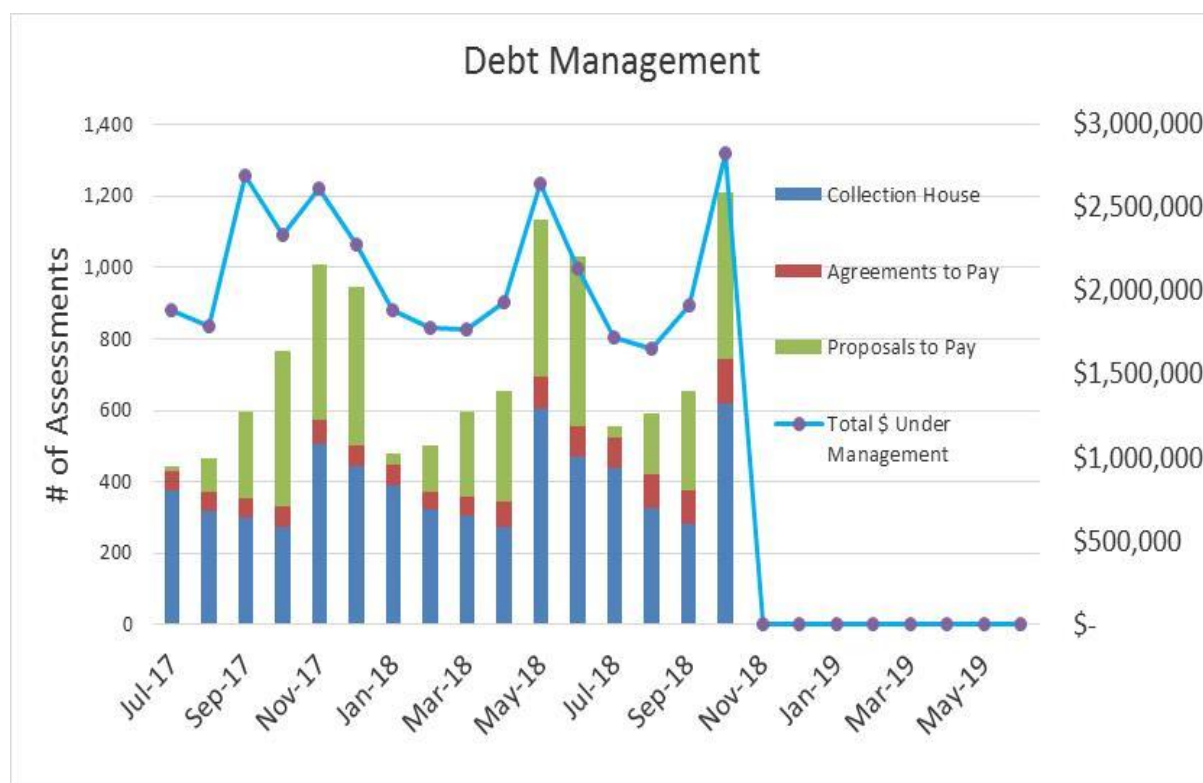
Ratepayers always have the option to enter into formal payment arrangements, which prevents legal action being progressed by Council's debt collection agency. Council resolved to reduce the overdue interest from 10% to 7% per annum in 2018-19, applied monthly, on all overdue balances, including those under a formal payment agreement.

In total, 42% of the overdue balances are under management, this reflects 1,211 assessments out of all (17,520) rateable assessments (6.9%).

October saw an increase of proposals to pay to 467 in total, representing a total of \$483,379. Proposals to pay require all current arrears to be paid in full prior to the next rating period.

There are 127 (September: 92) assessments under long term arrangements (agreements to pay) with a total of \$428,953 with varying settlement periods.

A total of 617 (September: 282) assessments, representing \$1,915,336 (September: \$1,178,631) are currently being managed by Council's debt collection agency. Compared to October 2017, there are 346 more assessments under a debt management arrangement and an increase in the total value under management by \$401,965.



Procurement Activities

Council strongly supports locally-owned and operated businesses, including those with an office or branch in our region. Council is able to report on direct local spend for both operational and capital expenditure in addition to employee salaries & wages. The data provided is only reflective of the payments made through Accounts Payable and via corporate purchase cards and does not make any consideration for other economic impacts.

LSC = Businesses located within the Shire boundaries.

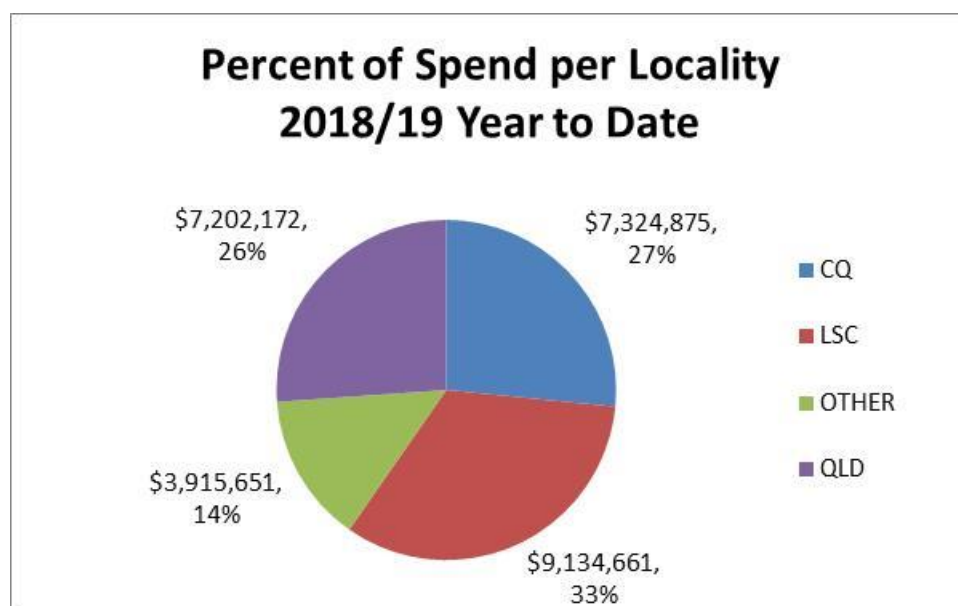
CQ = Business completely set up and run outside of LSC boundaries but within the Central Queensland.

QLD = Business based outside of Central Queensland but within Queensland

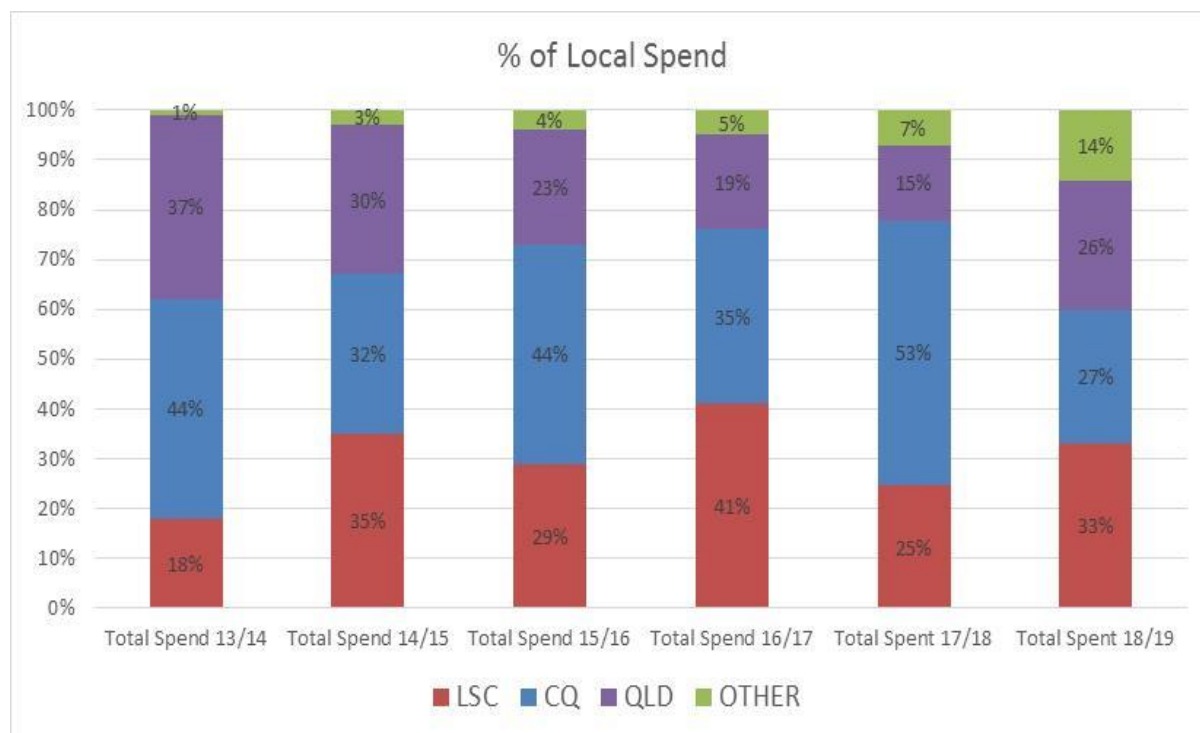
OTHER = Business based outside of Queensland.

The following pie chart illustrates the total dollars spent this financial year by geographical categories.

The total spend on businesses located within the Shire boundaries was 33% or \$9.13 million. For the financial year to 31 October 2018, Council has purchased more of its materials and services from businesses and industries that are located within the Shire boundaries.



The bar graph below summarises the allocation by local spend categories per financial year since 2013-14. Council procures, on average, 69% of materials & services from within the greater Central Queensland area, which includes Livingstone Shire Council.



PREVIOUS DECISIONS

Council adopted the 2018-19 Budget on 24 July 2018. The 19Q1 Revised Budget, was adopted by Council on 6 November 2018. The monthly Council Report for November 2018 will compare Council year to date performance and position against the 19Q1 budget.

BUDGET IMPLICATIONS

The Monthly Financial Report shows Council's financial position in relation to the 2018-19 adopted budget.

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

There are no legal implications as a result of this report.

STAFFING IMPLICATIONS

There are no staffing implications as a result of this report.

RISK ASSESSMENT

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

CORPORATE/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

The Financial Report provides information about Council's financial performance and position for the month ending 31 October 2018. The attached financial results are an early indication of Council's financial results in 2018-19 and take into account Council's now audited closing position as at 30 June 2018.

**12.1 - MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDING 31
OCTOBER 2018**

**Monthly Financial Report - October
2018**

Meeting Date: 20 November 2018

Attachment No: 1



Livingstone
SHIRE COUNCIL

**Monthly Financial Report
for period ending
31/10/2018**

Contents

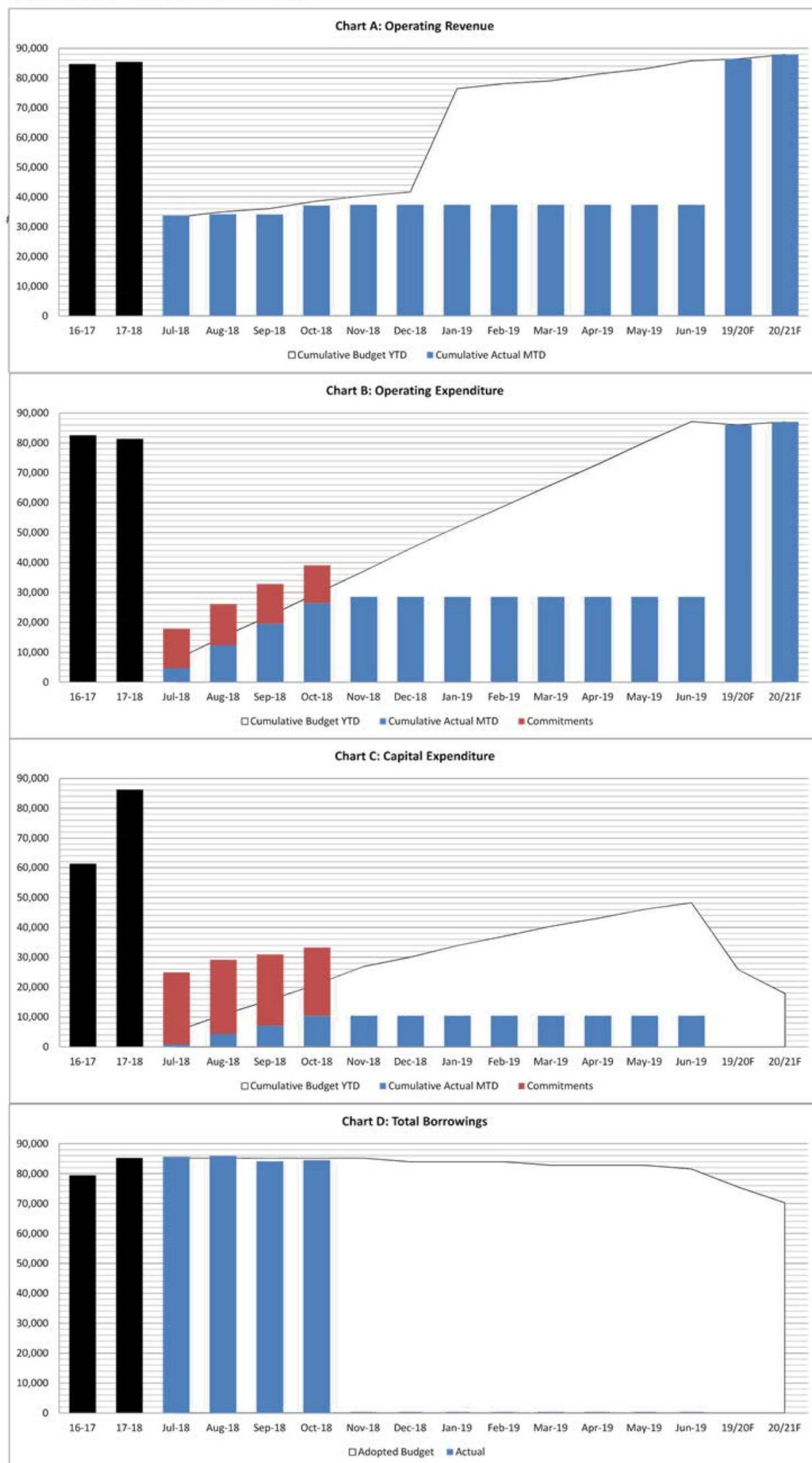
Financial Health Indicators

- Key strategic financial indicators
- Summary financial statements

Attachments: Detailed financial statements

Financial Health Indicators

Key strategic financial indicators: trend analysis



Key strategic financial indicators as at: 31/10/2018					
Operating performance					
	Target Benchmark	Adopted Budget	YTD Actual	Status	Commentary
Operating surplus ratio					The operating surplus ratio and the operating efficiency ratio are both above their respective target benchmarks mostly due to the levy of the first half-yearly rates charges during July. These ratios indicate that operating revenue is greater than operating expenditure as at 31 October and this assists with funding capital expenditure.
Operating surplus/operating revenue	10%	-1.6%	28.8%	✓	
Operating efficiency ratio					
Operating revenue/operating expense	110%	98%	141%	✓	
Fiscal flexibility					
	Target Benchmark	Adopted Budget	YTD Actual		Commentary
Net financial liabilities ratio					The Net Financial Liabilities ratio is above the target benchmark of 60% as at the end of October. The own-source operating revenue ratio is above the target benchmark as General Rates and Utility Charges for the half year ending 31 December 2018 were levied in July. The interest cover ratio is within the target range.
Total liabilities - current assets / operating revenue	<60%	79%	124%	✗	
Own-source operating revenue ratio					
Own source/operating revenue	>60%	87.7%	95%	✓	
Interest cover ratio					
Net Interest Expense / Total Operating Revenue	0% - 5%	6.2%	3.9%	✓	
Liquidity					
	Target Benchmark	Adopted Budget	YTD Actual		Commentary
Cash balances - Cash capacity in months					The YTD cash expense cover indicates that Council has sufficient cash to meet current cash operating expenses for 10.3 months.
Cash at bank/cash operating expense	3.0	3.0	10.3	✓	
Ability to pay our bills - Current Ratio (times)					The current ratio is well above the target benchmark of 2.0 due to cash balances being well ahead of the budgeted position at 31 October 2018.
Current assets/current liabilities	2.0	2.7	4.7	✓	
Asset sustainability					
	Target Benchmark	Adopted Budget	YTD Actual		Commentary
Asset Sustainability Ratio					Asset sustainability ratio will remain lower than the 90% target benchmark due to the large proportion of new assets not requiring renewal at this stage. Approximately only 8% of the capital renewal budget undertaken as at 31 October.
Renewal expenditure/depreciation	90%	51.5%	12%	✗	
Status Legend					
KPI target (budget) achieved or exceeded			✓	KPI target (budget) not achieved	
				✗	

Summary financial statements for the year to date ending
31/10/2018

A. Summary of financial results

A. Income Statements					
	Year-to-date		Variance		Comments
	Budget	Actual			
	(\$m)	(\$m)	\$	%	
Own-source Revenues	35.60	35.43	(0.17)	0%	Own source revenue is slightly under the YTD budget with half-year rates & utility notices and annual animal registrations being generated & issued in July and first quarter water consumption notices being issued during October. Employee expenses are below YTD budget due to a number of vacant positions currently being recruited for and also in part due to the non-accrual of wages which relate to October. A YTD underspend in materials & services expenditure of approximately \$1.6m is contributing to the favourable variance in total expenses.
Total Revenues	38.62	37.14	(1.47)	-4%	
Employee Expenses	(10.94)	(9.47)	1.46	-13%	
Total Expenses	(29.76)	(26.43)	3.32	-11%	
Operating Result	8.86	10.71	1.85	21%	

B. Balance Sheet					
	Year-to-date		Variance		Comments
	Budget	Actual			
	(\$m)	(\$m)	\$	%	
Cash and Cash Equivalents	22.40	44.57	22.17	99%	Cash balances and total current assets are well ahead of the budgeted position at 31 October 2018 due to the drawdown of loans funds in June 2018 for the Yeppoon Sewerage Treatment Plant Augmentation Project. Borrowings are reported as slightly below budget following with the first quarterly repayment of Council's loan portfolio with the Queensland Treasury Corporation taking place during September.
Current Assets	26.76	56.99	30.23	113%	
Current Liabilities	10.12	12.06	1.94	19%	
Non-Current assets	1,009.33	962.44	(46.89)	-5%	
Borrowings	85.17	84.48	(0.70)	-1%	
Non-Current Liabilities	91.02	91.15	0.13	0%	
Net Assets	934.95	916.22	(18.73)	-2%	

C. Cash flows					
	Year-to-date		Variance		Comments
	Budget	Actual			
	(\$m)	(\$m)	\$	%	
Net Operating	15.51	14.18	(1.34)	-9%	Net Operating Cash flows are under budget for the four months ending 31 October. There are a number of timing variances which are contributing to this variance with the timing of the budgeted proceeds from the sale of land development being a contributing factor. Net Investing Cash Flows are under budget for the four months ending 31 October mostly due to total capital expenditure being behind the YTD budget.
Net Investing	(18.52)	(11.66)	6.87	-37%	
Net Financing	(1.19)	(1.16)	0.03	-3%	
Closing Cash Balance	22.40	44.57	22.17	99%	

D. Capital program					
	Year-to-date		Variance		Comments
	Budget	Actual			
	(\$m)	(\$m)	\$	%	
Renewal	4.20	0.92	(3.29)	-78%	Whilst the capital program costs are significantly lower than the YTD budget it needs to be recognised that a further \$22.8m in capital expenditure commitments have been raised relating to the 2018-19 capital program. The capital budget has been aligned to the delivery program prepared as part of budget, however this is subject to change during the year and will be reviewed in detail as part of the upcoming 19Q2 revised budget.
New/Upgrade	16.81	9.50	(7.31)	-43%	
Total Capital Program	21.01	10.42	(10.59)	-50%	

Status Legend:

Above budgeted revenue or under budgeted expenditure
Below budgeted revenue or over budgeted expenditure <10%
Below budgeted revenue or over budgeted expenditure >10%



Attachments

A.1: Monthly Summary revenue and expenditure report (by line item) YTD 33%

	This period				Year-to-date				Adopted Budget	Full year Revised Budget	Variance
	Budget	Actual	Variance	Variance	Budget	Actual	Variance	Variance			
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Revenues											
Rates & Utility Charges	1,670	2,264	594	36%	34,079	33,734	(345)	-1%	71,498	71,498	-
User fees & charges	319	301	(18)	-6%	1,267	1,285	18	1%	3,714	3,714	-
Operating grants	69	111	42	61%	1,595	990	(605)	-38%	6,009	6,009	-
Interest	119	106	(13)	-11%	469	380	(89)	-19%	1,347	1,347	-
Sales revenue	241	129	(112)	-46%	946	340	(606)	-64%	2,448	2,448	-
Other	87	102	16	18%	259	412	152	59%	747	747	-
Total operating revenues	2,504	3,014	509	20%	38,615	37,141	(1,474)	-4%	85,765	85,765	-
Expenses											
Employee benefits	(2,759)	(2,199)	561	-20%	(10,938)	(9,475)	1,463	-13%	(31,729)	(31,729)	-
Materials & Services	(2,289)	(2,344)	(75)	3%	(9,059)	(7,492)	1,566	-17%	(27,075)	(27,075)	-
Depreciation	(1,940)	(1,940)	0	0%	(7,725)	(7,725)	0	0%	(22,777)	(22,777)	-
Interest	(357)	(369)	(12)	3%	(1,427)	(1,443)	(17)	1%	(4,275)	(4,275)	-
Other	(103)	(31)	72	-69%	(608)	(295)	312	-51%	(1,264)	(1,264)	-
Less: Total operating expenses	(7,429)	(6,884)	546	-7%	(29,756)	(26,431)	3,325	-11%	(87,120)	(87,120)	-
Net operating result	(4,925)	(3,870)	1,055		8,859	10,710	1,851	21%	(1,355)	(1,355)	
Capital income											
Capital Grants	726	(17)	(743)	-102%	1,613	2,383	770	48%	10,335	10,335	-
Developer Contributions	152	50	(102)	-67%	608	162	(446)	-73%	1,823	1,823	-
Other capital income	(37)	15	52	-141%	(37)	209	246	-664%	(37)	(37)	-
Less: capital expenses	12	0	(12)	-100%	48	0	(48)	-100%	(143)	(143)	-
Net Capital Income	853	49	(804)	-94%	2,231	2,754	522	23%	11,978	11,978	-
Total comprehensive income	(4,072)	(3,821)	251		11,091	13,464	2,373	21%	10,623	10,623	-

A.2: Monthly Summary revenue and expenditure report (by program) YTD 33%

	This period				Year-to-date				Adopted Budget	Full year Revised Budget	Variance
	Budget	Actual	Variance	Variance	Budget	Actual	Variance	Variance			
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Office of the CEO											
Revenue	42	44	3	6%	73	123	50	69%	188	188	-
Expenses	(967)	(713)	255	-26%	(4,152)	(4,061)	91	-2%	(12,275)	(12,275)	-
Livability and Wellbeing											
Revenue	262	341	79	30%	1,196	1,537	341	29%	3,627	3,627	-
Expenses	(1,537)	(1,213)	323	-21%	(5,965)	(5,066)	899	-15%	(17,332)	(17,332)	-
Infrastructure											
Revenue	2,082	2,006	(76)	-4%	17,268	15,231	(2,037)	-12%	36,834	36,834	-
Expenses	(4,864)	(4,956)	(92)	2%	(19,277)	(17,136)	2,141	-11%	(56,566)	(56,566)	-
Central Funds											
Revenue	119	622	503	424%	20,078	20,250	172	1%	45,116	45,116	-
Expenses	(61)	(2)	59	-97%	(362)	(168)	194	-54%	(946)	(946)	-

B: Monthly summary of assets and liabilities report										YTD	33%
	Year-to-date				Variance	Full year		Variance			
	Budget	Actual	Variance	%		Adopted Budget	Revised Budget				
	(\$'000)	(\$'000)	(\$'000)	%		(\$'000)	(\$'000)	(\$'000)			
Assets											
Cash and cash equivalents	21,397	43,566	22,169	104%		13,945	13,945	-			
Investments	1,000	1,000	0	0%		1,000	1,000	-			
Inventory	620	427	(193)	-31%		1,511	1,511	-			
Trade & Other Receivables	3,739	5,882	2,143	57%		8,069	8,069	-			
Land - for resale	13,786	13,788	2	0%		6,967	6,967	-			
Infrastructure:											
PPE	995,542	910,682	(84,860)	-9%		1,026,838	1,026,838	-			
Capital WIP	-	42,445	42,445	0%		-	-	-			
Other assets:	-	1,639	1,639	0%		1,374	1,374	-			
Total Assets	1,036,084	1,019,428	(16,656)	-2%		1,059,704	1,059,704	-			
Liabilities											
Employee benefits	4,809	7,848	3,039	63%		4,810	4,810	-			
Trade creditors and accruals	504	977	473	94%		4,116	4,116	-			
Borrowings:											
Short-term	4,803	4,108	(695)	-14%		4,989	4,989	-			
Long-term	80,370	80,370	0	0%		75,527	75,527	-			
Other liabilities	10,652	9,906	(746)	-7%		10,606	10,606	-			
Total Liabilities	101,138	103,208	2,070	2%		100,048	100,048	-			
Current assets	26,756	56,888	30,232	113%		32,610	32,610	-			
Current liabilities	10,116	12,059	1,943	19%		12,125	12,125	-			
Non-current assets	1,009,328	962,440	(46,887)	-5%		1,027,094	1,027,094	-			
Non-current liabilities	91,022	91,149	127	0%		87,923	87,923	-			
Net community assets	934,946	916,220	(18,726)	-2%		959,656	959,656	-			

C: Monthly summary cash flow report										YTD	33%
	This period				Year-to-date				Full year		Variance
	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Adopted Budget	Revised Budget	
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Cash inflows from operations -											
Rates & utility charges	1,139	1,879	739	0%	33,103	32,868	(235)	0%	68,561	68,561	0
User fees and charges	318	455	137	43%	1,281	1,801	520	41%	3,996	3,996	0
Operating grants	69	111	42	61%	1,595	949	(646)	-41%	6,009	6,009	0
Interest	106	106	0	0%	420	380	(40)	-10%	1,207	1,207	0
Other	181	503	322	178%	731	63	(668)	-91%	1,445	1,445	0
Proceeds from sale of land inventory	1,730	0	(1,730)	-100%	1,983	230	(1,753)	-88%	7,824	7,824	0
Total operating cash inflows	3,544	3,053	(490)	-14%	39,114	36,291	(2,822)	-7%	89,042	89,042	0
Cash outflows from operations -											
Employee entitlements	(2,759)	(2,199)	561	-20%	(10,938)	(9,452)	1,486	-14%	(31,729)	(31,729)	0
Payments to suppliers	(2,301)	(3,160)	(859)	37%	(8,576)	(10,298)	(1,822)	19%	(27,386)	(27,386)	0
Borrowing costs & bank charges	(357)	(369)	(12)	3%	(1,427)	(1,443)	(17)	1%	(4,275)	(4,275)	0
Other	(141)	(31)	110	-78%	(699)	(392)	307	-44%	(1,669)	(1,669)	0
Payments for land inventory	0	(217)	(217)	0%	(1,860)	(527)	1,333	-72%	(1,860)	(1,860)	0
Total operating cash outflows	(5,558)	(5,977)	(418)	8%	(23,599)	(22,113)	1,487	-6%	(66,919)	(66,919)	0
Net cash flows from operations	(2,015)	(2,923)	(909)	45%	15,514	14,178	(1,336)	-9%	22,123	22,123	0
Investing cash flows -											
Proceeds on disposal of assets	233	15	(218)	-94%	233	201	(32)	-14%	233	233	0
Capital grants & infrastructure charges	878	34	(844)	-96%	2,221	2,545	324	15%	12,158	12,158	0
Acquisition of assets	(5,864)	(1,865)	3,999	-68%	(20,978)	(14,401)	6,577	-31%	(46,410)	(46,410)	0
Other investing activities	0	0	0	0%	0	0	0	0%	(191)	(191)	0
Net investing cash flows	(4,753)	(1,816)	2,937	-62%	(18,524)	(11,655)	6,869	-37%	(34,210)	(34,210)	0
Financing cash flows											
Repayments on borrowings	0	0	0	0%	(1,188)	(1,155)	33	-3%	(4,751)	(4,751)	0
Net financing cash flows	0	0	0	0%	(1,188)	(1,155)	33	-3%	(4,751)	(4,751)	0
Net combined cash flows	(6,768)	(4,739)	2,029	-30%	(4,198)	1,368	5,566	-133%	(16,839)	(16,839)	0
Add: Opening cash balance	28,165	49,305	20,140	69%	26,595	43,198	16,603	62%	26,595	26,595	0
Closing cash balance	22,397	44,565	22,169	99%	22,397	44,565	22,169	99%	9,757	9,757	0

D.1: Monthly summary capital revenue and expenditure report by category (all projects)										YTD	33%
	This period				Year-to-date				Adopted Budget	Full year Revised Budget	Variance
	Budget	Actual	Variance	Variance %	Budget	Actual	Variance	Variance %			
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Renewal of existing assets -											
Capital grants and contributions	(48)	(31)	17	-35%	(268)	(242)	26	-10%	(958)	(958)	-
Renewal expenditure	2,009	382	(1,627)	-81%	4,202	915	(3,287)	-78%	11,528	11,528	-
New assets/Upgrade of existing assets											
Capital grants and contributions	(830)	(7)	823	-99%	(1,953)	(2,739)	(786)	-40%	(11,163)	(11,163)	-
New/upgrade expenditure	3,303	2,916	(387)	-12%	16,808	9,502	(7,306)	-43%	36,742	36,742	-
Total											
Capital grants and contributions	(878)	(38)	840	-96%	(2,221)	(2,981)	(760)	-34%	(12,121)	(12,121)	-
Renewal, upgrade and acquisition	5,312	3,298	(2,014)	-38%	21,010	10,417	(10,593)	-50%	48,270	48,270	-

D.2: Monthly summary capital revenue and expenditure report by asset class (all projects)										YTD	33%
	This period				Year-to-date				Adopted Budget	Full year Revised Budget	Variance
	Budget	Actual	Variance	Variance %	Budget	Actual	Variance	Variance %			
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Land											
Capital grants and contributions	-	0	0	0%	-	(130)	(130)	0%	37	37	-
Renewal, new/upgrade	9	-	(9)	-100%	38	15	(23)	-61%	100	100	-
Buildings											
Capital grants and contributions	-	29	29	0%	-	0	-	0%	-	-	-
Renewal, new/upgrade	176	5	(171)	-97%	492	142	(350)	-71%	777	777	-
Plant & Equipment											
Capital grants and contributions	0	(15)	(15)	0%	-	(136)	(136)	0%	-	-	-
Renewal, new/upgrade	195	218	24	12%	872	308	(564)	-65%	2,138	2,138	-
Roads & Drainage											
Capital grants and contributions	(802)	(37)	765	-95%	(1,660)	(1,746)	(86)	5%	(6,892)	(6,892)	-
Renewal, new/upgrade	2,488	2,015	(473)	-19%	6,574	5,668	(906)	-14%	17,968	17,968	-
Bridges											
Capital grants and contributions	-	-	-	0%	-	-	-	0%	-	-	-
Renewal, new/upgrade	217	-	(217)	-100%	959	-	(959)	-100%	1,048	1,048	-
Water											
Capital grants and contributions	(51)	(12)	39	-76%	(204)	(43)	161	-79%	(611)	(611)	-
Renewal, upgrade and acquisition	131	71	(60)	-46%	567	242	(325)	-57%	2,100	2,100	-
Sewerage											
Capital grants and contributions	(18)	(8)	10	-55%	(71)	(23)	48	-68%	(3,213)	(3,213)	-
Renewal, upgrade and acquisition	1,214	570	(644)	-53%	5,587	2,201	(3,386)	-61%	14,380	14,380	-
Site Improvements											
Capital grants and contributions	(7)	(3)	4	-57%	(286)	(673)	(387)	135%	(1,442)	(1,442)	-
Renewal, upgrade and acquisition	883	202	(681)	-77%	4,062	1,330	(2,732)	-67%	7,900	7,900	-
Land Development											
Capital grants and contributions	-	8	8	0%	0	(230)	(230)	0%	0	0	-
Renewal, upgrade and acquisition	-	217	217	0%	1,860	511	(1,349)	-73%	1,860	1,860	-

D.3: Summary capital expenditure report by project (>\$1 million)

	Project Dates			Project Costs YTD FY18/19				Project EOFY Forecast Cost	Budget FY18/19	Project Life Costs	
	% Project Complete	Planned Start Date*	Planned Completion Date*	WIP B/F FY 17/18	Actual	Commitments	Total Project Costs		Adopted Budget	Project LTD Costs	Project Life Budget
Major projects (>\$1m)				(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Capricorn Coast New Cemetery											
988058 (N) Capricorn Coast Cemetery Roadworks	90%	8/05/17	14/09/18	1,933	537	281	818	500	500	2,470	2,500
988173 (N) Capricorn Coast New Cemetery Internal	40%	16/04/18	12/12/18	130	122	119	241	1,300	1,300	253	1,300
1110324 (N) Cap Coast New Cemetery Internal R&D works PCL-530	75%	6/08/18	26/11/18	0	311	777	1,088	1,600	1,600	311	2,200
Subtotal of Capricorn Coast New Cemetery				2,063	970	1,177	2,147	3,400	3,400	3,033	6,000
Emu Park Village & Forshore Revitalisation											
1097725 (N) EPV&FR-Emu Park Foreshore Pre-project Plan	10%		15/03/19	75	0	0	0	0	0	75	0
1100767 (N) EPV&FR Emu Park Village & Foreshore detailed design	65%	3/07/17	15/03/19	406	1,154	262	1,416	2,950	2,950	1,559	4,500
1105254 (U) EPV&FR Kerr Park Carpark (SLSC)	100%	6/11/17	6/11/17	805	0	0	0	0	0	805	0
1105255 (U) EPV&FR Tennent Memorial Dr	30%	4/12/17	15/03/19	17	0	0	0	0	0	17	0
1105256 (U) EPV&FR Emu St Stg1 Plans B to E	30%	4/12/17	15/03/19	63	18	138	156	0	0	81	0
1108479 (R) EPV&FR water main replacement Emu St	100%	15/03/18	16/05/18	0	(0)	0	(0)	0	0	(0)	0
Subtotal of Emu Park Village & Forshore Revitalisation				1,366	1,172	400	1,572	2,950	2,950	2,538	4,500
Homemaker Centre											
1067267 (N) Homemaker Centre Demolition & Site F	95%	1/11/17	30/11/18	442	0	9	9	0	0	442	0
1067268 (N) Homemaker Centre General	80%	1/03/15	30/11/18	88	71	81	151	0	0	158	0
1067269 (N) Homemaker Centre Land Development	85%	1/03/15	30/11/18	1,298	48	80	128	1,860	1,860	1,347	6,790
1108266 (N) Homemaker Centre Service Relocation	100%	1/10/17	30/11/18	1,122	20	32	52	0	0	1,142	0
1108267 (R) Homemaker Centre SPS replacement	98%	1/11/17	30/11/18	220	0	1	1	0	0	220	0
1108268 (N) Homemaker Centre Earthworks	98%	1/10/17	30/11/18	2,279	46	64	110	0	0	2,325	0
1108269 (N) Homemaker Centre SRM 300mm trunk sew	98%	1/01/18	30/11/18	53	1	3	4	0	0	54	0
1113203 (N) Homemaker Centre Civil Works	50%	1/07/18	30/11/18	0	312	841	1,153	0	0	0	0
Subtotal of Homemaker Centre				5,502	498	1,110	1,608	1,860	1,860	5,689	6,790
1066964 (N) UEC-NC-Intersection Taranganba Rd at	10%	31/08/18	6/03/19	39	25	286	311	1,200	1,200	64	1,200
1108790 (N)-RC-NC-Nerimbera Boat Ramp Car-traile	15%	17/09/18	10/01/19	0	25	133	157	1,200	1,200	25	1,200
1108221 (N)-RC-RC-Svendsen Road-Sealed Road Construction	100%	6/05/18	6/09/18	200	685	40	725	965	1,600	885	1,600
966564 (N)-UC-NC-R'ton Rd (Barmaryee & Condon Drive Intersection)	70%	11/04/18	21/09/19	668	615	713	1,328	157	1,630	1,283	1,630
(N)-UC-PW-Scenic Hwy Statue Bay to Kemp Beach Rosslyn St to											
1104375 Wildin Way	10%	26/06/17	30/06/20	35	69	55	124	2,617	2,622	104	2,622
959072 (U)-SP-SEW-33 STP YPN Augmentation Design & Construction	35%	12/06/17	7/02/2019	2,050	1,794	10,947	12,741	14,136	14,136	3,844	15,000
1105687 (U)-RC-RC-St Christopher Chapel Rd	55%	20/11/17	31/10/18	11	281	294	575	1,000	1,000	292	1,000
1070087 (R)-WC-W-Main Replacement Reticulation V	0%	1/07/18	30/06/19	0	0	0	0	1,230	1,230	0	1,230
CP428 (R)-UEC-RS-AS/SS/SLS-Road Resurfacing Annual Program	0%	1/07/18	30/06/19	0	0	0	0	1,000	1,000	0	1,000
CP422 (R)-REC-GR-Gravel Resheet Program A	3%	1/07/18	30/06/19	0	35	87	122	1,100	1,100	35	1,100
CP427 (R)-UC-PR-Sealed Pavement Renewals AMP annual program	0%	1/07/18	30/06/19	0	1	981	981	1,000	1,000	1	1,000
CP440 (R)-Fleet Renewal Program	11%	1/07/18	30/06/19	0	218	166	384	1,900	1,900	218	1,900

E.1: Business Unit summary revenue and expenditure report (by line item)																	YTD				33%
	Water				Sewer				Waste				Council				Consolidated				
	Adopted Budget	YTD Actual	Variance	Variance	Adopted Budget	YTD Actual	Variance	Variance	Adopted Budget	YTD Actual	Variance	Variance	Adopted Budget	YTD Actual	Variance	Variance	Adopted Budget	Actual	Variance	Variance	
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	
Rates & Utility Charges	16,075	6,471	(9,604)	-60%	9,436	4,890	(4,546)	-48%	5,966	3,004	(2,962)	-50%	40,021	19,369	(20,652)	-52%	71,498	33,734	(37,764)	-53%	
User fees & charges	347	77	(270)	-78%	138	65	(73)	-53%	1,021	264	(757)	-74%	2,208	879	(1,330)	-60%	3,714	1,285	(2,429)	-65%	
Operating grants	0	0	0	0%	0	0	0	0%	0	0	0	0%	6,009	990	(5,019)	-84%	6,009	990	(5,019)	-84%	
Interest	0	0	0	0%	0	0	0	0%	0	0	0	0%	1,348	380	(968)	-72%	1,347	380	(968)	-72%	
Sales revenue	200	61	(139)	-70%	70	19	(51)	-73%	0	0	0	0%	2,178	261	(1,917)	-88%	2,448	340	(2,108)	-86%	
Other	19	1	(17)	-94%	7	0	(7)	-98%	40	13	(27)	-68%	682	397	(285)	-42%	747	412	(337)	-45%	
Total operating revenues	16,641	6,611	(10,030)	-60%	9,651	4,974	(4,677)	-48%	7,026	3,281	(3,746)	-53%	52,446	22,276	(30,170)	-58%	85,765	37,141	(48,624)	-57%	
Expenses																					
Employee benefits	(2,063)	(630)	1,433	-69%	(1,795)	(509)	1,285	-72%	(367)	(99)	268	-73%	(27,504)	(8,236)	19,268	-70%	(31,729)	(9,475)	22,254	-70%	
Materials & Services	(6,099)	(2,259)	3,841	-63%	(4,078)	(936)	3,143	-77%	(4,385)	(892)	3,492	-80%	(12,512)	(3,406)	9,106	-73%	(27,075)	(7,492)	19,582	-72%	
Depreciation	(3,248)	(1,130)	2,118	-65%	(4,595)	(1,599)	2,996	-65%	(780)	(271)	508	-65%	(14,154)	(4,724)	9,430	-67%	(22,777)	(7,725)	15,052	-66%	
Interest	(391)	(134)	257	-66%	(572)	(312)	260	-45%	(620)	(212)	408	-66%	(2,691)	(786)	1,906	-71%	(4,275)	(1,443)	2,831	-66%	
Other	0	0	0	0%	(0)	(0)	(0)	0%	(10)	(4)	6	-60%	(1,254)	(292)	963	-77%	(1,264)	(295)	969	-77%	
Less: Total operating expenses	(11,801)	(4,152)	7,649	-65%	(11,040)	(3,356)	7,684	-70%	(6,162)	(1,479)	4,683	-76%	(58,116)	(17,444)	40,672	-70%	(87,120)	(26,431)	60,689	-70%	
Net operating result	4,840	2,459	(2,381)	-49%	(1,390)	1,617	3,007	-216%	864	1,802	937	108%	(5,670)	4,832	10,502	-185%	(1,355)	10,710	12,065	-891%	

E.2: Business Unit summary of assets and liabilities report									YTD		33%
	Water	Sewerage	Waste	Council	Year-to-date				Full year		
					Budget	Actual	Variance	Variance	Adopted Budget	Revised Budget	
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	
Assets											
Cash and cash equivalents	15,694	10,913	11,835	6,123	22,397	44,566	22,169	99%	14,945	14,945	
Inventory	0	0	0	427	620	427	(193)	-31%	1,511	1,511	
Trade & Other Receivables	2,424	506	538	2,414	3,739	5,882	2,143	0%	8,069	8,069	
Land - for resale	0	0	0	13,788	13,786	13,788	2	0%	6,967	6,967	
Infrastructure:	0	0	0	0	0	0	0	0%	0	0	
PPE	195,745	116,231	9,057	589,649	995,542	910,682	(84,860)	-9%	1,026,838	1,026,838	
Capital WIP	838	5,029	31	36,547	0	42,445	42,445	0%	0	0	
Other assets	0	(0)	(0)	1,639	0	1,639	1,639	0%	1,374	1,374	
Total Assets	214,702	132,678	21,461	650,587	1,036,084	1,019,428	(16,656)	-2%	1,059,704	1,059,704	
Liabilities											
Employee benefits	691	684	55	6,418	4,809	7,848	3,039	63%	4,810	4,810	
Trade creditors and accruals	38	34	85	820	504	977	473	94%	4,116	4,116	
Borrowings:											
Short-term	573	673	608	2,254	4,803	4,108	(695)	-14%	4,989	4,989	
Long-term	9,988	16,138	10,505	43,739	80,370	80,370	(0)	0%	75,527	75,527	
Other liabilities	0	0	9,416	490	10,652	9,906	(746)	-7%	10,606	10,606	
Total Liabilities	11,290	17,528	20,670	53,721	101,138	103,208	2,070	2%	100,048	100,048	
Current assets	18,119	11,419	12,373	15,078	26,756	56,988	30,232	113%	32,610	32,610	
Current liabilities	1,260	1,348	749	8,702	10,116	12,059	1,943	19%	12,125	12,125	
Non-current assets	196,584	121,259	9,087	635,510	1,009,328	962,440	(46,887)	-5%	1,027,094	1,027,094	
Non-current liabilities	10,030	16,180	19,921	45,019	91,022	91,149	127	0%	87,923	87,923	
Net community assets	203,413	115,150	791	596,866	934,946	916,220	(18,726)	-2%	959,656	959,656	

12.2 FINAL MANAGEMENT REPORT 2017-18**File No:** GV13.4.2**Attachments:****Responsible Officer:** Chris Murdoch - Chief Executive Officer**Author:** Andrea Ellis - Chief Financial Officer

SUMMARY*The Final Management Report is presented to Council***OFFICER'S RECOMMENDATION**

THAT Council notes the observations contained within the Final Management Report (Observation Report) from the Queensland Audit Office for the 2017-18 financial year.

BACKGROUND

Each financial year Council's financial statements must be audited and for the 2017-18 financial year the audit was undertaken by Deloitte Touche Tohamatsu as the contract auditors on behalf of the Queensland Audit Office. Section 54 of the *Auditor-General Act 2009* enables the Queensland Audit Office to prepare a final management report containing observations and suggestions about anything arising out of the audit. Where those observations or suggestions require further attention, the Queensland Audit Office is required to provide a copy of the report to the Mayor.

Under the provisions of Section 213 of the *Local Government Regulation 2012* (the Regulation) this report is known as the Auditor-General's Observation Report and it must be presented to the next ordinary meeting of Council. It is important to note that the Observation Report is additional to the Independent Auditor's Report that is provided with Council's certified set of financial statements (with the latter being included in Council's Annual Report and referenced in Section 182 of the Regulation in relation to the timing of the adoption of Council's Annual Report).

COMMENTARY

The audit undertaken by the Queensland Audit Office was completed in October and Council was provided with an unmodified (unqualified) audit opinion (Independent Auditor's Report) on 16 October 2018. The Final Management Report contains any issues identified in the final stage of the audit and categorises these issues into either "Internal Control Deficiency" issues (assessed as 'significant deficiency', 'deficiency', 'other matter') or "Financial Reporting" issues (assessed as 'high', 'medium' or 'low'). No additional issues were raised as part of the final audit.

Appendix A of the report (Attachment One) contains details of the component (and rating), issue, Queensland Audit Office recommendation, management response and status for the issue identified. These issues were raised during Council's interim audit and were discussed in detail with the Audit, Risk and Business Improvement Committee on 12 October 2018 as part of the Queensland Audit Office's presentation of the Audit Closing Report.

The number of issues outstanding at the end of the audit has reduced from 10 (2017) to 8 in 2018.

The Report to Parliament on the Results of Local Government Audits for 2017-18 will use a traffic light system to summarise their assessment of the seventy-seven (77) Queensland Local Governments. Based on the closing report presented to the Audit, Risk and Business Improvement Committee meeting on 12 October 2018 Livingstone Shire Council is expected to receive the following assessment:

Financial Statement preparation assessments			16/17 Result
Timeliness	●	QAO certified statements received 19 th October 2018.	●
Quality	●	Adjustments <1% from draft financial statements	●
Year End Processes	●	Asset Valuation milestone not achieved	●
Effectiveness of internal controls			
Control Environment	●		●
Risk Assessment	●		●
Control Activities	●		●
Information & Communication	●		●
Monitoring of Controls	●		●
Assessment of Financial Sustainability			
Overall Financial Sustainability	●	Asset sustainability ratio 54.5% (2017: 48%) - Target > 90% Net financial liabilities ratio 66% (2017:58.3) – Target < 60%	●

PREVIOUS DECISIONS

Council adopted the Annual Report, which included the audited financial statements for 2017-18 and the Independent Auditors Report on 12 November 2018

BUDGET IMPLICATIONS

The increase in audit fees of \$5,000 can be accommodated within adopted budgets.

LEGISLATIVE CONTEXT

Section 213 of the *Local Government Regulation 2012* requires the Auditor-General's observation report to be tabled at the next Council meeting.

Section 182 of the *Local Government Regulation 2012* requires Council to adopt the Annual Report (which includes the audited financial statements) within one month after the day the Auditor General provides the report to Council. Therefore, Council will need to adopt the Annual Report by 16 November 2018.

LEGAL IMPLICATIONS

There are no legal implications.

STAFFING IMPLICATIONS

There are no staffing issues from this report.

RISK ASSESSMENT

The external audit of the annual financial statements focuses on key financial risks for the organisation and key internal controls around the financial operations and management of Council's operations. This report completes a legislative requirement for the final management report to be provided to Council.

CORPORATE/OPERATIONAL PLAN

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

LOCAL GOVERNMENT PRINCIPLES

The Local Government principles are –

- (a) *Transparent and effective processes, and decision-making in the public interest; and*
- (b) *Sustainable development and management of assets and infrastructure, and delivery of effective services; and*
- (c) *Democratic representation, social inclusion and meaningful community engagement; and*
- (d) *Good governance of, and by, Local Government; and*
- (e) *Ethical and legal behaviour of Councillors and Local Government employees.*

CONCLUSION

Council has received an unqualified opinion for its 2017-18 financial statements, with no new issues identified since the interim audit. Council has focused on improving internal controls.

12.2 - FINAL MANAGEMENT REPORT 2017-18

Final Management Report 2017-18

Meeting Date: 20 November 2018

Attachment No: 1



Our ref: TM/MR/TCNM

IN-CONFIDENCE

5 October 2018

Councillor W.F. Ludwig
Mayor
Livingstone Shire Council
PO Box 2292
Yeppoon QLD 4703

Dear Councillor Ludwig

Final Management Report for Livingstone Shire Council

We have substantially completed our 2018 financial audit for Livingstone Shire Council ("Council" or "LSC"). We expect the Queensland Audit Office (QAO) will issue an unmodified audit opinion on your financial statements.

The purpose of this letter is to update you on any matters that have arisen since we presented our Interim management letter dated 4 May 2018.

Reporting on issues identified

Our closing report listed any issues raised from our interim audit visits (noting if they remained open or had been resolved) and we noted that no additional issues were raised as part of our final audit visit. Issues and other matters formally reported to management and updates on actions taken by management to resolve these issues are included as Appendix A to this letter. Our rating definitions for internal control deficiencies and financial reporting matters is shown in Appendix B.

Report to parliament

Each year, the QAO report the results of all financial audits and significant issues to Parliament. We confirm that if the QAO intend to include any significant matters for Livingstone Shire Council in a report to Parliament, you will be given an opportunity to comment and your comments will be reflected in the report. If this changes, we will update you as soon as possible.

Queensland Audit Office
Level 14, 53 Albert Street, Brisbane Qld 4000
PO Box 15396, City East Qld 4002

Phone : 07 3149 8004
Email : qao@qao.qld.gov.au
Web : www.qao.qld.gov.au
 Queensland Audit Office (QAO)

Audit fee

The final audit fee for this year is \$187,500 (inclusive of travel expenses of \$25,000 and additional out of scope costs of \$5,000). This fee has increased since we provided our external audit plan on 4 February 2018. Council comprehensively revalued land assets after the issuance of our audit plan. The revaluation was not finalised in time for us to audit as part of our interim asset audit visit. Consequently, additional time was spent auditing the revaluation resulting in additional costs of \$5,000 which were not part of the initial scope.

We would like to thank you and your staff for their engagement during the audit.

If you have any questions about this letter or would like to discuss any matters regarding our audit service, please contact myself on 3308 7235 or Mayuri Rajdev on 3308 7529.

Yours sincerely



Tendai Mkwanzan
Partner, Deloitte Touche Tohmatsu

cc: Chris Murdoch, Chief Executive Officer

Appendix A

Issues formally reported to management

This table provides you with a summary of issues that we have formally reported to management related to internal control deficiencies and other matters related to business improvement opportunities we identified through our audit process.

Previously reported internal control deficiencies – interim management letter issued 4 May 2018

Area	Issue	Rating	Our recommendation	Status update from management
Monitoring activities	<p>Procurement practices - Quotations</p> <p>Date issue initially raised: 2016</p> <p>We identified four (4) instances where Council did not obtain the required two (2) quotations for transactions between \$5,000 and \$15,000. This was not in line with the Council's procurement policy.</p> <p>The above mentioned transactions were noted to have been effected prior to the implementation of the Procurement Transformation Program by management in November 2017. Of the transactions effected after November 2017 that we tested, we did not identify any irregularities.</p>	Deficiency	We acknowledge that management has now implemented a system to ensure greater compliance with procurement requirements and regulations. However, we understand that no retrospective assessment has been performed to ensure that there is no exposure from the transactions effected between July and November 2017. We recommend that management perform this retrospective assessment to ensure that no inappropriate expenditure has been incurred during the current period.	<p>Resolved</p> <p>A retrospective assessment for the period July – November 2017 was undertaken by Council's Procurement Unit and provided to Council's external auditors as part of the final audit visit.</p> <p>Management and external audit consider this item to be resolved.</p>

Area	Issue	Rating	Our recommendation	Status update from management
Control activities	<p>Access to Finance One</p> <p>Date issue initially raised: 2017</p> <p>We identified Council officers that have Finance One user access and incompatible privileges in relation to those necessary for them to perform their roles.</p> <p>Certain senior members of the finance team have the ability to post general journal entries without any subsequent authorisation of the entries. Such access may allow for unauthorised activities within Finance One.</p>	Deficiency	<p>We recommend that Finance One access to post journal entries be restricted only to those officers for whom it is necessary to perform their duties. Senior members of the finance team that do not need to post journal entries as part of their role, should have read-only access.</p> <p>Where deemed necessary for senior members of the finance team to post journals, a separate review and authorisation should be performed.</p>	<p>Resolved</p> <p>Management introduced appropriate review controls and also removed the incompatible user access rights.</p> <p>Management and external audit consider this issue to be resolved.</p>

Area	Issue	Rating	Our recommendation	Status update from management
Other matter	<p>Asset management policy</p> <p>Date issue initially raised: 2017</p> <p>Since December 2015, Council has been on a journey of developing, refining and adopting individual Asset Management Plans (AMPs) for its assets. To date Council has adopted AMPs for the Water, Sewer, Roads, Buildings and Fleet asset categories. The detailed AMPs cover areas such as asset descriptions, future demand, improvement plans as well as lifecycle management plans among other areas.</p>	Other matter	<p>In addition to having individual AMPs for each significant asset classes there is an opportunity for Council to develop an overarching asset management strategy and asset management policy to:</p> <ul style="list-style-type: none"> • Establish the objectives for asset management providing a platform for service delivery. • Integrate asset management with corporate and financial planning. • Assign accountability for asset management. • Address any long term issues associated with asset management and the various strategic plans of Council. 	<p>Resolved</p> <p>Management and external audit consider this issue to be resolved. An Asset Management Policy was adopted by Council on 3 July 2018.</p>

Area	Issue	Rating	Our recommendation	Status update from management
Other matter	<p>Internal audit plan</p> <p>Date issue initially raised: Interim 2018</p> <p>Council has over the preceding years established an internal audit function whose conduct is governed by an endorsed internal audit charter. The function's current operations are directed by an approved five (5) year internal audit plan. We acknowledge that the internal audit function is still being developed and solidifying its processes.</p> <p>We noted that formal documentation on how risks are evaluated as well as the respective controls to respond to the risks is not maintained. This detail is necessary for the ARABIC to assess the appropriateness and suitability of the plan to address Council's risks.</p>	Other matter	<p>We recommend that the internal audit plan be augmented to detail among any other items deemed necessary:</p> <ul style="list-style-type: none"> • Explanations on how operational and fraud risks have been evaluated. • Discussions on the control measures that Council has obtained, or is to adopt to manage the most significant risks. 	<p>Resolved</p> <p>The Internal Audit Plan for 2018-19 consolidated all the elements into a single document. This included an explanation of the overall methodology including how risks are assessed in developing the plan. It also included an excerpt from the risk registers of the risks related to the topics included in the plan showing the risk description, mitigating controls and risk rating.</p> <p>Management and external audit consider this issue to be resolved.</p>

Area	Issue	Rating	Our recommendation	Status update from management
Monitoring Activities	<p>Masterfile changes – Periodic review</p> <p>Date issue initially raised: Interim 2018</p> <p>We noted that Council has implemented a control where the Coordinator of Accounting Services performs a weekly detailed review of changes made to the Payroll and Vendor masterfiles. We note that whilst there is a review control in place, this review is performed by an individual involved in the day to day operations of the finance function. This creates a risk that any potentially inappropriate changes would not be identified by this review, as this individual is not independent from the underlying processes.</p> <p>Such a periodic review also precludes management from identifying irregular changes or trends that may not be notable in a detailed weekly review but may be notable in an overarching review of several weeks' activities (i.e. monthly/quarterly).</p>	Deficiency	<p>We recommend that Council implement a risk based review of changes to payroll and vendor masterfiles that is performed by a senior member of staff and/or internal audit that is independent of the processing of such changes.</p> <p>The review should complement the one currently in place but should be less frequent and focused on risky areas such as: changes to bank account details, employee to vendor relationships and vendor ratings among other items deemed appropriate by Council.</p>	<p>Work-in-progress</p> <p>Management response:</p> <p>In the continued development of data analytics, data for procurement has been acquired and analysis commenced. Results will be addressed internally in early October 2018 with a report produced in November 2018. The final step to close this action will be establishing repeatable processes for extract, analysis and reporting.</p> <p>Action date</p> <p>30 November 2018</p> <p>Responsible officer</p> <p>Internal auditor</p>

Area	Issue	Rating	Our recommendation	Status update from management
Monitoring Activities	<p>Review of supporting documents for expenditure on corporate cards</p> <p>Date issue initially raised: Interim 2018</p> <p>We noted an instance where supporting documents attached to a corporate card transaction did not match the transaction and ledger details. The mismatch between the transaction and the attached supporting documents was not detected in the review process.</p> <p>Council's corporate card policy requires all transactions to be supported by an appropriate invoice as this makes up part of the review process. Inadequate review processes leave the Council susceptible to misappropriation of resources occurring and going undetected.</p>	Deficiency	<p>We recommend the following:</p> <ul style="list-style-type: none"> Management to reinforce the importance of the consistent application of the review processes currently in place by providing employees with on-going training on Council's procurement policies and review requirements. Management and/or internal audit to perform spot checks to ensure consistent implementation of relevant reviews. 	<p>Work-in-progress</p> <p>Management response:</p> <p>Council's internal auditor has commenced an internal audit on the review of purchase card management (IA-2018-04). The scope of this review includes a sample based compliance review of purchase card transactions and attachments against Council's purchase card guideline, an examination of the processes for card acquittal and approval, the process for addressing errors and breaches of card usage guidelines and an assessment of staff understanding of and compliance with the Purchase Card Guideline. Following review by the Executive Leadership Team and Council's audit committee, Finance Management will look to implement the recommendations.</p> <p>Action date</p> <p>31 March 2019</p> <p>Responsible officer</p> <p>Chief Financial Officer</p>

Area	Issue	Rating	Our recommendation	Status update from management
Control activities	<p>IT - User Access Management</p> <p>Date issue initially raised: Interim 2018</p> <p>We identified fifteen (15) user accounts on the network where there was no set requirement for password resets at the lapsing of ninety (90) day periods as per Council's Information Security Directive. We also noted two (2) user accounts which were not disabled or removed though they were last used in April 2017 by the external contractors to whom they had been allocated.</p> <p>Though we did not note unauthorised activities going through these user accounts, weak password and/or user administration controls increase the likelihood of accounts being compromised to gain unauthorised access to systems and data which leave Council susceptible to misuse.</p>	Deficiency	<p>The accounts of inappropriate users noted in the observations should be removed. A periodic assessment should be undertaken to remove expired as well as redundant accounts and these user IDs should not be reissued to other users.</p> <p>We recommend that mandatory training be provided to IT administrative staff to ensure that they are aware of Council's Information Security Directive requirements.</p>	<p>Work-in-progress</p> <p>Management response:</p> <p>The Information Security Directive remains to be updated to define a process to assess and approve different password settings following the recent appointment of Council's Chief Technology Officer.</p> <p>Action date</p> <p>30 April 2019</p> <p>Responsible officer</p> <p>Chief Technology Officer</p>

Area	Issue	Rating	Our recommendation	Status update from management
Control activities	<p>IT - Audit log reviews</p> <p>Date issue initially raised: Interim 2018</p> <p>We noted that security event audit logging is enabled on the network and Finance One system. However, periodic reviews of audit logs to track user activities and threats within the system were not being performed. That is not in line with the Council's Information Security Directive.</p> <p>Inadequate review of audit logs reduces management's visibility across user activities relating to security event logs, key business and master data which increases the risk of invalid or erroneous amendments being made and going undetected.</p>	Deficiency	<p>We recommend that Council implement a periodic review of audit logs on the network, database and application system.</p> <p>The process may incorporate the following:</p> <ul style="list-style-type: none"> • Inspection of supporting documentation for critical changes made. • Maintaining the list of logs that are reviewed and implementing a formal process to remediate inappropriate activities identified during reviews. <p>Management may take a risk-based approach to identify what key data should be logged, the impact on system resources as well as the people to review when determining the implementation of this recommendation.</p>	<p>Not started</p> <p>Management response:</p> <p>The periodic review of audit logs is to be addressed following the recent appointment of Council's Chief Technology Officer.</p> <p>Action date</p> <p>30 June 2019</p> <p>Responsible officer</p> <p>Chief Technology Officer</p>

Area	Issue	Rating	Our recommendation	Status update from management
Other matter	<p>Conflict of interests framework</p> <p>Date issue initially raised: Interim 2018</p> <p>We noted that Council has a process in place where records are maintained of Councillors and members of the Executive Leadership Team's declaration of interests. However, we noted that there is no formal process in place for Council to continuously check these records against suppliers at the point of effecting transactions. Such a process would enable Council to identify and appropriately treat related party transactions.</p> <p>Having adequate processes around identification and tracking of related party transactions would assist Council in managing its risk and reputation should transactions be questioned or be subject to scrutiny.</p>	Other matter	<p>We recommend Council to maintain a complete list of related parties and any new or existing suppliers should be compared to this list to ensure that any transactions entered into are at arm's length with appropriate documentation retained to support decisions made.</p> <p>We note that Council was not one of the thirteen Councils selected for audit resulting in the Crime and Corruption Commission audit report released in October 2017. The report's recommendations are not mandatory for the Council but represent opportunities for continued improvement.</p> <p>We recommend that Council consider performing some of the following recommendations in order to further improve its governance processes:</p> <ul style="list-style-type: none"> • Create and maintain an overarching conflict of interest framework. • Provide ongoing training and awareness about the key areas of the Council's framework. 	<p>Work-in-progress</p> <p>Management response:</p> <p>Council's procurement unit is currently in the process of updating the internal tender management process to facilitate a comparison of identified related parties and the respondents to tenders.</p> <p>Action date</p> <p>30 November 2018</p> <p>Responsible officer</p> <p>Chief Financial Officer</p>

Area	Issue	Rating	Our recommendation	Status update from management
			<ul style="list-style-type: none"> Identify, record, manage and monitor conflicts of interest. Have conflict of interest identified as a key risk factor in their fraud and corruption risk assessment Identify conflicts of interest risks via fraud and corruption assessment processes. Regularly audit conflict of interest processes for effectiveness and adequacy. Create and maintain formal processes to review councillors' and employees' interests during the procurement processes. 	

Area	Issue	Rating	Our recommendation	Status update from management
Other matter	<p>Sole suppliers register</p> <p>Date issue initially raised: Interim 2018</p> <p>We noted instances where Council sourced services from vendors classified as 'sole suppliers'. Suppliers that are deemed to possess the sole ability and capacity to supply goods and services are classified as sole suppliers.</p> <p>We acknowledge the use of sole suppliers is common within the local government sector and certain regions, we however noted that Council did not maintain a register of sole suppliers nor did it maintain documentation on the determination of sole suppliers. This precluded Council from being able to scrutinise and assess the appropriateness of sole suppliers.</p> <p>The absence of such a register and the appropriate documentation to support decisions made could expose Council to risk should these decisions or transactions be questioned or be subject to scrutiny.</p>	Other matter	We recommend Council create a sole supplier register which will also be reviewed on a periodic basis to ensure that it is consistently updated and appropriate documentation retained to support inclusion on the list.	<p>Work In Progress</p> <p>Management response:</p> <p>Council's procurement unit is currently in the process of creating a sole supplier register to facilitate the collection of appropriate documentation to support the identification of sole suppliers.</p> <p>Action date</p> <p>31 December 2018.</p> <p>Responsible officer</p> <p>Chief Financial Officer</p>

Area	Issue	Rating	Our recommendation	Status update from management
Control activities	<p>IT - Access security – Periodic review</p> <p>Date issue initially raised: 2017</p> <p>We noted that user access reviews are currently performed periodically but are designed to only ensure that terminated users are removed from system and to ensure users who have financial delegation on Finance One are appropriate.</p> <p>A periodic review is not performed to monitor the access rights and segregation of duties of users in the Finance One and Pathway applications as well as the network to ensure that inappropriate and conflicting access is either removed or mapped to mitigating manual controls.</p> <p>In the absence of a periodic review process, there is an increased risk of users possessing unauthorised access which may result in a compromise to the confidentiality, integrity and availability of key systems and data. The risk of unauthorised or fraudulent access to systems and data is increased when accounts have elevated privileges and access to additional functionality.</p>	Deficiency	<p>We recommend that an access security and segregation of duties review relating to positions and roles be undertaken at least annually to ensure that no conflicting and inappropriate access is assigned to users.</p> <p>Mitigating controls should be documented and mapped to conflicting access that cannot be corrected in the application due to operational requirements or system limitations.</p>	<p>Work In Progress</p> <p>Management response:</p> <p>Further development of these reports remains to be undertaken following the recent appointment of Council's Chief Technology Officer.</p> <p>Action date</p> <p>28 February 2019</p> <p>Responsible officer:</p> <p>Chief Technology Officer</p>

Area	Issue	Rating	Our recommendation	Status update from management
Other matter	<p>Internal rate of return capitalised to the cost of assets</p> <p>Date issue initially raised: 2017</p> <p>It is usual practice for Councils to include the cost of "internal plant hire" within the capitalised cost of constructed asset. The internal plant hire cost represents a standard unit price (usually per hour) of operating plant using internally constructed assets such as road infrastructure.</p> <p>Council's current internal plant hire rates include an internal rate of return of approximately 8%. We understand that there is an elimination process within the profit and loss statement for such internal plant hire costs; however, it appears that these are not eliminated from the capitalised costs.</p> <p>The inclusion of the internal rate of return for internal plant hire will result in property plant and equipment being overstated. It may also result in un-eliminated internal plant hire profits within the statement of profit and loss.</p>	Other matter	<p>We recommend that management review the current rates used for internal plant hire to ensure that they do not include any internal margin. These rates should be reviewed regularly to ensure that they are still reflective of the cost of operating the plant.</p> <p>Further, management should review the process for ensuring that any internal revenue and expenses are eliminated to ensure that there is no internal profit remaining within the statement of profit and loss.</p>	<p>Not started</p> <p>Management response:</p> <p>A review of Council's internal plant hire methodology remains to be undertaken. It is planned that this review will be undertaken by the end of December 2018.</p> <p>Action date</p> <p>31 December 2018</p> <p>Responsible officer:</p> <p>Manager Community Assets</p>

Appendix B

Our rating definitions for internal control deficiencies

We assess internal control deficiencies on their potential to cause a material misstatement in the financial statements as follows:

Assessed category	Definition/Criteria	Prioritisation of remedial action
Significant deficiency	<p>A significant deficiency is a deficiency, or combination of deficiencies, in internal control that requires immediate remedial action.</p> <p>Also, we increase the rating from a deficiency to a significant deficiency based on:</p> <ul style="list-style-type: none"> • the risk of material misstatement in the financial statements • the risk to reputation • the significance of non-compliance with policies and applicable laws and regulations • the potential to cause financial loss including fraud, or • where management has not taken appropriate timely action to resolve the deficiency. 	This requires immediate management action to resolve.
Deficiency	A deficiency arises when internal controls are ineffective or missing, and are unable to prevent, or detect and correct, misstatements in the financial statements. A deficiency may also result in non-compliance with policies and applicable laws and regulations and/or inappropriate use of public resources.	We expect management action will be taken in a timely manner to resolve deficiencies.
Other matter	An other matter is expected to improve the efficiency and/or effectiveness of internal controls, but does not constitute a deficiency in internal controls. If an other matter is not resolved, we do not consider that it will result in a misstatement in the financial statements or non-compliance with legislative requirements.	Our recommendation may be implemented at management's discretion.

Our risk rating definitions for financial reporting issues

We assess financial reporting issues on their potential to cause a material misstatement in the financial statements as follows:

Assessed category	Definition/Criteria	Prioritisation of remedial action
High	We assess that there is a high likelihood of this causing a material misstatement in one or more components (transactions, balances and disclosures) of the financial statements, or there is the potential for financial loss including fraud.	This requires immediate management action to resolve.
Medium	We assess that there is a medium likelihood of this causing a material misstatement in one or more components of the financial statements	We expect management action will be taken in a timely manner to resolve deficiencies.
Low	We assess that there is a low likelihood of this causing a material misstatement in one or more components of the financial statements.	Our recommendation may be implemented at management's discretion.

12.3 OPERATIONAL PLAN 2018-19 Q1 PROGRESS REPORT**File No:** CM4.6.2**Attachments:**
1. [Organisational KPI's](#)
2. [Operational KPI's](#)**Responsible Officer:** Rodney Chapman - Coordinator Governance
Andrea Ellis - Chief Financial Officer**Author:** Suzanne Pambid - Governance Officer**SUMMARY**

The 2018-19 Operational Plan progress report for Quarter 1 as at 30 September 2018 is presented, pursuant to Section 174(3) of the Local Government Regulation 2012.

OFFICER'S RECOMMENDATION

THAT the 2018-19 Operational Plan progress report for Quarter 1 as at 30 September 2018 be received.

BACKGROUND

The 2018-19 Operational Plan was prepared in response to achieving outcomes of the Corporate Plan 2014-2019. The development process was undertaken in conjunction with the 2018-19 budget process in consultation with key staff responsible for the delivery of the strategies. This report outlines the progress of activities during the financial year to date and is the first quarterly performance report on the Operational Plan 2018-19.

COMMENTARY

The Operational Plan progress report for the period 1 July to 30 September 2018 is attached for Council's consideration.

Organisational KPI's

Five (5) Organisational KPI's were adopted for the 2018-19 financial year to enable Council to track the performance of Council's critical areas.

For the five (5) individual KPI's the attached report (Attachment 1) shows the organisation progressing well towards these targets.

Operational KPI's

With a total of 97 operational KPI's for the 2018-19 period, the organisation has taken a more streamlined approach with reporting. Operational KPI's will be tracked and reported cumulatively on progression of work results (%) during the quarter towards respective annual and quarterly targets. For the 2018-19 financial year our reporting format will include On Track, Off Track, Completed and Not Commenced.

For Q1 period ending 30 September 2018, Council has achieved the following results:

	Office of the CEO	Community & Wellbeing	Infrastructure
Total KPI's for 2018-19	31	43	23
On Track	28	39	21
Off Track	2	1	0
Completed	1	0	0
Not Commenced	0	3	2

PREVIOUS DECISIONS

The 2018-19 Operational Plan was adopted by Council on 24 July 2018, as part of the Budget and Operational Plan.

BUDGET IMPLICATIONS

Council's annual budget must be consistent with the Corporate Plan 2014-19 and the 2018-19 Operational Plan.

LEGISLATIVE CONTEXT

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

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

- (3) The Chief Executive Officer must present a written assessment of the Local Government's progress towards implementing the Annual Operational Plan at meetings of the Local Government held at regular intervals of not more than 3 months.

LEGAL IMPLICATIONS

There are no legal implications associated with this matter.

STAFFING IMPLICATIONS

There are no staffing implications associated with this matter.

RISK ASSESSMENT

Council will be non-compliant if the 2018-19 Operational Plan progress report for Quarter 1 is not adopted within the determined legislative timeframe.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: **Strategy GO2: Develop strategic plans and policies to address local and regional issues and guide service provision.**

CONCLUSION


Quarterly reporting against the 2018-19 Operational Plan is a statutory requirement and informs Council and the community on the performance of Council against yearly programs and activities in line with the Corporate Plan 2014-2019.

12.3 - OPERATIONAL PLAN 2018-19 Q1 PROGRESS REPORT

Organisational KPI's

Meeting Date: 20 November 2018

Attachment No: 1

OPERATIONAL PLAN 2018-19 Q1 REPORT							
Organisational KPI's	Key Performance Indicator	Measures of success	Source of Validation Data	Target Due Date	Responsibility	Q1 Progress %	Q1 Progress Comments
Financial Sustainability	Manage Councils budget in alignment with financial sustainability ratios	Operating Surplus Ratio, Net Financial Liabilities Ratio and Asset Sustainability Ratio are equal to or better than the adopted/revised budget	Monthly Financial Reports Annual Financial Statements Adopted/Revised Budget	30-June-2019	Finance & Business Excellence - Accounting	25%	The Operating Surplus Ratio at 30 Sept 2018 was above the target benchmark. The Net Financial Liabilities Ratio and Asset Sustainability Ratio as at 30 Sept 2018 were both outside of the 2018-19 adopted budget ratio benchmarks.
Safety	Provide a safe work environment for employees and encourage a proactive approach to Work Health and Safety	Lost Time Injury Frequency Rate equal to or less than 17	Safety statistics	30-June-2019	People and Culture - Safety	100%	Tracking at 100%.
Customer Service	Ensure provision of quality innovative customer service to internal and external customers	10% reduction in long term customer service requests	Monthly activity by parent report	30-June-2019	Community Engagement - Customer Support	65%	Previous Quarter 52, Quarter 1 - 81 requests noted as Under Investigation Long Term.
Asset Management	Organisational Asset Management	Implement Asset Management Strategy	Council Business Papers	31-December-2018	Community Assets - Asset Management	50%	Approx. 50% completed internally, working with QTC to develop a scope for 3rd party assistance to finalise strategy development.
Culture	Organisational culture development program	Cultural Values Assessment	Council Business Papers	01-March-2019	People and Culture - Organisational Development	25%	Progressing.

12.3 - OPERATIONAL PLAN 2018-19 Q1 PROGRESS REPORT

Operational KPI's

Meeting Date: 20 November 2018

Attachment No: 2


OPERATIONAL PLAN 2018-19 Q1 REPORT							
Office of the CEO	Key Performance Indicator	Measures of success	Source of Validation Data	Target Due Date	Responsibility	Q1 Progress %	Q1 Progress Comments
Finance and Business Excellence	2017-18 financial audit completed on program, with unmodified audit opinion	Unqualified external audit opinion on 2017-18 General Purpose Financial Statements	Auditor certification of financial statements	23-October-2018	Finance & Business Excellence - Accounting	100%	Independent Audit Opinion Issued 16 October 2018.
	Sustainable financial position maintained	Strategic Financial Plan	Council Business Papers	31-March-2019	Finance & Business Excellence - Accounting	25%	Draft document to be discussed with Councils in December.
	Develop and implement a service review framework	Coordinate and conduct 4 service reviews in accordance with the approved service review framework	Council Business Papers	30-June-2019	Finance & Business Excellence - Business Transformation	40%	Service Delivery Review Framework, business case and programme of works completed in August 2018. 2 pilot programmes in progress, in Library Arts and Culture and Waste Technical Services.
	Develop and implement a whole-of-organisational approach to quality assurance	Formal improvement framework established	Council Business Papers	20-May-2019	Finance & Business Excellence - Business Transformation	5%	In early planning phase.
	Implementation of business unit planning for all business units to capture forward planning and business as usual activities	100% completed (for all Units)	Business Unit Plans	01-February-2019	Finance & Business Excellence - Business Transformation	10%	To be developed as part of an Integrated Reporting & Planning Framework, and to support the 2019-20 budget process.
	Review of Councils Risk Management Framework	Undertake a Risk Management Maturity Assessment	Council Business Papers	30-September-2018	Finance & Business Excellence - Governance	10%	Gap Analysis being undertaken by QFC as part of the Regional Capability Advancement Program.
	Compliance with statutory and corporate requirements for Council meetings and decision making	Implementation of online legislative compliance software and implementation of authorisations and delegations software	Council Business Papers	31-December-2018	Finance & Business Excellence - Governance	15%	Planning and consultation currently underway. Legislative compliance software will be initially implemented for the Office of the CEO portfolio.
	Validate Council can continue business operations in the unlikely event of an event impacting the organisation	Successful test of Business Continuity Plans	Business Continuity Test Plan	31-December-2018	Finance & Business Excellence - Governance	35%	Business Continuity Plan Project in progress for all critical functions. Project remains on track to be completed by end of December.
	Procurement Transformation Program	Program of improvement initiatives delivered as per approved project baseline	Project Management Toolkit	30-June-2018	Finance & Business Excellence - Procurement	0%	Resourcing required.
	Development of Annual Procurement Plan	60% of total purchasing spend occurs under a buying arrangement	Finance One Report	31-December-2018	Finance & Business Excellence - Procurement	25%	End of year measure.
	Develop and deliver a procurement and contract management training and development program	Training program delivered	80% of employees with financial delegation who attend training	30-June-2019	Finance & Business Excellence - Procurement	5%	Ongoing training to support the organisation in current.
	Develop and implement a project governance framework	Project Portfolio Management system and reporting	Council Business Papers	31-March-2019	Finance & Business Excellence - Project Management Office	5%	Software project on hold subject to ICT strategy outcome. Forward Works Program is now being managed by the Project Management Office.
	Organisational project management capability	Project Management training and development programs delivered in the organisation	Council Business Papers	30-June-2019	Finance & Business Excellence - Project Management Office	25%	Training occurs on the 3rd Friday of every month between 0900-1100. 13 staff have taken up the opportunity attending the internally delivered training.

	Debt recovery actions undertaken in accordance with Council policy and in a responsible manner to minimise outstanding balances with Council	<5% bi-annually rates outstanding as a percentage of rates levied, prior to six monthly rates billing	Monthly Financial Report	31-December-2018 30-June-2019	Finance & Business Excellence - Revenue	17%	16.96% of rates & charges levied are outstanding at 30 September. Payment for the first half yearly rates & utility charge levy was due on 5 September.
		50% of invoices paid within 60 days (14/15 18%, 15/16 23%, 16/17 30%)	Monthly Financial Report	30-June-2019	Finance & Business Excellence - Revenue	100%	51% of accounts are less than 60 days overdue.
ICT Services	Develop and implement appropriate Service Level Agreements for customer requests	100% complete	Service Desk Plus Reporting	2018/2019	ICT Services - Applications and Service Desk	40%	SLAs created, to be reviewed and approved by module owners.
	ICT Services Applications are available, secure and up-to-date	100% of ICT Applications are updated in accordance with patching Service Level Agreements	Service Desk Plus Reporting	2018/2019	ICT Services - Applications	25%	Upgrades and patching continuing with planned works.
	ICT Improvement Initiatives are identified and scheduled for implementation	100% of Improvement Initiatives are assessed and actioned	Service Desk Plus Reporting	2018/2019	ICT Services - Applications	25%	Schedule of works being created.
	ICT Services will provide a resilient, scalable and high performing platform for the delivery of IT services	Server and Storage uptime to be >= 98% uptime	ManageEngine OpsManager uptime reporting	2018/2019	ICT Services - Infrastructure	25%	There was one notable outage in the reporting period impacting email. This was resolved within a couple of hours and did not impact KPI result.
		Successful delivery of Server and Storage Upgrade	All Production Servers migrated onto new server and storage platform	31-December-2018	ICT Services - Infrastructure	10%	Hardware platform has been identified. Procurement process is expected to conclude shortly with implementation phase following. It is expect this will be complete by Q2.
		Successful delivery of 10G Networking across Council	All routing switches operating on 10G network.	31-March-2019	ICT Services - Infrastructure	15%	Switching Hardware has been procured and is being installed. It is expect be completed by end of Q2.
	Develop Asset Management Plans for all ICT assets	100% complete	Active Directory Portable Hardware Spreadsheet	2018/2019	ICT Services - Service Desk	15%	Plans being created and tailored.
People and Culture	Annual Performance Reviews for Internal Staff	90% completed	Spreadsheet	31-October-2018	People and Culture - HR, Training and Payroll	100%	Achieved.
	Approved Recruitment of Vacancies	100% completed within 30 working days of position closing date	Aurion	2018-2019	People and Culture - HR, Training and Payroll	100%	Achieved.
	Facilitate Compliance Training for all Council employees	100% of staff compliant with position requirements	Aurion Spreadsheet	2018-2019	People and Culture - HR, Training and Payroll	98%	Almost achieved, employees unable to attend training due to leave.
	Comply with Local Government WorkCover Self Insurance Audit	75% compliance achieved	Internal Audit Scores Local Government Self Insurance Audit workbook	30-November-2018	People and Culture - Safety	100%	Achieved.
	Regular review of Safe Work Method Statements	80% reviewed, updated and endorsed	Safe Work Method Statement (LSC)	30-June-2018	People and Culture - Safety	100%	All reviewed - completed
	Workplace Hazard Inspections	90% completed to schedule per quarter	LSC Workplace Health and Safety Management System	2018-2019	People and Culture - Safety	80%	Rescheduled due to staffing implications.
	Develop Workforce Plan and identify key strategies and actions	100% complete	Workforce Plan	30-June-2019	People and Culture - Organisation Development	25%	Progressing.
	Development of Leadership Program	100% complete	Workforce Plan	30-June-2019	People and Culture - Organisation Development	20%	Progressing.
	Implement online recruitment program	100% complete	E-Recruitment (Aurion)	31-December-2018	People and Culture - HR, Training and Payroll	0%	On hold pending review of HR/Payroll software.
	Asbestos Health Monitoring Programme	100% complete	Asbestos Regulations and Asbestos Management Code of Practice Safe Work Method Statement (LSC)	30-June-2019	People and Culture - Safety	25%	Progressing.

	Utilise marketing channels to successfully support and promote the region as a destination for business, tourism and lifestyle	Develop and implement 4 dynamic marketing plans per annum which promote Council services, tourism and our economy	ActiveCollab	2018/19	Community Engagement - Communications and Marketing	25%	Yeppoon Lagoon - Digital and hardcopy Map as part of School Holiday Winter Program
	Partner with internal peers to develop a website that reflects the desires of the organisation and the evolving community	50% of project scope completed	CivicPlus	01-March-2019	Community Engagement - Communications and Marketing	10%	Review of some pages occurred in review period. Upgrade of site occurred 24/10/18 - Quarter 2 update will show more work that has occurred
	Provide quality social inclusion and participation activities that cater to the diversity of the community	10% increase in library membership per annum and 10% annual participation increase at all Library and Cultural Events	Libero Digital - borrow box, freegal and RB Digital, Beamafilm Eventbrite Library Stats Spreadsheet	2018/19	Community Engagement - Libraries, Arts and Culture	0%	Measure is annual - Quarter 4 will reflect details
	Completion of Library Service Review	Service review 100% completed and recommendations within review adopted	Project Management Toolkit	2018/19	Community Engagement - Libraries, Arts and Culture	65%	Business Innovation Team working with Library Team to ensure continuance of reviews
	Establish organisational Community Engagement Register	Register 100% developed, implemented and functioning	Pathway Register Office Suite Engagement Software	2018/19	Community Engagement - Engagement and Events	100%	Inhouse register exists and with recent establishment of Get Involved Livingstone, this key performance indicator has been achieved
	Provide effective monitoring regarding delivery and approval processes for Event Management and Sponsorship	80% completion achieved with post event and sponsorship evaluation surveys	Bookings Module SurveyLegend Engagement Software Smarty Grants Software	2018/19	Community Engagement - Engagement and Events	80%	Surveys now set up in EngagementHQ. Approximately 25 surveys sent
	Assist with the development of an Event Management Strategy	100% completion of business unit tasks required	Project Management Toolkit Office Suite	30-June-2019	Community Engagement - Engagement and Events	100%	Feedback shared with Economic Growth team and it is envisaged that the Strategy will be implemented early 2019
Liveability	Building and plumbing certification services comply with statutory requirements	100% of building and plumbing approvals determined within 10 business days from the commencement of the decision stage and Peer review of 12 Building and Plumbing approvals per annum	Pathway Reports Peer review of approvals	2018/19	Liveability - Built Environment	100%	
	Building and plumbing certification services are client connected and outcome driven	100% of building and plumbing related customer requests responded to within two business days and 95% Customer satisfaction	Customer satisfaction surveys Pathway Reports	2018/19	Liveability - Built Environment	88%	Customer satisfaction survey being finalised.
	Development assessment services comply with statutory requirements	85% of development related approvals determined within twenty-five (25) business days. Note statutory period is thirty-five (35) business days	Pathway Reports	2018/19	Liveability - Development Assessment	70%	Result not achieved due to a number of long-term complex applications requiring significant assessment and decision at Council. All decisions were made with relevant extensions agreed to by the applicant.
	Development assessment services are client connected and outcome driven	100% of development related Customer Requests responded to within 2 business days; 95% Customer satisfaction and 100% of development applications considered by the Development Control Unit within 5 business days	Customer satisfaction surveys Pathway Reports	2018/19	Liveability - Development Assessment	84% & 100%	Customer satisfaction survey being finalised.
	Undertake development compliance services	100% of Development Compliance complaints are risk rated in accordance with Councils Risk Based Land use Compliance Policy	Pathway Reports Reviews/Reports on actions taken under the Risk Based Land use Compliance Policy Compliance meetings	2018/19	Liveability - Development Assessment	100%	
	Planning scheme complies with legislative requirements and Councils growth management objectives	Livingstone Planning Scheme 2018 reviewed and 100% of relevant amendments initiated	Council Business Papers	2018/19	Liveability - Growth Management	25%	On track, with initial report to council workshop at the end of June 2018 about prioritising amendments to the new planning scheme. Work is underway on preparing detailed advice and background material on likely amendments.
	Environmental health services comply with statutory requirements	100% of food licence/permit applications completed in accordance with legislative requirements and 95% of food licence audits to be completed annually	Pathway Reports	2018/19	Liveability - Public Environments - Environmental Health	100%	
	Environmental health compliance activities are undertaken in accordance with Councils Risk Based Land Use Compliance Policy	100% of relevant environmental health compliance complaints are risk rated in accordance with Councils Risk Based Land Use Compliance Policy	Pathway Reports Reviews/Reports on actions taken under the Risk Based Land use Compliance Policy Compliance meetings	2018/19	Liveability - Public Environments	100%	
	Environmental health services are client connected and outcome driven	100% of Environmental Health related customer requests are responded to within 2 business days	Pathway Reports	2018/19	Liveability - Public Environments	100%	

	Pest and vector services are client connected and outcome driven	100% of pest weed contracts completed within contractual time frames and 100% of pest and vector related customer requests are responded to within 2 business days	Contract timeframes met Pathway Reports	2018/19	Liveability - Public Environments	100%	
	Vector breeding locations identified and managed to reduce potential impacts on the community	100% of permanent vector control sites monitored weekly and 20 vector surveys undertaken each month between 1 October 2018 and 31 May 2019	Pathways vector reporting system	2018/19	Liveability - Public Environments	100%	
	Local law services comply with statutory requirements	100% of Local Law renewals completed within legislative or policy timeframes; 100% of licence/permit applications processed within 10 days and 2 Local Laws 'Work Instructions' reviewed for effectiveness	Pathway Reports Infringement notice reports 2 reviewed Work Instructions	2018/19	Liveability - Public Environments	80%	Work instructions processes stalled due to staff shortage Sick leave, annual leave and vacant position
	Local law services are client connected and outcome driven	100% of Local Law related customer requests responded to within 2 business days and proactive patrols undertaken	Pathway Reports Council Business Papers	2018/19	Liveability - Public Environments	96%	
	Local law requirements promoted through educational activities	2 dog in the park days conducted (micro-chipping)	Council Business Papers	2018/19	Liveability - Public Environments	0%	Due 3rd Quarter
	Building and plumbing compliance activities are undertaken in accordance with Councils Risk Based Land Use Compliance Policy	100% Building and Plumbing Compliance complaints are risk rated in accordance with Councils Risk Based Land use Compliance Policy and 5% of notifiable plumbing works (Form 4) audits are completed per annum	Pathway Reports Reviews/Reports on actions taken under the Risk Based Land use Compliance Policy Compliance meetings	2018/19	Liveability - Public Environments	100%	
	Building and plumbing compliance Services are client connected and outcome driven	100% of Building and Plumbing Compliance complaints are responded to within 2 business days	Pathway Reports Reviews/Reports on actions taken under the Risk Based Land use Compliance Policy	2018/19	Liveability - Public Environments	92%	
	Strategies are developed through the QCoast2100 programme to address the potential impacts of coastal hazards	100% compliance with funding agreement	Signed QCoast2100 Funding agreement and sub agreement schedules	30-June-2019	Liveability - Sustainability	100%	On Track - Establishment of Carbon Technical Working Group and development of draft strategy. Research into suitable governance framework and liaison with Livingstone Shire Council's Governance Unit.
	Climate Change mitigation and adaptation strategies adopted and embedded into Councils mainstream operations	1 organisational carbon strategy produced and Governance framework established for the organisation to address climate change	Council Business Papers	30-June-2019	Liveability - Sustainability	25%	On Track - Establishment of Carbon Technical Working Group and development of draft strategy. Research into suitable governance framework and liaison with Livingstone Shire Council's Governance Unit.
Economy & Places	Implement Invest Capricorn Coast Region Economic Development Plan	100% of year 2 actions implemented; 1 quarterly workshop held and attendance numbers recorded; Number of business contacts made/inquiries fielded; The Invest Capricorn Coast Leadership Alliance operating successfully; Successful grant applications and Engagement with investors	Council Business Papers Business/Investor contact register	30-June-2019	Economy and Places - Economic Development and Innovation	25%	Get Connected networking event held in September 2018 with 76 attendees. 22 direct engagements/contacts with local businesses, connected 16 local businesses with grant opportunities, supplied three with economic impact modelling reports for grant applications. Hosted four business development workshops attended by 57 local businesses. Received EOIs for Invest Capricorn Coast Region Leadership Alliance membership with establishment anticipated in November 2018. Launched updated investment attraction video in September 2018
	Implement Capricorn Coast Smart Region Strategy (Yeppoon Town Centre Smart Lighting Project and Yeppoon Town Centre Smart Precinct Project)	90% of actions achieved	Council Business Papers Acquittal reports for the grant funding	30-June-2019	Economy and Places - Economic Development and Innovation	25%	Capricorn Coast Smart Region Strategy launched in September 2018. Sponsored and attended GovHack Capricornia 2018. The Yeppoon Town Centre Smart Lighting and Smart Precinct Projects are progressing well. The Yeppoon Town Centre and Yeppoon Lagoon Smart Parking Projects tender closes in October 2018. Detailed design underway for Smart Lighting, CCTV and Public Wi-Fi, completed.
	Yeppoon Place Making Strategy Year 2 initiatives implemented	90% of actions achieved	Council Business Papers Acquittal reports for the grant funding	30-June-2019	Economy and Places (Place Making)	25%	Two projects in progress (Emu Park Swimming Pool mural and Yeppoon Bus Stop Upgrade Placemaking elements). Submitted Mill Gallery Expansion Funding Application and Yeppoon Town Centre Pedestrian Lighting Grant Application. Completed Town Clock consultation and arranged for demolition. Scoping commenced for the development of streetscapes design documents for the Yeppoon Town Centre, centred on James Street and finalised designs for several significant roundabout placemaking upgrades.

	Capricorn Enterprise funding agreement established and yearly actions implemented	100% of year 1 actions complete	Funding Agreement Council Business Papers Capricorn Enterprise Annual Report	30-June-2019	Economy and Places - Economic Development and Innovation	25%	Implementation of actions on track. New four year funding agreement developed and being finalised. Working with Morning Bulletin and Capricorn Enterprise on establishing Capricorn Coast Region Business Awards. Progressed the development of the Invest Capricorn Region Events Strategy and establishment of the 'Welcome to Capricorn Coast Region' programme.
	Leverage International Partnerships to attract investment, progress export-readiness of local businesses and international education opportunities	Progress of the Friendship City Partnership with Yangzhong, Zhenjiang Prefecture in China; International Education Partnerships established and Australia-Singapore Military Training Initiative - Shoalwater Bay Training Area Expansion realised	Council Business Papers: Reciprocal delegations with Yangzhong International Education partnership agreements Number of businesses involved in Australia-Singapore Military Training Initiative	30-June-2019	Economy and Places - Economic Development and Innovation	25%	Supported the Regional Capabilities for International Education Training Workshop attended by local schools. Co-funded the 2019 International Education Planning Day to plan and coordinate international education engagement activities for the formation of a regional cluster. Working with three key schools to develop an International Education focused attraction video which will be shot in October 2018.
	The Gateway Business and Industry Park	Achieve 3 land sales in Stages 1 and 2	Council Business Papers Contracts of sale	30-June-2019	Economy and Places - Economic Development and Innovation	0%	Contract negotiations are continuing for the sale of two lots within Stage 1. Additional interest has been received for another lot in Stage 1 and a number of Lots within Stage 2. The Gateway Business and Industry Website is under development and expected to go live in November 2018.

<div> <div>OPERATIONAL PLAN 2018-19 Q1 REPORT</div> <div>  </div> </div>							
Infrastructure	Key Performance Indicator	Measures of success	Source of Validation Data	Target Due Date	Responsibility	Q1 Progress %	Q1 Progress Comments
Community Assets	Plant Replacement - Annual asset renewals program achieved in accordance with replacement guidelines	90% achieved in accordance with replacement thresholds	Conquest	2018-2019	Community Assets - Asset Management	30%	Only 3 renewals fully completed in Q1, two being light vehicles held over from 2017-18 year, neither met replacement thresholds.
	Council business units have met minimum plant utilisation targets	70% of business units meeting target across all vehicles or plant	Conquest	2018-2019	Community Assets - Asset Management	5%	Working with Fleet Staff and Business Improvement on implementing meaningful utilisation reporting. Reporting to be implemented throughout Q2.
	Availability of online mapping functionality	97% uptime	IT Service Requests E-pathway	2018-2019	Community Assets - Asset Management	25%	2 IT Requests raised during the quarter, neither related to Portal not being available.
	Annual review of Asset Management Plans	100% reviewed (Roads, Water & Sewer, Fleet & Buildings) and updated	Conquest	31-March-2019	Community Assets - Asset Management	20%	Roads currently under development with ground proofing of future work programs currently being undertaken by Council. Scope being collated for further investigations of water trunk infrastructure.
	Deliver Capital Program for building assets and community facilities	Allocated capital projects delivered within +/- 5% of total projects adopted/revised budget	Conquest Budget	2018-2019	Community Assets - Facilities Management	15%	Program is progressing.
	Delivery of maintenance program (Facilities and Fleet)	95% of maintenance requirements delivered	Conquest	2018-2019	Community Assets - Asset Management & Facilities Management	30%	Program is progressing.
Construction & Maintenance	Development of operational works program for roads and drainage infrastructure (2019/20)	Program of works 100% completed and entered into budget	Budget	31-March-2019	Construction and Maintenance	0%	As yet there is no requirement from Finance to input 19/20 budgets.
	Regularly inspect roads and drainage infrastructure and prioritise maintenance works	100% as per adopted inspection frequency	Conquest	30-June-2019	Construction and Maintenance - Urban Operations & Rural Operations	25%	
	2019/20 to 2028/29 Capital projects relevant to the business unit are identified and submitted for inclusion into the Corporate Project Register	100% complete prior to annual budget adoption	Business Cases Asset Management Plan Corporate Project Register	31-March-2019	Construction and Maintenance	25%	Future Construction and Maintenance projects are currently nominated in Forward Works Program.
	Deliver roads and drainage capital works program	Allocated capital projects delivered within +/- 5% of total projects adopted/revised budget and 100% compliance with funding agreement	Budget On scope Funding agreements	30-June-2019	Construction and Maintenance - Urban Operations & Rural Operations	25%	
	Deliver annual road and stormwater maintenance program	100% complete within budget	Budget Service levels On scope	30-June-2019	Construction and Maintenance - Urban Operations & Rural Operations	25%	
	Minimise impact on the environment of all construction and maintenance activities	Zero breaches	Adhere to all environmental approvals and minimise construction footprints	30-June-2019	Construction and Maintenance - Urban Operations & Rural Operations	25%	
Engineering Services	Inspect assets 'to be contributed' at hold points identified in development Decision Notice	100% of inspections complete	Inspection records Pathway Reports	2018-2019	Engineering Services - Development Engineering	25%	All required inspections completed.
	Development Applications responded to within statutory timeframes	95% of applications received responded to	Development Engineering Spreadsheet	2018-2019	Engineering Services - Development Engineering	22%	99 of 115 referrals met target.
	Designs completed for projects in the Forward Works Program	10 completed and construction ready per annum	Design Program (Gantt Chart)	2018-2019	Engineering Services - Infrastructure Design	60%	6 projects completed in Q1.
Infrastructure Planning	Review Adopted Infrastructure Charges Resolution (AICR) No.3 and Schedule of Trunk Works	Adopted Infrastructure Charges Resolution (AICR) No.4	Council Business Papers	01-June-2019	Infrastructure Planning & Design	25%	No change to AICR 3 as operating well at present.
Infrastructure Project Management	Comprehensive project budget estimates are prepared for planning, project delivery and construction management, including contingencies	Allocated capital projects delivered within +/- 5% of total projects adopted/revised budget	2018/19 Budget	2018-19	Infrastructure Project Management	25%	On track.
	Projects are delivered within established timeframes	90% of preconstruction and construction activities are completed within the project program milestones	2018/19 Capital Works Program Project Management Framework	2018-19	Infrastructure Project Management	25%	On track.

Water & Waste	Provision of safe and reliable water supply	98% of samples taken to be compliant with Drinking Water Quality Management Plan	Drinking Water Quality Management Plan Australian Drinking Water Guidelines	2018-2019	Water and Waste Operations - Water Supply & Sewerage Operations	25%	On track.
	Provision of reliable sewerage service	95% of Sewerage Treatment Plant discharges to comply with environmental authority requirements	Environmental Authorities Laboratory test results	2018-2019	Water and Waste Operations - Water Supply & Sewerage Operations	24%	On track.
	Management of trade waste discharges to sewer	Trade waste approvals for 100% of relevant businesses operating	Trade Waste Environmental Management Plan Council Business Papers	2018-2019	Water and Waste Operations - Water Supply & Sewerage Operations	25%	3 outstanding.
	Waste and recycling service delivered across the shire	98% of bins for new services provided within 4 days of receipt of customer request and 100% of missed services rectified within 2 days	Waste Reduction and Recycling Plan Contract meeting minutes Quarterly landfill volume surveys Pathway Reports	2018-2019	Water and Waste Operations - Water & Waste Technical Services	25%	On track.
	Implementation of Waste Reduction and Recycling Plan	2 community education/awareness activities	Waste Reduction and Recycling Plan Waste Audit Waste Survey	2018-2019	Water and Waste Operations - Water & Waste Technical Services	0%	1st activity is in the second quarter.

12.4 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 12 OCTOBER 2018

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Suzanne Pambid - Governance Officer

SUMMARY

The Audit, Risk and Business Improvement Committee met on 12 October 2018 and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Councillor Portal.

OFFICER'S RECOMMENDATION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee meeting held on 12 October 2018 be received and the following recommendations contained within those minutes be adopted.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 12 October 2018 be taken as read and adopted as a correct record.

6 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

THAT the Business Outstanding Table for the Audit, Risk and Business Improvement Committee meeting be received.

7 REPORTS

THAT the Committee receive this report on the outcomes from the annual self-assessment.

7.2 COMMITTEE WORK PROGRAM STATUS

THAT the Committee receives the status of the Annual Work Program.

7.3 DRAFT CONTENT FOR THE ANNUAL REPORT RE ARABIC AND INTERNAL AUDIT

THAT the Audit, Risk and Business Improvement Committee endorses the draft content for the Annual Report on the Audit, Risk and Business Improvement Committee and Internal Audit.

7.4 AUDIT COMMITTEE POLICY AND TERMS OF REFERENCE

THAT the Committee endorse the proposed changes to the ARaBIC Terms of Reference for Council approval.

Motion not moved as the Committee requested further changes be developed and presented to the next meeting.

7.5 CFO ASSURANCE STATEMENT

THAT the Audit, Risk and Business Improvement Committee note the Chief Financial Officer statement to the Chief Executive Officer.

7.6 BRIEFING ON QUEENSLAND AUDIT OFFICE REPORT "MANAGING LOCAL GOVERNMENT RATES & CHARGES – REPORT 17: 2017-18"

THAT the briefing report is noted.

7.7 INTERNAL AUDIT UPDATE

THAT the Committee receive the report on Internal Audit.

7.8 OPERATIONAL PLAN UPDATE REPORT

THAT the 2017-18 Q4/Annual Operational Plan report be received.

THAT the 2018-19 Operational Plan be endorsed.

7.9 INTERNAL AUDIT REPORT – SOCIAL MEDIA MANAGEMENT

THAT the Committee receive this report on the review of Social Media Management.

7.10 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

THAT the Committee receives the verbal updates provided by the Leadership Team on key activities or issues.

7.11 CFO UPDATE

THAT the Audit Risk and Business Improvement Committee receive the Chief Financial Officer's update.

7.12 2017-18 FINANCIAL STATEMENTS

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

1. The revised unaudited 2017-18 General Purpose Financial Statements be received;
2. Written notification of the differences between the attached 2017-18 unaudited General Purpose Financial Statements and the draft Financial Statements as previously presented to the Audit, Risk and Business Improvement Committee on 31 August 2018 be noted;
3. The Chief Executive Officer and Chief Financial Officer sign the Management Representation letter as part of finalising the audit and for the Mayor and Chief Executive Officer to sign the final 2017-18 audited Financial Statements when completed; and
4. Any material change in the final 2017-18 audited Financial Statements be reported to Council and the Audit, Risk and Business Improvement Committee.

7.13 EXTERNAL AUDITOR'S UPDATE

THAT the Committee receive the Livingstone Shire Council Final Management Letter and the Closing Report from the External Auditors.

7.14 INTERNAL AUDIT REPORT – ROADS MAINTENANCE SCHEDULING

THAT the Committee endorse the Internal Audit Report on Roads Maintenance Scheduling. This report is to be brought back to Council as a separate agenda item for consideration

7.15 BUSINESS IMPROVEMENT UPDATE

THAT the Audit, Risk and Business Improvement Committee receive the Business Improvement update report.

11.1 RISK MANAGEMENT

THAT the Audit, Risk and Business Improvement Committee receive the Risk Management Report for information.

11.2 CEO UPDATE ON EMERGING ISSUES

THAT the Committee receives the verbal update provided by the Chief Executive Officer on emerging issues.

11.3 CONFIRM WHETHER MEMBERS' BRIEFING SESSION IS REQUIRED

THAT it is confirmed there is no requirement for a Members' Briefing following the meeting.

BACKGROUND

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

COMMENTARY

The chair determined that as no decisions were required, the resolution for agenda item 11.2 did not need to be moved, seconded or voted upon. For clarity, the CEO did provide a verbal update on topics consistent with the content of the report.

PREVIOUS DECISIONS

Not applicable, each report on a committee meeting is considered separately from previous reports.

BUDGET IMPLICATIONS

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

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

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

RISK ASSESSMENT

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

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: **Strategy GO2: Develop strategic plans and policies to address local and regional issues and guide service provision.**

LOCAL GOVERNMENT PRINCIPLES

The Local Government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) Democratic representation, social inclusion and meaningful community engagement; and
- (d) Good governance of, and by, Local Government; and
- (e) Ethical and legal behaviour of councillors and Local Government employees.

CONCLUSION

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

12.5 RESPONSE TO QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - PREFERRED SERVICE PROVIDERS

File No: GV13.4.4
Attachments: 1. Questions on Notice [↓](#)
Responsible Officer: Andrea Ellis - Chief Financial Officer
Chris Murdoch - Chief Executive Officer
Author: Rachel Jackson - Coordinator Procurement
Andrea Ellis - Chief Financial Officer

SUMMARY

This report provides a response to Questions on Notice tabled by Councillor Glenda Mather at the Council meeting on 6 November 2018.

OFFICER'S RECOMMENDATION

THAT this report be received as an appropriate response to the Questions On Notice relating to preferred service providers.

BACKGROUND

At Council's Ordinary Meeting on 6 November 2018, Councillor Mather presented a Questions on Notice in relation to preferred service providers as follows:

1. *When is Council planning to call for expressions to renew its list of preferred service providers?*
2. *How often is Council required to advertise for expressions?*
3. *What was the last date on which expressions were called?*

Council does not use the term "preferred service providers" to define the various buying arrangements that can be established. Buying arrangements are categorized as:

- a) A Preferred Supplier Arrangement;
- b) A Register of Pre-Qualified Suppliers;
- c) A Local Buy Arrangement; or a
- d) Queensland State Purchasing Arrangement.

Preferred Supplier Arrangement (PSA) – A Preferred Supplier Arrangement is a buying arrangement that enables purchasing for goods or services with a specific supplier of which is usually limited to 1 or 2 suppliers within the region. Suppliers engaged under a Preferred Supplier Arrangement have entered into a contract with Council to provide a specific 'basket' of goods at a set price and within a specific date range. Council Officers are also encouraged to seek better pricing where a large supply may be required for a specific project.

Creating a PSA enables Council Officers to easily access those goods that are purchased in high volume and frequency. PSA's can also be put in place in instances such as Service Agreements. Officers do not need to gain quotes when accessing a Preferred Supplier Arrangement as conditions have previously been agreed, specifically pricing. A PSA can be reviewed annually and is generally re-established every two (2) years.

Examples of Preferred Supplier Arrangements include bagged cement, stationery and turf.

Register of Pre-Qualified Suppliers (RPQS) - A Register of Pre-Qualified Suppliers is a list of suppliers on a buying arrangement who have been assessed through the tender process, as having the technical, financial, and managerial capability to perform contracts on time and

in accordance with agreed requirements. Creating the register enables Council Officers to 'get on with business' rather than having to check and record details of licensing, qualifications, registrations and insurance each and every time the supplier is engaged.

Quotes are required as per Council's Minimum Quotation Thresholds. Each register can be reviewed annually and may be re-established after two (2) years if not chosen to extend the period. Individual purchase orders will be raised for each purchase.

Current Registers exist for service such as Trade Services, Hire of Plant & Equipment and Consultancy Services.

Local Buy Arrangement (LBA) - A Local Buy arrangement is a buying arrangement that is an exception under the *Local Government Regulation* (2012) and is facilitated by Local Buy Ltd Pty (a subsidiary of LGAQ). Local Buy run the tender and create arrangements available to all Council's throughout Queensland. These arrangements are either an RPQS or a PSA and Council has applied the same minimum quotation thresholds to these arrangements.

Examples of the types of LBA's that can be sought include Design Consultancy Services, Electricity, Humes (concrete pipes) and Fleet.

Queensland State Purchasing Arrangements (QPSA) - A Queensland State Purchasing Arrangement is a buying arrangement that is guided by the Queensland State Procurement Policy (2013) and in some cases Local Government may have access to purchase goods/services using these arrangements.

Purchasing from a QPSA may enable Council to gain benefit through volume based pricing.

Examples of the types of Queensland State Purchase arrangements can include Travel, Fleet, Department of Transport and Main Roads approved products.

COMMENTARY

Council currently has established three (3) RPQS and sixteen (16) PSA's.

Council works on a rolling two-year procurement plan to determine when it will seek to commence tender processes for buying arrangements. The timing will vary depending on market research and analysis; Council requirements; the type of product or service and staff resources and availability. The timing of a new arrangement aligns with the expiry of the existing contract and Council's Procurement team expect to renew existing arrangements and deliver new arrangements as per the attached document 'Proposed buying arrangements and renewals – 2018-2019'.

For both a Preferred Supplier Arrangement and the Register of Pre-Qualified Suppliers the process for potential suppliers wanting to be considered by Council is essentially the same.

The opportunity to provide a conforming tender will be advertised through local media and LG Tenderbox at which point it will remain open for a minimum of twenty-one (21) days. Potential suppliers must submit a conforming tender (i.e. all requested documentation and information has been provided) before tender submissions are assessed and/or evaluated against criteria established by the evaluation panel. Suppliers and service providers are encouraged to register contact details online with LG TenderBox (www.lgtenderbox.com.au) to ensure that they are kept informed of opportunities as they arise.

Preferred Supplier Arrangements and the Registers of Pre-Qualified Suppliers are managed via a tender process, therefore a council resolution to call for "expressions of interest" is not required. Council is legislatively required to have tenders open for a minimum of twenty-one (21) days which is managed through online through LG TenderBox. Depending on the complexity of the tender requirements and number of conforming tenders, the length of time to undertake the entire process can range from three (3) to six (6) months.

Each Preferred Supplier Arrangement and the Register of Pre-Qualified Suppliers will have its own contract period in addition to having extension clauses. Generally, this period is for two (2) years, with two (2) by one (1) year extension options.

To provide Councillors with a practical understanding of how buying arrangements evolve a brief summary of the approach to plant and equipment hire is provided.

The Register of Pre-Qualified Suppliers "Hire of Plant and Equipment (2015.001)" commenced on 01 July 2015 and was due to expire on 30 June 2017. Multiple factors required Council to execute the extension options and the arrangement was extended to 31 March 2019. Register of Pre-Qualified Supplier – Hire of Plant and Equipment (2015.001)

Based on market research and analysis, Council requirements based on feedback provided by internal buyers and the range of services required Council will not be establishing another Register of Pre-Qualified Supplier – Hire of Plant and Equipment. Instead three (3) more specific arrangements are currently open for tender to better suit the needs of the organisation

- 2018.038 - Register of Pre-Qualified Supplier – Wet and Dry Plant Hire – arrangement for hire as per a limited register of regularly used plant;
- 2018.039 - Preferred Supplier Arrangement – Equipment Hire – arrangement for hire of equipment as required, particularly for setting up on-site offices, generators, lighting equipment, & safety equipment; and
- 2018.040 - Preferred Supplier Arrangement – Specialised Plant Hire – arrangement for hire of specialised plant that requires particular operators, such as vacuum trucks and cranes.

These tenders were publicly advertised on Saturday 10 November and will close 2pm on Wednesday 12 December. In addition, potential suppliers will have an opportunity to have a briefing session at Town Hall on 22 November 2018 where members of the Procurement Team will be available to answer any questions on the three tenders in addition to existing functionality that is within LGTenderBox.

PREVIOUS DECISIONS

Council adopted the Procurement Policy and Purchasing Directive on 15 August 2017.

BUDGET IMPLICATIONS

NA

LEGISLATIVE CONTEXT

Section 104 of the *Local Government Act* specifies the Sound Contracting Principles that regard is given to when entering into a contract for the supply of goods, services or disposal of assets.

- a) Value for Money
- b) Open and effective competition
- c) The development of competitive local business and industry
- d) Environmental protection
- e) Ethical behaviour and fair dealing

Section 198 of the *Local Government Regulation 2012* prescribes

LEGAL IMPLICATIONS

There are no legal implications pertaining to this report.

STAFFING IMPLICATIONS

The Procurement Team manages the process for all buying arrangements, in addition to providing probity on a number of quotes and all tender processes.

RISK ASSESSMENT

Council is governed by laws, regulations and guidelines when purchasing goods and services.

Council uses LG TenderBox to administer all tender processes in a standard approach.

The role of a probity advisor involves the provision of advice and assistance before and during the course of the procurement process, as a basis for improving the procurement outcome and addressing unexpected probity issues at that time.

NACORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: **Strategy GO4: Provide transparent and accountable decision making reflecting positive leadership to the community.**

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) Democratic representation, social inclusion and meaningful community engagement; and
- (d) Good governance of, and by, local government; and
- (e) Ethical and legal behaviour of councillors and local government employees.

CONCLUSION

Pre-qualified Supplier Arrangements allow Council to engage business in a quick and cost effective manner. Preferred Supplier Arrangements enable Council to purchase goods and/or services through an agreed contract. Council advertises opportunities for suppliers through local media, contact lists and LG TenderBox. Suppliers and services providers are encouraged to register contact details online with LG TenderBox.

12.5 - RESPONSE TO QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - PREFERRED SERVICE PROVIDERS

Questions on Notice

Meeting Date: 20 November 2018

Attachment No: 1

Proposed Buying arrangements and renewals 2018-2019

TYPE	Name	Renewal Year
RPQS	Wet & Dry Plant Hire	2019 (April)
RPQS	Trade Services	2019 (Dec)
RPQS	Professional Services	2019 (Sep)
RPQS	Real Estate Agents	2019
PSA	Wet Cement	2020
PSA	Road Making Materials	2020
PSA	Traffic Control Services	2020
PSA	Chemicals	2020
PSA	PPE & Associated Products	2020
PSA	Under Road Boring Services	2021
PSA	Plumbing, Water, Sewer Pipe & Fittings	2021
PSA	Water Meters	2021
PSA	Laying of Turf	2019
PSA	Bagged Cement	2021
PSA	Office Supplies	2021
PSA	Asphalt & Associated Products	2020
Proposed	Reinforced Steel	2019
Proposed	Electrical Goods	2019
Proposed	Hardware	2019
Proposed	Geotech Products	2019
Proposed	Kerb Channelling	2019
Proposed	Street Lighting	2019
Proposed	Training Services	2019
Proposed	Traffic Light Inspections	2019

12.6 YEPPOON SURF LIFE SAVING CLUB - RENEWAL OF TENURE AGREEMENT

File No: CP5.9.2
Attachments: 1. Reserve Lease Area - Lot 74 on SP234671 [↓](#)
Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing
Author: Jared Thomsen - Senior Sport & Education Officer

SUMMARY

This report discusses the renewal of the Yeppoon Surf Life Saving Club's tenure agreement over Lot 74 on SP234671.

OFFICER'S RECOMMENDATION

THAT Council resolve to:

- 1) apply the exception mentioned in Section 236(1)(b)(ii) of the *Local Government Regulation 2012* to its dealings with the Yeppoon Surf Life Saving Club Incorporated for issue of a Reserve Lease over Lot 74 on SP234671; and
- 2) provide a ten (10) year Reserve Lease to the Yeppoon Surf Life Saving Club Incorporated over Lot 74 on SP234671.

BACKGROUND

Council manages tenure agreements with a significant number of not-for-profit community organisations in order to provide formal access to Council controlled land and / or its facilities. A Reserve Lease was entered with the Yeppoon Surf Life Saving Club Incorporated (the Club) over Lot 74 on SP234671, a Reserve for Recreation (refer Attachment One), from 1 July 2008 for a period of ten (10) years.

Since 1 July 2018, the Club has remained in operation on the Reserve while the process to renew tenure has progressed in line with a desire from the Club to clarify its associated permitted uses.

COMMENTARY

Council was contacted by the Club as its Reserve Lease was approaching expiry where the Club detailed its desire to amend the permitted use included within its tenure agreement. The Club sought to amend the permitted use within the tenure agreement through the renewal process to allow the operation of the informal upstairs bar and function area, previously managed by its members and volunteers, to be formalised through a sub-lease agreement to a commercial entity.

A decision was made by the Club to pursue this opportunity in order to maximise the financial benefits gained by the Club and in turn passed onto the wider community, without continuing to burden its human resources. As a result, the Club expects to realise the added benefits of more members and volunteers being available to assist in the community services provided by the Club's operation.

In line with the Club's request, Council liaised with the Department of Natural Resources, Mines and Energy in order to understand if this proposal would be considered and if so, what process would need to be completed. The Department of Natural Resources, Mines and Energy provided in-principle support to the proposal and outlined the requirement for a land management plan capturing details of the proposal to be developed and circulated for public consultation.

Having received the approved land management plan from the Department of Natural Resources, Mines and Energy, renewal of a Reserve Lease to the Club over Lot 74 on SP234671 for a period of ten (10) years has been recommended to allow it to continue its operations and community service, and undertake further application processes in pursuit of its proposal surrounding operation of the upstairs bar and function area.

PREVIOUS DECISIONS

No previous decisions have been made regarding this matter.

BUDGET IMPLICATIONS

The relevant fees and charges, in line with Council's adopted *2018/19 Fees and Charges* and the *Rates Remission and Rebates Policy*, will be levied to the Club.

LEGISLATIVE CONTEXT

Renewal of tenure agreements must be undertaken in line with the *Local Government Regulations (2012)*, Section 236 (1)(c)(iii) which states:

- '(1) Subject to subsections (2) to (4), a local government may dispose of a valuable non-current asset other than by tender or auction if—
 - (a) ...
 - (b) ...
 - (c) For the disposal of land or an interest in land—
 - (i) ...
 - (ii) ...
 - (iii) the disposal is for the purpose of renewing the lease of land to the existing tenant of the land.'

Further to this, the *Local Government Regulations (2012)*, Section 236 (2) outlines that:

- '(2) An exception mentioned in subsection (1) (a) to (d) applies to a local government disposing of a valuable non-current asset only if, before the disposal, the local government has decided, by resolution, that the exception may apply to the local government on the disposal of a valuable non-current asset other than by tender or auction.'

LEGAL IMPLICATIONS

There are no identified legal implications relating to this matter.

STAFFING IMPLICATIONS

The requisite actions associated with this tenure renewal process will be accommodated within existing staffing capacities.

RISK ASSESSMENT

The following risks associated with not resolving to renew the requisite tenure agreement have been identified:

- 1) *Reputation* – not providing support to the development of a not-for-profit community sporting club as per Corporate Plan;
- 2) *Compliance* – failing to establish an appropriate tenure agreement as per legislation.

The following risks associated with resolving to renew the requisite tenure agreement have been identified:

- 1) *Assets* – if this not-for-profit community sporting Club were to dissolve Council, as Trustee of the land, would assume the asset if not recovered by the Club.

CORPORATE/OPERATIONAL PLAN

Strategy CO1 of Council's Corporate Plan states: '*Facilitate, encourage and enable self-sustainable community associations and volunteer groups to pursue their diverse aspirations.*'

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) *Transparent and effective processes, and decision-making in the public interest; and*
- (b) *Sustainable development and management of assets and infrastructure, and delivery of effective services; and*
- (c) *Democratic representation, social inclusion and meaningful community engagement; and*
- (d) *Good governance of, and by, local government; and*
- (e) *Ethical and legal behaviour of councillors and local government employees.*

CONCLUSION

The Yeppoon Surf Life Saving Club has been operating within the Shire for many years, provides an opportunity for the local community to be involved in a range of activities, and assists in the provision of volunteer surf patrols at Yeppoon Main Beach.

By undertaking the requisite renewal of the tenure agreement Council will be continuing to enable this not-for-profit sporting club to grow and develop.

12.6 - YEPPOON SURF LIFE SAVING CLUB - RENEWAL OF TENURE AGREEMENT

**Reserve Lease Area - Lot 74 on
SP234671**

Meeting Date: 20 November 2018

Attachment No: 1



**12.7 OGMORE COMMUNITY AND RECREATION COMMITTEE INCORPORATED
REQUEST FOR TENURE OVER A PORTION OF LOT 8 O7508 (BICENTENNIAL
PARK).****File No:** CR2.82**Attachments:**

1. Letter from Ogmores Community and Recreation Committee requesting use of Bicentennial Park. [↓](#)
2. Map of Bicentennial Park, Ogmores. [↓](#)
3. Letter from Council to Ogmores Community and Recreation Committee advising of resolution decision. [↓](#)

Responsible Officer: Jared Thomsen - Senior Sport & Education Officer
David Mazzaferri - Manager Disaster Management,
Recovery and Resilience
Brett Bacon - Executive Director Liveability and
Wellbeing**Author:** Molly Saunders - Community Development Officer

SUMMARY

This report discusses a request from Ogmores Community and Recreation Committee Incorporated to enter a tenure agreement with Council over a portion of Bicentennial Park (87 Dempsey Street, Ogmores) to conduct Committee activities and enhance the community space.

OFFICER'S RECOMMENDATION

THAT Council resolves to

- 1) apply the exception mentioned in Section 236(1)(b)(ii) of the *Local Government Regulation 2012* to its dealings with the Ogmores Community and Recreation Committee Incorporated for issue of a Reserve Lease over a portion of land currently described as Lot 8 on O7508, Bicentennial Park Ogmores; and
- 2) provide a one (1) year Reserve Lease over a portion of Bicentennial Park, Lot 8 on O7508 to the Ogmores Community and Recreation Committee Incorporated to enable it to seek opportunities to further develop the site as a public space for the Ogmores community and its visitors.

BACKGROUND

The Ogmores Community and Recreation Committee has been seeking a venue for its operation, activities and general community use. It had previously used the community hall in Ogmores but sold it in 2016, as it was deemed beyond repair.

In March 2018 a request was made by the group to Council regarding the use of a portion of Bicentennial Park, Ogmores (refer Attachment One). Bicentennial Park is a recreation reserve on trust land (refer Attachment Two).

There are existing requests from the Ogmores Community and Recreation Committee Incorporated in progress regarding Bicentennial Park, asking Council to:

- 1) replace the current barbeque with a gas/electric barbeque;
- 2) assess, prune and remove dead and/or dangerous trees; and
- 3) consider installing accessible public toilets.

COMMENTARY

With support from Council officers the Ogmores Community and Recreation Committee Incorporated has secured Public Liability Insurance and is in a position to apply for tenure as well as various grants and funding opportunities.

The Ogmores Community and Recreation Committee Incorporated requests a Reserve Lease with Council to allow it to seek opportunities to improve Bicentennial Park, as a community space for the Ogmores community and its visitors. Currently the park has a barbeque, a slide, shade structures, picnic tables, Ogmores War Memorial and public amenities. The Committee's long term goal is to construct a community use shed on the property without impacting any existing assets in the park. In liaising with the Department of Natural Resources and Council's Property Team, it has been determined that a Reserve Lease is the most appropriate form of tenure.

In processing this request for tenure, Council officers liaised with a number of internal units to ensure the proposed tenure agreement would not have a detrimental impact to Council or its operations. The following internal units were contacted and did not raise concerns with Council supporting the group's request for tenure:

- 1) Water and Waste Operations;
- 2) Community Assets;
- 3) Community Wellbeing;
- 4) Economy and Places; and
- 5) Liveability

With respect to the planning scheme, the Duty Planner has advised that, although zoned Township and a Recreation Reserve, as the property has been utilised for community use for many years by various groups and/or organisations and contains shade structures where groups can (and do) meet. On this basis, an additional shed would not be considered a Material Change of Use, given it does not represent; the start of a new use or the re-establishment of a use which has been abandoned or a material change in the intensity or scale of the use. As such, the works will be considered building works which is accepted, subject to requirements. The Ogmores Community and Recreation Committee Incorporated is aware of these requirements and the costs associated.

PREVIOUS DECISIONS

In April 2018, Council resolved to advise the Ogmores Community and Recreation Committee Incorporated that, due to budgetary constraints there would be no action to establish a community hall in Ogmores at this time and that Council is willing to relinquish its interests in the old Ogmores school site and transfer trusteeship in order to allow the Ogmores Community and Recreation Committee Incorporated to become the sole trustee for the purpose of establishing a community meeting space, notwithstanding Council's commitment to provide support and advice to explore other options if so desired in the future (see Attachment Three).

BUDGET IMPLICATIONS

The Ogmores Community and Recreation Committee requests that Council assists by:

- 1) committing the Open Spaces team to retain its current level of service to Bicentennial Park, Ogmores; and
- 2) continuing to consider existing requests as made through pathways.

The relevant fees and charges, in line with Council's adopted *2018/19 Fees and Charges* and the *Rates, Remission and Rebates Policy*, will be levied to Ogmores Community and Recreation Committee Incorporated, reflective of the tenure agreement.

LEGISLATIVE CONTEXT

As the request is for a reserve lease, this is considered a disposal of land under the *Local Government Regulation 2012*. This requires a Council Resolution to apply the exception under Section 236(1)(b)(ii) of the *Local Government Regulation 2012* for community organisations.

LEGAL IMPLICATIONS

There are no legal implications regarding this matter.

STAFFING IMPLICATIONS

The proposal would be accommodated within existing staffing capacities.

RISK ASSESSMENT

The following risks associated with not approving the committee's request have been identified;

- 1) Reputation – not providing support to the development of community clubs, associations, or organisations as per the Corporate Plan.
- 2) Compliance – failing to establish an appropriate tenure agreement as per legislation.

The following risks associated with approving the committee's request have been identified;

- 1) Assets – if the committee were to dissolve, Council as trustee of the land would assume the asset if not recovered by the club.

CORPORATE/OPERATIONAL PLAN

Strategy CO1 of Council's Corporate Plan states: '*Facilitate, encourage and enable self-sustainable community associations and volunteer groups to pursue their diverse aspirations.*'

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) *Transparent and effective processes, and decision-making in the public interest; and*
- (b) *Sustainable development and management of assets and infrastructure, and delivery of effective services; and*
- (c) *Democratic representation, social inclusion and meaningful community engagement; and*
- (d) *Good governance of, and by, local government; and*
- (e) *Ethical and legal behaviour of councillors and local government employees.*

CONCLUSION

Formalising a tenure agreement with the Ogmores Community and Recreation Committee Incorporated over a portion of Bicentennial Park, Ogmores will provide the group with the opportunity to apply for grants to support its continued development. The broader community will benefit from an enhanced community space in Ogmores.

**12.7 - OGMORE COMMUNITY AND
RECREATION COMMITTEE
INCORPORATED REQUEST FOR
TENURE OVER A PORTION OF LOT 8
O7508 (BICENTENNIAL PARK).**

**Letter from Ogmores Community and
Recreation Committee requesting use
of Bicentennial Park.**

Meeting Date: 20 November 2018

Attachment No: 1

Doc#8823825

OGMORE COMMUNITY & RECREATION COMMITTEE INC

LSC Records Management	
File No:	CR 2 - 43-34
Doc No:	
17 APR 2018	
Action Officer:	D. MAZZAFERRI
M:	ARMSTRONG
Reception:	Vrg: Rda

08/03/2018
5 Carbon Street
Ogmore
P.C.4706
Telephone No 49 356322

LIVINGSTONE SHIRE COUNCIL

David Mazzaferri
Meegan Armstrong

SUBJECT Community Shed CR#434528

The committee is seeking a way forward to progress this matter and submit the following submission.

A. Request from Council.

1. Request Council to gift the Committee a portion of land within the confines of the Bi- Centennial Park to erect a SUBURBAN 3 bay shed, 6m x 9m x 2.5m.
2. Council allows us to connect to the existing electricity supply to avoid paying quarterly connection fees.
3. Advise any payments per annum if any.
4. Remove trees of any height and are known to cause problems by shedding branches and falling over during inclement weather.

B. The Committee responsibilities.

1. Purchase the desired shed, submit shed plans etc, arrange the pouring of foundations and the erection of the shed.
2. Wire the shed for electricity and connect to source.
3. Remove wood B.B.Q. and Remove the existing small tank and the stand to make room for the shed.
4. Purchase public liability insurance.
5. Source funding for other requirements eg Kitchen, table and chairs.

In the event the Committee should wind up, the structure becomes council property.

The Committee would appreciate Council's support.

Thank You,
Yours faithfully,
Secretary N. N. Conrad

Signed *N.N. Conrad*

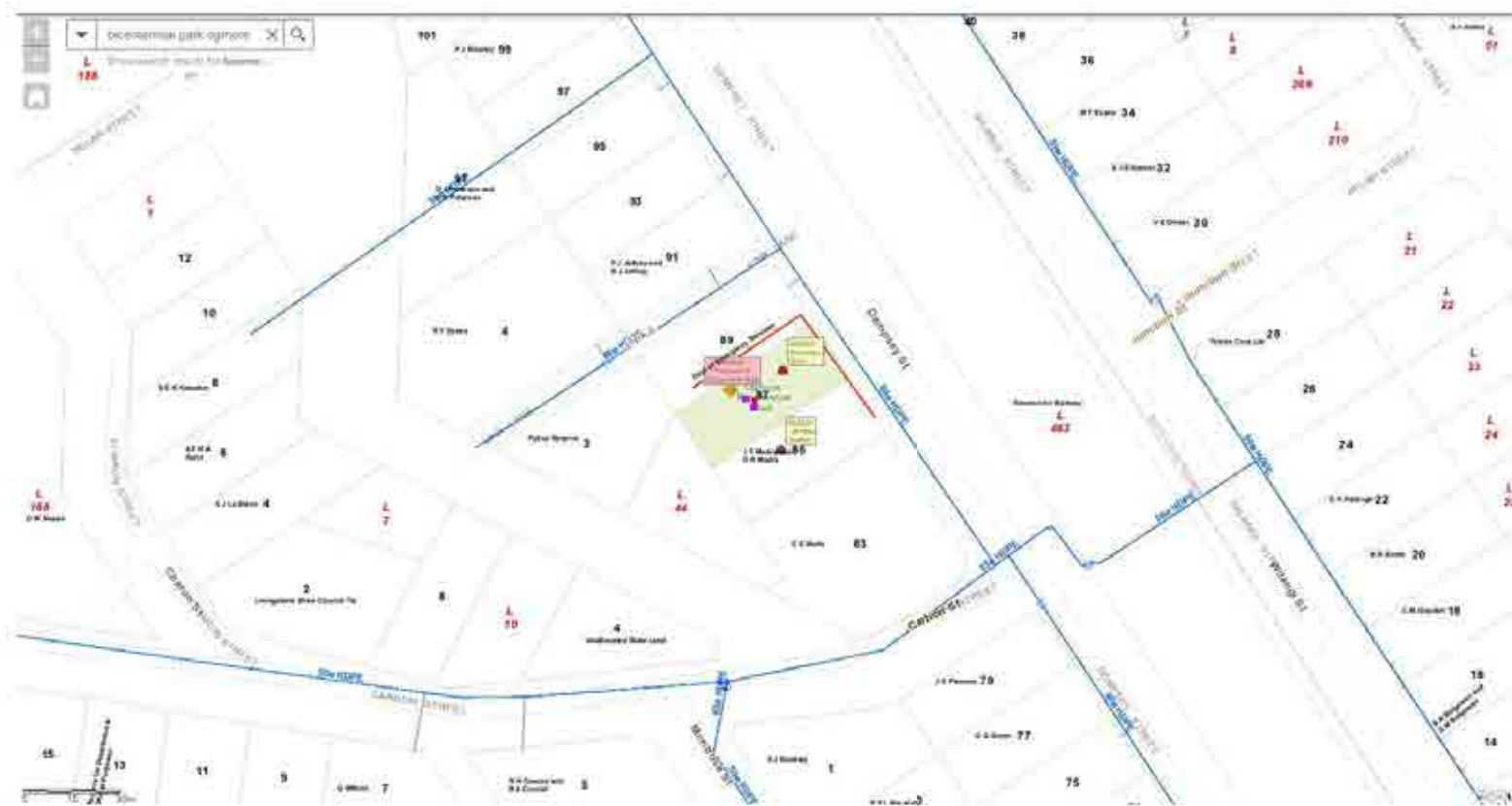
Dated *12-04-2018*

**12.7 - OGMORE COMMUNITY AND
RECREATION COMMITTEE
INCORPORATED REQUEST FOR
TENURE OVER A PORTION OF LOT 8
O7508 (BICENTENNIAL PARK).**

Map of Bicentennial Park, Ogmore.

Meeting Date: 20 November 2018

Attachment No: 2



Please note that Google Maps has the park registered as 'Centenary Park' rather than Bicentennial Park.



**12.7 - OGMORE COMMUNITY AND
RECREATION COMMITTEE
INCORPORATED REQUEST FOR
TENURE OVER A PORTION OF LOT 8
O7508 (BICENTENNIAL PARK).**

**Letter from Council to Ogmore
Community and Recreation Committee
advising of resolution decision.**

Meeting Date: 20 November 2018

Attachment No: 3

Doc#8820501



10 April, 2018

Ogmore Community and Recreation Committee Inc.
99 Dempsey Street
OGMORE QLD 4706

Dear Sir/Madam

**OGMORE COMMUNITY AND RECREATION COMMITTEE INC. – REQUEST FOR
ASSISTANCE TO RE-ESTABLISH A COMMUNITY HALL / MEETING PLACE**

Council formally considered your request at its ordinary meeting on 5 April, 2018 and resolved:

- a) THAT Council advise the Ogmore Community and Recreation Committee Inc. that due to budgetary constraints no action will be taken to establish a community hall in Ogmore at this point in time and;
- b) THAT Ogmore Community and Recreation Committee Inc. be advised that Council is willing to relinquish its interest in the 'old' Ogmore School site and transfer trusteeship in order to allow the Ogmore Community and Recreation Committee Inc. to become the sole trustee for the purpose of establishing a community meeting space, notwithstanding our commitment to provide support and advice to explore other options if so desired into the future.

Thank you for your request and I trust this confirms Council's formal position.

Yours faithfully,

Melissa Minter

PO Box 2262 Yeppoon QLD 4703
Phone 07 4913 5000 or 1 800 750 919

www.livingstone.qld.gov.au
enquiries@livingstone.qld.gov.au

ABN 55 298 257 046

Doc#8820501

FOR ACTION

ORDINARY COUNCIL

05/04/2018

TO: Co-ordinator Community Partnership (Melissa Minter)

Subject: Ogmores Community and Recreation Committee Inc.
Target Date: 19/04/2018
File Reference: CR2.13.7, CR2.13.19

Notes:

COUNCIL RESOLUTION

THAT Council advise the Ogmores Community and Recreation Committee Inc. that due to budgetary constraints no action will be taken to establish a community hall in Ogmores at this point in time.

Moved by: Councillor Wyatt
Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED
COUNCIL RESOLUTION

THAT Ogmores Community and Recreation Committee Inc. be advised that Council is willing to relinquish its interest in the 'old' Ogmores School site and transfer trusteeship in order to allow the Ogmores Community and Recreation Committee Inc. to become the sole trustee for the purpose of establishing a community meeting space, notwithstanding our commitment to provide support and advice to explore other options if so desired into the future.

Moved by: Mayor Ludwig
Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

[Open Item in Minutes](#)

Please Note:
This document is for information only.
All notes and actions must be completed via the InfoCouncil system.

12.8 REGIONAL ARTS DEVELOPMENT FUND ROUND ONE 2018/2019

File No: GS15.2.5
Attachments: Nil
Responsible Officer: Trish Weir - Manager Customer Service
 Brett Bacon - Executive Director Liveability and Wellbeing
Author: Julie Bickley - Coordinator Library & Arts

SUMMARY

Eleven applications were received for Round One of the 2018/2019 Regional Arts Development Fund which closed on Tuesday 30 October 2018 with a total amount of \$43,308 requested. Budget available for the 2018/2019 Regional Arts Development Fund is \$65,556.

The Regional Arts Development Fund Committee assessed the applications and nominated that 10 applicants met the programme criteria and recommended they be funded for the total amount of \$36,828.

OFFICER'S RECOMMENDATION

THAT in accordance with the recommendation of the Livingstone Regional Arts Development Fund Committee, the following grant applications be funded from the Regional Arts Develop Fund.

Name	Purpose of Grant	\$Total Project Expenses	\$ Grant Requested	\$ Grant Recommended
Erica Golding (IPD)	An Individual Professional Development grant towards costs of travelling to Morocco to learn traditional silversmithing skills.	\$4,546	\$2,000	\$2,000
Capricorn Coast Writers Festival	Towards a 3 day literary festival to bring nationally and internationally recognised authors and industry professionals to the Capricorn Coast.	\$32,148	\$4,800	\$4,800
Mr Richard Moorfield	Towards travel costs and associated fees for professional artists to work on community arts and environmental project over Easter Weekend 2019.	\$8,023	\$4,003	\$4,003
Yamart Yvonne Moloney Law	Towards participation in 'Untitled' exhibition at Traffic Jam Gallery,	\$9,600	\$4,000	\$4,000

	Sydney			
Yeppoon Ukulele Movement	Towards costs of employing a professional performer and vocalist to enhance groups playing, singing and performing abilities.	\$3,800	\$2,250	\$2,250
Keppel Coast Arts Council	Towards costs of presenting Legend and the Locals with Troy Cassar-Daley with local performers workshopping and involvement in show.	\$9,190	\$3,500	\$3,500
Bolton Clarke Sunset Ridge	Towards costs of presenting a series of Interactive Music Therapy Workshops for residents of Sunset Ridge.	\$8,750	\$3,960	\$3,960
Capricorn Film Festival Inc	Towards costs of a series of arts screenings, workshops using artists, filmmakers, actors and film industry personnel to help develop emerging regional artists.	\$6,810	\$5,215	\$5,215
KIMA Consultant Kaylene Butler	Towards costs of presenting a series of activities on Country for Men's groups implementing culture and the arts.	\$8,890	\$5,600	\$5,600
Mr Matthew Bresolin (IPD)	Towards costs of attending the 2019 Senior Academy Instrumental Course in Tamworth.	\$4,300	\$1,500	\$1,500

BACKGROUND

The Regional Arts Development Fund is a partnership between state and local governments which invests in quality arts and cultural experiences across Queensland based on locally determined priorities. The Regional Arts Development Fund 2018-19 promotes the significance and value of arts, culture and heritage as the key to:

- (1) supporting diversity and inclusivity;
- (2) growing stronger regions; and

- (3) provide training, education and employment opportunities for Queensland artists and local communities.

The budget available for the 2018/2019 rounds of Regional Arts Development Fund is \$65,000 (comprising \$35,000 from State Government Arts Queensland and \$30,000 from Livingstone Shire Council).

Round 1 of the 2018/2019 Regional Arts Development Fund closed on Tuesday 30 October 2018. Eleven (11) applications were received with a total amount of \$43,308 requested. Budget available for 2018/2019 is \$65,556.

COMMENTARY

Eleven (11) applications were received for Round One of the 2018/2019 Regional Arts Development Fund which closed on Tuesday 30 October 2018.

The Regional Arts Assessment Panel assessed the applications and nominated that ten (10) applicants met the programme criteria and are recommended to be funded for the amount of \$36,828.

PREVIOUS DECISIONS

This specific matter has not been the subject of any Council decision. At its meeting of the 5 June, 2018, Council resolved to approve two applications. This request is consistent with previous decisions.

BUDGET IMPLICATIONS

The request can be readily accommodated within the budget allocation for the purposes of the Regional Arts Development Fund.

LEGISLATIVE CONTEXT

There is no legislative context applicable to the administration of the Regional Arts Development Fund.

LEGAL IMPLICATIONS

There are no legal implications associated with administering the Regional Arts Development Fund.

STAFFING IMPLICATIONS

The administration of the Regional Arts Development Fund is managed within existing Council staff resources.

RISK ASSESSMENT

The principal risk associated with the grant is the misappropriation of money. Strict acquittal processes are established to ensure that all grant money is spent in accordance with its designated purpose.

CORPORATE/OPERATIONAL PLAN

Strategy CO2 of Council's Corporate Plan states: *'Facilitate programs and support local social, cultural, artistic and community building initiatives.'*

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) *Transparent and effective processes, and decision-making in the public interest; and*
- (b) *Sustainable development and management of assets and infrastructure, and delivery of effective services; and*
- (c) *Democratic representation, social inclusion and meaningful community engagement; and*
- (d) *Good governance of, and by, local government; and*

- (e) *Ethical and legal behaviour of councillors and local government employees.*

CONCLUSION

The Regional Arts Development Fund Assessment Panel considers that the recommended applications fulfil the criteria for this funding programme and that the proposed projects will offer benefits to the Livingstone Shire.

12.9 YEPPOON LAGOON - EXTRA ACTIVITIES POST OPENING**File No:** CR 2.5.21

Attachments:

1. Map One - Foreshore Stage to Keppel Bay Sailing Club [↓](#)
2. Map Two - Yeppoon Lagoon Precinct [↓](#)

Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing
Debra Howe - Director Strategic Growth & Development

Author: Trish Weir - Manager Customer Service

SUMMARY

This report details the possibilities and issues associated with 'organised' and commercial use of the Yeppoon foreshore precinct for events and activities beyond the 'normal' use of the precinct with respect to the grassed and lagoon wet area..

OFFICER'S RECOMMENDATION

THAT Council resolves to:

- (1) manage activities along the Yeppoon foreshore in accordance with the following tables:

Table One: Yeppoon Foreshore – Foreshore Stage to Keppel Bay Sailing Club (as depicted in Attachment One)

Area	Potential Activity	Proposed Process	Other
A - Event Space	Large groups/individuals with marquees, markets stalls, outdoor movies, fitness activities, outside broadcasts, sporting and school groups and personal trainers.	Approval required	Alcohol can only be consumed in accordance with a Liquor Licence Fees may apply
B - Group Space	Smaller groups/individuals with marquees, market stalls, fitness activities and outside broadcasts.	Approval required	Alcohol can only be consumed in accordance with a Liquor Licence Fees may apply
C - Community Space	Community Space.	Not to be booked	Alcohol Free Area No action required

Table Two: Yeppoon Lagoon (as depicted in Attachment Two)

Area	Potential Activity	Proposed Process	Other
A1 - Event Space	Large groups/individuals with marquees, markets stalls, outdoor movies, fitness activities, outside broadcasts, sporting and school	Approval required	Alcohol Free Area Advise Lane 4, Rocks Café, and Keppel Bay Sailing

	groups.		Club Fees may apply
A2 - Event Space	Markets stalls, outside broadcasts, sporting and school groups.	Approval required	Alcohol Free Area Advise Lane 4, Rocks Café, and Keppel Bay Sailing Club Fees may apply
B - Group Space	Smaller groups/individuals with marquees, market stalls, fitness activities and outside broadcasts.	Approval required	Alcohol Free Area Advise Lane 4, Rocks Café and Keppel Bay Sailing Club Fees may apply
C - Community Space	Community Space.	Not to be booked	Alcohol Free Area No action required
C - Community Space	Skate Park (Competitions).	Approval required	Alcohol Free Area No action required
D - Leased Areas	Rocks Café and Restaurant Keppel Bay Sailing Club	Not to be booked	Tenant controlled service of alcohol as per Liquor Licencing Regulations and Permits.
E - Lagoon Pool	Commercial/Public Activity – fitness/other organised by council/supplier.	Approval required	Alcohol Free Area Fees may apply

(2) review the management regime outlined in (1) above after twelve months.

BACKGROUND

The Yeppoon Lagoon was officially open to the public on Saturday 5 May 2018. It is the centre piece of the Yeppoon Town Centre and Foreshore Revitalisation Project and is anticipated to attract increased visitation to the Capricorn Coast region (and hopefully increased visitor spending).

Subsequent to its opening, Council continues to receive requests from entities wishing to pursue the following ventures:

- (1) filming of a television commercial;
- (2) outside broadcast;
- (3) photography associated with a print media commercial;
- (4) hosting of a film night;
- (5) school or sporting club social, end of year event;
- (6) hosting of a club party/event; and

(7) markets.

It is timely for Council to give consideration to what activities should be accommodated along the Yeppoon foreshore, in particular the lagoon precinct, and the manner in which these activities should be accommodated under a formal management framework that will help guide a consistent process.

Council operates a successful booking system for all halls, parks, ceremonies and events using Pathway software. This can easily be extended to include the lagoon area. The process to make a booking is:

- (1) enquiry via customer service directly or received via Online Booking;
- (2) costs (if associated) are paid and formal approval is issued;
- (3) Facilities and or Open Spaces advised of event; and
- (4) for Temporary Events – a post event evaluation survey sent.

COMMENTARY

Current Management Protocols

The current management protocols for the various areas along the Yeppoon foreshore are summarised thus:

Appleton Park - Skate Park/Playground – Area C Map Two

The use of Appleton Park and the playground is self-managed by the users, with no bookings available for the use of the shelters or barbecues. If multiple parties occurred simultaneously, it is 'first in first served'. Officers are not aware of any friction or discord emanating from such a system. Under the traditional regime, a booking of the skate park by a person for private purposes would not be allowed.

Keppel Bay Sailing Club carpark/grassed area or walkways within precinct

A Memorandum of Understanding exists between Council and the Keppel Bay Sailing Club, with major regattas, sailing Sundays and events being managed under the Temporary Event approval process. When there is no regatta, the open space areas in question can be used by anyone and are not available for exclusive use (and thus cannot be booked). Note: Council can also close Anzac Parade for specific events or activities after consulting with Keppel Bay Sailing Club.

Foreshore Stage and Amphitheatre area – Area A Map One

The foreshore stage is available for bookings for specific events, be it community or privately managed. When it is not booked for a specific event, it is part of the foreshore open space area, available to the general public for passive recreation and use.

Keppel Kraken and Spirit Stone area - Area C Map One

The use of the Keppel Kraken and surround playground is self-managed by the users, with no bookings available for the use of the shelters or barbecues. For large events such as Pinefest or Great Australia Day Beach Party, the Spirit Stone area can form part of 'the event' and is used for stalls. Council is also aware of Flow Yoga which occurs Saturday mornings weekly at this site.

Yeppoon Lagoon - Area E Map Two

Council currently has no formal booking system established.

Future Management Possibilities:

Again, for the purposes of this discussion, the use of the area(s) in question has been compartmentalised into the following categories:

- (1) commercial;
- (2) community; and

- (3) private.

It is recognised that it is not possible to neatly fit every conceivable activity into only one of the above categories. There will be activities which overlap and inevitably some activities which defy all three categories. However, rather than attempt the Sisyphean task of an exhaustive list of categories and activities the three broad categories have been adopted for this discussion.

Commercial

Commercial uses entail activities which are intended to provide a financial return to the individual or entity. Activities include filming (for commercials or television/cinema), photography for advertisements or promotional purposes, conducting fitness sessions for reward, conducting swimming lessons, and mobile food and beverage vendors.

Community

Community uses entail activities associated with events which are not intended to generate a profit. For example, an activity undertaken in association with an event, a fun run or a 'rally' or gathering.

Private

Private uses are those which are not open to the general public or are for specific people only. For example, a club is wishing to have an event for its members (such as an end of season break-up) or a family wishing to have a birthday party or reunion. It also captures wedding events and wedding or family portraits.

It is suggested that the self-managed system for private parties along the foreshore be continued as officers are not aware of any friction or discord emanating from the existing 'first in first served' approach. Consequently, there is no imperative to alter the status quo.

Consideration needs to occur around the implications associated with accommodating events, for example:

Impact to Kiosk/Restaurant – Area D Map Two

- 1) noise levels (for example, floating film night occurring while restaurant wedding is occurring and vice versa);
- 2) lease area – restrictions around 'use of space' and who controls/monitors and schedules events or activities; and
- 3) ideas and advertising campaigns which the lessee is planning.

Impact to Community/Lagoon Users

- 1) people may be visiting the lagoon to enjoy its simplicity not necessarily there to attend 'an event' (the lagoon is fun and free);
- 2) with groups (particularly in summer time) will come the desire to erect large marquees which in turn can change the visual and physical landscape for other users and potentially damage irrigation and grass areas;
- 3) logistics – some access points could be impacted due to set up of event equipment such as marquees, coldrooms, extension cords, rides, stage areas etcetera; and
- 4) markets – frequency and conditions of market would need to be strictly managed to ensure public and lessee are not impacted greatly and valuable grassed areas are not lost.

Impact to Council (known events)

- 1) events would be booked under Temporary Event process and approved under Local Law as per other events;
- 2) communication with lifeguards, security and Council's open spaces and facilities teams would need to occur to ensure adequate staffing and cleaning levels are achieved;

- 3) possible reputational damage may occur if original 'use' of space is lost or changed greatly;
- 4) management of the memorandum of understanding with Keppel Bay Sailing Club needs to be managed; and
- 5) management of the leased areas with the tenant.

Yeppoon Foreshore Activity Area Maps

Reference is made to Attachments One and Two where the prime booking areas along the Yeppoon Foreshore have been categorised for discussion and approval. For the purpose of this report a 'large group' is deemed as over 100 attendees and a 'small group' is deemed as between 50 and 100 attendees. All bookings will be managed via the Bookings Module. Park Hire fees will apply when the user is requesting access to power outlets and further discussions need to occur to determine if personal trainers should be required to obtain permits.

Council also needs to determine its appetite with respect to allowing the consumption of alcohol within the foreshore precinct. The below tables provide a breakdown of where it is intended to allow alcohol to be consumed, strictly in accordance with a liquor licence. Area D (Rocks Café and the restaurant and Keppel Bay Sailing Club) will be the subject of a liquor licence which expressly prescribes the area within which alcohol can be consumed. That will be restricted to the area which is leased by the operators of the Rocks Café and Keppel Bay Sailing Club thus cannot sell alcohol for consumption outside their leased areas.

The objective is to ensure that the foreshore is a family friendly destination of choice. Consequently, it is recommended that the consumption of alcohol is prohibited in various sectors (including in the vicinity of precincts designed for children (such as the Kraken and Appleton Park) and around the lagoon. Areas where it is proposed that alcohol can be consumed will be limited to specific events, which are the subject of a liquor licence.

Table One – Yeppoon Foreshore (as depicted in Attachment One)

Area	Potential Activity	Proposed Process	Other
A - Event Space	Large groups/individuals with marquees, markets stalls, outdoor movies, fitness activities, outside broadcasts, sporting and school groups and personal trainers.	Approval required	Alcohol can only be consumed in accordance with a Liquor Licence Fees may apply
B - Group Space	Smaller groups/individuals with marquees, market stalls, fitness activities and outside broadcasts.	Approval required	Alcohol can only be consumed in accordance with a Liquor Licence Fees may apply
C - Community Space	Community Space.	Not to be booked	Alcohol Free Area No action required

Table Two - Yeppoon Lagoon (as depicted in Attachment Two)

Area	Potential Activity	Proposed Process	Other
A1 - Event Space	Large groups/individuals with marquees, markets stalls,	Approval required	Alcohol Free Area Advise Lane 4,

Area	Potential Activity	Proposed Process	Other
	outdoor movies, fitness activities, outside broadcasts, sporting and school groups.		Rocks Café, and Keppel Bay Sailing Club Fees may apply
A2 - Event Space	Markets stalls, outside broadcasts, sporting and school groups.	Approval required	Alcohol Free Area Advise Lane 4, Rocks Café, and Keppel Bay Sailing Club Fees may apply
B - Group Space	Smaller groups/individuals with marquees, market stalls, fitness activities and outside broadcasts.	Approval required	Alcohol Free Area Advise Lane 4, Rocks Café, and Keppel Bay Sailing Club Fees may apply
C - Community Space	Community Space.	Not to be booked	Alcohol Free Area No action required
C - Community Space	Skate Park (Competitions).	Approval required	Alcohol Free Area No action required
D - Leased Area	Rocks Café and Restaurant	Not to be booked	Tenant controlled service of alcohol
E - Lagoon Pool	Commercial/Public Activity – fitness/other organised by council/supplier.	Approval required	Alcohol Free Area Fees may apply

There have been requests for consideration to be given to broadening the potential areas where alcohol could be permitted (under an approval process, including a temporary liquor licence). Increasing the areas available for the consumption of alcohol (albeit only in association with a civic event) is not supported. It is argued that the Yeppoon Lagoon precinct should be an alcohol free area (other than declared leased areas under the control of The Rocks Café/Restaurant and Keppel Bay Sailing Club).

The area should be available for the general public to have ordinary right of use without the intrusions and inconvenience associated with managing events (civic or otherwise) and their temporary liquor licences. There are risks associated with managing such activities in proximity to the lagoon and Council needs to be cognisant of allowing the consumption of alcohol (even with responsible serving practices) next to water body.

PREVIOUS DECISIONS

At its Ordinary Meeting of 16 October 2018, Council requested that the report regarding the process to manage the possible 'uses' of the Yeppoon foreshore (predominantly the lagoon precinct) for events and activities be referred back to the Parks, Open Spaces and Environment Advisory Committee meeting to enable further discussions to occur.

BUDGET IMPLICATIONS

Currently, there is no hire fee associated to the Yeppoon Lagoon precinct. If the decision is made to allow groups to hire the site, Council's fees and charges would need to be updated. Any fee would need to include true cost recovery regarding lifeguards and security, waste disposal, power, cleaning and other aspects associated with the event.

If council elects to have organised activities in the lagoon, a decision would need to be made regarding who manages this (id est, Engagement and Events or Sport and Recreation Units), kiosk operator or lifeguard company or an alternative supplier.

LEGISLATIVE CONTEXT

The ability to manage the use of public land such as the Yeppoon foreshore is generally enabled through local laws and the Planning Scheme.

LEGAL IMPLICATIONS

There are no exclusive trade clauses in the kiosk or restaurant tenancy contracts, thus there appears to be no known implications regarding alternative groups or users conducting activities in this precinct. Exception is for their outdoor dining area directly in front of the kiosk.

STAFFING IMPLICATIONS

If Council resolved to allow events on this site, the approvals would need to be processed by the Engagement and Events team and would be approved in consultation with lifeguard and security operators, facility management and tenant.

RISK ASSESSMENT

Any event organiser would need to adhere to stringent workplace health and safety requirements and Yeppoon Lagoon rules regarding use of the site. It would be necessary for the event organiser to have a pre-event meeting with lifeguard/security and Council officers, and potentially the tenant.

If events are permitted on this site and occur frequently, users could become dissatisfied that the use of the lagoon has changed from that of a public place for all.

CORPORATE/OPERATIONAL PLAN

Strategy AM1 of Council's Corporate Plan states: *'Develop an innovative and integrated framework for long term, cost effective asset management.'*

CONCLUSION

The Yeppoon Foreshore and Lagoon offers a variety of uses. As the owner/operator, Council controls what occurs. The general theme with other coastal lagoons in Queensland is that activities are free, low impact and aimed at activating the space.

The recommendations in this report provide a balanced approach for all users and consistency for all stakeholders and an opportunity to manage the area effectively and efficiently.

Consideration or exceptions may apply to the Lagoon Building tenant regarding liquor licencing upstairs and the downstairs kiosk area when in conference or event use, and to the Keppel Bay Sailing Club Memorandum of Understanding.

12.9 - YEPPPOON LAGOON - EXTRA ACTIVITIES POST OPENING

Map One - Foreshore Stage to Keppel Bay Sailing Club

Meeting Date: 20 November 2018

Attachment No: 1

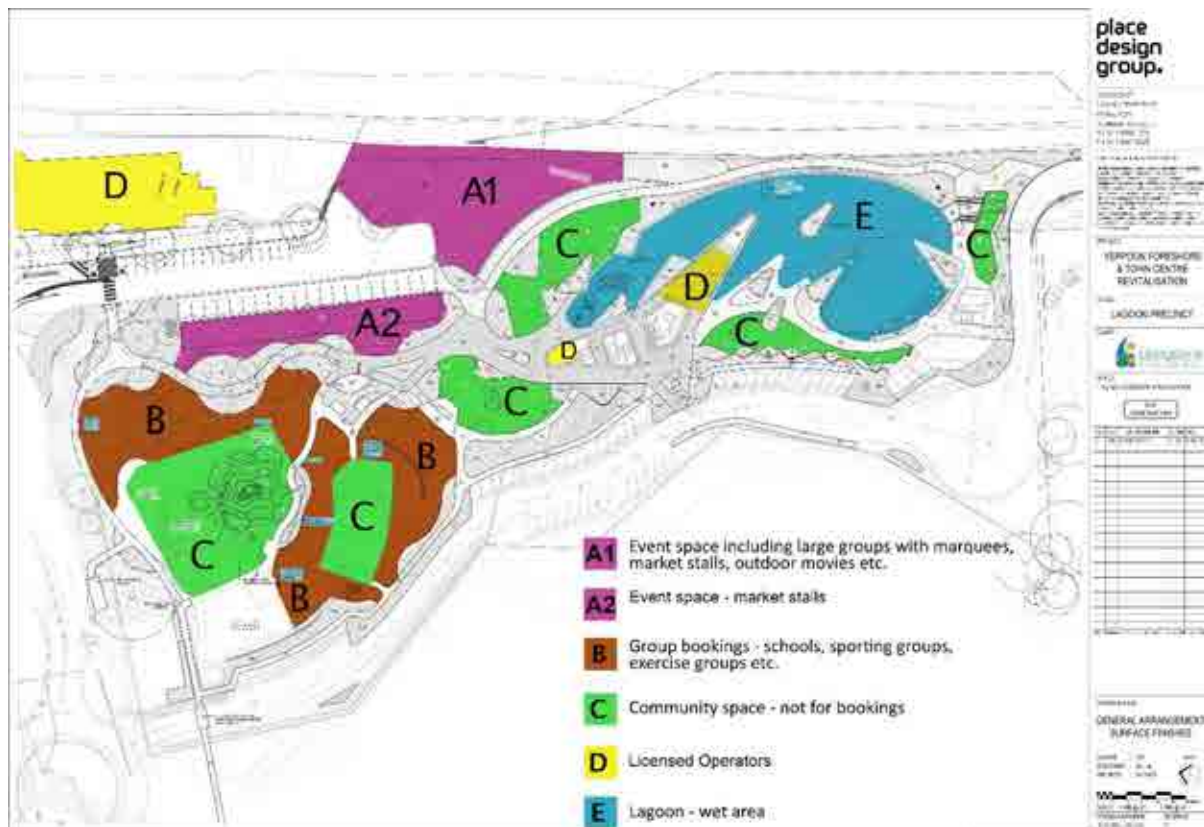


12.9 - YEPPOON LAGOON - EXTRA ACTIVITIES POST OPENING

Map Two - Yeppoon Lagoon Precinct

Meeting Date: 20 November 2018

Attachment No: 2



12.10 INVEST CAPRICORN COAST REGION BUSINESS AND INDUSTRY MAPPING PROJECT FINAL REPORT

File No: ED8.5.20

Attachments: 1. Invest Capricorn Coast Region Business and Industry Mapping Project Final Report [↓](#)

Responsible Officer: Debra Howe - Director Strategic Growth & Development
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Sonia Barber - Senior Economic Development Officer

SUMMARY

The Invest Capricorn Coast Region Business and Industry Mapping Project has been finalised and the findings (final report) will be the key instrument guiding Council to create targeted investment prospectuses and marketing programmes to strengthen the 'Investment Attraction' actions of the Invest Capricorn Coast Region Economic Development Plan.

OFFICER'S RECOMMENDATION

THAT Council adopt the Invest Capricorn Coast Region Business and Industry Mapping Project final report as the guiding document for the implementation of targeted investment attraction strategies to further the investment attraction actions of the *Invest Capricorn Coast Region Economic Development Plan*.

BACKGROUND

On 2 October 2017 Council was successful in receiving \$20,000 in funding from the Australian Government Building Better Regions Fund - Community Investment Stream to assist in the development of the Capricorn Coast Region Business and Industry Mapping Project. In February 2018 a request for quote was completed to engage an economic specialist consultancy to undertake the project. In March 2018 Lucid Economics was successful and appointed based on price and experience.

Project progress to date:

May 2018	Local region economic and cluster analysis
June 2018	Capricorn Coast Region Business and Industry Mapping – Background Report. Stakeholder meetings with potential growth sector business and industry representatives.
July 2018	Michael Campbell Lucid Economics presented stakeholder consultation feedback at Council Advisory Committee (16/7/18), seeking Council feedback. Consultation feedback summary finalised and Invest Capricorn Coast Business and Industry Mapping Project Background Report.
August - October 2018	Finalisation of consultation outcomes, consolidation of economic industry and cluster summary and identify targeted marketing opportunities. Deputation (15/10/18) – Michael Campbell Lucid Economics presented final draft report to Council seeking any feedback.
November 2018	Finalisation of report.

COMMENTARY

The purpose of Capricorn Coast Region Business and Industry Mapping Project is to analyse local business and industry types and mix, to identify the region's capacity and capability, gaps, competitive advantages, issues and opportunities for business retention, expansion and attraction to the region.

The Capricorn Coast Region Business and Industry Mapping Project will build on one of the key strategic initiatives of the *Invest Capricorn Coast Region Economic Development Plan* (Economic Development Plan), namely Investment Attraction.

The project will act as a stimulus to, and complement, the Economic Development Plan by identifying the connections and local supply chains between industries to other sectors and the contributions of each sector to the region. The project will also build on the Economic Development Plan outcomes by identifying and leveraging additional partnerships with private sector business and industry groups, through the identification of competitive advantage investments and clustering opportunities.

The development of the Capricorn Coast Region Business and Industry Mapping Project allows identification of the region's capacity and capability and competitive advantages and provides a blueprint for business and industries to be successful. This will ensure the economic viability and community vitality of the Capricorn Coast region.

Project Outcomes:

The economic specialist interrogated Council's business register, the *Capricorn Coast Region Economic Development Plan*, Economy ID (online economic regional profile) and any other available relevant data, and provided a comprehensive report which:

1. profiles business and industry sectors across the Capricorn Coast region including the identification of up to five industry cluster groups;
2. identifies and analyses capacity and capability, competitive advantages, issues and opportunities for business and industry expansion and attraction in the Capricorn Coast region;
3. undertakes a detailed strengths, weaknesses, opportunities and threats analysis of industry sectors, which identifies potential cluster groups and growth opportunities;
4. undertakes a gap analysis of supply chains to identify potential competitive sectors for attraction to the region;
5. develops a five-year prioritised business and industry development plan for the Capricorn Coast region including:
 - a) employment opportunities (forecast employment numbers by business and industry groups);
 - b) an education and training needs analysis to support future business and industry growth and development, and identifies and addresses skills deficits and shortages;
 - c) prioritised business and industry development opportunities, including business retention, expansion and attraction and taking into account identified skills deficits, current projects being undertaken and the flow on economic impacts; and
6. monitors and evaluates recommendations.

PREVIOUS DECISIONS

There have been no previous decisions regarding the project.

BUDGET IMPLICATIONS

The cost of preparing the Capricorn Coast Region Business and Industry Mapping Project was contained within the budget of Economy and Places. An allowance of \$20,000 was allocated in the 17/18 budget to supplement the \$20,000 Building Better Region's funding

received for the development of the Capricorn Coast Region Business and Industry Mapping Project.

LEGISLATIVE CONTEXT

No is no legislative context relating to the consideration of this matter.

LEGAL IMPLICATIONS

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

STAFFING IMPLICATIONS

The Capricorn Coast Region Business and Industry Mapping Project is the core work for the Economy and Places team.

RISK ASSESSMENT

The risk in not finalising the project is that Council will not meet the funding agreement timelines of the Building Better Regions funding and won't receive the funding allocation.

The other potential risk in not finalising the report is piecemeal economic development investment and attraction activities are undertaken, leading to missed opportunities or miss-guided effort which may not achieve the strategic growth and development that Council desires for the Capricorn Coast region.

CORPORATE/OPERATIONAL PLAN

Strategy EC2 of Council's Corporate Plan states: *'Facilitate, encourage and enable the establishment of businesses and industries and the retention, growth and diversification of existing businesses and industries in suitable locations.'*

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) *Transparent and effective processes, and decision-making in the public interest; and*
- (b) *Sustainable development and management of assets and infrastructure, and delivery of effective services; and*
- (c) *Democratic representation, social inclusion and meaningful community engagement; and*
- (d) *Good governance of, and by, local government; and*
- (e) *Ethical and legal behaviour of councillors and local government employees.*

CONCLUSION

The Invest Capricorn Coast Region Business and Industry Mapping Project is completed and the final report is ready for Council endorsement.

The targeted investment strategies contained in this report will be the key instrument guiding Council to implement the investment attraction actions of the *Invest Capricorn Coast Region Economic Development Plan*.

Noting that as the recommendations in the report highlight targeted investment strategies and proponents the report will not be a public document; however, the report will be used for guidance of targeted investment attraction activities by Council.

12.11 DEVELOPMENT APPLICATION FOR A PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE TO VARY THE EFFECT OF THE PLANNING SCHEME FOR RURAL RESIDENTIAL ACTIVITIES AND A NEIGHBOURHOOD CENTRE

File No: D-35-2016

Attachments:

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

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

Author: Madelaine Ward - Senior Planning Officer

SUMMARY

Applicant: Dr Peter Dunbar

Consultant: RPS

Real Property Address: Lot 3 on RP601965, Lot 6 on RP601965, Lot 7 on RP601965, Lot 11 on SP196244, Lot 12 on SP196244 and Lot 19 on RP600698

Common Property Address: Lots 3, 6, 7, 11, 12 and 19 Dawson Road, Glenlee

Area of Site: 33.79685 hectares (combined)

2005 and 2018 Planning Scheme Zone: Rural Zone

2005 Planning Scheme Overlays: Airport Affected Land (Overlay Map O1)
Drainage Problem (Overlay Map O2A)
Bushfire Hazard (Overlay Map O5)

Existing Development: Vacant land

Level of Assessment: Impact assessable

Submissions: One (1) properly made submission in objection

Referral Agencies: Department of Infrastructure, Local Government and Planning – State transport infrastructure and railways
Ergon Energy as Advice agency – proximity to Pandoin Power station

Adopted Infrastructure Charges Area: Outside the Priority Infrastructure Area

APPLICATION PROGRESS:

Pre lodgement meeting:	21 November 2014
Application Properly Made:	18 February 2016
Acknowledgement Notice sent:	3 March 2016
Council extension of Information request period until 4 April 2016:	17 March 2016
Referred to Department of Infrastructure, Local government and	8 March 2016

Planning:	
Referred to Ergon Energy (Powerlink):	7 March 2016
Referred to Rockhampton Regional Council for third party advice:	4 March 2016
Ergon Energy (Powerlink) response received:	23 March 2016
Request for Further Information sent:	6 April 2016
Department of Infrastructure, Local government and Planning: information request sent:	7 April 2016
Request for Further Information (issued by Council) responded to:	7 February 2017
Request for Further Information (DILGP) responded to:	6 February 2017
Department of Infrastructure, Local government and Planning response provided by applicant:	3 April 2017
Notice of Commencement received:	19 February 2017
Submission period commenced:	20 February 2017
Submission period end:	5 April 2017
Notice of Compliance received:	6 April 2017
Extension to Decision stage (until 7 June 2017):	10 April 2017
Amended proposal plan provided:	20 June 2017
Needs analysis provided:	9 November 2017
Draft Local Plan sent to consultant:	21 March 2018
Deputation to Council by applicant:	20 August 2018
Applicant response to submitter matters received:	6 September 2018
Final draft conditions sent to applicant:	24 October 2018
Applicant's response on draft conditions:	30 October 2018
Council meeting date for resolution:	20 November 2018

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Preliminary Approval for a Material Change of Use to vary the effect of the Planning Scheme for Rural Residential Activities and a Neighbourhood Centre, made by RPS Group on behalf of Dr Peter Dunbar, on Lot 3 on RP601965, Lot 6 on RP601965, Lot 7 on RP601965, Lot 11 on SP196244, Lot 12 on SP196244 and Lot 19 on RP600698, Dawson Road, Glenlee, Council resolves to support the application, despite the conflict with the Livingstone Shire Planning Scheme 2005, by reason of the following planning grounds:

- (a) The subject site is located between two (2) existing development fronts (being Glendale and Rockyview) within the Livingstone Shire Local Government area of a similar settlement pattern and this development provides a logical link for additional 'lifestyle allotments'.
- (b) The proposal does not compromise the achievement of the regional outcomes outlined in the *Central Queensland Regional Plan* in respect to the land identified within the southern portion being within the Priority Living Area.
- (c) The proposal does not compromise the achievement of the *State Planning Policy* in

regards to the relevant state interests of biodiversity, water quality and natural hazards.

- (d) The proposal does not compromise the achievement of the Shire wide outcomes under the *Livingstone Shire Planning Scheme 2005*.
- (e) The proposal is generally consistent with the *Livingstone Planning Scheme 2018* Strategic Framework, being for rural residential activities.

RECOMMENDATION B

THAT in relation to the application for a Preliminary Approval for a Material Change of Use to vary the effect of the Planning Scheme for Rural Residential Activities and Neighbourhood Centre, made by RPS Group on behalf of Dr Peter Dunbar on Lot 3 on RP601965, Lot 6 on RP601965, Lot 7 on RP601965, Lot 11 on SP196244, Lot 12 on SP196244 and Lot 19 on RP600698 Dawson Road, Glenlee, Council resolves to Approve the application subject to the following conditions:

1.0 DEFINITIONS AND INTERPRETATIONS

1.1. In this approval:

- 1.1.1. **Applicant** means Dr Peter Dunbar being the applicant for a preliminary approval affecting the Council's Planning Scheme with respect to the Subject Land.
- 1.1.2. **Approval** means the approval of the Application by the Council.
- 1.1.3. **Application means the Application made by the Applicant** to the Council on 18 February 2016 over the Subject Land for a Preliminary Approval varying the effect of Council's Planning Scheme for Rural Residential Activities and a Neighbourhood Centre.
- 1.1.4. **Capricorn Municipal Development Guidelines** means a document adopted by Council containing guidelines and standards for development, as amended from time to time.
- 1.1.5. **Conditions** mean the conditions of this approval including any attachment referred to in these conditions.
- 1.1.6. **Council** means the local government authority having jurisdiction over land use and development on the subject land.
- 1.1.7. **Developer** means Dr Peter Dunbar or the registered proprietor and any occupier of the Subject Land.
- 1.1.8. **Infrastructure** means infrastructure reasonably required to service the proposed development including roads (internal, external and access), parks, open space and conservation areas, water and sewerage services, stormwater drainage and community facilities.
- 1.1.9. **Schedule of Plans for Trunk Infrastructure** means the infrastructure schedules mentioned in Council's *Adopted Infrastructure Charges Resolution (No. 2) 2015* or any other charges resolution which replaces it.
- 1.1.10. **Sustainable Planning Act 2009** means the *Sustainable Planning Act 2009* as amended from time to time.
- 1.1.11. **Subject Land** means Lot 3 on RP601965, Lot 6 on RP601965, Lot 7 on RP601965, Lot 11 on SP196244, Lot 12 on SP196244 and Lot 19 on RP600698 situated at Lots 3, 6, 7, 12 and 19 Dawson Road, Glenlee
- 1.1.12. **Planning Scheme** means Council's Planning Scheme adopted on 11 October 2005, as amended from time to time, or any other planning scheme which subsequently replaces the *Livingstone Shire Planning*

Scheme 2005.

1.1.13. **Local Plan Document** means the document titled '*Dawson Road South Local Plan*', listed under condition 3.1 of this approval, which includes the assessment table and development codes being a plan of the proposed development for a Material Change of Use which affects Council's Planning Scheme with respect to the Subject Land, which in particular:

- (i) states what development is:
 - (a) Assessable Development (requiring Code or Impact Assessment); or
 - (b) Accepted Development, subject to requirements; or
 - (c) Accepted Development; and
- (ii) identifies codes for the development.

2.0 ADMINISTRATION

- 2.1. 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.
- 2.2. 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.
- 2.3. All conditions, works, or requirements of this approval must be undertaken and completed to Council's satisfaction, at no cost to Council.
- 2.4. Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council.

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1. 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/DocumentName</u>	<u>Reference</u>	<u>Dated</u>
Preliminary Approval Plan	Reference 118314-13 Revision I	4 July 2017
Release Sequence Plan	Reference 118314-23 Revision B	9 December 2016
Landscape Master Plan Report	11979_DA_MASTERPLAN L1.1 Revision 01	25 October 2016
Dawson Road South Local Plan (inclusive of the Preliminary approval plan and release sequence plan)	Revision D	September 2018
Glenlee – Dawson Road Rural Residential lots – Needs Analysis	181314-3 V 2.0	30 October 2017

Amended Traffic Response	R2014023 (Attachment I)	2 February 2017
Masterplan – Flooding and Stormwater Management Assessment	J14017 (Version 2) (Attachment J)	17 January 2017
Water Supply Network Analysis Report	Dunbar development – water analysis 170419	20 April 2017

3.2. 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.

3.3. 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 the first application for a Development Permit over the subject land.

4.0 REQUIRED DEVELOPMENT PERMIT(S)

4.1. Other development permits which are necessary to allow the development to be undertaken are listed below and these Conditions do not affect the need to obtain such permits, namely:

4.1.1. Development permit(s) for Reconfiguration of a Lot;

4.1.2. Development permit(s) for Material Change of Use (where required);

4.1.3. Development permit(s) for carrying out Operational Work (where required);

4.1.4. Development permit(s) for all necessary Plumbing and Drainage Works; and

4.1.5. Development permit(s) for carrying out Building Work.

4.2. A Development Permit for Operational Works, Plumbing and Drainage Works or Building Works for development associated with this Approval must not be issued prior to the receipt of the relevant Material Change of Use development permit(s).

5.0 PLANNING FRAMEWORK

Preamble - This is a preliminary approval for a Material Change of Use to vary the effect of Council's Planning Scheme under Section 242 of the Sustainable Planning Act 2009 for Rural Residential Development and a Neighbourhood Centre for Business Activities in accordance with the proposed Dawson Road South Local Plan (the Local Plan Document).

The Local Plan Document is an independent document which is the sole reference for the determination of any application over the Subject Land for a Material Change of Use or a Reconfiguration of a Lot in accordance with this approval. The subject land must be developed generally in accordance with the approved Local Plan Document (refer to condition 3.1).

5.1 To remove any doubt:

5.1.1 any development on the Subject Land which is not identified in the Dawson Road South Local Plan must be:

- (i) if it is a Material Change of Use – impact assessable (pursuant to the Level of Assessment Table in the Dawson Road South Local Plan); or
- (ii) for all other forms of development – subject to the level of assessment

established in the Planning Scheme or the *Planning Regulation 2017*; and

- 5.1.2 any development on the Subject Land which is identified in the Dawson Road South Local Plan and which conflicts with the purpose of the applicable codes or conditions of this Approval, must be:
- (i) if it is a Material Change of Use – impact assessable; or
 - (ii) for all other forms of development – subject to the level of assessment established in the Planning Scheme or the *Planning Regulation 2017*.
- 5.2 The design and layout of all works must be generally in accordance with appendix 7.1.7.1 of the Dawson Road South Local Plan – Preliminary Approval Plan dated July 2017.

6.0 RELEVANT PERIOD

- 6.1. The relevant period for this Preliminary Approval is ten (10) years from the date the approval takes effect.

7.0 STAGED DEVELOPMENT

- 7.1 Infrastructure must be provided by the developer in a co-ordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence.
- 7.2 Multiple development stages may be undertaken concurrently, provided all allotments can be connected to the full range of urban infrastructure.
- 7.3 Infrastructure (for example: road, property accesses, water, sewer, services) must be provided (if necessary) to the development or lots or stage boundaries for connectivity and to facilitate ease of extension of these Infrastructure during future stages.

8.0 INFRASTRUCTURE CHARGES

Preamble – In order for development to proceed, infrastructure must be available (or be capable of being made available) to service the development proposed on the Subject Land.

- 8.1 Infrastructure must be provided by the Developer in a co-ordinated and a planned manner having regard to the staging of the development in a logical and orderly sequence.
- 8.2 Pursuant to Chapter 8, Part 2 of the *Sustainable Planning Act 2009*, the Developer may enter into an Infrastructure Agreement with Council, which specifies the development obligations relating to infrastructure for future development of the site.

The Infrastructure Agreement must incorporate (but not be limited to) the following principles:

- 8.2.1 infrastructure works to be undertaken; and
- 8.2.2 logical and orderly staging of works including applicable yield triggers requiring the 'bring forward' of certain works; and
- 8.2.3 an agreed cost of infrastructure constructed and provided by the Developer to be offset against charges due to be paid.

The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer. The agreed repayment date must be negotiated between Council and the Developer as part of the Infrastructure Agreement process.

9.0 EXTERNAL ROADS WORKS – TRUNK

- 9.1 A minimum thirty (30) metre wide road reserve for the portion of McLaughlin Street

extension within the subject site (including a road reserve area required for the McLaughlin Street / Dawson Road intersection) must be dedicated to Council prior to the endorsement of any plan of subdivision for the development. The alignment of McLaughlin Street must be generally in accordance with the existing trunk road.

- 9.2 The McLaughlin Street (full width) section located within the development must be designed and constructed including all necessary stormwater infrastructure and street lighting to comply with all requirements for road classification of a “Rural Major Collector” in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 9.3 The McLaughlin Street/Dawson Road intersection must be designed and constructed including all necessary stormwater infrastructure and street lighting at each relevant stage of development. The intersection type must be supported by a traffic impact report including the ultimate development stage. Minimum intersection treatment type must be Basic Auxiliary Right (BAR) and Basic Auxiliary Left (BAL) in accordance with *Austrroads Guide to Road Design: Part 4A “Unsignalised and signalised Intersection”*.
- 10.0 EXTERNAL ROADS WORKS – NON TRUNK
- 10.1 The full width of the Dawson Road frontage (approximately three (3) kilometres in length) including the section up to the eastern most edge of the railway level crossing must be upgraded to a “Major Rural Collector” standard in accordance with the requirements of the *Capricorn Municipal Development Guidelines* including pedestrian pathways, lighting (if necessary) and all drainage infrastructure prior to the endorsement of any plan of subdivision for the 100th allotment.
- 10.2 A revised SIDRA analysis and specific lane configuration design must be provided to demonstrate safe and efficient function of the recommended intersection treatments. Specifically, details must demonstrate there are no adverse impacts on Dawson Road or Greenlake Road in terms of efficiency and safety prior to the endorsement of any plan of subdivision for the relevant stages.
- 10.3 No more than one (1) road access point is permitted to the McLaughlin Street corridor unless otherwise approved by Council.
- 10.4 The intersection treatment type between McLaughlin Road and the proposed internal development road must be designed in accordance with *Austrroads Guide to Road Design: Part 4A “Unsignalised and Signalised Intersection”*.
- 10.5 The primary access to Dawson Road intersection must be designed and constructed including all necessary stormwater infrastructure and street lighting, prior to the endorsement of any plan of subdivision for the development. The minimum intersection treatment must be a Basic Auxiliary Right (BAR) and Basic Auxiliary Left (BAL) in accordance with *Austrroads Guide to Road Design: Part 4A “Unsignalised and Signalised Intersection”*.
- 10.6 Prior to the endorsement of the final lot of subdivision for the development, the Dawson Road intersection must be upgraded to include a separate left turn lane into the development site.
- 10.7 The intersection between proposed north–south link collector road located along the southern property boundaries of the development site and Hendy Drive must be designed and constructed including all necessary stormwater infrastructure and street lighting prior to the endorsement of any plan of subdivision for any lot within proposed Stage Four (4).
- 11.0 INTERNAL ROAD WORKS
- 11.1 The part of the proposed north-south link collector road located within the development site must be designed and constructed including all necessary stormwater infrastructure, public transport infrastructure and street lighting to comply with all requirements for road classification of an “Urban Major Collector” in

accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

12.0 WATER WORKS

- 12.1 The 300 millimetre diameter trunk water main identified along Dawson Road and proposed McLaughlin Street road reserve must be designed and constructed including the strategic loop south to Ramsay Creek generally in accordance with any approved water network analysis report prior to endorsement of any plan of subdivision for any lot within proposed Stage Two (2).

The subject trunk water works can be undertaken in two (2) stages as below;

- 12.1.1 Stage 1: Dawson Road and northern part of McLaughlin Street (from Bruce Highway 600 millimetre Trunk main, along Dawson Road to McLaughlin Street new intersection, plus south along McLaughlin Street to subdivision intersection)
- 12.1.2 Stage 2: McLaughlin Street extended (close the loop from McLaughlin Street subdivision intersection to Ramsay Creek – strategic loop)

13.0 STORMWATER DRAINAGE WORKS

- 13.1 Suitably sized drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by the Defined Flood Event) and major drainage systems inclusive of Southerland Creek floodplain to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event (DFE) and be located within freehold land, prior to the endorsement of any plan of subdivision for the development.
- 13.2 Any development within proposed Stage Nine (9) is subject to the approval of a detailed Flood and Stormwater Management Report given the is identified as being inundated by the Defined Flood Event. The Flood and Stormwater Management Report must be submitted as part of a Development Permit application for any proposed Stage Nine (9) lots.
- 13.3 The development footprint and any bulk earth works adjacent to Southerland Creek must avoid the natural alignment of the Creek and associated riparian corridor.

14.0 ASSET MANAGEMENT

- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 14.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 14.3 '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 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.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under *Section 23 of the Aboriginal Cultural Heritage Act*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of

care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au.

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety of Public During Construction

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

BACKGROUND

On 18 February 2016, RPS on behalf of Dr Peter Dunbar, lodged a development application for a Preliminary Approval for a Material change of use to vary the effect of the Planning Scheme for Park residential zone and Business zone uses. The *Livingstone Shire Planning Scheme 2005* identifies the land as being within the Rural zone.

At the Council meeting of 23 June 2015, Council approved, the first stage (comprising three (3) sub-stages) of subdivision under Development Permit D-26-2015 for Reconfiguring a Lot creating forty-seven (47) lots of approximately 4,000 square metres each. This development approval also includes a Material Change of Use for a dwelling house to be sited on each allotment, subject to siting conditions.

The preliminary approval application now seeks to expand the initial development area and this application was lodged alongside the final drafting stages of a new planning scheme. The applicant was advised to consider a preliminary approval, in place of small piecemeal sub-stages of reconfiguring a lot application(s), in order for Council to consider the development holistically.

COMMENTARY

The application seeks a Preliminary Approval for a Material change of use to vary the effect of the *Livingstone Shire Planning Scheme 2005*, pursuant to section 242 of the *Sustainable Planning Act 2009*.

The proposal is for a park residential (rural residential) development with a pocket of business land at the entry to the estate off Dawson Road. The proposal also includes provisions for a commercial neighbourhood centre with up to 1,000 square metres of Gross Floor Area, aligned to Dawson Road.

Development	Land area (hectares)	Yield (lots)
Precinct 1 – 4,000 square metre lots	226.68	566
Precinct 2 – 2 hectare lots	18.78	9
Neighbourhood centre lot	0.40	N/A
Open Space	17.26	
Waterway Corridor	39.98	
Indicative Road	34.64	

From a strategic infrastructure perspective, the proposal involves;

- Realignment of Dawson Road to Bruce Highway and intersection upgrades.
- Pedestrian railway level crossing upgrades.
- Primary access from Dawson Road (Major Rural Collector).
- Secondary access road via Hendy Drive (Primary Rural access) under the railway overpass.
- Emergency access route through Dawson Road/McLaughlin Street.
- Establishment of new public trunk and non-trunk roads, including internal local roads and major collector road traversing the property.
- Bridge crossings over Sutherland Creek.
- Water connections to all allotments at a future stage.
- Provision for on-site sewer servicing.

A preliminary approval overrides the provisions of the zone that would ordinarily apply to the land as prescribed by the planning scheme. To this extent, Council may approve a development plan (essentially a master plan for the site), and whilst such an approval authorises certain assessable development to take place (in this instance development for Dwelling houses) the residential uses cannot occur until subsequent reconfiguring a lot and operational works applications are made to and decided by Council. The conditions of an approval, including an approved Local Plan, set out the future requirements for development of the area which apply in lieu of the planning scheme provisions.

Dawson Road South Local Plan

The Local Plan allows for self-assessment solutions for dwelling houses, secondary dwellings and home based businesses within the Rural Residential Zone (Precinct 1 and 2) as well as self-assessment solutions for Business Activities if within an existing tenancy and Code assessment for new tenancies or cumulative business activities which do not exceed 1,000 square metres of Gross Floor Area. The Business activities envisaged to locate within the Neighbourhood Precinct include a Food and drink outlet, Sales office, Shop and Shopping centre (less than three tenancies). It should be noted that the land designated for these commercial uses is currently approved for Park residential size allotments and a future application will be necessary to ensure appropriate siting and design in terms of lot layout, infrastructure provision, access and parking.

SITE AND LOCALITY

The site has one major drainage channel running from the west to the east of the site, parallel to Dawson Road this connects with a watercourse running north to south that has various connected drainage channels. The watercourse is a tributary of Sutherland Creek, which flows into the Fitzroy River approximately four (4) kilometres from the site. The site is undulating with the highest point reaching approximately forty-five (45) metres Australian Height Datum in the south eastern corner of the land. The site gains access from Dawson Road, with a three (3) kilometre frontage. The primary entrance to the development will be completed as part of previously approved Development Permit D/26-2015 for Reconfiguring a Lot. A secondary frontage is found on Hendy Drive, to the west of the site which is proposed to be constructed as part of Stage Eight.

Glenlee is located to the north of Rockhampton, and approximately eight (8) kilometres from the Rockhampton central business district. The locality comprises small scale rural lots and previously subdivided park residential lots. The suburbs to the north of Rockhampton are considered a growth corridor as identified within the *Rockhampton City Plan 2015*. A number of estates have been approved including the Edenbook and Ellida developments located to approximately four (4) kilometres to the south.

The locality north of Dawson Road is characterised primarily by park residential style development and larger rural land holdings. The site also abuts Pandoin Power Station,

under jurisdiction of Power link. The North Coast Railway crossover is found directly adjoining the eastern side of the subject site, transecting Dawson Road. Four (4) kilometres to the south of the subject site is the Rockhampton Local Government Area that is characterised by a mix of land uses including rural land, low density residential estates and industrial land uses closer to the locality of Parkhurst.

MATTERS FOR CONSIDERATION

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 the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Rural residential needs analysis provided by RPS

Given the proposal is for a preliminary approval for park residential zone and business zone uses on a site which is zoned rural, the applicant must demonstrate a planning need for the proposal in the context of the locality in which it is located. Accordingly, RPS provided an amended Economic Assessment on 16 January 2017 in response to Council's information request. An additional memo was provided to Council on 26 May 2017, in brief this memo surmises:

- The population of Livingstone Shire is projected to increase by an additional 19,088 people by 2036.
- At an average household size of 2.5 persons, this equates to a demand for an additional 7,650 dwellings within the Shire by 2036.
- At a supply rate of twenty (20) per cent of the total stock, demand for rural-residential scale development is estimated at 1,530 dwellings within the Shire by 2036.

Council officers requested an amended needs analysis be undertaken to support the amended yield of 566, 4,000 square metre allotments and nine (9), two (2) hectare allotments. On 11 November 2017, the applicant provided a Rural residential needs analysis which included the following findings:

- Within Livingstone Shire, thirty-three (33) per cent of lots between 2,500 square metres and ten (10) hectares in size are located within Glenlee-Rockyview SA2.
- Livingstone Shire currently has eleven (11) years of land supply for Rural residential sized allotments located primarily around Yeppoon and Emu Park based on the 2012 Broad hectare report.
- The proposed yield represents approximately seven (7) years of the regional demand for rural residential land.

The analysis concludes that market demand for the proposal is based upon;

- A lack of regional supply in rural residential size allotments.
- Proximity to major services and employment to the south.
- Increased demand for home based business, residential choice and diversity.

Council officers have not requested an independent review of the needs analysis provided but have undertaken a land supply summary as part of the 2018 planning scheme drafting. The primary findings of this analysis indicate a sufficient supply of rural residential size allotments through both appropriate zoning and existing approvals for the next ten (10) years. These findings include;

- 655 rural residential lots created within the Shire since the commencement of the *Livingstone Shire Planning Scheme* (17 October 2005).

- Potential rural residential sized allotments are primarily provided within The Caves, Tanby, Barmaryee and Inverness.
- Within the Shire, there is potential for up to 597 rural residential sized allotments which are appropriately zoned within the planning scheme and an additional 105 lots which are approved (however not zoned) and not developed to date which are able to adequately meet the demand demonstrated over the last 10-15 years for the life of the planning scheme.

The most recent Queensland Government Statistician's Office projections indicate that the medium series utilised for the drafting of the zone allocations is to be revised down slightly projecting an additional 277 people within the Glenlee-Rockyview area by 2041. This finding neither supports nor invalidates the proposal but should be considered when deciding this application as instead of a potential approval offering precedence for the continuation of this form of development within the Shire, it would instead indicate the supply is more than adequate to cater for future demand and there is not considered adequate growth to cater for a large number of additional allotments. For this reason, Officers recommend an increased currency period for which the development may commence and will consider sub-staging as appropriate.

Internal assessment and advice

Infrastructure Operation Unit Comments – 25 July 2018

Support, subject to conditions.

Environmental Health Comments – 29 February 2016

No comments.

Natural Resource Management Comments – 30 March 2017

No comments.

Strategic Planning Comments – 23 August 2017

“The northern portion of the Preliminary Approval Plan is considered appropriate for the kind of development proposed – Park Residential lots without sewer. Generally, stage 1, 6 and 9 with a portion of stage 2 and stage 3 immediately adjacent to the proposed collector road are considered appropriate and would reflect the states advice received in the last several weeks to inform the planning scheme submissions. This approach would be a change to the current application plans

This form of development is not required nor is it proposed to be connected to sewer. This form of development is required to be and proposes to be connected to reticulated water. This area is outside of the PIA as it is not planned for all 5 networks to be provided in this location.

The remainder of the site, south of the area mentioned above is also proposed for park residential style lots. This will not be supported by the advice provided by an independent consultant who is advising the state (The Department of Infrastructure Local Government and planning) regarding growth at Glenlee, north of Ramsay Creek. Their preference is tending more towards urban residential development to cater for growth beyond the capacity of areas in the north of the Rockhampton Regional Council area. The advice sought from the states position on the two properly made submissions that we received on the draft planning scheme is generally reflective of this statement.

The larger 2ha lots adjacent to the north coast railway, with the reduced amenity in this area, this not a bad solution to this encumbrance.

The proposed lot size does reflect the form of development in the immediate locality and does service a demand for this kind of development.

The proposed neighbourhood centre at the location indicated should remain as more strategic in nature and should be based on a detailed siting code and requiring impact assessment addressing the purpose code statements."

State Planning Policy – July 2014

Part E of the State Planning Policy provides for interim development assessment provisions 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 involve any common private title or fire hydrant requirements at this preliminary stage.

Mining and extractive resources: Not applicable as the site is not identified as containing any known resources.

Biodiversity: The subject site is identified as containing Regulated Vegetation which intersects a watercourse. As the proposal provides for material change of use other than a dwelling house, an assessment against the following interim code is necessary.

Development:	
(1) enhances matters of state environmental significance where possible, and	Complies The preliminary proposal plan submitted with this application identifies a Waterway Corridor of 38.98 hectares. It is understood that the regulated vegetation which insects the watercourse is included within this area. In the future development of the site, this area may be included within a freehold allotment where a suitable proportion of at least 4000 square metres is free from the identified hazard line. This is preferable from a Council maintenance perspective given the distance between the development.
(2) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and	
(3) manages the significant adverse environmental impacts on matters of state environmental significance by protecting the matters from, or otherwise mitigating, those impacts.	

Coastal environment: Not applicable as the subject site is not located near the coastline.

Water quality: Livingstone Shire Council are is identified as a climatic region, within which stormwater management design objectives are vital considerations of development. Given the proposal involves a land area greater than 2500 square metres that will result in six or more dwellings, an assessment against the following interim code provisions is necessary.

Development:	
(4) avoids or otherwise minimises adverse impacts on the environmental values of receiving water arising from: (a) altered stormwater quality or flow, and (b) water (other than contaminated stormwater and sewerage), and (c) the creation or expansion of non-tidal artificial waterways, and	Complies The flood report submitted indicates (for the catchment conveying runoff to Sutherland/Belmont Creeks) that while the local site flows may increase due to the development, the impacts on the main watercourses are small reductions in peak flows. The small reduction is due to the location of the development in the lower reaches of the larger catchment and the decrease in the local developed catchment response times which further removes the respective times to peak of the contributing
(5) complies with the SPP Code: Water quality.	

	<p>catchments.</p> <p>As such, the development is not considered to result in an increase in flows downstream; it is not proposed to provide specific on-site detention basins across the development at future subdivision stages.</p>
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Emissions and hazardous activities: Not applicable as the proposal does not involve emissions and/or hazardous activities.

Natural hazards: The majority of Lot 19 is identified as being within the level 1 flood hazard area whilst a large portion of Lot 11 is identified as containing a medium potential for bushfire intensity. Accordingly, an assessment against the following interim code provisions is necessary.

<u>For all natural hazards:</u>	
Development:	
(1) Avoids natural hazard areas or mitigates the risks of the natural hazard to an acceptable or tolerable level, and	<p>Complies</p> <p><u>Bushfire hazard</u></p> <p>Despite the bushfire hazard mapping, the site is relatively clear of vegetation and topography which is generally considered to increase the risk/hazard of bushfire. The risk or the hazard in this location is considered to be at a tolerable level for the preliminary nature of the proposal. Regardless, the developer/applicant must provide a Bushfire Management Plan as part of any related development application for Reconfiguring a lot or Material change of use.</p> <p><u>Flood hazard</u></p> <p>A large portion of the subject site is identified as being a flood hazard area. This area is wholly located within Stage nine of the development as is subject to further hydraulic investigation. Council engineers requested the applicant provide layouts showing one (1) per cent (%) Annual Exceedance Probability pre and post development inundation extents to define the overall easement extents (land inundated by Defined Flood Event). Council engineers advise that the local sub catchments to be developed are located within the upper reaches of each catchment area and therefore the change in catchment response times does not result in reductions to the ultimate peak flows discharging the site boundaries.</p>
(2) Supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and	
(3) Directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and	
(4) Avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and	
(5) Maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard	

State transport infrastructure: Not applicable as the site is not located within 400 metres of a public passenger transport facility or a future public passenger transport facility,

Strategic airports and aviation facilities: Not applicable as the subject site is not in proximity to any identified aviation facilities.

Central Queensland Regional Plan

The *Central Queensland Regional Plan* commenced in October 2013 and is not appropriately reflected within the *Livingstone Shire Planning Scheme 2005*. The regional plan aims to provide policy direction for decision making for the co-existence of extractive/mining industry, agriculture and priority living areas. In this regard, Regional Policy Four is applicable to the development given a portion of the site is located within a Priority Living Area.

Regional Policy	Officer 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).	Complies A small portion of the subject site (being the most south eastern portion of land) is identified as being within the Rockhampton Priority Living Area although this area is unlikely to be developed in the short to medium term. The development of the land in a settlement pattern similar to the existing condition is conducive to its identification as a Priority Living Area. The provisions of the Local Plan allow for flexibility for the creation of allotments below the proposed 4,000 square metres and two (2) hectare sizes, subject to an impact assessable development application.
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

Given the date of lodgement, the *Livingstone Shire Planning Scheme 2005 (Reprint 6)* is the relevant scheme for assessment. The following is a performance based assessment against these provisions considering the preliminary nature of the proposal and noted deviations from the Zone requirements.

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: Despite the rural setting, the subject site is not identified as containing significant natural features. Specifically, the property is relatively flat and clear of vegetation. The site is traversed by a dry creek bed, this feature is not a mapped waterway. This area is located wholly within Stage two and will be subject to a significant drainage easement

- (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 located outside the Priority Infrastructure Area. Connection to this infrastructure will be provided by the developer and the additional demand expected to be generated by this development will not adversely affect the quality and quantity of water available in the shire, subject to the trunk works conditioned in the recommendation being carried out. In addition, the Local Plan requires a Water Network Analysis be provided upon lodgement of each related development application for Reconfiguring a Lot.

- (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: Although portions of the subject site are identified as containing drainage problem and bushfire hazard, these hazards are able to be appropriately mitigated into the future through further investigations in areas which may pose a higher risk, such as proposed Stage 9 in terms of hydrology which is subject to future investigation. The Bushfire risk is considered tolerable given the aspect, slope and existing vegetation and this is assessed further within the Natural Features Code.

- (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 is not identified as containing any significant economic values relating to agricultural land, vegetation, water or extractive and mineral resources.

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

Complies in part: The proposal is supported by a needs analysis which demonstrates the development provides for an additional seven years of demand for this particular land size. The scale of this development therefore warrants a neighbourhood centre of the scale proposed. These elements are tightened by the provisions of the Local Plan to ensure that the settlement pattern is in keeping with surrounding development and the reasonable expectations of the surrounding community.

- (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 offer any significant short or medium term opportunities for employment within 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 adversely impact the tourism industry within the Shire given the rural locality within which it is located and being intended for long term residential living.

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

Complies: The subject site is not within proximity to the Yeppoon main business centre and as such it is unlikely that present or future residents of the locality will utilise Yeppoon as the main place of business given proximity of the Rockhampton Central Business District and more recent commercial expansion of the Parkhurst Town Centre, with a gross floor area of approximately 8,500 square metres. As such, the primary commercial needs of the development are anticipated to be met by existing centres within Rockhampton and may be supplemented by a future commercial complex in the form of a neighbourhood centre as supported by the Local Plan, limited in scale and use to convenience shopping needs of the immediate community.

- (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 has direct frontage to Dawson Road to the north and the Bruce Highway to the east, both higher order roads considered appropriate for the number of allotments anticipated in the future. There is to be no direct vehicular access to either road from an allotment with an upgrade to the Dawson Road intersection with the Bruce Highway necessary as a result of the development. The local street network is envisaged to provide for a single intersection to Dawson Road with street network orientated internally and subject to future development applications for Reconfiguring a Lot.

- (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 subject site is located within the Rural Zone, within which, development of the lot sizes proposed is not identified as being preferred for the zone. Despite this, the land is strategically located between two existing rural residential areas of Rockyview and Glendale and is considered a logical continuation of this settlement pattern. In this regard, the standard of service expected will be for that consistent with rural residential development, without the requirement for sewer. In all other regards, the development will be required to connect to infrastructure at the time of development through a related application for operational works given the site is located outside the Priority Infrastructure Area.

- (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 nature of the preliminary approval will not introduce any aspect of development which is can be considered to adversely impact upon health and safety. The requirement for future related application will ensure that the development is in accordance with the relevant standards of the time of development. The scale and nature of the proposal is considered to be consistent with the existing Rural residential areas and will not adversely impact the amenity enjoyed within these neighbourhoods.

- (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 between two existing park residential style localities, being Glendale to the north and Rockyview to the east. Therefore, this form of development, being for 4,000 square metre allotments, regardless of planning need or market demand, is arguably an expected form of development within the locality and is in keeping with the lifestyle opportunities currently offered.

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

Not applicable: The subject site is not identified as containing any known historic features valued by the community.

The performance assessment of the proposal demonstrates that the development has the potential to compromise the achievement of the Planning Scheme Shire Wide Desired Environmental Outcomes however sufficient justification has been provided where a compromise is expected.

Rural Zone Code Requirements

The Overall Outcomes applicable to the Rural Zone are set out at section 3.3 of the scheme as follows:

- (a) *The purpose of the Rural Zone Code is the achievement of the overall outcomes sought for the Rural Zone.*
- (b) *The overall outcomes sought for the whole of the Rural Zone are:*
 - (i) *Land used for rural activities such as grazing, agriculture and horticulture is protected from development, which in Council's opinion would significantly infringe on the landscape setting and rural amenity of the Shire;*
 - (ii) *Land with productive capacity is preserved for a range of existing and emerging agricultural activities significant to the economy of the Shire;*
 - (iii) *Large tracts of bushland identified as having significant environmental value are protected from development;*
 - (iv) *Agriculture, including both extensive and intensive activities is protected from land use conflicts resulting from the location of non-rural activities on rural land;*
 - (v) *Uses and works are located and designed to maximise the efficient use and extension and safe operation of infrastructure;*
 - (vi) *Residential purposes are ancillary to the primary rural purposes in the rural area; and*
 - (vii) *Mineral and extractive resources and transport routes associated with resources are protected from incompatible development.*

The consistent and inconsistent land uses in the Rural zone are as follows:

- O1 (a) *Only uses consistent with the overall outcomes for, and preferred for development within the Rural zone are established in the zone.*
- (b) *The following uses and use classes are consistent with, and preferred within the Rural zone:*

(i) *All Rural Purposes*O2 *Provided the following uses are developed:*

- *to be compatible with surrounding Rural Purposes by being of similar scale, intensity and character, and*
- *to support preferred uses, and*
- *to not adversely affect the amenity of the locality; or*
- *to provide recreational or community facilities that are more appropriately located in the rural area;*

they are consistent uses within the Rural zone:

(a) *Residential Purposes comprising:*

- a. *a single dwelling house per lot,*
- b. *Home-based business,*
- c. *Host farm.*

(b) *Arts and craft centre,*(c) *Extractive industry,*(d) *Garden centre,*(e) *Landscape supplies,*(f) *Local utility,*(g) *Major utility,*(h) *Outdoor recreation, and*(i) *Telecommunications facility (medium impact)*O3 *Uses other than:*

- *preferred uses nominated in O1, or*
- *consistent uses developed to comply with the provisions set out in O2;*

do not establish in the Rural Zone, do not comply with the overall outcomes sought for the Rural Zone and conflict with this code.

The proposal is for development of park residential and business uses which cannot be considered a consistent use within the Rural Zone. Council should note however, that pursuant to Section 326(b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the Planning Scheme if there are sufficient grounds to justify the decision despite the conflict.

Sufficient grounds of justification are as follows:

- (a) The subject site is located between two (2) existing development fronts (being Glendale and Rockyview) within the Livingstone Shire Local Government area of a similar settlement pattern and this development provides a logical link for additional 'lifestyle allotments'.
- (b) The proposal does not compromise the achievement of the regional outcomes outlined in the *Central Queensland Regional Plan* in respect to the land identified within the southern portion being within the Priority Living Area.
- (c) The proposal does not compromise the achievement of the *State Planning Policy* in regards to the relevant state interests of biodiversity, water quality and natural hazards.
- (d) The proposal does not compromise the achievement of the Shire wide outcomes under the *Livingstone Shire Planning Scheme 2005*.

- (e) The proposal is generally consistent with the *Livingstone Planning Scheme 2018 Strategic Framework*, being for rural residential activities.

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 326(b) of *Sustainable Planning Act 2009*, there are considered to be sufficient grounds to justify a decision that favours 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.

Park Residential Zone Requirements

The Overall Outcomes applicable to the Park Residential Zone are set out at section 3.5 of the scheme as follows:

- (b) *The purpose of the Park Residential Zone Code is the achievement of the overall outcomes sought for the Park Residential Zone.*
- (c) *The overall outcomes sought for the whole of the Park Residential Zone are:*
- (i) *Development for low density residential purposes;*
 1. *is clustered within a rural or natural landscape setting, and*
 2. *is integrated with the natural environment facilitating resident's enjoyment of rural amenity and lifestyle, and*
 3. *does not adversely impact on good quality agricultural land,*
 4. *does not adversely impact on the environmental values of the site and its surroundings or;*
 5. *does not adversely impact on existing open space networks*
 - (ii) *Uses and works are located and designed to maximise the efficient use and extension and safe operation of infrastructure;*

The consistent and inconsistent land uses in the Park Residential zone are as follows:

- O1 (a) *Only uses consistent with the overall outcomes for, and preferred for development within the Park Residential zone are established in the zone.*
- (b) *The following uses and use classes are consistent with, and preferred within the Park Residential zone:*
- (ii) *Dwelling House,*
 - (iii) *Bed and Breakfast,*
 - (iv) *Home Based Business.*
- O2 *Provided the following uses are developed:*
- *to be compatible with surrounding development by being of similar scale, intensity and character, and*
 - *to support preferred uses, and*
 - *to not adversely affect the amenity of the locality.*
- they are consistent uses within the Park Residential zone:*
- (a) Local Utility

The proposed development is for a development form for which is generally consistent with the Overall Outcomes of the Park Residential Zone, with the exception of the Business/Commercial precinct. In this regard, the development yield anticipated is expected to provide sufficient catchment for a small scale neighbourhood centre, developed in accordance with the requirements of the Local Plan, being limited in scale and uses to that which is anticipated for convenience and supplementary shopping.

Rural Zone Code Requirements

Given the preliminary nature of the proposal, the following is an assessment of the proposal is undertaken against only the relevant outcomes of the Rural Zone Code and does not include provisions regarding to built form or character given the preliminary nature of the proposal and the ability for the Local Plan to adequately consider these elements at a future stage of development.

Specific Outcomes		Officer Response
Subdivision Design		
O4	<p>Reconfigured lots are designed and developed with:</p> <ul style="list-style-type: none"> • 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 other hazards. 	<p>Complies with the Specific outcome, despite the non-compliance with Self-assessment solution in regards to minimum lot size.</p> <p>Given the property is located within the Rural Zone, the proposal is unable to meet the minimum lot size of 150 hectares. This forms the basis of the need for a Preliminary approval to override these provisions. In this regard a settlement pattern consistent with the surrounding localities of Glendale and Rockyview is proposed as assessable development (albeit, code assessment) and through which the allotment sizes, road frontages and any necessary easement requirements are able to be adequately assessed and conditioned accordingly.</p>
Cultural Heritage Values		
O5	<p>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.</p>	<p>Complies</p> <p>The subject site is not identified as containing any known mapped areas of cultural heritage significance under Schedule 3 of the Planning scheme.</p>
Flood Immunity		
O6	<p>Development is immune to flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.</p>	<p>Complies</p> <p>The subject site is mapped as containing portions of drainage problem. An assessment by Council engineers identified that the site is traversed by land which may be inundated in an Annual Exceedance Probability 1 and 5 per cent event.</p>
Vehicle Parking and Movement		
O7	<p>Development is provided with an on-site parking and movement system designed and constructed to:</p> <ul style="list-style-type: none"> • be integrated with the site layout 	<p>Complies</p> <p>The proposal contains only preliminary road layouts and is supported by a Traffic Assessment Report given the projected</p>

Specific Outcomes	Officer Response
<p>including:</p> <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 <ul style="list-style-type: none"> • accommodate all modes of transport (including motor vehicles and bicycles) generated by the use; and • facilitate non-discriminatory accessibility; and • 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. 	<p>yield of the development. The Local Plan provides for provisions in regards to street scaping, road hierarchy and lot access consistent with the <i>Livingstone Planning Scheme 2018</i>. In this regard, future development applications for Reconfiguring a lot will be considered assessable development and the provisions of the planning scheme of the day in terms of Operational works will be conditioned accordingly. For example, no direct private access from an individual allotment to Dawson Road will be supported.</p>
Infrastructure	
<p>O8 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:</p> <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. 	<p>Complies</p> <p>The subject site is located outside the Priority Infrastructure Area however is able to be serviced by all necessary infrastructure, with the exception of sewer at this stage. This is in accordance with the desired standards of service for development of a Park Residential nature.</p>

The proposed development is consistent with all components of the Park Residential Zone Code, providing a residential use which is consistent with the amenity intended for this zone.

Business Zone Outcomes

The Overall Outcomes applicable to the Business Zone are set out at section 3.13 of the scheme as follows:

- (a) *The purpose of the Business Zone Code is the achievement of the overall outcomes sought for the Business Zone.*
- (b) *The overall outcomes sought for the whole of the Business Zone are:*
- (i) *Development of business centres is characterised by:*
 - (A) *building layout and form is suitable to accommodate the range of consistent uses, and*
 - (B) *the provision of infrastructure services commensurate with the type and scale of development, and*
 - (C) *premises that are designed, constructed and operated to be sympathetic to the surrounding natural and built environment by:*
 - *integrating existing mature vegetation within landscape design to mitigate adverse visual affects of new buildings on streetscape and the surrounding environment; and*
 - *contributing to the retention or attainment of a desirable streetscape and character; and*
 - (D) *buildings with a high standards of finish contributing to attractive and safe urban spaces;*
 - (ii) *Buildings and structures are not higher than 12 metres;*
 - (ii) *Development for district level functions does not occur outside Yeppoon.*

The consistent and inconsistent land uses in the Business zone are as follows:

- O1 (a) *Only uses consistent with the overall outcomes for, and preferred for development within the Business zone are established in the zone.*
- (b) *Commercial purposes listed in (i) below, in an Area nominated in column 1 of Table 8C that fulfils the specific Centre function identified in Column 2, and does not exceed the Maximum gross floorspace nominated in Column 3 are consistent with, and preferred within the Business zone:*
- (i) *Commercial Purposes for:*
 - *Adult product shop,*
 - *Arts and craft centre,*
 - *Convenience restaurant,*
 - *Garden centre,*
 - *Hotel*
 - *Market,*
 - *Medical centre,*
 - *Office,*
 - *Retail warehouse,*
 - *Restaurant,*
 - *Sales or hire premises,*
 - *Shop,*
 - *Take-away food store,*
 - *Veterinary clinic.*

Table 8C – Centres Hierarchy

Column 1 Area [see Note below]	Column 2 Centre Function ⁸⁰	Column 3 Maximum Gross Floorspace ⁸¹ (m ₂) [see note below]
Area 1	Local	10,000m ²
Area 2	Local	10,000m ²
Area 3	Local Convenience	500m ²

NOTE:

The areas referred to in column 1 of the above table are defined as follows:

- Area 1 – the localities of Yeppoon⁸², Pacific Heights, Barlows Hill, Meikleville Hill, Cooe Bay, Taranganba, Lammermoor, Taroomball, Mulambin, causeway Lake.
- Area 2 – the localities of Emu Park, Kinka Beach, Zilzie

To remove any doubt, for area 1 and area 2, reference in column 3 is made to the sum of all development for commercial purposes in the respective areas, and not to each individual premises for commercial purposes in those areas.

- Area 3 – the villages of Marlborough, The Caves, Keppel Sands, Stanage, Ogmoo, Byfield.

To remove any doubt, for area 3, reference in column 3 is made to the sum of all development for commercial purposes in each respective village, and not to each individual premises for commercial purposes in those villages.

⁷⁹ Refer to the schedule 1, division 1 (3) Commercial Purposes to determine which defined purposes comprise the descriptive term 'commercial purposes'.

⁸⁰ Refer to schedule 1, division 2 for a description of centre functions.

⁸¹ The maximum gross floorspace nominated in column 3 excludes approved development on land that is not zoned Business on the Commencement day.

O2 *Provided the following uses are developed:*

- *to be compatible with surrounding Commercial Purposes by being of similar scale, intensity and character, and*
- *to support preferred uses, and*
- *to not adversely affect the amenity of the locality; or*
- *to provide recreational or community facilities that are more appropriately located in the rural area;*

They are consistent uses within the Business zone:

- (a) *Accommodation building*
- (b) *Caretaker's residence,*
- (c) *Local utility,*
- (d) *Telecommunications facilities (medium impact).*

The aspect of development which requests the inclusion of a neighbourhood centre is limited in scale to that of convenience and supplementary shopping needs and does not extend to the full suite of uses preferred above. In addition, the land uses and requirements drafted within the Local Plan are derived from the Queensland Planning Provisions and more specifically the *Livingstone Planning Scheme 2018* given the likelihood of development being some years into the future.

Special Management Areas Code The subject site is affected by three (3) of the elements within the Natural Features Code: • Bushfire Hazard (Overlay Map O5);

- Drainage Problem (Overlay Map O2);
- Airport Affected Land (Overlay Map O1);

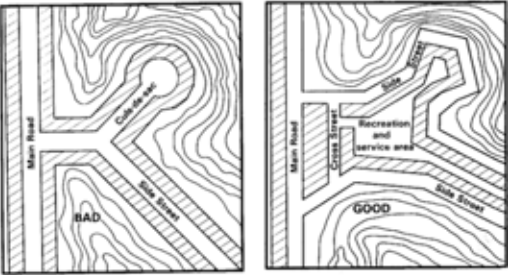
Natural Features Code

The purpose of the Natural Features Code is the achievement of the overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8 as identified in this code.

The overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8 as identified in this code are;

- (i) *that development is managed to protect the significant values of the various natural features and resources in terms of:*
- (ii) *development avoids or minimises, within acceptable levels, risk to the natural or built environment or human health or safety.*

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

Specific Outcomes		Response
Bushfire Hazard Special Management Area		
O5	Public safety, lives and property are not placed at unacceptable levels of risk.	<p>Complies</p> <p>The subject site is identified as containing small portions of bushfire hazard, mostly clustered in the south eastern corner of the site. It is worthwhile to note that the 2018 planning scheme maps the same area as being within Medium Potential Bushfire Intensity. The proposal has not included a Bushfire Management Plan. The Local Plan does not contain any provisions in relation to Overlays and accordingly assessment of this hazard is to be undertaken at the time of future development, subject to the table of assessment for the Bushfire Hazard Overlay located within the 2018 Livingstone Planning Scheme. An assessment of compliance against this hazard is considered premature given the nature of the proposal and ability to undertake assessment at the future stage of development.</p> <p>The subject site is relatively flat at present and vegetation is considered sparse. A bushfire management plan should be requested as part of any subsequent development application for Reconfiguring a Lot within an area which is mapped as containing Bushfire Hazard overlay under the Livingstone Planning Scheme 2018.</p> <p>Road layouts should be informed by the provisions of the Bushfire Hazard Overlay Code under the Livingstone Shire Planning Scheme 2018 as well as any relevant Planning Scheme Policy.</p> <p>Trunk water is located within the Dawson Road and is required to be connected at the Operational works stage under the related permit for subdivision of the initial stages. Subsequent stages to be developed under the Preliminary approval will also be conditioned to connect to water in accordance with the standard of</p>
O6	The highest intensity of use occurs in those parts of the site which are least bushfire prone and limits the intensity of use elsewhere	
O7	Purposes resulting in high concentrations of people on a site (including child care centre, educational establishment, hospital, residential purposes comprising multi-unit long term accommodation and short term accommodation, commercial and industrial purposes) being exposed to unacceptable levels of risk are inconsistent with the outcomes sought for this special management area	
O8	Development is sited and designed to minimise bushfire risk having regard to: <ul style="list-style-type: none"> (a) aspect, (b) elevation, (c) slope, and (d) vegetation 	
O9	Road layouts facilitate easy and safe movement in the event of encroaching fire and provides for alternative safe access if one direction is blocked in the event of fire (Refer Figure A below).	
 <p>Poor design with high fire risk. Hazardous ridge top development has no breaks and obstructs fire fighters.</p> <p>Better design. Ring road system provides a fire break and access for fire fighters.</p>		

Specific Outcomes		Response
O10	A sufficient supply of water is available for fire-fighting purposes	service for Park Residential development.
Drainage Problem Special Management Area		
O18	Development levels are set above the design flood level to reduce property damage and, where applicable, ensure public safety.	<p>Complies</p> <p>The subject site is identified as containing portions of drainage problem. A drainage easement is to be dedicated over all major overland flow paths (land inundated by the Defined Flood Event) as part of any future application for reconfiguring a lot. Any development application over land identified within proposed Stage Nine must be supported by a detailed flood and stormwater management reporting, endorsed by Council. It is noted that the Drainage problem overlay under the 2018 scheme provisions is an information only layer and is not a trigger for development assessment.</p>
Airport Affected Land Special Management Area		
O20	(a) The safety of aircraft and operational efficiency of the Rockhampton Airport is not adversely affected by development located in the Airport Affected Land special management area.	<p>Complies</p> <p>The site is identified as being airport affected land given proximity to Rockhampton Airport. Under the Livingstone Planning Scheme 2018, the land is identified as being within the Obstacle limitation surface and the wildlife hazard buffer zone (13 km). The Local Plan does not contain any provisions specific to this overlay and accordingly, does not override the provisions of the planning scheme in force at the time of development. A preliminary assessment against the 2018 code provisions for this overlay confirms the development does not compromise the purpose of the code and is able to comply with all applicable performance outcomes in regards to land uses envisaged, building height anticipated and is not considered to result in any obstruction into the obstacle limitation surface.</p>
	(b) Development for the following activities does not occur in the Airport Affected Land special management area, does not comply with the overall outcomes sought for the special management area and conflicts with this code:	
	(c) New uses or works are no higher (either temporarily or permanently) than the heights illustrated on PSM 9 – Building Heights in the vicinity of Rockhampton Airport.	

Specific Outcomes	Response
(d) New uses or works are not a hazard to aircraft by generating gaseous plumes or airborne particulates such as steam, dust, smoke, ash or other pollutants that penetrate above the heights illustrated on PSM 9 – Building Heights in the vicinity of Rockhampton Airport; and	
(e) Development does not involve lighting that: <ul style="list-style-type: none"> (i) Shines light above the horizontal; or (ii) Is coloured or flashing; or (iii) Comprises sodium lights or flare plumes; and (iv) Is arranged in straight parallel lines 500 metres to 100 metre long. 	

As evident from the above assessment, the proposal complies with the various requirements of the Natural Features Code in regards to bushfire hazard, drainage problem and airport affected land. All future development must consider the tables of assessment and codes relevant to the overlays identified under the Livingstone Planning Scheme 2018.

Livingstone Shire Planning Scheme 2018

Considering the timing of a decision on the subject applications, the 'Coty principle' has been utilised to ensure decision making is consistent with new policy direction. The Coty principle arises from the case of *Coty (England) Pty Ltd –v- Sydney City Council* (1957) which provides that weight may be given to a new planning document (which arises after the lodgement date of a subject application), depending on how far it is along the legislative path to adoption. Essentially the principle provides that the new document should be given more weight the further it is along the legislative path. The Coty principle allows Council to give full weight to the new policy directions.

In regards to the Strategic Framework and Zone mapping for the subject site, it was identified as being within a future urban area within the Public Notification version of the scheme and furthermore was drafted as being within the Emerging Community Zone. The final version of the scheme shows the land to be located within a Rural residential area under the Strategic Framework mapping and the Rural Zone. In this regard, the provisions of the Local Plan are consistent with that of the 2018 scheme provisions in terms of Rural Residential development mostly within the Park residential precinct. Overlay provisions and the Operational works requirements under the 2018 planning scheme will prevail over the Local Plan to avoid unnecessary duplication.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No.2) 2015 although in force at the time of lodgement, does not apply to the development application as it is for a Preliminary Approval. Future development in accordance with the Plan of Development will be subject to infrastructure charges applicable at the time of development or any infrastructure agreement.

REQUEST FOR FURTHER INFORMATION

Council issued an extensive request for further information on 17 October 2017 pertaining to all aspects of the development including staging, development documents by which to

consider the future development of the site, open space considerations including tenure and flood mitigation and deficiencies in terms of road works and drainage works planning.

The applicant responded on 16 February 2017 providing an amended code, adjoining land owners consent, ecological response, acoustic report, economic response and updated proposal plans including a sequencing or staging plan. This material has been considered by the assessing officer and revisions made at officer request particularly in regards to the proposal plan yield, economic response and code provisions proposed to override the planning scheme.

PUBLIC NOTIFICATION

The proposal was the subject of public notification between 20 February 2017 and 5 April 2017, as per the requirements of the *Sustainable Planning Act 2009*, and one (1) submission was received from Rockhampton Regional Council.

The following is a summary of the submissions lodged, with Council officer comments:

Issues	Officer Comment
Any development occurring within the Glenlee area will impact upon the future growth corridor of Rockhampton City as future urban growth is planned for north Rockhampton. In this regard the proposal compromises the ability for future urban density and constrains the efficient use of land.	It is understood that the land located south of Ramsay Creek, being within Rockhampton Regional Council local government area is identified for future urban development and already contains approvals for urban residential sized allotments at developments such as Edenbrook. Despite this proximity, the land over which this application is made is unable to be serviced by all urban networks (specifically sewer) at this stage and therefore the land will act as a transition from the urban land to the south and the rural land to the north and west.
Development of the nature proposed will not be cost efficient for infrastructure provision/maintenance, particularly the likely reliance on Rockhampton City's existing infrastructure.	The proposal is preliminary and in nature with an extended currency period in order to 'roll out' lots based on the projected demand in the future as identified through the applicants rural residential needs analysis.
The proposal will lead to fragmentation, out of sequence development and further delay development within more appropriate areas in Parkhurst.	It is acknowledged that the land is within the Rural Zone however is bordered by land within the Rural Residential Zone under the <i>Livingstone Shire Planning Scheme 2018</i> .
The proposal conflicts with the Rockhampton Regional Plan.	The relevant planning scheme for assessment and determination of this application is the <i>Livingstone Shire Planning Scheme 2005</i> , with significant weight afforded to the <i>Livingstone Planning Scheme 2018</i> through the Coty principle.
The proposal has failed to demonstrate a sufficient planning need for the development, specific to the Glenlee/Rockyview localities as the reports included in the original application were released prior to the introduction of the Rockhampton Region Planning Scheme.	The proposal has been supported by a rural residential needs analysis. A summary of the findings of this report is included above.

Issues	Officer Comment
The impact upon infrastructure and services location in the Rockhampton Regional Council Local Government Area have not adequately been addressed.	The development is not anticipated to be connected to the sewer network at this stage. Accordingly, the allotments will place no greater pressure upon the infrastructure and services of Rockhampton Regional Council than the existing Rural Residential localities of Rockyview and Glendale.

EXTERNAL REFERRALS

The application was referred to the Department of Infrastructure, Local Government and Planning as a concurrence agency on 8 March 2016 in accordance with Item 7.3.2 and 7.3.15A of the *Sustainable Planning Regulation 2009* relating to state transport infrastructure and railways matters. The Department assessed the application and provided conditions on 31 March 2017.

The Department's Concurrence Agency response imposes seven conditions upon the developer. These conditions include, but are not limited to the following;

- Realignment of Dawson Road intersection with the Bruce Highway; and
- Road works comprising a channelised right turn treatment with a short turn slot for right turn movements into Dawson Road from the Bruce Highway; and
- Road works (including lighting) comprising a Rural Seagull Treatment at the Dawson Road/Bruce Highway intersection and the Greenlake Road/Bruce Highway intersection; and
- Upgrade to the Railway level crossing of the North Coast Line at Dawson Road to include a level crossing and width markers on each side.

The Concurrence response also includes further advice which requires Livingstone Shire Council to enter into an interface agreement with the railway manager for any future collector roads connecting Hendy Drive via the existing grade separated railway bridge. The agreement must detail the construction, maintenance and operating provisions on a road on rail infrastructure.

The application was also referred to Ergon Energy (Powerlink) as an advice agency given the subject sites proximity to the Pandoin Power Station. Powerlink assessed the application and provided advice on 23 March 2016.

In addition, the proposal was referred to Rockhampton Regional Council for third party advice given the scale of the proposal and its proximity to Rockhampton Regional Council jurisdiction. Rockhampton Regional Council provided advice to inform Livingstone Shire Council's information request on 24 March 2016.

PREVIOUS DECISIONS

As noted in the background section above Council has previously approved a development application for Reconfiguring a Lot within the vicinity of the subject site which also failed to meet the minimum lot size stipulated in the *Livingstone Shire Planning Scheme 2005*. Council has issued a number of Preliminary approvals under the *Sustainable Planning Act 2009* which affect (or override) the provisions of the planning scheme of the day. For example, land at "The Pines residential estate" and "The Gateway business and industry park" both hold approvals of this nature.

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 are established, subject to reasonable and relevant conditions, as was the case for the above application.

BUDGET IMPLICATIONS

Management of this application has been within existing budget allocations.

LEGISLATIVE CONTEXT

The application is being assessed pursuant to the *Sustainable Planning Act 2009* and all subordinate legislation and policies.

LEGAL IMPLICATIONS

The legal implications of deciding this development application favorably or unfavorably is the risk of appeal from either a submitter (should Council approve the development application) or from the developer (should Council refuse the development application). An appeal may be joined by the Department given they are a Concurrence agency for the application. The legal implications also bring unknown budget implications. The likelihood of an appeal is medium to high given the benefit of an approval to the developer and the alleged impact of an approval to Rockhampton Regional Council as outlined in their submission.

STAFFING IMPLICATIONS

There are no significant staffing implications for the assessment however it is noted that an application of this scale consumes considerable resources from across various sections of Council.

RISK ASSESSMENT

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

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: **Strategy GO4: Provide transparent and accountable decision making reflecting positive leadership to the community.**

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) Democratic representation, social inclusion and meaningful community engagement; and
- (d) Good governance of, and by, local government; and
- (e) Ethical and legal behaviour of councillors and local government employees.

CONCLUSION

Council officers have progressed the assessment of the proposed development application for a Preliminary approval to vary the effect of the Planning Scheme for park residential and business zone development in accordance with the legislation and planning scheme in force at the time of lodgement and in accordance with statutory obligations.

It should be noted that this particular proposal has been made under legislation and policy which is now repealed and superseded. The consideration of this application in relation to current policy positions is paramount in ensuring transparency and accountability in decision making.

The development application cannot be considered to be consistent with the Rural zone outcomes and relevant codes under the *Livingstone Shire Planning Scheme 2005*. Despite

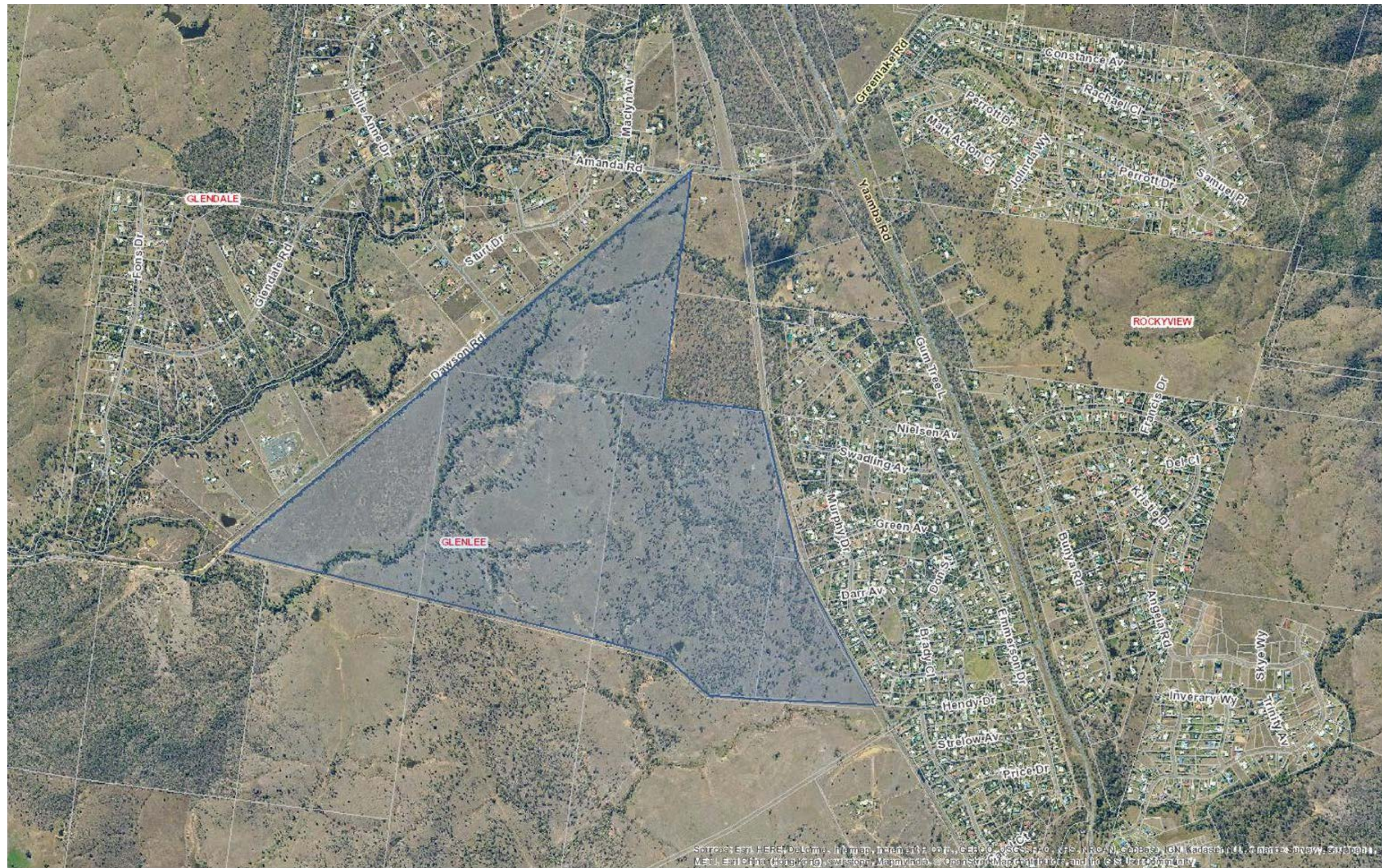
this, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Shire Wide Outcomes. Furthermore, there are considered to be 'sufficient grounds' in this instance, to justify Council approving the development despite its conflict with the Purpose of the Rural Zone.

**12.11 - DEVELOPMENT APPLICATION
FOR A PRELIMINARY APPROVAL FOR
A MATERIAL CHANGE OF USE TO
VARY THE EFFECT OF THE PLANNING
SCHEME FOR RURAL RESIDENTIAL
ACTIVITIES AND A NEIGHBOURHOOD
CENTRE**

Locality Plan

Meeting Date: 20 November 2018

Attachment No: 1



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The State Government of Queensland (Dept. of Natural Resources and Mines) 2015.
Other data © Livingstone Shire Council 2018.

0.2 0.4 0.6 Km 1:18 056 at A3

Dunbar Land - development area

Map Created by: Web AppBuilder for ArcGIS



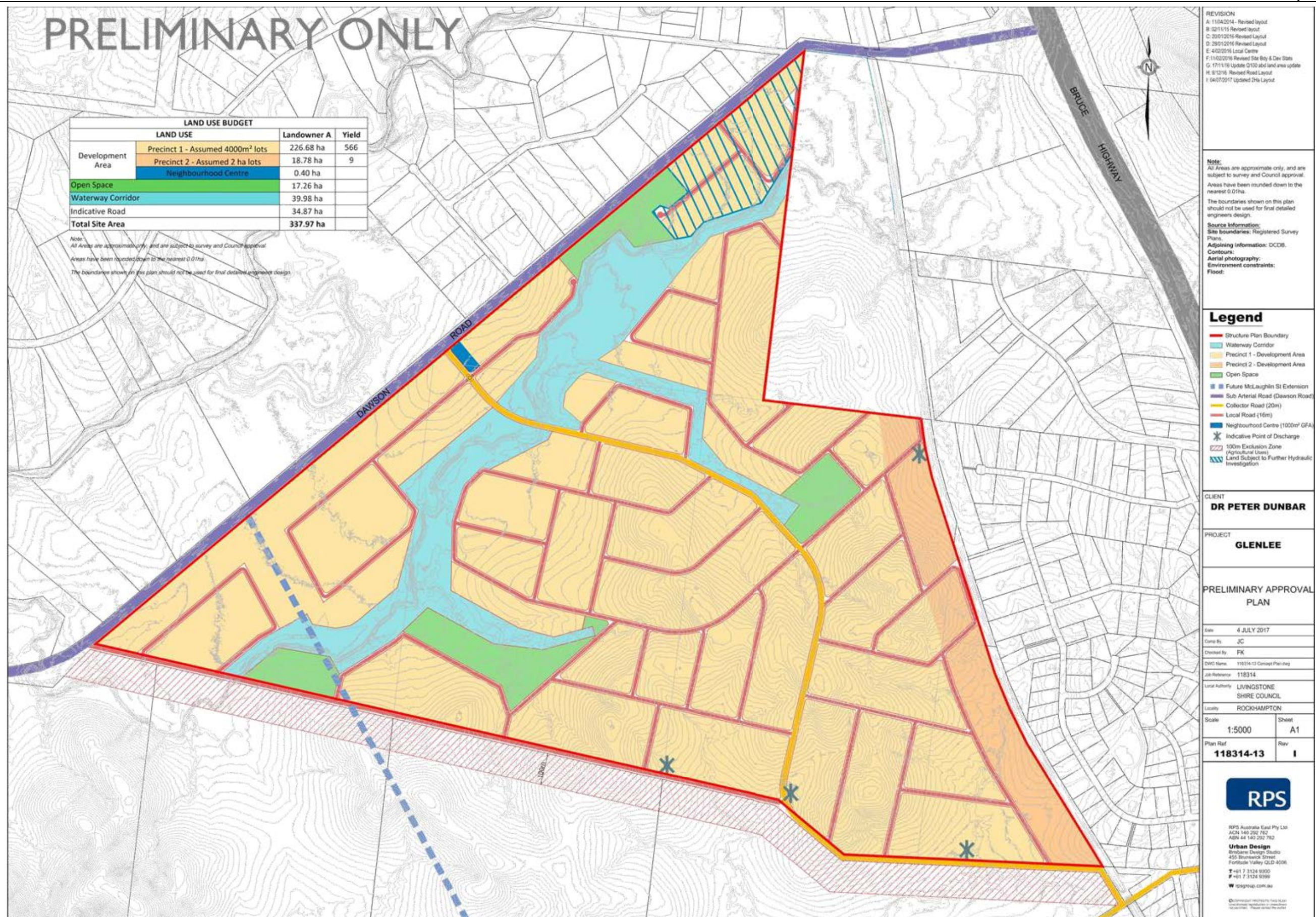
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**12.11 - DEVELOPMENT APPLICATION
FOR A PRELIMINARY APPROVAL FOR
A MATERIAL CHANGE OF USE TO
VARY THE EFFECT OF THE PLANNING
SCHEME FOR RURAL RESIDENTIAL
ACTIVITIES AND A NEIGHBOURHOOD
CENTRE**

Proposal Plan

Meeting Date: 20 November 2018

Attachment No: 2



12.11 - DEVELOPMENT APPLICATION FOR A PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE TO VARY THE EFFECT OF THE PLANNING SCHEME FOR RURAL RESIDENTIAL ACTIVITIES AND A NEIGHBOURHOOD CENTRE

Local Plan

Meeting Date: 20 November 2018

Attachment No: 3

Dawson Road South Local Plan

Revision E [October 2018]

Table of Contents

7.1.1	Application and Administration
7.1.2	Tables of Assessment
	Table 7.1.2.1 – Reconfiguring a Lot
	Table 7.1.2.2 – Material change of use
	Table 7.1.2.3 – Building work
7.1.3	Dawson Road South Reconfiguring a Lot Code
7.1.3.1	Purpose
7.1.3.2	Overall outcomes
7.1.4	Assessment benchmarks and criteria —Outcomes for assessable development
7.1.5	Dawson Road South Land use Code
7.1.5.1	Purpose
7.1.5.2	Overall outcomes
7.1.6	Assessment benchmarks and criteria —Outcomes for accepted development with requirements and assessable development
	Table 7.1.6.1 – Additional outcomes for assessable development
	Table 7.1.6.2 – Minimum separation distances
	Table 7.1.6.3 - Car parking requirements for centre activities
7.1.7	Appendices
	7.1.7.1 Preliminary approval plan
	7.1.7.2 Release sequence plan
	7.1.7.3 Land use definitions
	7.1.7.4 Administrative definitions

7.1.1. Application and Administration

This Local Plan applies to accepted development, accepted development with requirements and assessable development for:

- Reconfiguring a Lot;
 - Material change of use;
 - Building work.
- (a) within the local plan area as shown on 'preliminary approval plan' contained within Schedule 1, specifically described as Lot 19 on RP600698, Lot 3 on RP601965, Lot 6 on RP601965, Lot 7 on RP601965, Lot 11 on SP196244 and lot 12 on SP196244; and
- (b) identified as requiring assessment against the Dawson Road South local plan code by the tables of assessment in section 7.1.2.

The Dawson Road South Local Plan has been prepared in accordance with the *Planning Act 2016* as a framework for managing development in a way that advances the purpose of the Act and sets out the intention for the future development of the land within the Local Plan area as described above.

Where the Local Plan uses terms which are defined in the *Planning Act 2016*, they are taken to have the same meaning as defined in the *Planning Act 2016*.

The use definitions and administrative terms used in this Local Plan are to take the meaning in accordance with the Queensland Planning Provisions (QPP v4) and the *Planning Regulation 2017*.

For instance, "Accepted with requirements" replaces the term "self-assessable development" used under the *Sustainable Planning Act 2009*. Accepted development, subject to requirements, may not require a development application, subject to strict compliance with all Acceptable Outcomes of the applicable codes (as stated in the Tables of Assessment).

Where a term is not listed or defined by this document or the Act, it has its ordinary meaning.

This local plan does not replace any overlay mapping or assessment requirements contained within the *Livingstone Shire Planning Scheme 2005 reprint 7* or the planning scheme in force at the time of development application. Similarly, the provisions applicable for Operational works remain the same as for the Zone under the planning scheme in force at the time of development.

7.1.2 Tables of Assessment

- (1) The following tables identify the categories of development and assessment for material change of use, reconfiguration of a lot and building work in areas affected by the Dawson Road South Local Plan.
- (2) The tables of assessment for operational works for areas affected by the Dawson Road South Local Plan remain the same as for zones under the Planning Scheme at the time of development application.
- (3) The tables of assessment for overlays for areas affected by the Dawson Road South Local Plan remain the same as for overlays under the Planning Scheme at the time of development application.

Table 7.1.2.1 - Reconfiguring a Lot

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
If the circumstances for impact assessment (as specified at the end of this table) do not apply to the development, then the following are the circumstances for exempt, accepted and code assessment		
Boundary realignment	Accepted, subject to requirements	Compliance with the Dawson Road South Reconfiguring a Lot Code acceptable outcomes AO1.1, AO1.2, AO2, AO3, and AO4
	Code assessment If nominated as Accepted with requirements, but unable to comply with the Acceptable Outcomes for the relevant elements of the applicable codes.	Dawson Road South Reconfiguring a Lot Code
If located in Precinct 1 or Precinct 2 – 4,000 square metre lots and 2 hectare lots		
Reconfiguring a lot in Precinct 1	Code assessment If: (a) not located within 200 metres of Railway land; and (b) it creates any number of additional lots; and (c) each proposed lot has an area of 4000 square metres or greater.	Dawson Road South Reconfiguring a Lot Code
Reconfiguring a lot in Precinct 2	Code assessment If: (a) located within 200 metres of Railway land; and	Dawson Road South Reconfiguring a Lot Code

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
	(b) it creates any number of additional lots; and (C) each proposed lot has an area of 2 hectares or greater,	
If located in the Neighbourhood Centre Precinct		
Reconfiguring a lot in the neighbourhood centre precinct	Code assessment If: (a) it creates any number of additional lots; and (b) each proposed lot has an area of 8000 square metres or greater.	Dawson Road South Local Plan Code
Circumstances for impact assessment		
Any reconfiguration of a lot listed in this table and not complying with the circumstance described in the categories of development and assessment column	Impact assessment	The Dawson Road South Local Plan and the planning scheme in force at the time, to the extent relevant.

Table 7.1.2.2 - Material Change of Use

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
If the circumstances for impact assessment (as specified at the end of this table) do not apply to the development, then the following are the circumstances for exempt, accepted and code assessment:		
If located in Precinct 1 or Precinct 2 – 4,000 square metre lots and 2 hectare lots		
Accommodation activities		
<ul style="list-style-type: none"> Dwelling house 	Accepted with requirements	Compliance with the Dawson Road South Land Use Code acceptable outcomes AO1.1, AO2.1, AO2.2, AO3.1 and AO3.2
<ul style="list-style-type: none"> Home based business 		Compliance with the Dawson Road South Land Use Code acceptable outcomes AO5.1, AO5.2,

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
		AO5.3, AO5.4, AO5.5, AO5.6, AO5.5, AO5.6, AO5.7, AO5.8, AO5.9, AO5.10, AO5.11, AO5.12, AO5.13, AO5.14, AO5.15, AO5.16, AO5.17, AO5.18
	Code assessment If nominated as Accepted with requirements, but unable to comply with the Acceptable Outcomes for the relevant elements of the applicable codes.	Dawson Road South Land Use code
Recreation activities		
<ul style="list-style-type: none"> Environment facility Park 	Accepted	Not applicable
Rural activities		
<ul style="list-style-type: none"> Animal keeping 	Accepted If it is an apiary. <small>Editor's note – reference should be made to the <i>Apiaries Act 1982</i> for requirements in relation to keeping an apiary.</small>	Not applicable
Business activities		
<ul style="list-style-type: none"> Sales office 	Accepted with requirements	Compliance with the Dawson Road South Land Use Code acceptable outcomes AO6.1, AO6.2, AO6.3 and AO6.4
	Code assessment If nominated as Accepted with requirements, but unable to comply with the Acceptable Outcomes for the relevant elements of the applicable codes.	Dawson Road South Land Use Code
Special activities		
<ul style="list-style-type: none"> Major electricity infrastructure 	Accepted If it is the installation, erection or replacement of a transmission structure or transmission line within an existing easement in which a transmission structure	Not applicable

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
	and transmission line has already been erected.	
	Code assessment All other circumstances not listed above.	Dawson Road South Land Use Code
<ul style="list-style-type: none"> Utility installation 	Accepted If it is not one of the following: (a) a mail depot; or (b) a water supply treatment plant; or (c) a sewage treatment plant; or (d) a waste transfer station; or (e) a waste landfill.	Not applicable
If located in the Neighbourhood Centre Precinct		
<ul style="list-style-type: none"> Shop Food and drink outlet 	Code assessment	Dawson Road South Land Use Code
<ul style="list-style-type: none"> Shopping centre 	Code assessment If having a maximum Gross Floor Area less than 1,000 square metres	Dawson Road South Land Use Code
Circumstances for impact assessment		
<ul style="list-style-type: none"> Any other use or undefined use not listed in this table Any use listed in the table and not complying with the circumstance described in the categories of development and assessment column Any use involving a new building or structure which has a height which exceeds 8.5 metres 	Impact assessment	The Dawson Road South Local Plan and the planning scheme in force at the time, to the extent relevant.

Table 7.1.2.3 – Building work not associated with a material change of use

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
If the circumstances for Accepted development (as specified at the end of this table) do not apply to the development, then the following are the circumstances for accepted with requirements and code assessment		
All	Accepted with requirements If the building work involves an alteration, addition or extension to an existing building (including any domestic outbuildings) which results in an increase in site cover or an increase in the height of the building.	Compliance with the Dawson Road South Land Use Code acceptable outcomes AO2.1, AO2.2, AO3.1 and AO3.2
	Accepted with requirements If the building work is for the construction of a dwelling house (for the purpose of a secondary dwelling).	Compliance with the Dawson Road South Land Use Code acceptable outcome AO4.1, AO4.2, AO4.3, AO4.4 and AO4.5
	Accepted with requirements If the building work is associated with a dwelling house (for the purpose of constructing a standalone Class 10a building under the Building Code of Australia, being a garage or shed or carport).	Compliance with the Dawson Road South Local Plan Code acceptable outcomes AO2.1, AO2.2, AO3.1 and AO3.2
Circumstances for accepted development		
Any other building work not listed in this table.		

7.1.3 Dawson Road South Local Plan Reconfiguration of a Lot Code

7.1.3.1 Purpose

The purpose of the Dawson Road South Local Plan Reconfiguration of a Lot Code is to provide locally relevant planning provisions for the assessment of development within the Dawson Road South Local Plan Area, specific to each distinct precinct. Specifically, the purpose is to:

- (1) facilitate the creation of a lot sizes which have an appropriate size and dimensions, to accommodate the intended uses within each zone;
- (2) facilitate the design of rural-residential neighbourhoods which are well connected with vehicle access and enable the most efficient use of land;
- (3) protect the landscape character and ecological functions of the natural environment; and
- (4) minimise risks to life and property, associated with hazards.
- (5) ensure development is connected to infrastructure which is commensurate to the land uses and density proposed.

7.1.3.2 Overall outcomes

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

- (1) Reconfiguring a lot results in the following:
 - (a) a pattern of development which is broadly sequential, to maximise the efficiency of infrastructure provision and connect to surrounding movement and infrastructure networks;
 - (b) lot sizes which enable the establishment of preferred uses;
 - (c) lots having suitable areas, dimensions and slope for the intended use, including space for vehicle access and parking, on-site services and recreation;
 - (d) avoidance of areas where there is an unacceptable risk from hazards, including flood, storm tide, slope instability and bushfire;
 - (e) lots orientated in a way which facilitates the design of buildings that are appropriate for the local climatic conditions;
 - (f) infrastructure is provided to new lots in a way which minimises whole of life cycle costs and maximises the use of sustainable technologies;
 - (g) public open space is provided in a way which is accessible, safe and integrated with active and passive transport networks; and
 - (h) streets and roads being designed to maximise convenience and safety for all users.
- (2) Reconfiguring a lot does not result in the following:
 - (a) adverse impacts on natural topography, drainage systems, vegetation, ecological values, ecosystems and cultural heritage features; and
 - (b) adverse impacts on utility installations, major transport and movement networks, and other important infrastructure; and
 - (c) a high likelihood of significant land use conflict.

7.1.4 Assessment benchmarks and criteria

Table 7.1.4.1 — Outcomes for assessable development

Performance outcomes	Acceptable outcomes
Assessment requirements	
PO1 Sufficient supporting documentation is provided to Livingstone Shire Council to ensure development is consistent with the outcomes sought by the Glenlee South Local Plan.	AO1 All reconfiguring a lot applications are supported by the following stage specific technical reports certified by a suitably qualified Registered Professional Engineer of Queensland: (a) Flooding and Stormwater (Quality and Quantity) management plan; and (b) Traffic Impact Assessment Report; and (c) Water Supply Network Analysis. The technical reports are to be consistent with any approved plans or documents under Preliminary Approval D-35-2016.
Development Staging	
PO2 Infrastructure must be provided by the developer in a coordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence. Multiple development stages may be undertaken concurrently, provided all allotments can be connected to the full range of urban infrastructure. Infrastructure (for example: Road, property accesses, water, sewer, services) must be provided (if necessary) to the development or lots or stage boundaries for connectivity and to facilitate ease of extension of these Infrastructure during future stages.	No acceptable outcome is nominated
If a boundary realignment	
PO3 Boundary realignment: (a) does not result in the creation of additional lots; (b) does not create the potential to introduce uses or activities which conflict with the intent of the applicable zone for all or part of the site.	AO3.1 No additional lots are created by the re-alignment of boundaries. AO3.2 Boundary realignment is contained entirely within a single zone, precinct or sub precinct within the Local Plan area.
PO3 All existing connections to water, sewer, electricity and other infrastructure are retained	AO4 Boundary realignment does not require any

and additional infrastructure connections or augmentation is not required.	change to infrastructure or services.
PO5 Boundary realignment results in lots which meet the minimum lot area, dimensions and frontage width, applicable to the zone in which the site is located.	AO5 The size of the resulting lots complies with the requirements specified in Table 7.1.4.1.1 – Design parameters for subdivision.
PO6 Lots have a regular shape and consistent dimensions to facilitate the development of preferred land uses, and the lots have sufficient area to provide for: <ul style="list-style-type: none"> (a) the approved density of development; (b) buildings and structures; (c) usable open space and landscaping; (d) ventilation and sunlight for buildings; (e) privacy for residents; (f) suitable vehicle access and on-site parking where required; and (g) any on-site services and infrastructure. 	AO6 All lots are designed in accordance with the density of development as outlined on the Preliminary Approval Plan (refer to Appendix 1).
PO7 Lot design is well integrated with the surrounding locality, having regard to: <ul style="list-style-type: none"> (a) roads, streets, pedestrian and cycle networks; (b) utility installations other infrastructure networks; (c) open space networks, significant vegetation and habitat areas, waterways and wetlands, and valued biodiversity corridors; (d) connections to centres and employment areas; (e) surrounding landscaping and streetscape treatments; and (f) the interface with established land uses. 	No acceptable outcome is nominated.
All other reconfiguring a lot	
Lot design	
PO8 Reconfiguring a lot creates useable lots which have: <ul style="list-style-type: none"> (a) sufficient area and suitable proportions for preferred uses; (b) adequate frontage providing safe and convenience vehicular and pedestrian access; and 	AO8.1 Lots comply with the design parameters set out in Table 7.1.4.1.1 – Design parameters for subdivision. AO8.2 Landscaping is incorporated into new subdivisions through:

(c) suitable areas within each lot for the location of relevant activities or works which avoid risk to people and works from flooding, erosion, subsidence or other hazards; and	(a) retention of existing vegetation outside the building footprint and driveway location;
(d) high quality landscaping is retained or incorporated into the landscape features of the land, including retention of existing mature vegetation within the road reserve, drainage easements and open space precinct, where practical.	(b) retention of existing mature vegetation within the road reserve; and
	(c) the establishment of one (1) endemic street tree for every lot.

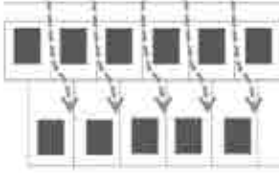
Table 7.1.4.1.1 – Design parameters for subdivision			
	Minimum Lot Size	Minimum Frontage	Maximum lot width to depth ratio
Precinct 1	4,000m ²	40 metres	1:3
Precinct 2 (where within 200 metres of the Railway)	2 ha	80 metres	1:3
Neighbourhood Centre precinct	8,000m ²	50 metres	1:3

PO9 Lot design: (a) protects areas with significant environmental values; (b) appropriately utilises the natural topography of the site as far as practicable and minimises the need for significant earthworks for future development; (c) avoids crossing or otherwise interfering with natural drainage lines, waterways, wetlands, habitat areas or biodiversity corridors; and (d) retains key site characteristics, landmarks, and places of heritage significance.	No acceptable outcome is nominated.
PO10 Lot reconfiguration does not: (a) increase the likelihood of significant land use conflict; (b) compromise the potential to use adjoining land for its zoned purpose; (c) compromise the use of stock routes; (d) compromise the safe and efficient operation of major transport networks and other major infrastructure networks.	No acceptable outcome is nominated.

Rear allotments	
<p>PO11</p> <p>If the lot reconfiguration results in a rear lot, the resulting lots are designed in a manner which:</p> <ul style="list-style-type: none"> (a) retains suitable size and dimensions to enable an appropriate use of the lots; (b) provides an appropriate level of amenity for the new lots and adjoining lots; (c) incorporates a direct means of access to the road network for the rear lot; (d) incorporates an access for the rear lot which has a sufficient width and design to provide for the following: <ul style="list-style-type: none"> (i) the use of the rear lot; (ii) suitable drainage and flood immunity; and (iii) to enable the implementation of measures to mitigate nuisance to any adjoining <u>sensitive land use</u> due to emissions likely to result from vehicular access; and (e) ensures that infrastructure services to the rear lot can be lawfully and easily constructed, monitored and maintained. 	<p>AO11.1</p> <p>If the lot reconfiguration results in a rear lot, only one (1) rear lot is created.</p> <p>AO11.2</p> <p>If the lot reconfiguration results in a rear lot, all resulting lots comply with the minimum size for the location as specified within AO8.1 above, and the minimum lot area for the rear lot does not include the area of the access way.</p> <p>AO11.3</p> <p>If the lot reconfiguration results in a rear lot, the rear lot does not gain access from the head of a cul-de-sac.</p> <p>AO11.4</p> <p>No more than two (2) rear lot access ways directly adjoin each other.</p> <p>AO11.5</p> <p>If the lot reconfiguration results in a rear lot, the access way for the rear lot has a driveway which is immune to a flood inundation event having an <u>annual exceedance probability</u> of ten (10) per cent.</p> <p>AO11.6</p> <p>If the lot reconfiguration results in a rear lot, the access way for the rear lot contains a driveway that is designed and constructed in accordance with the following:</p> <ul style="list-style-type: none"> (a) a minimum three (3) metres wide compacted gravel pavement not less than one-hundred (100) millimetres thick and sealed with: <ol style="list-style-type: none"> 1. twenty-five (25) millimetres of asphaltic concrete; or 2. hot sprayed bitumen consisting of a prime and two (2) seal coats; or 3. interlocking pavers; or (b) a minimum three (3) metres wide reinforced concrete driveway (not car tracks) not less than one-hundred (100) millimetres thick. <p>AO11.7</p> <p>If the lot reconfiguration results in a rear lot, the access way for the rear lot has a minimum width of five (5) metres.</p>
Road and street network	

<p>PO12</p> <p>The road and street network has a clear hierarchical structure, with roads that are designed and constructed to achieve their function in the network, having regard to:</p> <ul style="list-style-type: none"> (a) traffic volumes, vehicle speeds and driver behaviour; (b) on street parking; (c) sight distance; (d) provision for public transport routes and stops; (e) provision for waste collection and emergency vehicles; (f) lot access; (g) convenience; (h) public safety; (i) amenity; (j) the incorporation of public utilities and drainage; and (k) street scaping and street furniture. (l) Street lighting 	<p>AO12.1</p> <p>The roads and streets network is designed in accordance with the <i>Capricorn Municipal Development Guidelines</i> and Planning Scheme Policy SC7.17 – Road Infrastructure and hierarchy.</p> <p>AO12.2</p> <p>Private allotments do not gain direct access to Dawson Road or McLaughlan Street.</p>
<p>PO13</p> <p>The road and street network provides for:</p> <ul style="list-style-type: none"> (a) high levels of permeability and connection between places to provide for short travel distances; (b) the convenient and safe movement between local streets and higher order roads; (c) at least two road or street access points to every neighbourhood; (d) the avoidance of the use of access places, unless the slope, shape or location of the site provides no alternative. 	<p>AO13.1</p> <p>Road intersections are designed in compliance with <i>Capricorn Municipal Development Guidelines</i> and all relevant Australian Standards.</p> <p>AO13.2</p> <p>No more than twenty-five (25) lots are served by any single road access point.</p> <p>AO13.3</p> <p>Street blocks are generally rectangular and arranged in a modified grid pattern, taking account of topography and minimising cut and fill on steeper land.</p> <p>AO13.4</p> <p>Street block lengths do not exceed two-hundred (200) metres.</p> <p>AO13.5</p> <p>An access place:</p>

	<p>(a) is straight, with a clear view from the start of the street to the turning head;</p> <p>(b) provides a pedestrian connection from the head of the cul-de-sac to another road, and is a minimum width of ten (10) metres.</p> <p>Editor's note: An access place is not regarded as defining the end of a street block.</p>
<p>PO14</p> <p>Road crossings are provided for the safe and efficient movement of pedestrians and cyclists at regular intervals on higher order roads.</p>	No acceptable outcome is nominated.
<p>PO15</p> <p>Local streets do not operate as through traffic routes for externally generated traffic (other than for pedestrians, cyclists and public transport).</p>	No acceptable outcome is nominated.
Road and street design	
<p>PO15</p> <p>The geometric design features of each type of road and street:</p> <ul style="list-style-type: none"> (a) convey its primary function for all relevant design vehicle types; (b) have an adequate horizontal and vertical alignment that is not conducive to excessive speeds; (c) encourage traffic speeds and volumes to levels commensurate with road hierarchy function; (d) ensure unhindered access by emergency and waste collection vehicles and buses; (e) ensures safe access to lots. 	<p>AO15</p> <p>Roads are designed in compliance with the <i>Capricorn Municipal Development Guidelines</i> and relevant <i>Australian Standards</i>.</p>
<p>PO16</p> <p>Where lot reconfiguration involves the creation of a new street, streetscape and landscape treatments are provided which:</p> <ul style="list-style-type: none"> (a) create an attractive and legible environment with a clear character and identity; (b) use and highlight features of the site such as views, vistas, existing vegetation, landmarks and places of cultural heritage significance; (c) enhance safety and comfort, and meet user needs; (d) complement the function of the street in which they are located by reinforcing desired traffic speed and behaviour; 	No acceptable outcome is nominated.

<p>(e) assist integration with the surrounding environment;</p> <p>(f) maximise infiltration of stormwater runoff; and</p> <p>(g) minimise maintenance costs through:</p> <ul style="list-style-type: none"> (i) street pavement, parking bays and speed control devices; (ii) street furniture, shading, lighting and utility installations; (iii) retention of existing vegetation; and (iv) on-street planting. 	
<p>PO17</p> <p>Road access to new lots minimises impacts on the function, vehicle speeds, safety, efficiency and capacity of streets and roads.</p>	<p>AO17</p> <p>Access arrangements are consistent with the characteristics intended for the particular type of road or street specified in <i>Capricorn Municipal Development Guidelines</i>.</p>
<p>Public transport</p>	
<p>PO18</p> <p>The road and street network caters for the extension of public transport routes to provide services that are convenient and accessible to the community.</p>	<p>No acceptable outcome is nominated.</p>
<p>Climatic response</p>	
<p>PO19</p> <p>Lot layout facilitates building design which minimises sun penetration in summer and maximises cooling breezes into buildings.</p>	<p>AO19.1</p> <p>The long axis of street blocks:</p> <ul style="list-style-type: none"> (a) is oriented generally east-west; or (b) where it is unavoidable that the long axis of a street block cannot be oriented east-west, lots are wider or are aligned at an angle to the street, to enable the longer sides of the building to be oriented to the north and south. <p>AO19.2</p> <p>Lots are offset to enable breezes to pass between buildings.</p> <p>Off-set lots enable cooling breezes between buildings</p> 

Development near infrastructure	
<p>PO20</p> <p>Reconfiguring minimises exposure to risks and amenity impacts from major infrastructure and enables the safe and efficient operation of infrastructure.</p>	<p>AO20.1</p> <p>Reconfiguration within one-hundred (100) metres of any trunk gas pipeline does not increase the density of development.</p> <p>AO20.2</p> <p>Where adjoining a high voltage electricity easement (above 11kV), lot design and layout incorporates:</p> <ul style="list-style-type: none"> (a) a vegetated buffer within a distance of twenty (20) metres from the boundary of the electricity transmission line easement; and (b) the orientation of the primary lot frontage away from transmission line easement. <p>AO20.3</p> <p>Lots are designed and oriented to ensure that a habitable building or primary open space areas on each lot can comply with the separation distances set out in Table 7.1.5.</p> <p>AO20.4</p> <p>Reconfiguring of land for residential purposes does not take place within five-hundred (500) metres of the following:</p> <ul style="list-style-type: none"> (a) a sewage or waste water treatment plant; (b) a landfill site or major waste transfer station.
Infrastructure	
<p>PO21</p> <p>Infrastructure, including roads and streets, water supply, stormwater drainage, sewage disposal, waste disposal, electricity and communication facilities are provided in a manner that:</p> <ul style="list-style-type: none"> (a) is efficient; (b) is adequate for the projected needs of the development; (c) is adaptable to allow for future infrastructure upgrades; (d) minimises risk of adverse environmental or amenity related impacts; (e) minimises whole of life cycle costs for that infrastructure. 	<p>AO21</p> <p>Infrastructure is designed and constructed in accordance with the <i>Capricorn Municipal Development Guidelines</i> and relevant <i>Australian Standards</i>.</p>

Parks and open space	
<p>PO22</p> <p>Neighbourhood design and lot layout provides a balanced variety of park types, including:</p> <p>(a) small local parks, which are designed to:</p> <ul style="list-style-type: none"> (i) provide a small open space setting for adjoining dwellings; (ii) incorporate and retain existing natural features; and (iii) incorporate landscaping to assist in creating neighbourhood identity and way finding; and <p>(b) neighbourhood parks, which are designed to:</p> <ul style="list-style-type: none"> (i) be centrally located; (ii) support the local community's recreational needs; and (iii) provide opportunities for community and special events; and <p>(c) lineal or corridor parks, which are designed to:</p> <ul style="list-style-type: none"> (i) connect with existing or planned open space in the locality; (ii) incorporate pedestrian and cycle paths; (iii) protect significant natural features; (iv) convey stormwater; and (v) provide for other recreational needs when not flooded; and <p>(d) natural parkland areas which:</p> <ul style="list-style-type: none"> (i) retain locally significant wetlands, remnant vegetation and habitat for fauna; (ii) continue ecological corridors and linkages to areas outside of the neighbourhood; and (iii) maintain important landscape and visual quality values. 	<p>No acceptable outcome is nominated.</p>
<p>PO23</p> <p>Neighbourhood design and lot layout does not result in an undesirable level of maintenance from Council whilst still providing for safe and secure, well distributed and located parkland that:</p> <p>(a) provides a clear relationship between the public realm and adjoining land uses through treatment including alignment, fencing and</p>	<p>AO23</p> <p>All areas of overland flow and easements for the purpose of drainage/stormwater are to be located within private freehold land and maintained by the property owner.</p>

<p>landscaping;</p> <p>(b) enhances the area's local identity and landscape amenity;</p> <p>(c) provides for a range of recreational opportunities to meet community needs;</p> <p>(d) forms a linkage to existing parkland or habitats;</p> <p>(e) respects and retains existing natural elements; and</p> <p>(f) protects biodiversity values and features.</p>	
Hazards	
<p>PO24</p> <p>Reconfiguration of a lot avoids creating unacceptable risk to human safety, property and the environment due to natural hazards and contaminated land.</p> <p>Editor's note: Determination of potential hazards and constraints should be undertaken through the development application process and appropriate analysis of the site and surrounding area.</p>	<p>AO24</p> <p>No additional lots are created within the area identified on the Overall Preliminary Approval Plan as being 'Land Subject to further hydraulic investigation' without provision of these Flood Studies to Council and the studies demonstrate that the land is not subject flood hazards.</p>
Sewerage and waste water treatment and disposal	
<p>PO25</p> <p>The development is provided with sewage and wastewater treatment and disposal infrastructure which:</p> <p>(a) treats and disposes all generated sewage and waste water in a manner that protects public health and avoids environmental harm;</p> <p>(b) where practicable, is integrated with the existing public sewerage networks;</p> <p>(c) where practicable, facilitates the orderly provision of future public sewerage networks; and</p> <p>(d) is designed and constructed to be safe, operationally reliable and easily maintained.</p>	<p>AO25</p> <p>Allotments created for Rural residential purposes are provided with an appropriate on-site sewerage infrastructure in accordance with the <i>Queensland Plumbing and Wastewater Code</i> where access to reticulated sewer is not available for the subject lot.</p> <p>Where access to reticulated sewer is available, connection must be made for each newly created allotment.</p>
Water supply	
<p>PO26</p> <p>The development is provided with water supply infrastructure which:</p> <p>(a) is sufficient to support the consumption and emergency needs of the development and the reasonable expectations for the development based on its location;</p> <p>(b) where practicable, is integrated with the existing public water supply networks;</p> <p>(c) where practicable, facilitates the orderly provision of future public water supply networks; and</p> <p>(d) is designed and constructed to be safe,</p>	<p>AO26</p> <p>Allotments are connected to the reticulated municipal water supply in accordance with the <i>Capricorn Municipal Development Guidelines</i> and the <i>Water supply (safety and reliability) Act</i>.</p>

operationally reliable and easily maintained.	
Stormwater	
PO27 Development is provided with a stormwater drainage system which: <ul style="list-style-type: none"> (a) makes adequate provision for drainage of the premises to a lawful point of discharge; (b) ensures the development is adequately drained and stormwater is managed and lawfully discharges without altering stormwater drainage characteristics external to the site; (c) maximises the use of water sensitive urban design; and (d) maximises the use of natural waterway corridors and natural channel design principles. 	AO27 Infrastructure is designed and constructed in accordance with the <i>Capricorn Municipal Development Guidelines, Queensland Urban Drainage Manual and the State Planning Policy</i> and the stage specific Flooding and Stormwater (Quality and Quantity) Management Plan. .
PO28 Development provides a stormwater management system which: <ul style="list-style-type: none"> (a) has sufficient capacity to safely convey run-off taking into account increased run-off from impervious surfaces and flooding in local catchments; (b) ensures that off-site impacts are not created or exacerbated as a result of development, including upstream or downstream of the development site; (c) minimise stormwater peak discharges and runoff volumes. 	AO28 Infrastructure is designed and constructed in accordance with the <i>Capricorn Municipal Development Guidelines, Queensland Urban Drainage Manual and the State Planning Policy</i> .
PO29 Development protects or enhances the environmental values and water quality objectives of receiving waters or buffer areas within or downstream of The Local Plan area, using measures that include but are not limited to: <ul style="list-style-type: none"> (a) ensuring natural waterway corridors and drainage paths are retained (b) incorporating the use of natural channel design principles in constructed components to maximise environmental benefits and minimise scour providing stormwater outlets into waterways, creeks, wetlands and overland flow paths with energy dissipation to minimise scour in compliance with the <i>Capricorn Municipal Design Guidelines</i>. 	AO29 Infrastructure is designed and constructed in accordance with the <i>Capricorn Municipal Development Guidelines, Queensland Urban Drainage Manual and the State Planning Policy</i> .
PO30 Treatment systems that use natural processes and materials are used wherever practicable to enhance biodiversity and landscape benefits.	No acceptable outcome is nominated.
Earthworks	
PO31 Site works are designed and undertaken having regard to the following aims;	AO31 Works are designed and constructed in accordance with the <i>Queensland Urban</i>

<p>(a) Efficient and economical design;</p> <p>(b) Enhancement of the environmental character of the site whilst maintaining the natural features of the site;</p> <p>(c) Provision of safe conditions for construction commensurate with the proposed purpose of the development;</p> <p>(d) Equality of building conditions for residential development; and</p> <p>(e) Minimal impact on adjoining properties and developments.</p>	<p><i>Drainage Manual, Capricorn Municipal Development Guidelines and any relevant Australian Standards.</i></p>
<p>PO32</p> <p>Earthwork is undertaken in a manner that achieves the following:</p> <p>(a) stable and safe development sites;</p> <p>(b) no worsening of stormwater flows to or from adjoining land;</p> <p>(c) best practice erosion and sediment control so as to minimise adverse impacts on adjoining property and the natural environment; and</p> <p>(d) no unsightly scarring of the landscape.</p>	<p>AO32.1</p> <p>The development does not require earthworks that result in batter slopes which exceed twenty-five (25) per cent.</p> <p>AO32.2</p> <p>If the development involves a retaining wall having a height exceeding one (1) metre, the retaining wall is certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and that it is structurally stable and safe.</p> <p>AO32.3</p> <p>If the development involves a retaining wall, sub-soil drainage is installed behind all retaining walls to maximise stability and to help prevent excess run-off onto neighbouring properties.</p> <p>AO32.4</p> <p>The development:</p> <ol style="list-style-type: none"> 1. does not require earthwork that results in the interference with or redirection of a natural drainage line; or 2. if it does require the redirection of a natural drainage line, ensures that surface water is conveyed to the kerb and channel or an approved inter-allotment drainage system. <p>AO32.5</p> <p>If the development involves earthwork for the purpose of constructing a dam or detention basin and it involves a retaining wall having a height exceeding one (1) metre or results in batter slopes which exceed twenty-five (25) per cent, the design and construction of the dam or detention basin is certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and that it is structurally stable and safe.</p> <p>AO32.6</p> <p>If the development involves earthwork, the earthwork occurs in accordance with an erosion and sediment control plan which has been prepared and endorsed by a suitably qualified person and the plan ensures that erosion and sediment control measures are implemented in accordance with best practice.</p>
<p>Services and utilities</p>	

<p>PO33</p> <p>The development is provided with energy and telecommunications infrastructure or equipment which:</p> <ul style="list-style-type: none">(a) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location;(b) where practicable, is integrated with the existing public telecommunication networks; and(c) is designed and constructed to be safe, operationally reliable and easily maintained.	<p>No acceptable outcome is nominated</p>
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Dawson Road South Local Plan Land Use Code

7.1.5.1 Purpose

The purpose of the Dawson Road South Local Plan Land Use code is to provide locally relevant planning provisions for the assessment of development within the Dawson Road South Local Plan Area. Specifically, the purpose is:

- (1) to facilitate the development of rural residential neighbourhoods which are comprised of dwellings houses on rural residential lot sizes;
- (2) to provide for the development of a limited range of low impact non-residential uses only if they develop at suitable locations and they are compatible with and support the needs of residents of the local area;
- (3) to provide for the development of highly accessible small scale neighbourhood centre which services a trade catchment of approximately 500 households;
- (4) to protect the landscape character and ecological functions of the natural environment;
- (5) to minimise risks to life and property, associated with hazards; and
- (6) to establish precincts within the Local Plan where particular development outcomes are specified, and the precinct(s) are identified as follows:
 - (a) the Rural Residential Precincts 1 and 2; and
 - (b) the Neighbourhood Centre Precinct.

7.1.5.1 Overall outcomes

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

- (1) the development is located at a site which does not result in an unacceptable risk to health and safety of occupants of the premises or an unacceptable risk of property damage;
- (2) the development contributes to functional and safe private and public environments;
- (3) the development is located at a site which has a sufficient area and suitable dimensions relative to the characteristics of the use and the characteristics of surrounding land use;
- (4) the development does not compromise the safety, efficiency and effectiveness of the transport network;
- (5) the development appropriately integrates with adjoining land use;
- (6) the development protects the character and amenity of the surrounding area; and
- (7) the development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds.
- (8) where located in the Rural Residential Precinct (Precinct 1 or Precinct 2), development:
 - (a) is compatible with the low density rural residential character and amenity of each precinct;
 - (b) is for one of the following preferred uses:
 - (i) a dwelling house; or
 - (ii) a home based business; or

- (iii) a dwelling house (secondary dwelling).
- (9) where located in the Neighbourhood Centre Precinct:
 - (a) a neighbourhood centre develops and the centre is comprised of small-scale uses from within the centre activities and business activities group (where they serve the convenience needs of the immediate residential area) as the preferred land use;
 - (b) the preferred centre activities and business activities that develop are:
 - (i) food and drink outlet;
 - (ii) sales office;
 - (iii) shop;
 - (iv) shopping centre;
 - (c) uses are developed in a clustered location and comprise a cumulative Gross Floor Area of no more than 1,000 square metres; and
 - (d) development has an appearance which provides visual interest and contributes to a high level of visual amenity.

7.1.5 Assessment benchmarks and criteria —Outcomes for accepted development with requirements and assessable development

Performance outcomes	Acceptable outcomes
Dwelling density	
PO1 The development of a use within the accommodation activities group is designed in a manner that is compatible with the following: <ul style="list-style-type: none"> (a) the planned low dwelling density for the precinct; and (b) the ability of the land and infrastructure to support the development. 	AO1.1 The dwelling density (not including where a dwelling house has an ancillary secondary dwelling) does not exceed the following: <ul style="list-style-type: none"> (a) if located in the Rural Residential Precinct: one dwelling for every 4000 square metres of site area; or (b) if located elsewhere: one dwelling for every two (2) hectares of site area.
Built form	
PO2 The height, bulk and site cover of buildings and structures are consistent with the intended character of the zone and they result in the following outcomes: <ul style="list-style-type: none"> (a) they do not adversely impact the character or amenity of the streetscape, adjoining sites and surrounding area; (b) they are low-rise and are consistent with the height of development in any adjoining residential neighbourhood; and (c) they are human scale at street level. 	AO2.1 The height of buildings and structures does not exceed the following: <ul style="list-style-type: none"> (a) two (2) storeys and 8.5 metres above ground level where the ground has a slope less than fifteen (15) percent; or (b) two (2) storeys and ten (10) metres above ground level where the ground has a slope equal to or greater than fifteen (15) percent. AO2.2 Site cover does not exceed fifty (50) percent.

Performance outcomes	Acceptable outcomes
<p>PO3</p> <p>The design and siting of buildings and structures results in a high level of on-site amenity and does not adversely impact the character or amenity of the streetscape, adjoining sites, or the rural setting having regard to the following:</p> <ul style="list-style-type: none"> (a) minimisation of potential sources of nuisance; (b) provision of adequate separation between buildings on neighbouring sites; (c) provision of access to natural light and ventilation; (d) the privacy of any dwellings located on adjoining sites. 	<p>AO3.1</p> <p>Buildings are setback from road frontage property boundaries in accordance with the following:</p> <ul style="list-style-type: none"> (a) garages are set back a minimum of ten (10) metres; (b) a standalone class 10a building under the Building Code of Australia being a garage or shed, is set back a minimum of ten (10) metres; and the outermost projection of a wall of a dwelling is set back a minimum of ten (10) metres. <p>AO3.2</p> <p>Buildings are set back from side or rear property boundaries in accordance with the following:</p> <ul style="list-style-type: none"> (a) for a building or structure having a height up to and including 4.5 metres, there is a minimum setback of five (5) metres; or (b) for a building or structure having a height greater than 4.5 metres, there is a minimum setback of five (5) metres plus 0.3 metres for every additional metre in height over 4.5 metres.
Land Use	
If a dwelling house (secondary dwelling)	
<p>PO4</p> <p>The dwelling house (secondary dwelling):</p> <ul style="list-style-type: none"> (a) is small in scale relative to the primary dwelling house on the site; (b) is integrated with the primary dwelling house on the site and is not easily distinguishable from the primary dwelling house when viewed from the street; (c) shares the same land title as the primary dwelling house; (d) maintains a high quality and attractive streetscape; (e) is designed and sited to ensure there is appropriate amenity and living space for residents of the primary dwelling house and for residents of the secondary dwelling; and (f) is designed and sited to ensure there is suitable privacy for residents of the primary dwelling house, for residents of the secondary dwelling, and for residents on adjoining premises. 	<p>AO4.1</p> <p>There is no more than one (1) secondary dwelling of a dwelling house on any lot.</p> <p>AO4.2</p> <p>The secondary dwelling of a dwelling house does not have a land title that is separate to that of the primary dwelling house.</p> <p>AO4.3</p> <p>The secondary dwelling of a dwelling house has a gross floor area that does not exceed eighty (80) square metres.</p> <p>AO4.4</p> <p>Where located in a Park Residential Precinct 1 or 2, the secondary dwelling of a dwelling house is not sited in front of the façade of the primary dwelling house.</p> <p>AO4.5</p> <p>The secondary dwelling of a dwelling house shares the same access driveway and footpath crossover as the primary dwelling house.</p>
If a home based business	

<p>PO5</p> <p>The home based business:</p> <ul style="list-style-type: none"> (a) is an appropriate scale relative to the following; <ul style="list-style-type: none"> (i) the primary use of the site as a dwelling; (ii) the adjoining land use; (iii) the location of the site; and (iv) the function of the road servicing the site; (b) is integrated with the primary use of the site for a dwelling and it is not easily distinguishable from the primary dwelling; (c) has regard to the safety of residents on the site and residents on adjoining premises; (d) does not adversely affect the character or amenity of the streetscape; and (e) does not compromise the character and amenity of the immediate area. 	<p>AO5.1</p> <p>The home based business has a maximum gross floor area that does not exceed fifty (50) square metres.</p> <p>AO5.2</p> <p>The home based business is sited;</p> <ul style="list-style-type: none"> (i) within the primary dwelling house; or (ii) within a building situated no more than twenty (20) metres from the primary dwelling house, provided the building is not situated between the road frontage property boundary and the dwelling house. <p>AO5.3</p> <p>The home based business employs no more than one (1) worker who does not reside at the premises.</p> <p>AO5.4</p> <p>The home based business does not contain an advertising device that:</p> <ul style="list-style-type: none"> (a) is illuminated; or (b) has a sign face area which exceeds 0.3 square metres. <p>AO5.5</p> <p>The home based business does not impose a load on any public utility or municipal service greater than that which is normally required in the zone in which it is located.</p> <p>AO5.6</p> <p>The home based business does not display any goods or services for sale or hire or store any goods, which are visible at any time from the road frontage property boundary, other public places, or adjoining residential premises.</p> <p>AO5.7</p> <p>The home based business does not involve the storage, handling or use of flammable or combustible materials or any other materials likely to result in interference or nuisance beyond the property boundary such as those associated with emissions including but not limited to odours, fumes, noise, vibration, smoke, dust and the like.</p> <p>AO5.8</p> <p>The home based business does not involve the sale of goods which are manufactured or fabricated at locations other than on the premises.</p>
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	<p>AO5.9</p> <p>The home based business does not use or park at the premises more than two (2) commercial vehicles that are ancillary to and necessarily associated with the home based business, and each vehicle is not classed as a heavy vehicle (a vehicle which has a weight that exceeds a gross vehicle mass of 4.5 tonnes).</p> <p>Note: This outcome applies only to vehicles associated with the home based business at the premises and it does not include vehicles which for example, are ancillary to the normal use of the dwelling house, or another lawful use at the premises.</p> <p>AO5.10</p> <p>The home based business does not generate traffic exceeding ten (10) vehicle trips per day.</p> <p>AO5.11</p> <p>The home based business does not involve any more than one (1) delivery vehicle visit to the site each day and the delivery vehicle is not a heavy vehicle (a heavy vehicle which has a weight that exceeds a gross vehicle mass of 4.5 tonnes).</p> <p>AO5.12</p> <p>If located within Precinct 1 or 2, the home based business does not involve any more than one (1) delivery vehicle visit to the site each day (whether or not the vehicle is classed as a light vehicle, or a heavy vehicle which has a weight that exceeds a gross vehicle mass of 4.5 tonnes)</p> <p>AO5.13</p> <p>All loading and unloading of vehicles is undertaken within the site.</p> <p>AO5.14</p> <p>All vehicle parking associated with the home based business (including parking for visitors or guests) is accommodated entirely within the site.</p> <p>AO5.15</p> <p>If located within Precinct 1 or 2 and the home based business involves the parking of heavy vehicles, the parking area for heavy vehicles:</p> <ul style="list-style-type: none"> (a) is not situated within twenty (20) metres of a side or rear property boundary; and (b) is situated a distance from the primary dwelling house in accordance with the following: <ul style="list-style-type: none"> (i) no more than twenty (20) metres away; and
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	<p>(c) is:</p> <ul style="list-style-type: none"> (i) within a garage; or (ii) screened by fencing so as not to be visible from adjoining properties; or (iii) screened by dense vegetation so as not to be visible from adjoining properties. <p>AO5.16 Any maintenance of vehicles associated with the home based business:</p> <ul style="list-style-type: none"> (a) is minor in nature; (b) is consistent with that which is commonly undertaken for domestic vehicles; (c) does not involve major body work; and (d) does not involve major engine or mechanical repairs. <p>AO5.17 If the home based business is for a bed and breakfast, the maximum number of guests staying at the premises does not exceed the following:</p> <ul style="list-style-type: none"> (a) six (6) guests. <p>AO5.18 If the home based business is for a bed and breakfast, toilet and bathing facilities are provided for the exclusive use of the guests and these facilities:</p> <ul style="list-style-type: none"> (a) are separate from the toilet and bathing facilities used by the host household; and (b) are located in the same building as the guest bedrooms.
If for a Sales Office	
<p>PO6 Sales Offices are;</p> <ul style="list-style-type: none"> (a) used for a limited period beginning at the time of release for sale of the property within the estate; and (b) do not adversely affect the amenity of surrounding premises and residential character. 	<p>AO6.1 Sales Offices display the type of construction or design being offered by a builder within the estate.</p> <p>AO6.2 Promotional matter and directional signs do not detract from the streetscape and amenity of the area.</p> <p>AO6.3 Display homes are landscaped.</p> <p>AO6.4 All car parking is provided on-site in accordance with Table 7.1.6 and does not result in a traffic or parking issue in the estate.</p>
Driveways	

<p>PO7 Driveways are designed to:</p> <ul style="list-style-type: none"> (a) minimise earthworks and vegetation clearing; (b) minimise visual impact on the streetscape; and (c) provide safe egress and access to the street. 	<p>AO7.1 Driveway:</p> <ul style="list-style-type: none"> (a) gradients do not exceed twenty-five (25) per cent; (b) location does not result in vegetation clearing unless within 3.5 metres from the centreline of a driveway; and (c) design includes effective drainage designed and constructed in accordance with the Queensland Urban Drainage Manual (QUDM). <p>AO7.2 Driveways:</p> <ul style="list-style-type: none"> (a) are limited to one driveway access per lot; (b) do not create cut banks, retaining walls or un-retained fill slopes greater than one (1) vertical metre; and (c) are a maximum width of 4.5 metres for double garages and 3.5 metres for single garages.
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Table 7.1.4.2 — Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes
Land use	
<p>PO7 Uses, other than those listed as preferred uses in the Overall Outcomes do not occur unless they:</p> <ul style="list-style-type: none"> (a) are compatible with preferred uses within the precinct and the surrounding uses by being of similar scale, intensity and character, and (b) support preferred uses within the precinct; and (c) do not adversely affect the amenity of the precinct within which the site is located. 	No acceptable outcome is nominated.
<p>PO8 The use contributes to a high level of amenity and an attractive living environment for residents in the immediate area.</p>	No acceptable outcome is nominated.
<p>PO9 The use appropriately integrates with any established dwellings and other sensitive land use in the immediate area.</p>	No acceptable outcome is nominated.
<p>PO10 Development does not undermine the viability, role or function of a nearby centre.</p>	No acceptable outcome is nominated.
<p>PO11 The development of a use that is not within the accommodation activities group occurs only if it is located at a site adjoining a road that is</p>	No acceptable outcome is nominated.

Performance outcomes	Acceptable outcomes								
classified as a collector road or a higher order road in the road hierarchy, and the road: (a) is designed to accommodate the traffic generated by the use; (b) provides for convenient and safe access; and (c) can minimise nuisance and disturbance to the surrounding residential area.									
If located in the Neighbourhood Centre Precinct									
PO12 Each individual use within the neighbourhood centre and the neighbourhood centre as a whole: (a) is small in scale; (b) provides only a daily convenience function (day to day needs) serving the residents of the immediate area; and (c) does not detract from the role and function of the higher order local, district and major centres.	AO12.1 The uses within the neighbourhood centre are small in scale, provide predominantly for convenience needs, and do not exceed the size nominated below: <table border="1"> <thead> <tr> <th>Use</th><th>Size (gross floor area per tenancy)</th></tr> </thead> <tbody> <tr> <td>Food and drink outlet</td><td></td></tr> <tr> <td>Shop</td><td>Three-hundred (300) square metres</td></tr> <tr> <td>Shopping centre</td><td></td></tr> </tbody> </table> AO12.2 A use within the community activities group occurs only if the total cumulative space in the neighbourhood centre for all community activities does not exceed twenty (20) per cent of the total gross floor area of the neighbourhood centre. AO12.3 The neighbourhood centre as a whole is a scale that is necessary only to service a trade catchment of 500 households.	Use	Size (gross floor area per tenancy)	Food and drink outlet		Shop	Three-hundred (300) square metres	Shopping centre	
Use	Size (gross floor area per tenancy)								
Food and drink outlet									
Shop	Three-hundred (300) square metres								
Shopping centre									
PO13 Each individual use within the neighbourhood centre and the neighbourhood centre as a whole appropriately integrate with any established uses in the immediate area.	No acceptable outcome is nominated.								
PO14 If the use is a food and drink outlet, it does not involve a drive through facility.	No acceptable outcome is nominated.								
PO15 If the use is a food and drink outlet, the food and drink outlet is incorporated into the neighbourhood centre and is not a stand-alone	No acceptable outcome is nominated.								

structure.	
<p>PO16</p> <p>Buildings are designed to:</p> <ul style="list-style-type: none"> (a) fit responsibly into the streetscape; (b) activate and engage with the street and important public spaces; (c) create a safe pedestrian environment at street level; (d) create interesting street level façades which avoid expanses of blank walls oriented to the street; and (e) provide an awning over pedestrian areas, or shade trees where an awning would conflict with the streetscape (for example, heritage buildings). 	<p>AO16.1</p> <p>New developments:</p> <ul style="list-style-type: none"> (a) are oriented to the street and on-site customer parking areas; (b) include display windows for a minimum of eighty (80) per cent of the façade area; and (c) result in tenancies which do not exceed ten (10) metres in width, or tenancies are punctuated at least every fifteen (15) metres by a vertical design feature or shop window displays. <p>AO16.2</p> <p>Where fronting a street or public space, any part of a building above ground floor level includes design features, windows or balconies to at least thirty (30) per cent of the façade area of each floor level.</p> <p>AO16.3</p> <p>Buildings have awnings over external pedestrian footpath areas and the awnings:</p> <p>provide continuous weather protection;</p> <ul style="list-style-type: none"> (a) are not higher than 7.5 metres from the constructed pavement or footpath to the soffit of the awning; and (b) extend from the building over the pedestrian footpath area the greater of the following: <ul style="list-style-type: none"> (i) three (3) metres; or (ii) a distance which finishes 0.5 of a metre before any roadside kerb or vehicle parking area. <p>AO16.4</p> <p>Buildings and structures higher than 8.5 metres are set back a minimum of three (3) metres from side, rear and front boundary, and incorporate overhanging eaves, louvres and screens to maintain articulation to the street.</p>
<p>PO17</p> <p>Buildings have an appearance which provides visual interest and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area by use of the following:</p> <ul style="list-style-type: none"> (a) vertical and horizontal articulation to create shadow and break up the built form by use 	<p>AO17.1</p> <p>Buildings have a maximum unarticulated length of fifteen (15) metres to the street frontage.</p> <p>AO17.2</p> <p>External building walls have at least three (3) variations, with the variations consisting of one or</p>

<p>of fenestration, recesses, wall offsets, balconies, projections, splays or other building design features;</p> <p>(b) external building walls having variations in textures, materials and colours;</p> <p>(c) external building materials which are unlikely to create a nuisance, discomfort or hazard due to solar reflection; and</p> <p>(d) the roof of a building is designed in a manner that creates visual interest and can conceal any plant equipment.</p>	<p>more of the following:</p> <p>(a) changes in surface textures; or</p> <p>(b) changes in materials; or</p> <p>(c) changes in colours.</p> <p>AO17.3</p> <p>The design of the building does not include glass or surfaces that are likely to:</p> <p>(a) reflect solar rays for prolonged periods due to exterior finishes and design elements, or</p> <p>(b) create undue nuisance, discomfort or hazards to any part of the surrounding locality.</p>
<p>PO18</p> <p>The development is designed in a manner that contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area by incorporating elements including but not limited to the following:</p> <p>(a) emphasis on entry points;</p> <p>(b) orientation to the street and any public places;</p> <p>(c) use of buildings, structures or vegetation to screen any waste storage areas and building plans from view of the street;</p> <p>(d) inclusion of vegetation to screen any large unarticulated building walls;</p> <p>(e) inclusion of vegetation at appropriate locations to enhance public streets and places and to provide shading for pedestrian comfort.</p>	<p>AO18.1</p> <p>The development has a pedestrian entry point at or visible from the primary road frontage.</p> <p>AO18.2</p> <p>Any waste storage areas are screened from view of the street by one or more of the following:</p> <p>(a) a solid screen fence; or</p> <p>(b) a wall; or</p> <p>(c) dense vegetation.</p> <p>AO18.3</p> <p>Any building or plant:</p> <p>(a) is screened from view of the street by one or more of the following:</p> <p>(i) a solid screen fence; or</p> <p>(ii) a roof design feature; or</p> <p>(iii) a wall; or</p> <p>(iv) dense vegetation; or</p> <p>(b) is located within, underneath or central to the building so as to not be visible from the street.</p> <p>AO18.4</p> <p>There is a densely vegetated area having a depth of at least five (5) metres from the property boundary, located along all common property boundaries where adjoining any residential use which complies with the following:</p> <p>(e) there is a minimum of two (2) rounded canopy trees for every five (5) linear metres or part thereof of the length of the property boundary; and</p> <p>(f) any established native tree species having a height exceeding two (2) metres, or a trunk diameter of thirty (30) centimetres are retained within the vegetation area.</p>

	<p>AO18.5</p> <p>Where buildings are setback from a road frontage property boundary, a landscape planting bed having a minimum depth of one (1) metre is provided along the full frontage (excluding vehicle and pedestrian access ways) which complies with the following;</p> <ul style="list-style-type: none"> (b) there is a minimum of two (2) rounded canopy trees for every five (5) linear metres or part thereof of the length of the road; and (c) there is a minimum of two (2) shrubs for every three (3) linear metres or part thereof of the length of the road frontage property boundary.
Location, design, siting, operation	
<p>PO19</p> <p>Outdoor lighting maintains the amenity of any adjoining residential zoned premises and does not adversely impact the safety for vehicles or pedestrians on the adjoining streets as a result of light emissions, either directly or by reflection.</p>	<p>AO19</p> <p>Outdoor lighting is designed, installed and maintained in accordance with the parameters and requirements of the current version of the Australian Standard AS4282 — Control of the obtrusive effects of outdoor lighting.</p>
<p>PO20</p> <p>A refuse container and container storage area is provided in a manner that:</p> <ul style="list-style-type: none"> (a) maintains the amenity of the surrounding area; (b) is of adequate size to accommodate the expected amount of refuse to be generated by the use; (c) is in a position that is conveniently accessible for collection; and (d) is able to be kept in a clean state at all times. 	<p>AO20.1</p> <p>The development of a use within the accommodation activities group is provided with a refuse container and container storage area that:</p> <ul style="list-style-type: none"> (a) is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres; (b) is large enough to accommodate at least one (1) standard issue sized rubbish bin per dwelling. <p>AO20.2</p> <p>The development of a use (other than an use within the accommodation activities group), is provided with a refuse container and container storage area that:</p> <ul style="list-style-type: none"> (a) is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.8 metres; (b) has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system; (c) is within proximity to a hose cock; (d) is large enough to accommodate at one (1) or more industrial bins of a size appropriate to the nature and scale of use; and (e) is not located within three (3) metres of the common property boundary where adjoining a lot within a residential category zone or township zone.
<p>PO21</p> <p>The safety, efficiency, effectiveness and operation of the transport network servicing the site and surrounding area or any identified future</p>	<p>AO21.1</p> <p>Non-residential development, which commonly generates greater than ten (10) vehicle trips per day, does not have direct access to a road that is</p>

<p>components of the transport network, are not compromised by the development.</p>	<p>classified in the road hierarchy as a local residential access street or a residential access place.</p> <p>AO21.2</p> <p>A traffic impact assessment report is prepared by an engineer who qualifies as a registered professional engineer of Queensland and the traffic impact assessment report satisfies Council that the safety, efficiency, effectiveness and operation of components of the transport network servicing the site and surrounding area or any identified strategic future components of the transport network, are not compromised by the development.</p>
<p>Landscape and natural environment</p>	
<p>PO22</p> <p>Development is located, designed and operated to avoid significant adverse impacts on the following:</p> <ul style="list-style-type: none"> (a) existing environmental conditions relating to air, water and soil; (b) landscape quality and scenic amenity values at the site; (c) significant drainage features. 	<p>No acceptable outcome is nominated.</p>
<p>Community safety</p>	
<p>PO23</p> <p>Personal safety and property security are optimised through the design of buildings and spaces incorporating the following:</p> <ul style="list-style-type: none"> (b) means of easily identifying the premises; (c) appropriate night lighting; (d) suitably designed and located building entry and exit points; (e) opportunities for surveillance; (f) appropriate plant species for landscaping; (g) clear definition of boundaries between private and public spaces; and (h) any best practice for crime prevention through environmental design. 	<p>AO23.1</p> <p>The development contains:</p> <ul style="list-style-type: none"> (a) appropriately designed and sited numbering which clearly identifies the street address and any individual tenancies or dwelling units at the premises; and (b) appropriately designed and sited signage for way finding and premises identification. <p>AO23.2</p> <p>The development contains lighting that is designed and installed in any public places and community places in accordance with Australian Standard AS1158: Public Lighting Code.</p> <p>AO23.3</p> <p>Other than for controlled and well lit emergency exits, the development has clearly identifiable and well lit entry and exit points which:</p> <ul style="list-style-type: none"> (a) front a road, public place, or communal place; or (b) are in clear unobstructed view of a road, public place, or communal place; or (c) front a well-defined, unobstructed and appropriately lit pathway which connects to a road, public place, or communal place.

	<p>AO23.4 Building entrances facing onto roads, public places or communal places:</p> <ul style="list-style-type: none"> (a) do not incorporate recesses of sufficient size to conceal a person; or (b) where the recess is of sufficient size to conceal a person it: <ul style="list-style-type: none"> (i) is well lit; and (ii) is: <ul style="list-style-type: none"> (A) gated with restricted access; or (B) has strategically placed mirrors. <p>AO23.5 Any movement corridor (walkways, laneways, pathways, tunnels, stairways, cycleways and the like) having blind corners involving a change in direction of seventy-five (75) degrees or more are provided with design elements that maximise the ability to sense the presence of danger around the corner such as one of or a combination of the following:</p> <ul style="list-style-type: none"> (a) a mirror to allow viewing around the blind corner; or (b) use of permeable material for the building or structure at the blind corner; or (c) reduction of the height of the building or structure at the blind corner to a height allowing for an unobstructed view; or (d) inclusion of a barrier extending out from the blind corridor with the barrier being permeable or having a height allowing for an unobstructed view; or (e) use of night lighting fixed at locations which can cast shadow of persons or objects into view; or (f) other effective design elements. <p>AO23.6 For vehicle parking areas, the planting of vegetation involves species that have clear trunks up to a height of two (2) metres or that have low ground covers less than one (1) metre in height.</p> <p>AO23.7 The development has clearly defined boundaries between private and public space by use of one or more of the following elements:</p> <ul style="list-style-type: none"> (a) fencing; or (b) changes in surface finishes; or (c) landscape treatments.
Infrastructure	

<p>PO24</p> <p>Safe, accessible, robust and reliable infrastructure relating to access and parking, energy supply, roads, roof and allotment drainage, sewage and wastewater treatment and disposal, stormwater management, telecommunications, and water supply, is adequately provided for the development in accordance with best practice and endorsed standards for the location, and relative to the needs of the development.</p>	<p>Infrastructure is provided in accordance with the Capricorn Municipal Development Guidelines, relevant Australian standards and any approved Master technical documents under Preliminary Approval D-35-2016.</p>
<p>Access and parking</p>	
<p>PO24</p> <p>The development is provided with an on-site parking and movement system designed and constructed to:</p> <p>(a) be integrated with the site layout including:</p> <ul style="list-style-type: none"> (i) direct access to a road providing an appropriate level of service required to accommodate traffic generated by the use; (ii) having appropriately designed footpath crossovers; (iii) provision for safe pedestrian movement between public footpath and facility entry points; <p>(b) accommodate sufficient manoeuvring room for the safe entry and exit of all modes of transport generated by the use (including refuse collection vehicles, trucks, buses and the like as relevant to the development);</p> <p>(c) accommodate sufficient parking for the expected number and type of vehicles generated by the use;</p> <p>(d) facilitate non-discriminatory accessibility;</p> <p>(e) provide for safe and efficient loading and unloading of goods;</p> <p>(f) allow for vehicle queuing necessary for the use;</p> <p>(g) provide for passenger set down and pick up necessary for the use (including public transport needs);</p> <p>(h) facilitate public access to the foreshore and public open space networks;</p> <p>(i) provide a safe environment;</p> <p>(j) be compatible with the character and amenity of the area; and</p> <p>(k) make a positive aesthetic contribution to the streetscape character of the setting, particularly if involving multi-level parking.</p>	<p>AO24.1</p> <p>The development is provided with sufficient on-site vehicle parking and queuing space in accordance with the standards relevant to the use in compliance with Table 7.1.6 – Car parking requirements for Centre activities</p> <p>AO24.2</p> <p>An engineer who qualifies as a registered professional engineer of Queensland certifies that all vehicles likely to use the site are able to enter and leave the site in a forward gear, and that the on-site vehicle parking spaces, pick-up areas, loading and unloading areas, queuing areas, circulation and manoeuvring areas for the development are designed and constructed in accordance with the most up to date version of the Australian Standards as relevant to the development, including but not limited to the following:</p> <ul style="list-style-type: none"> (a) <i>Australian Standard AS2890.1-1993: Parking Facilities –Off-street Car parking;</i> (b) <i>Australian Standard AS1428.1-2001. Design for access and mobility – General requirements for access – New building work;</i> (c) <i>Australian Standard AS2890.2-1993: Off-street parking – Commercial vehicle facilities.</i> <p>AO24.3</p> <p>A solid, good quality brick, timber or masonry screen fence having a minimum height of 1.8 metres is provided between the car parking area of development (other than a use within the accommodation activities group being for long-term accommodation) where adjoining a sensitive land use located within the residential category.</p>
<p>Flood resilience</p>	
<p>PO25</p> <p>The development is resilient to the adverse</p>	<p>AO25</p> <p>The development is resilient to the adverse</p>

impacts of flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	impacts of a flood by locating the floor level of all building rooms used for habitation or work a minimum of 300 millimetres above the level of a flood event of at least the annual exceedance probability of one percent.
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Table 7.1.5 - Minimum separation distance between a use within the rural activities group, sensitive land use, and site boundaries

Minimum separation distance between a use from within the rural activities group, and sensitive land use, and site boundaries				
Defined use	Sensitive land use circumstance 1:	Sensitive land use circumstance 2:	Site boundary circumstance 1:	Site boundary circumstance 2:
	<ul style="list-style-type: none"> A residential category zone A township zone A rural residential zone (park residential precinct) A community facility zone A child care centre A community care centre A community use An education establishment (if is not associated with education and training for a rural activity) A health care service A hospital 	<ul style="list-style-type: none"> A use within the accommodation activities group that is located on a rural zoned lot A use within the accommodation activities group that is located on a rural residential zoned lot (not within the park residential precinct) 	<ul style="list-style-type: none"> A side property boundary if there is not a sensitive land use established on the adjoining lot A rear property boundary if there is not a sensitive land use established on the adjoining lot 	<ul style="list-style-type: none"> A road frontage property boundary if there is not a sensitive land use established on the opposite side of the road
Animal husbandry	300 metres for any buildings and structures associated with the storage, handling, packaging or processing of animal product or by-product	150 metres for any buildings and structures associated with the storage, handling, packaging or processing of animal product or by-product	50 metres for any buildings and structures associated with the storage, handling, packaging or processing of animal product or by-product	50 metres for any buildings and structures associated with the storage, handling, packaging or processing of animal product or by-product
Animal keeping	1000 metres	500 metres	150 metres	50 metres
Aquaculture	300 metres	150 metres	50 metres	50 metres
Cropping	300 metres for any buildings and structures associated with the	150 metres for any buildings and structures associated with the	50 metres for any buildings and structures associated with	50 metres for any buildings and structures associated with the storage,

Minimum separation distance between a use from within the rural activities group, and sensitive land use, and site boundaries				
	storage, handling, packaging or processing of cropping produce	storage, handling, packaging or processing of cropping produce	the storage, handling, packaging or processing of cropping produce	handling, packaging or processing of cropping produce
Extractive industry	<ul style="list-style-type: none"> 500 metres (if the extractive resource does not involve blasting, crushing, grinding, milling or similar) 1000 metres (if the extractive resource involves blasting, crushing, grinding, milling or similar) 	<ul style="list-style-type: none"> 200 metres (if the extractive resource does not involve blasting, crushing, grinding, milling or similar) 500 metres (if the extractive resource involves blasting, crushing, grinding, milling or similar) 	<ul style="list-style-type: none"> 100 metres (if the extractive resource does not involve blasting, crushing, grinding, milling or similar) 250 metres (if the extractive resource involves blasting, crushing, grinding, milling or similar) 	<ul style="list-style-type: none"> 100 metres
Intensive animal industry	2000 metres	1000 metres	500 metres	<ul style="list-style-type: none"> 100 metres for a collector road or lower order road in the road hierarchy 200 metres for a sub-arterial road or higher order road in the road hierarchy
Intensive horticulture	500 metres	250 metres	100 metres	50 metres
Roadside stall	-	-	20 metres	10 metres
Rural industry	300 metres	150 metres	50 metres	50 metres
Wholesale nursery	-	-	20 metres for buildings and structures (not including fences)	20 metres for buildings and structures (not including fences)
Winery	300 metres	150 metres	50 metres	50 metres

Table 7.1.5 – Minimum separation distance between rural sources of conflict and sensitive land use

Minimum separation distance between rural sources of conflict and sensitive land use	
Any use within the rural activities group using chemicals that are likely to result in sensitive receptor exposure to chemical spray drift	300 metres
Any use within the rural activities group that is	500 metres if the potential odour nuisance time of

Minimum separation distance between rural sources of conflict and sensitive land use	
likely to create odour nuisance such as but not limited to the following: <ul style="list-style-type: none"> large scale composting facilities; large scale and frequent fertiliser use; large scale and frequent chemical spraying; large scale on-site effluent and waste storage, treatment and disposal 	impact is greater than 88 hours per year
Any use within the rural activities group that is likely to generate unreasonable amounts of dust, smoke or ash	150 metres
Editor's note: If the development is likely to create or be exposed to nuisance, hazards, harm or conflict with surrounding land use, an Impact Assessment Report should be prepared by a suitably qualified person to determine the suitability of the development. The impact assessment report must address emissions likely to be generated by the development or exposed to by the development (including but not limited to noise, odour, vibration, dust, ash, smoke, and other particulates) and the potential that they will cause nuisance, hazardous conditions, harm to sensitive land use.	

Table 7.1.5 – Minimum separation distance to electricity transmission line easement

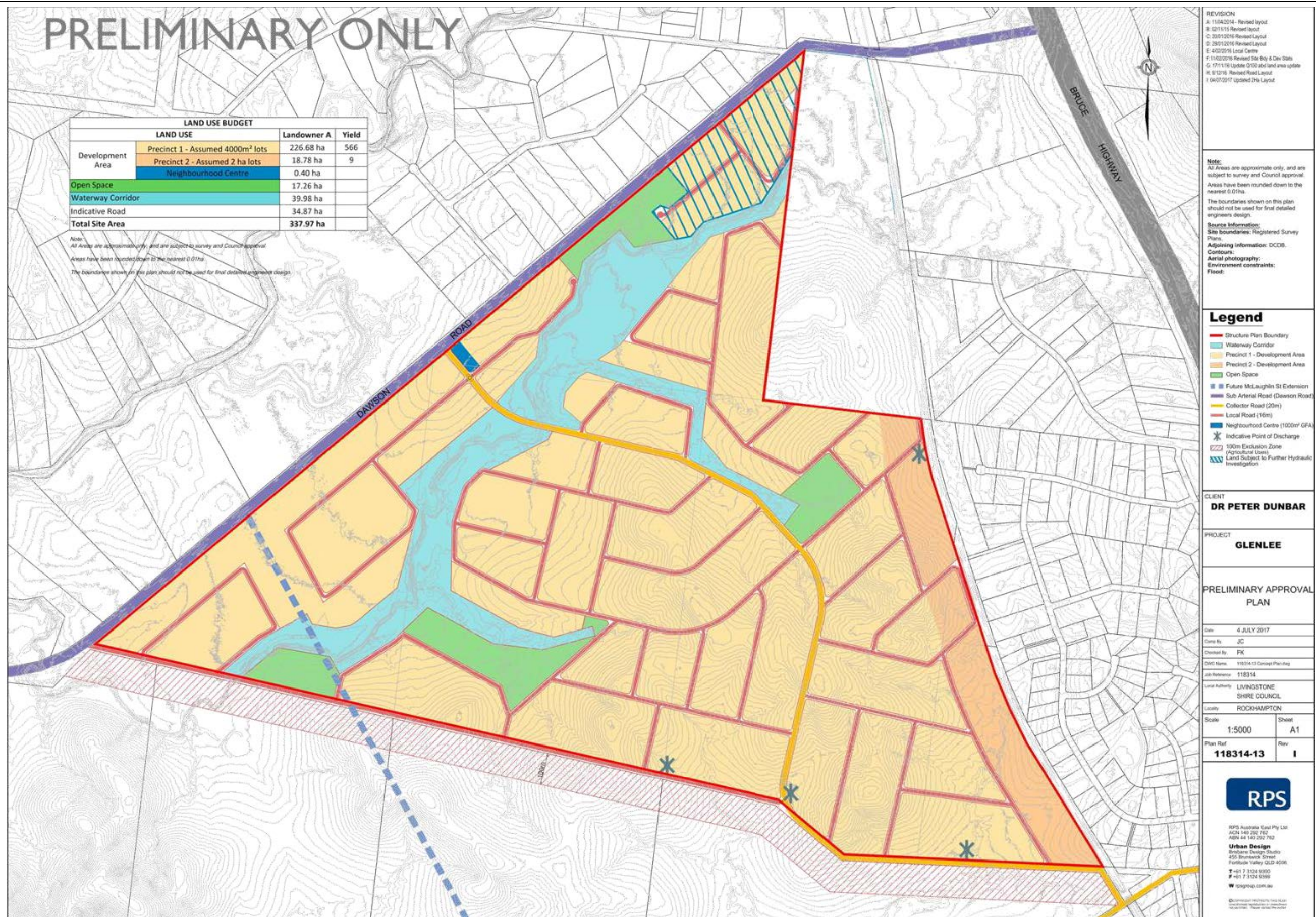
Nominal operating voltage of the transmission line	Minimum separation distance — measured from the edge of the easement
Up to 132 kV	20 metres
275 kV and 330 kV	30 metres
500kV	40 metres

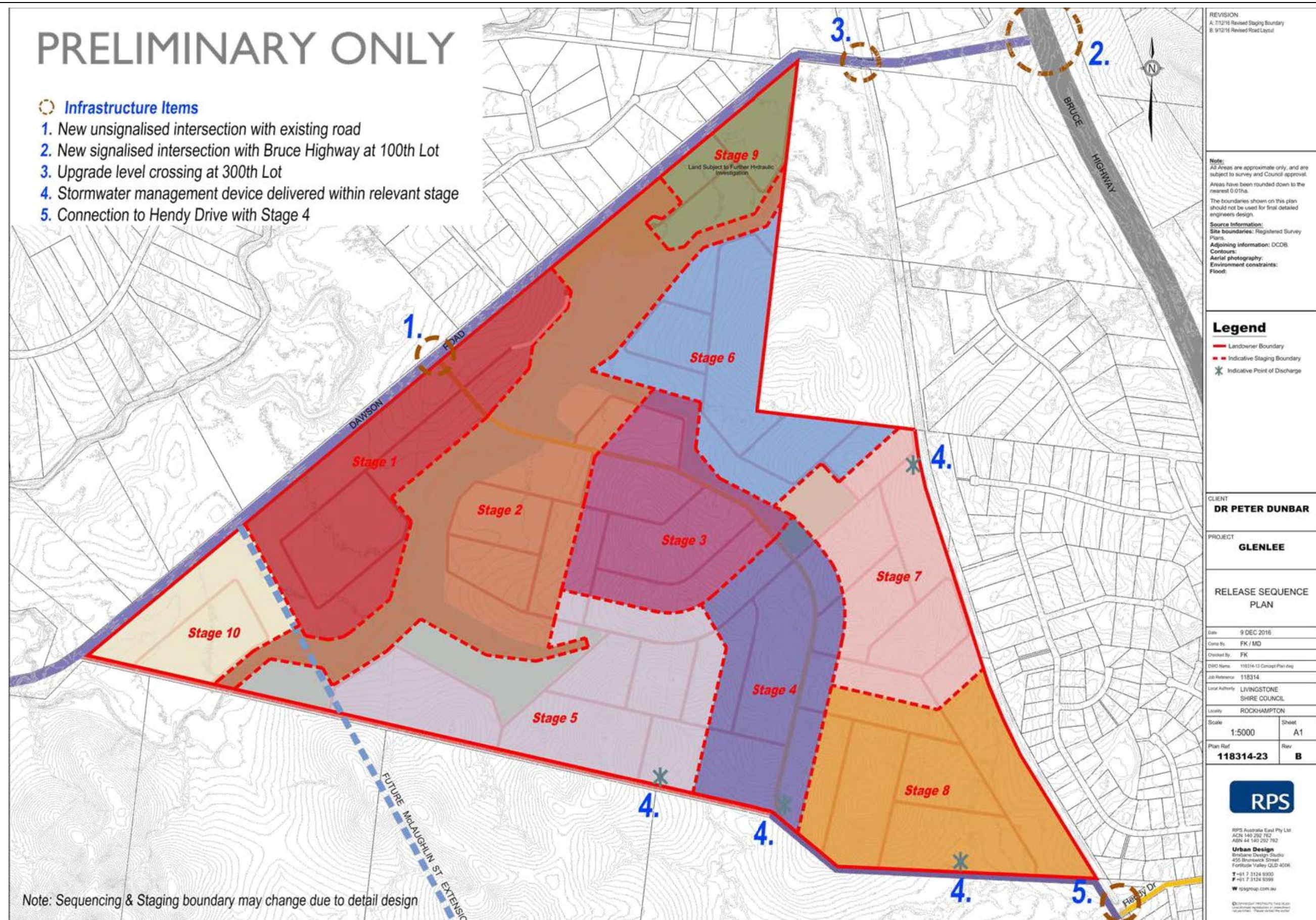
Table 7.1.6 - Car parking requirements for centre activities

Display home	Four (4) on-site car parking spaces, two (2) of which may be provided in tandem.
Food and drink outlet	One (1) space per ten (10) square metres or part thereof of gross floor area.
Shop	One (1) space per twenty (20) square metres or part thereof of gross floor area.
Shopping centre	One (1) space per sixteen (16) square metres or part thereof of gross leasable floor area; and One (1) emergency ambulance space; and Sufficient additional on-site space for public transport queuing, set-down, pick-up, and manoeuvring as determined by Council; and Sufficient additional on-site space for public transport queuing, set-down, pick-up, and manoeuvring as determined by Council.
Other	As determined by Council at the time of assessment

7.1.5 Appendices

- 7.1.5.1 Preliminary approval plan
- 7.1.5.2 Release sequence plan
- 7.1.5.3 Land use definitions
- 7.1.5.4 Administrative definitions





Appendix 7.1.5.3 - Land use definitions

Use	Definition	Examples include	Does not include the following examples
Accommodation activities			
Dwelling house	A residential use of premises for one household that contains a single dwelling. The use includes out-buildings and works normally associated with a dwelling and may include a secondary dwelling.		Caretaker's accommodation, dual occupancy, rooming accommodation
Home based business	A dwelling used for a business activity where subordinate to the residential use.	Bed and breakfast, home office, home based child care.	Hobby, office, shop, warehouse, transport depot.
Recreation activities			
Environment facility	Facilities used for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value.	Nature-based attractions, walking tracks, seating, shelters, boardwalks, observation decks, bird hides.	
Park	Premises accessible to the public generally for free sport, recreation and leisure, and may be used for community events or other community activities. Facilities may include children's playground equipment, informal sports fields and ancillary vehicle parking and other public conveniences.		Tourist attraction, outdoor sport and recreation.
Rural activities			
Animal keeping	Premises used for boarding, breeding or training of animals. The use may include ancillary temporary or permanent holding facilities on the same	Aviaries, catteries, kennels, stables, wildlife refuge.	Aquaculture, cattle studs, domestic pets, feedlots, grazing of livestock, non-feedlot dairying, piggeries poultry meat and egg production, animal

	site and ancillary repair and servicing of machinery.		husbandry.
Business activities			
Sales office	The temporary use of premises for displaying a land parcel or buildings that can be built for sale or can be won as a prize. The use may include a caravan or relocatable dwelling or structure.	Display dwelling.	Bank, office.
Special activities			
Major electricity infrastructure	All aspects of development for either the transmission grid or electricity supply networks as defined under the <i>Electricity Act 1994</i> . The use may include ancillary telecommunication facilities.	Powerlines greater than 66kV.	Minor electricity infrastructure, substation.
Utility installation	Premises used to provide the public with the following services: <ul style="list-style-type: none"> • supply or treatment of water, hydraulic power or gas; • sewerage, drainage or stormwater services; • transport services including road, rail or water; • waste management facilities; or • network infrastructure. The use includes maintenance and storage depots and other facilities for the operation of the use.	Sewerage treatment plant, mail depot, pumping station, water treatment plant.	Telecommunications tower, major electricity infrastructure, minor electricity infrastructure, substation, renewable energy facility, transport depot.
Centre activities			
Shop	Premises used for the	Hairdresser, liquor	Adult store, food and

	display, sale or hire of goods or the provision of personal services or betting to the public.	store, department store, discount department store, discount variety stores, betting agencies, supermarket, corner store.	drink outlet, showroom, market.
Food and drink outlet	Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.	Bistro, cafe, coffee shop, drive-through facility, kiosk, milk bar, restaurant, snack bar, takeaway, tea room.	Bar, club, hotel, shop, theatre, nightclub entertainment facility.
Shopping centre	Premises comprising two (2) or more individual tenancies that is comprised primarily of shops, and that function as an integrated complex.		

Appendix 7.1.5.4 - Administrative definitions

Use	Definition
Ancillary	An activity that is necessarily associated with a defined use or development, but it is incidental and subordinate to the defined use or development.
Building height	If specified: (a) in metres, the vertical distance between the ground level and the highest point of the building roof (apex) or parapet at any point, but not including load-bearing antenna, aerial, chimney, flagpole or the like; (b) in storeys, the number of storeys above ground level; or (c) in both metres and storeys, both (a) and (b) apply.
Gross floor area	The total floor area of all storeys of a building (measured from the outside of the external walls or the centre of a common wall), other than areas used for the following: (a) building services, plant and equipment; (b) access between levels; (c) ground floor public lobby; (d) a mall; (e) the parking, loading and manoeuvring of motor vehicles; (f) unenclosed private balconies whether roofed or not. (g) access between levels; (h) ground floor public lobby; (i) a mall; (j) the parking, loading and manoeuvring of motor vehicles;

	(k) unenclosed private balconies whether roofed or not.
Household	An individual or a group of two or more related or unrelated people who reside in the dwelling, with the common intention to live together on a long-term basis and who make common provision for food or other essentials for living.
Landscape	The appearance of land, including its shape, form, colours and elements, the way these (including those of streets) components combine in a way that is distinctive to particular localities, the way they are perceived, and an area's cultural and historical associations.
Minor building work	An alteration, addition or extension to an existing building(s) which results in an increase in the gross floor area of the building(s) of less than five (5) percent of the gross floor area of the existing building(s) or fifty (50) square metres, whichever is the lesser.
Secondary dwelling	A dwelling used in conjunction with, and subordinate to, a dwelling house on the same lot. A secondary dwelling may be constructed under a dwelling house, be attached to a dwelling house or be free standing.
Sensitive land use	Sensitive land use as defined in the Queensland Planning Regulation 2017.
Setback	For a building or structure, the shortest distance measured horizontally from the outer most projection of a building or structure to the vertical projection of the boundary of the lot, excluding any eaves and sun shading devices. Setback may be referenced in other contexts in this planning scheme. In such instances it is commonly referring to a separation distance measured horizontally from one thing to another. Note for example: <ul style="list-style-type: none"> the setback may refer to a minimum separation distance between two different land uses; or the setback may refer to a minimum separation distance between a land use and a natural hazard area or matter of environmental significance; or the setback may refer to a minimum separation distance between a building or structure and a natural hazard area or matter of environmental significance.
Site	Any land on which development is carried out or is proposed to be carried out whether such land comprises the whole or part of one lot or more than one lot if each of such lots is contiguous.
Site cover	The proportion of the site covered by a building(s), structure(s) attached to the building(s) and carport(s), calculated to the outer most projections of the building(s) and expressed as a percentage. The term does not include: <ul style="list-style-type: none"> (a) any structure or part thereof included in a landscaped open space area such as a gazebo or shade structure; (b) basement car parking areas located wholly below ground level; (c) eaves and sun shading devices.
Storey	A space that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not a space that contains only: <ul style="list-style-type: none"> (a) a lift shaft, stairway or meter room; (b) a bathroom, shower room, laundry, water closet, or other sanitary compartment; (c) a combination of the above.

	<p>A mezzanine is a storey.</p> <p>A roofed structure on or part of a rooftop that does not solely accommodate building plant and equipment is a storey.</p> <p>A basement is not a storey.</p>
Temporary use	<p>A use that is impermanent and may be irregular or infrequent that does not require the construction of a permanent building or the installation of permanent infrastructure or services.</p> <p>Note: For the purpose of this planning scheme, the irregular or infrequent event is not conducted for a period of either:</p> <p>(a) 12 hours consecutively, or</p> <p>(b) more than 2 days in every month or 30 consecutive day period, or</p> <p>(c) more than 24 days in a year or consecutive 365 day period.</p>

12.12 DECISION ASSESSMENT FOR A DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A MEDICAL CENTRE (EXTENSION)

File No: D-146-2016

Attachments: 1. [Locality Plan](#)
2. [Proposal Plans](#)

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

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Applicant: Capricorn Engineering & Drafting Services

Real Property Address: Lot 57 on RP602613

Common Property Address: 17 Tanby Road, Yeppoon

Area of Site: 1,012 square metres

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Residential Zone, R1 Precinct

Planning Scheme Overlays: Overlay Map O3: Waterways 100 metre buffer area
Overlay Map O5: Stormtide Hazard
Overlay Map O8: Acid Sulfate Soils (land below five metres Australian Height Datum)

Existing Development: Building used for an Office and Medical centre

Existing Approvals: Development Permit D-78-2015 for a Material Change of Use for an Office
Development Permit D-152-2015 for a Material Change of Use for a Medical centre

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One (1)

APPLICATION PROGRESS:

Application Lodged:	19 October 2016
Information request issued:	10 November 2016
Information request response period extended:	8 May 2017 Extended until 10 November 2017
Information request response period extended:	8 November 2017 Extended until 12 February 2018
Information request response period extended:	9 February 2018 Extended until 12 March 2018
Information request response received:	12 March 2016
Submission period commenced:	20 March 2018

Notice of commencement received:	20 March 2018
Submission period end:	13 April 2018
Notice of compliance received:	17 April 2018
Council request for additional time:	10 May 2018
Statutory determination date:	20 November 2018
Council Meeting date:	20 November 2018

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Medical centre, made by Capricorn Engineering & Drafting Services, on Lot 57 on RP602613, and located at 17 Tanby Road, Yeppoon, Council resolves to Refuse the application given the following reasons:

- 1.0 The proposed extension will diminish the function of Yeppoon as the main business centre as there are multiple retail and commercial tenancies vacant and available for lease in the Yeppoon business centre, where Medical centre uses are preferred.
- 2.0 The development does not provide sufficient parking spaces on the subject site to accommodate the existing uses and proposed development. Further, there is not an adequate and safe parking area within the road reserve that is able to service the proposal.
- 3.0 The overall outcomes for the Tanby Road commercial transition precinct, in the *Livingstone Planning Scheme 2018*, is for the establishment of small-scale centre activity uses within an existing building. The development conflicts with the outcomes of the precinct and results in an extension of the building for Medical centre uses, which are already able to be accommodated on the subject site in the existing building or within the Major Centre Zone whereby a Health care service is accepted development, if within an existing building.

BACKGROUND

The subject site was originally utilised for a Dwelling house and ancillary shed (Class 10). The shed to the rear of the building has since been removed. A Development Permit D-78-2014 was issued on 13 August 2014 for an Office and a further Development Permit D-152-2015 was issued on 14 September 2015 for a Medical centre. Each application was decided by Council at the Ordinary Council meeting. Both permits were issued to change the use of the existing building only and did not involve additional building works. The approvals allow each room of the existing building to be utilised interchangeably between an Office use and a Medical Centre use.

COMMENTARY

The application is for an extension to the existing building to allow for a Medical centre (extension) at 17 Tanby Road, Yeppoon.

Three (3) consult rooms are proposed with an open assessment room and a reception area. The proposed gross floor area of the building extension is 83.38 square metres. This will result in a total gross floor area of 253.5 square metres.

The application proposes to provide an additional two (2) parking spaces, to the rear of the building, in addition to the existing eight (8) parking spaces on site and this includes the retention and use of the existing universally accessible car parking space on the Tanby Road frontage. All car parking spaces are proposed to be and are required to be sealed (concrete or asphalt). The car parking area will cover 456.9 square metres which equates to 45.14 per cent site cover.

The extension area will provide a second, discrete customer entrance to the rear of the site and will provide for sensitive uses where discretions is sought when accessing the property.

Landscaping is proposed over the site to minimise impact on adjoining development. Landscaping will cover approximately 29.82 per cent of the site. The site is currently serviced by all urban infrastructure networks.

SITE AND LOCALITY

The site currently contains an existing single storey building utilised for office and medical centre uses. The subject site adjoins Fig Tree Creek to the north-western boundary. The subject site is relatively flat with a slight fall to the north-western boundary. Existing mature vegetation is present to the rear of the site.

The subject site is located within a mixed use area with residential, light industrial and commercial uses along Tanby Road and incorporates a road frontage of approximately 16.76 metres to Tanby Road with vehicular access from Tanby Road. The site is rectangular in shape and incorporates an area of 1,012 square metres.

Matters for Consideration

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 the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policies; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Infrastructure Operations Unit – 19 April 2018

Support, subject to conditions.

Natural Resource Management – 26 October 2016

No comments.

Public and Environmental Health – 26 October 2016

No comments.

Growth Management – 18 May 2018

Comments provided in regards to the Tanby Road Commercial Transition Precinct and the development of this precinct under the *Livingstone Planning Scheme 2018*.

State Planning Policy – April 2016

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

Coastal environment: Complies

The site is mapped as a coastal area for erosion prone area, medium and high storm tide inundation area. The following applicable interim code provision applies and is assessed below.

Development:	
(1) Avoids or minimises adverse impacts on:	Complies
(a) coastal processes and coastal resources; and	The building extension will be located in an area of the site partially affected by the medium hazard storm tide inundation area. The building is sited on 825-millimetre-high stumps and the ground level where the building extension is proposed is
(b) scenic amenity of important natural coastal landscapes, views and vistas,	

and	<p>approximately 4.75 metres and five metres Australian Height Datum.</p> <p>The minimum habitable floor height is 4.4 metres Australian Height Datum. Due to the existing ground level and the building being proposed on stumps, the building will be above the current storm tide hazard level under the Connell Wagner report.</p> <p>The Capricorn Coast Storm Tide Study Upgrade Report prepared by Aurecon for the new planning scheme recommends a minimum habitable floor height of 5.2 metres Australian Height Datum. The area will be above the recommended level due to the existing ground level and given the building is on stumps.</p> <p>Also, the extension area will match with the existing floor level.</p> <p>The scenic amenity is not affected as a result of the proposed development, given the surrounding uses and urban nature of the locality.</p> <p>Further, the development is not located in an area affected by the Erosion Prone Area mapping, which is located to the rear of the site only.</p>
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Central Queensland Regional Plan

The Central Queensland Regional Plan commenced in October 2013 and is not appropriately reflected within the *Livingstone Shire Planning Scheme 2005*. The regional plan aims to provide policy direction for decision making for the co-existence of extractive/mining industry, agriculture and priority living areas. In this regard, the four regional policies are not applicable to this application as it is not for an extractive/mining or agricultural land use. The development is within a priority living area, however the original building has been converted into commercial uses and the proposal is for the extension of the Medical centre use.

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 development will not affect the values of the Shire's natural environment as the site is cleared of significant vegetation, is zone for residential uses and the extension of the building and the car parking area is setback from the waterway to the rear of the site.

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

Complies: The proposed development is for a Medical centre which is not anticipated to affect the quality and quantum of water available throughout the Shire.

- (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 site is mapped as within the Stormtide hazard overlay area. The floor height will be conditioned to ensure the development is constructed above the stormtide levels. The development will be able to be above the current stormtide hazard level as the ground level is between 4.5 metres Australian Height Datum and five (5) metres Australian Height Datum and the extension is proposed on stilts. Further the use is not proposed for habitable purposes. The site is also mapped as potential acid sulfate soils, however, there will be minimal excavation and filling given the site is generally flat.

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

Complies: The development is setback from the natural waterway, being Fig Tree Creek, towards the rear of the site and does not contain any other known economic or natural resources.

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

Does not comply: The development has not substantiated that it provides a benefit to or satisfies an economic demand of residents of the area in which it is located. The existing building is already approved to be used for Medical centre uses, therefore the extension of the building does not provide a new service. The application does note that there is not enough room for the growth of a Medical centre use on the subject site, therefore the existing building does not allow for business development, however the explanation of the existing use is for start-up businesses, transitioning from small-scale businesses before moving into the centre or a larger space. The developer currently has an opportunity with the existing permits to operate the entire complex with medical centre uses if they so choose.

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

Does not comply: It is acknowledged that the existing building is utilised as a location for 'start-up businesses' in shared working space being a new business and industry trend. However, the proposed extension will provide for the growth and business development of a small start-up business, however, from a review of buildings and areas for lease in the central business area of Yeppoon, the proposed extension area is of a similar area (being 83.38 square metres) available for rent in the preferred zones, such as the Major Centre, for Medical centre uses to locate.

- (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 proposed development will not impact on the tourism industry.

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

Does not comply:

The proposed extension will result in an additional 83.38 square metres and will make the total gross floor area of the existing and proposed 253.5 square metres. Under the *Livingstone Planning Scheme 2018*, Health care services is 'Accepted development' if it is within an existing building in the Major Centre Zone, the District centre zone code and the Local centre zone code, and is listed as a preferred use in all three zones. Further, as at 15 May 2018, fifteen (15) retail properties were advertised on the commercialrealestate.com website. The retail spaces for lease vary

in area from twenty-four (24) square metres in area up to 644 square metres in area, which provides for great variety in buildings and areas available for start-up businesses to transition into, within a preferred zone under the *Livingstone Planning Scheme 2018*. The extension of the existing building will take businesses away from the central business area and at this current time, there is a number of vacant tenancies within the central business area of Yeppoon.

- (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: There is no expansion of the movement system, however the development provides for a new car park to the rear of the subject site, which can be manoeuvred appropriately and will accommodate staff and client parking.

- (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.*

Does not comply: The development is within the Residential Zone which is not a zone identified for commercial uses to occur. The proposal is for an extension to the building to the rear of the site to provide additional space for a Medical centre use. The land currently has two development permits, being for an Office and Medical centre, to occupy the existing building. The extension will support the future expansion of the Medical centre approved uses. The new *Livingstone Planning Scheme 2018* includes the site within the Tanby Road commercial transition precinct, whereby Health care services have the opportunity to establish in the area if within an existing building. The land owner has already converted the existing Dwelling house into Office and Medical centre land uses under related development permits issued pursuant to the *Livingstone Shire Planning Scheme 2005*. During the drafting of the *Livingstone Planning Scheme 2018*, the residential amenity of the existing residences, the size of the existing residences being relatively small in area and the approvals issued by Council were also considered by Council. The precinct does not encourage demolition of existing buildings to redevelop for commercial uses, but does provide the opportunity to redevelop sites with some, low impact, uses if the relevant aspects of the code are achieved.

Through the extension of the building, it will result in a gross floor area of 253.5 square metres. This is larger than all existing Dwelling houses (not including ancillary structures) along this stretch of Tanby Road (within the Tanby Road commercial transition precinct). Under the *Livingstone Planning Scheme 2018*, the size of existing buildings was considered to ensure that all requirements could be achieved on site. This includes the provision of all on-site car parking spaces required and the potential re-use of a building if it does need to be converted back to a Dwelling house in the future.

- (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 development has been designed to comply with health and safety requirements and will be required to obtain a Building Works permit for certification purposes. The development will not affect the amenity of the adjoining residential properties as the development is setback behind the existing Dwelling house to the north. Further, there is no window openings to the northern elevation in the extension area.

- (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 development will not have a negative impact on the Shire's scenic amenity. There is no impact to the Fig Tree Creek corridor as no vegetation will be removed as a result of the proposed development. The site has been included within a Commercial transition precinct under the new planning scheme therefore, the community is aware the area could transition from residential to some centre activities.

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

Complies: The site is not identified as containing known significant cultural or heritage values. As such, the development will not detrimentally affect the values of places and landscapes, which reflect the community's history and identity.

The performance assessment of the proposal demonstrates that the development compromises items (e), (f), (h) and (j) of the Planning Scheme Shire Wide Desired Environmental Outcomes, which directly relates to the development locating in a Residential Zone under the *Livingstone Shire Planning Scheme 2005* and in conflict with the provisions of the new precinct under the *Livingstone Planning Scheme 2018*.

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) *Residential areas are characterised by high levels of amenity and provide attractive living environments;*
 - (ii) *Development for residential purposes comprises:*
 - (A) *a range of residential accommodation styles including long-term and short-term accommodation,*
 - (B) *long-term and short-term accommodation located appropriately in relation to densities nominated in this code,*
 - (C) *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;*
 - (D) *an open space system including formalisation of recreational and movement opportunities where appropriate;*
 - (iii) *Development is provided with physical and social infrastructure commensurate with the scale and density of development;*
 - (iv) *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;*
 - (v) *Buildings and structures in precincts R1 and R2 are not higher than 12 metres;*
 - (vi) *Buildings and structures in precincts R3 are not higher than 15 metres;*
 - (vii) *Development does not adversely impact on the environmental values of the site and its surroundings.*

The consistent and inconsistent land uses in the Residential zone are as follows:

- O1 (a) Only uses consistent with the overall outcomes for, and preferred for development within the Residential zone are established in the zone.
- (b) The following uses and use classes are consistent with, and preferred within the Residential zone:

- (i) Residential Purposes comprising long-term accommodation located as follows:

Accommodation Type	Preferred Locations
Dual occupancy	R1, R2, R3
Dwelling house	R1, R2, R3
- Annexed unit	R1, R2, R3
Multiple dwelling units	R2, R3
Retirement village	On-merit, based on impact assessment

- (ii) Residential Purposes comprising short-term accommodation located as follows:

Accommodation Type	Preferred Locations
Accommodation building	R2, R3
Bed and breakfast	R2, R3
Caravan park	On-merit, based on impact assessment
Institutional residence	On-merit, based on impact assessment

- (iii) Residential Purposes comprising associated activities located as follows:

Accommodation Type	Preferred Locations
Caretaker's residence	Subservient to a dominant use of premises
Display house or estate office	R1, R2, R3
Home-based business	Subservient to a dwelling unit

- O2 Provided the following uses are developed:

- to be compatible with surrounding development by being of similar scale, intensity and character, and
- to support preferred uses, and
- to not adversely affect the amenity of the locality;

they are consistent within the Residential Zone:

- (a) Local utility,

- (b) *Shop (not exceeding 100 square metres gross floor area and providing only for convenience shopping needs of residents within its immediate catchment), or*
- (c) *Special use (being a community hall or centre).*

The proposed use being a Medical centre is not one of the above uses, and thus cannot be considered a consistent use within the Residential Zone. The purpose of the Residential Zone is the achievement of the overall outcomes. The development is not able to achieve the overall outcomes of the Residential Zone Code as it not listed as a consistent or preferred use to occur on the site. The development does not meet overall outcome (iv) as the use does not support the enjoyment of the residential area by residents and seeks to provide a commercial service to the wider community. The total building footprint will be larger than all other existing Dwelling houses along Tanby Road. The application is unable to demonstrate that the site is suitable for the use due to inconsistency with the Residential Zone Overall Outcomes and inconsistency with the *Livingstone Planning Scheme 2018*.

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
Subdivision Design		
O4	Reconfigured lots are designed and developed with: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • do not expose people and works to unacceptable risks from flooding or other hazards. 	Not applicable The proposal does not involve reconfiguration of a lot.
Density		
O5	Density of residential development is compatible with local amenity expressed by the outcomes sought for the Residential Zone.	Complies in part; does not comply with the overall outcomes There is one (1) existing building on the subject site. The proposed development will be integrated with the existing building and will appear to be one building on the subject site. The existing building is currently used for office and medical centre purposes, approved through related Material Change of Use approvals. The building is proposed to be extended to the rear of the existing structure and will extend the building by an additional 83.38 square metres. The extension will be able to be utilised

Specific Outcomes	Response
	<p>independently to the existing office and medical centre building as it will have its own entry and reception area.</p> <p>The building will only be identifiable from adjoining properties and will be setback further to the rear than adjoining properties. It will still appear to be one building however, will not be for residential purposes.</p> <p>As the building is not proposed for residential purposes, it does not achieve the overall outcomes of the zone code. Further, the extension of the building will result in the building being larger than existing buildings along Tanby Road.</p>
Character and Amenity	
<p>O6 Uses and works are located, designed and operated to minimise adverse impacts on:</p> <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. 	<p>Complies in part</p> <p>The proposed development is in an area where such land uses are not preferred.</p> <p>The proposed extension will provide an additional 83.38 square metres of area for Medical centre purposes. The extension will not impact on the existing environmental conditions and has been identified to be above the current stormtide hazard level.</p> <p>Given the site is currently utilised for office and medical centre uses, the amenity enjoyed by residents is not the same as would exist in a solely residential estate. The extension is to the rear of the site and will not be within proximity to the Dwelling houses on either side boundary, therefore will not further affect the amenity of adjoining premises. The expectation of an extension to allow for additional Medical centre uses will impact on the amenity with increased patronage to the subject site.</p> <p>A 1.8 metre high timber paling fence exists along the boundaries adjoining the existing residential properties. The 1.8 metre high timber fence will provide a level of protection from noise pollution and will create a visual buffer.</p> <p>Noise should not be generated over the acceptable levels however, there will be increased noise from additional traffic to and from the site and additional patronage to the site, than what would be expected from the existing land uses as an Office and Medical centre. Rubbish collection will still occur as per the current residential arrangement.</p> <p>The development will not affect distant or</p>

Specific Outcomes		Response
		local views.
O7	<p>Buildings and structures are:</p> <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 	<p>Complies</p> <p>The proposed development is an extension to the rear of the site and will match and complement the existing building on the site. The proposed extension is setback 1.276 metres from the north-western side boundary which is consistent with the existing building. The Dwelling house to the north-west is located at the front of the lot and will not be impacted on in terms of access to natural light and ventilation. There are no windows proposed to the north-western side of the building to prevent overlooking. Further, the extension will have adequate access to light, ventilation with windows provided to the south and east of the building and will be designed to ensure lawful discharge of stormwater, a stormwater detention system has been proposed. Site stormwater runoff will discharge into the detention basin to ensure non-worsening. There are some landscaped areas proposed on site.</p> <p>The waste storage will be conditioned to be screened to ensure that it is hidden from public view and does not distract from the streetscape. A 1.8 metre high fence is provided adjacent to existing residential properties for further screening.</p> <p>The location of air conditioning units has not been identified in the application however, it is not considered acceptable to be located along the north-western side boundary given the smaller side setback for the building.</p>
O8	<p>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:</p> <ul style="list-style-type: none"> • Traffic on major roads (including State controlled roads); or • Operations within railway corridors. 	<p>Complies</p> <p>The proposed development is within proximity to Tanby Road being a higher order road with the Shire. The proposed Medical centre provides a health service however is not anticipated to be adversely affected by Tanby Road.</p>
Cultural Heritage Values		
O9	<p>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</p>	<p>Not applicable</p> <p>The subject site and adjoining properties are not identified as a Heritage Place special management area listed in Schedule 3 of the <i>Livingstone Shire</i></p>

Specific Outcomes		Response
	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.	<i>Planning Scheme 2005.</i>
Flood Immunity		
O10	Development is immune to flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	<p>Complies</p> <p>The area where the building is located, is not mapped as a drainage problem area nor mapped under the new planning scheme as a flood hazard area. The building will be constructed on stumps and will not be affected by overland flow. The building is also above the current stormtide hazard levels.</p> <p>Further, there is an easement to the rear of the site for overland flow and no development is proposed in this area.</p>
Community Safety		
O11	<p>Personal safety and property security are optimised through the design of buildings and spaces incorporating:</p> <ul style="list-style-type: none"> • Opportunities for surveillance; • Clear definition of boundaries between private and public spaces; and • Robust construction materials. 	<p>Complies</p> <p>The proposed development is for an extension located to the rear of the site. The existing building is considered to provide adequate surveillance during operating hours.</p>
Vehicle Parking and Movement		
O12	<p>Development is provided with an on-site parking and movement system designed and constructed to:</p> <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 accessibility; and • provide for safe and efficient loading 	<p>Complies in part; Does not comply with minimum car parking rate</p> <p>On-site parking is prescribed at the rate nominated in Division 1 of Schedule 2 for a Medical centre. One space per twenty square metres of gross floor area plus one ambulance space is required.</p> <p>Eight (8) car parking spaces were required under D-152-2015 and eight (8) car parking spaces were provided, one of which was a universally accessible space and located at the front of the site. As a result of the proposed extension, an additional four (4) car parking spaces are required to be provided. Ten (10) car parking spaces are proposed on the subject site, with a shared zone adjacent to the universally accessible space to the front of the site.</p> <p>There is a deficiency of two (2) on-site car parking spaces. There is no availability on the subject site to locate additional car parking spaces as the rear of the site is</p>

Specific Outcomes	Response
<p>and unloading of goods; and</p> <ul style="list-style-type: none"> • 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. 	<p>affected by Easement K for overland flow purposes (and provides protection to Fig Tree Creek) and there is no opportunity for formalised on-street car parking given the high volume of traffic that travels along Tanby Road and the width of the verge is not suitable for car parking.</p> <p>There has been an area identified for an ambulance to the south-east of the proposed extension area and is considered appropriate for the site.</p> <p>The standard blind aisle needs to be provided with one (1) metre of width next to the last parking bay. However, in this case, the aisle width is 9.1 metres (greater than the standard width of 5.8 metres), therefore the additional width will provide sufficient space for vehicles to turn around, generally in accordance with <i>Australian Standard AS 2890.1—1993: Parking facilities Part 1: Off-street car parking</i>.</p> <p>Loading and unloading is not associated with the proposed use. A new pedestrian entrance and pathway is proposed. Cyclists can use either the car park or the pedestrian entrance. Informal bicycle parking can also be accommodated onsite.</p>
Infrastructure	
<p>O13 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:</p> <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. 	<p>Complies</p> <p>The proposed development has access to reticulated water and sewerage. Drainage, roads, power and communications are of an appropriate standard of service for the proposed use.</p> <p>The existing access driveway (crossover) will be utilised to service the use and the on-site car parking area will require an Operational Works application to be lodged.</p>

The proposed development does not satisfy the car parking requirements of the Residential Zone Code, nor is the development a preferred use within the Residential Zone.

Special Management Areas Code

(1) Purpose

- (a) *The purpose of the Natural Features Code is the achievement of the overall outcomes sought for the special management area shown on Overlay Maps O1 to O8 as identified in this code.*
- (b) *The overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8 as identified in this code are:*
 - (i) *That development is managed to protect the significant values of the various natural features and resources in terms of:*
 - (A) *Physical change;*
 - (B) *Damage or removal;*
 - (C) *Accessibility; or*
 - (D) *Visual detracting;*
- (c) *Development avoids or minimises, within acceptable levels, risk to the natural or built environment or human health or safety; and*
- (d) *Development does not adversely impact the safety and operational integrity of operational airspace associated with the Rockhampton Airport.*

The subject site is affected by the following elements within the Natural Features Code:

- (i) Acid Sulphate Soil (Overlay Map O8);
- (ii) Waterway (Overlay Map O3); and
- (iii) Storm Tide Hazard (Overlay Map O5).

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

Specific Outcomes		Response
Acid Sulphate Soils Special Management Area		
O4	<p>Natural or built environments and human health are not harmed by the production of acidic leachate resulting from development in areas of known and potential acid sulfate soils by:</p> <ul style="list-style-type: none"> (a) avoiding disturbance to areas of acid sulfate soils that would produce or contribute to acidic leachate, (b) treating and managing the disturbance of acid sulfate soils to minimise the generation of acidic leachate within manageable levels, (c) treating and managing surface and groundwater flows from areas of acid sulfate soils to minimise environmental harm. 	<p>Complies</p> <p>The subject lot is located between the five (5) metre Australian Height Datum and twenty (20) metre Australian Height Datum contours. The subject site does not have known potential acid sulphate soils. The development proposes to utilise the existing dwelling house on site. The construction of the onsite car parking area is not anticipated to result in the production of acidic leachate nor is it considered that the proposed use will cause disturbance of acid sulphate soils.</p>
Waterway Special Management Area		
O16	<p>There are no significant adverse effects on identified waterways in terms of:</p> <ul style="list-style-type: none"> (a) habitat; (b) riparian vegetation; (c) water quality; (d) water flow; 	<p>Complies</p> <p>The proposed development is located within 100 metres of a waterway being Fig Tree Creek, aligned to the rear boundary of the site. The proposed extension is 26.027 metres from the rear of the site and the car parking area is</p>

Specific Outcomes		Response
	(e) landscape quality and amenity; and (f) recreational value.	located behind the building. There is no development within this area that will adversely affect the waterway. Further, the site is clear of vegetation.
O17	Riparian land is persevered for public use where the land is required for ecological, open space or recreation functions including: (a) public use; (b) access for maintenance; (c) linking core and remnant habitat areas (d) protecting water quality and ecological processes; and (e) other public benefit.	Complies The rear of the site is contained within Easement K and provides a protection for the riparian land to the rear of the site. It is not for public access.
Storm Tide Hazard Special Management Area		
O19	Development levels are set above the design flood level to reduce property damage and, where applicable, ensure public safety.	Complies The building extension will be located in an area of the site partially affected by the medium hazard storm tide inundation area. The building is sited on 825 millimetre high stumps and the ground level where the building extension is proposed is approximately 4.75 metres and five metres Australian Height Datum. The minimum habitable floor height is 4.4 metres Australian Height Datum. Due to the existing ground level and the building being proposed on stumps, the building will be above the current storm tide hazard level. The recommended minimum habitable floor height is 9.5 metres Australian Height Datum however, in accordance with Queensland Development Code Mandatory Part 3.5, the development does not involve habitable areas. Also, given the current contour mapping illustrates the site at approximately around 4.75 and five metres Australian Height Datum, the proposed extension will be above the recommended levels. Also, the extension area will match with the existing floor level. The Aurecon report recommends a minimum habitable floor height of 5.2 metres Australian Height Datum. The area will be above the recommended level due to the existing ground level and given the building is on stumps and a condition ensuring compliance will be included. The scenic amenity is not affected as a

Specific Outcomes	Response
	result of the proposed development, given the surrounding uses and urban nature of the locality. Further, the development is not located in an area affected by the Erosion Prone Area mapping, which is located to the rear of the site only.

Consequently, the proposal is considered to satisfy the specific outcomes for the Special Management Areas Code.

Livingstone Planning Scheme 2018

The *Livingstone Planning Scheme 2018* has progressed through the statutory process (known as MALPI) and commenced on 1 May 2018, with ministerial sign-off granted in March 2018. Significant weight can be given to the draft *Livingstone Planning Scheme 2018* in the assessment of applications given the 'Coty Principle'. The Coty principle arises from the case of *Coty (England) Pty Ltd –v- Sydney City Council* (1957) which provides that weight may be given to a new planning document (which arises after the lodgement date), depending on how far it is along the legislative path to adoption. Queensland Planning and Environment Court decisions have also established that the weight to be given to draft laws or policies depends to a large extent on the maturity of the document and its stage along the statutory path to gazettal.

The subject site is identified as being within the Low density residential zone, Tanby Road commercial transition precinct under the new *Livingstone Planning Scheme 2018*. The Tanby Road commercial transition precinct provides for Office and Health care services to occur within existing buildings only, have low impacts and suitably integrate with the established accommodation in the immediate area.

The existing building has been approved for Office and Medical centre uses under the *Livingstone Shire Planning Scheme 2005*. The proposal is for an extension to the existing building to the rear of the site. The proposed extension will result in a gross floor area of 253.5 square metres, which will result in a larger building than existing Dwelling houses in the precinct area. Further, as a result of the proposed extension, it will not allow for the provision of adequate car parking spaces on-site to accommodate existing land uses and the proposed Medical centre extension area. As the development is not in an area to accommodate on-street car parking, all car parking must be provided on site.

Further, the development is not consistent with the new policy under the *Livingstone Planning Scheme 2018* as it involves the extension of the building for centre uses. Centre uses are only preferred if in an existing building. During the drafting of the *Livingstone Planning Scheme 2018*, the residential amenity of the existing residences, the size of the existing residences being relatively small in area on the larger sized residential lots, the proximity of industrial and business related uses along Tanby Road and the approvals issued by Council were considered. The precinct does not encourage demolition of existing buildings to redevelop for commercial uses, but does provide the opportunity to redevelop sites with some, low impact, uses if the relevant aspects of the zone code are achieved.

It is acknowledged that the existing building and the proposed extension will result in a total site cover of 25.04 per cent, which is less than the site cover nominated in the Low density residential zone however a further 45.14% of the site is proposed to be covered by driveways and parking area. The extension is not considered an over development of the site in terms of building site cover for residential uses, however as the site is no longer utilised as a residential premise (related permits have taken effect), the proposal is considered an overdevelopment of the site for commercial purposes.

Consultation

The proposal was the subject of public notification between 20 March 2018 and 13 April 2018, being a total of seventeen (17) business days, as per the requirements of the *Sustainable Planning Act 2009*, and no submissions were received.

Summary of Assessment

Council should note that pursuant to Section 326 (1) (b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the Planning Scheme if there are sufficient grounds to justify the decision despite the conflict.

The assessment of the desired environmental outcomes and the overall outcomes of the Residential Zone code concludes that the proposed development, is likely to conflict with the purpose of the zone, and in this instance there are not sufficient grounds available to support an alternative favourable consideration of the development. Further, reasons for refusal of the application have been established as outlined in the recommendation.

PREVIOUS DECISIONS

It is noted that Council has previously approved a development application for Material Change of Use for an Office and a Material Change of Use for a Medical centre on the subject site. Council also approved a Material Change of Use for Light industry and Office at 27 Charles Street and a Material Change of Use for an Office at 31 Charles Street which were also commercial uses in the Residential Zone under the *Livingstone Shire Planning Scheme 2005*.

It should be noted that each decision is made on its merits at the time of assessment and with the best planning information available. All applications detailed above were consistent with the new planning scheme policy direction in terms of allowing for a commercial use to occur within an existing building. The approval at 27 Charles Street allowed for an office use in the existing dwelling house and further provided for a light industry use as per the new scheme zoning of the land as Low impact industry.

BUDGET IMPLICATIONS

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

LEGISLATIVE CONTEXT

The application is being assessed pursuant to the *Sustainable Planning Act 2009* and all subordinate legislation and policies.

LEGAL IMPLICATIONS

The legal implications of refusing this development application is the risk of appeal from the developer. These potential legal implications also bring unknown budget implications.

STAFFING IMPLICATIONS

No staffing implications have been identified in the assessment.

RISK ASSESSMENT

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

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: **Strategy GO4: Provide transparent and accountable decision making reflecting positive leadership to the community.**

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and

- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) Democratic representation, social inclusion and meaningful community engagement; and
- (d) Good governance of, and by, local government; and
- (e) Ethical and legal behaviour of councillors and local government employees.

CONCLUSION

As demonstrated in the above report, the proposal is not consistent with the Desired Environmental Outcomes and Residential Zone Code requirements prescribed by the planning scheme.

It does not represent a logical development within the immediate area. It is acknowledged that the site is located within the Tanby Road commercial transition precinct under the *Livingstone Planning Scheme 2018*, where small scaled, Health care services may establish within existing buildings. The proposed development is not within an existing building.

The proposal conflicts with the provisions of the planning scheme pertains to the overall outcomes of the Residential Zone Code, car parking provisions and the development has been not being able to be justified against outcomes (e), (f), (h) and (j) of the Shire Wide Desired Environmental Outcomes.

**12.12 - DECISION ASSESSMENT FOR A
DEVELOPMENT APPLICATION FOR A
DEVELOPMENT PERMIT FOR A
METERIAL CHANGE OF USE FOR A
MEDICAL CENTRE (EXTENSION)**

Locality Plan

Meeting Date: 20 November 2018

Attachment No: 1



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The State Government of Queensland (Dept. of Natural Resources and Mines) 2015.
Other data © Livingstone Shire Council 2018.

Locality plan

Map Created by: Web AppBuilder for ArcGIS

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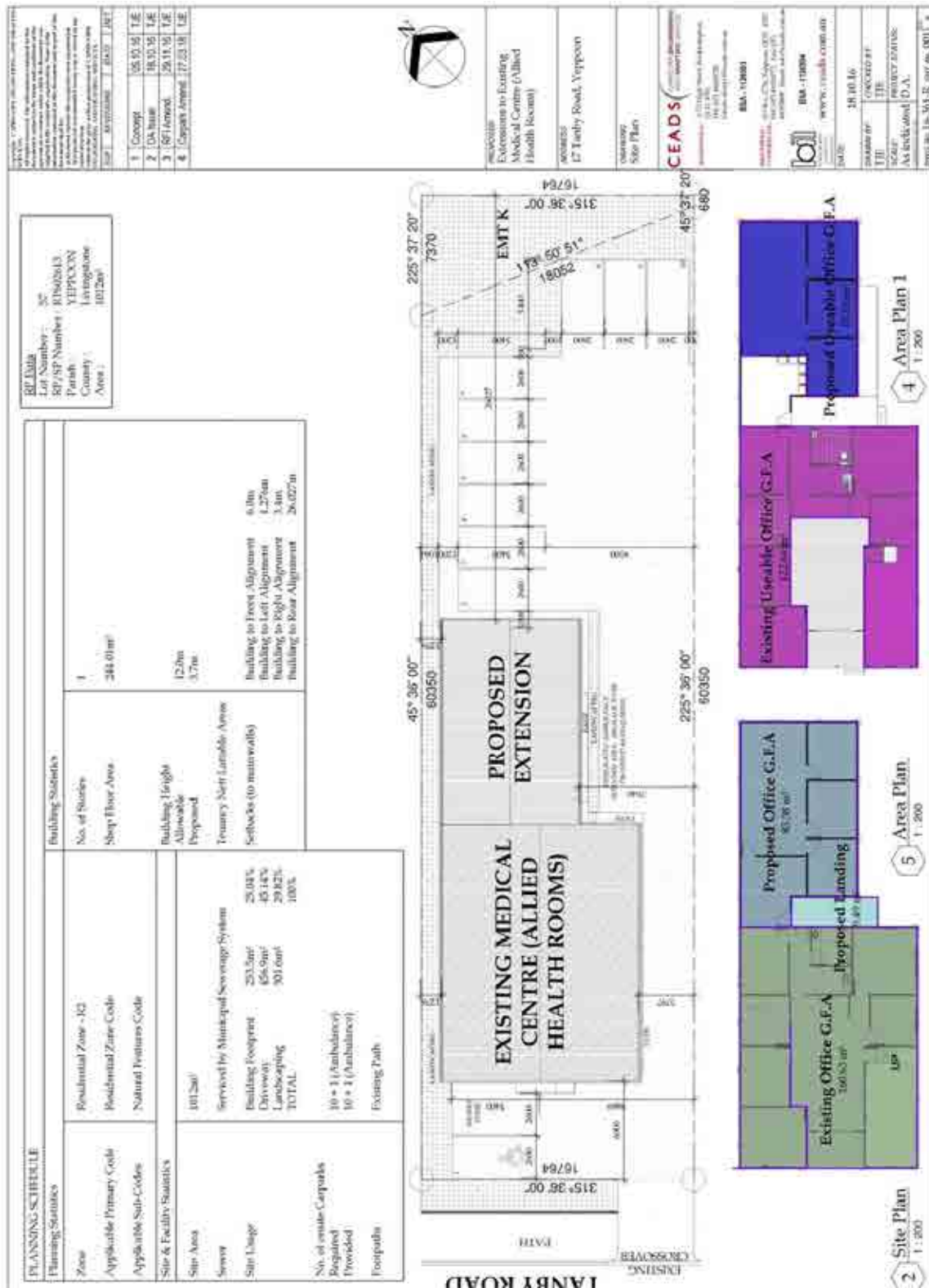
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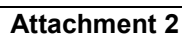
12.12 - DECISION ASSESSMENT FOR A DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A METERIAL CHANGE OF USE FOR A MEDICAL CENTRE (EXTENSION)

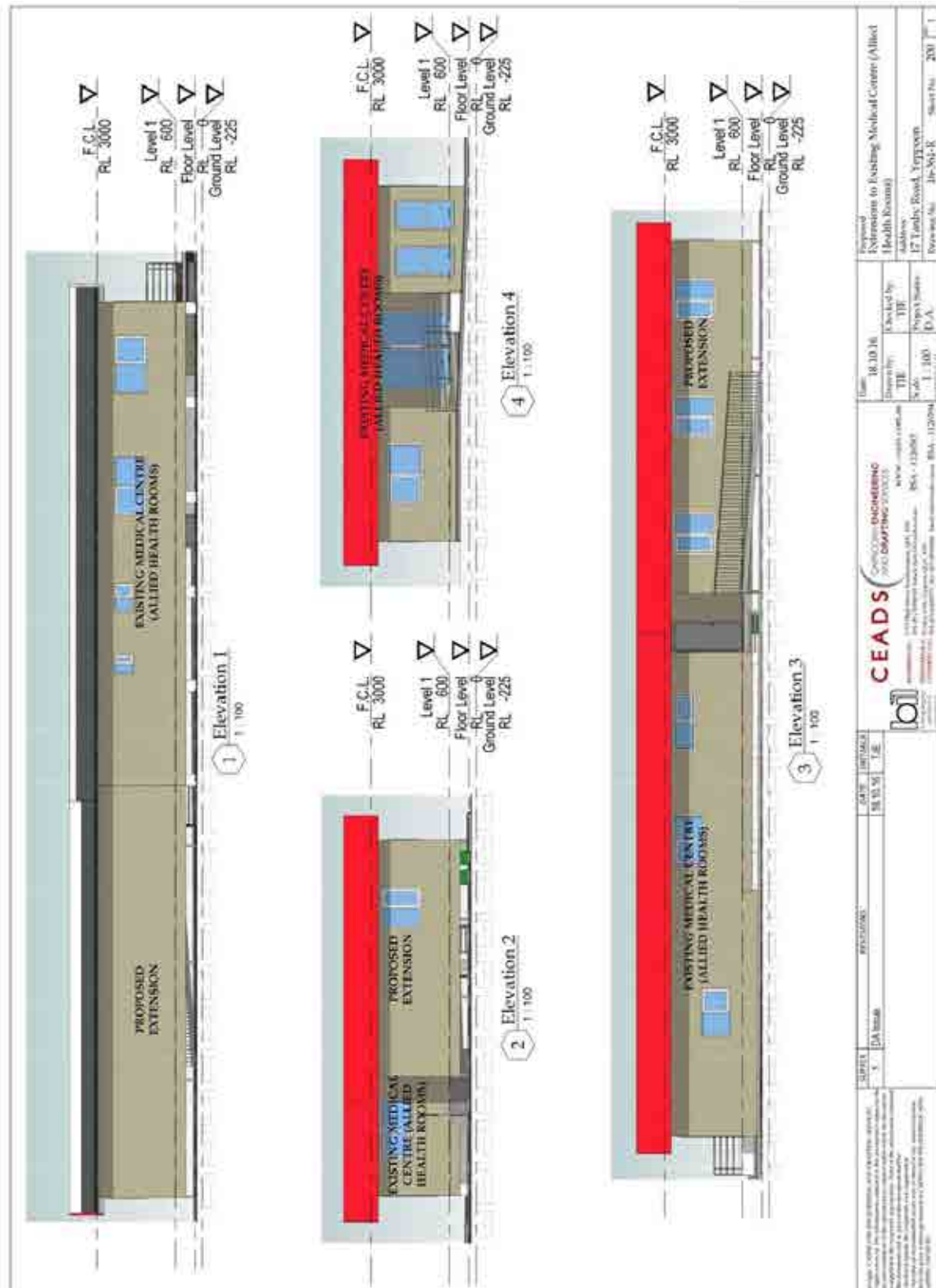
Proposal Plans

Meeting Date: 20 November 2018

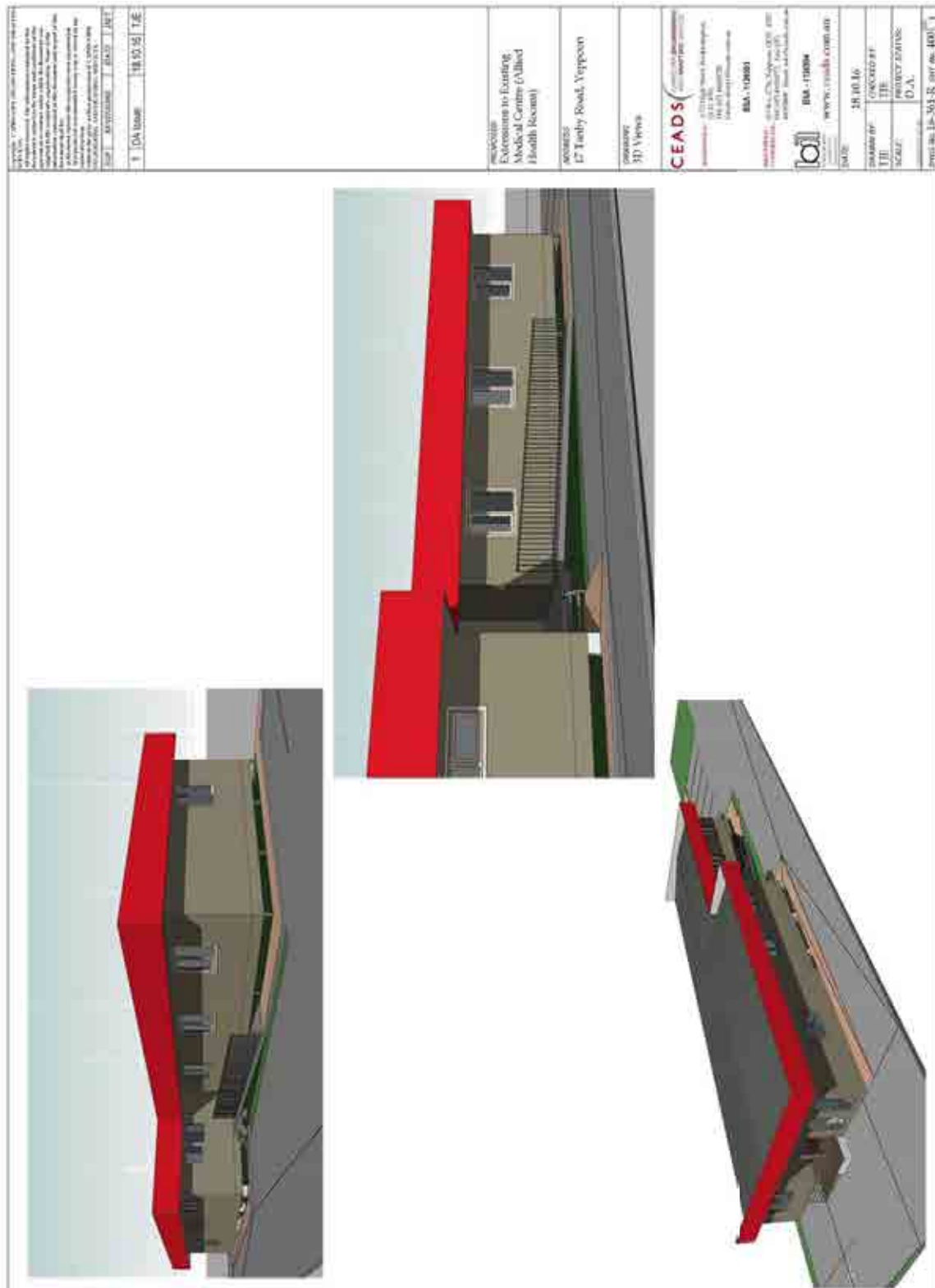
Attachment No: 2







<p>CEADS CONSULTING ENGINEERING 2010 DRAFTING SERVICES 17 Tandy Road, Yerravalli Hyderabad - 500 070 Ph: 040-23456789 Fax: 040-23456789 Email: ceads@ceads.co.in Website: www.ceads.co.in</p>	<p>DATE: 18.10.16 SCALE: 1:100 SHEET: 1 OF 1</p>	<p>PROJECT: 17 TANDY ROAD, YERRAVALLI DRAWN BY: J.A. JALALI CHECKED BY: J.A. JALALI DATE: 18.10.16</p>	<p>PROPOSED EXTENSION TO EXISTING MEDICAL CENTRE (ALLIED HEALTH ROOMS)</p>	<p>17 TANDY ROAD, YERRAVALLI HYDERABAD - 500 070 Ph: 040-23456789 Fax: 040-23456789 Email: ceads@ceads.co.in Website: www.ceads.co.in</p>



12.13 PROPOSED GRANT APPLICATION TO ENHANCE PARKING AND PEDESTRIAN ACCESSIBILITY ADJACENT TO BELL PARK IN EMU PARK

File No: 18-049
Attachments: Nil
Responsible Officer: Dan Toon - Executive Director Infrastructure Services
Author: Amal Meegahawattage - Co-ordinator Infrastructure Planning

SUMMARY

The Department of Transport and Main Roads (TMR) has announced funding through the Transportation and Tourism Connections Program (TTC) to support tourism outcomes. Council has until November 30 to provide a submission to the Regional Director of TMR seeking funding through the TTC Program. The 2019-20 Forward Works Program includes \$180,000 to deliver pathway and parking improvements on Hill Street adjacent to Bell Park in Emu Park. Of which \$85,000 of these funds have already been matched by Cycle Grant funding.

The TTC Program provides an opportunity to secure matching funds for the \$95,000 balance of currently approved Council funding. However, if successful the \$360,000 (\$180,000 grant funds and \$180,000 Council funding) will not deliver the full scope of the two improvements project which is estimated at \$415,000.

To deliver the full scope of the project, an additional \$55,000 is required. Therefore Council will need to reallocate funding (\$27,500) from other approved pathway projects in the 2020-21 year of the Forward Works Program which means Council may then apply for \$122,500 funding (instead of \$95,000).

OFFICER'S RECOMMENDATION

THAT Council resolves;

- (a) to prepare a submission to the Department of Transport and Main Roads' Transportation and Tourism Connections Program for 50% of the \$245,000 cost to deliver the Hill Street (Emu Park) Tourist Car Park Upgrade to enhance parking infrastructure adjacent to Bell Park and,
- (b) to reallocate funding from the 2020-21 approved pathway projects to support the Transportation and Tourism Program grant application for \$122,500 matched funding, and thus enable delivery of the full project scope for the Hill Street (Emu Park) Tourist Car Park Upgrade.

BACKGROUND

The Department of Transport and Main Roads (TMR) has announced a second round of funding through the Transportation and Tourism Connections Program *"to provide infrastructure to help the transport system to connect...tourism experiences."* *"A single, integrated transport system that is accessible to all, is essential to making Queensland's wide variety of tourism experiences accessible to visitors."*

Round Two contains \$4.1 million with a maximum state funding contribution to any one site capped at \$500,000. Round One was not available to this region however the intent of Round Two is *"to maximise the benefit to rural and regional Queensland by allowing as many tourist locations as possible to benefit from this much needed funding."*

Expressions of Interest need to be submitted to the local *TMR Regional Director by the end of November 2018, for consideration by the relevant Regional Roads and Transport Groups (including potential scope and indicative cost).* *TMR region/district will review and provide advice on the two prioritised nominations to TMR Portfolio Investment and Programming*

(PIP) for review and statewide prioritisation of nominations. TMR's PIP Branch will submit a proposed list of projects for Ministerial approval.

TTC Program nominations and approval timeline

Nominations by LGA to TMR Regional Director	Closes end November 2018
TMR Region/District review, assessment and recommendation	December 2018
PIP state-wide prioritisation	January 2019
Successful projects announced by Minister	February 2019

TTC Program delivery timeline

TMR will prioritise and approve submissions by the end of January 2019. Project funding will be allocated to successful candidate projects by the end of March 2019 with projects to be completed by the end of June 2020.

COMMENTARY

Project Scope

Following a Council Report dated 6 November 2017, Council Officers submitted an application in December 2017 seeking State funds under Cycle Network Local Government Grants Program 2018/19 (Cycle Grants) for Hill Street (Emu Park) Shared Path Extension. This project priority was ranked the highest amongst the nominations for 2018/19.

The original scope of the initial submission is shown in Figure 1.



Figure 1 – Original 2018/19 Scope for Hill Street Shared Path Extension

The project submission was approved, however, with the condition to remove all works involving car parking and pavement works from the scope. This left Council with a shortage of funds to complete the works excluded from the scope.

Council Officers consider that the works excluded from the Cycle Grants project comply with TTC Program Funding Guidelines, hence the recommendation to proceed with a funding application. This will enable the full original scope to be delivered. Work will be carried out as two separate projects;

1. Hill Street (Emu Park) Shared Path Extension
2. Hill Street (Emu Park) Tourist Car Park Upgrade

The revised scopes of the two projects are shown in Figure 2.

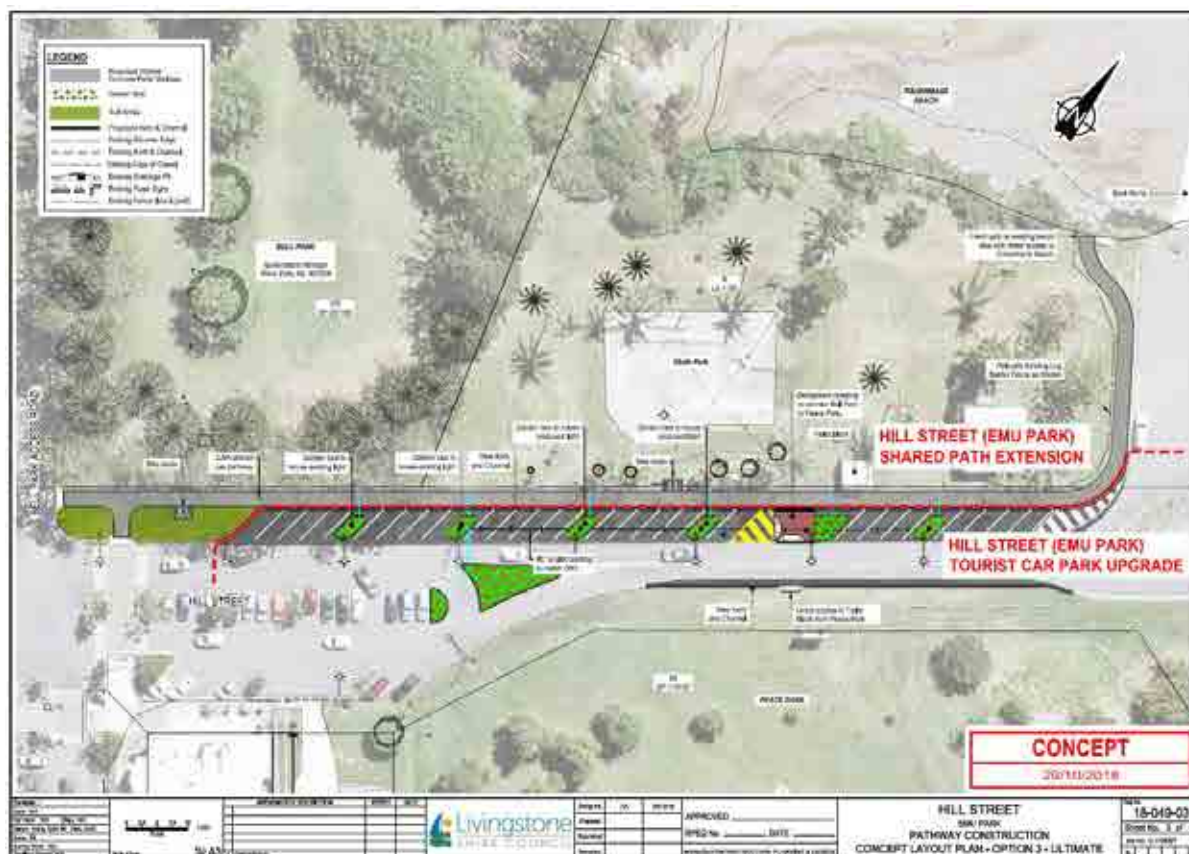


Figure 2 – Revised Scope for Hill Street Shared Path and Car Parking Upgrade Works

The total cost for the works covered under both projects is estimated to be \$415,000. However, the amount included in the Council's 2019/20 budget for these projects is \$360,000, anticipating \$180,000 of state funds.

Project Compliance

The TTC Program Funding Guidelines outline the eligible works as follows:

- Improvement to intersections at the location site
- Upgrading site access
- Sealing or re-sealing car park areas
- Tourist signage (in line with section 3.7 of the Manual of Uniform Traffic Control Devices) and road line marking.

The TTC Program Funding Guidelines also states that the nominations should emphasise the following objectives:

- Enhancement of economic growth and job creation

- Linkages to current strategic tourism routes across Queensland
- Leverage off funding contributions from multiple sources (private, federal, local and state government)
- Ease of deliverability
- Linkages to current planning and projects in the region.

The proposed Hill Street (Emu Park) Tourist Car Park Upgrade (Project) addresses all of the objectives and appears to be a strong candidate for this funding. It leverages other recent works at Emu Park and supports many of the stated goals for Emu Park and the region.

The following comments illustrate how the project achieves TTC's stated objectives:

- Emu Park is a popular destination for both locals and visitors to the Capricorn Coast. Visitation can be expected to increase in response to the improvements currently being undertaken. Therefore, it is important that other areas of the Town Centre be improved to a similar standard.
- Formalising parking adjacent to Bell Park has long been a goal in this respect, as is providing a safe pedestrian pathway to the east end of Hill Street. Increased visitation will be vital to enhancing the viability of existing local businesses as well as providing the necessary increase in market demand to support new businesses.
- The Capricorn Coast region is within the sphere of Capricorn Enterprise and Tourism and Events Queensland marketing programs targeting the destination of Southern Great Barrier Reef and, hopefully soon, a revived Great Keppel Island and new development of the Great Barrier Reef International Resort at Zilzie.
- Emu Park is an important component of the visitor experience to the region. In addition, Bell Park hosts numerous events (markets and festivals) and family gatherings, visitors to which will also benefit from the proposed improvements.
- The proposed improvements require an equal match between State and Local Government funding. The project also builds off previous Town Centre improvements, including most recently the Emu Park Village and Foreshore Revitalisation Project, which is supported through the Building Our Regions Program.
- This is a relatively simple project in scope and technicality that will be easy for Council Officers to deliver.
- As previously stated, the project supplements the work currently being undertaken and therefore also supplements the works proposed to be undertaken under state funded Cycle Grants within the same project limits.

PREVIOUS DECISIONS

- On the 6 November 2017, Council endorsed submission of a funding application for the full scope of the project with then estimated cost of \$360,000.
- Council budget for 2019/20 includes \$360,000 for the full scope of the projects, anticipating 50% state funds.
- Cycle Grants approved only the shared path component of the works for 50% state funds.

BUDGET IMPLICATIONS

Cost breakdowns and sources of funding are outlined below.

Project	Total Cost (Est)	External Funds	Council Funds	Shortfall
Hill Street (Emu Park) Shared Path Extension	\$170,000	\$85,000 (approved Cycle Grants)	\$85,000	Nil

Hill Street (Emu Park) Tourist Car Park Upgrade	\$245,000	\$122,500 (TBA – TTC Program)	\$95,000	\$27,500
Total	\$415,000	\$207,500 (TBA)	\$180,000	\$27,500

Assumptions:

- The above estimates are based on the assumption that the two projects are completed sequentially to minimise overheads.
- The shortfall can be accommodated by reallocation of already approved funds from a pathway project identified in the 2020/21 which has now been superseded by another approved project in the same location in the same year. The recommendation is to reallocate 50% of the Normanby Street project funding to Emu Park and the balance to the Adelaide Park Road project which encompasses the same location, as outlined in the table below.
- The overlap in projects occurred due to changing project scope and Cycle Grant Funding application negotiations. This will facilitate the best opportunity to maximize the grant funding for the Emu Park Project without changing Council's overall budget allocations.

Normanby Street		Mary Street	Ben Street	Construct 340m of 1.2m wide footpath	\$63,750
Adelaide Park Road	Bus. Case	Ben St	Power St	Concrete 690m of shared paths on Normanby Street/Adelaide Park Road.	\$515,000

LEGISLATIVE CONTEXT

Not applicable.

LEGAL IMPLICATIONS

No legal implications identified at this point in time.

STAFFING IMPLICATIONS

Project delivery will be achieved within existing staffing levels from Infrastructure Planning and Economy and Places.

RISK ASSESSMENT

#	Risk	Consequences	Control
1	Funding application not successful	Council will not be able to deliver the full project scope	Revise the Stage 1 design (Cycle Grants) to finish works at an appropriate stage until Stage 2 is delivered in the future, and Include additional measures in Stage 1 works to mitigate any safety issues due to the absence of a sealed car park adjacent to the shared pathway.
2	Funding application is successful, but Council cannot identify the balance of funds required	Council will not be able to deliver the full project scope	Revise the scope for savings without compromising safety and operational requirements, and Delivered missing components in the future, if required.

3	Funding application successful, but funding agency conditions requiring scope change	Delays in delivery, and / or cost increase	<p>Reprioritise works to deliver the revised design in time.</p> <p>Council to provide additional funds in 2019/20 to deliver full scope (refer to above risk #2)</p> <p>Revise the scope to achieve more savings.</p>
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CORPORATE/OPERATIONAL PLAN

Strategy AM3: Design and implement practical infrastructure solutions.

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and*
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and*
- (c) Democratic representation, social inclusion and meaningful community engagement; and*
- (d) Good governance of, and by, local government; and*
- (e) Ethical and legal behaviour of councillors and local government employees.*

CONCLUSION

The proposed project is identified in Council's Forward Works Program. Funding currently allocated in the 2019-20 financial year will support an application to Transport and Tourism Connection (TTC) Program for \$95,000 (matched by \$95,000 from Council) to deliver \$190,000 to add to the existing \$170,000 for Stage 1 (\$85,000 Council funds plus \$85,000 Cycle Grants funds).

Assuming Council's submission to TTC is successful, this will deliver a project worth a total of \$360,000. Since the project has more recently been estimated to cost \$415,000, this original project scope would need to be scaled back \$55,000 without identification of additional Council funding.

To deliver the full original project scope of \$415,000 will necessitate reassignment of funds (\$27,500) from another project in the Forward Works Program. In this scenario Council can then apply to TTC Program for \$122,500.

This option is recommended by Council Officers to maximize the project benefits and community outcomes.

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - KEPPEL SANDS LANEWAY

File No: GV13.4.4

Attachments: 1. Notice of Motion [↓](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council Meeting 20 November 2018, as follows:

RECOMMENDATION

THAT LSC resolve to:

1. Undertake to name the unnamed laneway that connects the E.R Larcombe Memorial Hall to Roden Street by using LSC Naming of Infrastructure Assets Policy.
2. Subject to consultation outcomes, resolve to proceed with the naming of the unnamed lane as per Keppel Sands community feedback.

BACKGROUND

Refer to attached notice of motion.

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) Democratic representation, social inclusion and meaningful community engagement; and
- (d) Good governance of, and by, local government; and
- (e) Ethical and legal behaviour of councillors and local government employees.

**13.1 - NOTICE OF MOTION -
COUNCILLOR ADAM BELOT -
KEPPEL SANDS LANEWAY**

Notice of Motion

Meeting Date: 20 November 2018

Attachment No: 1

To the office of the CEO of Livingstone Shire Council,

Dear, Chris Murdoch,

I submit the following Notice of Motion for your consideration, to be included in Livingstone Shire Council's Ordinary Agenda at the next available meeting.

That LSC resolve to:

- 1) **Undertake to name the unnamed laneway that connects the E.R. Larcombe Memorial Hall to Roden Street by using LSC *Naming of Infrastructure Assets Policy*.**
- 2) **Subject to consultation outcomes, resolve to proceed with the naming of the unnamed lane as per Keppel Sands community feedback.**

Background

At a recent community meeting, Keppel Sands residence expressed the need for urgent works to be undertaken at several locations in the township to address safety concerns (open drain and unconstructed laneway). In response to community pleas for intervention, a Mayors Minute (November 6) outlined LSC intention to address these issues in the Q2 budget review. Incidentally the unconstructed pathway was identified as not having a name. Consequently I believe it would be timely to consult with the Keppel Sands community and find a suitable name.

I present this motion to you for your consideration and support.

Sincerely,

Cr Adam Belot

13/11/2018

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 Response to Questions on Notice - Reading of electricity meters at Keppel Sands Caravan Park

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 .

15.2 GKI Village Waste Removal

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 RESPONSE TO QUESTIONS ON NOTICE - READING OF ELECTRICITY METERS AT KEPPEL SANDS CARAVAN PARK

File No: GV13.4.4

Attachments: Nil

Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Mark McLean - Principal Property 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 provides a response to Questions on Notice, which Councillor Mather tendered to the Council meeting of 6 November 2018.

15.2 GKI VILLAGE WASTE REMOVAL**File No:** WM31.8.6**Attachments:** 1. Email from Geoffrey Mercer - GKI Holiday Village - 29 August 2018**Responsible Officer:** Dan Toon - Executive Director Infrastructure Services**Author:** Sean Fallis - Manager Water and Waste Operations

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 involves a request from Great Keppel Island Holiday Village to carry out their own waste removal so to avoid paying the additional waste charges. An update on the other businesses subject to additional charges is also provided.

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